LAW ENFORCEMENT CODE OF ETHICS

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

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

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

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

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

I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession . . . law enforcement.

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CHIEF'S PREFACE

Our policy manual is the foundation for all of the department's operations. As such, it is not a stagnant document but rather an ever-changing product of lawful practices and procedures that are essential in providing guidance and direction to every member of our organization. The manual is updated biannually in order to incorporate best practices, new mandated requirements/laws and address any corrections. In short, the policy manual provides us with information to act decisively, consistently, and legally while promoting confidence and professional conduct.

It is expected that all members of the Department continually review our policy manual, including biannual updates, to ensure familiarity with current procedures in a profession that is constantly changing. Such knowledge will support our efforts in maintaining our Department values: Service to our community, integrity, responsibility and accountability, professionalism, and pride. If at any time clarification is needed in regards policy manual content, I encourage you to contact your immediate supervisor or the Professional Standards Bureau.

Maintaining our goals of constitutional policing, procedural justice and living by the Code of Ethics will support a healthy and positive relationship with the communities we serve. Law Enforcement is a noble profession and you should be proud each and every day to don the uniform and make a difference.

Thank you

Chief Jeff A. Piper

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VALUES STATEMENT
VALUE STATEMENT

The City of Whittier Police Department recognizes that our contribution to the quality of life and a safe environment in our community is through the provision of professional law enforcement services. We will meet the challenge of providing these services by basing our thoughts and actions on the following shared values:

SERVICE TO OUR COMMUNITY:

We value the opportunity to provide service in a manner which is fair, courteous, responsive and efficient An attitude of respect and the protection of the worth, dignity and rights of all we service is the foundation of our law enforcement organization.

INTEGRITY:

We value candor, honesty and ethical behavior in the members of our department. We are committed to uphold our positions of trust by maintaining the highest ethical standards as set forth in the Code of Professional Conduct for California peace officers and the Law Enforcement Code of Ethics.

RESPONSIBILITY AND ACCOUNTABILITY:

We value the need for effective use of our resources and open lines of communication with our citizens, we will be responsible for our actions, willing to admit our mistakes and ensure that our behavior earns the support and trust of all segments of the public.

PROFESSIONALISM:

We value having a clear sense of commitment, perspective and direction. They are developed by creating an environment that encourages teamwork, innovation and constant evaluation. The professional attitude is dedicated to quality, timeliness and excellence in our service to the community.

PRIDE:

We believe our work to be a source of enjoyment and satisfaction. We are proud of our accomplishments as an integral part of the community.

QUALITY PEOPLE QUALITY SERVICE

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Chapter 1 - Law Enforcement Role and Authority

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Law Enforcement Authority

100.1 PURPOSE AND SCOPE

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

100.2 PEACE OFFICER POWERS

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

100.2.1 ARREST AUTHORITY OUTSIDE THE JURISDICTION OF THE WHITTIER POLICE DEPARTMENT

The arrest authority outside the jurisdiction of the Whittier 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.

100.2.2 ARREST AUTHORITY INSIDE THE JURISDICTION OF THE WHITTIER POLICE DEPARTMENT

The arrest authority within the jurisdiction of the Whittier 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.

100.2.3 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.

100.2.4 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.

Whittier 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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100.3 POLICY

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

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

100.4 INTERSTATE PEACE OFFICER POWERS

Peace officer powers may be extended to other states:

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

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

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

100.5 CONSTITUTIONAL REQUIREMENTS

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

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Chief Executive Officer

102.1 PURPOSE AND SCOPE

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

102.1.1 CHIEF EXECUTIVE OFFICER REQUIREMENTS

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

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Oath of Office

103.1 PURPOSE AND SCOPE

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

103.1.1 ASSOCIATED DOCUMENTATION

In addition, all sworn employees will read and acknowledge, by their signature, the following:

(a) Oath of office

(b) Officer code of ethics

(c) Work environment characteristics

(d) Vision statement

(e) Expectation list

103.2 POLICY

It is the policy of the Whittier 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.

103.3 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.”

103.4 MAINTENANCE OF RECORDS

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

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Policy Manual

105.1 PURPOSE AND SCOPE

The manual of the Whittier 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.

105.2 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.

105.2.1 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 Whittier 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 Whittier Police Department reserves the right to revise any policy content, in whole or in part.

105.3 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.

105.4 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 Whittier/Santa Fe Springs.

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

Department/WPD - The Whittier 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 Whittier Police Department Policy Manual.

May - Indicates a permissive, discretionary or conditional action.

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

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

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

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

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

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

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

Shall or will - Indicates a mandatory action.

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

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

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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.

105.4.1 REVISIONS TO POLICY

All employees are responsible for keeping abreast of all Policy Manual revisions. All changes to the Policy Manual will be posted on the Department Briefing Boards under the title Recent Policy Manual Revisions. The Office of Professional Standards will forward revisions to the Policy Manual as needed to all personnel via electronic mail. A current copy of the Policy Manual will be posted on the Department Intranet. Each employee shall acknowledge receipt by return email, review the revisions and seek clarification as needed.

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

105.5 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.

105.6 PERIODIC REVIEW OF THE POLICY MANUAL

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

105.7 REVISIONS TO POLICIES

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

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

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

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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.

105.8 GENERAL ORDERS PROTOCOL

General Orders will be incorporated into the manual as required upon approval of Staff. Each year the General Order(s) will modify existing policies or create a new policy as appropriate. Once the General order has been incorporated into the manual as policy, it will be rescinded.

All existing General Orders have now been incorporated in the updated Manual, revised September, 2006.

General Orders issued after publication of the manual shall be numbered consecutively starting with the last two digits of the year, followed by the number "1", etc. For example, 06-1 would be the first directive for 2006.

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

- Administration
- Patrol
- Investigations
- Services

200.2.1 ADMINISTRATION DIVISION

The Administration Division is commanded by a Lieutenant whose primary responsibility is to provide general management direction and control for the Administration Division which includes the Professional Standards Bureau, Recruitment, Public Relations, Train

200.2.2 PATROL DIVISION

The Patrol Division is commanded by a Captain whose primary responsibility is to provide general management direction and control for that division. The Patrol Division consists of Patrol, Traffic, K-9, Code Enforcement, SRO program, Explorer program and the Whittwood Officer.

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. The Investigation Division consists of criminal investigations, SET Team, CAU, SWAT and I.D. Bureau. The Investigation Division Captain also manages the Santa Fe Springs Policing contract.

200.2.4 SERVICES DIVISION

The Services Division is commanded by the Support Services Manager whose primary responsibility is to provide general management direction and control for the Services Division. The Services Division consists of Records, Dispatch, Property and Evidence, Budget and Information Services Management.

200.3 COMMAND PROTOCOL

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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 Division Commander

(b) Investigation Division Commander

(c) Administration Lieutenant

(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.

200.4 RESPONSIBILITY OF RANK

(a) Order of Rank

1. Chief of Police
2. Police Captain
3. Police Lieutenant
4. Police Sergeant
5. Police Corporal
6. FTO
7. Police Officer/Senior Officer

(b) The Chief of Police - The Chief of Police is the chief administrator and executive officer of the Whittier Police Department. Upon him rests the final responsibility for the complete discharge of all duties imposed on him by law, ordinance and/or resolution.

1. As chief executive officer, the Chief must officially sanction and approve any changes in departmental organization before the changes can be put into effect. The detailed methods of directing and controlling specific functions of the

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department or its divisions or subdivisions, may be developed by subordinate executive officers, but the original direction and final approval and adoption of the guiding principles rests with the Chief of Police. In his capacity as chief executive and administrative head of the department, the Chief of Police maintains administrative control and governs the departmental activity through the Division Commanders, who also act in an advisory capacity in matters of general departmental policies and procedures.

(c) Commander of Division (including Support Services Manager) - A Commander of a Division is a division head and a major executive of the department and commands the activities of his/her entire division in accordance with the policies prescribed by the Chief of Police. It is his/her duty to aid, advise and cooperate with the Chief of Police in general administrative matters and in determining matters of policy. He/She may prescribe rules and regulations for the conduct of employees under his/her command which do not conflict with the general rules and regulations prescribed by the Chief of Police.

1. Authority of Commanders of Divisions to prescribe rules for their respective commands. The detailed methods of directing and controlling specific functions of a division may be developed by commanding officers, subject to the approval of the Chief of Police. All orders affecting an entire division shall be issued and signed by the commander of said division or the Chief of Police. All orders affecting more than one division shall be issued and signed by the Chief of Police.

(d) Supervisory Officers/Employees:

1. Supervisors shall closely monitor the activities of subordinates, making corrections where necessary and commanding where appropriate.

2. Supervision shall be accomplished with firmness, deliberation, kindness and impartiality. The superior officer shall take immediate action when:

(a) Any subordinate violates any departmental general, divisional or special order.

(b) A complaint is lodged against an employee.

(c) An employee performs their duty above and beyond the call of duty.

(d) Leadership: Effective supervision demands leadership. Provision of leadership shall include on-the-job training as needed for efficient operation and coordination of effort when more than one employee is involved.

(e) Direction: Supervisors shall exercise direct command in a manner that assures the good order, conduct, discipline and efficiency of subordinates. Exercise of command may extend to subordinates outside the usual

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sphere of supervision if the objective or integrity of the Department so requires.

(f) Enforcement of Rules: Supervisors shall enforce department rules and ensure compliance with department policies and procedures.

(g) Inspection: Supervisors shall inspect activities, personnel, and equipment under their supervision and initiate suitable action in the event of a failure, error, violation, misconduct or neglect of duty by a subordinate.

(h) Assisting Subordinates: Supervisors shall have a working knowledge of the duties and responsibilities of subordinates. They shall observe contacts made with the public, outside agencies, and other employees and be available for assistance or instruction. Field supervisors shall respond to calls of serious emergencies, felonies in progress, and others unless actively engaged in a police incident. They should observe the conduct of the assigned personnel and take active charge when necessary.

200.4.1 DUTIES OF SUBORDINATE MEMBERS

All sworn personnel are peace officers and a part of the executive branch of government. As such, they are charged with the duties and responsibility of accomplishing the purpose and goals of the department. These include:

(a) Protection of life and property.

(b) Maintenance or law and order.

(c) Prevention of crime, apprehension of offenders.

(d) Repression of crime.

(e) Recovery of stolen property and its restoration to rightful owner.

(f) Regulation of conduct.

(g) Regulation of traffic.

(h) Custody of prisoners.

(i) General police service to the public.

200.4.2 SENIORITY

(a) When a question of seniority may arise regarding who shall be in command, such seniority shall be determined:

1. First, by rank.
2. Second by time in rank.
3. Third, by position on the certified eligible list when two or more members have been appointed to that rank on the same day.

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(b) Where two or more officers are working together on the same assignment or detail and are of equal rank, seniority shall not be exercised except in an emergency necessitating it.

200.4.3 ORGANIZATIONAL CHART (SEE APPENDIX)

The Department organizational chart shows the span of control and delineates the chain of command within the Department. All orders, instructins, reports and normal communicatins should adhere to the rutine channels indicated on this chart except in cases of emergency or routine coordination.

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Police Facility Use and Maintenance

201.1 PURPOSE AND SCOPE

The purpose of this Order is to establish standards for the maintenance, appearance and condition of the police facility and its furnishings.

201.2 BACKGROUND

The Whittier Police Department is a public agency that represents safety and security to the community. Everything we do reflects upon our image and impacts the public's confidence in our abilities. The police facility and its furnishings are highly visible signs of our place in the community. Maintaining the building, furnishings, and equipment in proper working order and superior condition enhances our image as professionals and reinforces the public's trust and confidence in our ability to maintain order.

201.3 POLICY

It is the Policy of the Whittier Police Department to maintain its buildings, furnishings and equipment to the highest standards possible and to ensure that their appearance reflects the skill and professionalism of our employees.

201.3.1 POLICE FACILITY APPEARANCE

(a) Each member of the Whittier Police Department shall be responsible for the cleanliness, appearance, and overall condition of their designated work area and furnishings.

(b) Managers and supervisors shall be responsible for ensuring the proper condition of the work areas and furnishings under their command, and for ensuring that facility maintenance standards are followed.

1. The Watch Commander shall be responsible for ensuring the proper condition of the Interview/Detention Rooms and Traffic Bureau on the Second Floor and shall insure that the Roll Call, Report, Locker room, Sleep Center, and Patrol Sergeant's Rooms are kept neat, clean, and orderly.

2. The Administration Lieutenant shall be responsible for insuring the proper condition of the Administration Bureau, Copy and Conference Rooms are kept neat, clean, and orderly.

3. The Investigations Lieutenant shall be responsible for insuring the proper condition of the Investigations Bureau, Interview/Detention, Forensic and Storage Rooms on the Third Floor are kept neat, clean, and orderly.

4. The Records Supervisor shall be responsible for insuring the proper condition of the Records Bureau, Staff Lounge, Probation Office, Copy, Mail and Storage Rooms on the Second Floor are kept neat, clean, and orderly.

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5. The Communication Supervisor shall be responsible for insuring the proper condition of Dispatch, Radio and Telecommunication Rooms are kept neat, clean, and orderly.

6. The Jail Manager shall be responsible for insuring the proper condition of the Jail area, booking area, storage and temporary cells, including the juvenile holding cells on the second floor are kept neat, clean, and orderly.

(c) Developing Facility Maintenance and Appearance Standards - The Administrative Lieutenant shall be responsible for developing standards relating to the maintenance and appearance of the police facility, its furnishings, decorations, grounds, and equipment.

1. The Administrative Lieutenant shall serve as an advisor to the Chief of Police and Executive Staff in the development, interpretation, and application of the Facility Maintenance and Appearance Standards.

2. Members of the Department seeking to add, change, alter, or modify the facility, its furnishings, fixtures, or equipment shall process their requests through the Administrative Lieutenant for consideration and recommendation to the Executive Management Team.

201.3.2 FACILITY MAINTENANCE AND REPAIR

(a) The Administrative Lieutenant shall be responsible for coordinating the maintenance and repair of the police facility, its furnishings, and equipment.

1. Any damage to the facility, equipment, or furnishings requiring professional assistance (painter, electrician, plumber, etc.) to repair shall be reported, via memorandum or email, through the appropriate chain of command to the Administrative Lieutenant immediately upon its occurrence/discovery.

2. Any tangible dent, scratch, rip, tear, spill, or other damage to the facility or its furnishings shall be reported, via memorandum, through the appropriate chain of command to the Administrative Lieutenant within 24 hours of its occurrence/ discovery.

201.3.3 APPEARANCE STANDARDS

(a) Workstations and office areas are to be kept neat, clean, and in an orderly condition without clutter or unnecessarily exposed storage of paperwork, files, and/or other materials.

(b) No items may be affixed to the walls, partitions, doors, or other surfaces of the building without the prior approval of the affected Division Commander, except as described below.

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1. Any item affixed to a wall or partition such as photographs, pictures, diplomas, certificates, posters, collectibles, etc., must be enclosed in an appropriate frame, hung with an approved device and subject to the approval of the affected Division Commander.
2. Decals, stickers, flyers, announcements, or any other item applied directly to the furniture, windows, lockers, walls or partitions are not permitted.
3. Seasonal, holiday, or birthday decorations may be displayed during appropriate times. However, no decorations may be affixed to the ceiling, light fixtures, or windows.
4. No items may be placed on top of overhead storage units contained within open workstation areas.

(c) Disassembling, modifying, or moving workstations and/or furnishings may only be performed by authorized personnel.

1. Requests to modify or move furnishings not specifically assigned to a division, must be processed via memo, through the Administrative Lieutenant for appropriate action. All other requests are to be directed to the appropriate Division Commander.

(d) The moderate consumption of food is permitted at individual workstations, offices and briefing room; however, employees are encouraged to eat their meals in designated areas. The consumption of beverages is permitted throughout the facility provided appropriate care is taken to avoid spillage and ensure the cleanliness of the area.

1. Individual employees are responsible for the immediate clean-up of any spills, crumbs, or debris resulting from the consumption of food or beverage.
2. Banquets, meetings, or celebrations involving the serving and consumption of food outside the employee lounge require approval from the respective division commander.

(e) The manager/supervisor hosting the event shall be responsible for ensuring the cleanliness of the facility at the events conclusion. Artificial plants, flowers, etc. may be displayed at individual workstations, offices, or other areas in moderate quantity after being approved by the affected Division Commander. Fresh flower arrangements may be displayed for no more than three days.

(f) Live animals are not permitted within the facility without prior approval of the Watch Commander.

1. Pets or stray animals such as kittens, puppies, fish, or birds may not be kept nor maintained within the facility.

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2. Police Canines may, with prior approval of the Chief of Police, Division Commander or Watch Commander be permitted into the facility on a temporary basis to accomplish a specific purpose.

(g) Microwave ovens, refrigerators, coffee makers, fans, heaters, bottled water dispensers or other appliances are not permitted in work space areas without the prior approval of the affected Division Commander.

(h) Group use or amplified audio equipment may be used within reason within the gym and respective locker rooms as long as the noise level does not interfere with official business of the Department (ex. Briefing).

1. Individual-use stereos, CDs, IPods, radios, or other audio equipment are allowed at workstations provided they do not interfere with those working around them.

(i) All furnishings, equipment, and/or decorating accessories acquired outside of the normal Department procurement process (i.e. donated, surplus, used, etc.) intended for use within the facility must be approved by the Affected Division Commander or Administrative Lieutenant prior to their acquisition and installation.

(j) No food, gifts, or other merchandise may be sold, displayed for sale, or advertised for sale within the facility without the prior approval of the affected Division Commander.

1. The posting of simple fliers, cards, notices, etc., in authorized locations is permitted with the prior approval of the affected Division Commander or Watch Commander.

2. Approved items must be dated and initialed by the person authorizing the posting and shall be valid for a period of 60 days, after which they will be discarded.

(k) Lockers, sleep centers and restroom facilities shall be kept in a neat, clean, and orderly condition.

1. Uniforms, clothing, shoes, equipment, towels, and other personal hygiene items must be kept inside a locker when not in use.

2. Internal and external lockers are to be kept closed and locked whenever the employee is not immediately present.

3. At the discretion of the Watch Commander, any item left unattended may be removed and stored in the claims locker for later retrieval by the owner.

4. After 30 days, all unclaimed items will be discarded.

5. No items shall be affixed to the outside of any locker within the police facility. Photographs, flyers, newspaper articles, subpoenas and similar items may be affixed to the inside of a locker by use of magnet only.

(l) The sleep center's primary purpose is to provide a temporary rest haven for employees whose work and court schedule do not provide adequate time for them to respond

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to their residence for a proper sleep period. It is not designed for long-term use by employees.

1. Persons using the sleep center shall be responsible for the neatness, cleanliness, and overall condition of the center.
2. Employees shall notify the watch commander prior to utilizing the sleep center.

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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 to **policy and procedure consistent with the current Memorandum of Understanding and as permitted by Government Code § 3500 et seq. Departmental Directives will immediately modify or change and supersede sections of this manual to which they pertain.**

204.1.1 DEPARTMENTAL DIRECTIVE PROTOCOL

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

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

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

204.2 RESPONSIBILITIES

204.2.1 STAFF

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

204.2.2 CHIEF OF POLICE

The Chief of Police shall issue all Departmental Directives.

204.3 ACCEPTANCE OF DEPARTMENTAL DIRECTIVES

All employees are required to read and obtain any necessary clarification of all Departmental Directives. All employees are required to acknowledge any new Departmental Directive. E-mail receipts showing an employee's acknowledgement of the directive will be considered their acceptance of the directive.

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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).

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 Administrative Lieutenant or their designee. It is the responsibility of the Administrative Lieutenant or their designee to maintain, review, and update the training plan on an annual basis. The plan will address the following areas:

- POST Compliance
- Legislative changes and case law
- State mandated training
- Critical issues training

208.5 TRAINING NEEDS ASSESSMENT

The Training Desk 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 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 Division Commander through the chain of command.
3. Make arrangements through his/her supervisor and the Training Coordinator to attend the required training on an alternate date through a written request on the department training request form.

(c) Whenever possible training requests must be submitted 30 days in advance of the training date and

1. Any requests for training falling inside of the 30 day time period may require the attending emp
2. Upon completion of the training the employee will then submit for reimbursement, on the city r
3. Employees will be responsible for making their own hotel arrangements unless otherwise agre

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Electronic/Voice Mail

212.1 PURPOSE AND SCOPE

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

212.2 EMAIL RIGHT OF PRIVACY

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

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

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

212.3 PROHIBITED USE OF EMAIL

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

Email messages addressed to the entire department are only to be used for official business related items that are of particular interest to all users and must be approved by the Chief of Police or a Division Commander. Personal advertisements are not acceptable.

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

212.4 E-MAIL ACKNOWLEDGMENTS

(a) All personnel having an assigned Personal Computer and an/or assigned e-mail account shall accept receipt of their e-mail correspondence, at the minimum of once during their work shift.

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(b) While not all e-mail messages can be immediately responded to depending upon the e-mail message or request, the acknowledgment of e-mail will alert the user of pending needs or information requirements.

(c) If an e-mail message requires response, the reply should be attended to as soon as reasonably possible.

(d) E-mail inboxes, outboxes, sent items and deleted item boxes shall be managed by deleting any unnecessary e-mail from the index list.

212.5 VOICEMAIL ACKNOWLEDGMENTS

(a) All Department personnel having voicemail shall, at the minimum, check their assigned voicemail once during their work shift.

(b) While not all voicemail messages can be immediately responded to the acknowledgment of voicemail will alert the user of pending needs or information requirements.

(c) All business related voicemail requests should be responded to as soon as reasonably possible.

(d) Dispatchers or Records Bureau personnel receiving calls for field officers shall forward the caller to the field officer's voicemail box. Only in the event of an emergent message, shall dispatchers attempt to contact the field officer via pager, radio or MDC.

(e) Dispatchers, Records Bureau personnel, or Detective Bureau secretarial staff receiving calls for Detective Bureau staff members shall forward the caller to the Detective's, ID Technician or CAU member's assigned phone where in the absence or unavailability of the Detective Bureau staff member voicemail will be recorded. Only in the event of an emergent message, shall dispatchers attempt to contact the Detective or ID Technician via cell phone, radio or MDC. Detective Bureau personnel having two voicemail boxes shall have the responsibility to check both assigned voicemail accounts.

(f) Dispatchers, Records Bureau personnel, or secretarial staff receiving calls for police administrative, management, special patrol team members or technical staff shall forward the caller to the administrative, management, special patrol team member or technical staffs assigned phone where in the absence or unavailability of these staff members voicemail will be recorded. Only in the event of an emergent message shall the dispatcher attempt to contact the administrative, management, special patrol team or technical staff via cell phone, radio or MDC.

(g) If a caller wishes any member of the police Department to be paged by the in-house paging system, the attempt should be made.

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(h) Department issued business cards shall have the phone number to the direct phone line of Department personnel having desk assignments. Field officers business cards shall have the phone number of their voicemail box printed on the card. All Department issued business cards shall also have the employee's assigned email address. (New business cards with appropriate phone numbers shall be re-issued to Department personnel upon change of assignment and/or when one's current business card stock concludes.)

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

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

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

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Staffing Levels

216.1 PURPOSE AND SCOPE

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

216.2 MINIMUM STAFFING LEVELS

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

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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 Whittier Police Department has entered into an agreement on July 10th, 2014 with the Los Angeles County Sheriff's Department to process, on our behalf, all requests to carry a firearm by the public.All requests by the public for a CCW will be directed to the Los Angeles County Sheriff's Department Headquarters.

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Department Security

219.1 PURPOSE AND SCOPE

To establish a policy and procedure for the issuance of identification badges to visitors and contract service providers and to define an escort policy.

219.2 VISITOR BADGE ISSUANCE PROCEDURE

Front desk personnel shall be responsible for issuing visitor badges and shall maintain the visitor log book.

219.2.1 VISITOR BADGES

A disposable "**Whittier Police Department Visitor** " badge shall be issued to all guests. The visitor badge is a pre-printed self-adhesive badge and is pre-numbered 1-100.

219.2.2 VISITOR LOG

A visitor log shall be maintained for all visitors and guests. The visitor log shall be kept at the front desk and completed by front desk personnel.

Front desk personnel shall obtain ID from visiting personnel and complete the visitor log by entering the date of the visit, the visiting person's name and ID number (CDL), the name of the Department personnel associated with the visitor's meeting, the time of the visit, and the name of the desk personnel completing the log.

219.2.3 BADGE ISSUANCE

(a) Upon completing the visitor log, desk personnel shall issue a disposable visitor badge to the guest.

(b) The pre-printed number on the visitor badge is to correspond to the number in the visitor logbook and to the information collected on the visitor.

(c) Using a date stamp, front desk personnel shall enter the date of the visit on the tag. No further information will be needed on the tag.

219.3 CONTRACT SERVICE PROVIDERS

(a) Contract service providers working in the Police Department are required to obtain a visitor's badge. Identification of the service provider is to be entered into the visitor's logbook

(b) Routine service providers are required to obtain a vendor's badge along with the collection of their ID to ensure the proper return of the Vendor Pass and to notify the records staff their duties are complete (i.e. Comserco, Standard Tel, Verizon, Inmate Communications, etc.)

(c) Routine service providers should be readily identifiable by way of company/vendor ID badge or company/vendor uniform.

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219.4 OUTSIDE LAW ENFORCEMENT AGENCY PERSONNEL

Visiting law enforcement personnel must display a badge or ID card in plain view, in lieu of a visitor's badge. No recordation will be necessary in the visitor's logbook. If for some reason they are unable to display an ID card or badge, a visitor's badge is to be issued.

219.5 ESCORTS

(a) Once a visitor's badge has been issued, front desk personnel are to contact the Department employee to whom the visitor or guest is seeking.

(b) Department personnel receiving the visitor shall personally contact the visitor or guest at the front counter and escort them to their office or meeting place.

(c) Once the visit has been concluded, Department personnel shall personally escort the visitor back to the front lobby where visitor will be directed to exit the building and the Visitor tag will be collected and discarded.

219.5.1 EXEMPTIONS FROM VISITOR BADGE ISSUANCE

Those exempt from visitor badges are the following:

(a) City Council members

(b) City Hall employees

(c) Escorted family members of our personnel

(d) Janitorial personnel

(e) Routine contract service providers

(f) Tours escorted by Department employees

(g) Those filing citizen complaints escorted by the Watch Commander

(h) Names of confidential informants, when specifically requested by the investigator, shall not be entered in the visitor's log if such entry would compromise the investigation or the safety of the informant. These persons shall be in the continuous company of an officer while within the facility.

(i) Arrestees, detainees and other persons in the Department's custody when either confined in a secure detention area or in the continuous company of an officer.

(j) The Watch Commander has the discretion to grant exemptions not included on this list.

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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 Whittier 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 Whittier Police Department to provide identification cards to qualified former or retired officers as required by controlling state and federal law, and as provided in this policy. In the event of a conflict between this policy and state or federal law, the law shall supersede this policy and shall be deemed the controlling policy of this Department pending modification of the policy to comport with then applicable law(s).

220.3 LAW ENFORCEMENT OFFICER SAFETY ACT (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 state or 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 Whittier Police Department subjects the former officer to range qualification processes and determines that the former officer has demonstrated the requisite degree of proficiency with the fiream, 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:

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

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

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

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

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

220.4 CALIFORNIA IDENTIFICATION CARD ISSUANCE

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

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

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

220.4.1 CALIFORNIA IDENTIFICATION CARD FORMAT

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

(a) A photograph of the retiree.

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

(c) The date of retirement.

(d) The name and address of this department.

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

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220.4.2 QUALIFIED RETIREES FROM INCORPORATED JURISDICTION

The Whittier 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.

220.5 FORMER OFFICER RESPONSIBILITIES

A former officer with an identification 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 impacting his/her authority to possess or carry a firearm or ammunition, 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) Remain subject to all applicable department policies and federal, state and local laws.

(b) 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.

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

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

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

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

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

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

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

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

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

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3. The personal and written notification should be as follows:
   (a) The retiree's CCW endorsement is immediately and temporarily suspended.
   (b) The retiree has 15 days to request a hearing to determine whether the temporary suspension should become permanent revocation.
   (c) The retiree will forfeit his/her right to a hearing and the CCW endorsement will be permanently revoked if the retiree fails to respond to the notice of hearing within the 15-day period.
4. In the event that personal contact with the retiree cannot be reasonably achieved in a timely manner, the Watch Commander should attempt to make the above notice of temporary suspension through another law enforcement officer. For example, if a retiree was arrested or detained by a distant agency, the Watch Commander may request that a law enforcement officer from that agency act as the agent of the Department to deliver the written notification.

220.8 FIREARM QUALIFICATIONS

The Training Coordinator 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 Training Coordinator 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).

300.2 POLICY

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

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

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

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300.2.1 DUTY TO INTERCEDE AND REPORT

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

300.2.2 FAIR AND UNBIASED USE OF FORCE

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

300.2.3 PERSPECTIVE

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

300.3 USE OF FORCE

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

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

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

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

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

300.3.1 USE OF FORCE TO EFFECT AN ARREST

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

300.3.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

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

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

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

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

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

(e) The effects of suspected drugs or alcohol.

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

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

(h) Proximity of weapons or dangerous improvised devices.

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

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

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

(l) Training and experience of the officer.

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

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

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

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

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

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

(s) Any other exigent circumstances.

300.3.3 PAIN COMPLIANCE TECHNIQUES

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

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

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

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

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

300.3.4 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 Whittier Police Department for this specific purpose.

300.3.5 ALTERNATIVE TACTICS - DE-ESCALATION

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

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

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

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

In addition, when reasonable, officers should evaluate the totality of circumstances presented at the time in each situation and, when feasible, consider and utilize reasonably available alternative

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tactics and techniques that may persuade an individual to voluntarily comply or may mitigate the need to use a higher level of force to resolve the situation before applying force (Government Code § 7286(b)(1)). Such alternatives may include but are not limited to:

(a) Attempts to de-escalate a situation.

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

300.4 DEADLY FORCE APPLICATIONS

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

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

The use of deadly force is only justified when the officer reasonably believe 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).

300.4.1 SHOOTING AT OR FROM MOVING VEHICLES

Shots fired at or from a moving vehicle are rarely effective and may involve additional considerations and risks. When feasible, officers should take reasonable steps to move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of

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its occupants. An officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the imminent threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others (Government Code § 7286(b)).

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

300.4.2 DISPLAYING OF FIREARMS

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

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

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

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

300.5 REPORTING THE USE OF FORCE

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

300.5.1 NOTIFICATION TO SUPERVISORS

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.

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

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

300.6 MEDICAL CONSIDERATION

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

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

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

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

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

300.7 SUPERVISOR RESPONSIBILITY

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

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

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

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

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

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

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

(f) Review and approve all related reports.

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

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

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

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

300.7.1 WATCH COMMANDER RESPONSIBILITY

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

300.8 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)).

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300.9 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)).

300.10 POLICY AVAILABILITY

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

300.11 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, Personnel Complaints, and Records Maintenance and Release policies (Government Code § 7286(b)).

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Deadly Force Review

302.1 PURPOSE AND SCOPE

This policy establishes a process for the Whittier 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 Whittier 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.

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Handcuffing and Restraints

306.1 PURPOSE AND SCOPE

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

306.2 POLICY

The Whittier 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 Whittier Police Department-approved training on the use of restraint devices described in this policy are authorized to use these devices.

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

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

306.3.1 RESTRAINT OF 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 TRANSPORTING HOBBLED SUSPECTS

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

(a) Hobbled suspects may be transported in a police car or in the jail van when it is reasonably safe for the suspect; They shall be seated in an upright position and secured by a seat belt. The long lead of the restraint will be placed outside the rear door and wrapped around the door pillar bringing it up through passenger front

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door to prevent the lead from dragging on the ground. When the suspect cannot be transported in a seated position, he/she shall be taken by ambulance/paramedic unit.

(b) When taken by ambulance/paramedic unit, the suspect shall be accompanied by a sworn officer.

(c) Officers shall inform the jail staff that the arrestee was subjected to being restrained by use of a Hobble upon arrival at the jail.

306.3.3 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 and in no event shall these persons be restrained by the use of leg irons, waist chains or handcuffs behind the body.

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).

306.3.4 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.

306.3.5 NOTIFICATIONS

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

306.4 APPLICATION OF HANDCUFFS OR PLASTIC CUFFS

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

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

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

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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.

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

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

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

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

306.6 APPLICATION OF AUXILIARY RESTRAINT DEVICES

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

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

306.7 APPLICATION OF LEG RESTRAINT DEVICES

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

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

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

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

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

306.7.1 GUIDELINES FOR USE OF LEG RESTRAINTS

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

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

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

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

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

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

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

306.8 REQUIRED DOCUMENTATION

If a person is arrested, the use of restraints other than handcuffs 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.

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

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

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

306.9

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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.

308.2 POLICY

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

308.3 ISSUING, CARRYING AND USING CONTROL DEVICES

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

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

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

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

308.4 RESPONSIBILITIES

308.4.1 WATCHCOMMANDER 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 Training Coordinator 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 Training Coordinator 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.

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Any damaged, inoperative, outdated or expended control devices or munitions, along with documentation explaining the cause of the damage, shall be returned to the Training Coordinator 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.

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 OLEORESIN CAPSICUM (OC) GUIDELINES

As with other control devices, oleoresin capsicum (OC) spray, OC vapor aerosol grenades 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,OC spray and OC vapor aerosol grenades 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.

308.6.1 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.

308.6.2 OC VAPOR AEROSOL GRENADE

The OC Vapor Aerosol Grenade delivers a very high concentration of OC in a powerful mist. It's designed for indoor use. It contains no CFC's and is not a fire hazard. It is most effective when used in confined areas and close to the target area.

In addition to the criteria in 308.6 above regarding use of OC in overcoming violent behavior, circumstances appropriate for deployment of the OC Vapor Aerosol Grenade include, but are not limited to, situations in which:

(a) The suspect has barricaded himself in a confined space, such as an attic, crawl space or area that would prevent officers from safely apprehending them and would pose a threat to the safety of officers or the public and is refusing to comply with lawful orders.

Officers encountering a situation that warrants the use of the OC Vapor Aerosol Grenade shall notify a supervisor as soon as practicable. Generally a supervisor should respond prior to all OC Vapor Aerosol Grenade deployments. In incidents where the supect has been exposed to

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the chemical agent the supervisor shall ensure that all notifications and reports are completed as required by the Use of Force Policy.

Each deployment of the OC Vapor Aerosol Grenade shall be documented. Only non-incident use of the OC Vapor Aerosol Grenade such as training and product demonstrations is exempt from the reporting requirement. OC Vapor Aerosol Grenades will be forward deployed with the supervisor's vehicles.

Structures where the OC Vapor Aerosol Grenade has been deployed shall be decontaminated by calling the Fire Department and having them ventilate the areas affected.

308.6.3 PEPPER PROJECTILE SYSTEMS

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

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

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

308.6.4 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.

308.7 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.

308.7.1 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.

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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.

308.7.2 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.

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308.7.3 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.

308.8 TRAINING FOR CONTROL DEVICES

The Training Coordinator 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.

308.9 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 EMDTDEVICES

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

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

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

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

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

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

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

(c) Officers 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.

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

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If, after a verbal warning, an individual is unwilling to voluntarily comply with an officer's lawful orders and it appears both reasonable and feasible under the circumstances, the officer may, but is not required to, display the electrical arc (provided that a cartridge has not been loaded into the device), or the laser in a further attempt to gain compliance prior to the application of the TASER device. The aiming laser should never be intentionally directed into the eyes of another as it may permanently impair his/her vision.

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

309.4.1 DEPLOYMENT OF THE X26 ADVANCE TASER (STUN GUN MODE)
Due to the reduced effectiveness of the Taser when used in the stun gun mode, officers should avoid using this option.

The deployment of the stun gun option will require the same documentation and pictures as the deployment of the Taser.

309.4.2 USE OF TASERS WHILE OFF-DUTY NOT AUTHORIZED
Department personnel are not authorized to carry or use a Department issued Taser while off-duty.

309.5 USE OF THE EMDTDEVICE
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 EMDTDEVICE
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 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:

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(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.

309.5.3 TARGETING CONSIDERATIONS

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

309.5.4 MULTIPLE APPLICATIONS OF THE EMDTDEVICE

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

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

(a) Whether the probes are making proper contact.

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

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

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

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

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

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

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

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

309.6.1 EMDTDEVICE FORM
Items that shall be included in the TASER device report form are:

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

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

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

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

(e) The range at which the TASER device was used.

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

(g) Location of any probe impact.

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

(i) Description of where missed probes went.

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

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(k) Whether the subject sustained any injuries.

(l) Whether any officers sustained any injuries.

The Training Coordinator should periodically analyze the report forms to identify trends, including deterrence and effectiveness. The Training Coordinator 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.

309.6.2 REPORTS

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

(a) Identification of all personnel firing TASER devices

(b) Identification of all witnesses

(c) Medical care provided to the subject

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

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

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

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refusal should be included, if possible. Any audio recording obtained shall be forwarded to the Professional Standards Bureau.

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

309.8 SUPERVISOR RESPONSIBILITIES

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

A supervisor should review each incident where a person has been exposed to an activation of the TASER device. The device's onboard memory should be downloaded through the data port by a supervisor or Training Coordinator and saved with the related arrest/crime report. Photographs of probe sites should be taken and witnesses interviewed. The Taser download data report and any audio recorded statments obtained shall be forwarded to the Professional Standards Bureau.

309.9 TRAINING

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

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

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

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

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

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

The Training Coordinator should ensure that all training includes:

(a) A review of this policy.

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

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(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 intent 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 a police shooting or use of force and to ensure that such incidents be investigated in a fair and impartial manner.

310.2 GENERAL

In addition to being complex and demanding, officer-involved shootings and deaths usually attract a great deal of attention from the media and the public. The aim of this policy is to ensure that, because of the fair and impartial manner in which they are investigated, such investigations will stand up to any scrutiny.

310.3 INVESTIGATION RESPONSIBILITY

It is the policy of the Whittier Police Department to have the Los Angeles County Sheriff's Department investigate all Whittier Police Department officer-involved shootings and deaths, where someone is struck or it is reasonable to believe someone has been struck by gunfire or dies as a result of possible use of force. The Whittier Police Department will adhere to the Los Angeles County Sheriff Department's policies on officer-involved shooting investigations. In addition, our policy requires that any employee, who becomes aware of an officer-involved shooting or death as a result of possible use of force within the City of Whittier or Santa Fe Springs, or in any jurisdiction if Whittier personnel are involved, shall immediately notify the Watch Commander.

Officer-involved shootings and possible use of force 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 JURISDICTION

Jurisdiction is determined by the location of the shooting/possible use of force death and the agency employing the involved officer(s). The matrix described in G.O.. 310.5 outlines the jurisdictional responsibilities for investigating officer-involved shootings and deaths.

310.5 INVESTIGATION RESPONSIBILITY MATRIX

The following table summarizes which involved Department has primary responsibility for conducting the criminal investigation on any officer-involved shooting or possible use of force death. All administrative investigations to determine if the shooting or possible use of force death is

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within Departmental policy, will be conducted by our Department in any shooting involving Whittier personnel, no matter where the shooting or possible use of force death occurs, or the duty status of the officer.

Location of Incident	Officer(s) Involved	Duty Status	Primary Responsibility for Investigation
Whittier or Santa Fe Springs	Whittier	On or Off	LASD
Whittier or Santa Fe Springs	Other L.A. County Agency	On	Other agency (Whittier if other agency declines)
Whittier or Santa Fe Springs	Other L.A. COunty Agency	Off	Whittier PD (May be released by the Chief or his designee)
Whittier or Santa Fe Springs	Outside L.A. County Agency	On or Off	Whittier PD
L.A. County	Whittier	On	LASD
L.A. County	Whittier	Off	Agency of jurisdiction
Outside L.A. County	Whittier	On or Off	Agency of jurisdiction

310.6 THE INVESTIGATION PROCESS

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

310.6.1 DUTIES OF INITIAL ON SCENE SUPERVISOR

Upon arrival at the scene of an officer-involved shooting or death, the first uninvolved supervisor should:

(a) Take all reasonable steps to obtain emergency medical attention for all apparently injured individuals.

(b) Attempt to obtain a brief overview of the situation from any non-shooter(s) or non-involved officer(s) in a possible use of force death.

1. In the event that there are no non-shooter(s) or non-invovled officer(s) in a possible use of force death, the supervisor should attempt to obtain a brief voluntary overview from one shooter or directly involved officer in the possible use of force death.

(c) 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.

1. Public safety information shall be limited to such things as outstanding suspect(s) or weapon(s) information, number and direction of shots fired, parameters of the incident scene, identity of known witnesses and similar information.

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(d) Other than to obtain the public safety information listed above, NO ONE should interview our involved personnel prior to LASD Homicide. In cases where an officer-involved shooting or death occurs in our jurisdiction and another agencies' personnel are involved, NO ONE should interview the involved personnel prior to Whittier PD investigators.

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

(f) Take command of and secure the incident scene with additional personnel until relieved by members of the Los Angeles County Sheriff's Department Homicide Bureau or our detectives. Access to the crime scene should be limited to those persons whose duties make it essential for them to be there, all others should remain out.

(g) As soon as practical, the shooter or directly involved officers in a possible use of force death should respond or be transported to the station or other location designated by the Watch Commander for further direction. Shooter or directly involved officer(s) in a possible use of force death should be transported separately unless resources dictate otherwise.

1. Each involved officer should be given an administrative order not to discuss the incident with other involved officers pending further direction from a supervisor. A person of equal or higher rank should be assigned to remain with the involved officer(s) until interviewed by LASD Homicide (hit) or Whittier PD detectives (non-hit or other agency officer-involved shooting).

2. When an officer's weapon or other equipment (taser, baton, etc) is taken or left at the scene (e.g., evidence), the officer will be provided with a comparable replacement weapon/equipment or transported to the station by other officers.

(h) Assign an officer to the task of maintaining a log listing all persons who enter the scene, the reason for their entry, and their time of arrival and departure.

(i) Personnel should be assigned to locate and identify potential witnesses. Persons claiming to know nothing should also be documented. All witness should be brought to the station voluntarily. If they decline, identify them and notify Sheriff Homicide investigators or Whittier PD detectives (non-hit or other agency officer-involved shooting or death). Family members who may have witnessed the shooting or the possible use of force death should be briefly interviewed (on tape) to determine the extent of their knowledge of the incident. This information will be furnished to Sheriff Homicide investigators or Whittier PD investigators (non-hit or other agency officer-involved shooting or possible use of force death) who will determine the need for further interviews.

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(j) Witnesses transported to the station should be chaperoned by an officer. There should be no discussion about the incident. The witnesses should be made as comfortable as possible supplying them with drinks and food, if appropriate.

310.6.2 WATCH COMMANDER (HIT)

The Watch Commander is responsible for making the following notifications:

- Los Angeles County Sheriff's Homicide Bureau (323) 890-5500
- District Attorney Command Post (213) 974-3607
- Chief of Police
- Division Captains
- Administration Lieutenant or in his absence the Professional Standards Sergeant
- Director of Police Services (if the officer-involved shooting takes place in Santa Fe Springs)
- Peer Support Coordinator

In the event any Whittier personnel are injured in the incident, it is the Watch Commander's responsibility to have the family notified and arrange for their transportation to the hospital as soon as possible.

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

310.6.3 WATCH COMMANDER RESPONSIBILITIES (NON-HIT)

The Watch Commander is responsible for making the following notifications:

- Whittier Police Detective Bureau Lieutenant
- Chief of Police
- Division Captains
- Administration Lieutenant or in his absence the Professional Standards Sergeant
- Director of Police Services (if the officer-involved shooting takes place Santa Fe Springs)
- District Attorney OIS roll-out team.
- Peer Support Lieutenant or Sergeant

In the event any Whittier personnel are injured in the incident, it is the Watch Commander's responsibility to have the family notified and arrange for their transportation to the hospital as soon as possible.

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

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310.7 THE SHOOTING OR POSSIBLE USE OF FORCE DEATH INCIDENT CRIMINAL RESPONSE (HIT)

The Los Angeles County Sheriff's Department Homicide Bureau shall be notified for the investigation. The Whittier Police Department will adhere to the policies of the Los Angeles County Sheriff's Department on officer-involved shooting or possible use of force death investigations.

If requested, detective personnel from this department may be assigned to "partner" with investigators from the Los Angeles County Sheriff's Department to provide assistance on any related criminal investigations.

310.7.1 SHOOTING INCIDENT CRIMINAL INVESTIGATION (NON-HIT)

310.7.2 DETECTIVE PERSONNEL

Once notified of an officer-involved shooting, it shall be the responsibility of the Investigations Division Commander to assign appropriate detective personnel to handle the investigation of related crimes. Detectives 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 departmental reports except administrative and/or privileged reports will be forwarded to the designated detective supervisor for approval. Privileged reports shall be maintained exclusively by those personnel authorized such access. Administrative reports will be forwarded to the Office of Professional Standards via the appropriate Division Commander.

It shall be the policy of this department to utilize the District Attorney's Office (per the D.A.R.T. Protocol Agreement) to conduct an independent criminal investigation into the circumstances of any officer-involved shooting. Their investigation will be conducted pursuant to their protocol as outlined in the District Attorney's Officer-Involved Shooting Response Program.

If available, detective personnel from this department may be assigned to "partner" with investigators from the District Attorney's Office so as to not duplicate efforts in related criminal investigations. Once public safety issues have been addressed, criminal investigators will be given the next opportunity to interview involved officers in order to provide them with an opportunity to give a voluntary statement. The following shall be considered for the involved officer:

(a) Supervisors and Office of Professional Standards personnel should not participate directly in any voluntary interview of officers. This will not prohibit such personnel from monitoring such interviews or indirectly providing areas for inquiry.

(b) If requested, any involved officer will be afforded the opportunity to consult with a representative of his or her choosing or an attorney, prior to speaking with criminal investigators.

(c) Any voluntary statement provided by the officer(s) will be made available for inclusion in the administrative or other related investigations.

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(d) Absent consent from the involved officer or as required by law, no administratively coerced statement(s) will be provided to any criminal investigators.

310.7.3 REPORTS BY INVOLVED OFFICERS

In the event that suspects remain outstanding or subject to prosecution for related offenses, this department shall retain the authority to require involved 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 officer may write the report, it is generally recommended that such reports be completed by assigned investigators who should interview 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 involved 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 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.

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 MEDIA RELATIONS

The Los Angeles County Sheriff's Department will handle all press releases in cases where they are the lead criminal investigative agency. The Whittier Police Department Press Information Officer will work cooperatively with the Los Angeles County Sheriff's Department media relations personnel as necessary.

In cases where the Whittier Police Department is the lead agency, a single press release shall be prepared by designated personnel with input and concurrence from the supervisor responsible for

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each phase of the investigation. This release should be made available to the Watch Commander, Investigation Division Commander and Press Information Officer in the event of inquiries from the media.

It will be the policy of this department to not release the identities of involved officers absent their consent or as required by law. Moreover, no involved officer shall be subjected to contact from the media (Government Code § 3303(e)) and no involved officer shall make any comments to the press unless authorized by the Chief of Police or a Division Commander per General Order 346.

Law enforcement officials receiving inquiries regarding incidents occurring in other agency jurisdictions shall refrain from public comment and will direct those inquiries to the agency having jurisdiction and primary responsibility for the investigation.

310.10 INVOLVED OFFICERS

Once involved officer(s) have arrived at the station, the Watch Commander or supervisor should admonish each officer that the incident shall not be discussed except with authorized personnel or representatives. The following shall be considered for the involved officer:

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

(b) While discussions with licensed attorneys will be considered privileged as attorney client communications, no involved officers shall be permitted to meet collectively or in a group with an attorney prior to providing a formal interview or report (ALADS v. County of Los Angeles (2008)).

(c) Discussions with departmental (e.g., association) representatives will be privileged only as to the discussion of non-criminal information (Government Code § 3303(i))

(d) A Certified CISM Mental Health Practioner shall be provided by the Department to each involved officer, or any officer upon request:

1. Interviews with a Certified CISM Mental Health Practioner as described in the Peer Support Policy in this manual will be considered privileged and will not be disclosed except to the extent that the officer is or is not fit for return to duty.

Care should be taken to preserve the integrity of any physical evidence present on the officer, equipment or clothing (e.g., blood, fingerprints, etc.) until investigators or lab personnel can properly retrieve it.

Detectives shall make reasonable accommodations to the officer's physical and emotional needs (Government Code § 3303(d)).

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

310.11 ADMINISTRATIVE INVESTIGATION

In addition to all other investigations associated with an officer-involved shooting or possible use of force death, this department will conduct an internal administrative investigation to determine

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conformance with department policy. This investigation will be conducted under the supervision of the Office of Professional Standards and will be considered a confidential peace officer personnel file.

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

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

1. If a further interview of the officer is deemed necessary to determine policy compliance, care should be taken to limit the inquiry to new areas with minimal, if any, duplication of questions addressed in the voluntary statement. The involved officer shall be provided with a copy of his or her prior statement before proceeding with any subsequent interview(s) (Government Code § 3303(g)).

(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 (Government Code § 3303(i))

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

4. The officer shall be informed of all constitutional "Miranda" rights (Government Code § 3303(h)) and, assuming no voluntary waiver, will then be given an administrative order to provide full and truthful answers to all questions (Government Code § 3303(e)). The officer shall be informed, however, that the interview will be for administrative purposes only and that the statement cannot be used criminally (Lybarger v. City of Los Angeles (1985) or Garrity v. New Jersey (1967)).

5. The administrative interview shall be considered part of the officer's confidential personnel file.

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

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

310.12 LEGAL COUNSEL

A member of this Department may be assigned to work exclusively under the direction of the Department's legal counsel 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-client confidential communication - attorney work product and may not be used for any other purpose. The legal investigation is not intended to interfere with any other investigation, but shall be given reasonable access to all other investigations.

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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 Whittier 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, in good working order and that relevant training is provided as resources allow. Firearms carried on- or off-duty shall be maintained in a clean, serviceable condition. Maintenance and repair of authorized personally owned firearms are the responsibility of the individual member.

312.3 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 Training Coordinator. Except in an emergency or as directed by a supervisor, no firearm shall be carried by a member who has not qualified with that firearm at an authorized department range.

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

312.3.1 HANDGUNS

The authorized department-issued handgun is the Sig Sauer P226R.

312.3.2 SHOTGUNS

The authorized department-issued shotgun is the Remington, 870 12-gauge.

When not deployed, the shotgun shall be properly secured 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.

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312.3.3 AUTHORIZED BACKUP WEAPON

Members desiring to carry 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 (see below).

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

(c) The purchase of the handgun and ammunition shall be the responsibility of the member unless the ammunition is already 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 Training Coordinator 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 a backup 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 backup handgun to the Training Coordinator, who will maintain a list of the information.

Ruger	LCP/LCP Custom LC9 LC LCR	.380 9mm .380 .38
S&W	M&P Bodyguard 442/642 Shield M&P series 640	.380, .38 .38 9mm 9mm, .40, .45 .38 SPL
Glock	42/43/27/26	.380/9mm/.40
KAHR	PM9/MK9 P380	9mm .380
Sig	290 Series	.380/9mm
Springfield	XDS Series	9mm/.40/.45

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312.3.4 PATROL RIFLES

(a) The authorized department-issued patrol rifle is the Colt AR-15 with the following guidelines:

1. The weapon is to be inspected prior to going in service.
2. Only the rifle provided by the Department may be used.
3. The weapon shall be carried in the patrol unit with two 30 round magazines, loaded with only 28 rounds each, in the electric rack located overhead or between the seats of the patrol unit.
4. The bolt shall be forward with an empty chamber.
5. The weapon shall be on "safe."
6. When a Colt AR15 is found with the safety off, the weapon shall be considered loaded.When found in either of these conditions, the officer shall:
   (a) Attempt to place the selector switch on safe, finger off the trigger.
   (b) Remove the magazine
   (c) Point muzzle down and pull the charging handle and lock the bolt to the rear, if necessary.
   (d) Visually and phsically inspect the chamber to insure that the chamber is empty.
   (e) Without a magazine in the weapon return the bolt to it's forward postion, place the weapon on safe, close the dust cover, and insert the magazine.

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

(a) Situations where the member reasonably anticipates an armed encounter.
(b) When a member is faced with a situation that may require accurate and effective fire at long range.
(c) Situations where a member reasonably expects the need to meet or exceed a suspect's firepower.
(d) When a member reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage.
(e) When a member reasonably believes that a suspect may be wearing body armor.
(f) When authorized or requested by a supervisor.
(g) When needed to euthanize an animal.

(c) 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

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dust cover closed, the trigger pulled to release the hammer and the selector lever in the fire position (selector lever cannot be in the safe position with the hammer released).

312.3.5 PERSONALLY OWNED DUTY FIREARMS

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

1. The firearm shall be in good working order and on the department list of approved firearms (see below).
2. The firearm shall be inspected and approved by the [Rangemaster] prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.
3. Prior to carrying the firearm, members shall qualify under range supervision receiving a qualified score through a live fire course. Thereafter members shall qualify in accordance with the department qualification schedule. Members must demonstrate proficiency and safe handling, and that the firearm functions properly.
4. 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.
5. Members who are approved to carry the below mentioned Personally Owned Duty Weapons, must also qualify once a year with the Sig 226, which is the authorized department issued weapon, to show minimum proficiency. This is in the event the approved Personally Owned Duty Weapon is found to be faulty, malfunctions, or is taken during the scope of an Officer Involved Shooting investigation and an immediate replacement is required. A separate qualification course of fire has been designed for the Sig P226 by the rangemaster.
6. **In instances where an officer has qualified with two or more personally owned duty firearms, only the weapon most recently qualified with shall be carried on duty. Officers shall not interchange weapons during the course of the year. Repetition and familiarity are paramount for proficiency and accuracy. Therefore, though a member may have been approved to carry more than one weapon on the below list, switching between personally owned duty weapons after the qualification or transition course during the course of a year is prohibited.** If your personally owned duty weapon is taken out of service due to malfunctions, repairs, or other reasons, the officer will revert back to the department owned Sig P226 until the personally owned duty weapon is inspected and approved by the rangemaster for reintroduction into service.

B. Members who choose to carry a duty weapon that utilizes a "single stack" magazine will be required to carry four magazines on their duty belt. Below is a list of approved weapons:

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Glock	17/22/23/19/34/35	9mm/.40
Glock	21/41	.45
Beretta	92/M9 Series/96 Series	9mm/.40
HK	USP	9mm/.40/.45
HK	VP9/VP40	9mm/.40
Sig Arms	P226/P220/P227/P320 Series	9mm/.40/.45
Springfield	XD Series	9mm/.40/.45
Para-Ordinance	Elite & Expert Full-size Series	.45 All other calibers are unreliable
Sig Arms	1911 Nitron/Nitron Rail Tactical Operations	.45 All other calibers are unreliable
Springfield Armory	Loaded (full size) Operator (full size and lightweight and TRP	.45 All other calibers are unreliable
Colt 1991 Series	Colt Rail; Colt XSE series (full size "Government" Configurations	.45 All other calibers are unreliable

312.3.6 OTHER APPROVED WEAPONS (SPECIAL ASSIGNMENTS)

A. The Chief of Police may allow officers in specialized positions to carry a different primary weapon. The request, approval or denial shall be in writing. If approved, all requirements within this policy shall apply. The Department issued duty weapon shall be returned to the Rangemaster when not used as the primary sidearm.

B. The Chief of Police may authorize members of the Entry Team to carry specialized weapons during patrol duty. The authorization shall be in writing and proficiency shall be maintained as required by the tactical operations manual.

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

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

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

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

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

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

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

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

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

(i) When armed, officers shall carry their badges and Whittier 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 Training Coordinator when needed, in accordance with established policy.

Members carrying personally owned authorized primary firearms and backups shall be responsible for obtaining authorized duty ammunition from the training coordinator for use on duty. Only the ammunition approved by the rangemaster is authorized for use on duty, personal ammunition is not allowed.

312.4 EQUIPMENT

(a) **Duty Holsters**

1. All officers assigned to uniform patrol duties shall use the Level II holster that was issued by the Department, or an identical holster in either tactical finish, nylon finish, or with a light/laser unit.The Department issued holster is a standard belt -mounted hip holster with an optional 2" drop.Also approved is a swivel style holster with an optional 4" drop.Any variation from the standard holsters listed above shall be approved by Executive Staff as well as the Range Master.

2. If you wish to carry any other holster on duty, you will have to meet the following conditions prior to using such holster:

   (a) The holster must have a manufacturer retention rating of Level II or higher, and

   (b) The holster must be approved for duty use by rangemaster

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(c) This also applies to any holster that may have been approved in the past.

(b) **Laser Sights**

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

(a) Any approved laser sight shall only be installed in strict accordance with manufacturer specifications.

(b) Once approved laser sights have been properly installed on any weapon, the officer shall qualify with the weapon to ensure proper functionality and sighting of the weapon prior to carrying it.

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

(c) **Red Dot Sights (RDS)**

(a) Allowed Handgun Configurations

(a) Optic Ready handguns must be on the approved weapons list prior to use.

(b) Direct mill to officer's handguns must be approved by department rangemaster before installation.

(c) Dovetail mounting platforms are authorized. (Dueck Defense RBU, Raven Balor, etc)

(d) All RDS systems will be at the officer's expense, inlcuding maintenance and batteries.

(e) Should the RDS system malfunction or become inoperable, the officer will be responsible for its repair/replacement.

(b) Optic Selection

(a) Shall be duty grade and able to withstand drops and manipulations of the slide with no impact on the optic and approved by the rangemaster.

(b) Any change in sighting systems must be properly sighted after installation and prior to carrying pass a standard qualifying shoot.

(c) RDS sights will be authorized for primary and secondary handguns.

(c) Secondary Sighting Systems

(a) With the recognition that optics are an electronic piece of equipment, co-witnessed iron sights are required.

(b) This sight must be of sufficient height to see through the dot sight system.

(d) Holster requirements

(a) As with all duty holsters, it must meet department retention standards by a reputable manufacturer.

(b) The cost of the RDS holster will be the officer's responsibility.

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(e) Training requirements

(a) Each officer desiring to utilize the RDS system must attend a minimum of 8 hours of POST approved training prior to use.

(b) Costs for the POST class will be the resposibility of the individual.

(c) The POST certification document will accompany the rangemaster's Department RDS Authorization form and be placed in their personnel file.

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 Training Coordinator. Members shall not dry fire or practice quick draws except as instructed by the Training Coordinator or other firearms training staff.

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

(d) Shotguns or rifles removed from vehicles or the equipment storage room shall be loaded and unloaded 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 Training Coordinator approved by the Department for inspection and repair. Any firearm deemed in need of repair or service by the Training Coordinator will be immediately removed from service. If the firearm is the member’s primary duty firearm, a replacement firearm will be issued to the member until the duty firearm is serviceable.

312.5.1 INSPECTION AND STORAGE

Handguns shall be inspected regularly and upon access or possession by another person. Shotguns and rifles shall be inspected at the beginning of the shift by the member to whom the weapon is issued. The member shall ensure that the firearm is carried in the proper condition and

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loaded with approved ammunition. Inspection of the shotgun 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.

Firearms may be safely stored in lockers or another approved location at the end of the shift. Handguns may remain loaded if they are secured in an appropriate holster. Shotguns and rifles shall be unloaded in a safe manner outside the building and then stored in the appropriate equipment storage room.

312.5.2 REPAIR OR MODIFICATIONS OF DUTY WEAPONS

The Rangemaster(s) or Armorer shall be the only person authorized to repair or modify any Department-owned weapon. All repairs and/or modifications of Department issued weapons not performed by the Rangemaster or Armorer must be approved in advance by the Rangemaster or Armorer and accomplished by a Department approved gunsmith.

Any repairs or modifications to the officer's personally owned weapon shall be done at his or her expense and must be approvd by the Rangemaster(s) or Department Armorer.

312.5.3 STORAGE AT HOME

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

312.5.4 ALCOHOL AND DRUGS

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

312.5.5 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

With the exception of the Chief of Police and Executive Staff, who shall qualify bi-annually, all sworn personnel are required to attend all department range qualifications.All sworn members will

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qualify with their duty weapon on an approved range course.The Rangemaster shall keep accurate records of quarterly qualifications, repairs, maintenance, training or as directed by the Training Manager.In addition to regular qualification schedules, the Rangemaster shall be responsible for providing all sworn members with annual practical training designed to simulate field situations.At least annually, all personnel carrying a firearm will receive training on the department Use of Force policy and demonstrate their knoledge and understanding.

312.6.1 NON-CERTIFICATION OR NON-QUALIFICATION

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

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

(a) Additional range assignments may be scheduled to assist the member in demonstrating consistent firearm proficiency.

(b) Members shall be given credit for a range training or qualification when obtaining a qualifying score or meeting standards after remedial training.

(c) No range credit will be given for the following:

1. Unauthorized range make-up
2. Failure to meet minimum standards or qualify after remedial training

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

312.7 FIREARM DISCHARGE

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

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

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

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

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312.7.1 DESTRUCTION OF ANIMALS

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

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

312.7.2 INJURED ANIMALS

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

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

312.7.3 WARNING AND OTHER SHOTS

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

312.8 TRAINING COORDINATOR DUTIES

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

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

The Training Coordinator 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 Training Coordinator has the authority to deem any department-issued or personally owned firearm unfit for service. The member will be responsible for all repairs to his/her personally owned firearm and it will not be returned to service until inspected by the Training Coordinator.

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The Training Coordinator 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 Training Coordinator shall complete and submit to the Training Coordinator 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 Training Coordinator should keep accurate records of all training shoots, qualifications, repairs, maintenance or other records as directed by the Training Coordinator.

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

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

(e) Officers must have completed the mandated TSA security training covering officers flying while armed. The training shall be given by the department-appointed instructor.

(f) It is the officer's responsibility to notify the air carrier in advance of the intended armed travel. This notification should be accomplished by early check-in at the carrier's check-in counter.

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

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

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

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

312.10 CARRYING FIREARMS OUT OF STATE

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

(a) The officer shall carry his/her Whittier 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.

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

314.1.2 FAILURE TO YIELD

Refers to the actions of a vehicle operator who fails to stop or respond to the emergency light(s) and siren of a law enforcement vehicle. Generally, the vehicle operator continues to travel forward at or below the speed limit, observes applicable rules of the road and does not change the direction of travel in an evasive manner.

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

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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).

(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 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

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

The factors listed in 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.

314.2.3 SPEED LIMITS

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

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

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

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

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

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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 MOTORCYCLE OFFICERS

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

314.3.2 VEHICLES WITHOUT EMERGENCY EQUIPMENT

Vehicles not equipped with red light and siren are generally prohibited from initiating or joining in any pursuit. Officers in such vehicles, however, may become involved in emergency activities involving serious crimes or life threatening situations. Those officers should terminate their involvement in any pursuit immediately upon arrival of a sufficient number of emergency police vehicles or any police helicopter. The exemptions provided by Vehicle Code § 21055 do not apply to officers using vehicles without emergency equipment.

314.3.3 PRIMARY UNIT RESPONSIBILITIES

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

Notify Dispatch that a vehicle pursuit has been initiated and as soon as practicable provide information including, but not limited to:

(a) Reason for the pursuit

(b) Location and direction of travel

(c) Speed of the fleeing vehicle

(d) Description of the fleeing vehicle and license number, if known

(e) Number of known occupants

(f) The identity or description of the known occupants

(g) Information concerning the use of firearms, threat of force, injuries, hostages or other unusual hazards

(h) Traffic conditions

Unless relieved by a supervisor or secondary unit, the officer in the primary unit shall be responsible for the broadcasting of the progress of the pursuit. Unless practical circumstances

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indicate otherwise, and in order to concentrate on pursuit driving, the primary officer should relinquish the responsibility of broadcasting the progress of the pursuit to a secondary unit or aircraft.

314.3.4 SECONDARY UNITS RESPONSIBILITIES

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

(a) The officer in the secondary unit should immediately notify the dispatcher of entry into the pursuit.

(b) Remain a safe distance behind the primary unit unless directed to assume the role of primary officer, or if the primary unit is unable to continue the pursuit.

(c) The secondary officer should be responsible for broadcasting the progress of the pursuit unless the situation indicates otherwise.

314.3.5 PURSUIT DRIVING TACTICS

The decision to use 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) As a general rule, officers should not pursue a vehicle driving 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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314.3.6 TACTICS/PROCEDURES FOR UNITS NOT INVOLVED IN THE PURSUIT

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

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

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

314.3.7 PURSUIT TRAILING

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

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

314.3.8 AIRCRAFT ASSISTANCE

When available, aircraft assistance should be requested. Once the air unit has established visual contact with the pursued vehicle, it should assume control over the pursuit. The primary and secondary ground units should consider the participation of aircraft assistance when determining whether to continue the pursuit.

The air unit should coordinate the activities of resources on the ground, report progress of the pursuit and provide officers and supervisors with details of upcoming traffic congestion, road hazards, or other pertinent information to evaluate whether or not to continue the pursuit. If ground units are not within visual contact and the air unit determines that it is unsafe to continue the pursuit, the air unit has the authority to terminate the pursuit.

314.4 SUPERVISORY CONTROL AND RESPONSIBILITY

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

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

(a) Upon becoming aware of a pursuit, immediately ascertaining all reasonably available information to continuously assess the situation and risk factors associated with the pursuit in order to ensure that the pursuit is conducted within established department guidelines.

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(b) Engaging in the pursuit, when appropriate, to provide on-scene supervision.

(c) Exercising management and control of the pursuit even if not engaged in it.

(d) Ensuring that no more than the number of required police units needed are involved in the pursuit under the guidelines set forth in this policy.

(e) Directing that the pursuit be terminated if, in his/her judgment, it is unjustified to continue the pursuit under the guidelines of this policy.

(f) Ensuring that aircraft are requested if available.

(g) Ensuring that the proper radio channel is being used.

(h) Ensuring the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this agency.

(i) Controlling and managing WPD units when a pursuit enters another jurisdiction.

(j) Preparing post-pursuit critique and analysis of the pursuit for training purposes.

314.4.1 WATCH COMMANDER RESPONSIBILITY

Upon becoming aware that a pursuit has been initiated, the Watch Commander should monitor and continually assess the situation and ensure the pursuit is conducted within the guidelines and requirements of this policy. The Watch Commander has the final responsibility for the coordination, control and termination of a vehicle pursuit and shall be in overall command.

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

314.5 COMMUNICATIONS

If the pursuit is confined within the City limits, radio communications will be conducted on the primary channel unless instructed otherwise by a supervisor or communications dispatcher. If the pursuit leaves the jurisdiction of this department or such is imminent, involved units should, whenever available, switch radio communications to an emergency channel most accessible by participating agencies and units.

314.5.1 COMMUNICATION CENTER RESPONSIBILITIES

Upon notification that a pursuit has been initiated, Dispatch will:

(a) Coordinate pursuit communications of the involved units and personnel.

(b) Notify and coordinate with other involved or affected agencies as practicable.

(c) Ensure that a field supervisor is notified of the pursuit.

(d) Assign an incident number and log all pursuit activities.

(e) Broadcast pursuit updates as well as other pertinent information as necessary.

(f) Notify the Watch Commander as soon as practicable.

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314.5.2 LOSS OF PURSUED VEHICLE

When the pursued vehicle is lost, the primary unit should broadcast pertinent information to assist other units in locating suspects. The primary unit will be responsible for coordinating any further search for either the pursued vehicle or suspects fleeing on foot.

314.6 INTER-JURISDICTIONAL CONSIDERATIONS

When a pursuit enters another agency's jurisdiction, the primary officer or supervisor, taking into consideration distance traveled, unfamiliarity with the area and other pertinent facts, should determine whether 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.

314.6.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

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

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

Notification of a pursuit in progress should not be construed as a request to join the pursuit. Requests to or from another agency to assume a pursuit should be specific. Because of communication limitations between local agencies and CHP units, a request for CHP assistance will mean that they will assume responsibilities for the pursuit. For the same reasons, when a pursuit leaves the freeway and a request for assistance is made to this department, the CHP should relinquish control.

314.6.2 PURSUITS EXTENDING INTO THIS JURISDICTION

The agency that initiates a pursuit shall be responsible for conducting the pursuit. Units from this department should not join a pursuit unless specifically requested to do so by the agency whose officers are in pursuit. The exception to this is when a single unit from the initiating agency is in pursuit. Under this circumstance, a unit from this department may join the pursuit until sufficient units from the initiating agency join the pursuit.

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

(a) Ability to maintain the pursuit

(b) Circumstances serious enough to continue the pursuit

(c) Adequate staffing to continue the pursuit

(d) The public's safety within this jurisdiction

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(e) Safety of the pursuing officers

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

Assistance to a pursuing allied agency by officers of this department will terminate at the City limits provided that the pursuing officers have sufficient assistance from other sources. Ongoing participation from this department may continue only until sufficient assistance is present.

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

314.7 PURSUIT INTERVENTION

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

314.7.1 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.

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

314.7.2 DEFINITIONS

Blocking or vehicle intercept - A slow-speed coordinated maneuver where two or more patrol vehicles simultaneously intercept and block the movement of a suspect vehicle, the driver of which may be unaware of the impending enforcement stop, with the goal of containment and preventing a pursuit. Blocking is not a moving or stationary road block.

Boxing-in - A tactic designed to stop a violator's vehicle by surrounding it with law enforcement vehicles and then slowing all vehicles to a stop.

Pursuit Intervention Technique (PIT) - A low-speed maneuver designed to cause the suspect vehicle to spin out and terminate the pursuit.

Ramming - The deliberate act of impacting a violator's vehicle with another vehicle to functionally damage or otherwise force the violator's vehicle to stop.

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Roadblocks - A tactic designed to stop a violator's vehicle by intentionally placing an emergency vehicle or other immovable object in the path of the violator's vehicle.

Spikes or tack strips - A device that extends across the roadway designed to puncture the tires of the pursued vehicle.

314.7.3 USE OF FIREARMS

The use of firearms to disable a pursued vehicle is not generally an effective tactic and involves all the dangers associated with discharging firearms. Officers should not utilize firearms during an ongoing pursuit unless the conditions and circumstances dictate that such use reasonably appears necessary to protect life. Nothing in this section shall be construed to prohibit any officer from using a firearm to stop a suspect from using a vehicle as a deadly weapon.

314.7.4 INTERVENTION STANDARDS

Any pursuit intervention tactic, depending upon the conditions and circumstances under which it is used, may present dangers to the officers, the public or anyone in or on the vehicle being pursued. Certain applications of intervention tactics may be construed to be a use of deadly force and subject to the requirements for such use. Officers 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

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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:

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.

314.7.5 CAPTURE OF SUSPECTS

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

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

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314.8 REPORTING REQUIREMENTS

The following reports should be completed upon conclusion of all pursuits:

(a) The primary officer should complete appropriate crime/arrest reports.

(b) Pursuant to Vehicle Code § 14602.1(b), the primary officer shall complete form CHP 187A, the watch commander shall ensure that an Allied Agency Vehicle Pursuit Report, to be reviewed and initialed by the Watch Commander or Field Supervisor and filed with the CHP either electronically or on paper not later than 30 days after the pursuit. This pursuit report shall minimally contain the following information:

1. Whether any person involved in the pursuit or subsequent arrest was injured, specifying the nature of that injury and differentiating between the suspect driver, a suspect passenger and the officers involved.
2. The violation(s) that caused the pursuit to be initiated.
3. The identity of the officers involved in the pursuit.
4. The means or methods used to stop the suspect being pursued.
5. The charges filed with the court by the district attorney.
6. The conditions of the pursuit, including, but not limited to, all of the following:
   (a) Duration
   (b) Mileage
   (c) Number of officers involved
   (d) Maximum number of units involved
   (e) Time of day
   (f) Weather conditions
   (g) Maximum speeds
7. Whether the pursuit resulted in a collision and a resulting injury or fatality to an uninvolved third party, and the corresponding number of persons involved.
8. Whether the pursuit involved multiple agencies.
9. How the pursuit was terminated.

(c) After first obtaining available information, a field supervisor shall promptly complete a Supervisor's Threshold Memorandum if the pursuit involves a use of force, traffic collision or injury to the suspect, bystander or officer, briefly summarizing the pursuit to his/her department manager. This memo should minimally contain the following information:

   (a) Date and time of pursuit

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(b) Length of pursuit

(c) Involved units and officers

(d) Initial reason for pursuit

(e) Starting and termination points

(f) Disposition: arrest, citation, etc. Arrestee information should be provided if applicable

(g) Injuries and/or property damage

(h) Medical treatment

(i) Name of supervisor at scene

(j) A preliminary determination that the pursuit appears to be in compliance with this policy OR additional review and/or follow-up is warranted.

The memo and CHP 187A form should be forwarded to the Office of Professional Standards through the involved employees chain of command.

314.8.1 REGULAR AND PERIODIC PURSUIT TRAINING

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

314.8.2 POLICY REVIEW

Each sworn member of this department shall certify in writing that they have received, read and understand this policy initially and upon any amendments. The POST attestation form, or an equivalent form, may be used to document the compliance and should be retained in the member's training file.

314.9 APPLICATION OF VEHICLE PURSUIT POLICY

This policy is expressly written and adopted pursuant to the provisions of Vehicle Code § 17004.7, with additional input from the POST Vehicle Pursuit Guidelines.

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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.

316.2 RESPONSE TO CALLS

Officers dispatched "Code-3" shall consider the call an emergency response and proceed immediately. Officers responding Code-3 shall continuously operate emergency lighting equipment, including at minimum a steady forward facing red light, and shall sound the siren as reasonably necessary pursuant to Vehicle Code § 21055.

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

Officers should only respond Code-3 when so dispatched or when circumstances reasonably indicate an emergency response is required. Officers not authorized to respond Code-3 shall observe all traffic laws and proceed without the use of emergency lights and siren.

316.3 REQUESTING EMERGENCY ASSISTANCE

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

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 Dispatch. Generally, only one unit should respond Code-3 to any situation. Should another officer believe a Code-3 response is appropriate, Dispatch shall be notified and the Watch

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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 Dispatch. An officer shall also discontinue the Code-3 response when directed by a supervisor.

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

316.6 COMMUNICATIONS RESPONSIBILITIES

A dispatcher shall assign a Code-3 response when an officer requests emergency assistance or available information reasonably indicates that the public is threatened with serious injury or death and immediate police response is needed. In all other circumstances, the dispatcher shall obtain authorization from the Watch Commander or a field supervisor 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

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The field supervisor shall monitor the response until it has been stabilized or terminated and assert control by directing units into or out of the response if necessary. If, in the supervisor's judgment, the circumstances require additional units to be assigned a Code-3 response, the supervisor may do so.

It is the supervisor's responsibility to terminate a Code-3 response that, in his/her judgment is inappropriate due to the circumstances.

When making the decision to authorize a Code-3 response, the Watch Commander or the field supervisor should consider the following:

- The type of call
- The necessity of a timely response
- Traffic and roadway conditions
- The location of the responding units

316.8 FAILURE OF EMERGENCY EQUIPMENT

If the emergency equipment on the vehicle should fail to operate, the officer must terminate the Code-3 response and respond accordingly. In all cases, the officer shall notify the Watch Commander, field supervisor, or Dispatch 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.

318.2 POLICY

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

318.3 ASSIGNMENT

The canine teams shall be assigned to the Patrol Division to supplement and assist the Patrol Bureau.

318.4 CANINE COORDINATOR

The canine coordinator shall be appointed by and directly responsible to the Patrol 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

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

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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) 1. Canine teams shall not be used for any assignment that is not consistent with this policy.

2. The handler has the ultimate authority to decide whether the canine should be used for any specific assignment.

3. Canine teams shall not be called out while off-duty or used outside the boundaries of the City of Whittier unless authorized by the Watch Commander or the Unit Coordinator.

4. It shall be the responsibility of the canine handler to coordinate with outside agency personnel in order to minimize the risk of unintended injury.

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.

318.6 APPREHENSION GUIDELINES

A canine may be used to locate and apprehend a suspect if the canine handler reasonably believes that the individual has either committed, is committing or 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 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.

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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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.

318.6.3 REPORTING DEPLOYMENTS, BITES AND INJURIES

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

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

In all cases of bites or injury resulting from the use of a canine, photographs shall be taken of the bite or injury after first tending to the immediate needs of the injured party. The photographs shall be downloaded into the DIMS system and preserved in the DIMS database. A disk containing copies of the pictures taken in the incident along with an administrative report completed by the on-duty supervisor shall be forwarded to the Office of Professional Standards via the chain of command. If the injury requires medical attention, the subject should be transported to an appropriate medical facility. In the event an in-custody suspect requires medical attention, an officer should standby with the suspect until treatment has been rendered.

If a subject alleges an injury that is not visible, notification shall be made to a supervisor and the location of the alleged injury should be photographed

The canine handler shall also notify the local healthdepartment 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.

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:

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(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.

318.8 HANDLER SELECTION

The minimum qualifications for the assignment of canine handler include:

(a) A Whittier Police Department 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 accommodate a canine vehicle.

(d) Living within 30 minutes travel time from the Whittier/Santa Fe Springs City limits.

(e) Agreeing to be assigned to the position for a maximum of 5 years with the understanding that the position may be extended or reduced depending on the service life of the canine.

318.9 HANDLER RESPONSIBILITIES

The canine handler shall ultimately be responsible for the health and welfare of the canine and shall ensure that the canine receives proper nutrition, grooming, training, medical care, affection, and living conditions.

The canine handler will be responsible for the following:

(a) Except as required during appropriate deployment, the handler shall not expose the canine to any foreseeable and unreasonable risk of harm.

(b) The handler shall maintain all department equipment under his/her control in a clean and serviceable condition.

(c) When not in service, the handler shall maintain the canine vehicle in a locked garage, away from public view.

(d) When a handler is off-duty for an extended number of days, the assigned canine vehicle should be stored at the Whittier 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

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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 so that appropriate arrangements can be made.

318.9.1 CANINE IN PUBLIC AREAS

The canine should be kept on a leash when in areas that allow access to the public. Exceptions to this rule would include specific law enforcement operations for which the canine is trained.

(a) A canine shall not be left unattended in any area to which the public may have access.

(b) When the canine vehicle is left unattended, all windows and doors shall be secured in such a manner as to prevent unauthorized access to the canine. The handler shall also ensure that the unattended vehicle remains inhabitable for the canine.

318.10 CANINE INJURY AND MEDICAL CARE

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

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

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

318.11 DISPOSITION OF POLICE CANINES

Whenever a dog handler is transferred or otherwise leaves the canine unit, the dog assigned to him/her will remain the property of the Whittier Police Department, unless it is unfit for duty. The decision of the serviceability of the dog is that of the Chief of Police, with recommendations from the Uniform Division Commander.

Dogs considered no longer serviceable or of any use to the Department for whatever reason, except contagious illness viciousness or some similar condition, will be offered to the last handler (first), or a former handler for a purchase price of $1.00 at the discretion of the Chief of Police. Any handler purchasing a dog will be required to sign a legal liability waiver releasing the City of Whittier from all liability or responsibility for any action concerning or taken by the dog.

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Any dog deemed no longer serviceable, and when no handler wishes to purchase the dog, shall be withdrawn from service in such a manner deemed advisable by the Uniform Division Commander and the Chief of Police. In this regard, the safety of the community and the officers shall be the primary consideration

318.12 TRAINING

Before assignment in the field, each canine team shall be trained and certified to meet current POST guidelines or other recognized and approved certification standards. Cross-trained canine teams or those canine teams trained exclusively for the detection of narcotics and/or explosives also shall be trained and certified by the California Narcotic Canine Association (CNCA) or other recognized and approved certification standards established for their particular skills.

The canine coordinator shall be responsible for scheduling periodic training for all department members in order to familiarize them with how to conduct themselves in the presence of department canines. Because canines may be exposed to dangerous substances such as opioids, as resources are available, the canine coordinator should also schedule periodic training for the canine handlers about the risks of exposure and treatment for it.

All canine training shall be conducted while on-duty unless otherwise approved by the canine coordinator or Watch Commander.

318.12.1 TRAINING RECORDS

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

318.12.2 FAILURE TO SUCCESSFULLY COMPLETE TRAINING

Any canine team failing to graduate or obtain certification shall not be deployed in the field for tasks the team is not certified to perform until graduation or certification is achieved. When reasonably practicable, pending successful certification, the canine handler shall be temporarily reassigned to regular patrol duties.

318.12.3 TRAINING RECORDS

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

318.12.4 TRAINING AIDS

Training aids are required to effectively train and maintain the skills of canines. Officers possessing, using or transporting controlled substances or explosives for canine training purposes must comply with federal and state requirements. Alternatively, the Whittier Police Department may work with outside trainers with the applicable licenses or permits.

318.12.5 CONTROLLED SUBSTANCE TRAINING AIDS

Officers acting in the performance of their official duties may possess or transfer controlled substances for the purpose of narcotics-detection canine training in compliance with state and federal laws (Health & Safety Code § 11367.5; 21 USC § 823(f)).

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The Chief of Police or the authorized designee may authorize a member to seek a court order to allow controlled substances seized by the Whittier 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.

318.12.6 CONTROLLED SUBSTANCE PROCEDURES

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

(a) All controlled substance training samples shall be weighed and tested prior to dispensing to the individual canine handler or trainer.

(b) The weight and test results shall be recorded and maintained by this department.

(c) Any person possessing controlled substance training samples pursuant to court order or DEA registration shall maintain custody and control of the controlled substances and shall keep records regarding any loss of, or damage to, those controlled substances.

(d) All controlled substance training samples will be inspected, weighed, and tested quarterly. The results of the quarterly testing shall be recorded and maintained by the canine coordinator with a copy forwarded to the dispensing agency.

(e) All controlled substance training samples will be stored in locked, airtight, and watertight cases at all times, except during training. The locked cases shall be secured in the trunk of the canine handler's assigned patrol vehicle during transport and stored in an appropriate locked container. There are no exceptions to this procedure.

(f) The canine coordinator shall periodically inspect every controlled substance training sample for damage or tampering and take any appropriate action.

(g) Any unusable controlled substance training samples shall be returned to the Property and Evidence Section or to the dispensing agency.

(h) All controlled substance training samples shall be returned to the dispensing agency upon the conclusion of the training or upon demand by the dispensing agency.

318.12.7 EXPLOSIVE TRAINING AIDS

Officers may possess, transport, store, or use explosives or destructive devices in compliance with state and federal laws (Penal Code § 18800; 18 USC § 842; 27 CFR 555.41).

Explosive training aids designed specifically for canine teams should be used whenever feasible. Due to the safety concerns in the handling and transportation of explosives, inert or non-hazardous

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training aids should be employed whenever feasible. The use of explosives or destructive devices for training aids by canine teams is subject to the following:

(a) All explosive training aids, when not in use, shall be properly stored in a secure facility appropriate for the type of materials.

(b) An inventory ledger shall be maintained to document the type and quantity of explosive training aids that are stored.

(c) The canine coordinator shall be responsible for verifying the explosive training aids on hand against the inventory ledger once each quarter.

(d) Only members of the canine team shall have access to the explosive training aids storage facility.

(e) A primary and secondary custodian will be designated to minimize the possibility of loss of explosive training aids during and after the training. Generally, the handler will be designated as the primary custodian while the trainer or authorized second person on-scene will be designated as the secondary custodian.

(f) Any lost or damaged explosive training aids shall be promptly reported to the canine coordinator, who will determine if any further action will be necessary. Any loss of explosives will be reported to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).

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Domestic Violence

320.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to deter, prevent and reduce domestic violence through vigorous enforcement and to address domestic violence as a serious crime against society. The policy specifically addresses the commitment of this department to take enforcement action when appropriate, to provide assistance to victims and to guide officers in the investigation of domestic violence.

320.1.1 DEFINITIONS

Definitions related to this policy include:

Court order - All forms of orders related to domestic violence that have been issued by a court of this state or another, whether civil or criminal, regardless of whether service has been made.

320.2 POLICY

The Whittier 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.

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

(f) Officers should request that the victim complete and sign an authorization for release of medical records related to the incident when applicable.

(g) If the suspect is no longer at the scene, officers should make reasonable efforts to locate the suspect to further the investigation, provide the suspect with an opportunity to make a statement, and make an arrest or seek an arrest warrant if appropriate.

(h) Seize any firearms or other dangerous weapons in the home, if appropriate and legally permitted, for safekeeping or as evidence. If the domestic violence involved threats of bodily harm, any firearm discovered in plain view or pursuant to consent or other lawful search must be taken into temporary custody (Penal Code § 18250).

(i) When completing an incident or arrest report for violation of a court order, officers should include specific information that establishes that the offender has been served, including the date the offender was served, the name of the agency that served the order, and the provision of the order that the subject is alleged to have violated. When reasonably available, the arresting officer should attach a copy of the order to the incident or arrest report.

(j) Officers should take appropriate enforcement action when there is probable cause to believe an offense has occurred. Factors that should not be used as sole justification for declining to take enforcement action include:

1. Whether the suspect lives on the premises with the victim.
2. Claims by the suspect that the victim provoked or perpetuated the violence.
3. The potential financial or child custody consequences of arrest.
4. The physical or emotional state of either party.
5. Use of drugs or alcohol by either party.
6. Denial that the abuse occurred where evidence indicates otherwise.
7. A request by the victim not to arrest the suspect.
8. Location of the incident (public/private).
9. Speculation that the complainant may not follow through with the prosecution.
10. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or marital status of the victim or suspect.
11. The social status, community status, or professional position of the victim or suspect.

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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:

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.

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Dispatchers are not required to verify the validity of a court order before responding to a request for assistance. Officers should request that dispatchers check whether any of the involved persons are subject to the terms of a court order.

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.

(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.

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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, 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.

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(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) Family Code § 6241 mandates the Superior Court to provide a judge, commisssioner, or referee to hear applications and issue Emergency Protective Orders based on criteria outlined in Family Code § 6250 (c). A judicial officer may issue an Emergency Protective Order whenever a law enforcement officer asserts reasonable grounds that:

1. A person is in immediate and present danger of domestic violence based upon the person's allegation of a recent incident of abuse or threat of abuse by the person against whom the order is sought.

2. A child is in immediate and present danger of abuse by a family or household member, based on an allegation of recent incident of abuse or threat of abuse by the family or household member.

3. A child is in immediate and present danger of being abducted by a parent or relative, based on a reasonable belief that a person has intent to abduct a child or flee with the child from the jurisdiction or based on an allegation of a reasonable threat to abduct the child or flee with the child from the jurisdiction.

(b) Under Penal Code § 646.91, a peace officer may also obtain an Emergency Protective Order when the officer has reasonable grounds to believe that a person or the person's immediate family is in immediate and present danger of being stalked.

1. Any such Emergency Protective Order shall be reduced to writing, signed by the officer and include all of the information required by Penal Code § 646.91(c).

2. Any officer seeking such an order shall serve the order on the restrained person if such person can be reasonably located and shall provide the person protected with a copy of the order. A copy of the order shall also be filed with the court as soon as practicable after issuance.

3. Any officer requesting such an order shall provide the order to the records department as soon as practical so said order can be entered into the computer database system for protective and restraining orders maintained by the Department of Justice (Family Code § 6271; Penal Code § 646.91).

(c) Emergency Protective Orders may be obtained by telephone to prohibit a suspect who resides with a complainant, regardless of their marital status or relationship from:

1. Physically or verbally contacting the victim or disturbing his/her peace.

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2. Remaining or returning to the victim's residence, regardless of who holds legal title to, or leases the residence.

3. Continuing a specified behavior as described in the order.

(d) Officers investigating the scene of current or recent situations of domestic violence should remain cognizant of the potential for continued and escalated violence. An Emergency Protective Order should be sought if there is reason to believe, based on factual evidence such as a recent history of violence that the victim may still be in danger.

(e) Officers should consider requesting an EPO if any of the following conditions exist:

1. The victim requests an EPO.

2. The investigating officer has grounds to believe that there is an immediate danger of continuing violence aganist the victim.

3. The investigating officer or victim believes that the suspect may be able to make bail and the potential for further violence exists.

(f) 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 carry copies of the order while on-duty and shall file a copy with the court as soon as practicable by giving the emergency protective order to records for immediate entry into CARPOS (Family Code § 6270 et seq.).

1. Any officer serving a protective order that indicates that the respondent possesses weapons or ammunition shall request that the firearm/ammunition be immediately surrendered (Family Code § 6389(c)(2)).

2. 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)).

(g) 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).

(h) In order to fulfill the requirements of an emergency protective order there must be an immediate and present danger.

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 or other deadly weapon in a domestic violence incident shall issue the individual possessing such weapon a receipt that includes the name and residential mailing address of the owner or person who possessed the weapon and notice of where the weapon may be recovered, along with the applicable time limit for recovery (Penal Code § 18250; Penal Code § 18255; Penal Code § 33800; Family Code § 6389(c)(2)).

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 Supervisor 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 Whittier Police Department personnel to consider when dealing with search and seizure issues.

322.2 POLICY

It is the policy of the Whittier 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.

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Adult Abuse

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 Whittier Police Department members as required by law.

326.1.1 DEFINITIONS

Definitions related to this policy include:

Adult abuse - Any offense or attempted offense involving violence or neglect of an adult victim when committed by a person responsible for the adult's care, or any other act that would mandate reporting or notification to a social service agency or law enforcement (Penal Code § 368).

Abuse of an elder (age 65 or older) or dependent adult - Physical abuse, neglect, financial abuse, abandonment, isolation, abduction, or other treatment with resulting physical harm or pain or mental suffering; or the deprivation by a care custodian of goods or services that are necessary to avoid physical harm or mental suffering. Neglect includes self-neglect (Welfare and Institutions Code § 15610.07; Penal Code § 368.5).

326.2 POLICY

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

326.3 INVESTIGATIONS AND REPORTING

All reported or suspected cases of adult abuse require investigation and a report, even if the allegations appear unfounded or unsubstantiated.

Investigations and reports related to suspected cases of adult abuse should address, as applicable:

(a) The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected adult abuse victim is contacted.

(b) Any relevant statements the victim may have made and to whom he/she made the statements.

(c) If a person is taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.

(d) Documentation of any visible injuries or any injuries identified by the victim. This should include photographs of such injuries, if practicable.

(e) Whether the victim was transported for medical treatment or a medical examination.

(f) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other potential victims or witnesses who may reside in the residence.

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(g) Identification of any prior related reports or allegations of abuse, including other jurisdictions, as reasonably known.

(h) Previous addresses of the victim and suspect.

(i) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

(j) Results of investigations shall be provided to those agencies (Adult Protective Services (APS), long-term ombudsman) that referred or reported the adult abuse (Welfare and Institutions Code § 15640(f)).

(k) Whether a death involved the End of Life Option Act:

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 adult abuse and investigated similarly.

326.4 QUALIFIED INVESTIGATORS

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

(a) Conduct interviews in appropriate interview facilities.

(b) Be familiar with forensic interview techniques specific to adult abuse investigations.

(c) Present all cases of alleged adult abuse to the prosecutor for review.

(d) Coordinate with other enforcement agencies, social service agencies and facility administrators as needed.

(e) Provide referrals to therapy services, victim advocates, guardians and support for the victim and family as appropriate.

(f) Participate in or coordinate with multidisciplinary investigative teams as applicable (Welfare and Institutions Code § 15610.55).

326.5 MANDATORY NOTIFICATION

Members of the Whittier 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

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knowledge of an incident that reasonably appears to be abuse of an elder (age 65 or older) or dependent adult, or are told by an elder or dependent adult that he/she has experienced abuse (Welfare and Institutions Code § 15630(b)).

Notification shall be made by telephone as soon as practicable and a written report shall be provided within two working days as provided in Welfare and Institutions Code § 15630(b)(c)).

A dependent adult is an individual, regardless of whether the individual lives independently, between 18 and 64 years of age who has physical or mental limitations that restrict his/her ability to carry out normal activities or to protect his/her rights, including but not limited to persons who have physical or developmental disabilities or whose physical or mental abilities have diminished because of age. This also includes those admitted as inpatients to a 24-hour health facility, as defined in state law (Welfare and Institutions Code § 15610.23).

Notification shall also be made to the following agencies as soon as practicable or as provided below (Welfare and Institutions Code § 15630):

(a) If the abuse is physical abuse and occurred in a long-term care facility (not a state mental health hospital or a state developmental center) notification shall be made as follows (Welfare and Institutions Code § 15630(b)(1)):

1. If there is serious bodily injury, notification shall be made by telephone and, within two hours, a written report shall be made to the local ombudsman and the corresponding licensing agency.
2. If there is physical abuse and no serious bodily injury, notification shall be made by telephone and, within 24 hours, a written report shall be made to the local ombudsman and the corresponding licensing agency.
3. If the abuse is allegedly caused by a resident with dementia and there is no serious bodily injury, notification shall be made by telephone and a written report to the local ombudsman within 24 hours.
4. When a report of abuse is received by the Department, the local ombudsman shall be called to coordinate efforts to provide the most immediate and appropriate response (Welfare and Institutions Code § 15630(b)).

(b) If the abuse is in a long-term care facility (not a state mental health or a state developmental center) and is other than physical abuse, a telephone report and a written report shall be made to the local ombudsman as soon as practicable (Welfare and Institutions Code § 15630(b)).

(c) The California Department of Public Health (DPH) shall be notified of all known or suspected abuse in a long-term care facility.

(d) The SDSS shall be notified of all known or suspected abuse occurring in a residential care facility for the elderly or in an adult day program.

(e) If the abuse occurred in an adult day health care center, DPH and the California Department of Aging shall be notified.

(f) The Bureau of Medi-Cal Fraud and Elder Abuse shall be notified of all abuse that constitutes criminal activity in a long-term care facility.

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(g) The District Attorney's office shall be notified of all cases of physical abuse and financial abuse in a long-term care facility.

(h) If the abuse occurred at a state mental hospital or a state developmental center, notification shall be made to the designated investigators of the California Department of State Hospitals or the California Department of Developmental Services as soon as practicable but no later than two hours after law enforcement becomes aware of the abuse (Welfare and Institutions Code § 15630(b)).

1. When a report of abuse is received by the Department, investigation efforts shall be coordinated with the designated investigators of the California Department of State Hospitals or the California Department of Developmental Services (Welfare and Institutions Code § 15630(b)).

(i) If during an investigation it is determined that the adult abuse is being committed by a licensed health practitioner as identified in Welfare and Institutions Code § 15640(b), the appropriate licensing agency shall be immediately notified (Welfare and Institutions Code 15640(b)).

(j) When the Department receives a report of abuse, neglect or abandonment of an elder or dependent adult alleged to have occurred in a long-term care facility, the licensing agency shall be notified by telephone as soon as practicable (Welfare and Institutions Code § 15640(e)).

The Detective Bureau supervisor is responsible for ensuring that proper notifications have occurred to the District Attorney's Office and any other regulatory agency that may be applicable based upon where the abuse took place (e.g., care facility, hospital) per Welfare and Institutions Code § 15630(b).

Notification is not required for a person who was merely present when a person self-administered a prescribed aid-in-dying drug or a person prepared an aid-in-dying drug so long as the person did not assist the individual in ingesting the aid-in-dying drug (Health and Safety Code § 443.14; Health and Safety Code § 443.18).

326.5.1 NOTIFICATION PROCEDURE

Notification should include the following information, if known (Welfare and Institutions Code § 15630(e)):

(a) The name of the person making the report.

(b) The name and age of the elder or dependent adult.

(c) The present location of the elder or dependent adult.

(d) The names and addresses of family members or any other adult responsible for the care of the elder or dependent adult.

(e) The nature and extent of the condition of the elder or dependent adult.

(f) The date of incident.

(g) Any other information, including information that led the person to suspect elder or dependent adult abuse.

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326.6 PROTECTIVE CUSTODY

Before taking an adult abuse victim into protective custody when facts indicate the adult may not be able to care for him/herself, the officer should make reasonable attempts to contact APS. Generally, removal of an adult abuse victim from his/her family, guardian or other responsible adult should be left to the welfare authorities when they are present or have become involved in an investigation.

Generally, members of this department should remove an adult abuse victim from his/her family or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the victim. Prior to taking an adult abuse victim into protective custody, the officer should take reasonable steps to deliver the adult to another qualified legal guardian, unless it reasonably appears that the release would endanger the victim or result in abduction. If this is not a reasonable option, the officer shall ensure that the adult is delivered to APS.

Whenever practicable, the officer should inform a supervisor of the circumstances prior to taking an adult abuse victim into protective custody. If prior notification is not practicable, officers should contact a supervisor promptly after taking the adult into protective custody.

When adult abuse victims are under state control, have a state-appointed guardian or there are other legal holdings for guardianship, it may be necessary or reasonable to seek a court order on behalf of the adult victim to either remove the adult from a dangerous environment (protective custody) or restrain a person from contact with the adult.

326.6.1 EMERGENCY PROTECTIVE ORDERS

In any situation which an officer reasonably believes that an elder or dependent adult is in immediate and present danger of abuse based on an allegation of a recent incident of abuse or threat of abuse (other than financial abuse alone), the officer may seek an emergency protective order against the person alleged to have committed or threatened such abuse (Family Code § 6250(d)).

326.7 INTERVIEWS

326.7.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, officers should audio record the preliminary interview with a suspected adult abuse victim. Officers should avoid multiple interviews with the victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating officers should defer interviews until a person who is specially trained in such interviews is available.

326.7.2 DETAINING VICTIMS FOR INTERVIEWS

An officer should not detain an adult involuntarily who is suspected of being a victim of abuse solely for the purpose of an interview or physical exam without his/her consent or the consent of a guardian unless one of the following applies:

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(a) Exigent circumstances exist, such as:

1. A reasonable belief that medical issues of the adult need to be addressed immediately.
2. A reasonable belief that the adult is or will be in danger of harm if the interview or physical exam is not immediately completed.
3. The alleged offender is a family member or guardian and there is reason to believe the adult may be in continued danger.

(b) A court order or warrant has been issued.

326.8 MEDICAL EXAMINATIONS

When an adult abuse investigation requires a medical examination, the investigating officer should obtain consent for such examination from the victim, guardian, agency or entity having legal custody of the adult. The officer should also arrange for the adult's transportation to the appropriate medical facility.

In cases where the alleged offender is a family member, guardian, agency or entity having legal custody and is refusing to give consent for the medical examination, officers should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for officers to take the adult for a medical examination, the supervisor should consider other government agencies or services that may obtain a court order for such an examination.

326.9 DRUG-ENDANGERED VICTIMS

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of an adult abuse victim who has been exposed to the manufacturing, trafficking or use of narcotics.

326.9.1 OFFICER RESPONSIBILITIES

Officers responding to a drug lab or other narcotics crime scene where an adult abuse victim is present or where there is evidence that an adult abuse victim lives should:

(a) Document the environmental, medical, social and other conditions of the adult, using photography as appropriate and the checklist or form developed for this purpose.

(b) Notify the Detective Bureau supervisor so an interagency response can begin.

326.9.2 SUPERVISOR RESPONSIBILITIES

The Detective Bureau supervisor should:

(a) Work with professionals from the appropriate agencies, including APS, other law enforcement agencies, medical service providers and local prosecutors, to develop community specific procedures for responding to situations where there are adult abuse victims endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.

(b) Activate any available interagency response when an officer notifies the Detective Bureau supervisor that he/she has responded to a drug lab or other narcotics crime

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scene where an adult abuse victim is present or where evidence indicates that an adult abuse victim lives.

(c) Develop a report format or checklist for use when officers respond to drug labs or other narcotics crime scenes. The checklist will help officers document the environmental, medical, social and other conditions that may affect the adult.

326.10 RECORDS BUREAU RESPONSIBILITIES

The Records Bureau is responsible for:

(a) Providing a copy of the adult abuse report to the APS, ombudsman or other agency as applicable within two working days or as required by law (Welfare and Institutions Code § 15630; Welfare and Institutions Code § 15640(c)).

(b) Retaining the original adult abuse report with the initial case file.

326.11 JURISDICTION

The Whittier Police Department has concurrent jurisdiction with state law enforcement agencies when investigating elder and dependent adult abuse and all other crimes against elder victims and victims with disabilities (Penal Code § 368.5).

Adult protective services agencies and local long-term care ombudsman programs also have jurisdiction within their statutory authority to investigate elder and dependent adult abuse and criminal neglect and may assist in criminal investigations upon request in such cases. However, this department will retain responsibility for the criminal investigations (Penal Code § 368.5).

326.12 RELEVANT STATUTES

Penal Code § 368 (c)

Any person who knows or reasonably should know that a person is an elder or dependent adult and who, under circumstances or conditions other than those likely to produce great bodily harm or death, willfully causes or permits any elder or dependent adult to suffer, or inflicts thereon unjustifiable physical pain or mental suffering, or having the care or custody of any elder or dependent adult, willfully causes or permits the person or health of the elder or dependent adult to be injured or willfully causes or permits the elder or dependent adult to be placed in a situation in which his or her person or health may be endangered, is guilty of a misdemeanor.

Penal Code § 368 (f)

(f) A person who commits the false imprisonment of an elder or a dependent adult by the use of violence, menace, fraud, or deceit is punishable by imprisonment pursuant to subdivision (h) of Section 1170 for two, three, or four years.

Welfare and Institutions Code § 15610.05

“Abandonment” means the desertion or willful forsaking of an elder or a dependent adult by anyone having care or custody of that person under circumstances in which a reasonable person would continue to provide care and custody.

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Welfare and Institutions Code § 15610.06

"Abduction" means the removal from this state and the restraint from returning to this state, or the restraint from returning to this state, of any elder or dependent adult who does not have the capacity to consent to the removal from this state and the restraint from returning to this state, or the restraint from returning to this state, as well as the removal from this state or the restraint from returning to this state, of any conservatee without the consent of the conservator or the court.

Welfare and Institutions Code § 15610.30

(a) "Financial abuse" of an elder or dependent adult occurs when a person or entity does any of the following:

(1) Takes, secretes, appropriates, obtains, or retains real or personal property of an elder or dependent adult for a wrongful use or with intent to defraud, or both.

(2) Assists in taking, secreting, appropriating, obtaining, or retaining real or personal property of an elder or dependent adult for a wrongful use or with intent to defraud, or both.

(3) Takes, secretes, appropriates, obtains, or retains, or assists in taking, secreting, appropriating, obtaining, or retaining, real or personal property of an elder or dependent adult by undue influence, as defined in Section 15610.70.

(b) A person or entity shall be deemed to have taken, secreted, appropriated, obtained, or retained property for a wrongful use if, among other things, the person or entity takes, secretes, appropriates, obtains, or retains the property and the person or entity knew or should have known that this conduct is likely to be harmful to the elder or dependent adult.

(c) For purposes of this section, a person or entity takes, secretes, appropriates, obtains, or retains real or personal property when an elder or dependent adult is deprived of any property right, including by means of an agreement, donative transfer, or testamentary bequest, regardless of whether the property is held directly or by a representative of an elder or dependent adult.

(d) For purposes of this section, "representative" means a person or entity that is either of the following:

(1) A conservator, trustee, or other representative of the estate of an elder or dependent adult.

(2) An attorney-in-fact of an elder or dependent adult who acts within the authority of the power of attorney.

Welfare and Institutions Code § 15610.43

(a) "Isolation" means any of the following:

(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,

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whether he or she is competent or not, and is made for the purpose of preventing the elder or dependent adult from having contact with family, friends, or concerned persons.

(3) False imprisonment, as defined in Section 236 of the Penal Code.

(4) Physical restraint of an elder or dependent adult, for the purpose of preventing the elder or dependent adult from meeting with visitors.

(b) The acts set forth in subdivision (a) shall be subject to a rebuttable presumption that they do not constitute isolation if they are performed pursuant to the instructions of a physician and surgeon licensed to practice medicine in the state, who is caring for the elder or dependent adult at the time the instructions are given, and who gives the instructions as part of his or her medical care.

(c) The acts set forth in subdivision (a) shall not constitute isolation if they are performed in response to a reasonably perceived threat of danger to property or physical safe

Welfare and Institutions Code § 15610.57

(a) “Neglect” means either of the following:

(1) The negligent failure of any person having the care or custody of an elder or a dependent adult to exercise that degree of care that a reasonable person in a like position would exercise.

(2) The negligent failure of an elder or dependent adult to exercise that degree of self care that a reasonable person in a like position would exercise.

(b) Neglect includes, but is not limited to, all of the following:

(1) Failure to assist in personal hygiene, or in the provision of food, clothing, or shelter.

(2) Failure to provide medical care for physical and mental health needs. No person shall be deemed neglected or abused for the sole reason that he or she voluntarily relies on treatment by spiritual means through prayer alone in lieu of medical treatment.

(3) Failure to protect from health and safety hazards.

(4) Failure to prevent malnutrition or dehydration.

(5) Failure of an elder or dependent adult to satisfy the needs specified in paragraphs (1) to (4), inclusive, for himself or herself as a result of poor cognitive functioning, mental limitation, substance abuse, or chronic poor health.

Welfare and Institutions Code § 15610.63

15610.63. “Physical abuse” means any of the following:

(a) Assault, as defined in Section 240 of the Penal Code.

(b) Battery, as defined in Section 242 of the Penal Code.

(c) Assault with a deadly weapon or force likely to produce great bodily injury, as defined in Section 245 of the Penal Code.

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(d) Unreasonable physical constraint, or prolonged or continual deprivation of food or water.

(e) Sexual assault, that means any of the following:

(1) Sexual battery, as defined in Section 243.4 of the Penal Code.

(2) Rape, as defined in Section 261 of the Penal Code.

(3) Rape in concert, as described in Section 264.1 of the Penal Code.

(4) Spousal rape, as defined in Section 262 of the Penal Code.

(5) Incest, as defined in Section 285 of the Penal Code.

(6) Sodomy, as defined in Section 286 of the Penal Code.

(7) Oral copulation, as defined in Section 287 or former Section 288a of the Penal Code.

(8) Sexual penetration, as defined in Section 289 of the Penal Code.

(9) Lewd or lascivious acts as defined in paragraph (2) of subdivision (b) of Section 288 of the Penal Code.

(f) Use of a physical or chemical restraint or psychotropic medication under any of the following conditions:

(1) For punishment.

(2) For a period beyond that for which the medication was ordered pursuant to the instructions of a physician and surgeon licensed in the State of California, who is providing medical care to the elder or dependent adult at the time the instructions are given.

(3) For any purpose not authorized by the physician and surgeon.

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Discriminatory Harassment

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 Whittier Police Department is an equal opportunity employer and is committed to creating and maintaining a work environment that is free of all forms of discriminatory harassment, including sexual harassment and retaliation (Government Code § 12940(k); 2 CCR 11023). The Department will not tolerate discrimination against a member in hiring, promotion, discharge, compensation, fringe benefits and other privileges of employment. The Department will take preventive and corrective action to address any behavior that violates this policy or the rights it is designed to protect.

The nondiscrimination policies of the Department may be more comprehensive than state or federal law. Conduct that violates this policy may not violate state or federal law but still could subject a member to discipline.

328.3 DEFINITIONS

Definitions related to this policy include:

328.3.1 DISCRIMINATION

The Department prohibits all forms of discrimination, including any employment-related action by a member that adversely affects an applicant or member and is based on actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law.

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

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

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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 the member improve the member's work quality or output, that the member report to the job site on time, that the member comply with City or department rules or regulations, or any other appropriate work-related communication between supervisor and member.

328.3.4 RETALIATION

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

328.4 RESPONSIBILITIES

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

Members are encouraged to promptly report any discriminatory, retaliatory, or harassing conduct or known violations of this policy to a supervisor. Any member who is not comfortable with reporting violations of this policy to the member's immediate supervisor may bypass the chain of command and make the report to a higher-ranking supervisor or manager. Complaints may also be filed with the Chief of Police, the Personnel Director, or the City Manager.

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

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retaliation, is encouraged to promptly report such conduct in accordance with the procedures set forth in this policy.

Supervisors and managers receiving information regarding alleged violations of this policy shall determine if there is any basis for the allegation and shall proceed with resolution as stated below.

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

(a) Continually monitoring the work environment and striving to ensure that it is free from all types of unlawful discrimination, including harassment or retaliation.

(b) Taking prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment, or retaliation.

(c) Ensuring that their subordinates understand their responsibilities under this policy.

(d) Ensuring that members who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.

(e) Making a timely determination regarding the substance of any allegation based upon all available facts.

(f) Notifying the Chief of Police or the Personnel Director in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment, or retaliation no later than the next business day.

328.4.2 SUPERVISOR'S ROLE
Supervisors and managers shall be aware of the following:

(a) Behavior of supervisors and managers should represent the values of the Department and professional standards.

(b) False or mistaken accusations of discrimination, harassment, or retaliation can have negative effects on the careers of innocent members.

Nothing in this section shall be construed to prevent supervisors or managers from discharging supervisory or management responsibilities, such as determining duty assignments, evaluating or counseling members, or issuing discipline, in a manner that is consistent with established procedures.

328.4.3 QUESTIONS OR CLARIFICATION
Members with questions regarding what constitutes discrimination, sexual harassment, or retaliation are encouraged to contact a supervisor, a manager, the Chief of Police, the Personnel Director, the City Manager, or the California Department of Fair Employment and Housing (DFEH) for further information, direction, or clarification (Government Code § 12950).

328.5 INVESTIGATION OF COMPLAINTS

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

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any continuing abusive or hostile work environment. It is the policy of the Department that all complaints of discrimination, retaliation, or harassment shall be fully documented and promptly and thoroughly investigated.

328.5.1 SUPERVISOR RESOLUTION

Members who believe they are experiencing discrimination, harassment, or retaliation should be encouraged to inform the individual that the behavior is unwelcome, offensive, unprofessional, or inappropriate. However, if the member feels uncomfortable or threatened or has difficulty expressing the member's concern, or if this does not resolve the concern, assistance should be sought from a supervisor or manager who is a rank higher than the alleged transgressor.

328.5.2 FORMAL INVESTIGATION

If the complaint cannot be satisfactorily resolved through the supervisory resolution process, a formal investigation will be conducted.

The person assigned to investigate the complaint will have full authority to investigate all aspects of the complaint. Investigative authority includes access to records and the cooperation of any members involved. No influence will be used to suppress any complaint and no member will be subject to retaliation or reprisal for filing a complaint, encouraging others to file a complaint, or for offering testimony or evidence in an investigation.

Formal investigation of the complaint will be confidential to the extent possible and will include but is not limited to details of the specific incident, frequency and dates of occurrences, and names of any witnesses. Witnesses will be advised regarding the prohibition against retaliation, and that a disciplinary process, up to and including termination, may result if retaliation occurs.

Members who believe they have been discriminated against, harassed, or retaliated against because of their protected status, are encouraged to follow the chain of command but may also file a complaint directly with the Chief of Police, the Personnel Director, 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 against, or retaliated against are entitled to bring complaints of employment discrimination to federal, state, and/or local agencies responsible for investigating such allegations. Specific time limitations apply to the filing of such charges. Members are advised that proceeding with complaints under the provisions of this policy does not in any way affect those filing requirements.

328.6 DOCUMENTATION OF COMPLAINTS

All complaints or allegations shall be thoroughly documented on forms and in a manner designated by the Chief of Police. The outcome of all reports shall be:

(a) Approve by the Chief of Police, the City Manager, or the Personnel Director, depending on the ranks of the involved parties.

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

328.6.1 NOTIFICATION OF DISPOSITION
The complainant and/or victim will be notified in writing of the disposition of the investigation and the actions taken to remedy or address the circumstances giving rise to the complaint.

328.7 TRAINING

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

All members shall receive annual training on the requirements of this policy and shall certify by signing the prescribed form that they have reviewed the policy, understand its contents, and agree that they will continue to abide by its provisions.

328.7.1 STATE-REQUIRED TRAINING
The Training Coordinator should ensure that employees receive the required state training and education regarding sexual harassment, prevention of abusive conduct, and harassment based on gender identity, gender expression, and sexual orientation as follows (Government Code § 12950.1; 2 CCR 11024):

(a) Supervisory employees shall receive two hours of classroom or other effective interactive training and education within six months of assuming a supervisory position.

(b) All other employees shall receive one hour of classroom or other effective interactive training and education within six months of their employment or sooner for seasonal or temporary employees as described in Government Code § 12950.1.

(c) All employees shall receive refresher training every two years thereafter.

If the required training is to be provided by DFEH online training courses, the Training Coordinator 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 Coordinator shall be responsible for maintaining records of all discriminatory harassment training provided to members. Records shall be retained in accordance with established records retention schedules and for a minimum of two years (2 CCR 11024).

328.8 WORKING CONDITIONS

The Administration Division Commander or the authorized designee should be responsible for reviewing facility design and working conditions for discriminatory practices. This person should collaborate with other City employees who are similarly tasked (2 CCR 11034).

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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 Whittier 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 Whittier 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. Reports only involving neglect by a person, who has the care or custody of a child, to provide adequate food, clothing, shelter, medical care or supervision where no physical injury to the child has occurred should not be reported to the District Attorney (Penal Code § 11166).

When the abuse or neglect occurs at a licensed facility or is alleged to have resulted from the actions of a person who is required to have a state license (e.g., foster homes, group homes, day care), notification shall also be made to the California Department of Social Services or other applicable licensing authority (Penal Code 11166.1; Penal Code 11166.2).

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);

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neglect (Penal Code § 11165.2); the willful harming or injuring of a child or the endangering of the person or health of a child (Penal Code § 11165.3); and unlawful corporal punishment or injury (Penal Code § 11165.4). Child abuse or neglect does not include a mutual affray between minors, nor does it include an injury caused by the reasonable and necessary force used by a peace officer acting within the course and scope of his/her employment as a peace officer.

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.

(c) Any relevant statements the child may have made and to whom he/she made the statements.

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(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 his/her family, guardian or other responsible adult should be left to the child welfare authorities when they are present or have become involved in an investigation.

Generally, members of this department should remove a child from his/her parent or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the child. Prior to taking a child into protective custody, the officer should take reasonable steps to deliver the child to another qualified parent or legal guardian, unless it reasonably appears that the release would endanger the child or result in abduction. If this is not a reasonable option, the officer shall ensure that the child is delivered to CPS.

Whenever practicable, the officer should inform a supervisor of the circumstances prior to taking a child into protective custody. If prior notification is not practicable, officers should contact a supervisor promptly after taking a child into protective custody.

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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.

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.

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Officers shall instead follow the provisions of Welfare and Institutions Code § 305.6 to ensure that the newborn is placed with the adoptive parents when it is appropriate.

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 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

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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 Detective Bureau supervisor should:

(a) Work with professionals from the appropriate agencies, including CPS, other law enforcement agencies, medical service providers and local prosecutors to develop community specific procedures for responding to situations where there are children endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.

(b) Activate any available interagency response when an officer notifies the Detective Bureau supervisor that the officer has responded to a drug lab or other narcotics crime scene where a child is present or where evidence indicates that a child lives there.

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 Detective Bureau supervisor so an interagency response can begin.

330.10 STATE MANDATES AND OTHER RELEVANT LAWS

California requires or permits the following:

330.10.1 RELEASE OF REPORTS

Information related to incidents of child abuse or suspected child abuse shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy (Penal Code 841.5; Penal Code § 11167.5).

330.10.2 REQUESTS FOR REMOVAL FROM THE CHILD ABUSE CENTRAL INDEX (CACI)

Any person whose name has been forwarded to the California Department of Justice (DOJ) for placement in California's CACI, as a result of an investigation, may request that his/her name be removed from the CACI list. Requests shall not qualify for consideration if there is an active case, ongoing investigation or pending prosecution that precipitated the entry to CACI (Penal Code § 11169). All requests for removal shall be submitted in writing by the requesting person and promptly routed to the CACI hearing officer.

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330.10.3 CACI HEARING OFFICER

The Detective Bureau supervisor will normally serve as the hearing officer but must not be actively connected with the case that resulted in the person's name being submitted to CACI. Upon receiving a qualified request for removal, the hearing officer shall promptly schedule a hearing to take place during normal business hours and provide written notification of the time and place of the hearing to the requesting party.

330.10.4 CACI HEARING PROCEDURES

The hearing is an informal process where the person requesting removal from the CACI list will be permitted to present relevant evidence (e.g., certified copy of an acquittal, factual finding of innocence) as to why his/her name should be removed. The person requesting the hearing may record the hearing at his/her own expense.

Formal rules of evidence will not apply and the hearing officer may consider, in addition to evidence submitted by the person requesting the hearing, any relevant information including, but not limited to, the following:

(a) Case reports including any supplemental reports

(b) Statements by investigators

(c) Statements from representatives of the District Attorney's Office

(d) Statements by representatives of a child protective agency who may be familiar with the case

After considering all information presented, the hearing officer shall make a determination as to whether the requesting party's name should be removed from the CACI list. Such determination shall be based on a finding that the allegations in the investigation are not substantiated (Penal Code § 11169).

If, after considering the evidence, the hearing officer finds that the allegations are not substantiated, he/she shall cause a request to be completed and forwarded to the DOJ that the person's name be removed from the CACI list. A copy of the hearing results and the request for removal will be attached to the case reports.

The findings of the hearing officer shall be considered final and binding.

330.10.5 CHILD DEATH REVIEW TEAM

This department should cooperate with any interagency child death review team investigation. Written and oral information relating to the death of a child that would otherwise be subject to release restrictions may be disclosed to the child death review team upon written request and approval of a supervisor (Penal Code § 11174.32).

330.11 TRAINING

The Department should provide training on best practices in child abuse investigations to members tasked with investigating these cases. The training should include:

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(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 Whittier 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 Whittier 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

332.4 ACCEPTANCE OF REPORTS

Any member encountering a person who wishes to report a missing person or runaway shall render assistance without delay (Penal Code § 14211). This can be accomplished by accepting the report via telephone or in-person and initiating the investigation. Those members who do not take such reports or who are unable to render immediate assistance shall promptly dispatch or alert a member who can take the report.

A report shall be accepted in all cases and regardless of where the person was last seen, where the person resides or any other question of jurisdiction (Penal Code § 14211).

332.5 INITIAL INVESTIGATION

Officers or other members conducting the initial investigation of a missing person should take the following investigative actions, as applicable:

(a) Respond to a dispatched call for service as soon as practicable.

(b) Interview the reporting party and any witnesses to determine whether the person qualifies as a missing person and, if so, whether the person may be at risk.

(c) Notify a supervisor immediately if there is evidence that a missing person is either at risk or may qualify for a public alert, or both (see the Public Alerts Policy).

(d) Broadcast a "Be on the Look-Out" (BOLO) bulletin if the person is under 21 years of age or there is evidence that the missing person is at risk. The BOLO should be broadcast as soon as practicable but in no event more than one hour after determining the missing person is under 21 years of age or may be at risk (Penal Code § 14211).

(e) Ensure that entries are made into the appropriate missing person networks as follows:

1. Immediately, when the missing person is at risk.
2. In all other cases, as soon as practicable, but not later than two hours from the time of the initial report.

(f) Complete the appropriate report forms accurately and completely and initiate a search as applicable under the facts.

(g) Collect and/or review:

1. A photograph and a fingerprint card of the missing person, if available.
2. A voluntarily provided biological sample of the missing person, if available (e.g., toothbrush, hairbrush).

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3. Any documents that may assist in the investigation, such as court orders regarding custody.
4. Any other evidence that may assist in the investigation, including personal electronic devices (e.g., cell phones, computers).

(h) When circumstances permit and if appropriate, attempt to determine the missing person's location through his/her telecommunications carrier.

(i) Contact the appropriate agency if the report relates to a previously made missing person report and another agency is actively investigating that report. When this is not practical, the information should be documented in an appropriate report for transmission to the appropriate agency. If the information relates to an at-risk missing person, the member should notify a supervisor and proceed with reasonable steps to locate the missing person.

332.6 REPORT PROCEDURES AND ROUTING

Employees should complete all missing person reports and forms promptly and advise the appropriate supervisor as soon as a missing person report is ready for review.

332.6.1 SUPERVISOR RESPONSIBILITIES

The supervisor shall review and approve missing person reports upon receipt and ensure resources are deployed as appropriate. The reports should be promptly sent to Records Bureau and the appropriate detective investigating the case.

The supervisor shall also ensure applicable notifications and public alerts are made and documented and that records have been entered into the appropriate missing person networks.

The supervisor should also take reasonable steps to identify and address any jurisdictional issues to ensure cooperation between agencies.

332.6.2 RECORDS BUREAU RESPONSIBILITIES

The receiving member shall:

(a) As soon as reasonable under the circumstances, notify and forward a copy of the report to the law enforcement agency having jurisdiction over the missing person's residence in cases where the missing person is a resident of another jurisdiction (Penal Code § 14211).

(b) Notify and forward a copy of the report to the law enforcement agency in whose jurisdiction the missing person was last seen (Penal Code § 14211).

(c) Notify and forward a copy of the report to the law enforcement agency having jurisdiction over the missing person's intended or possible destination, if known.

(d) Forward a copy of the report to the Detective Bureau.

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(e) Coordinate with the NCIC Terminal Contractor for California to have the missing person record in the NCIC computer networks updated with additional information obtained from missing person investigations (34 USC § 41308).

332.7 DETECTIVE BUREAU FOLLOW-UP

In addition to completing or continuing any actions listed above, the investigator assigned to a missing person investigation:

(a) Shall ensure that the missing person's school is notified within 10 days if the missing person is a juvenile.

1. The notice shall be in writing and should also include a photograph (Education Code § 49068.6).
2. The investigator should meet with school officials regarding the notice as appropriate to stress the importance of including the notice in the child's student file, along with contact information if the school receives a call requesting the transfer of the missing child's files to another school.

(b) Should recontact the reporting person and/or other witnesses within 30 days of the initial report and within 30 days thereafter to determine if any additional information has become available via the reporting party.

(c) Should consider contacting other agencies involved in the case to determine if any additional information is available.

(d) Shall verify and update CLETS, NCIC, and any other applicable missing person networks within 30 days of the original entry into the networks and every 30 days thereafter until the missing person is located (34 USC § 41308).

(e) Should continue to make reasonable efforts to locate the missing person and document these efforts at least every 30 days.

(f) Shall maintain a close liaison with state and local child welfare systems and the National Center for Missing and Exploited Children® (NCMEC) if the missing person is under the age of 21 and shall promptly notify NCMEC when the person is missing from a foster care family home or childcare institution (34 USC § 41308).

(g) Should make appropriate inquiry with the Coroner.

(h) Should obtain and forward medical and dental records, photos, X-rays, and biological samples pursuant to Penal Code § 14212 and Penal Code § 14250.

(i) Shall attempt to obtain the most recent photograph for persons under 18 years of age if it has not previously been obtained and forward the photograph to California DOJ (Penal Code § 14210) and enter the photograph into applicable missing person networks (34 USC § 41308).

(j) Should consider making appropriate entries and searches in the National Missing and Unidentified Persons System (NamUs).

(k) In the case of an at-risk missing person or a person who has been missing for an extended time, should consult with a supervisor regarding seeking federal assistance from the FBI and the U.S. Marshals Service (28 USC § 566).

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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 Supervisor shall ensure that, upon receipt of information that a missing person has been located, the following occurs (Penal Code § 14213):

(a) Notification is made to California DOJ.

(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 Detective Bureau supervisor may authorize the closure of a missing person case after considering the following:

(a) Closure is appropriate when the missing person is confirmed returned or evidence has matched an unidentified person or body.

(b) If the missing person is a resident of Whittier/Santa Fe Springs or this department is the lead agency, the case should be kept under active investigation for as long as the person may still be alive. Exhaustion of leads in the investigation should not be a reason for closing a case.

(c) If this department is not the lead agency, the case can be made inactivate if all investigative leads have been exhausted, the lead agency has been notified and entries are made in the applicable missing person networks as appropriate.

(d) A missing person case should not be closed or reclassified because the person would have reached a certain age or adulthood or because the person is now the subject of a criminal or civil warrant.

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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 Whittier Police Department should notify their supervisor, Watch Commander or Detective Bureau 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 Press 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 CASES NOT MEETING AMBER ALERT CRITERIA

Although the Emergency Alert System (EAS) should be activated only in those child abduction cases meeting the mandatory AMBER Alert criteria, ENTAC is available 24 hours a day, 7 days a week to answer questions regarding missing children. AMBER Alerts should not be used for cases involving runaways, where no abduction is confirmed or occurred, missing children in which there is no evidence of foul play, or custody disputes where the child's life or physical health IS NOT reasonably believed to be endangered. It is important to remember that an AMBER Alert is effective only if activated when appropriate. If AMBER Alerts are misused or employed in cases which do not meet the Government Code criteria, the program's credibility and integrity can be diminished. For cases which do not meet these criteria, the investigator, Watch Commander and/or Detective Supervisor should exercise discretion in determining which available resources would be most appropriate for transmitting information and photographs to other law enforcement agencies, the media, and the public.

334.4.3 PROCEDURE FOR AMBER ALERT

The supervisor in charge will ensure the following:

(a) The Press Information Officer, Watch Commander, or Detective Supervisor will prepare an initial press release is prepared that includes all available information that might aid in locating the child:

1. The child's identity, age and description
2. Photograph if available
3. The suspect's identity, age and description, if known
4. Pertinent vehicle description
5. Detail regarding location of incident, direction of travel, potential destinations, if known
6. Name and telephone number of the Press Information Officer or other authorized individual to handle media liaison
7. A telephone number for the public to call with leads or information

(b) Fax, Email or Post on Police Department Website the release for local televison and radio stations.

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(c) 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).

(d) 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. The Watch Commander or Detective Supervisor, or their designee shall contact the Los Angeles County Sheriff's Department Communication Center at (323) 881-8100.

(e) Information regarding the missing person should be entered into the California Law Enforcement Telecommunication System (CLETS).

(f) 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).

(g) The following resources should be considered as circumstances dictate:

1. The local FBI office
2. National Center for Missing and Exploited Children (NCMEC), 800-843-5678

(h) The Investigation unit Supervisor investigating the abduction or other individual responsible for making notifications, shall prepare and fx to the previously described locations, follow-up press releases with updates regarding the search and investigation, or immediately upon locating the abducted child.

334.4.4 EMERGENCY DIGITAL INFORMATION SERVICE (EDIS) URGENT VERSUS EAS

The EDIS Urgent provides local, state and federal law enforcement agencies with a direct computer link to media outlets and other law enforcement agencies. The EDIS is not an EAS activation and is not to be confused with an AMBER Alert. Standard EDIS messages can be sent via the California Law Enforcement Telecommunications System. Additionally, images and graphics can be posted on the EDIS website (www.edis.ca.gov).

334.5 BLUE ALERTS

Blue Alerts may be issued when an officer is killed, injured or assaulted and the suspect may pose a threat to the public or other law enforcement personnel.

334.5.1 CRITERIA FOR BLUE ALERTS

All of the following conditions must be met before activating a Blue Alert (Government Code § 8594.5):

(a) A law enforcement officer has been killed, suffered serious bodily injury or has been assaulted with a deadly weapon, and the suspect has fled the scene of the offense.

(b) The investigating law enforcement agency has determined that the suspect poses an imminent threat to the public or other law enforcement personnel.

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(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 Press Information Officer or other authorized individual to handle media liaison
6. A telephone number for the public to call with leads or information

(b) The local California Highway Patrol communications center is contacted to initiate a multi-regional or statewide EAS broadcast.

(c) The information in the press release is forwarded to the Sheriff's Department Emergency Communications Bureau so that general broadcasts can be made to local law enforcement agencies.

(d) The following resources should be considered as circumstances dictate:

1. Entry into the California Law Enforcement Telecommunication System (CLETS)
2. The FBI local office

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.

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(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 Detective Bureau Supervisor elects to use the services of the Sheriff's Department, the following will apply:

(a) Notify the Sheriff's Department Watch Commander of the incident and the request for assistance. He/she will provide you with a telephone number for the public to call.

(b) In the press release, direct the public to the telephone number provided by the Sheriff's Department Watch Commander.

(c) The Press Information Officer will continue to handle all press releases and media inquiries. Any press inquiries received by the Sheriff's Department will be referred back to this department.

The Whittier Police Department shall assign a minimum of two detectives/officers to respond to the Sheriff's Department emergency communications facility to screen and relay information and any clues received from incoming calls. As circumstances dictate, more staff resources from the handling law enforcement agency may be necessary to assist the staff at the emergency communications facility.

334.8 ADDITIONAL ALERTS FOR PUBLIC SAFETY EMERGENCIES

Additional public safety emergency alerts may be authorized that utilize wireless emergency alert system (WEA) and emergency alert system (EAS) equipment for alerting and warning the public to protect lives and save property (Government Code § 8593.7).

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334.8.1 CRITERIA

Public safety emergency alerts may be issued to alert or warn the public about events including but not limited to:

(a) Evacuation orders (including evacuation routes, shelter information, key information).

(b) Shelter-in-place guidance due to severe weather.

(c) Terrorist threats.

(d) HazMat incidents.

334.8.2 PROCEDURE

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

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

Officers should provide all victims with the applicable victim information handouts, including the Incident Classification Card with the case report number noted on the card, which provides how the Marcy's Rights information can be obtained (Penal Code Section 679.026) when applicable.

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.

See attachment: Victim's Rights Card.JPG

336.3.1 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).

336.4 VICTIM INFORMATION

The Administration Supervisor shall ensure that victim information handouts are available and current. These should include as appropriate:

(a) Shelters and other community resources for victims of domestic violence.

(b) Community resources for victims of sexual assault.

(c) Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams, and information about evidence collection, storage, and preservation in sexual assault cases (34 USC § 10449; 34 USC § 20109; Penal Code § 13823.95(a)).

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(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 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).

336.5 WITNESSES

Officers should never guarantee a witness' safety from future harm or that his/her identity will always remain confidential. Officers may make practical safety suggestions to witnesses who express fear of future harm or retaliation.

Officers should investigate allegations of witness intimidation and take enforcement action when lawful and reasonable.

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Hate Crimes

337.1 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.

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)

337.2 POLICY

The Whittier 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.

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337.3 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 community follow-up 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.

337.4 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), the assigned officers should take all reasonable steps to preserve evidence that establishes a possible 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 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)

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.

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(g) The assigned officers should include all available evidence indicating the likelihood of a hate crime in the relevant reports. All related reports should be clearly marked as “Hate Crimes” and, absent prior approval of a supervisor, should be completed and submitted by the assigned officers before the end of the shift.

(h) The assigned officers will provide the victims 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 victims by providing available information on local assistance programs and organizations.

(i) The assigned officers and supervisor should take reasonable steps to ensure that any such situation does not escalate further and should provide information to the victim regarding legal aid (e.g., Possible Temporary Restraining Order through the District Attorney or City Attorney Penal Code § 136.2 or Civil Code § 52.1 as indicated).

337.5 DETECTIVE BUREAU RESPONSIBILITY

If a hate crime case is assigned to the Detective Bureau, 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 Records Bureau 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 Press Information Officer (PIO) with information that can be responsibly reported to the media.

1. When appropriate, the PIO should reiterate that the hate crime will not be tolerated and will be taken seriously.

337.6 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.

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(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).

337.7 TRAINING

All members of this department will receive POST-approved training on hate crime recognition and investigation as provided by Penal Code § 13519.6. Training should 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

339.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the Whittier Police Department and are expected of all department members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions but they do identify many of the important matters concerning conduct. In addition to the provisions of this policy, members are subject to all other provisions contained in this manual, as well as any additional guidance on conduct that may be disseminated by this department or a member's supervisors.

339.2 POLICY

The continued employment or appointment of every member of the Whittier Police Department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether on- or off-duty, may be cause for disciplinary action.

339.3 DIRECTIVES AND ORDERS

Members shall comply with lawful directives and orders from any department supervisor or person in a position of authority, absent a reasonable and bona fide justification.

339.3.1 UNLAWFUL OR CONFLICTING ORDERS

Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or department policy. Supervisors should not issue orders that conflict with any previous order without making reasonable clarification that the new order is intended to countermand the earlier order.

No member is required to obey any order that appears to be in direct conflict with any federal law, state law or local ordinance. Following a known unlawful order is not a defense and does not relieve the member from criminal or civil prosecution or administrative discipline. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or shall confer with a higher authority. The responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

Unless it would jeopardize the safety of any individual, members who are presented with a lawful order that is in conflict with a previous lawful order, department policy or other directive shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the lawful order is intended to countermand the previous lawful order or directive, in which case the member is obliged to comply. Members who are compelled to follow a conflicting lawful order after having given the issuing supervisor the opportunity to correct the conflict, will not be held accountable for disobedience of the lawful order or directive that was initially issued.

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The person countermanding the original order shall notify, in writing, the person issuing the original order, indicating the action taken and the reason.

339.3.2 SUPERVISOR RESPONSIBILITIES
Supervisors and managers are required to follow all policies and procedures and may be subject to discipline for:

(a) Failure to be reasonably aware of the performance of their subordinates or to provide appropriate guidance and control.

(b) Failure to promptly and fully report any known misconduct of a member to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.

(c) Directing a subordinate to violate a policy or directive, acquiesce to such a violation, or are indifferent to any such violation by a subordinate.

(d) The unequal or disparate exercise of authority on the part of a supervisor toward any member for malicious or other improper purpose.

339.4 GENERAL STANDARDS

Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and California constitutions and all applicable laws, ordinances, and rules enacted or established pursuant to legal authority.

Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Members should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

Discipline may be initiated for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct.

339.5 CAUSES FOR DISCIPLINE

The following are illustrative of causes for disciplinary action. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for violation of other rules, standards, ethics and specific action or inaction that is detrimental to efficient department service:

339.5.1 LAWS, RULES AND ORDERS

(a) Violation of, or ordering or instructing a subordinate to violate any policy, procedure, rule, order, directive, requirement or failure to follow instructions contained in department or City manuals.

(b) Disobedience of any legal directive or order issued by any department member of a higher rank.

(c) Violation of federal, state, local or administrative laws, rules or regulations.

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339.5.2 ETHICS

(a) Using or disclosing one's status as a member of the Whittier 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.

339.5.3 DISCRIMINATION, OPPRESSION, OR FAVORITISM

Unless required by law or policy, discriminating against, oppressing, or providing favoritism to any person because of actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, economic status, cultural group, veteran status, marital status, and any other classification or status protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing the conduct is unlawful.

339.5.4 RELATIONSHIPS

(a) Unwelcome solicitation of a personal or sexual relationship while on-duty or through the use of one's official capacity.

(b) Engaging in on-duty sexual activity including, but not limited to, sexual intercourse, excessive displays of public affection or other sexual contact.

(c) Establishing or maintaining an inappropriate personal or financial relationship, as a result of an investigation, with a known victim, witness, suspect or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact.

(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.

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339.5.5 ATTENDANCE

(a) Leaving the job to which the member is assigned during duty hours without reasonable excuse and proper permission and approval.

(b) Unexcused or unauthorized absence.

(c) Tardy: Failure to report to work or to place of assignment at time specified and fully prepared to perform duties without reasonable excuse

1. The on duty watch commander shall be notified verbally of his or her pending tardiness. Written forms such as text or email do not qualify.
2. The employee's immediate supervisor, or in his/her absence, the employee's functional supervisor, shall document all tardy incidents.
3. The supervisor shall ensure that the tardy employee acknowledges the documents existence, in writing, by having the employee sign it.
4. The supervisor's written documentation shall be forwarded to the employee's Division Commander who will ensure a copy is maintained in the Divisional file.
5. The amount of time that an employee is late shall be subtracted from the normally scheduled hours in the scheduling system. The employee will not be compensated for the amount of time he/she is late, unless the time is less than 8 minutes.
6. An employee who is tardy more than three (3) times in any 12 consecutive month period is subject to progressive discipline.

(d) Excessive absenteeism or abuse of leave privileges.

339.5.6 UNAUTHORIZED ACCESS, DISCLOSURE, OR USE

(a) Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms, or reports obtained as a result of the member’s position with this department.

(a) Members of this department shall not disclose the name, address, or image of any victim of human trafficking except as authorized by law (Penal Code § 293).

(b) Disclosing to any unauthorized person any active investigation information.

(c) The use of any information, photograph, video, or other recording obtained or accessed as a result of employment or appointment to this department for personal or financial gain or without the express authorization of the Chief of Police or the authorized designee.

(d) Loaning, selling, allowing unauthorized use, giving away, or appropriating any department property for personal use, personal gain, or any other improper or unauthorized use or purpose.

(e) Using department resources in association with any portion of an independent civil action. These resources include but are not limited to personnel, vehicles, equipment, and non-subpoenaed records.

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339.5.7 EFFICIENCY

(a) Neglect of duty.

(b) Unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work 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, contact telephone numbers or marital status.

(f) Carless workmanship resulting in spoilage or waste of materials or work of an unacceptable nature as applicable to the nature of the work assigned.

339.5.8 PERFORMANCE

(a) Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any work-related investigation.

(b) The falsification of any work-related records, making misleading entries or statements with the intent to deceive or the willful and unauthorized removal, alteration, destruction and/or mutilation of any department record, public record, book, paper or document.

(c) Failure to participate in, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any department-related business.

(d) Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of this department or its members.

(e) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this department or subverts the good order, efficiency and discipline of this department or that would tend to discredit any of its members.

(f) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:

1. While on department premises.
2. At any work site, while on-duty or while in uniform, or while using any department equipment or system.
3. Gambling activity undertaken as part of an officer official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.

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(g) Improper political activity including:

1. Unauthorized attendance while on-duty at official legislative or political sessions.
2. Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on-duty or, on department property except as expressly authorized by City policy, the memorandum of understanding, or the Chief of Police.

(h) Engaging in political activities during assigned working hours except as expressly authorized by City policy, the memorandum of understanding, or the Chief of Police.

(i) Any act on- or off-duty that brings discredit to this department.

(j) Failure to take reasonable action while on-duty and when required by law, statute, resolution or approved department practices or procedures.

(k) Any failure or refusal of an employee to properly perform the function and duties of an assigned position.

339.5.9 CONDUCT

(a) Failure of any member to promptly and fully report activities on his/her part or the part of any other member where such activities resulted in contact with any other law enforcement agency or that may result in criminal prosecution or discipline under this policy.

(b) Unreasonable and unwarranted force to a person encountered or a person under arrest.

(c) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.

(d) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily harm on another.

(e) Engaging in horseplay that reasonably could result in injury or property damage or the reasonable possibility thereof.

(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.

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(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.

(n) Seeking restraining orders against individuals encountered in the line of duty without the express permission of the Chief of Police.

(o) Knowingly making false, misleading or malicious statements that are reasonably calculated to harm or destroy the reputation, authority or official standing of the Department or members thereof.

(p) Failure to control temper.

(q) Discourtesy.

(r) Employees shall carry their badges and identification cards on their person while on duty, except when impractical or dangerous to their safety or to an investigation. They shall furnish their name and identification number to any person requesting that information, when they are on duty or while acting in an official capacity, except when the withholding of such information is necessary for the performance of police duties, or is authorized by proper authority.

(s) Any knowing or negligent violation of the provisions of the department manual, operating procedures or other written directive of an authorized supervisor. The Department shall make this manual available to all employees. Employees shall familiarize themselves with this manual and be responsible for compliance with each of the policies contained herein.

339.5.10 SAFETY

(a) Failure to observe or violating department safety standards or safe working practices.

(b) Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver license, first aid).

(c) Failure to observe posted rules, signs, and written or oral safety instructions while on duty and/or within department facilities or to use required protective clothing or equipment.

(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.

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339.5.11 INTOXICANTS

(a) Reporting for work or being at work while intoxicated or when the member's ability to perform assigned duties is impaired due to the use of alcohol, medication or drugs, whether legal, prescribed or illegal.

(b) Possession or use of alcohol at any work site or while on-duty, except as authorized in the performance of an official assignment. A member who is authorized to consume alcohol is not permitted to do so to such a degree that it may impair on-duty performance.

(c) Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug or non-prescribed medication to any work site.

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Information Technology Use

341.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the proper use of department information technology resources, including computers, electronic devices, hardware, software and systems.

341.1.1 DEFINITIONS

Definitions related to this policy include:

Computer system - All computers (on-site and portable), electronic devices, hardware, software, and resources owned, leased, rented or licensed by the Whittier Police Department that are provided for official use by its members. This includes all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the Department or department funding.

Hardware - Includes, but is not limited to, computers, computer terminals, network equipment, electronic devices, telephones, including cellular and satellite, pagers, modems or any other tangible computer device generally understood to comprise hardware.

Software - Includes, but is not limited to, all computer programs, systems and applications, including shareware. This does not include files created by the individual user.

Temporary file, permanent file or file - Any electronic document, information or data residing or located, in whole or in part, on the system including, but not limited to, spreadsheets, calendar entries, appointments, tasks, notes, letters, reports, messages, photographs or videos.

341.2 POLICY

It is the policy of the Whittier Police Department that members shall use information technology resources, including computers, software and systems, that are issued or maintained by the Department in a professional manner and in accordance with this policy.

341.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts, or anything published, shared, transmitted, or maintained through file-sharing software or any internet site that is accessed, transmitted, received, or reviewed on any department computer system.

The Department reserves the right to access, audit, and disclose, for whatever reason, any message, including attachments, and any information accessed, transmitted, received, or reviewed over any technology that is issued or maintained by the Department, including the department email system, computer network, and/or any information placed into storage on any department system or device. This includes records of all keystrokes or Web-browsing history made at any department computer or over any department network. The fact that access to a database, service, or website requires a username or password will not create an expectation of privacy if it is accessed through department computers, electronic devices, or networks.

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The Department shall not require a member to disclose a personal username or password for accessing personal social media or to open a personal social website; however, the Department may request access when it is reasonably believed to be relevant to the investigation of allegations of work-related misconduct (Labor Code § 980).

341.4 RESTRICTED USE

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

Members shall not use another person's access passwords, logon information and other individual security data, protocols and procedures unless directed to do so by a supervisor.

341.4.1 SOFTWARE

Members shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes in accordance with the software company's copyright and license agreement.

To reduce the risk of a computer virus or malicious software, members shall not install any unlicensed or unauthorized software on any department computer. Members shall not install personal copies of any software onto any department computer.

When related to criminal investigations, software program files may be downloaded only with the approval of the information systems technology (IT) staff and with the authorization of the Chief of Police or the authorized designee.

No member shall knowingly make, acquire or use unauthorized copies of computer software that is not licensed to the Department while on department premises, computer systems or electronic devices. Such unauthorized use of software exposes the Department and involved members to severe civil and criminal penalties.

Introduction of software by members should only occur as part of the automated maintenance or update process of department- or City-approved or installed programs by the original manufacturer, producer or developer of the software.

Any other introduction of software requires prior authorization from IT staff and a full scan for malicious attachments.

341.4.2 HARDWARE

Access to technology resources provided by or through the Department shall be strictly limited to department-related activities. Data stored on or available through department computer systems shall only be accessed by authorized members who are engaged in an active investigation or assisting in an active investigation, or who otherwise have a legitimate law enforcement or department-related purpose to access such data. Any exceptions to this policy must be approved by a supervisor.

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341.4.3 INTERNET USE

Internet access provided by or through the Department shall be strictly limited to department-related activities. Internet sites containing information that is not appropriate or applicable to department use and which shall not be intentionally accessed include but are not limited to adult forums, pornography, gambling, chat rooms, and similar or related internet sites. Certain exceptions may be permitted with the express approval of a supervisor as a function of a member's assignment.

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

341.5 PROTECTION OF AGENCY SYSTEMS AND FILES

All members have a duty to protect the computer system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care, and maintenance of the computer system.

Members shall ensure department computers and access terminals are not viewable by persons who are not authorized users. Computers and terminals should be secured, users logged off and password protections enabled whenever the user is not present. Access passwords, logon information, and other individual security data, protocols, and procedures are confidential information and are not to be shared. Password length, format, structure, and content shall meet the prescribed standards required by the computer system or as directed by a supervisor and shall be changed at intervals as directed by IT staff or a supervisor.

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

341.6 INSPECTION OR REVIEW

A supervisor or the authorized designee has the express authority to inspect or review the computer system, all temporary or permanent files, related electronic systems or devices, and any contents thereof, whether such inspection or review is in the ordinary course of his/her supervisory duties or based on cause.

Reasons for inspection or review may include, but are not limited to, computer system malfunctions, problems or general computer system failure, a lawsuit against the Department 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.

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341.7 CITY POLICY

Employees shall be familiar with, and are referred to, the City of Whittier Standard Operating Procedure #25, Communications and Technology Policy. This policy is intended to work in concert with the city-wide policy.

341.8 USE OF SOCIAL MEDIA FOR INVESTIGATIVE PURPOSES

Data contained on the Internet within social network sites may assist law enforcement in gathering timely information in furtherance of crime prevention, including the preservation of public order and the investigation of criminal activity. To effectively fulfill these duties, it may be necessary for investigators to access social network sites using an online alias.

When an investigator finds it necessary to create an account on a social network website for investigative or research purposes, the investigator shall confer with their immediate supervisor, if access to public domain data requires the use of an online alias/online alias access.

The investigator shall prepare a memo to their immediate supervisor requesting use of an online alias. The memo shall be reviewed by the supervisor and forwarded to the Investigations Division Lieutenant for approval. If approved, the memo will be filed in a designated online alias access folder, maintained by the Investigations Division Lieutenant. Included on the memo:

(a) Purpose for the request (i.e., type of investigation, etc.)

(b) Username (online alias)

(c) Identifiers and pedigree to be utilized for the online alias, such as email address, username, profile photo and date of birth.

(d) Do not include password(s) for online alias and ensure password(s) are secured at all times.

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Report Preparation

343.1 PURPOSE AND SCOPE

Report preparation is a major part of each officer's job. The purpose of reports is to document sufficient information to refresh the officer's memory and to provide sufficient information for follow-up investigation and successful prosecution. Report writing is the subject of substantial formalized training and on-the-job training.

343.1.1 REPORT PREPARATION

Employees should ensure that reports are sufficiently detailed for their purpose and free from errors prior to submission. It is the responsibility of the assigned employee to complete and submit all reports taken during the shift before going off-duty unless permission to hold the report has been approved by a supervisor. Generally, reports requiring prompt follow-up action on active leads, or arrest reports where the suspect remains in custody should not be held.

Handwritten reports must be prepared legibly. If the report is not legible, the submitting employee will be required by the reviewing supervisor to promptly make corrections and resubmit the report. Employees who dictate reports shall use appropriate grammar, as content is not the responsibility of the typist. Employees who generate reports on computers are subject to all requirements of this policy.

All reports shall accurately reflect the identity of the persons involved, all pertinent information seen, heard or assimilated by any other sense, and any actions taken. Employees shall not suppress, conceal or distort the facts of any reported incident, nor shall any employee make a false report orally or in writing. Generally, the reporting employee's opinions should not be included in reports unless specifically identified as such.

343.2 REQUIRED REPORTING

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

343.2.1 CRIMINAL ACTIVITY

When a member responds to a call for service, or as a result of self-initiated activity becomes aware of any activity where a crime has occurred, the member shall document the incident regardless of whether a victim desires prosecution. Activity to be documented in a written report includes:

(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

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2. Domestic Violence Policy
3. Child Abuse Policy
4. Adult Abuse Policy
5. Hate Crimes Policy
6. Suspicious Activity Reporting Policy

(e) All misdemeanor crimes where the victim desires a report

Misdemeanor crimes where the victim does not desire a report shall be documented using the department-approved alternative reporting method (e.g., dispatch log).

343.2.2 NON-CRIMINAL ACTIVITY

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

(a) Anytime an officer points a firearm at any person

(b) Any use of force against any person by a member of this department (see the Use of Force Policy)

(c) Any firearm discharge (see the Firearms Policy)

(d) Anytime a person is reported missing, regardless of jurisdiction (see the Missing Persons Policy)

(e) Any found property or found evidence

(f) Any traffic collisions above the minimum reporting level (see Traffic Collision Reporting Policy)

(g) Suspicious incidents that may indicate a potential for crimes against children or that a child's safety is in jeopardy

(h) All protective custody detentions

(i) Suspicious incidents that may place the public or others at risk

(j) Whenever the employee believes the circumstances should be documented or at the direction of a supervisor

343.2.3 DEATH CASES

Death investigations require specific investigation methods depending on circumstances and should be handled in accordance with Policy § 360 Death Investigations. 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.

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(c) Homicide or suspected homicide.

(d) Unattended deaths (Where a physician refuses to sign a death certificate).

(e) Found dead bodies or body parts.

343.2.4 INJURY OR DAMAGE BY CITY PERSONNEL
Reports shall be taken if an injury occurs that is a result of an act of a City employee. Additionally, reports shall be taken involving damage to City property or City equipment.

343.2.5 MISCELLANEOUS INJURIES
Any injury that is reported to this department shall require a report when:

(a) The injury is a result of drug overdose

(b) Attempted suicide

(c) The injury is major/serious, whereas death could result

(d) The circumstances surrounding the incident are suspicious in nature and it is desirable to record the event

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

343.2.6 MANDATORY REPORTING OF JUVENILE GUNSHOT INJURIES
A report shall be taken when any incident in which a child 18 years or younger suffered an unintentional or self-inflicted gunshot wound. The Records Bureau shall notify the California Department of Public Health (CDPH) of the incident as required by CDPH (Penal Code § 23685).

343.2.7 ALTERNATE REPORTING FOR VICTIMS
Reports that may be submitted by the public via online or other self-completed reporting processes include:

(a) Lost property.

(b) Misdemeanor thefts of property, other than firearms or materials that threaten public safety, when there is no suspect information, serial number or ability to trace the item.

1. Misdemeanor thefts of cellular telephones may be reported even though they have a serial number.

(c) Misdemeanor vandalism with no suspect information and no hate crime implications.

(d) Vehicle burglaries with no suspect information or evidence.

(e) Stolen vehicle attempts with no suspect information or evidence.

(f) Annoying telephone calls with no suspect information.

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(g) Identity theft without an identifiable suspect.

(h) Online or email fraud solicitations without an identifiable suspect and if the financial loss classifies the crime as a misdemeanor.

(i) Hit-and-run vehicle collisions with no suspect or suspect vehicle.

(j) Supplemental property lists.

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

343.3 GENERAL POLICY OF EXPEDITIOUS REPORTING

In general, all officers and supervisors shall act with promptness and efficiency in the preparation and processing of all reports. An incomplete report, unorganized reports or reports delayed without supervisory approval are not acceptable. Reports shall be processed according to established priorities or according to special priority necessary under exceptional circumstances.

343.3.1 GENERAL POLICY OF HANDWRITTEN REPORTS

Some incidents and report forms lend themselves to block print rather than typing. In general, the narrative portion of those reports where an arrest is made or when there is a long narrative should be typed or dictated.

Supervisors may require, with the foregoing general policy in mind, block printing or typing of reports of any nature for department consistency.

343.3.2 GENERAL USE OF OTHER HANDWRITTEN FORMS

County, state and federal agency forms may be block printed as appropriate. In general, the form itself may make the requirement for typing apparent.

343.4 REPORT CORRECTIONS

Supervisors and report review personnel shall review reports for content and accuracy. If a correction is necessary the reviewing supervisor or report review person should complete the "Report Deficiency Notice" form stating the reasons for rejection. A copy of the original report and the correction form are returned to the reporting employee for correction as soon as practical. It shall be the responsibility of the originating officer to ensure that any report returned for correction is processed in a timely manner.

343.5 REPORT CHANGES OR ALTERATIONS

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

345.1 PURPOSE AND SCOPE

This policy provides guidelines for media releases and media access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities.

345.2 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Chief of Police, however, in situations not warranting immediate notice to the Chief of Police and in situations where the Chief of Police has given prior approval, Division Commanders, Watch Commanders and designated Press Information Officer(s) may prepare and release information to the media in accordance with this policy and the applicable law.

345.2.1 MEDIA REQUEST

Any media request for information or access to a law enforcement situation shall be referred to the designated department media representative, or if unavailable, to the first available supervisor. Prior to releasing any information to the media, employees shall consider the following:

(a) At no time shall any employee of this department make any comment or release any official information to the media without prior approval from a supervisor or the designated department media representative.

(b) In situations involving multiple law enforcement agencies, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this department.

(c) Under no circumstance should any member of this department make any comments to the media regarding any law enforcement incident not involving this department without prior approval of the Chief of Police.

345.3 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 Press 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 Press Information Officer.

345.3.1 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.

345.4 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.).

345.4.1 RESTRICTED INFORMATION

It shall be the responsibility of the authorized employee dealing with media requests to ensure that restricted information is not inappropriately released to the media by this department. When in doubt, authorized and available legal counsel should be obtained.

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Subpoenas and Court Appearances

347.1 PURPOSE AND SCOPE

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

347.2 POLICY

Whittier Police Department members will respond appropriately to all subpoenas and any other court-ordered appearances.

347.2.1 PROCEDURE

To ensure that the officer is able to appear in court when required, that the officer is compensated for such appearance, officers shall follow the established procedures for receipt of an electronic notice of a subpoena.

347.2.2 ELECTRONIC SUBPOENA NOTIFICATION

The Court Liaison Officer, upon receipt of subpoenas, will forward the subpoena to the named officer by placing the subpoena in the officer's mailbox. The Court Liaison Officer will then, through the departmental scheduling system (Outlook), advise the officer and the officer's supervisor of the subpoena service. The officer will be required to acknowledge receipt of this information within two days of returning to work through the departmental scheduling system, and advise if there are any conflicts with the subpoena court date. The Court Liaison Officer will maintain a subpoena log, in his computer, of the all subpoenas served to members of the Whittier Police Department. Access to this log will be provided to all police personnel. Officers are reminded they are to check their email at least one time per shift per policy.

(a) Officers must select a receipt option to acknowledge acceptance of the subpoena. Employees will select "Yes" on all "Read Receipts" in order to validate they have read the emailed subpoena.

1. When employees "Accept" the electronic subpoena it will be placed on your "Outlook" calendar.

2. If an employee has a conflict with the date and time of the subpoena they will select the "Decline" button and then send the "Edit the response before sending" button. In this instance you must comment to the Court Liason Officer why you cannot attend.

   (a) In this instance you must also submit an "Officer Declaration for Continuance" form to the Watch Commander. If you received a hard copy of the subpoena you must attach that subpoena to the declination form.

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3. Deleting an electronic subpoena notification without reading it, does not exempt the employee from having been properly served and can be the subject of discipline pursuant to G.O. 212.5(b) and G.O. 348.2.9
4. Employees can access the master court calendar to review scheduled court events and personnel subpoenaed to court. An employee can also verify their court dates using their work outlook account.

Court updates will be handled and maintained by the Court Liaison Officer on a regular basis, pending notification from court.

347.3 SUBPOENAS

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

The party that issues a civil subpoena to an officer to testify as a witness must tender the statutory fee of $275 with the subpoena for each day that an appearance is required before service is accepted of the subpoena (Government Code § 68097.2).

An immediate supervisor or authorized individual may refuse to accept service for a criminal subpoena if (Penal Code § 1328(d)(e)):

(a) He/she knows that he/she will be unable to deliver a copy of the subpoena to the named officer within sufficient time for the named officer to comply with the subpoena.

(b) It is less than five working days prior to the date listed for an appearance and he/she is not reasonably certain that service can be completed.

If, after initially accepting service of a criminal subpoena, a supervisor or other authorized individual determines that he/she is unable to deliver a copy of the subpoena to the named officer within sufficient time for the named officer to comply with the subpoena, the supervisor or the subpoena clerk shall notify the server or the attorney named on the subpoena of such not less than 48 hours prior to the date listed for the appearance (Penal Code § 1328(f)).

347.3.1 SPECIAL NOTIFICATION REQUIREMENTS

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

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

(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.

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(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 Whittier Police Department.

(e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the Whittier Police Department.

The supervisor will then notify the Chief of Police and the appropriate prosecuting attorney as may be indicated by the case. The Chief of Police should determine if additional legal support is necessary.

No member shall be retaliated against for testifying in any matter.

347.3.2 CIVIL SUBPOENA

The Department will compensate members who appear in their official capacities on civil matters arising out of their official duties, as directed by the current memorandum of understanding or collective bargaining agreement.

The Department should seek reimbursement for the member's compensation through the civil attorney of record who subpoenaed the member.

347.3.3 OFF-DUTY RELATED SUBPOENAS

Members receiving valid subpoenas for off-duty actions not related to their employment or appointment will not be compensated for their appearance. Arrangements for time off shall be coordinated through their immediate supervisors.

347.4 FAILURE TO APPEAR

Any member who fails to comply with the terms of any properly served subpoena or court-ordered appearance may be subject to discipline. This includes properly served orders to appear that were issued by a state administrative agency.

347.5 STANDBY

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

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

347.6 COURTROOM PROTOCOL

When appearing in court, members shall:

(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.

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(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.

347.6.1 TESTIMONY

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

347.7 OVERTIME APPEARANCES

When a member appears in court on his/her off-duty time, he/she will be compensated in accordance with the current memorandum of understanding or collective bargaining agreement.

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Reserve Officers

349.1 PURPOSE AND SCOPE

The Whittier 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.

349.2 SELECTION AND APPOINTMENT OF POLICE RESERVE OFFICERS

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

349.2.1 PROCEDURE

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

Before appointment to the Police Reserve Unit, an applicant must have completed, or be in the process of completing, a POST approved basic academy or extended basic academy.

349.2.2 APPOINTMENT

Applicants who are selected for appointment to the Police Reserve Unit shall, on the recommendation of the Chief of Police, be sworn in by the Chief of Police and take a loyalty oath to observe and obey all of the laws of the land and to carry out their duties to the best of their ability.

349.2.3 COMPENSATION FOR POLICE RESERVE OFFICERS

All reserve officer appointees are issued a voucher to purchase all designated attire and safety equipment. All property issued to the reserve officer shall be returned to the Department upon termination or resignation.

349.2.4 EMPLOYEES WORKING AS RESERVE OFFICERS

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

349.3 DUTIES OF RESERVE OFFICERS

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

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

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

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

349.3.3 RESERVE COORDINATOR
The 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

349.3.4 ASSISTANT RESERVE COORDINATOR
An Assistant Reserve Coordinator may be appointed by the Reserve Coordinator to assist in the administration and operation of the Reserve Program. The Assistant Reserve Coordinator will handle the normal duties of the Reserve Coordinator in his/her absence.

349.4 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.

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

349.4.2 PRIMARY TRAINING OFFICER
Upon completion of the Academy, reserve officers will be assigned to a primary training officer. The primary training officer will be selected from members of the Field Training Officer (FTO)

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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.

349.4.3 FIELD TRAINING MANUAL

Each new reserve officer will be issued a Field Training Manual at the beginning of his/her Primary Training Phase. This manual is an outline of the subject matter and/or skills necessary to properly function as an officer with the Whittier Police Department. The reserve officer shall become knowledgeable of the subject matter as outlined. He/she shall also become proficient with those skills as set forth in the manual.

349.4.4 COMPLETION OF THE PRIMARY TRAINING PHASE

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

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

349.4.5 SECONDARY TRAINING PHASE

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

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

349.4.6 THIRD TRAINING PHASE

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

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

349.4.7 COMPLETION OF THE FORMAL TRAINING PROCESS

When a reserve officer has satisfactorily completed all three phases of formal training, he/she will have had a minimum of 284 hours of on-duty training. He/she will no longer be required to ride

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with a reserve training officer. The reserve officer may now be assigned to ride with any officer for the remaining 200-hour requirement for a total of 484 hours before being considered for relief of immediate supervision.

Applicants for the award of a Reserve Peace Officer Certificate shall:

1. Be currently employed as a (designated or non-designated) Level I Reserve Officer with a department participating in the POST program.

2. Have been selected in accordance with the minimum selection standards specified in Commission regulations for reserve officers.

3. Have completed a POST-certified Regular Basic Course in any delivery format.

4. Have satisfactorily completed a minimum of 200 hours of general law enforcement experience.

5. If appointed on or after January 1, 1999, but prior to June 30, 1999, shall have completed 200 hours of field training. If appointed on or after July 1, 1999, shall have completed 400 hours of field training.

349.5 SUPERVISION OF RESERVE OFFICERS

Reserve officers who have attained the status of Level II shall be under the immediate supervision of a regular sworn officer (Penal Code 832.6(a)(2)). The immediate supervision requirement shall also continue for reserve officers who have attained Level I status unless special authorization is received from the Reserve Coordinator with the approval of the Division Commander.

Immediate Supervision for Level II Reserves is defined by POST as: "Reserve Officer acts under the direction of a peace officer who has completed the basic training course for deputy sheriffs and police officers prescribed by the Commission, and is routinely in the physical proximity of and avalilable to the reserve officer: however, allowance is permitted for necessary temporary separations (i.e. prisoner transport). Level III reserves must be supervised by a peace officer in the assessible vicinity. According to POST they too can transport prisoners.

349.5.1 SPECIAL AUTHORIZATION REQUIREMENTS

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

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

349.5.2 RESERVE OFFICER MEETINGS

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

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

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

349.5.5 INVESTIGATIONS AND COMPLAINTS
If a reserve officer has a complaint made against him/her or becomes involved in an internal investigation, that complaint or internal investigation may be investigated by the Reserve Coordinator, at the discretion of the Patrol 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.

349.5.6 RESERVE OFFICER EVALUATIONS
While in training reserves will be continuously evaluated using standardized daily and weekly observation reports. The reserve will be considered a trainee until all of the training phases have been completed. Reserves having completed their field training will be evaluated annually using performance dimensions applicable to the duties and authorities granted to that reserve.

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

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

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

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

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

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 Whittier Police Department.

349.6.3 RESERVE OFFICER FIREARM TRAINING

All Police Reserve Officers are required to maintain proficiency with firearms used in the course of their assignments. Reserve officers shall comply with all areas of the firearms training section of the Manual, with the following exceptions:

(a) All reserve officers are required to maintain the same qualification standards as full-time officers

(b) 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

349.7 EMERGENCY CALL-OUT FOR RESERVE PERSONNEL

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

349.8 MANDATORY RESERVE OFFICER TRAINING

Reserve officers are required to attend mandated POST training and any other mandatory Department training sessions.

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Outside Agency Assistance

351.1 PURPOSE AND SCOPE

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

351.2 POLICY

It is the policy of the Whittier Police Department to promptly respond to requests for assistance by other law enforcement agencies, subject to available resources and consistent with the applicable laws and policies of this department.

351.3 ASSISTING OUTSIDE AGENCIES

Generally, requests for any type of assistance from another agency should be routed to the Watch Commander's office for approval. In some instances, a memorandum of understanding or other established protocol may exist that eliminates the need for approval of individual requests.

When another law enforcement agency requests assistance from this department, the Watch Commander may authorize, if available, an appropriate number of personnel to assist. Members are reminded that their actions when rendering assistance must conform with applicable laws and be consistent with the policies of this department.

Officers may respond to a request for emergency assistance, however, they shall notify a supervisor of their activity as soon as practicable.

Arrestees may be temporarily detained by this department until arrangements for transportation are made by the outside agency. Probation violators who are temporarily detained by this department will not ordinarily be booked at this department. Only in exceptional circumstances, and subject to supervisor approval, will this department provide transportation of arrestees to other facilities on behalf of another agency.

When transportation assistance is rendered, a report shall be prepared and submitted by the handling member unless otherwise directed by a supervisor.

Whenever any law enforcement agency notifies any member of the Whittier Police Department their intent to execute a search or arrest warrant, or conduct some other type of tactical operation within our jurisdictional boundaries and requests our assistance, the following procedures will be followed:

(a) A Whittier Police Department field supervisor will contact and review the requesting agency's operations plan and prepare a Whittier Police Department search/arrest warrant checklist.

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(b) The watch commander will be notified, ensure the requesting agency's operations plan is tactically sound and review the search/arrest warrant checklist completed by the field supervisor.

(c) If the operation meets a "high risk" level according to the search/arrest warrant checklist, the field supervisor will recommend that an alternative to a tactical entry be made, such as surveillance and detention outside the location, containment and order to exit, or that a special weapons team make entry.

(d) Should the requesting agency's operations plan not meet the tactically sound requirements as determined by the watch commander and field supervisor, or the requesting agency declines alternative measures for those warrant services that are determined to be "high risk", we will advise and decline to participate in the tactical operation or strictly limit our role.

(e) When such assistance is rendered, a BR number will be issued to report action taken by Whittier Police Personnel. Probation violators temporarily detained by this agency will not ordinarily be booked at this Department.

351.3.1 INITIATED ACTIVITY

Any on-duty officer who engages in law enforcement activities of any type that are not part of a mutual aid request and take place outside the jurisdiction of the Whittier Police Department shall notify his/her supervisor or the Watch Commander and Dispatch as soon as practicable. This requirement does not apply to special enforcement details or multi-agency units that regularly work in multiple jurisdictions.

351.4 REQUESTING OUTSIDE ASSISTANCE

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

The requesting member should arrange for appropriate radio communication capabilities, if necessary and available, so that communication can be coordinated between assisting personnel.

351.5 REPORTING REQUIREMENTS

Incidents of outside assistance or law enforcement activities that are not documented in a crime report shall be documented in a general case report or as directed by the Watch Commander.

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Honor Guard

353.1 PURPOSE AND SCOPE

The Honor Guard is the official ceremonial unit of the Whittier Police Department. Its purpose is to represent the Department and to act as a goodwill ambassador at any function its members attend.

As a general rule the Honor Guard will attend the following events within a 50 mile radius: Parades (Uptown Christmas Parade), Awards Ceremonies (Silver Shields), important civic events, police officer memorial events, funerals for active employees, funerals for retired employees when requested, funerals for fallen officers from outside agencies, and when otherwise requested by the Chief of Police or his/her designee. Generally, in the event that a Whittier Police Officer is killed in the line of duty, an outside agency will function as the honor guard allowing the Whittier PD Honor Guard to grieve one of their own.

353.2 ORGANIZATION

Generally, the Honor Guard will fall under the **Administration Division Commander** who will accept and authorize deployment of the Unit. Officers assigned to the Honor Guard will report to the **Honor Guard Commander**, or his or her designee, who shall be of command rank and titled the **Honor Guard Commander**. He/She will be responsible for administrative functions such as budget requests, equipment control and requests, and manpower allocation. He/She will also oversee staffing, recruitment and the selection process in order to maintain adequate staffing levels to perform the functions of the Unit.

(a) The Honor Guard Commander may appoint a **Coordinator** who will be responsible for:

1. The planning and execution of all Honor Guard activities.
2. Designation of officers who shall participate in Honor Guard activities.
3. Maintaining records for the Honor Guard.
4. Maintain an acceptable level of training for all Honor guard members and maintain a record of attendance for determination of "active status."
5. Contacting needed members at least 24 hours before an event.

(b) Officers assigned to the Honor Guard squad shall:

1. Maintain an Honor Guard dress uniform.
2. Be available to attend any or all Honor Guard activities.
3. Assist the Coordinator as needed.

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353.3 COMMITMENT AND EXPECTATIONS

Assignment to a special unit/assignment will generally not affect membership. Honor Guard requirements:

1. Minimum two-year commitment with no limit.
2. Open to all non-probationary sworn personnel.
3. Strict grooming standards with weight proportionate to height.
4. Professional demeanor.
5. General interest in ceremonial rituals and etiquette.
6. Demonstrate proficiency of complex movements after receiving training.
7. Willingness to participate in events within 24 hours' notice.

353.4 DEPARTMENT RESPONSIBILITY

(a) Provide Honor Guard Uniform

1. Issue each member of the Honor Guard Unit a specifically tailored uniform as per the description in the Department Uniform Regulations Policy.

2. The uniform will be issued specifically for the Honor Guard and will not be worn as a regular work uniform.

(b) A marked unit will be assigned to the Honor Guard when an appearance is scheduled. This will be done prior through the on-duty Watch Commander.

(c) The Honor Guard Coordinator will approve needed training time through the Honor Guard Commander.

(d) The Honor Guard Coordinator will coordinate the implementation of the Honor Guard to scheduled activities.

(e) Provide a United States Flag, State of California Flag, City of Santa Fe Springs Flag and a City of Whittier Flag with poles, bases, and vinyl carriers for flags and poles. Also provide casket flags (one for practice and one for ceremonial fold/presentation) along with a vinyl casket flag case.

353.5 OFFICER'S RESPONSIBILITY

(a) Promptness is of primary importance.

(b) Each officer will maintain the entire Honor Guard uniform in a "Ready for Inspection" condition.

(c) Each officer will be prepared and expected to respond to an Honor Guard assignment with a 24-hour notice.

(d) All members of the Honor Guard Unit are expected to adhere to strict grooming standards, trim physical condition, and be an example of professional law enforcement appearance at all times.

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(e) Maintain a Unit Travel Case with extra white gloves, badge bands, hat badge, sewing kit, buttons, athletic tape, etc.

353.6 TRAINING

(a) Upon selection to the Honor Guard Unit, each member will receive instruction from the Coordinator on unit responsibilities, movements, and expectations.

(b) The Honor Guard Commander and Honor Guard Coordinator, upon appointment, will receive formal training at a POST approved course.

(c) Honor Guard Unit training will occur at least every quarter to enhance movements, timing, marching, and drill. Generally two hours a quarter is recommended.

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Registered Offender Information

355.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the Whittier Police Department will address issues associated with certain offenders who are residing in the jurisdiction and how the Department will disseminate information and respond to public inquiries for information about registered sex, arson and drug offenders.

355.2 POLICY

It is the policy of the Whittier Police Department to identify and monitor registered offenders living within this jurisdiction and to take reasonable steps to address the risks those persons may pose.

355.3 REGISTRATION

The Detective Bureau supervisor shall establish a process to reasonably accommodate registration of certain offenders. The process should rebut any allegation on the part of the offender that the registration process was too confusing, burdensome, or difficult for compliance. If it is reasonable to do so, an investigator assigned to related investigations should conduct the registration in order to best evaluate any threat the person may pose to the community. Those assigned to register offenders should receive appropriate training regarding the registration process.

Upon conclusion of the registration process, the investigator shall ensure that the registration information is provided to the California Department of Justice (DOJ) in accordance with applicable law (Penal Code § 457.1; Penal Code § 290 et seq.).

The refusal of a registrant to provide any of the required information or complete the process should initiate a criminal investigation for failure to register.

355.3.1 CONTENTS OF REGISTRATION

The information collected from the registering offenders shall include a signed statement as required by the California DOJ, fingerprints and a photograph, and any other information required by applicable law (Penal Code § 457.1; Penal Code § 290 et seq.).

355.4 MONITORING OF REGISTERED OFFENDERS

The Detective Bureau supervisor should establish a system to periodically, and at least once annually, verify that a registrant remains in compliance with his/her registration requirements after the initial registration. This verification should include:

(a) Efforts to confirm residence using an unobtrusive method, such as an internet search or drive-by of the declared residence.

(b) Review of information on the California DOJ website for sex offenders.

(c) Contact with a registrant's parole or probation officer.

Any discrepancies should be reported to the California DOJ.

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The Detective Bureau supervisor should also establish a procedure to routinely disseminate information regarding registered offenders to Whittier Police Department personnel, including timely updates regarding new or relocated registrants.

355.5 DISSEMINATION OF PUBLIC INFORMATION

Members will not unilaterally make a public notification advising the community of a particular registrant's presence in the community. Members who identify a significant risk or other public safety issue associated with a registrant should promptly advise their supervisor. The supervisor should evaluate the request and forward the information to the Chief of Police if warranted. A determination will be made by the Chief of Police, with the assistance of legal counsel as necessary, whether such a public alert should be made.

Members of the public requesting information on sex registrants should be provided the Megan's Law website or the Whittier Police Department's website. Information on sex registrants placed on the Whittier Police Department's website shall comply with the requirements of Penal Code § 290.46.

The Records Supervisor may release local registered offender information to residents only in accordance with applicable law (Penal Code § 290.45; Penal Code § 290.46; Penal Code § 457.1), and in compliance with a California Public Records Act (Government Code § 6250-6276.48) request.

355.5.1 LIMITED RELEASE WITHIN COLLEGE CAMPUS COMMUNITY

California law allows the following additional information regarding a registered sex offender on campus, whose information is not available to the public via the internet website, to be released to a campus community (Penal Code § 290.01(d)):

(a) The offender's full name

(b) The offender's known aliases

(c) The offender's sex

(d) The offender's race

(e) The offender's physical description

(f) The offender's photograph

(g) The offender's date of birth

(h) Crimes resulting in the registration of the offender under Penal Code § 290

(i) The date of last registration

For purposes of this section, campus community shall be defined as those persons present at or regularly frequenting any place constituting campus property, satellite facilities, laboratories, public areas contiguous to the campus and other areas set forth in Penal Code § 290.01(d).

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355.5.2 RELEASE NOTIFICATIONS

Registrant information that is released should include notification that:

(a) The offender registry includes only those persons who have been required by law to register and who are in compliance with the offender registration laws.

(b) The information is provided as a public service and may not be current or accurate.

(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

357.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of this department in determining when, how and to whom notification of major incidents should be made.

357.2 POLICY

The Whittier Police Department recognizes that certain incidents should be brought to the attention of supervisors or other specified personnel of this department to facilitate the coordination of activities and ensure that inquiries from the media and the public may be properly addressed.

357.3 MINIMUM CRITERIA FOR NOTIFICATION

Most situations where the media show a strong interest are also of interest to the Chief of Police and the affected Division Commander. The following list of incident types is provided as a guide for notification and is not intended to be all inclusive:

- Homicides
- Traffic accidents with fatalities
- Officer-involved shooting - on or off duty (see Officer-Involved Shootings and Deaths Policy for special notifications)
- Significant injury or death to employee - on or off duty
- Death of a prominent Whittier/Santa Fe Springs official
- Arrest of a department employee or prominent Whittier/Santa Fe Springs official
- Aircraft crash with major damage and/or injury or death
- In-custody deaths

357.4 WATCH COMMANDER RESPONSIBILITY

The Watch Commander is responsible for making the appropriate notifications. The Watch Commander shall make reasonable attempts to obtain as much information on the incident as possible before notification. The Watch Commander shall attempt to make the notifications as soon as practicable. Notification should be made by calling the home telephone number first and then by any other available contact numbers.

357.4.1 STAFF NOTIFICATION

In the event an incident occurs described in the Major Incident Notification Policy, the Chief of Police shall be notified along with the affected Division Commander and the Detective Lieutenant if that division is affected.

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357.4.2 DETECTIVE NOTIFICATION

If the incident requires that a detective respond from home, the immediate supervisor of the appropriate detail shall be contacted who will then contact the appropriate detective.

357.4.3 TRAFFIC BUREAU NOTIFICATION

In the event of a traffic fatality or major injury, the Traffic Sergeant shall be notified who will then contact the appropriate accident investigator. The Traffic Sergeant will notify the Traffic Lieutenant.

357.4.4 PRESS INFORMATION OFFICER (PIO)

The Press 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.

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Tactical Alert Plan

358.1 PURPOSE AND SCOPE

The purpose of this Order is to establish the Tactical Alert Plan as the *Standard Operating Procedure* for responding to civil disturbances or other extraordinary occurrences.

358.1.1 BACKGROUND

Over the past few years, urban centers across America have seen a dramatic increase in incidents of civil disorder, terrorism, and natural disasters. Each of these events requires a preplanned, specialized, and coordinated response by law enforcement personnel. The Whittier Police Department's Tactical Alert Plan provides a blueprint for responding to incidents such as these.

358.2 POLICY

The Whittier Department Tactical Alert Plan shall be implemented whenever a Tactical Alert Level 1, 2, or 3 has been declared by the appropriate level of authority. The primary objectives of the Tactical Alert Plan are to:

(a) Ensure the safety and security of the community

(b) Deter illegal activity

(c) Provide an organized police response

(d) Assist in the recovery process

358.2.1 EXCEPTIONS

It is virtually impossible to pre-plan for every contingency that an Incident Commander may encounter. Therefore, Incident Commanders in charge of a tactical alert shall have the authority to deviate from this plan when circumstances dictate that is necessary to do so. However, no deviation from the plan shall authorize anyone to violate any Federal, State, or local law or ordinance.

(a) When the Whittier Police Department foresees a critical problem developing, we shall immediately implement our Tactical Alert Plan to the appropriate level of alert.

(b) The designated Incident Commander shall mobilize the required resources and equipment necessary to control the incident.

(c) In any civil disturbance, the Incident Commander shall act promptly and lawfully with an appropriate response of strength to curtail criminal activity at the start of the disturbance when there is the greatest chance of stopping violence from spreading.

(d) The Whittier Police Department has Three (3) levels of tactical alert. Level 1 is the lowest level of alert, and Level 3 is the highest level of alert. Each alert level is as follows:

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358.3 TACTICAL ALERT LEVELS

358.3.1 TACTICAL ALERT LEVEL 1

A Tactical Alert Level 1 will be advisory only. An advisory alert will be sent to all Whittier Police Department managers and personnel. The alert notification will be done in a memorandum from the Chief of Police. There will be no special deployment.

(a) When a Tactical Alert Level 1 is declared, all on-duty sworn personnel may be required to be in uniform with all of their equipment and available additional resources. This would include all sworn personnel assigned to Investigations, plain clothes assignments, and Administration.

(b) Under a tactical alert level 1, the Watch Commander will assign four SORT officers and a Sergeant as a designated mutual aid response team. Officers designated as the mutual aid response team shall carry in their vehicles additional specialized equipment and personal items needed in case of a prolonged deployment. At a minimum, the following equipment will be deployed:

1. Street sweeper or shotgun
2. 1 Case of beanbag rounds
3. Colt AR-15(A)(2) Government Carbine
4. Flexible handcuffs

(c) If SORT officers are not available, Entry Team officers will be used first, regular patrol officers will be used last.

358.3.2 TACTICAL ALERT LEVEL 2

(a) A Tactical Alert Level 2 will be declared when it is known in advance that an incident is going to occur or a problem may develop, or an incident that is in progress will require significant numbers of police personnel to maintain order. The alert notification will be done in a memorandum form by the Chief of Police. The Manager most likely to be in charge of the incident will advise all other Department managers of the tactical alert. If not, notification will be done via telephone or other communication system.

1. When a Tactical Alert Level 2 is declared, all on-duty sworn personnel will be required to be in uniform with all of their equipment and available additional specialized equipment and personal items needed in case of prolonged deployment. At a minimum, the following equipment will be deployed:

(a) Street sweeper or shotgun

(b) 1 Case of beanbag rounds

(c) Colt AR-15(A)(2) Government Carbine

(d) Flexible handcuffs

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(b) If SORT officers are not available, Entry Team officers will be used first, regular patrol officers will be used last.

358.3.3 TACTICAL ALERT LEVEL 3

(a) The alert notification will be done in memorandum form by the Chief of Police. All Department Managers will be notified when a Tactical Alert Level 3 is declared and may be required to respond to the station or command location. All on-duty personnel will remain on duty and will not end their watch until released by the Watch or Incident Commander. This includes Patrol, Investigation, and Administration. All personnel will be required to be in uniform and all personnel will remain on duty until the Tactical alert is downgraded or sufficient personnel and resources have been deployed.

(b) When a Tactical Alert Level 3 is declared, the Watch Commander will have the authority to implement the following:

1. Activate off duty personnel
2. Transition the entire Department to 12 hour work shifts

(c) If the incident will require a transition to a 12-hour shift deployment, The Watch Commander will form officers into four companies of personnel (Team 1 through Team 4). Each team will be required to have a sufficient number of officers and supervisors in order to provide adequate police services and maintain control of the situation. The Watch Commander will determine which team would remain on duty and which would return home and come back to work at the beginning of their 12-hour shift.

(d) Under a tactical alert level 3, the Watch Commander will assign four SORT officers and a Sergeant as a designated mutual aid response team. Officers designated as the mutual aid response team shall carry in their vehicles additional specialized equipment and personal items needed in case of a prolonged deployment. At a minimum, the following equipment will be:

1. Colt AR-15(A)(2) Government Carbine
2. Flexible handcuffs

(e) If SORT officers are not available, Entry Team officers will be used first, regular patrol officers will be used last.

358.3.4 AREA TACTICAL ALERT

In the event that the Los Angeles Emergency Operations Bureau declares a county-wide or area specific tactical alert, the Watch Commander will determine the level of Department tactical alert appropriate for the incident.

358.4 EMERGENCY RESPONSE COORDINATOR

Should the city of Whittier experience a natural disaster, a civil disturbance, or any other unusual occurrence requiring mutual aid (i.e., earthquake, chemical spill, train wreck, flood, riot, etc.) that

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necessitates a Tactical Alert Level 2, or 3, it shall be the policy of the Whittier Police Department to immediately notify the Department Emergency Response Coordinator (ERC) and the Special Occurrence Response Team Coordinator. Upon notification, the ERC will assume the role of Incident Commander and be responsible for coordinating our agency's overall response. The ERC shall continue to serve in this capacity until the incident deescalates or until relieved by higher authority. The Emergency Response Coordinator shall also be notified in the event our agency is asked to provide mutual aid to another jurisdiction.

The Emergency Response Coordinator process is not intended to replace the standard chain of command in situations that would normally be handled by a Field Operations Lieutenant such as warrant services, parades, festivals, demonstrations, or any other situation that does not meet the criteria outlined above.

If the ERC or alternate ERC is unavailable, the Patrol Captain shall designate the appropriate individual to coordinate our Department's response.

358.5 MUTUAL AID RESPONSES

This Tactical Alert Plan shall not change the mutual aid process we currently follow to provide immediate assistance to another law enforcement agency. If we receive a mutual aid request from an outside law enforcement agency and it is likely the mutual aid assistance will last longer than two hours, the following procedure shall be followed prior to any Whittier Police Department response. Notify the Department's Emergency Response Coordinator. The ERC coordinator shall be responsible for, but not limited to, the following:

(a) Obtaining the prior approval of the Patrol Division Captain.

(b) Planning and implementing our personnel's response to the mutual aid request, including increasing the number of officers provided by our Department for mutual aid purposes.

(c) Consulting with the Patrol Division Captain on the deployment and mutual aid plan prior to implementing it whenever possible.

(d) Complete any needed fiscal reports to ensure financial reimbursement when appropriate (i.e., Federal, State, or local disaster or emergency declaration).

(e) Complete after-action debriefing and reports.

358.6 PERSONNEL RECALL PROCEDURE

(a) In the event of a civil disturbance or other unusual event occurs, and the personnel needs cannot be met by on-duty personnel, it may be necessary to recall off-duty personnel.

(b) Notification and recall of off-duty personnel will be made by telephone and pager. As such, all Department personnel shall provide and keep current a physical home address and telephone number.

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(c) Employees who are aware that an emergency condition might exist should immediately activate assigned pagers, and attempt to contact the station.

(d) When attempts to contact the station fail, personnel should monitor the "Emergency Broadcasting System" for an assessment of the situation. If emergency conditions are declared, personnel should respond to the station for assignment as soon as possible.

(e) The following personnel have the authority to approve or initiate a recall of off-duty personnel:

1. The Chief of Police
2. Any Captain
3. Any Lieutenant
4. Any other Police Department employee that has been directed to begin the recall process by any of the above listed Police Department managers

358.7 SUMMARY

This Tactical Alert Plan does not list specific tactical deployments of personnel because it is virtually impossible to develop a plan that covers the varied situations our personnel may encounter in the field. The designated Incident Commanders have been given the freedom to plan and deploy their personnel as the circumstances dictate. It is important for the Incident Commander to remember that when an incident develops or a disaster is in progress, we must act promptly, professionally, and lawfully to provide for the continued safety and security of the community.

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Death Investigation

359.1 PURPOSE AND SCOPE

The investigations of cases involving death include those ranging from natural cause to homicide. Some causes of death may not be readily apparent and some cases differ substantially from what they appeared to be initially. The thoroughness of death investigations cannot be emphasized enough.

359.2 INVESTIGATION CONSIDERATIONS

Death investigation cases require certain actions be taken. Paramedics shall be called in all suspected death cases unless the death is obvious (e.g., decapitated, decomposed). A supervisor shall be notified in all death investigations.

359.2.1 CORONER REQUEST

Government Code § 27491 and Health & Safety Code § 102850 direct the Coroner to inquire into and determine the circumstances, manner and cause of certain deaths. The Coroner shall be called in any of the following cases:

(a) Unattended deaths (No physician in attendance or during the continued absence of the attending physician. Also, includes all deaths outside hospitals and nursing care facilities).

(b) Deaths where the deceased has not been attended by either a physician or a registered nurse, who is a member of a hospice care interdisciplinary team, as defined by Health and Safety Code § 1746 in the 20 days prior to death.

(c) Physician unable to state the cause of death. Unwillingness does not apply. Includes all sudden, unexpected and unusual deaths and fetal deaths when the underlying cause is unknown.

(d) Known or suspected homicide.

(e) Known or suspected suicide.

(f) Involving any criminal action or suspicion of a criminal act. Includes child and dependent adult negligence and abuse.

(g) Related to or following known or suspected self-induced or criminal abortion.

(h) Associated with a known or alleged rape or crime against nature.

(i) Following an accident or injury (primary or contributory). Deaths known or suspected as resulting (in whole or in part) from or related to accident or injury, either old or recent.

(j) Drowning, fire, hanging, gunshot, stabbing, cutting, starvation, exposure, alcoholism, drug addiction, strangulation or aspiration.

(k) Accidental poisoning (food, chemical, drug, therapeutic agents).

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(l) Occupational diseases or occupational hazards.

(m) Known or suspected contagious disease and constituting a public hazard.

(n) All deaths in operating rooms and all deaths where a patient has not fully recovered from an anesthetic, whether in surgery, recovery room or elsewhere.

(o) In prison or while under sentence. Includes all in-custody and police involved deaths.

(p) All deaths of unidentified persons.

(q) All deaths of state hospital patients.

(r) Suspected Sudden Infant Death Syndrome (SIDS) deaths.

(s) All deaths where the patient is comatose throughout the period of the physician's attendance. Includes patients admitted to hospitals unresponsive and expire without regaining consciousness.

The body shall not be disturbed or moved from the position or place of death without permission of the coroner.

359.2.2 SEARCHING DEAD BODIES

The Coroner or Deputy Coroner is generally the only person permitted to search a body known to be dead from any of the circumstances set forth in Government Code § 27491. The only exception is that an officer is permitted to search the body of a person killed in a traffic collision for the limited purpose of locating an anatomical donor card (Government Code § 27491.3). If such a donor card is located, the Coroner or a designee shall be promptly notified. Should exigent circumstances indicate to an officer that any search of a known dead body is warranted prior to the arrival of the Coroner or a designee; the investigating officer shall first obtain verbal consent from the Coroner or a designee (Government Code § 27491.2).

Whenever possible, a witness, preferably a relative to the deceased or a member of the household, should be requested to remain at the scene with the officer pending the arrival of the Coroner or a designee. The name and address of this person shall be included in the narrative of the death report. Whenever personal effects are removed from the body of the deceased by the Coroner or a designee, a receipt shall be obtained. This receipt shall be attached to the death report.

359.2.3 DEATH NOTIFICATION

When practical, and if not handled by the Coroner's Office, notification to the next-of-kin of the deceased person shall be made, in person, by the officer assigned to the incident. If the next-of-kin lives in another jurisdiction, a law enforcement official from that jurisdiction shall be requested to make the personal notification. If the relatives live outside this county, the Coroner may be requested to make the notification. The Coroner needs to know if notification has been made. Assigned detectives may need to talk to the next-of-kin.

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359.2.4 UNIDENTIFIED DEAD BODIES

If the identity of a dead body cannot be established after the Coroner arrives, the Coroner's office will issue a "John Doe" or "Jane Doe" number for the report.

359.2.5 DEATH INVESTIGATION REPORTING

All incidents involving a death shall be documented on the appropriate form.

359.2.6 SUSPECTED HOMICIDE

If the initially assigned officer suspects that the death involves a homicide or other suspicious circumstances, the Investigations Division shall be notified to determine the possible need for a detective to respond to the scene for further immediate investigation.

359.2.7 EMPLOYMENT RELATED DEATHS OR INJURIES

Any member of this agency who responds to and determines that a death, serious illness, or serious injury has occurred as a result of an accident at or in connection with the victim's employment shall ensure that the nearest office of Cal-OSHA is notified by telephone immediately or as soon as practicable with all pertinent information (8 CCR 342(b)).

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Identity Theft

361.1 PURPOSE AND SCOPE

Identity theft is a growing trend that frequently involves related crimes in multiple jurisdictions. This policy is intended to provide guidelines for the reporting and investigation of such crimes.

361.2 REPORTING

(a) In an effort to maintain uniformity in reporting, officers presented with the crime of identity theft (Penal Code § 530.6) shall initiate a report for victims residing within the jurisdiction of this department when the crime occurred. For incidents of identity theft occurring outside this jurisdiction, officers should observe the following:

1. For any victim not residing within this jurisdiction, the officer may either take a courtesy report to be forwarded to the victim's residence agency or the victim should be encouraged to promptly report the identity theft to the law enforcement agency where he or she resides.

(b) While the crime of identity theft should be reported to the law enforcement agency where the victim resides, officers of this department should investigate and report crimes occurring within this jurisdiction which have resulted from the original identity theft (e.g., the identity theft occurred elsewhere, but the credit card fraud occurred and is reported in this jurisdiction).

(c) Officers should include all known incidents of fraudulent activity (e.g., credit card number applied for in victim's name when the victim has never made such an application).

(d) Officers should also cross-reference all known reports made by the victim (e.g., U.S. Secret Service, credit reporting bureaus, U.S. Postal Service and DMV) with all known report numbers.

(e) The reporting officer should inform victims of identity theft that the California Identity Theft Registry is available to help those who are wrongly linked to crimes. The registry can be checked by law enforcement and other authorized persons to investigate whether a criminal history or want was created in the victim's name (Penal Code § 530.7). Information regarding the California Identity Theft Registry can be obtained by calling toll free (888) 880-0240.

(f) Following supervisory review and departmental processing, the initial report should be forwarded to the appropriate detective for follow up investigation, coordination with other agencies and prosecution as circumstances dictate.

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Private Persons Arrests

363.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the handling of private person's arrests made pursuant to Penal Code § 837.

363.2 ADVISING PRIVATE PERSONS OF THE ARREST PROCESS

Penal Code § 836(b) expressly mandates that all officers shall advise victims of domestic violence of the right to make a private person's arrest, including advice on how to safely execute such an arrest. In all other situations, officers should use sound discretion in determining whether or not to advise an individual of the arrest process.

(a) When advising any individual regarding the right to make a private person's arrest, officers should refrain from encouraging or dissuading any individual from making such an arrest and should instead limit advice to the legal requirements for such an arrest as listed below.

(b) Private individuals should be discouraged from using force to effect a private person's arrest, and absent immediate threat to their own safety or the safety of others, private individuals should be encouraged to refer matters to law enforcement officials for further investigation or arrest.

363.3 ARRESTS BY PRIVATE PERSONS

Penal Code § 837 provides that a private person may arrest another:

(a) For a public offense committed or attempted in his or her presence;

(b) When the person arrested has committed a felony, although not in his or her presence;

(c) When a felony has been in fact committed, and he or she has reasonable cause for believing the person arrested has committed it.

Unlike peace officers, private persons may not make an arrest on suspicion that a felony has been committed - the felony must in fact have taken place.

363.4 OFFICER RESPONSIBILITIES

Any officer presented with a private person wishing to make an arrest must determine whether or not there is reasonable cause to believe that such an arrest would be lawful (Penal Code § 847).

(a) Should any officer determine that there is no reasonable cause to believe that a private person's arrest is lawful, the officer should take no action to further detain or restrain the individual beyond that which reasonably appears necessary to investigate the matter, determine the lawfulness of the arrest and protect the public safety.

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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

363.5 REPORTING REQUIREMENTS

In all circumstances in which a private person is claiming to have made an arrest, the individual must complete and sign a department Private Person's Arrest form under penalty of perjury.

In addition to the Private Person's Arrest Form (and any other related documents such as citations, booking forms, etc.), officers shall complete a narrative report regarding the circumstances and disposition of the incident.

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Anti-Reproductive Rights Crimes Reporting

365.1 PURPOSE AND SCOPE

This policy shall establish a procedure for the mandated reporting of Anti-Reproductive Rights Crimes (ARRC) to the Attorney General pursuant to the Reproductive Rights Law Enforcement Act (Penal Code § 13775 et seq.).

365.2 DEFINITIONS

Penal Code § 423.2 provides that the following acts shall be considered Anti-Reproductive Rights Crimes (ARRC) when committed by any person, except a parent or guardian acting towards his or her minor child or ward:

(a) By force, threat of force, or physical obstruction that is a crime of violence, intentionally injures, intimidates, interferes with, or attempts to injure, intimidate, or interfere with any person or entity because that person or entity is a reproductive health services client, provider, or assistant, or in order to intimidate any person or entity, or any class of persons or entities, from becoming or remaining a reproductive health services client, provider, or assistant

(b) By non-violent physical obstruction, intentionally injures, intimidates, or interferes with, or attempts to injure, intimidate, or interfere with, any person or entity because that person or entity is a reproductive health services client, provider, or assistant, or in order to intimidate any person or entity, or any class of persons or entities, from becoming or remaining a reproductive health services client, provider or assistant

(c) Intentionally damages or destroys the property of a person, entity, or facility, or attempts to do so, because the person, entity, or facility is a reproductive health services client, provider, assistant, or facility

365.3 REPORTING REQUIREMENTS TO THE ATTORNEY GENERAL

(a) Upon the receipt of the report of an ARRC, it shall be the responsibility of the employee taking such a report to also complete an ARRC Data Collection Worksheet (BCIA 8371) in accordance with the instructions contained on such forms.

(b) The ARRC Data Collection Worksheet shall be processed with all related reports and forwarded to the Investigation Division Commander.

(c) By the tenth day of each month, it shall be the responsibility of the Investigation Division Commander to ensure that a Summary Worksheet (BCIA 8370) is submitted to the Department of Justice Criminal Justice Statistics Center.

1. In the event that no ARRC(s) were reported during the previous month, a Summary Worksheet shall be submitted to Department of Justice with an indication that no such crimes were reported.

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2. Any ARRC(s) reported in the Summary Worksheet shall be accompanied by a copy of the related Data Collection Worksheet(s).

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Limited English Proficiency Services

367.1 POLICY

It is the policy of the Whittier Police Department to reasonably ensure that LEP individuals have meaningful access to law enforcement services, programs and activities, while not imposing undue burdens on its members.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon national origin or any other protected interest or right.

367.2 LEP COORDINATOR

The Chief of Police shall delegate certain responsibilities to an LEP Coordinator (Communications Supervisor). The LEP Coordinator shall be appointed by, and directly responsible to, the Support Services Manageror the authorized designee.

The responsibilities of the LEP Coordinator include, but are not limited to:

(a) Coordinating and implementing all aspects of the Whittier Police Department's LEP services to LEP individuals.

(b) Developing procedures that will enable members to access LEP services, including telephonic interpreters, and ensuring the procedures are available to all members.

(c) Ensuring that a list of all qualified bilingual members and authorized interpreters is maintained and available to each Watch Commander and Communications Supervisor. The list should include information regarding the following:

1. Languages spoken
2. Contact information
3. Availability

(d) 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.

(e) 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.

(f) Utilizing City standards and assessments to be used by the Department to qualify individuals as qualified bilingual members.

(g) 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.

(h) Receiving and responding to complaints regarding department LEP services.

(i) 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.

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367.3 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:

(a) The number or proportion of LEP individuals eligible to be served or likely to be encountered by department members, or who may benefit from programs or services within the jurisdiction of the Department or a particular geographic area.

(b) The frequency with which LEP individuals are likely to come in contact with department members, programs or services.

(c) The nature and importance of the contact, program, information or service provided.

(d) The cost of providing LEP assistance and the resources available.

367.4 TYPES OF LEP ASSISTANCE AVAILABLE

Whittier 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 interpreter service, when attempting to determine an LEP individual's primary language.

LEP individuals may choose to accept department-provided LEP services at no cost or they may choose to provide their own.

Department-provided LEP services may include, but are not limited to, the assistance methods described in this policy.

367.5 WRITTEN FORMS AND GUIDELINES

Vital documents or those that are frequently used should be translated into languages most likely to be encountered. The LEP Coordinator will arrange to make these translated documents available to members and other appropriate individuals, as necessary.

367.6 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.

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367.7 CONTACT AND REPORTING

While all law enforcement contacts, services and individual rights are important, this department will utilize the four-factor analysis to prioritize service to LEP individuals so that such services may be targeted where they are most needed, according to the nature and importance of the particular law enforcement activity involved.

Whenever any member of this department is required to complete a report or other documentation, and interpretation services are provided to any involved LEP individual, such services should be noted in the related report. Members should document the type of interpretation services utilized and whether the individual elected to use services provided by the Department or some other identified source.

367.8 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

The Whittier 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.

367.8.1 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 Dispatch, 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.

Dispatchers will make every reasonable effort to dispatch a qualified bilingual member to the assignment, if available and appropriate.

While 9-1-1 calls shall receive top priority, reasonable efforts should also be made to accommodate LEP individuals seeking routine access to services and information by utilizing the resources listed in this policy.

367.9 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.

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Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to request consent to search if the officer is unable to effectively communicate with an LEP individual.

If available, officers should obtain the assistance of a qualified bilingual member or an authorized interpreter before placing an LEP individual under arrest.

367.10 CUSTODIAL INTERROGATIONS

Miscommunication during custodial interrogations may have a substantial impact on the evidence presented in a criminal prosecution. Only qualified bilingual members shall be used during custodial interrogations. *Miranda* warnings shall be provided to suspects in their primary language by the qualified bilingual member.

In order to ensure that translations during custodial interrogations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

367.11 BOOKINGS

When gathering information during the booking process, members should remain alert to the impediments that language barriers can create. In the interest of the arrestee's health and welfare, the safety and security of the facility, and to protect individual rights, it is important that accurate medical screening and booking information be obtained. Members should seek the assistance of a qualified bilingual member whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by an LEP individual.

367.12 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.

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.

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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 Whittier 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 Whittier 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.

374.3.1 FULL PALM PRINTS

Full palm print impressions shall be obtained on authorized DOJ prescribed forms along with all DNA samples. (Penal Code § 298(b)(4)). Our department will submit palm prints via Livescan once available. Ink palm prints will be collected and processed when Livescan is unavailable.

Note: Palm prints are sent directly to DOJ's Bureau of Criminal Identification in Sacramento, CA, while the DNA collection kits are sent to the DNA Data Bank Program in Richmond, CA.

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

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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.

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:

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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.

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.

374.7 RELATED STATUTES
It is a felony for any qualifying individual to knowingly facilitate the collection of wrongfully attributed DNA sample or identification information, or to knowingly tamper with any DNA sample or collection container with the intent to deceive the government as to his or her identity. (Penal Code § 298.2).

It is unlawful for any person to knowingly misuse or disclose to an unauthorized entity a DNA sample collected or profile obtained for DNA database purposes. (Penal Code § 299.5(i)(1)(A)).

374.8 LITIGATION
The Chief of Police, or authorized designee, shall immediately notify the Department of Justice's DNA Legal Unit at (415)-703-5892 in the event this Department is named in a lawsuit involving the DNA Data Bank sample collection, sample use, or any aspect of the state's DNA Data Bank Program.

374.9 APPLICABLE OFFENSES
Penal Code §§ 207/261 Kidnapping with intent to rape

Penal Code §§ 207/286 Kidnapping with intent to commit sodomy

Penal Code §§ 207/288 Kidnapping with intent to commit lewd or lascivious act

Penal Code §§ 207/288a Kidnapping with intent to commit oral copulation

Penal Code §§ 207/289 Kidnapping with intent to commit forcible penetration

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Penal Code §§ 209/261 Kidnapping for ransom with intent to rape

Penal Code §§ 209/286 Kidnapping for ransom with intent to commit sodomy

Penal Code §§ 209/288 Kidnapping for ransom with intent to commit lewd or lascivious act

Penal Code §§ 209/288a Kidnapping for ransom with intent to commit oral copulation

Penal Code §§ 209/289 Kidnapping for ransom with intent to commit forcible penetration

Penal Code § 220 Assault with intent to commit rape, sodomy, oral copulation, rape in concert with another, lascivious acts upon a child, or penetration of genitals or anus with foreign object

Penal Code § 243.4 Sexual battery

Penal Code § 261 Rape

Penal Code § 262(a)(1) Forcible spousal rape

Penal Code § 264.1 Rape or penetration of genital or anal openings by foreign object acting in concert with another person

Penal Code § 266 Enticing "chaste" female to prostitute herself

Penal Code § 266c Sexual contact through false pretenses

Penal Code § 266h(b) Pimping a minor

Penal Code § 266i(b) Pandering a minor

Penal Code § 266j Procuring a child for lewd acts

Penal Code § 267 Abducting a minor for prostitution

Penal Code § 269 Aggravated sexual assault of a child

Penal Code § 285 Incest

Penal Code § 286 Sodomy

Penal Code § 288 Lewd or lascivious acts

Penal Code § 288a Oral copulation

Penal Code § 288.5 Continuous sexual abuse of a child

Penal Code § 289 Forcible sexual penetration

Penal Code §§ 311.1.; 311.2 Importing child pornography

Penal Code § 311.3 Sexual exploitation of a child

Penal Code § 311.4 Employing a minor for sex acts

Penal Code § 311.10 Advertising Child pornography for sale

Penal Code § 311.11 Possession of child pornography

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Penal Code § 647.6 Annoying of molesting a child

Penal Code § 653f(c) Solicitation to commit sex offense

Penal Code §§ 314(1)/(2) Indecent exposure

Penal Code § 272 Contributing to the delinquency of a minor involving lewd or lascivious conduct

Penal Code § 288.2 Sending sexual material to a minor with intent to seduce

Penal Code § 187 Murder

Penal Code § 192(a) Voluntary manslaughter

Penal Code § 296(a)(2) Attempt to commit on of the preceding crimes

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Chaplains

376.1 PURPOSE AND SCOPE

This policy establishes the guidelines for Whittier 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 Whittier 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 Whittier 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.

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 Chaplain Director (Lieutenant) after recommendation from the Chaplain Supervisor.

Successfully complete an appropriate-level background investigation.

(a) Complete an appropriate probationary period as designated by the Chief of Police.

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

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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 Whittier Police Department identification cards, which must be carried at all times while on-duty. The identification cards will be the standard Whittier 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 SUPERVISOR

The Chief of Police shall delegate certain responsibilities to a chaplain supervisor, who shall be a sworn sergeant with the department. The chaplain supervisor shall be selected by the Chaplain Lieutenant and directly responsible to that lieutenant regarding issues related to the Chaplain Program. Chaplains shall be appointed by the Chief of Police.

The Chaplain Supervisor shall serve as the liaison between the chaplains and the Chaplain Lieutenant. The function of the Chaplain Supervisor 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 Chaplain Lieutenant, chaplains shall report to the chaplain supervisor, senior chaplain, chaplain lieutenant and/or Watch Commander.

The chaplain supervisor may appoint a senior chaplain or other designee to assist in the coordination of chaplains and their activities.

The responsibilities of the supervisor or the senior chaplain 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.

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 Patrol 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 supervisor or the senior chaplain.

Chaplains may not proselytize or attempt to recruit members 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.

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 Whittier 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 senior chaplain utilizing the chaplain log book.

(d) Chaplains shall be permitted to ride with officers during any shift and observe Whittier 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.

(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 Whittier Police Department unless otherwise authorized by the Chief of Police or the authorized designee.

376.7.3 ASSISTING THE DEPARTMENT

The responsibilities of a chaplain related to this department include, but are not limited to:

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(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.

376.7.4 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.

376.7.5 CHAPLAIN MEETINGS

All chaplains are required to attend scheduled meetings. Any absences must be satisfactorily explained to the chaplain coordinator.

376.7.6 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.

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(e) Providing counseling and support for members and their families.

(f) Being alert to the needs of members and their families.

376.8 PRIVILEGED COMMUNICATIONS

No person who provides chaplain services to members of the Department may work or volunteer for the Whittier 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 Whittier 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 as per the guidelines in the Department Chaplain Manual. The training, as approved by the Training Coordinator, may include:

- Stress management
- Death notifications
- Symptoms of post-traumatic stress
- Burnout for members of law enforcement and chaplains
- Legal liability and confidentiality
- Ethics
- Responding to crisis situations
- The law enforcement family
- Substance abuse
- Suicide
- 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 Adult Abuse 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 Whittier 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 Coordinator 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 Whittier 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 Whittier Police Department affords to all members of the public (28 CFR 35.136).

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Department Use of Social Media

389.1 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 as part of a criminal investigation, other than disseminating information to the public on behalf of this department (see the Investigation and Prosecution Policy).

389.1.1 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

389.2 POLICY

The Whittier 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.

389.3 AUTHORIZED USERS

Only members authorized by the Chief of Police or the authorized designee may utilize social media on behalf of the Department. All department social media sites shall be overseen by the Administration Division Lieutenant. The daily monitoring of content shall fall primarily on the Public Information Officer, with the assistance of the social media team. Authorized members should use 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 the Chief of Police or the authorized designee.

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 the Administrative Lieutenant prior to posting.

Requests to post information over department social media by members who are not authorized to post should be made through the Administrative Division.

389.4 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.

389.4.1 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 Press 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.

389.5 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 Whittier 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 shall promptly report such content to a supervisor. The supervisor will ensure its removal from public view any inappropriate material and investigate the cause of the entry.

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389.5.1 PUBLIC COMMENT POLICY

By posting or commenting on Whittier Police Department Facebook page, or other WPD social media, those doing so agree to the terms of use of the WPD's social media comment policy as provided herein.

1. As a public entity the Whittier Police Department must abide by certain standards to serve all its constituents in a civil and unbiased manner.

2. The WPD Facebook page is intended to be "family friendly," so comments are to be kept consistent with that objective by following these simple rules. In addition to keeping it family friendly, posting must comply with the guidelines in this policy. Note that the department utilizes Facebook's automatic content filtering feature. All Whittier Police Department social media content is subject to monitoring.

3. Comments containing any of the following inappropriate forms of content shall not be permitted on Whittier Police Department social media sites and are subject to removal and/or restriction by the Public Information Coordinator or his/her designees:

(a) Comments not related to the original topic, including random or unintelligible comments;

(b) Profane, obscene, or pornographic content and/or language;

(c) Content that promotes, fosters or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, or national origin;

(d) Defamatory or personal attacks;

(e) Threats to any person or organization;

(f) Comments in support of, or in opposition to, any political campaigns or ballot measures;

(g) Solicitation of commerce, including but not limited to advertising of any business or product for sale;

(h) Conduct in violation of any federal, state or local law;

(i) Encouragement of illegal activity;

(j) Information that may tend to compromise the safety or security of the public or public systems;

(k) Content that violates a legal ownership interest, such as a copyright, of any party;

(l) Harassment or content which constitutes and/or facilitates stalking;

(m) Content which violates the right to privacy;

(n) Encouragement of violence;

(o) Repetitive content;

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(p) Comments which may reasonably interfere with, inhibit, or compromise law enforcement investigations, police tactics, police responses to incidents and/or the safety of police staff and officers.

(q) Posts or comments that contain any external links.

4. A comment posted by a member of the public on any Whittier Police Department social media site is the opinion of the commentator or poster only, and publication of a comment does not imply endorsement of, or agreement by, the Whittier Police Department, nor do such comments necessarily reflect the opinions or policies of the Whittier Police Department.

5. The Whittier Police Department reserves the right to deny access to Whittier Police Department social media sites for any individual, who violates the Whittier Police Department's Social Media Policy, at any time and without prior notice.

6. Comments posted to this page will be monitored and inappropriate content as defined above will be removed as soon as possible and without prior notice. Please note, comments posted to this page are monitored and our Facebook setting will automatically hide a comment if profanity is used within the post.

7. If it is necessary to contact the Whittier Police Department, please call 562-567-9200, or if it is an emergency then call 911 and ask for assistance. While comments posted on the WPD Facebook page are monitored, posting a comment is neither the recommended nor best way to contact the Whittier Police Department.

8. All comments posted to any Whittier Police Department Facebook site are bound by Facebook's Community Standards, located at http://www.facebook.com/communityst..., and the Whittier Police Department reserves the right to report any violation of Facebook's Community Standards to Facebook with the intent of Facebook taking appropriate and reasonable responsive action.

9. By posting or commenting on Whittier Police Department social media platforms those doing so agree to the terms of use set forth in this policy. Participation is by the choice of those doing so, who must take personal responsibility for their comments, your username and any information provided therein.

389.6 RETENTION OF RECORDS

The Administration Division Commander ensure that public records generated in the process of social media use are retained in accordance with established laws and records retention schedules.

389.7 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

390.1 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).

390.1.1 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).

390.2 POLICY

It is the policy of the Whittier 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.

390.3 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).

390.3.1 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).

390.4 SERVICE OF GUN VIOLENCE RESTRAINING ORDERS

An officer serving any gun violence restraining order shall:

(a) Verbally ask the subject of the order if he/she has any firearm, ammunition, or magazine in his/her possession or under his/her custody or control (Penal Code § 18160).

(b) Request that any firearms or ammunition be immediately surrendered and issue a receipt for the surrendered items (Penal Code § 18120).

(c) Take into temporary custody any firearm or other deadly weapon discovered in plain view or pursuant to consent or other lawful search (Penal Code § 18250).

(d) Inform the restrained person of any scheduled hearing regarding the order (Penal Code § 18160).

(e) Transmit the original proof of service form to the issuing court as soon as practicable but within one business day (Penal Code § 18115).

(f) As soon as practicable, but by the end of his/her shift, submit proof of service to the Records Supervisor for prompt entry into the California Restraining and Protective Order System (Penal Code § 18115).

The officer should also inform the restrained person that he/she is required, within 24 hours, to surrender to a law enforcement agency any other firearms and ammunition he/she owns or that are in his/her custody or control or sell them to a firearms dealer. This notification should be documented.

All firearms and ammunition collected shall be handled and booked in accordance with the Property and Evidence Policy.

390.4.1 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 using form GV-200 found at www.courts.ca.gov.

(c) Ensure the order is provided to the Records Bureau for entry into the computer database system for protective and restraining orders maintained by the Department of Justice.

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390.5 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, but not before consultation with the Watch Commander. If the Watch Commander determines a search warrant is to be obtained, the preparation and service of the search warrant shall be done in accordance with the current risk assessment process between the detective, the supervisor and the SWAT team. 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.

390.6 RECORDS SUPERVISOR RESPONSIBILITIES

The Records Supervisor is responsible for ensuring:

(a) Proof of service of any gun violence restraining order served by an officer or received from the clerk of the court is entered in the computer database system for protective and restraining orders maintained by the Department of Justice within one business day of service if served by an officer, or within one business day of receipt of proof of service if served by a person other than a law enforcement officer (Penal Code § 18115).

(b) Oral orders are entered into the California Restraining and Protective Order System (Penal Code § 18140).

(c) Copies of receipts of surrendered firearms or ammunition issued by other agencies for gun violence restraining orders issued by the Department are properly maintained (Penal Code § 18120).

(d) Any relinquishment of firearm rights form received from the court is entered into the California Restraining and Protective Order System within one business day of receipt (Penal Code § 18115).

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390.7 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 on form GV-800 (available on the web at www.courts.ca.gov).

(b) Record the serial number of the firearm.

(c) Prepare a report and property report with property receipt under PC 18120.

(d) Provide a copy of the property receipt (standard property receipt used on warrant seizures) to the individual who surrendered the firearms and ammunition--listing all weapons, caliber, make, model and serial number.

(e) Package and submit the firearms and ammunition in accordance with the Property and Evidence Policy.

390.8 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.

390.9 RENEWAL OF GUN VIOLENCE RESTRAINING ORDERS

The Detective Bureau supervisor is responsible for the review of a gun violence restraining order obtained by the Department to determine if renewal should be requested within the time prescribed by law (Penal Code § 18190).

390.10 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).

390.11 TRAINING

The Training Coordinator should ensure that members receive periodic training on the requirements of this policy (Penal Code § 18108).

390.12 GUN VIOLENCE RESTRAINING ORDER COORDINATOR

The Chief of Police will appoint the homicide investigator as the 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.

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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 Records Supervisor for recording in appropriate databases and required notice to the court, as applicable.
3. Preparing or obtaining a search warrant prior to attempting service of an order, when appropriate (Penal Code § 18108).
4. Seizure procedures of firearms and ammunition at the time of issuance of a temporary emergency gun violence restraining order.
5. Verification procedures for the removal of firearms and ammunition from the subject of a gun violence restraining order.

(d) Coordinating with the Training Coordinator 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.

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(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).

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Chapter 4 - Patrol Operations

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Patrol Function

400.1 PURPOSE AND SCOPE

The purpose of this policy is to define the patrol function and address intraorganizational cooperation and information sharing.

400.2 INFORMATION SHARING

To the extent feasible, all information relevant to the mission of the Department should be shared among all divisions and specialized units on a timely basis. Members should be provided with opportunities on a regular basis to share information during the daily briefings and to attend briefings of other divisions or specialized units.

Additionally, information should be shared with outside agencies and the public in conformance with department policies and applicable laws. Members are encouraged to share information with other units and divisions.

400.2.1 CRIME REPORTS

A crime report may be completed by any patrol officer who receives criminal information. The report will be processed and forwarded to the appropriate bureau for retention or follow-up investigation.

Any properly trained employee may also complete crime reports as designated.

400.2.2 BULLETIN BOARDS

A briefing clipboard will be kept in the watch commander's office for display of suspect information, intelligence reports and photographs. New Departmental Directives will be made available for patrol supervisors and will be discussed at briefings and shift meetings. A copy of the Departmental Directive will be placed on the briefing clipboard.

400.3 TERRORISM

It is the goal of the Whittier 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 a Terrorism Liaison Officer in a timely fashion.

400.4 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.

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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.

400.4.1 CAMPUS LIAISON

Whittier College has designated a liaison between our department and students exercising rights guaranteed by the First Amendment to the United States Constitution, a similar provision of the California Constitution or both (Education Code § 66303). The designated department staff member will work with this liaison regarding relevant issues, scheduled events, training and crowd control.

400.5 POLICY

The Whittier 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.

400.6 FUNCTION

Patrol will generally be conducted by uniformed officers in clearly marked law enforcement vehicles in assigned jurisdictional areas of Whittier/Santa Fe Springs. 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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Bias-Based Policing

402.1 PURPOSE AND SCOPE

This policy provides guidance to department members that affirms the Whittier 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 Whittier Police Department is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this department to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group.

402.3 BIAS-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited.

However, nothing in this policy is intended to prohibit an officer from considering protected characteristics in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns or specific schemes.

402.3.1 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.

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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.

402.5 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

The Professional Standards Bureau Manager and the Records Supervisor or the authorized designee shall ensure that all data required by the Department of Justice (DOJ) regarding complaints of racial bias against officers is collected and reported annually to DOJ (Penal Code § 13012; Penal Code § 13020).

402.6 SUPERVISOR RESPONSIBILITY

Supervisors shall monitor those individuals under their command for any behavior that may conflict with the purpose of this policy and shall handle any alleged or observed violation of this policy 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.

(b) Supervisors shall initiate investigations of any actual or alleged violations of this policy.

(c) Supervisors should ensure that no retaliatory action is taken against any member of this department who discloses information concerning racial- or bias-based profiling.

402.7 TRAINING

Training on fair and objective policing and review of this policy should be conducted as directed by the Training Desk.

(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.

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(b) Pending participation in such POST-approved training and at all times, all members of this department are encouraged to familiarize themselves with and consider racial and cultural differences among members of this community.

(c) Each sworn member of this department who received initial bias-based policing training will thereafter be required to complete an approved refresher course every five years, or sooner if deemed necessary, in order to keep current with changing racial, identity and cultural trends (Penal Code § 13519.4(i)).

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Briefing Training

404.1 PURPOSE AND SCOPE

Briefing training is generally conducted at the beginning of the officer's assigned shift. Briefing provides an opportunity for important exchange between employees and supervisors. A supervisor generally will conduct Briefing; however officers may conduct Briefing for training purposes with supervisor approval.

Briefing should accomplish, at a minimum, the following basic tasks:

(a) Briefing officers with information regarding daily patrol activity, with particular attention given to unusual situations and changes in the status of wanted persons, stolen vehicles, and major investigations

(b) Notifying officers of changes in schedules and assignments

(c) Notifying officers of new Departmental Directives or changes in Departmental Directives

(d) Reviewing recent incidents for training purposes

(e) Providing training on a variety of subjects

404.2 PREPARATION OF MATERIALS

The supervisor conducting Briefing is responsible for preparation of the materials necessary for a constructive briefing. Supervisors may delegate this responsibility to a subordinate officer in his or her absence or for training purposes.

404.3 RETENTION OF BRIEFING TRAINING RECORDS

Briefing training bulletins and cirriculum shall be forwarded to the Training Coordinator for inclusion in training records, with the appropriate sign-off sheet which each employee will initiate upon completion of the briefing training.

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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 Whittier 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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Neighborhood Watch Program

407.1 PURPOSE AND SCOPE

The Administrative Bureau has established a system where the Department will assist a neighborhood in its own program and be supported by the Department. Coordination of the program is the responsibility of the Administrative Bureau.

407.1.1 PHILOSOPHY

Neighborhood Watch is a self-help crime prevention program operated by volunteer in citizens. Its purpose is to create an alert neighborhood by teaching simple crime preventative measures and providing both specific and general information concerning crime in each neighborhood.

Neighborhood Watch encourages residents to familiarize themselves with the activities of their neighborhood by knowing who works during the day, which automobiles belong to whom, recognizing people who belong in the area, and noting those who do not.

The Police Department will support the citizens in organizing households into cohesive groups capable of looking out for each family's interests. As described further in this manual section, interested citizens will be selected by fellow neighbors as Block Captain who will run the majority of the program.

Neighborhood Watch inquiries should be directed to the Administrative Bureau where the interested citizen will be contacted and a package, similar to this policy, will be sent to them to help organize the program. The Neighborhood Watch Program will work in conjunction with the current Burglary Prevention Inspections and other public relations

407.2 BASIC ELEMENTS OF NEIGHBORHOOD WATCH PROGRAM

The concept of crime prevention is a multi-faceted one which consists of the following primary elements:

(a) The beat officer

(b) The citizen

(c) Education

(d) Cooperation

(e) Police officers cannot handle the job of crime prevention by themselves. Police need the help of the entire community, and that is where the citizen comes in.

Most citizens are really not aware of the crime problems we have here in our City, and the only way they may become aware of criminal activity is by becoming a victim themselves, by having a friend who has been victimized, or by reading some newspaper accounts of "crime highlights". Yet, to maximize the effectiveness of the Neighborhood Watch Program, the citizen must know what is happening in his own neighborhood so he or she will know what to look for!

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This is where "education" comes in. The Police Department must take the lead in this area as they not only have the professional "know-how", but are the only source for the statistical and related information pertaining to their neighborhood. But education really means more that statistics and method-of-operation. It also means the knowledge of what to do to prevent crime in the first place. It means the understanding (at least basically) of our criminal justice system and how it works (or doesn't work). As can be seen, education is, in itself, a big job, but a very important one.

Another element, and possibly the most difficult to realize, is that of citizen cooperation. Like education, cooperation implies a lot of things. It is the one essential ingredient that is absolutely necessary for a successful Neighborhood Watch Program.

Cooperation means that the citizen must be willing to spend the time to acquire the above education, to harden his own target, to be willing to "get involved", not physically, but at least be willing to call the police and report suspicious-looking individuals or incidents in their immediate neighborhood.

407.3 ORGANIZATIONAL STRUCTURE

(a) Area or Block Captains

1. Selected by and represent those Neighborhood Watch members in their unit or area. Responsibilities will include:

    (a) Distribute Neighborhood Watch information and crime related information to Unit members obtained through the Police Liaison

    (b) Explain program to new and/or uninvolved block members and promote new memberships.

    (c) Encourage and set up follow-up meetings

    (d) Encourage Home Security, Operation I.D., training, etc.

    (e) Aid members in filling out Neighborhood Information Sheets.

(b) Reporting Districts: The 12-square miles within the City are divided into 190 Reporting Districts. Each Neighborhood Watch Program within the various Reporting Districts will receive an identifying number. For example, in Reporting District #42, one of the first Watch Programs was instituted. That specific Programs was designated #42-1; additional Programs in that Reporting District will be numbered accordingly, #42-2, #42-3, etc.

(c) Police Department Participation

(a) All Whittier Police Officers will be expected to solicit and encourage citizen participation in this program.

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(a) Citizen participation could be urged during routine investigations by Patrol Officers, 1.0. Technicians or Investigators while at the homes of victims or reporting parties.

(b) PSA Commanders will be responsible for Neighborhood Watches in their areas. This will improve coordination and enhance feedback between the Department and the respective neighborhoods.

(c) To provide the interested citizen with Neighborhood Watch information, Officers will present them with printed material or direct them to the Administrative Bureau for further details and information.

(d) All Neighborhood Watch information will be available via the Department website.

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Loud Party Responses/Cost Recovery

409.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a procedure for handling neighborhood party complaints and cost recovery service fees for parties as well as curfew violations. Whittier Police Officers respond to numerous calls involving loud parties. Whittier Municipal Code § 9.56.010 et. seq. was enacted by City Council in order to allow the department to recover costs associated with returning to parties where no cooperation was received from those giving the party. A cost recovery fee for actual police personnel and equipment costs will be charged for second and subsequent police responses to a party complaint.

§ 625.5 was added to the Welfare and Institutions Code relating to juveniles on September 27, 1994. This section authorizes the city government to collect a fee for the actual costs of detention and transportation from the minor and his or her parents or legal guardian when the minor is in violation of a local curfew law.

The Whittier City Council enacted Resolution #6555 on November 1, 1994 authorizing the City of Whittier to enforce the provisions of § 625.5 W.I.C.

409.2 PARTY CALLS FIRST RESPONSE

Upon initial response to the location, the officer should determine if the activity is a threat to the public peace, health, safety or general welfare of the public.

(a) If the event is determined to be disorderly and appears to be a valid complaint the responding officer shall:

1. Contact the Person responsible for the event (property owner, person in charge of the premises and/or the person who organized the event.) If the person responsible is a minor, ascertain the names of the parents or guardians and contact them if possible.
2. Inform the person responsible of the City Ordinance and advise them that the party poses a threat to the public peace, health, safety or general welfare of the community and they are in violation of the ordinance and they must bring the party into compliance to avoid further criminal and civil action being brought against them.
3. Issue the "Notice of First Response" to the person responsible and attempt to obtain a signature of the person responsible and advise him that he/she will be billed for a second response and for any further responses within a 24 hour period.
4. Leave the person responsible with the third page of the "Notice", and turn in the original copy with the sequence number at end of shift.

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(b) If the person responsible refuses to sign the "Notice", indicate that fact on the signature line and then post the second page of the notice in a conspicuous visible outdoor location near any entrance to the premises.

1. Ask for the cooperation of the person responsible in quieting the disturbance.

(c) The officer shall indicate in his call disposition the following information for entry into CAD.

1. Exact Address of loud party.
2. Name of person responsible.
3. Whether or not a "Notice of First Response" was issued.

(d) Officers shall not initiate "First Response" calls without being dispatched by a valid complaint from Communications.

(e) This is not intended to prohibit officers from pro-active contact with citizens conducting parties to advise them of the restrictions of the Whittier Municipal Code.

409.3 PARTY CALLS SECOND AND SUBSEQUENT CALLS

(a) Second and subsequent responses shall be dispatched only upon receipt of a complaint from a citizen and not by mere observation of a patrol officer.

1. Whenever possible, the Communications Dispatcher shall attempt to assign the same officer(s) who handled the first response to any subsequent calls.
2. Loud party calls should not be delayed in the communications room for the sole purpose of waiting for the original officer to clear.

(b) Upon arrival, the officer should independently note the elements of the complaint and verify it remains a valid complaint. If the complaint is unfounded, no fees will be charged.

(c) The officer shall then contact the responsible party and complete a "Second Response Notice" and advise the responsible person that he/she will be billed for the second response and for any further responses within a 24 hour period. If the officer is unable to locate the original person responsible, he shall complete the form as if the person refused to sign the notice and leave the violator's copy (pink) in a conspicuous location.

(d) Officers should then take appropriate action to disperse the party or take criminal action necessary to abate the problem.

(e) A crime report for violation of 9.56.040 Municipal Code or the appropriate Penal Code sections shall be completed and the "Second Response Notice" attached upon completion.

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1. As the City of Whittier is the victim on these types of crimes, we may respond and complete a report of the incident in the absence of a citizen willing to sign a complaint.

409.4 PARTY CALLS SUPERVISOR'S RESPONSIBILITY

(a) Should respond, if possible, on all "Second Response" incidents.

(b) Should ensure that the proper information is obtained for completion of the "Second Response" form and crime report.

(c) Ensure that proper action is taken to disperse the party whenever possible.

409.5 PARTY CALLS SERVICES DIVISION RESPONSIBILITY

(a) Communications Room

1. Maintain a list of "First Response Notices" issued during the shift and pass on those locations which fall into the 24 hour period to the next shift.

(b) Records Bureau

1. Maintain an appropriate file on all written warnings.
2. Obtain the First and Second Notices along with copies of the appropriate crime report and completing the cost recovery worksheet.
3. Forward to the City Controller copies of First and Second Response Notices and the cost recovery worksheet for billing.
4. Maintain a Cost Recovery File.

409.6 COST RECOVERY

Refer to Whittier Municipal Code §§ 9.56.010 and 9.56.090.

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Ride-Along Policy

411.1 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.

411.1.1 ELIGIBILITY

The Whittier/Santa Fe Springs Police Department Ride-Along Program is offered to residents, students living in or attending school in Whittier/Santa Fe Springs and those employed within the City. Every attempt will be made to accommodate interested persons however any applicant may be disqualified without cause with the consent of the Patrol Division Commander..

The following factors may be considered in disqualifying an applicant and are not limited to:

- Being under 16 years of age
- Prior criminal history
- Pending criminal action
- Pending lawsuit against the Department
- Denial by any supervisor

411.1.2 AVAILABILITY

Citizens shall be permitted to participate in the Ride-Along Program only after completion of a ride-along application/waiver and approval of the Ride-Along Coordinator and/or the shift supervisor. The signed application/waiver shall be turned into the on-duty supervisor before the participant rides.

411.2 PROCEDURE TO REQUEST A RIDE-ALONG

Generally, ride-along requests will be scheduled by the Public Relations Officer.

Any interested citizen, 16 years or older, may apply as follows:

(a) An application/waiver may be obtained at the front counter of the Department. Information requested will include a valid ID or California driver's license, address, and telephone number.

(b) Complete and submit the application/waiver, which will be forwarded to the Public Relations Officer.

1. The Public Relations Officer will keep those waivers for at least two years.
2. The Public Relations Officer will keep an active list of all ride alongs each year. That list will be accessible to the Watch Commanders and kept on the "O" drive.

(c) Citizens shall participate in no more than 1 four hour ride-along within a six-month period.

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(d) Citizens shall satisfactorily pass a local record check and warrant check.

(e) If the participant is under 18 years of age, a parent/guardian must be present to complete the Ride-Along Form.

If the ride-along is denied after the request has been made, a representative of the Department will contact the applicant and advise him/her of the denial.

411.2.1 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 Policy Manual “Police Cadet Program.”

411.2.2 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.

411.3 OFFICER’S RESPONSIBILITY

The officer shall advise the dispatcher that a ride-along is present in the vehicle before going into service. Officers shall consider the safety of the ride-along at all times. Officers should use sound discretion when encountering a potentially dangerous situation, and if feasible, let the participant out of the vehicle in a well-lighted place of safety. The dispatcher will be advised of the situation and as soon as practical have another police unit respond to pick up the participant at that location. The ride-along may be continued or terminated at this time.

The Watch Commander is responsible for maintaining and scheduling ride-alongs. Upon completion of the ride-along, the yellow form shall be returned to the Watch Commander with any comments which may be offered by the officer.

411.3.1 RIDE-ALONG PROCEDURES

(a) No rider will be allowed to ride between 0200 and 0700 hours unless cleared by a Watch Commander.

(b) Whenever possible all riders shall stay within or at the police unit until the situation is determined to be Code 4.

(c) Riders are prohibited from possessing any type of weapon. This includes firearms, chemical agents, knives, stun-guns, or any weapon deemed inappropriate by the on-duty supervisor except as outlined in this policy.

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(d) Attire for riders shall conform to acceptable standards. The wearing of shorts, tank tops, or other exceptionally informal or provocative attire is prohibited. Shoes shall be worn. Reasonable dress for males shall consist of a sport-shirt with collar and long pants. For females, a dress, skirt and blouse, or long pants and blouse are appropriate.

(e) An officer assigned a rider has the responsibility to act with due care and shall make every effort to prevent the rider from being placed in a position of danger. In the event the officer elects to leave the rider in an "open" public location while en route to a dangerous call, the officer is responsible for making arrangements to have the rider picked up as soon as possible.

(f) Whittier Police Department cadets, explorers, chaplains, and employees are exempt from the conditions of section 410.3 and are not required to complete ride-along applications/waivers.

(g) Officer's spouses, significant others, or individuals they have a dating relationship with, will not be allowed to ride with the officer.

(h) The Watch Commander or supervisor will designate the officer with whom the individual will ride.

411.3.2 NOTIFICATION OF APPROVAL AND PROCESSING RIDE-ALONGS

After meeting the requirements as listed in this policy the Program Coordinator shall:

(a) Contact the applicant and schedule the ride or inform the applicant he/she will not be allowed to participate.

(b) Enter the applicant's name, assigned date, and time on the ride-along log located on the "O" drive.

(c) Enter the date and time on the application/waiver and forward it to the appropriate shift supervisor.

(d) Services personnel shall advise the Field Operations shift supervisor of the arrival of a scheduled rider.

(e) The shift supervisor or Watch Commander will assign the rider to an officer, complete the application/waiver, and forward it to the Coordinator.

(f) The Cadet supervisor and Explorer supervisor shall coordinate their riders with the Ride-Along Coordinator. The frequency of ride-alongs by Cadets and Explorers shall be established by their supervisors in concurrence with the Field Operations Commander.

(g) If an officer, relative, or friend from out of the area wishes to participate in the Ride-Along Program, the on-duty shift supervisor may schedule a ride-along. Riders falling under this category must complete and sign a application/waiver and may not ride more than once during a six-month shift rotation. Previously scheduled riders shall

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not be canceled to accommodate an unscheduled rider. The Watch Commander or, in his absence, the on-duty supervisor shall have the final authority in canceling or discontinuing any ride-along.

(h) No Ride-Along Program participant shall be allowed to otherwise accompany a Whittier Police Officer in a search of a suspect's home or vehicle, unless that participant has a direct police function, such as the purpose of identifying stolen property belonging to the participant.

411.3.3 ARMED RIDE-ALONGS

Only sworn peace officers authorized by their employing agency to carry firearms off-duty may possess a firearm during a ride-along. Sworn peace officer riders will comply with the ride-along dress code as outlined in this policy. 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 on-duty 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. The below protocols will be observed:

(a) Information will be given out in roll-calls and via a CAD announcement whenever there is an armed rider. This information will include which officer the rider is with, which beat he is on, and a clothing description of the rider.

(b) Armed ride-along officers should never be assigned to cover or assist in any way unless their own safety or the safety of other officers is in jeopardy.

(c) Armed ride-along officers should never take the place of back-up from other WPD units.

(d) Armed ride-along officers' firearms shall be carried concealed on their persons or in a device similar to a fanny pack.

411.4 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 ride-along to their home or to the station if the ride-along interferes with the performance of the officer's duties.

(d) Ride-alongs may be allowed to continue riding during the transportation and booking process provided this does not jeopardize their safety.

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(e) Officers will not allow any ride-alongs to be present in any residences or situations that would jeopardize their safety or cause undue stress or embarrassment to a victim or any other citizen.

(f) Under no circumstance shall a civilian ride along be permitted to enter a private residence with an officer without the expressed consent of the resident or other authorized person.

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Labor/Management Disputes

412.1 PURPOSE AND SCOPE

To provide uniform guidelines in order to develop a more sophisticated approach during labor disputes between organized labor and management by Whittier Police Department personnel.

412.1.1 PHILOSOPHY

Negotiations and collective bargaining are legally recognized methods of settling labor disputes. It is not the function of law enforcement to deal with the issues involved; such issues are to be resolved at the bargaining table, where both management and labor are represented. Objectives of law enforcement during a dispute between labor and management are threefold:

(a) To maintain law and order

(b) To protect life and liberty

(c) To protect the civil rights of the general public and all parties to the dispute

412.2 DUTIES OF UNIFORM OFFICERS AT DISPUTE LOCATION

(a) At a dispute location, the duties of uniformed officers are the same as in any other incident requiring police attention. Officers shall maintain a fair and impartial attitude to both labor and management, and avoid expressing any personal opinion concerning the dispute.

(b) It is law enforcement's responsibility to see that persons desiring to enter or leave a dispute location may do so without unreasonable delay. The decision to cross picket lines rests with the individual entering or leaving the premises. To assure the safety of personnel and vehicular traffic in and out of the dispute location.

(c) Persons involved in a labor dispute have the right to demonstrate in a legal manner. The issues of the dispute should be of no concern to the officers.

(d) Officers assigned to a dispute location should impartially document all incidents or changes in situation and relay pertinent information to their supervisors. It is suggested from time to time, that a chronological log be maintained during major dispute situation. A log may be required, and if so, Administrative Bureau will order the same.

(e) Officers should not enter property under dispute except for official business. To maintain impartiality officers should not park their vehicles on the property, use management's phones, nor fraternize with parties to the dispute.

(f) At the location of a dispute, both labor and management may have food and beverage available for their personnel. Officers shall not accept food or beverages from labor or management.

(g) Officers should not, under any circumstances, accept or retain any form of employment from labor or management involved in a dispute.

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412.3 GUIDELINES FOR HANDLING LABOR DISPUTES

General: There is no guaranteed formula for handling labor disputes. No two strikes are alike. There are differences in physical surroundings, type of disputes, types of business, issues involved, composition of striking and non-striking employees and the leadership ability of labor and management officials.

Decisions made by peace officers at the scene of a labor dispute must be based on sound judgment. Any labor and management as to its impartiality and reasonableness. It is primarily of this reason that the law enforcement agency's policies should be explained to both labor and management to eliminate confusion and the cooperation of both labor and management in controlling the demeanor of striking and non-striking employee. It is recommended that each shift of pickets, non-strikers, and management personnel be briefed regarding their conduct during the dispute. In addition, a copy of the General Order should be provided.

Experience has shown that tensions are reduced when an explanation is given to the concerned parties regarding the incident and the resulting police action taken at a dispute location.

Picketing:

(a) The right to picket peacefully during the day or night time must be upheld by the police. Picketing is not a violation of the law. If illegal acts result from picketing, corrective police action should have been taken.

(b) When picketing is conducted in a congested area where pedestrians are deprived of the normal use of sidewalks, the public inconvenient should be brought to the attention of the union official. Peace officers have no legal authority to establish a strike perimeter or limit the number of pickets. A tactful suggestion to use a particular portion of the sidewalk or other public property is usually accepted.

(c) Law enforcement cannot prohibit use, nor limit the size, of placards carried by the pickets. Union officials have been receptive to suggestions that the size of placards be reasonable to avoid inconvenience to the general public and lessen the possibility that picket signs be used as weapons.

(d) The general public has a right to the free and immediate use of public sidewalks where picket activity is being conducted. Pickets are pedestrians and, as such, may delay the ingress and egress of persons and vehicles at a strike location. The question to be answered is whether the delay is "reasonable". Since the courts have not defined "reasonable", each incident must be evaluated individually. Any delay which causes a safety hazard should be considered unreasonable.

(e) In order to establish an obstruction violation on the part of pickets, the intent of the person to enter the location must be shown and the intent of the pickets to prevent the entrance must likewise be evident, either verbally or physically. (§ 647(c) Penal Code)

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(f) Management and union representatives have the right to talk to the driver of a vehicle which approaches the picket line. The driver is not obligated to talk with either representative and must decide what course of action to take. During such confrontations, law enforcement personnel should be in a position to prevent violation of the law.

(g) When it becomes necessary to temporarily open a picket line for the purpose of allowing a vehicle to cross, extreme caution should be exercised. Officers should at all times face the pickets. The use of arm signals to direct vehicles to cross the picket line is usually interpreted as an order to the driver to cross the line. This procedure is to be avoided. It may be beneficial to have a representative of management present during these critical periods to direct vehicles on to their property.

(h) Officers at the scene of a dispute must be alert and in a position to recognize potential problems. It is possible that alcoholic beverages may be consumed on the picket line or within the struck facility. Union and management officials are generally opposed to such activity as it lessens the ability to control their personnel. Officers shall use their discretion in making an arrest.

(i) The potential for violence may increase during shift changes. Special attention should be given to picket locations during these critical periods.

(j) When security personnel are employed by management, it should be suggested that management limit their use to company property. The arming of security should be advised of the liabilities which may be inappropriately or unlawfully.

412.4 INJUNCTIONS

(a) An injunction is a Writ or Order of the Court, restraining a person, or group of persons, from doing a particular act. (§ 525 Penal Code) An injunction is a CIVIL PROCESS Injunctions may restrict any of the following:

1. The number of persons of a picket line.
2. The distance to be maintained between pickets.
3. The distance from entrances which must be maintained by striking employees who are not on picket duty.
4. Any other restrictions delineated by the issuing court.

(b) Violations of an injunction are treated as Contempt of Court. If either party desires legal recourse, such action must be filed in the court of issuance.

(c) Representatives of labor or management may call an officers attention to violations of the injunction and insist that the injunction be enforced. It is not the duty of law enforcement to enforce an injunction. Exceptions would be if violations of the injunction also violate a provision of the law or the Court order is directed to the Sheriff or Chief

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of Police by name, ordering the enforcement of the Writ or Order. In this instance, officers hall insure the order is signed by the issuing judge and has the seal of the Court affixed. Officers should-then advise the violator of the intention to arrest for noncompliance with the Order. Arrests should be made pursuant to § 166(4) Penal Code, if the violations continue.

412.5 ARREST PROCEDURES

Incidents of a minor nature should be brought to the attention of the union or management official who has supervision over the principal(s) involved parties to exercise self-discipline. Police action should be taken when this procedure fails.

(a) Minor violations involving the two parties are generally best resolved by an informal hearing with the prosecuting authority.

(b) Labor and management often agree to withdraw all criminal and civil complaints upon settlement of a labor dispute. For this reason, private persons arrest procedures should be utilized.

(c) When felonies occur at the scene of a dispute, the crime would be investigated immediately, and, if sufficient probable cause is established, the suspect(s) should be arrested.

(d) If an officer anticipates an arrest, assistance should be requested. When possible, the request for assistance should be made prior to the officers attempt to take the offending person into custody.

(e) Once an arrest is accomplished, the person or persons arrested should be removed from the area immediately.

(f) The Department's mass arrest procedures should be reviewed when labor disputes occur within their jurisdiction.

412.6 COMMONLY USED STATUTES

The following is a listing of those Penal Code and Vehicle Code sections which may be applicable in connection with labor disputes. This list is not intended to be all inclusive and should not inhibit law enforcement personnel from taking appropriate action should other violations be present. Law enforcement officers engaged in policing labor disputes must be familiar with Penal Code § 552.1, "exemption: Union Activities", which grants specific exemptions to officers and members of a union or any other employee group "for the purpose of carrying on the activities of labor unions or members thereof", and Penal Code § 555.2, "loitering: Labor Dispute", which "does not prohibit picketing in such immediate vicinity (of property posted against trespassing pursuant to Penal Code § 554), or any lawful activity by which the public is informed of the existence of an alleged labor dispute".

The key word to both of these sections is the reference to "lawful activity" on the part of such demonstrators. Once a violation of a specific statute occurs which represent something more

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than a simple trespass onto the property of another, an arrest for that violation would seem to be appropriate. Examples of this type of conduct are: § 627C Penal Code, "Obstruction of Street, Sidewalk, or other Place open to Public" and § 602J Penal Code, "Trespassing; purpose of Injure", which relates to entering property with the intention of interfering with, obstructing, or injuring any lawful business or occupation. These sections require the "willful commission of a trespass", respectively. Successful prosecution of either section requires that violators be advised by the individual making the arrest of the unlawfulness of their activity. If circumstances clearly indicate the presence of malicious and/or willful intent, the court may accept the arrest and subsequent prosecution as meeting the test of reasonableness.

It is strongly recommended that the local prosecuting authority be contacted to determine their policy on the issuance of complaints involving labor disputes. A little groundwork in advance can ensure a much more receptive attitude on the part of the prosecutor if he is familiar with expected problems.

Vehicle Code

§ 20001 (a) (1)(2) (b) Hit & Run

§ 21950 (a) Crosswalks, Pedestrians

§ 21954(a) Pedestrian Yield

§ 21955 Jaywalking

§ 21956 Walking on Roadway

§ 23152 (a) & (b) Driving under the Influence

§ 23110(a) Throwing Substance at Vehicle

§ 23112(b) Depositing Rocks or Dirt on Highway

§ 23121 Drinking While Driving

§ 23121,5 Drinking in Motor Vehicle Upon Highway

§ 23122 Possession of Open Container While Driving

§ 23122.5 P Possession of Opened Container in Motor

§ 23123 Storage of Open Container

§ 23123.5 (a) (b) (c) Possession of Opened Container in Motor Vehicle: Under 21

§ 23123.6 Storage of Open Container in Passenger Compartment

Penal Code

§ 69 Resisting Officer

§ 148 Resisting, Delaying Interfering with Officer

§ 148.1 False Explosive Report

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§ 240 Assault

§ 242 Battery

§ 245 (a) (b) Assault with Deadly Weapon

§ 403 Disturbance of Public Meeting

§ 494 (a) (b) Riot

§ 404.6 Urging Riot

§ 405 (a) Lynching

§ 406 Rout

§ 407 Unlawful Assembly

§ 409 Remaining Present at Place of Riot

§ 415 (a) (b) (c) Disturbing the Peace

§ 451 (1) (2) (3) Arson of Structure, Forestland, Property

§ 588 (a) Throwing Injurious Substance

§ 588 (b) Breaking down Barrier, Sign or Light on Highway

§ 594 (a) (b) (c) (d) Vandalism

§ 602 Trespassing

§ 647 (c) Obstruction on Street, Sidewalk or Other Place open to Public

§ 647(F) Disorderly Conduct, Drunk

§ 653 (a) (b) (c) (d) Annoying-Threatening Phone Calls

§ 12020 Possession of Concealable Weapon

§ 12025 (a) (b) (c) Carrying Concealed Weapon Within Vehicle/Person

§ 12032 Carrying loaded Firearms

§ 12303.3 Possession of Destructive Devices

412.7 LABOR/MANAGEMENT RELATIONS OFFICER

The Administrative Bureau has the responsibility of labor Relations. All information concerning pending or ongoing disputes should be forwarded to this Bureau via memo.

412.7.1 DUTIES OF LABOR/MANAGMENT RELATIONS OFFICER

(a) Establish and maintain positive liaison with labor and management representative

(b) Establish and maintain positive liaison with related governmental agencies

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(c) Assure that crimes evolving from labor/management disputes are investigated promptly and carried to their proper conclusion

(d) Gather information regarding pending labor disputes

(e) Establish and maintain special files

(f) Assist Department Personnel

(g) Meet with union and management representatives who are, or may be, involved in a labor dispute

(h) Assure that picket lines are monitored

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Hazardous Material Response

413.1 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.

413.1.1 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.

413.2 HAZARDOUS MATERIAL RESPONSE

Employees may encounter situations involving suspected hazardous materials, such as at the scene of a traffic accident, chemical spill or fire. When employees come into contact with a suspected hazardous material, certain steps should be taken to protect themselves and citizens.

The following steps should be considered at any scene involving suspected hazardous materials:

(a) Attempt to identify the type of hazardous substance. (Identification can be determined by placard, driver's manifest or statements from the person transporting).

(b) Notify the Fire Department.

(c) Provide first-aid for injured parties if it can be done safely and without contamination.

(d) Begin evacuation of the immediate area and surrounding areas, depending on the substance. Voluntary evacuation should be considered; however, depending on the substance, mandatory evacuation may be necessary.

(e) Notify the local health authority. Such notification is mandatory when a spilled or released item is a pesticide (Health and Safety Code § 105215).

(f) Notify the Department of Toxic Substances Control. This is mandatory when an officer comes in contact with, or is aware of, the presence of a suspected hazardous substance at a site where an illegal controlled substance is or was manufactured (Health and Safety § 25354.5).

413.3 REPORTING EXPOSURE(S)

Department personnel who believe that they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Each exposure shall be documented by the employee in an employee memorandum that shall be forwarded via chain of command to the Commanding Officer. Should the affected employee be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the memorandum.

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Injury or illness caused or believed to be caused from exposure to hazardous materials shall be reported the same as any other on-duty injury or illness in addition to a crime report or incident report.

413.3.1 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

415.1 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.

415.1.1 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.

415.2 POLICY

It is the policy of the Whittier 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.

415.2.1 ASSISTANCE OF LOS ANGELES COUNTY SHERIFF'S

The Los Angeles County Sheriff's Department, Special Enforcement Bureau will provide assistance in instances requiring Special Weapons Team and\or hostage negotiator deployment. In the absence of SEB availability, the Chief may authorize Whittier SWAT or other SWAT teams to handle the event. This policy will establish a uniform method for the call-out of the SEB Special Weapons and Hostage Negotiation Team.

(a) The Los Angeles County Sheriff's Department Special Enforcement Bureau should be called upon where our resources are not capable of safely resolving situations. Examples of this include, but are not limited to:

  1. Barricaded suspects wherein a felony has occurred and the suspect(s) is believed to be armed.

(b) A hostage is taken, or where there is reason to believe that a hostage may have been taken.

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(c) A felony arrest is to be made or warrants are to be served, and the person(s) to be arrested is suspected of being armed and one or more of the following conditions exist:

1. Investigation reveals likelihood of armed resistance.
2. Suspect(s)!occupant(s) have a criminal history of violence.
3. Arrest to be made for violent felony.
4. Location is suspected of containing unusual weapons.

(d) Authorization to call out Los Angeles County Sheriff's Special Enforcement Bureau shall rest with the Watch Commander and in their absence the Division Commander or Chief.

(e) The on-duty Watch Commander, after determining the facts and having made the decision that the Special Enforcement Bureau or the Department SWAT team is needed, shall notify the affected Division Commander. If the Division Commander cannot be contacted, then the Chief of police will be notified.

Note: In most situations LASD Special Enforcement Bureau will not make forced entry into a building to effect an arrest without a warrant for the suspect. Therefore it is imperative a warrant is written by Whittier Police Department personnel and signed by a judge as soon as possible after the initial incident. The Los Angeles County Sheriff's Special Enforcement Team should be called upon where our resources are not capable of safely resolving situations. Watch Commanders should promptly and carefully evaluate all available information to determine whether an incident involves, or may later develop into, a hostage or barricade situation.

415.3 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 until the Los Angeles County Sheriff's Special Enforcment Team arrives. Negotiators are permitted to exercise flexibility in each situation based upon their training, the circumstances presented, suspect actions or demands and the available resources.

415.3.1 EMERGENCY COMMUNICATIONS

Only an officer who has been designated by the District Attorney or Attorney General may use or authorize the use of an electronic amplifying or recording device to eavesdrop on or record, or both, oral communication in response to an emergency situation involving a hostage or the barricading of a location, and only when (Penal Code § 633.8(b)):

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(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.

415.4 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.

415.4.1 BARRICADE SITUATION

Unless the Los Angeles County Sheriff's Special Enforcement Bureau cannot respond or respond promptly, 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, which may include the Department's SWAT team. 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) Establish a command post out of view and line of fire of the suspect(s), with access to a telephone.

(c) Assign a handling officer to obtain the necessary information and prepare the proper reports.

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(d) Contact anyone who can provide information concerning suspect(s), hostages or premises. Make diagram of the building floor plan, if possible.

(e) 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.

(f) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).

(g) Provide responding emergency personnel with a safe arrival route to the location.

(h) Evacuate non-injured persons in the immediate threat area if it is reasonably safe to do so including adjoining buildings for the safety of the occupants when necessary.

(i) Establish and maintain a suitable area for any evacuees and notify the Red Cross if necessary.

(j) 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.

(k) Establish an inner and outer perimeter as circumstances require and resources permit to prevent unauthorized access.

(l) 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.

(m) Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the Press Information Officer.

(n) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

415.4.2 HOSTAGE SITUATION

In the event the Los Angeles County Sheriff's Special Enforcement Bureau cannot respond or respond promptly, 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, which may include the Department's SWAT team. However, it is understood that hostage situations are dynamic and can require that initial officers react quickly to developing or changing threats. In every situation involving hostages, the safety of the hostage is of paramount concern. Effort should be made to affect the safe release of the hostage and to arrest the suspect. 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.

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(b) Establish a command post out of view and line of fire of the suspect(s), with access to a telephone.

(c) Assign a handling officer to obtain the necessary information and prepare the proper reports.

(d) Contact anyone who can provide information concerning suspect(s), hostages or premises. Make diagram of the building floor plan, if possible.

(e) 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.

(f) 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).

(g) 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.

(h) Request additional personnel, resources and equipment as needed (e.g., canine team, air support, paramedics, fire).

(i) Provide responding emergency personnel with a safe arrival route to the location.

(j) Evacuate non-injured persons in the immediate threat area if it is reasonably safe to do so including adjoining buildings for the safety of the occupants.

(k) Establish and maintain a suitable area for any evacuees and notify the Red Cross if necessary.

(l) Coordinate pursuit or surveillance vehicles and control of travel routes.

(m) Attempt or 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.

(n) Establish an inner and outer perimeter as resources and circumstances permit to prevent unauthorized access.

(o) 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.

(p) Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the Press Information Officer.

(q) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

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415.4.3 RESPONSIBILITY OF THE STATION COMMANDER

(a) Contact Norwalk Sheriff's Station Commander, (562 863-8711. Provide as much information as possible regarding the incident and request an LASD Field Sergeant to act as Liaison.

(b) The Station Commander shall cause the Whittier police Department Field Supervisor to respond to the scene and will remain at the Command Post after arrival of the Los Angeles Sheriff's Department Special Enforcement Bureau for liaison and supervision of Whittier police Department personnel.

415.4.4 SPECIAL INSTRUCTIONS

(a) Once the Whittier Police Department Station Commander or Field Supervisor briefs LASD personnel regarding the situation, and the ranking LASD Officer agrees to take charge, LASD shall assume command of the tactical situation, and Whittier Police Department will provide support and assistance. Control of the outer perimeter, Field Command Post security, etc., will remain Whittier Police Department's responsibility.

(b) Whittier Police Department personnel shall prepare and process all reports connected with the incident.

(c) Whittier Police Department should process all arrestee's.

(d) Whittier Police Department shall be responsible for press and news media relations. If LASD has Information Bureau personnel at the location, all efforts should be made to coordinate news releases.

415.5 SUPERVISOR RESPONSIBILITIES

Upon being notified that a hostage or barricade situation exists, the supervisor should immediately respond to the scene, assess the risk level of the situation, establish a proper chain of command and assume the role of Incident Commander until properly relieved. This includes requesting a Special Weapons and Tactics Team (SWAT) response if appropriate and apprising the SWAT Commander of the circumstances. In addition, the following options should be considered:

(a) Ensure injured persons are evacuated and treated by medical personnel.

(b) Ensure the completion of necessary first responder responsibilities or assignments.

(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).

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1. When considering restricting communication services, a supervisor should make the determination that there is reason to believe an emergency situation exists involving immediate danger of death or great bodily harm and that an interruption to communication services is necessary to protect public safety (Penal Code § 11471). The supervisor must ensure the Department obtains a court order, in accordance with Penal Code § 11472, prior to requesting the interruption. In the case of an extreme emergency when there is insufficient time to obtain an order prior to the request, application for the order must be submitted within six hours after initiating the interruption. If six hours is not possible, then the application for the court order shall be made at the first reasonably available opportunity, but no later than 24 hours in accordance with Penal Code § 11475.

(h) Ensure adequate law enforcement coverage for the remainder of the City during the incident. The supervisor should direct non-essential personnel away from the scene unless they have been summoned by the supervisor or Dispatch.

(i) Identify a media staging area outside the outer perimeter and have the department Press Information Officer or a designated temporary media representative provide media access in accordance with the Media Relations Policy.

(j) Identify the need for mutual aid and the transition or relief of personnel for incidents of extended duration.

(k) Debrief personnel and review documentation as appropriate.

415.6 REPORTING

Unless otherwise relieved by a supervisor or Incident Commander, the handling officer at the scene is responsible for completion and/or coordination of incident reports.

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Response to Bomb Calls

416.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to assist members of the Whittier 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 Whittier Police Department to place a higher priority on the safety of persons and the public over damage or destruction to public or private property.

416.3 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 WHITTIER POLICE DEPARTMENT FACILITY

If the bomb threat is against the Whittier 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 Whittier Police Department that is not the property of this department, the appropriate agency will be promptly informed of the threat. Assistance to the other entity may be provided as the Watch Commander deems appropriate.

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416.4.3 FEDERAL BUILDING OR PROPERTY

If the bomb threat is against a federal building or property, the Federal Protective Service should be immediately notified. The Federal Protective Service provides a uniformed law enforcement response for most facilities, which may include use of its Explosive Detector Dog teams.

If the bomb threat is against a federal government property where the Federal Protective Service is unable to provide a timely response, the appropriate facility's security or command staff should be notified.

Bomb threats against a military installation should be reported to the military police or other military security responsible for the installation.

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 Whittier/Santa Fe Springs, 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.

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.

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(b) The plan for assistance.

(c) Whether to evacuate and/or search the facility.

(d) Whether to involve facility staff in the search or evacuation of the building.

1. The person in charge of the facility should be made aware of the possibility of damage to the facility as a result of a search.

2. The safety of all participants is the paramount concern.

(e) The need for additional resources, including:

1. Notification and response, or standby notice, for fire and emergency medical services.

Even though a facility does not request police assistance to clear the interior of a building, based upon the circumstances and known threat, officers may be sent to the scene to evacuate other areas that could be affected by the type of threat, or for traffic and pedestrian control.

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.

(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.

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2. The exact location of the device.
3. A full description of the device (e.g., size, shape, markings, construction).
4. The anticipated danger zone and perimeter.
5. The areas to be evacuated or cleared.

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:

- 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

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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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Mounted Patrols

417.1 PURPOSE AND SCOPE

The mounted patrol unit was established to achieve the objectives of the Whittier Police Department through the promotion of public safety, positive public relations and a commitment to service to the community. The mounted patrol unit will be comprised of sworn and civilian volunteers who are specifically trained to support a variety of police operations as well as community service functions. Utilization of mounted civilian volunteers will be limited to situations commensurate with their training and experience and will be at the discretion of the mounted patrol supervisor or the watch commander.

417.1.1 ADMINISTRATIVE RESPONSIBILITIES

The Mounted Patrol Unit will use their specialized training and equipment to provide support to all divisions and details of the Department as requested in the following areas:

(a) Utilize proactive enforcement techniques to apprehend persons violating the law

(b) Establish a highly visible police presence to reduce crime

(c) Assist with searches for suspects, evidence, and lost or missing persons

(d) Crowd control at special events, including but not limited to parades, concerts, demonstrations, festivals and other public gatherings

(e) Reduce the risk of injury to police officers and the public during confrontations resulting from protests and demonstrations

(f) Provide a police presence during natural disasters where vehicle access is difficult or impractical

(g) Provide law enforcement presence and services in the wilderness

(h) Promote positive communications and interaction with the community

417.1.2 CHAIN OF COMMAND

(a) The Mounted Patrol Unit is placed within the Uniform Division under the command of the Uniform Division Commander

(b) Operationally, any mounted patrol officer on duty is under the direct supervision of the on-duty Station Commander

(c) Field Sergeants have functional supervision over any on-duty mounted patrol officer as is necessarily related to the deployment/use of the Mounted Patrol Unit

(d) The Uniform Division Commander shall appoint a Mounted patrol Unit supervisor

(e) The Mounted Patrol Unit shall be comprised of regular sworn or Reserve officers of the Whittier Police Department and select civilian volunteers

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417.1.3 PERSONNEL RESPONSIBILITIES

(a) The Uniform Division Commander oversees the Mounted Unit activities including budget, personnel selection, and liaison with other divisions.

(b) The Mounted Unit Supervisor has oversight of the officers assigned to the unit during times when those officers are performing duties related to the mounted unit detail. The Mounted Unit Supervisor shall review all operational requests for the unit and based on approval, shall determine the appropriate personnel and resources needed. The Mounted Unit Supervisor shall be involved in the selection of personnel for the unit. This will include but is not limited to a review of the applicant's qualifications and skills as demonstrated by prior training and field experience as well as past work performance.

(c) The Mounted Unit supervisor may appoint a squad leader who shall be responsible for carrying out assignments and for the overall safety of other mounted unit members on duty.

(d) Officers selected to the mounted unit shall be responsible for the exercise, training, and maintenance of their horses. The officer shall advise the Mounted Unit Supervisor of any problems or concerns with the performance of their horses.

(e) The Training Bureau, and the Mounted Unit Supervisor shall both maintain training records for each unit member and their horse(s).

417.2 OPERATING PROCEDURES

(a) All horses assigned for duty with the Whittier Police Department Mounted Patrol Unit shall be purchased and maintained by the individual mounted officer or volunteer.

(b) Horses to be utilized in the program must meet criteria and standards that are developed by Department. Before sworn officers and horses are used in the field, they must successfully complete a POST approved Basic Equestrian Academy. These standardized courses are offered throughout the State through regional POST certified academies. Civilian volunteers will be required to successfully complete a civilian police or sheriff equestrian support course designed to augment local law enforcement mounted patrol units. The Los Angeles County Parks and Recreation Department offers one such course.

(c) After completing either the POST Equestrian Academy or the civilian equestrian support course, members of the mounted unit will attend monthly training sessions sponsored by WPD or an outside regional group of law enforcement mounted officers. Outside monthly training will require the approval of the Mounted Unit Supervisor.

(d) The Patrol Division Commander or his/her designee shall approve all equipment utilized by mounted unit officers.

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(e) Mounted officers shall be responsible for the proper care and maintenance of all Department equipment issued to them, and for any personally owned equipment that will be utilized in the program.

(f) A mounted officer and horse will be considered on duty during the following periods:

1. While in transit to and from a departmentally sanctioned event or training session while using the officers personal vehicle or when utilizing a Department vehicle to accomplish the same.
2. During the performance of their assigned duties or designated training.
3. Any training or maintenance that is conducted during those times not designated as department training shall not be considered "on duty".

417.2.1 DEPLOYMENT

(a) All deployment will be at the discretion of the Uniform Division Commander or his/her designee.

(b) The Uniform Division Commander or the Mounted Unit Supervisor shall approve all requests for deployment.

(c) The horse is a tool for the police service and is to be used with the same restraint applicable to any other devise to maintain law and order and promote public safety.

(d) For safety reasons, mounted officers should be deployed in teams of two. Civilian volunteers should not be utilized in actual law enforcement field operations (such as riot control) however they can be utilized as support personnel for search and rescue or public relations situations. The Uniform Division Commander or his/her designee may authorize combinations of sworn and civilian members to be deployed to a specific event (such as a parade or para-police assignment).

(e) The call out procedure of the mounted unit will be in keeping with established guidelines with the first notification being made the Mounted Unit Supervisor.

(f) The decision to utilize a particular horse in a specific police operation shall be left to the individual mounted officer utilizing that horse.

417.2.2 SAFETY RULES

(a) Unit members generally will not position their horse so close to a person sitting or laying on the ground as to constitute a hazard.

(b) Generally, members of the public should not feed horses. If water is needed it, it should be obtained by or under the direct supervision of the mounted officer to ensure it's purity.

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(c) When dismounted, the public should not be allowed to come in close proximity to the horse unless the unit member is in such a position to maintain complete control of the animal.

(d) Horses are not to be left unattended.

(e) Prisoners will not be led by rope or other device by a mounted unit member.

(f) Horses will generally not be allowed to graze while on duty.

(g) Members shall utilize horses at a full gallop only when an emergency exists and due regard is given to the safety and welfare of the horse, rider, and the general public.

417.2.3 HORSE NUISANCE

Members will attempt to prevent horses from defecating or urinating in pedestrian areas. If the situation is unavoidable, the member will immediately remove the manure from the pedestrian area (safety permitting). Placing the manure in organic areas such as planting beds or in plastic bags is acceptable.

417.2.4 REPORTING OF INJURIES

(a) To civilians:

1. In all instances of known or suspected injuries to members of the public by a mounted unit horse, the on-duty supervisor will be notified immediately and his/her presence will be requested at the location.

2. The Mounted Unit supervisor will also be notified as soon as practical. In all instances, the appropriate documentation (i.e. City injured person report, police injured person report, threshold memo) will be completed including photographs, and recorded statement of witnesses and injured person if possible.

(b) To an on-duty police horse:

1. Determine the need for medical treatment. In the event of minor injury, first aid should be administered.

2. In the event of debilitating injury or sickness, the on-duty supervisor shall be immediately notified.

3. If possible, the horse will be transported to a large animal veterinarian. If the injury is to the extent the horse cannot be trailered, or if for other reasons this is inappropriate, the veterinarian shall be asked to respond to the scene.

4. A written account as to the extent of injury and how the injury was incurred will be submitted as soon as practical to the Mounted Unit Supervisor. At the discretion of the on-duty supervisor an injury report, damage to City property report may be completed.

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5. The Department will assume financial responsibility for veterinarian services for on-duty horse injuries. Payment for non-reported injuries requiring treatment will be the responsibility of the unit member.

417.2.5 UNAVAILABLE FOR DUTY
In the event a horse is unavailable to be ridden due to injury, sickness, or other circumstance, and no suitable replacement horse is available, the member shall contact the Mounted Unit Supervisor as soon as possible.

417.2.6 CIVILIAN RIDING POLICE HORSES
Members of the general public will generally not be permitted to mount or ride a police horse while the horse is on-duty. Any such requests shall be referred to the Mounted Unit Supervisor.

417.2.7 NON-MOUNTED EMPLOYEES RIDING POLICE HORSES
Generally, employees who are not members of the Mounted Unit shall not ride a police horse while the horse is on-duty. Any such request shall be referred to the Mounted Unit Supervisor.

417.2.8 BEGINNING OF SHIFT
The first 60 minutes of mounted shifts will be used to prepare a horse for duty. This will provide the horse a period to adjust after transport, and will include time for grooming and equipping the horse with tack and saddle.

417.2.9 GROOMING
Due to the high visibility of the Mounted Unit, the need for proper grooming and professional appearance is paramount. Prior to going "on duty", all horses will be either bathed or thoroughly brushed. Horses shall be properly trimmed, with special attention to the bridle path, face, ears and legs. The mane and tail will not be matted or tangled.

417.3 SELECTION PROCEDURE
In order to provide a well-trained and disciplined team, the following process shall be utilized when selecting members for the Mounted Patrol Unit.

417.3.1 APPLICATION-SWORN POLICE OFFICER
Application for a position with the Mounted Patrol Unit will be made by memorandum to the Chief of Police via the Chain of Command. The memorandum shall include any prior or applicable equestrian experience and information describing the horse(s) available to the officer. The Mounted Unit Supervisor and Division Commander will review the qualifications and forward them with recommendation to the Chief of Police.

The selection process may include additional interviews. The Mounted Patrol Unit is not a permanent or full-time assignment. The Chief of Police shall determine the size of the unit based on interest, need and available funding. Officers may remain members of the Mounted Patrol Unit indefinitely, as long as they remain in good performance standing (competent evaluations) within

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their assigned division, and at the discretion of the Chief of Police. Officers assigned to any division may be members of the Mounted Unit.

417.3.2 APPLICATION-CIVILIAN

Civilians requesting membership in the unit should send their request to the Chief of Police. The applicant will have an oral interview with the Mounted Unit Supervisor and other staff to determine their suitability and skill level. If accepted, the volunteer must complete a background and records check prior to acceptance. The volunteer must successfully complete the required training before appointment to the unit.

417.3.3 MINIMUM CRITERIA

(a) Sworn officers must be off probation and in good standing in the division where they are working. Civilians must be of good character and successfully complete all phases of the selection process.

(b) The prospective member shall have access to or possess a horse that is suitable for the Mounted patrol Unit.

(c) The prospective member shall have, or be able to attain prior to deployment, suitable horsemanship skills and abilities.

417.3.4 APPOINTMENT PROCEDURE

After successfully completing the selection process, candidates may be considered "provisional" members of the Mounted Unit while waiting to complete the required POST Mounted Patrol academy or civilian equestrian support course. The candidate will not have official appointment to the unit and may not engage in any official deployment until successfully completing the required training. Upon successful completion of training, members will be considered appointed to the unit. Sworn members will be issued a mounted Patrol Unit uniform pin to be worn on their duty uniform.

417.4 SELECTION PROCESS-HORSE

417.4.1 CRITERIA FOR HORSES

(a) Horses selected for the unit must be suitable for use in many varied law enforcement situations. There are no restrictions regarding breeding. Horses must be sound and serviceable, and possess no traits that might present a danger to the public, police officers or other horses. During the selection process emphasis will be placed on temperament, willingness and obedience. Horses must be in good condition and we groomed.

(b) Prior to field duty, new horses may be required to have a veterinary medical and/or soundness check.

(c) Horses used by sworn officers must successfully complete a POST approved Mounted Patrol academy generally offered by either the Los Angeles County Sheriff Department or the San Bernardino Sheriff Department. Civilian use horses must successfully

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complete a civilian equestrian police support course. Horses are required to complete an additional 16 hours of in house or regional training and review prior to actual law enforcement deployment.

417.5 TRAINING

417.5.1 TRAINING ORIENTATION

(a) Upon provisional appointment to the Mounted Unit and prior to attending any required equestrian school, members will be required to attend in house or regional training sessions.

(b) Members of the mounted unit shall attempt to train a minimum of once per month, or more frequently at the discretion of the Mounted Patrol Unit supervisor. Mounted unit members shall attempt to attend all scheduled training sessions. Excessive or frequent missed training sessions may be cause for expulsion from the unit.

417.5.2 TRAINING UNIFORM

Mounted unit training uniform consists of:

(a) Authorized Department baseball cap.

(b) Mounted Patrol Unit logo T-shirt, polo shirt or other appropriate shirt approved by the Mounted Unit Supervisor.

(c) Western style jeans in blue or black.

(d) Black or Brown riding boots (athletic type shoes designed specifically for riding in black or brown may also be worn).

(e) Horses training tack and other appropriate equipment may be provided by the department or the individual officer.

417.5.3 PROFICIENCY TESTS

All members of the Unit will be subject to proficiency testing prior to joining the detail and will be subject to periodic testing to maintain proficiency while attached to the Unit. Successful completion of the initial POST approved Mounted Patrol or civilian police support course may be accepted for the initial proficiency requirement. Recurring proficiency testing and evaluation shall be conducted in conjunction with regular training sessions sponsored by this Department or in conjunction with a regional training group, or during advanced POST certified Mounted Patrol training courses.

The testing and evaluation will focus on the areas of general riding and equestrian skills, as well as how the horse and rider adapt to law enforcement situations.

(a) General riding and equestrian skills shall include proficiency in the following:

1. Properly saddle and bridle the horse and inspection of equipment

(b) Demonstrate an appropriate level of groundwork skills including:

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1. Driving the horse down the rail in both directions including the ability to reverse direction
2. Backing, moving forward and halting on common
3. Driving the horse in a circle at a walk and trot
4. Side-pass in both direction
5. Pivot on hindquarters and turn on forehand
6. Flex the horse's head/neck in both direction
7. Mount the horse properly
8. Ride the horse around the arena at the walk, trot, and lope on common
9. Demonstrate a controlled halt from any requested gait
10. Demonstrate a "one rein stop" emergency maneuver
11. Ride the horse to the center of the arena and stop him smartly
12. Mount and dismount the horse from the off side
13. Ride double
14. Walk forward and back through an "L"
15. Side-pass the horse five yards to the left, stop, side-pass back five yards to the Right
16. Demonstrate a 360-degree turn on the forehand and haunches
17. Lead the horse to the rail or any appropriate designated area and tie him correctly

(c) Specialized law enforcement skills test/evaluation for sworn Sensory gauntlet including but not limited to the following:

1. Noises of all types
2. Sign and flag distraction, flapping materials, etc.
3. Balloons
4. Plastic or cloth overhead obstacles
5. Walkovers, tarps, poles, other appropriate obstacles
6. Firecrackers and other loud distractions

(d) Handgun firing

1. Firing a handgun in the presence of the horse
2. Mounted rider firing a handgun

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(e) Police emergency equipment

1. Flashing lights
2. Siren
3. Smoke grenades
4. Use of phosphorus flares

(f) Horse baton

1. Swinging the horse baton while mounted
2. Hitting solid objects

417.5.4 TACTICAL FORMATIONS FOR SWORN MEMBERS

Recent tactics in controlling civil demonstrations have placed an emphasis on mounted officers functioning in disciplined squads. Teamwork is paramount to successfully handling groups of hostile and friendly people. All members of the Mounted Patrol Unit must be calm, composed, maintain self-control and not become involved personally with individuals or groups during crowd control situations. Formation training will be conducted at monthly training sessions to ensure a high degree of readiness in this area.

417.5.5 HORSE BATON FOR SWORN MEMBERS

The 40-inch horse baton is the approved baton for sworn members of the Mounted Patrol Unit. Each member will comply with the Department's use of force policy when utilizing the horse baton in a law enforcement situation. The Mounted Patrol Supervisor will ensure that each Unit member maintains an acceptable level of proficiency with the horse baton.

417.6 EQUIPMENT

Upon appointment to the Mounted Patrol Unit, the Department will issue a voucher to obtain the following equipment. Civilian volunteers will need the designated items:

(a) Whittier PD saddle pad with WPD patch. (civilian)

(b) Whittier PD headstall/halter combination.

(c) One set of (4) "easy boots" for horse.

(d) One set of navy blue wraps. (civilian)

(e) 40-inch horse baton with holder/ring.

(f) One set of reflective wraps for nighttime deployment (civilian)

(g) Whittier PO saddle bags/cantle bag.

(h) Bicycle type strobe for nighttime deployment.

(i) Leather breast collar with Department badge. (civilian).

(j) One pair of "class A" breeches.

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(k) One pair of "class A" riding boots.

(l) One black Stetson type hat.

(m) One "class B" BDU uniform shirt (polo shirt) with Mounted Patrol Unit insignia. (civilians will have volunteer polo shirts and black basket weave belts).

417.6.1 EMPLOYEE PROVIDED EQUIPMENT
Each Unit member will provide the following equipment:

(a) Clean and usable western saddle in dark leather color (saddle must fit both horse and rider and have the back cinch removed). Certain other types of dark leather saddles may be used (Australian stock, officer type dressage, endurance saddles, etc) with the approval of the Mounted Patrol Unit supervisor.

(b) Cinch and all fittings for the saddle.

(c) Saddle pad for training and an "under pad" for deployment.

(d) Training breast collar and training headstall (Department issued "dress" breast collar and headstall shall not be used for training purposes).

(e) Reins, lead rope and training halter.

(f) Training uniform and "class B" uniform.

417.7 MOUNTED PATROL DEPLOYMENT UNIFORM

The "class A" uniform for sworn Mounted Patrol members shall be:

(a) Short or long sleeve uniform shirt worn as per Departmental uniform regulations. Long sleeve and ties will be required for formal details.

(b) Uniform jacket as per Departmental uniform standards as required.

(c) Navy blue breeches.

(d) Black English field boots.

(e) Departmental "Sam Browne" belt with standard Department equipment (Web nylon or leather may be worn however for formal events/details leather will be required).

(f) Black Stetson style hat.

(g) Black leather riding gloves (as needed).

417.7.1 CLASS B UNIFORM
The "Class B" uniform for sworn and civilian members shall be:

(a) Appropriate uniform shirt, "utility" uniform shirt or "polo" style shirt. The "class B" uniform shirt will be determined by the Mounted Unit supervisor depending on the nature of the detail.

(b) Black, "Wrangler" type western jeans.

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(c) Black, low heel, "Roper" style western boots.

(d) Departmental "Sam Browne" belt for sworn members with standard equipment (either leather or nylon web style). Civilians will wear black basket weave belt.

(e) Headgear as designated by the Mounted Unit supervisor (western hat or baseball type cap).

(f) Uniform jacket per Departmental specifications as needed.

(g) Black leather riding gloves as needed.

Maintaining uniform, tack and equipment is the responsibility of the officer to whom it has been issued. Due to the high visibility of the assignment, all issued equipment shall be kept clean and in good repair.

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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 Whittier 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 officers encounter an individual who may qualify for a 5150 commitment, they 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 in the CAD call.

(d) If it is a voluntary 72-hour admittance and weapons were seized, a report shall be generated and the appropriate department 5150 seizure of weapons and receipt will be completed. A copy of the form will be left with the voluntary 5150 and the original included in the report.

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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).

418.5 TRANSPORTATION

When transporting any individual for a 5150 commitment, the transporting officer should have Dispatch notify the receiving facility of the estimated time of arrival, the level of cooperation of the individual and whether any special medical care is needed.

Officers may transport individuals in a patrol unit and shall secure them in accordance with the Handcuffing and Restraints Policy. Should the detainee require transport in a medical transport vehicle and the safety of any person, including the detainee, requires the presence of an officer during the transport, Watch Commander approval is required before transport commences.

418.6 TRANSFER TO APPROPRIATE FACILITY

Upon arrival at the facility, the officer will escort the individual into a treatment area designated by a facility staff member. If the individual is not seeking treatment voluntarily, the officer should

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provide the staff member with the written application for a 5150 commitment and remain present to provide clarification of the grounds for detention, upon request.

Absent exigent circumstances, the transporting officer should not assist facility staff with the admission process, including restraint of the individual. However, if the individual is transported and delivered while restrained, the officer may assist with transferring the individual to facility restraints and will be available to assist during the admission process, if requested. Under normal circumstances, officers will not apply facility-ordered restraints.

418.7 DOCUMENTATION

The officer shall complete an application for a 72-Hour detention for evaluation and treatment, provide it to the facility staff member assigned to that patient and retain a copy of the application for inclusion in the case report. Mental health detentions shall be documented and when weapons are seized the department weapons sezuire receipt will be completed with a copy given to the detainee and the original included in the 5150 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).

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418.8 CRIMINAL OFFENSES

Officers investigating an individual who is suspected of committing a minor criminal offense and who is being taken on a 5150 commitment should resolve the criminal matter by issuing a warning or a Notice to Appear as appropriate.

When an individual who may qualify for a 5150 commitment has committed a serious criminal offense that would normally result in an arrest and transfer to a jail facility, the officer should:

(a) Arrest the individual when there is probable cause to do so.

(b) Notify the appropriate supervisor of the facts supporting the arrest and the facts that would support the 5150 commitment.

(c) Facilitate the individual's transfer to jail.

(d) Thoroughly document in the related reports the circumstances that indicate the individual may qualify for a 5150 commitment.

In the supervisor's judgment, the individual may instead be arrested or booked and transported to the appropriate mental health facility. The supervisor should consider the seriousness of the offense, the treatment options available, the ability of this department to regain custody of the individual, department resources (e.g., posting a guard) and other relevant factors in making this decision.

418.9 FIREARMS AND OTHER WEAPONS

Whenever a person is taken into custody for a 5150 commitment, the handling officers should seek to determine if the person owns or has access to any firearm or other deadly weapon defined in Welfare and Institute § 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 on the department 5150 firearm seizure form, 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). A copy of the form shall be left with the individual and the original placed with the 5150 report.

418.9.1 PETITION FOR RETURN OF FIREARMS AND OTHER WEAPONS

Whenever the handling officer has cause to believe that the future return of any confiscated weapon might endanger the person or others, the officer shall detail those facts and circumstances in a report. The report shall be forwarded to the Detective Bureau, which shall be responsible for

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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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Cite and Release Policy

420.1 PURPOSE AND SCOPE

This policy provides guidance on when to release adults who are arrested for a criminal misdemeanor offense on a written notice to appear (citation) and when to hold for court or bail.

420.2 POLICY

It is the policy of the Whittier 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 persons arrest, shall be released from custody on a citation (Penal Code § 853.6). The officer shall include in the CAD call disposition the citation number, last name, first name, DOB, citation charge or "warrant."

The citing officer shall, at the time the defendant signs the notice to appear, call attention to the time and place for appearance and take any other steps he/she deems necessary to ensure that the defendant understands his/her written promise to appear.

420.3.1 FIELD CITATIONS

In most cases an adult arrested for a misdemeanor offense may be released in the field on a citation in lieu of physical arrest when booking and fingerprinting is not practicable or immediately required provided the individual can be satisfactorily identified, there is no outstanding arrest warrant for the individual and none of the below described disqualifying circumstances are present (Penal Code § 853.6; Penal Code § 1270.1). In such cases the arresting officer should check the booking required box on the citation form to indicate that the person will be photographed and fingerprinted at a later time when ordered by the court.

When a booking photo or fingerprints are needed for the furtherance of any investigation, the person should be released on citation after booking instead of on a field citation.

420.3.2 RELEASE AFTER BOOKING

In some cases it may not be feasible or desirable to release a person in the field. The person should instead be released on citation after booking at the jail. All bookings shall be approved by the Watch Commander or the authorized designee.

420.3.3 BOOKING LIMITATIONS

(a) Traffic Warrants

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1. No person will be booked on foreign traffic warrants where the bail or combined bail is less than $50,000.
2. No person will be booked on foreign traffic warrants where the bail or combined bail is $50,000 or more where the agency or agencies that have jurisdiction for the warrant are unwilling to recover the person from our custody.
3. Traffic warrants that do not comply with 420.3.6(a)1 or 2 should not be accepted for jail booking unless authorized by the Watch Commander.

(b) Criminal Warrants:

1. Subjects of foreign criminal warrants less than $50,000 will not be booked into the Whittier/Santa Fe Springs Police Department Jail unless the criminal section listed on the warrant(s) include those listed in 420.4 of this policy, domestic violence (misdemeanor or felony), sex related criminal charges (misdemeanor or felony) has "No-Bail," or unless otherwise authorized by the Watch Commander.
2. Criminal Warrants from other jurisdiction(s) over $50,000, that do not comply with (b)1 above, should not be accepted for jail booking unless the agency having jurisdiction over the warrant is willing to take custody and pick up the person being arrested or unless authorized by the Watch Commander.
3. If a warrant qualifies for booking in our jail, officers or dispatchers must contact the issuing agency regarding the warrant and confirm their intent to pick up the person from our custody.
4. Field officers shall issue citation(s) in the field in cases where the other jurisdiction(s) does not accept the person.
5. Jailers will issue citation(s) in cases of multiple warrants subject to Penal Code § 827.1.

(c) Citation releases should not be used when a detained juvenile has three or more entries on his JAI record or when the juvenile is on active probation.

(d) All citations for traffic infractions for juveniles (youth under the age of 18) shall be cited into Bellflower Superior Court with at least 60 days from the date of the violation.

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)

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(e) Rape of a spouse (Penal Code § 262)

(f) 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)

(g) Stalking (Penal Code § 646.9)

(h) Misdemeanor violations of a protective order relating to domestic violence if there is a reasonable likelihood the offense will continue or the safety of the individuals or property would be endangered (Penal Code § 853.6)

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 he/she could be a danger to him/herself or to others. Release may occur as soon as this condition no longer exists.

(b) The person arrested requires medical examination or medical care or is otherwise unable to care for his/her own safety

1. The Whittier Police Department shall not release an arrestee from custody for the purpose of allowing that person to seek medical care at a hospital, and then immediately re-arrest the same individual upon discharge from the hospital, unless the hospital determines this action will enable it to bill and collect from a third-party payment source (Penal Code § 4011.10).

(c) The person is arrested for one or more of the offenses listed in Vehicle Code § 40302, Vehicle Code § 40303, and Vehicle Code § 40305.

(d) The person has been cited, arrested, or convicted for theft from a store or vehicle in the previous six months, or there is probable cause to believe the person is guilty of committing organized retail theft, as defined in Penal Code § 490.4(a).

(e) There are one or more outstanding arrest warrants for the person or failures to appear in court on previous misdemeanor citations that have not been resolved (see Misdemeanor Warrants elsewhere in this policy).

(f) The person could not provide satisfactory evidence of personal identification.

1. If a person released on citation does not have satisfactory identification in his/her possession, a right thumbprint or fingerprint should be obtained on the citation form.

(g) The prosecution of the offense or offenses for which the person was arrested or the prosecution of any other offense or offenses would be jeopardized by the immediate release of the person arrested.

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(h) There is a reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be imminently endangered by the release of the person arrested.

(i) The person arrested demands to be taken before a magistrate or has refused to sign the notice to appear.

(j) There is reason to believe that the person would not appear at the time and place specified in the notice to appear. The basis for this determination shall be specifically documented. An arrest warrant or failure to appear that is currently pending shall constitute reason to believe that the person will not appear. Other reasons may include:

  (a) Previous failure to appear is on record

  (b) The person lacks ties to the area, such as a residence, job, or family

  (c) Unusual circumstances lead the officer responsible for the release of prisoners to conclude that the suspect should be held for further investigation

When a person is arrested on a misdemeanor offense and is not released by criminal citation, the reason for non-release shall be noted on the booking form. This form shall be submitted to the Watch Commander for approval and included with the case file in the Records Bureau. The officer shall input into CAD the last name, first name, DOB and arrest charge or "Warrant." Verbally providing this information to dispatch is also acceptable.

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 him/herself or others due to intoxication or being under the influence of drugs or narcotics.

(f) The person requires medical examination or medical care or was otherwise unable to care for his/her own safety.

(g) The person has other ineligible charges pending against him/her.

(h) There is reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be immediately endangered by the release of the person.

(i) The person refuses to sign the notice to appear.

(j) The person cannot provide satisfactory evidence of personal identification.

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(k) The warrant of arrest indicates that the person is not eligible to be released on a notice to appear.

Release under this section shall be done in accordance with the provisions of this policy.

420.6 JUVENILE CITATIONS

TRAFFIC CITATIONS:

All traffic infractions issued to minors, where there is NO other violation, except the infraction listed on the citation, are to be sent to the local adult traffic court (Bellflower Court) for handling. The citation given to a minor should indicate the date, time and location for the appearance.

TRAFFIC MISDEMEANORS:

§256 of the Welfare and Institutions code provides that "any violation of the Vehicle Code not declared to be a "felony" should be cited on a regular traffic form and sent to the Informal Juvenile and Traffic Court (i.e. 12500 (A) V.C. or 14601.1 V.C.). Since the Informal Juvenile and Traffic Court closed in 2012, all such citations should be sent to the citation Diversion Program at 6640 Van Nuys Blvd #200, Van Nuys, CA 91405. With the exception of traffic infractions noted above all other vehicle code misdemeanor violations can be sent to the Probation Department in Van Nuys. This would include the following most common sections such as: §31, §2800, §2801, §4461, §10851, §12500, §12951, §13004, §14601, §14601.1, §20002(a), §21200.5 (DUI Bike), §22520.5, §23103, §23104, §23109(a), §23109(b), §23110(a), §23136, §23140, §23222, §23224(b), §23253, §38316, §38317.

OTHER VIOLATIONS:

The following is a list of violations other than Vehicle Codes that can be cited to the Probation Department using a regular citation form. The citation should only reflect "TO BE NOTIFIED BY PROBATION" and no date for appearance should be added. Otherwise all detained petitions and citeouts from the station should go to Los Padrinos on an LP Cite.

Penal Code:

303a -loitering to beg alcohol

308(b)-possession of smoking paraphernalia

330-illicit gaming

369 I -Tresspassing on railroad property

402-Interference at a traffic accident

374.3 & 374.4 Littering

415.1-Disturbing the peace (fighting)

485-Keeping lost property

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490.1 -Petty theft less than $50

502 (c)(6),(7), or (8)-computer access

555.2-Loitering on posted property

555-Trespass on posted property

594(a)(1)-Vandalism with liquid or paint

594.1-Possession or aerosol paint

602(m)-Driving on private property w/o permission

602.6-Entry/loitering on closed fair grounds

647(f)-Drunk in public

647(h)-Loitering on private property

Business and Professions Code

25658-Minor consuming alcohol

25658.5-Minor attempts to purchase alcohol

25661-Use of false ID

25662-Minor possessing alcohol

Health and Safety

11357(b)-Marijuana-infraction

11532(a)-Loiter as lookout or sell narcotics

Municipal Code-Any Violation that involves loitering

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 he/she 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 Whittier Police Department extend appropriate privileges and immunities to foreign diplomatic and consular representatives in accordance with international law.

422.2 POLICY

The Whittier 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 Whittier 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 Patrol Division Commander should coordinate critical incident planning. Planning efforts should consider:

(a) Identification of likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.

(b) Availability of building plans and venue schematics of likely critical incident target sites.

(c) Communications interoperability with other law enforcement and emergency service agencies.

(d) Training opportunities in critical incident target sites, including joint training with site occupants.

(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 Coordinator 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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Immigration Violations

428.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the Whittier Police Department relating to immigration and interacting with federal immigration officials.

428.1.1 DEFINITIONS

The following definitions apply to this policy (Government Code § 7284.4):

Criminal immigration violation - Any federal criminal immigration violation that penalizes a person's presence in, entry, or reentry to, or employment in, the United States. This does not include any offense where a judicial warrant already has been issued.

Immigration enforcement - Any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal civil immigration law, including any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal criminal immigration law that penalizes a person's presence in, entry or reentry to, or employment in the United States.

Judicial warrant - An arrest warrant for a violation of federal criminal immigration law and issued by a federal judge or a federal magistrate judge.

428.2 POLICY

It is the policy of the Whittier Police Department that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this department in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their national origin or immigration status.

428.3 DETENTIONS AND ARRESTS

An officer shall not detain any individual, for any length of time, for a civil violation of federal immigration laws or a related civil warrant (Government Code § 7284.6).

An officer who has a reasonable suspicion that an individual already lawfully contacted or detained has committed a criminal violation of 8 USC § 1326(a) (unlawful reentry) that may be subject to an enhancement due to a previous conviction of an aggravated felony under 8 USC § 1326(b)(2), may detain the person for a reasonable period of time to contact federal immigration officials to verify whether the United States Attorney General has granted the individual permission for reentry and whether the violation is subject to enhancement (Government Code § 7284.6). No individual who is otherwise ready to be released should continue to be detained only because questions about the individual's status are unresolved.

If the officer has facts that establish probable cause to believe that a person already lawfully detained has violated 8 USC § 1326(a) and the penalty may be subject to enhancement due to prior conviction for specified aggravated felonies, he/she may arrest the individual for that offense (Government Code § 7284.6).

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An officer shall not detain any individual, for any length of time, for any other criminal immigration violation of federal immigration laws (Government Code § 7284.6).

An officer should notify a supervisor as soon as practicable whenever an individual is arrested for violation of 8 USC § 1326(a).

428.4 FEDERAL REQUESTS FOR ASSISTANCE

Requests by federal immigration officials for assistance from this department should be directed to a supervisor. The supervisor is responsible for determining whether the requested assistance would be permitted under the California Values Act (Government Code § 7284.2 et seq.).

On October 5, 2017, Governor Brown signed Senate Bill 54, the California Values Act, which limits local law enforcement's involvement in immigration enforcement. This Act does not prohibit immigration officials from entering and/or working inside any of these police facilities under certain conditions.

It is crucial federal agencies understand officers are prohibited by SB54 from doing the following:

(a) participating in arrests based on civil immigration warrants

(b) taking part in immigration investigations

(c) inquiring into an individual's immigration status

(d) or transferring any individual to immigration authorities, unless authorized by a judicial warrant or judicial probable cause determination, or in compliance with Government Code 7282.5.

Federal agents working with officers should understand that immigration enforcement should not be conducted while partnered with officers. In the event a federal agent does conduct immigration enforcement, officers can cover them for officer safety reasons until additional federal agents arrive.

Federal immigration law governs the following areas:

(a) legal and illegal immigration into the United States

(b) how long a person can stay

(c) and when they must leave

Federal immigration agencies and officials have primary jurisdiction and responsibility for the enforcement of immigration laws. States have limited legislative authority regarding immigration.

Under California law, the primary function of a police officer is to enforce the laws of the State of California. In general, California state law leaves the direct enforcement of immigration laws almost entirely with federal agencies and officials.

428.5 DEPARTMENT PROCEDURE ON IMMIGRATION

(a) **DETENTIONS ONLY**

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1. The stopping and/or detaining of persons to check their documentation or immigration status based on the appearance of foreign ancestry alone is unlawful.
2. Officers shall refrain from using pre-textual law enforcement contacts as a method to engage in federal immigration enforcement.
3. During lawful detentions, officers should not be inquiring as to the immigration status of the person being detained.

(b) **ARRESTS--**Whenever an arrest of an illegal entrant into this country is made, it shall be made in accordance with the law and Department Policy/Procedure as set forth below:

1. A peace officer in California may make a lawful arrest whenever any of the following circumstances occur:
   (a) A public offense is committed in the officer's presence;
   (b) A person has committed a felony; or
   (c) Probable cause exists to suspect a person has committed a felony, whether or not a felony has, in fact, been committed (Penal Code 836).

(c) **JAILS**--The responsibility for determining the immigration status of inmates in any jail facilities belongs with the U.S. Immigration and Customs Enforcement (ICE). However, in order to enhance the ongoing joint efforts by the Department and ICE to identify criminal aliens in the jail system and process them for deportation, the following process will occur:

1. Every individual booked into the Whittier Police Department's jail facility will have their fingerprints checked in the U.S. Department of Homeland Security's biometric system for any immigration record (LIVESCAN).

428.6 INFORMATION SHARING

No member of this department will prohibit, or in any way restrict, any other member from doing any of the following regarding the citizenship or immigration status, lawful or unlawful, of any individual (8 USC § 1373; Government Code § 7284.6):

(a) Sending information to, or requesting or receiving such information from federal immigration officials

(b) Maintaining such information in department records

(c) Exchanging such information with any other federal, state, or local government entity

Nothing in this policy restricts sharing information that is permissible under the California Values Act.

428.6.1 NOTICE TO INDIVIDUALS

Individuals in custody shall be given a copy of documentation received from U.S. Immigration and Customs Enforcement (ICE) regarding a hold, notification, or transfer request along with

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information as to whether the Whittier Police Department intends to comply with the request (Government Code § 7283.1).

If the Whittier Police Department provides ICE with notification that an individual is being, or will be, released on a certain date, the same notification shall be provided in writing to the individual and to his/her attorney or to one additional person who the individual may designate (Government Code § 7283.1).

428.6.2 ICE INTERVIEWS

Before any interview regarding civil immigration violations takes place between ICE personnel and an individual in custody, the Whittier Police Department shall provide the individual with a written consent form that explains the purpose of the interview, that the interview is voluntary, and that he/she may decline to be interviewed or may choose to be interviewed only with his/her attorney present. The consent form must be available in the languages specified in Government Code § 7283.1.

428.6.3 TRANSFERS TO IMMIGRATION AUTHORITIES

Members shall not transfer an individual to immigration authorities unless one of the following circumstances exist (Government Code § 7282.5; Government Code § 7284.6):

(a) Transfer is authorized by a judicial warrant or judicial probable cause determination.

(b) The individual has been convicted of an offense as identified in Government Code § 7282.5(a).

(c) The individual is a current registrant on the California Sex and Arson Registry.

(d) The individual is identified by the U.S. Department of Homeland Security's Immigration and Customs Enforcement as the subject of an outstanding federal felony arrest warrant.

428.6.4 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

The Jail Manager shall ensure that data regarding the number of transfers of an individual to immigration authorities, as permitted by Government Code § 7284.6(a)(4), and the offense that allowed for the transfer is collected and provided to the Records Supervisor for required reporting to the DOJ (Government Code § 7284.6(c)(2)(see the [Records Bureau] Policy).

428.7 U VISA AND T VISA NONIMMIGRANT STATUS

Under certain circumstances, federal law allows temporary immigration benefits, known as a U visa, to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U)).

Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)).

Any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the Detective Bureau supervisor assigned to oversee the handling of any related case. The Detective Bureau supervisor should:

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(a) Consult with the assigned investigator to determine the current status of any related case and whether further documentation is warranted.

(b) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the certification or declaration has not already been completed and whether a certification or declaration is warranted.

(c) Address the request and complete the certification or declaration, if appropriate, in a timely manner.

1. The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website.

2. Form I-918 Supplement B certification shall be completed if the victim qualifies under Penal Code § 679.10 (multiple serious offenses). Form I-914 Supplement B certification shall be completed if the victim qualifies under Penal Code § 236.5 or Penal Code § 679.11 (human trafficking).

(d) Ensure that any decision to complete, or not complete, a certification or declaration form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed form in the case file.

(e) Inform the victim liaison of any requests and their status.

428.7.1 TIME FRAMES FOR COMPLETION

Officers and their supervisors who are assigned to investigate a case of human trafficking as defined by Penal Code § 236.1 shall complete the above process and the documents needed for indicating the individual is a victim for the T visa application within 15 business days of the first encounter with the victim, regardless of whether it is requested by the victim (Penal Code § 236.5).

Officers and their supervisors shall complete the above process and the documents needed certifying victim cooperation for a U visa or T visa application pursuant to Penal Code § 679.10 and Penal Code § 679.11 within 30 days of a request from the victim, victim's family, or authorized representative (as defined in Penal Code § 679.10 and Penal Code § 679.11) related to one of their assigned cases. If the victim is in removal proceedings, the certification shall be processed within seven days of the first business day following the day the request was received.

428.7.2 REPORTING TO LEGISLATURE

The Jail Manager or the authorized designee should ensure that certification requests are reported to the Legislature in January of each year and include the number of certifications signed and the number denied. The report shall comply with Government Code § 9795 (Penal Code § 679.10; Penal Code § 679.11).

428.7.3 POLICE REPORTS

Upon request, an officer or supervisor should provide a victim or authorized representative with a copy of the report filed by the victim within seven days of the request (Penal Code § 679.10).

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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

The City's responsibility ends at the water meter; any break or malfunction in the water system from the water meter to the citizen's residence or business is the customer's responsibility.Public Works can only turn off the valve at the meter. The citizen can normally accomplish this.

If a break occurs on the City side of the meter, emergency personnel should be called as soon as practical by Dispatch/Communications Center.

430.1.2 ELECTRICAL LINES

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. Southern California Edison should be promptly notified, as appropriate.

430.1.3 RESERVOIRS, PUMPS, WELLS, ETC.

Public Works maintains the reservoirs and public water equipment, as well as several underpass and other street drainage pumps. In the event of flooding or equipment malfunctions, emergency personnel should be contacted as soon as possible.

430.1.4 EMERGENCY NUMBERS

A current list of emergency personnel who are to be called for municipal utility emergencies is maintained by Dispatch/Communications Center.

430.2 TRAFFIC SIGNAL MAINTENANCE

Public Works maintains all traffic signals within the city, other than those maintained by the State of California.

430.2.1 RESPONSIBILITY FOR SIGNALS

The State of California, (Cal Trans), in most cases, maintains traffic signals located on state highways and at freeway off-ramps.

430.2.2 OFFICER RESPONSIBILITIES

Upon observing a damaged or malfunctioning signal, the officer will advise the police dispatcher of the location and problem with the signal. The dispatcher should make the necessary notification to the proper maintenance agency. Officers should evaluate the need for traffic control or temporary traffic control devices and take appropriate action.

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Patrol Rifles

432.1 PURPOSE AND SCOPE

In order to more effectively and accurately address the increasing level of fire power and body armor utilized by criminal suspects, the Whittier Police Department utilizes the AR-15 Patrol rifle.

432.2 PATROL RIFLE

432.2.1 DEFINITION

A patrol rifle is an authorized weapon which is owned by the Department and which is made available to properly trained and qualified officers as a supplemental resource to their duty handgun or shotgun. No personally owned rifles may be carried for patrol duty unless pre-approved in writing by the Chief of Police and the department armorer.

432.3 SPECIFICATIONS

The only authorized patrol rifle is one which is owned and issued by the Department. This rifle shall be a Colt AR-15.

432.3.1 RIFLE AMMUNITION

The only ammunition authorized for the patrol rifle is that which has been issued by the Department. This will consist of a quality factory load in a .223 or 5.56 x 45mm caliber.

432.4 RIFLE MAINTENANCE

(a) Primary responsibility for maintenance of patrol rifles shall fall on the Training Coordinator or armorer who shall inspect and service each patrol rifle on a monthly basis.

(b) Each officer carrying a patrol rifle may be required to field strip and clean an assigned patrol rifle as needed.

(c) Each officer shall be responsible for promptly reporting any damage or malfunction of an assigned patrol rifle.

(d) Each patrol rifle shall be subject to inspection by a supervisor, the Training Coordinator or Armorer at any time.

(e) No modification shall be made to any patrol rifle without prior written authorization from the Training Coordinator or armorer.

(f) Any patrol rifle found to be unserviceable shall be removed from service. The rifle shall be clearly labeled as "out of service" and details regarding the weapon's condition shall be included on the label.

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432.5 TRAINING

Officers shall not carry or utilize the patrol rifle unless they have successfully completed departmental training. This training shall consist of an initial patrol rifle user's course and qualification score with a certified patrol rifle instructor. Officers shall thereafter be required to successfully complete quarterly training and qualification conducted by a certified patrol rifle instructor.

Any officer who fails to qualify or who fails to successfully complete two or more department sanctioned training/qualification sessions within a calendar year will no longer be authorized to carry the patrol rifle without successfully retaking the initial patrol officers user's course and qualification.

432.6 DEPLOYMENT OF THE PATROL RIFLE

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

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

(b) When an officer is faced with a situation that may require the delivery of accurate and effective fire at long range.

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

(d) When an officer reasonably believes that there may be a need to deliver fire on a barricaded suspect or a suspect with a hostage.

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

(f) When authorized or requested by a supervisor.

(g) When needed to euthanize an animal.

432.7 DISCHARGE OF THE PATROL RIFLE

The discharge of the patrol rifle shall be governed by the Department's Deadly Force Policy, Policy Manual § 300.

432.8 PATROL READY

Any qualified officer carrying a patrol rifle in the field shall maintain the weapon in the "patrol ready" until deployed. A rifle is considered "patrol ready" when it has been inspected by the assigned officer and meets the following conditions:

(a) The chamber is empty

(b) The rifle bolt is forward, weapon cocked and selector in "safe" position.

(c) There is a fully loaded magazine in the rifle with no more than 28 rounds

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(d) The dust cover is closed

(e) The rifle is stored in the locked patrol vehicle's rifle rack

432.9 RIFLE STORAGE

(a) When not in use, patrol rifles will be stored in the department armory in rifle racks.

(b) At the start of each assigned shift, any qualified, on-duty officer may contact the Watch Commander or a patrol supervisor for access to the department armory.

(c) The three digits of the assigned patrol rifle, located on the stock, will be recorded on the Daily Activity Log when going in service with Dispatch. The corresponding numbered magazines should match the numbers on the stock of the rifle. If they cannot be located a memo should be generated through the chain of command and the Administrative Lt. notified.

(d) When not deployed, in-service patrol rifles should be secured in the vehicle in a locked gun rack, locked in the trunk or secured at a suitable work station.

432.10 SPECIALIZED UNIT PATROL RIFLE

(a) The care and maintenance of Narcotics/SET/POP teams' tactical rifles are the sole responsibility of the Detective/Officer to whom the rifle is issued.

(b) No modifications whatsoever shall be made to the rifles without the approval of both the Investigations Division Lieutenant and the Department's armorer.

(c) Only department approved ammunition shall be used for each rifle.

(d) The flash/sound suppressor shall not be used for quarterly qualifications.

(e) Per manufacturer specifications, the flash/sound suppressor must be removed and cleaned after 200 rounds of ammunition have been fired through it.

(f) Rifle deployment by SET/Narcotics/Pop teams is operation specific (i.e. warrant service, planned takedown etc.). Rifles shall be stored in unmarked vehicles in a locked gun rack during routine usage.

(g) When not being deployed for an operation, rifles shall be stored in a locked gun rack in unmarked vehicles The exception is when the unmarked vehicle is taken home. In these instances the rifle will be removed from the rack and safely stored within the residence following all laws applicable to firearms storage.

(h) Those officers using their own department authorized AR15 for patrol functions will secure their rifle in the locked patrol box in the rear of all Explorer patrol vehicles-They will not be left visible to the public in the rear storage areas. Each Explorer is equipped with keys assigned to the vehicle to unlock/lock this storage compartment for storage and deployment.

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Dual Sport Motorcycles/Greenway Trail

435.1 PURPOSE AND SCOPE

The purpose of this policy is to define the requirements and use of dual-sport motorcycles as a means of patrolling the Greenway Trail.

435.2 USE

The City purchased two Honda dual-sport motorcycles to specifically patrol the Greenway Trail. Unless approved by the Chief of Police or Division Commander, these vehicles should not be used for any other purpose.

435.3 PERSONNEL REQUIREMENTS

In order to participate in this assignment, officers must meet the following requirements:

(a) Possess valid M1 license

(b) Complete off-highway training course recognized by the Motorcycle Safety Foundation

435.4 UNIFORM REQUIREMENTS

All personnel working this assignment shall wear the following attire:

(a) Class B or C uniform (pants only)

(b) Boots covering the ankle

(c) Shoei V-MT black helmet (DOT approved)

(d) Eye protection (minimally sunglasses)

(e) Gloves

435.5 PATROL LIMITATIONS

In addition to any other department policy that may affect the use and operation of the dual sport motorcycle, officers shall adhere to the following rules:

(a) Code 3 equipment is to affect traffic/pedestrian stops while enforcing applicable laws and to respond to emergencies on the Greenway Trail. Officers shall not engage in pursuits.

(b) Generally, officers should refrain from leaving the Greenway Trail unless responding to the station, city yards, or a work break. Any other reason shall be approved by the Watch Commander.

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Field Training Officer Program

436.1 PURPOSE AND SCOPE

The Field Training Officer Program is intended to provide a standardized program to facilitate the officer's transition from the academic setting to the actual performance of general law enforcement duties of the Whittier Police Department.

It is the policy of this department to assign all new police officers to a structured Field Training Officer Program that is designed to prepare the new officer to perform in a patrol assignment, and possessing all skills needed to operate in a safe, productive, and professional manner.

436.2 FIELD TRAINING OFFICER - SELECTION AND TRAINING

The Field Training Officer (FTO) is an experienced officer trained in the art of supervising, training, and evaluating entry level and lateral police officers in the application of their previously acquired knowledge and skills.

436.2.1 SELECTION PROCESS

FTOs will be selected based on the following requirements:

(a) Desire to be an FTO

(b) Minimum of two years of patrol experience with this department

(c) Demonstrated ability as a positive role model

(d) Participate and pass an internal oral interview selection process

(e) Evaluation by supervisors and current FTOs

(f) Possess a POST Basic certificate

436.2.2 TRAINING

An officer selected as a Field Training Officer shall successfully complete a POST certified (40-hour) Field Training Officer's Course prior to being assigned as an FTO.

All FTOs must complete a 24-hour Field Training Officer update course every three years while assigned to the position of FTO (11 CCR 1004).

All FTOs must meet any training mandate regarding crisis intervention behavioral health training pursuant to Penal Code § 13515.28.

436.3 FIELD TRAINING OFFICER PROGRAM SUPERVISOR

The FTO Program supervisor should be selected from the rank of sergeant or above by the Patrol Division Commander or a designee and should possess, or be eligible to receive, a POST Supervisory Certificate.

The responsibilities of the FTO Program supervisor include the following:

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(a) Assignment of trainees to FTOs

(b) Conduct FTO meetings

(c) Maintain and ensure FTO/trainee performance evaluations are completed

(d) Maintain, update, and issue the Field Training Manual to each trainee

(e) Monitor individual FTO performance

(f) Monitor overall FTO Program

(g) Maintain liaison with FTO coordinators of other agencies

(h) Maintain liaison with academy staff on recruit performance during the academy

(i) Develop ongoing training for FTOs

The FTO Program supervisor will be required to successfully complete a POST-approved Field Training Administrator's Course within one year of appointment to this position (11 CCR 1004(c)).

436.4 TRAINEE DEFINED

Any entry level or lateral police officer newly appointed to the Whittier Police Department who has successfully completed a POST approved Basic Academy.

436.5 REQUIRED TRAINING

Entry level officers shall be required to successfully complete the Field Training Program, consisting of a minimum of 10 weeks (11 CCR 1004; 11 CCR 1005).

The training period for a lateral officer may be modified depending on the trainee's demonstrated performance and level of experience. A lateral officer may be exempt from the Field Training Program requirement if the officer qualifies for an exemption as provided in 11 CCR 1005(a)(B).

To the extent practicable, entry level and lateral officers should be assigned to a variety of Field Training Officers, shifts, and geographical areas during their Field Training Program.

436.5.1 FIELD TRAINING MANUAL

Each new officer will be issued a Field Training Manual and a copy of the Department Policy 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 Whittier 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 Whittier Police Department.

436.6 EVALUATIONS

Evaluations are an important component of the training process and shall be completed as outlined below.

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436.6.1 FIELD TRAINING OFFICER
The FTO will be responsible for the following:

(a) Complete and submit a written evaluation on the performance of his/her assigned trainee to the FTO Coordinator on a daily basis.

(b) Review the Daily Trainee Performance Evaluations with the trainee each day.

(c) Complete a detailed end-of-phase performance evaluation on his/her assigned trainee at the end of each phase of training.

(d) Sign off all completed topics contained in the Field Training Manual, noting the method(s) of learning and evaluating the performance of his/her assigned trainee.

436.6.2 IMMEDIATE SUPERVISOR
The immediate supervisor shall review and approve the Daily Trainee Performance Evaluations and forward them to the Field Training Administrator.

436.6.3 FIELD TRAINING ADMINISTRATOR
The Field Training Administrator will review and approve the Daily Trainee Performance Evaluations submitted by the FTO through his/her immediate supervisor.

436.6.4 TRAINEE
At the completion of the Field Training Program, the trainee shall submit a confidential performance evaluation on each of their FTOs and on the Field Training Program.

436.7 DOCUMENTATION
All documentation of the Field Training Program will be retained in the officer's training files and will consist of the following:

(a) Daily Trainee Performance Evaluations

(b) End-of-phase evaluations

(c) A Certificate of Completion certifying that the trainee has successfully completed the required number of hours of field training

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Obtaining Air Support

438.1 PURPOSE AND SCOPE

The use of a police helicopter can be invaluable in certain situations. This policy specifies potential situations where the use of a helicopter may be requested and the responsibilities for making a request.

438.2 REQUEST FOR HELICOPTER ASSISTANCE

If a supervisor or officer in charge of an incident determines that the use of a helicopter would be beneficial, a request to obtain helicopter assistance may be made.

438.2.1 REQUEST FOR ASSISTANCE FROM ANOTHER AGENCY

After consideration and approval of the request for a helicopter, the Watch Commander, or his/her designee, will call the closest agency having helicopter support available. The Watch Commander on duty will apprise that agency of the specific details of the incident prompting the request. Supervisors should consider the potential fee that may be charged by agencies for the use of the helicopter before making a request. However cost shall not override public safety concerns.

438.2.2 CIRCUMSTANCES UNDER WHICH AID MAY BE REQUESTED

Police helicopters may be requested under any of the following conditions:

(a) When the helicopter is activated under existing mutual aid agreements

(b) Whenever the safety of law enforcement personnel is in jeopardy and the presence of the helicopters may reduce such hazard

(c) When the use of the helicopters will aid in the capture of a suspected fleeing felon whose continued freedom represents an ongoing threat to the community

(d) When a helicopter is needed to locate a person who has strayed or is lost and whose continued absence constitutes a serious health or safety hazard

(e) Vehicle pursuits

While it is recognized that the availability of helicopter support will generally provide valuable assistance to ground personnel, the presence of a helicopter will rarely replace the need for officers on the ground.

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Contacts and Temporary Detentions

440.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for temporarily detaining but not arresting persons in the field, conducting field interviews (FI) and pat-down searches, and the taking and disposition of photographs.

440.1.1 DEFINITIONS

Definitions related to this policy include:

Consensual encounter - When an officer contacts an individual but does not create a detention through words, actions, or other means. In other words, a reasonable individual would believe that his/her contact with the officer is voluntary.

Field interview - The brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion for the purpose of determining the individual's identity and resolving the officer's suspicions.

Field photographs - Posed photographs taken of a person during a contact, temporary detention, or arrest in the field. Undercover surveillance photographs of an individual and recordings captured by the normal operation of a Mobile Audio Video (MAV) system, body-worn camera, or public safety camera when persons are not posed for the purpose of photographing are not considered field photographs.

Pat-down search - A type of search used by officers in the field to check an individual for dangerous weapons. It involves a thorough patting-down of clothing to locate any weapons or dangerous items that could pose a danger to the officer, the detainee, or others.

Reasonable suspicion - When, under the totality of the circumstances, an officer has articulable facts that criminal activity may be afoot and a particular person is connected with that possible criminal activity.

Temporary detention - When an officer intentionally, through words, actions, or physical force, causes an individual to reasonably believe he/she is required to restrict his/her movement without an actual arrest. Temporary detentions also occur when an officer actually restrains a person’s freedom of movement.

440.2 POLICY

The Whittier Police Department respects the right of the public to be free from unreasonable searches or seizures. Due to an unlimited variety of situations confronting the officer, the decision to temporarily detain a person and complete a field interview (FI), pat-down search, or field photograph shall be left to the officer based on the totality of the circumstances, officer safety considerations, and constitutional safeguards.

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440.3 FIELD INTERVIEWS

Based on observance of suspicious circumstances or upon information from investigation, an officer may initiate the stop of a person, and conduct an FI, when there is articulable, reasonable suspicion to do so. A person, however, shall not be detained longer than is reasonably necessary to resolve the officer's suspicion.

Nothing in this policy is intended to discourage consensual contacts. Frequent casual contact with consenting individuals is encouraged by the Whittier Police Department to strengthen community involvement, community awareness, and problem identification.

440.3.1 INITIATING A FIELD INTERVIEW

When initiating the stop, the officer should be able to point to specific facts which, when considered with the totality of the circumstances, reasonably warrant the stop. Such facts include but are not limited to an individual's:

(a) Appearance or demeanor suggesting that he/she is part of a criminal enterprise or is engaged in a criminal act

(b) Actions suggesting that he/she is engaged in a criminal activity

(c) Presence in an area at an inappropriate hour of the day or night

(d) Presence in a particular area is suspicious

(e) Carrying of suspicious objects or items

(f) Excessive clothes for the climate or clothes bulging in a manner that suggest he/she is carrying a dangerous weapon

(g) Location in proximate time and place to an alleged crime

(h) Physical description or clothing worn that matches a suspect in a recent crime

(i) Prior criminal record or involvement in criminal activity as known by the officer

440.4 PAT-DOWN SEARCHES

Once a valid stop has been made, and consistent with the officer's training and experience, an officer may pat a suspect's outer clothing for weapons if the officer has a reasonable, articulable suspicion the suspect may pose a safety risk. The purpose of this limited search is not to discover evidence of a crime, but to allow the officer to pursue the investigation without fear of violence. Circumstances that may establish justification for performing a pat-down search include but are not limited to:

(a) The type of crime suspected, particularly in crimes of violence where the use or threat of deadly weapons is involved.

(b) Where more than one suspect must be handled by a single officer.

(c) The hour of the day and the location or neighborhood where the stop takes place.

(d) Prior knowledge of the suspect's use of force and/or propensity to carry weapons.

(e) The actions and demeanor of the suspect.

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(f) Visual indications which suggest that the suspect is carrying a firearm or other weapon.

Whenever practicable, a pat-down search should not be conducted by a lone officer. A cover officershould be positioned to ensure safety and should not be involved in the search.

440.5 FIELD PHOTOGRAPHS

All available databases should be searched before photographing any field detainee. If a photograph is not located, or if an existing photograph no longer resembles the detainee, the officer shall carefully consider, among other things, the factors listed below.

440.5.1 FIELD PHOTOGRAPHS TAKEN WITH CONSENT

Field photographs may be taken when the subject being photographed knowingly and voluntarily gives consent. When taking a consensual photograph, the officer should have the individual read and sign the appropriate form accompanying the photograph.

440.5.2 FIELD PHOTOGRAPHS TAKEN WITHOUT CONSENT

Field photographs may be taken without consent only if they are taken during a detention that is based upon reasonable suspicion of criminal activity, and the photograph serves a legitimate law enforcement purpose related to the detention. Mere knowledge or suspicion of gang membership or affiliation is not a sufficient justification for taking a photograph **without consent**. The officer must be able to articulate facts that reasonably indicate that the subject was involved in or was about to become involved in criminal conduct.

If, prior to taking a photograph, the officer's reasonable suspicion of criminal activity has been dispelled, the detention must cease and the photograph should not be taken

440.5.3 SUPERVISOR RESPONSIBILITIES

While it is recognized that field photographs often become valuable investigative tools, supervisors should monitor such practices in view of the above listed considerations. This is not to imply that supervisor approval is required before each photograph is taken.

Access to, and use of, field photographs shall be strictly limited to law enforcement purposes.

440.6 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an incident may become unavailable or the integrity of their statements compromised with the passage of time, officers should, when warranted by the seriousness of the case, take reasonable steps to promptly coordinate with an on-scene supervisor and/or criminal investigator to utilize available members for the following:

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

1. When feasible, a recorded statement should be obtained from those who claim not to have witnessed the incident but who were present at the time it occurred.
2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose

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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 Whittier 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.

440.7 DISPOSITION OF PHOTOGRAPHS

All detainee photographs must be adequately labeled and downloaded into the Department's Digital Imaging management System (DIMS) under the section "F.I." and using the incident number to identify and track the photograph with the F.I. If an individual is photographed as a suspect in a particular crime, the photograph should be downloaded into DIMS as evidence using the related case number as identification.

If a photograph is not associated with an investigation where a case number has been issued, the F.I. should include the incident number and then be forwarded to the Watch Commander for review and approval. Any photographs associated with the F.I. should be downloaded into DIMS under the F.I. section using the same incident number for proper tracking:

(a) If the photo and associated FI or memorandum is relevant to criminal street gang enforcement, the Watch Commander will forward the F.I. and any associated documents to Crime Analysis for entry, then the F.I. card will be forwarded to the Special Enforcement Team (S.E.T.) Supervisor. Any photographs taken shall be uploaded and stored in DIMS. The SET Supervisor will ensure any photographs and supporting documents (F.I.'s) are retained as prescribed by the Criminal Organizations Policy.

(b) Photographs that do not qualify for Criminal Street Gang file retention or which are not evidence in an investigation with an assigned case number should still be downloaded into DIMS using the incident number. These photographs will be purged as described in the Purging the Field Photo File subsection of this policy.

When a photograph is taken in association with a particular case, the detective may use such photograph in a photo lineup. Thereafter, a copy of the individual photograph should be retained as a part of the case file as well as in DIMS.

440.7.1 PURGING THE FIELD PHOTO FILE

The Senior Forensic Specialist will be responsible for ensuring that photographs maintained in DIMS that are more than one year old, not associated to F.I.'s and no longer serve a law enforcement purpose are periodically purged and destroyed. The list of photographs to be purged will be verified by the S.E.T. supervisor prior to them actually being purged. Photographs that continue to serve a legitimate law enforcement purpose may be retained longer than one year provided that a notation of that fact is added to the file for each additional year that they are retained. Access to the photo file shall be strictly limited to law enforcement purposes.

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Purging of F.I. cards and associated photographs should conform to the retention time outlined in the records retention schedule for the Police Department for gang-related and other than gang-related F.I. cards unless the specific card and photograph continues to serve a legitimate law enforcement purpose. In those limited cases, the card and photograph may be kept longer than the prescribed time if notations of the reasons for preserving the card are added to the file for each additional year they are retrained past the normal retention time.

440.8 PHOTO REVIEW POLICY

Any person who has been the subject of a field photograph or an FI by this agency during any contact other than an arrest may file a written request within 30 days of the contact requesting a review of the status of the photograph/FI. The request shall be directed to the office of the Chief of Police who will ensure that the status of the photograph or FI is properly reviewed according to this policy as described below. Upon a verbal request, the Department will send a request form to the requesting party along with a copy of this policy.

440.8.1 REVIEW PROCESS

Upon receipt of such a written request, the Chief of Police or his or her designee will permit the individual to appear in person (any minor must be accompanied by their parent or legal guardian) for a review of the status of the photograph/FI.

Such a meeting will generally be scheduled during regular business hours within 30 days of the receipt of the written request. An extension of the 30-day limit may be made either upon the mutual convenience of the parties or if, at the discretion of the Chief of Police, there appears to be an ongoing legitimate law enforcement interest which warrants a delay. If the delay could jeopardize an ongoing investigation, nothing in this policy shall require the Chief of Police to disclose the reason(s) for the delay.

A meeting for the review of the status of any non-arrest photograph/FI is not intended to be a formal hearing, but simply an informal opportunity for the individual to meet with the Chief of Police or his/her designee to discuss the matter.

After carefully considering the information available, the Chief of Police or designee will determine, generally within 30 days of the original meeting, whether the photograph/FI was obtained in accordance with existing law and Whittier Police Department policy and, even if properly obtained, then whether there is any ongoing legitimate law enforcement interest in retaining the photograph/FI.

If the Chief of Police or his/her designee determines that the photograph/FI was obtained in accordance with existing law and department policy and that there is an ongoing legitimate law enforcement interest in retaining the non-arrest photograph, the photograph/FI shall be retained according to this policy and applicable law.

If the Chief of Police or his/her designee determines that the original legitimate law enforcement interest in retaining a non-arrest photograph no longer exists or that it was obtained in violation of existing law or Whittier Police Department policy, the original photograph will be destroyed or

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returned to the person photographed, if requested. All other associated reports or documents, however, will be retained according to department policy and applicable law.

If the Chief of Police or his/her designee determines that the original legitimate law enforcement interest in retaining a non-arrest FI no longer exists or that the original F/I was not obtained in accordance with established law or Whittier Police Department policy, the original FI may only be destroyed upon the execution of a full and complete waiver of liability by the individual (and guardian if a minor) arising out of that field contact.

If the Chief of Police or his/her designee determines that any involved Whittier Police Department personnel violated existing law or department policy, the Chief of Police or designee shall initiate a separate internal investigation which may result in additional training, discipline or other appropriate action for the involved employees.

The person photographed/FI'd will be informed in writing within 30 days of the Chief of Police's determination whether or not the photograph/FI will be retained. This does not entitle any person to any discovery or access to any law enforcement records not otherwise authorized by law.

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Criminal Organizations

442.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that the Whittier Police Department appropriately utilizes criminal intelligence systems and temporary information files to support investigations of criminal organizations and enterprises.

442.1.1 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.

442.2 POLICY

The Whittier 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.

442.3 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.

442.3.1 SYSTEM ENTRIES

It is the Special Enforcement Supervisor’s (S.E.T.) 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 S.E.T. supervisor should ensure copies of those documents are retained in

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an approved criminal intelligence file. Any supporting documentation for an entry shall be retained by the S.E.T. supervisor. These files should be purged after one year. The files that continue to serve a legitimate law enforcement purpose may be retained longer than one year provided that a notation of that fact is added to the file for each additional year that they are retained. Access to this file shall be strictly limited to law enforcement purposes.

The S.E.T. supervisor should ensure that any documents retained in these files are appropriately marked as intelligence information.

442.3.2 GANG DATABASES

The Chief of Police may approve participation by S.E.T.in a shared criminal gang intelligence database, such as CALGANG®. Members must obtain the requisite training before accessing any such database.

It is the S.E.T. 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 S.E.T. 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 S.E.T. supervisor shall retain all reports and/or FIs to the appropriate criminal intelligence file. The S.E.T. supervisor should clearly mark the report/FI as gang intelligence information.

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It is the responsibility of the Records Bureau supervisor to retain reports and FIs in compliance with the database rules and any applicable end user agreement. It is the S.E.T. Supervisor's responsibility to retain all gang-related F.I.'s in compliance with this policy.

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).

442.3.3 IDENTIFICATION OF CRIMINAL STREET GANGS / PARTICIPANTS

S.E.T. shall be authorized to collect information on individuals who are suspected of participating in a criminal street gang and groups that are suspected of being criminal street gangs.

(a) A group of three or more individuals shall be designated a criminal street gang when:

1. They have a common name or common identifying sign or symbol.
2. There is evidence, substantiated by crime and informational reports, that a primary activity of the group is the commission of one or more criminal acts enumerated in Policy Manual § 442.2(a).
3. One or more members individually or collectively have engaged in a pattern of criminal gang activity as defined in Policy Manual § 442.2(a) of this policy.
4. A designated representative of the District Attorney's Office reviews the available evidence and concurs with a Department finding that the group meets the criteria for being a criminal street gang.

(b) An individual shall be designated as a participant in a criminal street gang and included in a gang file, when one or more of the following elements have been verified by a S.E.T. member and a reasonable basis for believing such affiliation has been established and approved by a supervisor:

1. An individual admits membership in a criminal street gang.
2. A reliable informant, family member, rival gang member and/or known gang member identifies an individual as a participant in a criminal street gang.
3. An informant of previously untested reliability identifies an individual as a participant in a criminal street gang when that identification is corroborated by independent information.
4. An individual resides in or frequents a particular criminal street gang's area, and affects their style of dress, color of dress, use of jewelry, tattoos, monikers, or any other identifiable mannerism associated to that particular criminal street gang, and where the officer documents reasonable suspicion that the individual is involved in criminal gang activity or enterprise.
5. A person has been arrested in the company of identified criminal street gang members for offenses that are consistent with criminal street gang activity or criminal street gang related crimes.

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6. An individual is identified as a gang member in a criminal street gang document or the individual is depicted in a criminal street gang member's photograph(s) in such a manner as to clearly indicate membership in a criminal street gang.
7. An individual otherwise meets the criteria of a criminal street gang participant under the guidelines of a department approved gang intelligence database and/or 28 C.F.R. 23.20.
8. Attendance at gang functions or known gang hangouts.

(c) An individual may be designated as a gang affiliate only when the individual is known to affiliate with active criminal gang members and an officer has established that there is reasonable suspicion that the individual is involved in criminal activity. An officer's belief must be premised upon reasoning and logic coupled with sound judgment based upon law enforcement experience, rather than a mere hunch or whim.

442.4 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 S.E.T. supervisor responsible for consideration of criminal intelligence system entries.

442.4.1 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 S.E.T. supervisor.

(b) Should not be originals that would ordinarily be retained by the Records Bureau or Property and Evidence Section, but should be copies of, or references to, retained documents such as copies of reports, FI forms, Dispatch 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.

442.4.2 FILE REVIEW AND PURGING

The contents of a temporary information file shall not be retained longer than one year. At the end of one year, the contents must be purged.

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The S.E.T. supervisor shall periodically review the temporary information files to verify that the contents meet the criteria for retention. Validation and purging of files is the responsibility of that supervisor.

442.5 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 Coordinator to train members to identify information that may be particularly relevant for inclusion.

442.6 RELEASE OF INFORMATION

Department members shall comply with the rules of an authorized criminal intelligence system regarding inquiries and release of information.

Information from a temporary information file may only be furnished to department members and other law enforcement agencies on a need-to-know basis and consistent with the Records Maintenance and Release Policy.

When an inquiry is made by the parent or guardian of a juvenile as to whether that juvenile's name is in a temporary information file, such information should be provided by the supervisor responsible for the temporary information file, unless there is good cause to believe that the release of such information might jeopardize an ongoing criminal investigation.

442.7 CRIMINAL STREET GANGS

The S.E.T. 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.

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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.

442.8 TRAINING

The Training Coordinator or S.E.T. supervisor should provide training on best practices in the use of each authorized criminal intelligence system to those tasked with investigating criminal organizations and enterprises. Training should include:

(a) The protection of civil liberties.

(b) Participation in a multiagency criminal intelligence system.

(c) Submission of information into a multiagency criminal intelligence system or the receipt of information from such a system, including any governing federal and state rules and statutes.

(d) The type of information appropriate for entry into a criminal intelligence system or temporary information file.

(e) The review and purging of temporary information files.

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Watch Commanders

444.1 PURPOSE AND SCOPE

Each patrol shift must be directed by supervisors who are capable of making decisions and communicating in a manner consistent with departmental policies, procedures, practices, functions and objectives. To accomplish this goal, a Lieutenant heads each watch.

444.2 DESIGNATION AS ACTING WATCH COMMANDER

When a Lieutenant is unavailable for duty as Watch Commander, in most instances a sergeant shall be designated as Watch Commander.

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Mobile Digital Computer Use

448.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper access, use and application of the Mobile 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 Dispatch.

448.2 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to messages accessed, transmitted, received or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

448.3 POLICY

Whittier 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.

448.4 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.

448.4.1 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.

448.5 DOCUMENTATION OF ACTIVITY

(a) Police dispatchers shall continue to perform all the duties and responsibilities of the Communications Unit. They shall enter into CAD all information given by officers by voice radio and respond to all requests by voice radio.

(b) High priority calls shall be broadcast by voice radio and sent by MDC. Officers shall acknowledge receipt of and 10-97 by voice radio.

(c) Low and medium priority calls shall be dispatched by MDC directly to the assigned unit. If an officer does not indicate en route to a call within 5 minutes, the dispatcher shall advise the officer of a call holding on the MDC.

(d) If an officer requests that a call be voice dispatched, the dispatcher shall voice dispatch the call.

(e) However, officers are to routinely use the MDC to acknowledge all calls by using the MDC en route, at scene, disposition and call status buttons.

448.5.1 MDC/VOICE TRANSMISSIONS

(a) MDC's do not replace 911 voice transmission. When appropriate or necessary, you should always voice broadcast your message for safety reasons.

(b) The voice radio and MDC should be used for all in-progress crimes, emergency calls, and any call requiring a two or more officer response.

(c) The voice radio should be used to call in traffic stops and pedestrian stops.

(d) Officers are to use the MDC for all routine computer inquiries including, but not limited to warrant checks, CDL inquiries, SVS inquiries, etc.

(e) Officers should wait until back-up assistance is on scene before querying the MDC; i.e. warrant checks, SVS, etc.

(f) Dispatchers will coordinate with the station commanders to advise of MDC policy violations in order to facilitate remedial training.

448.5.2 EMERGENCY ACTIVATION

If there is an emergency activation and the member does not respond to a request for confirmation of the need for emergency assistance or confirms the need, available resources will be sent to assist in locating the member. If the location is known, the nearest available officer should respond in accordance with the Officer Response to Calls Policy.

Members should ensure a field supervisor and the Watch Commander are notified of the incident without delay.

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Officers not responding to the emergency shall refrain from transmitting on the police radio until a no-further-assistance broadcast is made or if they are also handling an emergency.

448.5.3 MDC MESSAGES
(a) MDC's shall only be used for official messages. Personal messages shall not be sent via the MDC system.

(b) MDC messages shall not include words or terms that would be inappropriate if broadcast by voice radio.

(c) MDC messages should be used, when possible, to send lengthy or detailed information.

(d) MDC messages will be retained for 365 days.

(e) MDC messages will be reviewed monthly by a Management Team member, to ensure compliance with Department policy.

(f) Messages that appear to be in violation of Department policy shall be reported to the appropriate division commander for investigation and possible disciplinary action.

(g) Any repeated misuse, after remedial training may result in more severe forms of discipline.

448.6 EQUIPMENT CONSIDERATIONS

448.6.1 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 Dispatch. It shall be the responsibility of the dispatcher to document all information that will then be transmitted verbally over the police radio.

448.6.2 BOMB CALLS
When investigating reports of possible bombs, members should not communicate on their MDCs when in the evacuation area of a suspected explosive device. Radio frequency emitted by the MDC could cause some devices to detonate.

448.7 WATCH COMMANDERS AND SUPERVISORS

WATCH COMMANDERS

(a) Station commanders are to review MDC message to ensure procedural compliance.

(b) Station commanders are to notify field supervisors of any identified policy violations for disciplinary follow-up.

(c) Station commanders will work with field supervisors to ensure appropriate discipline or remedial training.

(d) Station commanders will coordinate with dispatchers to determine MDC policy violations in order to facilitate remedial training.

SUPERVISORS

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(a) Field sergeants are to monitor status screens and displays in the field.

(b) Field sergeants will check for MDC procedure compliance.

(c) Field sergeants shall report suspected violations to the station commander.

448.8 SYSTEM REPAIR

(a) All MDC terminal or system problems shall be reported to the IT personnel on the appropriate form in a timely manner.

(b) If the MDC system experiences major or complete failure on off-hours, the dispatchers should contact IT staff and may be required to telephonically assist in troubleshooting the system while on the phone.

(c) If the MDC system cannot be resolved over the phone during off-hours, the IS Analyst will respond to the station to bring the MDC system back online.

(d) Officers shall not attempt to repair or replace any MDC screen or mounting equipment. They shall not disable any portion of the MDC system or component.

448.9 TRAINING

(a) The Training Coordinator shall be responsible for coordinating training and new personnel in the use of all aspects of the end-user MDC system through the FTO program and/or identified "MDC Power Users."

(b) All persons shall receive approved MDC training prior to using the MDC.

(c) MDC training shall include instruction in the following subject areas for all officers, CSO's, ,PSO's, and PEO's:

1. MDC operation and access to CAD, the Records Management System (RMS.), and external databases.
2. Department policy on computer security and use thereof.
3. State laws regarding access to computer data systems.

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Portable Audio/Video Recorders

450.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of portable audio/video recording devices by members of this department while in the performance of their duties. Portable audio/video recording devices include all recording systems whether body-worn, hand held or integrated into portable equipment.

This policy does not apply to mobile audio/video recordings, interviews or interrogations conducted at any Whittier Police Department facility, authorized undercover operations, wiretaps or eavesdropping (concealed listening devices).

450.2 POLICY

The Whittier Police Department may provide supervisors with access to department issued portable recorders, either audio or video or both, for use during the performance of their duties. Members may use personal recording devices (audio, video, or both) upon approval by the Chief of Police or their designee after submitting a request to carry such device by the member through their chain of command. All requests to carry such personal recording devices will go through the Administration Division. The use of recorders is intended to enhance the mission of the Department by accurately capturing contacts between members of the Department and the public.

450.3 MEMBER PRIVACY EXPECTATION

All recordings made by members on any department-issued device or personally owned device at any time, and any recording made while acting in an official capacity for this department, regardless of ownership of the device it was made on, shall remain the property of the Department. Members shall have no expectation of privacy or ownership interest in the content of these recordings.

450.4 MEMBER RESPONSIBILITIES

Prior to going into service, each uniformed member desiring to carry a personally owned recording device will be responsible for making sure that that the recorder is in good working order. Uniformed members should wear the recorder in a conspicuous manner.

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.

When using an approved personal portable recorder, the assigned member shall record his/her name, WPD identification number and the current date and time at the beginning and the end of each use This procedure is not required when the recording device and related software captures the user’s unique identification and the date and time of each recording.

Members should document the existence of a recording in any report or other official record of the contact, including any instance where the recorder malfunctioned or the member deactivated the recording. Members should include the reason for deactivation.

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450.4.1 OBTAINING PERMISSION FOR USE

Before an employee can use a personally owned recording device on-duty certain steps must be taken to ensure compatibility with existing department equipment and the employee understands the restrictions of use. The following protocol has been established.

- An employee agreement waiver must be obtained from the Administration Division. The employee must read and sign the waiver stating they understand the existing policy and uses.
- Before purchasing a personal recording device the employee is encouraged to communicate with the Forensic's Department to ensure compatibility with the existing digital storage system.
- Upon purchase of the personal recording device the waiver form will require a signature from the Forensic's Department acknowledging the device has been inspected and it is compatible.
- Submit the memo to the Administratin Division.
- A memo will be authored by the Administratin Division approving the employee to use the recording device. Included in the approval memo will be the training memo which outlines its use.

450.4.2 SUPERVISOR RESPONSIBILITIES

Supervisors should take custody of a portable audio/video recording device used by a member 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).

450.5 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.

The portable recorder should be activated in any of the following situations:

(a) All enforcement and investigative contacts including stops and field interview (FI) situations

(b) Traffic stops including, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops

(c) Self-initiated activity in which a member would normally notify Dispatch

(d) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording

Members should remain sensitive to the dignity of all individuals being recorded and exercise sound discretion to respect privacy by discontinuing recording whenever it reasonably appears to

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the member that such privacy may outweigh any legitimate law enforcement interest in recording. Requests by members of the public to stop recording should be considered using this same criterion. 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 should be activated in situations described above as soon as reasonably practicable.

450.5.1 SURREPTITIOUS USE OF THE PORTABLE RECORDER

Members of the Department may surreptitiously record any conversation during the course of a criminal investigation in which the member reasonably believes that such a recording will be lawful and beneficial to the investigation (Penal Code § 633).

Members shall not surreptitiously record another department member without a court order unless lawfully authorized by the Chief of Police or the authorized designee.

450.5.2 EXPLOSIVE DEVICE

Many portable recorders, including body-worn cameras and audio/video transmitters, emit radio waves that could trigger an explosive device. Therefore, these devices should not be used where an explosive device may be present.

450.6 PROHIBITED USE OF PORTABLE RECORDERS

Members are prohibited from using department-issued and approved personal 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 (supervisors) or approved personally owned recorders. Members shall not duplicate or distribute such recordings, except for authorized legitimate department business purposes. All such recordings shall be retained at the Department.

Any member who uses an approved personally owned recorder for department-related activities shall comply with the provisions of this policy, including retention and release requirements.

Recordings shall not be used by any member for the purpose of embarrassment or ridicule. Any member who may have questions regarding the application of this policy is encouraged to seek clarification from supervisory personnel.

450.6.1 PROHIBITED USE OF BIOMETRIC SURVEILLANCE SYSTEM

The installation, activation, or use of biometric surveillance systems, including facial recognition, in connection with portable recorders is prohibited (Penal Code § 832.19).

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450.7 PROCESSING RECORDINGS

All other recordings made by the officer, which are not evidentiary, will be processed **daily** as follows:

- **Audio recordings**: The specific audio recording, in its entirety, will be downloaded on the department's DIMMS system and marked appropriately utilizing the approved process for non-evidentiary storage.
- **Video recordings:** The specific video recording in its entirety will be downloaded, as soon as reasonably possible but no later than the end of the shift, onto a CD/DVD and put in an interoffice envelope addressed to the Professional Standards Sergeant. It must be clearly marked on the CD/DVD indicating the officer's name, badge number, and date of recording.

All recordings, after being downloaded on the appropriate medium, shall be removed from the original recording device upon confirmation of a successful transfer. Members shall confirm successful downloads by personally viewing the transferred document on DIMMS or the CD/DVD.

450.8 REVIEW OF RECORDED MEDIA FILES

When preparing written reports, members should review their recordings as a resource (see the Officer-Involved Shootings and Deaths Policy for guidance in those cases). However, members shall not retain personal copies of recordings. Members should not use the fact that a recording was made as a reason to write a less detailed report.

Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct or reports of meritorious conduct or whenever such recordings would be beneficial in reviewing the member’s performance.

Recorded files may also be reviewed:

(a) Upon approval by a supervisor, by any member of the Department who is participating in an official investigation, such as a personnel complaint, administrative investigation or criminal investigation.

(b) Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.

(c) By media personnel with permission of the Chief of Police or the authorized designee.

(d) In compliance with a public records request, if permitted, and in accordance with the Records Maintenance and Release Policy.

All recordings should be reviewed by the Custodian of Records prior to public release (see the Records Maintenance and Release Policy). Recordings that unreasonably violate a person’s privacy or sense of dignity should not be publicly released unless disclosure is required by law or order of the court.

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450.9 COORDINATOR

The Chief of Police or the authorized designee shall appoint a member of the Department to coordinate the use and maintenance of portable audio/video recording devices and the storage of recordings, including (Penal Code § 832.18):

(a) Establishing a system for downloading, storing and security of recordings.

(b) Designating persons responsible for downloading recorded data.

(c) Establishing a maintenance system to ensure availability of operable portable audio/video recording devices.

(d) Establishing a system for tagging and categorizing data according to the type of incident captured.

(e) Establishing a system to prevent tampering, deleting and copying recordings and ensure chain of custody integrity.

(f) Working with counsel to ensure an appropriate retention schedule is being applied to recordings and associated documentation.

(g) Maintaining logs of access and deletions of recordings.

450.10 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 Whittier 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 one year.

Records or logs of access and deletion of recordings should be retained permanently (Penal Code § 832.18).

450.10.1 RELEASE OF AUDIO/VIDEO RECORDINGS

Requests for the release of audio/video recordings shall be processed in accordance with the Records Maintenance and Release Policy.

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Medical Marijuana

452.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this department with guidelines for investigating the acquisition, possession, transportation, delivery, production or use of marijuana under California's medical marijuana laws.

452.1.1 DEFINITIONS

Definitions related to this policy include:

Cardholder - A person issued a current identification card.

Compassionate Use Act (CUA) (Health and Safety Code § 11362.5) - California law intended to provide protection from prosecution to those who are seriously ill and whose health would benefit from the use of marijuana in the treatment of illness for which marijuana provides relief. The CUA does not grant immunity from arrest but rather provides an affirmative defense from prosecution for possession of medical marijuana.

Identification card - A valid document issued by the California Department of Public Health to both persons authorized to engage in the medical use of marijuana and also to designated primary caregivers.

Medical marijuana - Marijuana possessed by a patient or primary caregiver for legitimate medical purposes.

Medical Marijuana Program (MMP) (Health and Safety Code § 11362.7 et seq.) - California laws passed following the CUA to facilitate the prompt identification of patients and their designated primary caregivers in order to avoid unnecessary arrests and provide needed guidance to law enforcement officers. MMP prohibits arrest for possession of medical marijuana in certain circumstances and provides a defense in others.

Patient - A person who is entitled to the protections of the CUA because he/she has received a written or oral recommendation or approval from a physician to use marijuana for medical purposes or any person issued a valid identification card.

Primary caregiver - A person designated by the patient, who has consistently assumed responsibility for the patient's housing, health or safety, who may assist the patient with the medical use of marijuana under the CUA or the MMP (Health and Safety Code § 11362.5; Health and Safety Code § 11362.7).

Statutory amount - No more than 8 ounces of dried, mature, processed female marijuana flowers ("bud") or the plant conversion (e.g., kief, hash, hash oil), and no more than six mature or 12 immature marijuana plants (roots, stems and stem fibers should not be considered) (Health and Safety Code § 11362.77).

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452.2 POLICY

It is the policy of the Whittier 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 Whittier Police Department will exercise discretion to ensure laws are appropriately enforced without unreasonably burdening both those individuals protected under California law and public resources.

452.3 INVESTIGATION

Investigations involving the possession, delivery, production or use of marijuana generally fall into one of several categories:

(a) Investigations when no person makes a medicinal claim.

(b) Investigations when a medicinal claim is made by a cardholder.

(c) Investigations when a medicinal claim is made by a non-cardholder.

452.3.1 INVESTIGATIONS WITH NO MEDICINAL CLAIM

In any investigation involving the possession, delivery, production or use of marijuana or drug paraphernalia where no person claims that the marijuana is used for medicinal purposes, the officer should proceed with a criminal investigation if the amount is greater than permitted for personal use under the Control, Regulate and Tax Adult Use of Marijuana Act (Health and Safety Code § 11362.1; Health and Safety Code § 11362.2). A medicinal defense may be raised at any time, so officers should document any statements and observations that may be relevant to whether the marijuana was possessed or produced for medicinal purposes.

452.3.2 INVESTIGATIONS INVOLVING A MEDICINAL CLAIM MADE BY A CARDHOLDER

A cardholder or designated primary caregiver in possession of an identification card shall not be arrested for possession, transportation, delivery or cultivation of medical marijuana at or below the statutory amount unless there is probable cause to believe that (Health and Safety Code § 11362.71; Health and Safety Code § 11362.78):

(a) The information contained in the card is false or falsified.

(b) The card has been obtained or used by means of fraud.

(c) The person is otherwise in violation of the provisions of the MMP.

(d) The person possesses marijuana but not for personal medical purposes.

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Officers who reasonably believe that a person who does not have an identification card in his/her possession has been issued an identification card may treat the investigation as if the person had the card in his/her possession.

Cardholders may possess, transport, deliver or cultivate medical marijuana in amounts above the statutory amount if their doctor has concluded that the statutory amount does not meet the patient's medical needs (Health and Safety Code § 11362.71; Health and Safety Code § 11362.77). Investigations involving cardholders with more than the statutory amount of marijuana should be addressed as provided in this policy for a case involving a medicinal claim made by a non-cardholder.

452.3.3 INVESTIGATIONS INVOLVING A MEDICINAL CLAIM MADE BY A NON-CARDHOLDER

No patient or primary caregiver should be arrested for possession or cultivation of an amount of medical marijuana if the officer reasonably believes that marijuana is in a form and amount reasonably related to the qualified patient's current medical needs (Health and Safety Code § 11362.5). This arrest guidance also applies to sales, transportation or delivery of medical marijuana, or maintaining/renting a drug house or building that may be a nuisance if otherwise in compliance with MMP (Health and Safety Code § 11362.765).

Officers are not obligated to accept a person's claim of having a physician's recommendation when the claim cannot be readily verified with the physician but are expected to use their judgment to assess the validity of the person's medical-use claim.

Officers should review any available written documentation for validity and whether it contains the recommending physician's name, telephone number, address and medical license number for verification.

Officers should generally accept verified recommendations by a physician that statutory amounts do not meet the patient's needs (Health and Safety Code § 11362.77).

452.3.4 ADDITIONAL CONSIDERATIONS

Officers should consider the following when investigating an incident involving marijuana possession, delivery, production, or use:

(a) Because enforcement of medical marijuana laws can be complex, time consuming, and call for resources unavailable at the time of initial investigation, officers may consider submitting a report to the prosecutor for review, in lieu of making an arrest. This can be particularly appropriate when:

1. The suspect has been identified and can be easily located at a later time.
2. The case would benefit from review by a person with expertise in medical marijuana investigations.
3. Sufficient evidence, such as photographs or samples, has been lawfully obtained.

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4. Other relevant factors, such as available department resources and time constraints prohibit making an immediate arrest.

(b) Whenever the initial investigation reveals an amount of marijuana greater than the statutory amount, officers should consider the following when determining whether the form and amount is reasonably related to the patient's needs:

1. The amount of marijuana recommended by a medical professional to be ingested.
2. The quality of the marijuana.
3. The method of ingestion (e.g., smoking, eating, nebulizer).
4. The timing of the possession in relation to a harvest (patient may be storing marijuana).
5. Whether the marijuana is being cultivated indoors or outdoors.

(c) Before proceeding with enforcement related to collective gardens or dispensaries, officers should consider conferring with a supervisor, an applicable state regulatory agency or other member with special knowledge in this area, and/or appropriate legal counsel (Business and Professions Code § 26010; Business and Professions Code § 26060). Licensing, zoning, and other related issues can be complex. Patients, primary caregivers, and cardholders who collectively or cooperatively cultivate marijuana for medical purposes may be licensed or may have a defense in certain circumstances (Business and Professions Code § 26032; Business and Professions Code § 26033).

(d) Investigating members should not order a patient to destroy marijuana plants under threat of arrest.

452.3.5 EXCEPTIONS

This policy does not apply to, and officers should consider taking enforcement action for the following:

(a) Persons who engage in illegal conduct that endangers others, such as driving under the influence of marijuana in violation of the Vehicle Code (Health and Safety Code § 11362.5).

(b) Marijuana possession in jails or other correctional facilities that prohibit such possession (Health and Safety Code § 11362.785).

(c) Smoking marijuana (Health and Safety Code § 11362.79):

1. In any place where smoking is prohibited by law.
2. In or within 1,000 feet of the grounds of a school, recreation center or youth center, unless the medical use occurs within a residence.
3. On a school bus.
4. While in a motor vehicle that is being operated.
5. While operating a boat.

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(d) Use of marijuana by a person on probation or parole, or on bail and use is prohibited by the terms of release (Health and Safety Code § 11362.795).

452.3.6 INVESTIGATIONS INVOLVING A STATE LICENSEE

No person issued a state license under the Business and Professions Code shall be arrested or cited for cultivation, possession, manufacture, processing, storing, laboratory testing, labeling, transporting, distribution or sale of medical cannabis or a medical cannabis product related to qualifying patients and primary caregivers when conducted lawfully. Whether conduct is lawful may involve questions of license classifications, local ordinances, specific requirements of the Business and Professions Code and adopted regulations. Officers should consider conferring with a supervisor, the applicable state agency or other member with special knowledge in this area and/or appropriate legal counsel before taking enforcement action against a licensee or an employee or agent (Business and Professions Code § 26032).

452.4 FEDERAL LAW ENFORCEMENT

Officers should provide information regarding a marijuana investigation to federal law enforcement authorities when it is requested by federal law enforcement authorities or whenever the officer believes those authorities would have a particular interest in the information.

452.5 PROPERTY AND EVIDENCE SECTION SUPERVISOR RESPONSIBILITIES

The Property and Evidence Section supervisor should ensure that marijuana, drug paraphernalia or other related property seized from a person engaged or assisting in the use of medical marijuana is not destroyed pending any charges and without a court order. The Property and Evidence Section supervisor is not responsible for caring for live marijuana plants.

Upon the prosecutor's decision to forgo prosecution, or the dismissal of charges or an acquittal, the Property and Evidence Section supervisor should, as soon as practicable, return to the person from whom it was seized any useable medical marijuana, plants, drug paraphernalia or other related property.

The Property and Evidence Section supervisor may release marijuana to federal law enforcement authorities upon presentation of a valid court order or by a written order of the Detective Bureau supervisor.

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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 Whittier Police Department to convert data associated with vehicle license plates for official law enforcement purposes, including identifying stolen or wanted vehicles, stolen license plates and missing persons. It may also be used to gather information related to active warrants, homeland security, electronic surveillance, suspect interdiction and stolen property recovery.

All installation and maintenance of ALPR equipment, as well as ALPR data retention and access, shall be managed by the Administration Division Commander. The Administration Division Commander will assign members under his/her command to administer the day-to-day operation of the ALPR equipment and data.

460.2.1 ALPR ADMINISTRATOR

The Administration Division Commander shall be responsible for developing guidelines and procedures to comply with the requirements of Civil Code § 1798.90.5 et seq. This includes, but is not limited to (Civil Code § 1798.90.51; Civil Code § 1798.90.53):

(a) A description of the job title or other designation of the members and independent contractors who are authorized to use or access the ALPR system or to collect ALPR information.

(b) Training requirements for authorized users.

(c) A description of how the ALPR system will be monitored to ensure the security of the information and compliance with applicable privacy laws.

(d) Procedures for system operators to maintain records of access in compliance with Civil Code § 1798.90.52.

(e) The title and name of the current designee in overseeing the ALPR operation.

(f) Working with the Custodian of Records on the retention and destruction of ALPR data.

(g) Ensuring this policy and related procedures are conspicuously posted on the department's website.

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.

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(b) An ALPR may be used in conjunction with any routine patrol operation or criminal investigation. Reasonable suspicion or probable cause is not required before using an ALPR.

(c) While an ALPR may be used to canvass license plates around any crime scene, particular consideration should be given to using ALPR-equipped cars to canvass areas around homicides, shootings and other major incidents. Partial license plates reported during major crimes should be entered into the ALPR system in an attempt to identify suspect vehicles.

(d) No 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 Administration Division Commander is responsible for ensuring systems and processes are in place for the proper collection and retention of ALPR data. Data will be transferred from vehicles to the designated storage in accordance with department procedures.

All ALPR data downloaded to the server should be stored for a minimum of one year (Government Code § 34090.6) and in accordance with the established records retention schedule. Thereafter, ALPR data should be purged unless it has become, or it is reasonable to believe it will become, evidence in a criminal or civil action or is subject to a discovery request or other lawful action to produce records. In those circumstances the applicable data should be downloaded from the server onto portable media and booked into evidence.

460.5 ACCOUNTABILITY

All data will be closely safeguarded and protected by both procedural and technological means. The Whittier Police Department will observe the following safeguards regarding access to and use of stored data (Civil Code § 1798.90.51; Civil Code § 1798.90.53):

(a) All ALPR data downloaded to the mobile workstation and in storage shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date and time (Civil Code § 1798.90.52).

(b) Members approved to access ALPR data under these guidelines are permitted to access the data for legitimate law enforcement purposes only, such as when the data relate to a specific criminal investigation or department-related civil or administrative action.

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(c) ALPR system audits should be conducted on a regular basis.

For security or data breaches, see the Records Release and Maintenance Policy.

460.6 POLICY

The policy of the Whittier 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 Administration Division Commander or the authorized designee and approved before the request is fulfilled.

(c) The approved request is retained on file.

Requests for ALPR data by non-law enforcement or non-prosecutorial agencies will be processed as provided in the Records Maintenance and Release Policy (Civil Code § 1798.90.55).

460.8 TRAINING

The Training Coordinator 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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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 Whittier 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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Crisis Intervention Incidents

467.1 PURPOSE AND SCOPE

This policy provides guidelines for interacting with those who may be experiencing a mental health or emotional crisis. Interaction with such individuals has the potential for miscommunication and violence. It often requires an officer to make difficult judgments about a person's mental state and intent in order to effectively and legally interact with the individual.

467.1.1 DEFINITIONS

Definitions related to this policy include:

Person in crisis - A person whose level of distress or mental health symptoms have exceeded the person's internal ability to manage his/her behavior or emotions. A crisis can be precipitated by any number of things, including an increase in the symptoms of mental illness despite treatment compliance; non-compliance with treatment, including a failure to take prescribed medications appropriately; or any other circumstance or event that causes the person to engage in erratic, disruptive or dangerous behavior that may be accompanied by impaired judgment.

467.2 POLICY

The Whittier Police Department is committed to providing a consistently high level of service to all members of the community and recognizes that persons in crisis may benefit from intervention. The Department will collaborate, where feasible, with mental health professionals to develop an overall intervention strategy to guide its members' interactions with those experiencing a mental health crisis. This is to ensure equitable and safe treatment of all involved.

467.3 SIGNS

Members should be alert to any of the following possible signs of mental health issues or crises:

(a) A known history of mental illness

(b) Threats of or attempted suicide

(c) Loss of memory

(d) Incoherence, disorientation or slow response

(e) Delusions, hallucinations, perceptions unrelated to reality or grandiose ideas

(f) Depression, pronounced feelings of hopelessness or uselessness, extreme sadness or guilt

(g) Social withdrawal

(h) Manic or impulsive behavior, extreme agitation, lack of control

(i) Lack of fear

(j) Anxiety, aggression, rigidity, inflexibility or paranoia

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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.

467.4 COORDINATION WITH MENTAL HEALTH PROFESSIONALS

The Chief of Police should designate an appropriate Division Commander to collaborate with mental health professionals to develop an education and response protocol. It should include a list of community resources, to guide department interaction with those who may be suffering from mental illness or who appear to be in a mental health crisis.

467.5 FIRST RESPONDERS

Safety is a priority for first responders. It is important to recognize that individuals under the influence of alcohol, drugs or both may exhibit symptoms that are similar to those of a person in a mental health crisis. These individuals may still present a serious threat to officers; such a threat should be addressed with reasonable tactics. Nothing in this policy shall be construed to limit an officer's authority to use reasonable force when interacting with a person in crisis.

Officers are reminded that mental health issues, mental health crises and unusual behavior alone are not criminal offenses. Individuals may benefit from treatment as opposed to incarceration.

An officer responding to a call involving a person in crisis should:

(a) Promptly assess the situation independent of reported information and make a preliminary determination regarding whether a mental health crisis may be a factor.

(b) Request available backup officers and specialized resources, such as the Mental Health Evaluation Team (MHET) as deemed necessary and, if it is reasonably believed that the person is in a crisis situation, use conflict resolution and de-escalation techniques to stabilize the incident as appropriate.

(c) If feasible, and without compromising safety, turn off flashing lights, bright lights or sirens.

(d) Attempt to determine if weapons are present or available.

    1. Prior to making contact, and whenever possible and reasonable, conduct a search of the Department of Justice Automated Firearms System via the California Law Enforcement Telecommunications System (CLETS) to determine whether the person is the registered owner of a firearm (Penal Code § 11106.4).

(e) Take into account the person's mental and emotional state and potential inability to understand commands or to appreciate the consequences of his/her action or inaction, as perceived by the officer.

(f) Secure the scene and clear the immediate area as necessary.

(g) Employ tactics to preserve the safety of all participants.

(h) Determine the nature of any crime.

(i) Request a supervisor, as warranted.

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(j) Evaluate any available information that might assist in determining cause or motivation for the person's actions or stated intentions.

(k) If circumstances reasonably permit, consider and employ alternatives to force.

467.6 DE-ESCALATION

Officers should consider that taking no action or passively monitoring the situation may be the most reasonable response to a mental health crisis.

Once it is determined that a situation is a mental health crisis and immediate safety concerns have been addressed, responding members should be aware of the following considerations and should generally:

- Evaluate safety conditions.
- Introduce themselves and attempt to obtain the person's name.
- Be patient, polite, calm, courteous and avoid overreacting.
- Speak and move slowly and in a non-threatening manner.
- Moderate the level of direct eye contact.
- Remove distractions or disruptive people from the area.
- Demonstrate active listening skills (e.g., summarize the person's verbal communication).
- Provide for sufficient avenues of retreat or escape should the situation become volatile.

Responding officers generally should not:

- Use stances or tactics that can be interpreted as aggressive.
- Allow others to interrupt or engage the person.
- Corner a person who is not believed to be armed, violent or suicidal.
- Argue, speak with a raised voice or use threats to obtain compliance.

467.7 INCIDENT ORIENTATION

When responding to an incident that may involve mental illness or a mental health crisis, the officer should request that the dispatcher provide critical information as it becomes available. This includes:

(a) Whether the person relies on drugs or medication, or may have failed to take his/her medication.

(b) Whether there have been prior incidents, suicide threats/attempts, and whether there has been previous police response.

(c) Contact information for a treating physician or mental health professional.

Additional resources and a supervisor should be requested as warranted.

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467.8 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene of any interaction with a person in crisis. Responding supervisors should:

(a) Attempt to secure appropriate and sufficient resources.

(b) Closely monitor any use of force, including the use of restraints, and ensure that those subjected to the use of force are provided with timely access to medical care (see the Handcuffing and Restraints Policy).

(c) Consider strategic disengagement. Absent an imminent threat to the public and, as circumstances dictate, this may include removing or reducing law enforcement resources or engaging in passive monitoring.

(d) Ensure that all reports are completed and that incident documentation uses appropriate terminology and language.

(e) Conduct an after-action tactical and operational debriefing, and prepare an after-action evaluation of the incident to be forwarded to the Division Commander.

Evaluate whether a critical incident stress management debriefing for involved members is warranted.

467.9 INCIDENT REPORTING

Members engaging in any oral or written communication associated with a mental health crisis should be mindful of the sensitive nature of such communications and should exercise appropriate discretion when referring to or describing persons and circumstances.

Members having contact with a person in crisis should keep related information confidential, except to the extent that revealing information is necessary to conform to department reporting procedures or other official mental health or medical proceedings.

467.9.1 DIVERSION

Individuals who are not being arrested should be processed in accordance with the Mental Illness Commitments Policy.

467.10 NON-SWORN INTERACTION WITH PEOPLE IN CRISIS

Non-sworn members may be required to interact with persons in crisis in an administrative capacity, such as dispatching, records request, and animal control issues.

(a) Members should treat all individuals equally and with dignity and respect.

(b) If a member believes that he/she is interacting with a person in crisis, he/she should proceed patiently and in a calm manner.

(c) Members should be aware and understand that the person may make unusual or bizarre claims or requests.

If a person's behavior makes the member feel unsafe, if the person is or becomes disruptive or violent, or if the person acts in such a manner as to cause the member to believe that the person

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may be harmful to him/herself or others, an officer should be promptly summoned to provide assistance.

467.11 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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First Amendment Assemblies

468.1 PURPOSE AND SCOPE

This policy provides guidance for responding to public assemblies or demonstrations.

468.2 POLICY

The Whittier Police Department respects the rights of people to peaceably assemble. It is the policy of this department not to unreasonably interfere with, harass, intimidate or discriminate against persons engaged in the lawful exercise of their rights, while also preserving the peace, protecting life and preventing the destruction of property.

468.3 GENERAL CONSIDERATIONS

Individuals or groups present on the public way, such as public facilities, streets or walkways, generally have the right to assemble, rally, demonstrate, protest or otherwise express their views and opinions through varying forms of communication, including the distribution of printed matter. These rights may be limited by laws or ordinances regulating such matters as the obstruction of individual or vehicle access or egress, trespass, noise, picketing, distribution of handbills and leafleting, and loitering. However, officers shall not take action or fail to take action based on the opinions being expressed.

Participant behavior during a demonstration or other public assembly can vary. This may include, but is not limited to:

- Lawful, constitutionally protected actions and speech.
- Civil disobedience (typically involving minor criminal acts).
- Rioting.

All of these behaviors may be present during the same event. Therefore, it is imperative that law enforcement actions are measured and appropriate for the behaviors officers may encounter. This is particularly critical if force is being used. Adaptable strategies and tactics are essential. The purpose of a law enforcement presence at the scene of public assemblies and demonstrations should be to preserve the peace, to protect life and prevent the destruction of property.

Officers should not:

(a) Engage in assembly or demonstration-related discussion with participants.

(b) Harass, confront or intimidate participants.

(c) Seize the cameras, cell phones or materials of participants or observers unless an officer is placing a person under lawful arrest.

Supervisors should continually observe department members under their commands to ensure that members' interaction with participants and their response to crowd dynamics is appropriate.

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468.3.1 PHOTOGRAPHS AND VIDEO RECORDINGS

Photographs and video recording, when appropriate, can serve a number of purposes, including support of criminal prosecutions by documenting criminal acts; assistance in evaluating department performance; serving as training material; recording the use of dispersal orders; and facilitating a response to allegations of improper law enforcement conduct.

Photographs and videos will not be used or retained for the sole purpose of collecting or maintaining information about the political, religious or social views of associations, or the activities of any individual, group, association, organization, corporation, business or partnership, unless such information directly relates to an investigation of criminal activities and there is reasonable suspicion that the subject of the information is involved in criminal conduct.

468.4 UNPLANNED EVENTS

When responding to an unplanned or spontaneous public gathering, the first responding officer should conduct an assessment of conditions, including, but not limited to, the following:

- Location
- Number of participants
- Apparent purpose of the event
- Leadership (whether it is apparent and/or whether it is effective)
- Any initial indicators of unlawful or disruptive activity
- Indicators that lawful use of public facilities, streets or walkways will be impacted
- Ability and/or need to continue monitoring the incident

Initial assessment information should be promptly communicated to Dispatch, and the assignment of a supervisor should be requested. Additional resources should be requested as appropriate. The responding supervisor shall assume command of the incident until command is expressly assumed by another, and the assumption of command is communicated to the involved members. A clearly defined command structure that is consistent with the Incident Command System (ICS) should be established as resources are deployed.

468.5 PLANNED EVENT PREPARATION

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

468.5.1 INFORMATION GATHERING AND ASSESSMENT

In order to properly assess the potential impact of a public assembly or demonstration on public safety and order, relevant information should be collected and vetted. This may include:

- Information obtained from outreach to group organizers or leaders.
- Information about past and potential unlawful conduct associated with the event or similar events.

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- The potential time, duration, scope, and type of planned activities.
- Any other information related to the goal of providing a balanced response to criminal activity and the protection of public safety interests.

Information should be obtained in a transparent manner, and the sources documented. Relevant information should be communicated to the appropriate parties in a timely manner.

Information will be obtained in a lawful manner and will not be based solely on the purpose or content of the assembly or demonstration, or actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability of the participants (or any other characteristic that is unrelated to criminal conduct or the identification of a criminal subject).

468.5.2 OPERATIONAL PLANS

An operational planning team with responsibility for event planning and management should be established. The planning team should develop an operational plan for the event.

The operational plan will minimally provide for:

(a) Command assignments, chain of command structure, roles and responsibilities.

(b) Staffing and resource allocation.

(c) Management of criminal investigations.

(d) Designation of uniform of the day and related safety equipment (e.g., helmets, shields).

(e) Deployment of specialized resources.

(f) Event communications and interoperability in a multijurisdictional event.

(g) Liaison with demonstration leaders and external agencies.

(h) Liaison with City government and legal staff.

(i) Media relations.

(j) Logistics: food, fuel, replacement equipment, duty hours, relief and transportation.

(k) Traffic management plans.

(l) First aid and emergency medical service provider availability.

(m) Prisoner transport and detention.

(n) Review of policies regarding public assemblies and use of force in crowd control.

(o) Parameters for declaring an unlawful assembly.

(p) Arrest protocol, including management of mass arrests.

(q) Protocol for recording information flow and decisions.

(r) Rules of engagement, including rules of conduct, protocols for field force extraction and arrests, and any authorization required for the use of force.

(s) Protocol for handling complaints during the event.

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(t) Parameters for the use of body-worn cameras and other portable recording devices.

468.5.3 MUTUAL AID AND EXTERNAL RESOURCES
The magnitude and anticipated duration of an event may necessitate interagency cooperation and coordination. The assigned Incident Commander should ensure that any required memorandums of understanding or other agreements are properly executed, and that any anticipated mutual aid is requested and facilitated (see the Mutual Aid and Outside Agency Assistance Policy).

468.6 UNLAWFUL ASSEMBLY DISPERSAL ORDERS

If a public gathering or demonstration remains peaceful and nonviolent, and there is no reasonably imminent threat to persons or property, the Incident Commander should generally authorize continued monitoring of the event.

Should the Incident Commander make a determination that public safety is presently or is about to be jeopardized, he/she or the authorized designee should attempt to verbally persuade event organizers or participants to disperse of their own accord. Warnings and advisements may be communicated through established communications links with leaders and/or participants or to the group.

When initial attempts at verbal persuasion are unsuccessful, the Incident Commander or the authorized designee should make a clear standardized announcement to the gathering that the event is an unlawful assembly, and should order the dispersal of the participants. The announcement should be communicated by whatever methods are reasonably available to ensure that the content of the message is clear and that it has been heard by the participants. The announcement should be amplified, made in different languages as appropriate, made from multiple locations in the affected area and documented by audio and video. The announcement should provide information about what law enforcement actions will take place if illegal behavior continues and should identify routes for egress. A reasonable time to disperse should be allowed following a dispersal order.

468.7 USE OF FORCE

Use of force is governed by current department policy and applicable law (see the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies).

Individuals refusing to comply with lawful orders (e.g., nonviolent refusal to disperse) should be given a clear verbal warning and a reasonable opportunity to comply. If an individual refuses to comply with lawful orders, the Incident Commander shall evaluate the type of resistance and adopt a reasonable response in order to accomplish the law enforcement mission (such as dispersal or arrest of those acting in violation of the law). Control devices and TASER® devices should be considered only when the participants' conduct reasonably appears to present the potential to harm officers, themselves or others, or will result in substantial property loss or damage (see the Control Devices and Techniques and the Conducted Energy Device policies).

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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.

468.8 ARRESTS

The Whittier Police Department should respond to unlawful behavior in a manner that is consistent with the operational plan. If practicable, warnings or advisements should be communicated prior to arrest.

Mass arrests should be employed only when alternate tactics and strategies have been, or reasonably appear likely to be, unsuccessful. Mass arrests shall only be undertaken upon the order of the Incident Commander or the authorized designee. There must be probable cause for each arrest.

If employed, mass arrest protocols should fully integrate:

(a) Reasonable measures to address the safety of officers and arrestees.

(b) Dedicated arrest, booking and report writing teams.

(c) Timely access to medical care.

(d) Timely access to legal resources.

(e) Timely processing of arrestees.

(f) Full accountability for arrestees and evidence.

(g) Coordination and cooperation with the prosecuting authority, jail and courts (see the Cite and Release Policy).

468.9 MEDIA RELATIONS

The Press Information Officer should use all available avenues of communication, including press releases, briefings, press conferences, and social media to maintain open channels of communication with media representatives and the public about the status and progress of the event, taking all opportunities to reassure the public about the professional management of the event (see the Media Relations Policy).

468.10 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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468.11 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, Dispatch records/tapes

(g) Media accounts (print and broadcast media)

468.11.1 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.

468.12 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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Medical Aid and Response

469.1 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.

469.2 POLICY

It is the policy of the Whittier Police Department that all officers and other designated members be trained to provide emergency medical aid and to facilitate an emergency medical response.

469.3 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 Dispatch 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 Dispatch 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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469.4 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.

469.5 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.

469.6 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.

469.7 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

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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.

469.8 FIRST AID TRAINING

The Training Coordinator 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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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 Whittier 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:

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.

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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).

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.

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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

Employees shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of the high-visibility vest entrusted to them. An employee's intentional or negligent abuse or misuse of the high-visibility vest may lead to discipline including, but not limited to the cost of repair or replacement. Before going into service each employee shall ensure he/she has a serviceable high-visibility vest with them in the vehicle.

A supply of high-visibility vests will be maintained in the equipment room for replacement of damaged or unserviceable vests. The Training Officer shall be promptly notified in writing whenever the supply of vests in the equipment room needs replenishing or whenever a vest is lost or deemed unserviceable and needs to be replaced.

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Traffic Collision Reporting

502.1 PURPOSE AND SCOPE

The Whittier 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 Bureau Sergeant will be responsible for distribution of the Collision Investigation Manual. The Traffic Bureau Sergeant will receive all changes in the state manual and ensure conformity with this policy.

502.3 TRAFFIC COLLISION REPORTING

All traffic collision reports taken by members of this department shall be forwarded to the Traffic Bureau for approval and data entry into the Records Management System. The Traffic Sergeant will be responsible for monthly and quarterly reports on traffic collision statistics to be forwarded to the Patrol Division Commander, or other persons as required.

502.4 REPORTING SITUATIONS

502.4.1 TRAFFIC COLLISIONS INVOLVING CITY VEHICLES

Traffic collision investigation reports shall be taken when a City-owned vehicle is involved in a traffic collision upon a roadway, highway or other public or private property wherein any damage or injury results. A general information report may be taken in lieu of a traffic collision report (CHP 555 form) at the direction of a supervisor when the collision involves only City property. Whenever there is damage to a City vehicle, a Vehicle Damage Report shall be completed and forwarded to the appropriate Division Commander.

Photographs of the collision scene and vehicle damage shall be taken.

A Field Supervisor and the Watch Commander shall be notified of any traffic collision occurring in any jurisdiction involving any on-duty Whittier Police Department personnel or City-owned vehicle.

502.4.2 TRAFFIC COLLISIONS WITH POLICE DEPARTMENT EMPLOYEES

When an employee of this department, either on-duty or off-duty, is involved in a traffic collision within the jurisdiction of the Whittier Police Department resulting in a serious injury or fatality, the Traffic Bureau Sergeant or the Watch Commander, may notify the California Highway Patrol for assistance.

The term serious injury is defined as any injury that may result in a fatality.

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502.4.3 TRAFFIC COLLISIONS WITH OTHER CITY EMPLOYEES OR OFFICIALS
The Traffic Bureau Sergeant or on-duty Watch Commander may request assistance from the California Highway Patrol for the investigation of any traffic collision involving any City official or employee where a serious injury or fatality has occurred.

Employees of this Department shall not complete their own traffic accident report unless approved by the field supervisor and Watch Commander. Approval should only be given in the event of extraordinary circumstances and any reasonable alternatives have been exhausted.

502.4.4 TRAFFIC COLLISIONS ON PRIVATE PROPERTY
In compliance with the Collision Investigation Manual, traffic collision reports shall not be taken for traffic collisions occurring on private property, unless there is a death or injury to any person involved, a hit and run violation, or Vehicle Code violation. A Miscellaneous Report may be taken at the discretion of any supervisor.

502.4.5 TRAFFIC COLLISIONS ON ROADWAYS OR HIGHWAYS
Traffic collision reports shall be taken when they occur on a roadway or highway within the jurisdiction of this department under any of the following circumstances:

(a) When there is a death or injury (including a complaint of pain) to any persons involved in the collision.

(b) When it involves City property.

(c) When it involves a hit and run as outlined in the California Vehicle Code.

(d) When it is believed that the driver's ability to operate a motor vehicle is impaired as a result of being under the influence of alcohol and/or drugs.

(e) When it is determined that one of the involved drivers does not possess a valid driver's license or when either party is unable to show proof of current insurance.

(f) When any vehicle is involved in any injury/fatal traffic collision or is disabled and towed away as a result of the collision and any of the following criteria exists: (1) any truck having a gross weight over 10,000 pounds, (2) has seats to transport nine or more people including the driver's seat or (3) displays a hazardous materials placard (regardless of weight).

Counter (late) reports shall not be taken for non-injury collisions.

502.4.6 PROPERTY DAMAGE ONLY TRAFFIC COLLISIONS
Any property damage traffic collision that does not fall under at least one of the circumstances listed in Section 502.45 may be handled as an exchange of information between all of the involved parties as required by California State Law.

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 Bureau Sergeant, or in his or her absence a Traffic Officer, to relate the circumstances

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of the traffic collision and seek assistance from the Traffic Bureau. In the absence of a Traffic Bureau Sergeant, the Watch Commander or any supervisor may assign a Collision Investigator or motor officer to investigate the traffic collision.

The Whittier/Santa Fe Springs Police Department Traffic Sergeant, or his designee, shall be responsible for notifying the appropriate traffic division personnel should a call-out be requested. Due to the complex and unpredictable nature of most major collision scenes, the Traffic Sergeant may find it necessary to notify all available traffic division personnel to respond to the scene.

The following are some of the examples of when the watch commander should contact the traffic bureau and have them respond to a scene:

(a) Fatality to anyone involved in the accident.

(b) Serious Bodily Injury to anonone involved in the accident:

1. *Serious Bodily Injuries include but are not limited to:*

(a) An injury with a substantial risk of death, or

(b) A substantial risk of serious, permanent disfigurement, or

(c) A substantial risk of protracted loss or impairment of the function of any body part or organ of the body, or

(d) Severe lacerations, or

(e) Distorted limbs, or

(f) Major internal injuries, or

(g) Burns of the second or third degree

(h) When the victim is unconscious or unresponsive at the scene or after initial hospital stabilization.

(i) The age of the victim with a serious injury (12 and under or 65 and over).

(j) If it is determined seatbelts were not worn in a serious injury collision.

(k) The medical histroy of the victim, if known

(l) Any other factor determined appropriate by the Watch Commander

If any of the above criteria are met, the handling officer(s) will be required to complete the initial investigation, obtaining the appropriate information to complete the original traffic collision report. This includes locating and interviewing the drivers, witnesses and any passengers at the scene. When possible, the handling officers should ask the involved parties to remain at the scene for follow up interviews by traffic personnel.

When the Watch Commander deems it necessary to have traffic called out, the handling officers will secure the scene until traffic division personnel respond and assume control of the investigation. This requires a total lock-down of the scene as to not allow outside access to the

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area. The handling or assisting officer will immediately begin a crime scene log and attempt to presereve the scene using homicide scene investigation protocol.

The Whittier/Santa Fe Springs Police Department Traffic Division will respond to any aircraft collision within our jurisdiction whether or not there is an injury.

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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 Whittier Police Department. Nothing in this policy shall require the Department to tow a vehicle.

510.2 STORAGE AND IMPOUNDS

The responsibilities of those employees towing, storing or impounding a vehicle are listed below.

510.2.1 VEHICLE STORAGE REPORT

Department members requesting towing, storage or impound of a vehicle shall complete CHP Form 180 and accurately record the mileage and a description of property within the vehicle (Vehicle Code §22850). A copy of the storage report should be given to the tow truck operator and the original shall be submitted to the Watch Commander for review, then forwarded to the Dispatch Center as soon as practical after the vehicle is stored.

Dispatch Center personnel shall promptly enter pertinent data from the completed storage form (CHP form 180) into the State computer after the Watch Commander has approved the CHP form 180.

Approved storage forms shall be promptly placed into the auto-file so that they are immediately available for release or for information should inquiries be made.

Records personnel, in compliance with Vehicle Code § 22852, shall mail a copy of the approved storage form to the legal and registered owners of the stored vehicle within 48 hours after it has been stored, unless the vehicle has been released.

510.2.2 REMOVAL FROM TRAFFIC COLLISION SCENES

When a vehicle has been involved in a traffic collision and must be removed from the scene, the officer shall have the driver select a towing company, if possible, and shall relay the request for the specified towing company to the dispatcher. When there is no preferred company requested, a company will be selected from the rotational list of towing companies in Dispatch.

If the owner is incapacitated, or for any reason it is necessary for the Department to assume responsibility for a vehicle involved in a collision, the officer shall request the dispatcher to call the official towing garage for the City of Whittier/Santa Fe Springs. The officer will then store the vehicle using a CHP Form 180.

510.2.3 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.

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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.

510.2.4 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.

510.2.5 DISPATCHER'S RESPONSIBILITIES

Upon receiving a request for towing, the dispatcher shall promptly telephone the specified authorized towing service. The officer shall be advised when the request has been made and the towing service has been dispatched.

When there is no preferred company requested, the dispatcher shall call the next firm in rotation from the list of approved towing companies and shall make appropriate entries on that form to ensure the following firm is called on the next request.

510.2.6 RECORDS BUREAU RESPONSIBILITY

Communications personnel shall promptly enter pertinent data from the completed storage form (CHP Form 180) into the Stolen Vehicle System and return the form to the Watch Commander for approval (Vehicle Code § 22651.5(b); Vehicle Code § 22851.3(b); Vehicle Code § 22854.5).

Approved storage forms shall be promptly placed into the auto-file so that they are immediately available for release or review should inquiries be made.

Within 48 hours, excluding weekends and holidays, of the storage of any such vehicle it shall be the responsibility of the Records Bureau to determine the names and addresses of any individuals having an interest in the vehicle through DMV or CLETS computers. Notice shall be sent to all such individuals by certified or 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.

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510.3 TOWING SERVICES

The City of Whittier/Santa Fe Springs periodically selects a firm to act as the official tow service and awards a contract to that firm. This firm will be used in the following situations:

(a) When it is necessary to safeguard a vehicle due to the inability of the owner or operator to take the required action.

(b) When a vehicle is being held as evidence in connection with an investigation.

(c) When it is otherwise necessary to store a motor vehicle. This would include situations involving the recovery of stolen or abandoned vehicles, and the removal of vehicles obstructing traffic in violation of state or local regulations.

510.4 VEHICLE INVENTORY

All property in a stored or impounded vehicle shall be inventoried and listed on the vehicle storage form. This includes the trunk and any compartments or containers, even if closed and/or locked. Members conducting inventory searches should be as thorough and accurate as practical in preparing an itemized inventory. These inventory procedures are for the purpose of protecting an owner's property while in police custody, to provide for the safety of officers, and to protect the Whittier Police 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).

(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).

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(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 IMPOUND FOR UNLICENSED DRIVING

Despite the authority granted by California Vehicle Code §22651(p) and §14602.6(a), officers shall **not** impound vehicles when the sole violation committed by the driver is §12500(a) CVC (Unlicensed Driver) unless additional related circumstances exist. Examples of such additional circumstances include but are not limited to the following:

- The vehicle is illegally parked and there is no licensed, sober, person present at the scene and authorized by the driver/owner to move it.
- The vehicle is in an area where it could reasonably be the target of vandalism or theft and there is no licensed, sober, person present at the scene and authorized by the driver/owner to move it.
- Articulable circumstances that demonstrate the vehicle, if left at the scene, jeopardizes public safety or the efficient movement of vehicular traffic.

Nothing in this section shall preclude an officer from impounding a vehicle pursuant to California Vehicle Code §22651(p) or §14602.6(a) when the driver is cited/arrested for driving on a suspended or revoked license (violation of §14601(a), §14601.1(a), §14601.2(a), etc.).

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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 Whittier 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 Whittier 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 FIELD TESTS

The Traffic Sergeant should identify standardized FSTs and any approved alternate tests for officers to use when investigating violations of DUI laws.

514.4 CHEMICAL TESTS

A person implies consent to a chemical test or tests, and to providing the associated chemical sample, under any of the following (Vehicle Code § 23612):

(a) The person is arrested for driving a vehicle while under the influence, pursuant to Vehicle Code § 23152.

(b) The person is under 21 years of age and is arrested by an officer having reasonable cause to believe that the person's blood alcohol content is 0.05 or more (Vehicle Code § 23140).

(c) The person is under 21 years of age and detained by an officer having reasonable cause to believe that the person was driving a vehicle while having a blood alcohol content of 0.01 or more (Vehicle Code § 23136).

(d) The person was operating a vehicle while under the influence and proximately caused bodily injury to another person (Vehicle Code § 23153).

If a person withdraws this implied consent, or is unable to withdraw consent (e.g., the person is unconscious), the officer should consider implied consent revoked and proceed as though the person has refused to provide a chemical sample.

514.4.1 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.

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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)).

514.4.2 BREATH SAMPLES

The Traffic Sergeant should ensure that all devices used for the collection and analysis of breath samples are properly serviced and tested, and that a record of such service and testing is properly maintained.

Officers obtaining a breath sample should monitor the device for any sign of malfunction. Any anomalies or equipment failures should be noted in the appropriate report and promptly reported to the Traffic Sergeant.

When the arrested person chooses a breath test, the handling officer shall advise the person that the breath-testing equipment does not retain a sample, and the person may, if desired, provide a blood or urine specimen, which will be retained to facilitate subsequent verification testing (Vehicle Code § 23614).

The officer should also require the person to submit to a blood test if the officer has a clear indication that a blood test will reveal evidence of any drug or the combined influence of an alcoholic beverage and any drug. Evidence of the officer's belief shall be included in the officer's report (Vehicle Code § 23612(a)(2)(C)).

514.4.3 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.

514.4.4 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.

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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 marked with the person's name, offense, Whittier Police Department case number and the name of the witnessing officer. The sample should be refrigerated pending transportation for testing.

514.4.5 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).

514.4.6 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).

514.4.7 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).

514.5 REFUSALS
When an arrestee refuses to provide a viable chemical sample, officers should:

(a) Advise the arrestee of the requirement to provide a sample (Vehicle Code § 23612).

(b) Audio- and/or video-record the admonishment when it is practicable.

(c) Document the refusal in the appropriate report.

514.5.1 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:

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(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.

514.5.2 FORCED BLOOD SAMPLE

When a person who has been arrested for DUI refuses to submit to a viable and appropriate test or fails to complete a selected test, a sample of that person's blood may be obtained for testing. However, this Department will not conduct forced blood draw samples without a search warrant issued pursuant to Penal Code §1524 (a)(13). In the face of a refusal to submit to a blood test by the driver in a misdemeanor DUI investigation, and if no other test is available and will be taken by the driver, officers shall report the refusal and on advice of the watch commander shall either proceed without any chemical test, i.e., a "DUI Refusal" or shall proceed by way of search warrant for a forced blood sample. Felony DUI refusals will be reported to the watch commander and shall proceed by way of search warrant, absent exigent circumstances. In all cases which a person refuses to voluntarily submit to a blood sample, whether by verbal refusal only or by physical resistance, will be considered a "forced blood sample," and thus require a warrant. When conducting a forced blood sample the following should be considered:

If an arrestee indicates by word or action that he/she will physically resist a blood draw, the officer should request a supervisor to respond.

The responding supervisor should:

(a) Evaluate whether using force to obtain a blood sample is appropriate under the circumstances.

(b) Ensure that all attempts to obtain a blood sample through force cease if the person agrees to, and completes a viable form of testing in a timely manner.

(c) Advise the person of his/her duty to provide a sample (even if this advisement was previously done by another officer) and attempt to persuade the individual to submit to such a sample without physical resistance.

1. This dialogue should be recorded on audio and/or video if practicable.

2. Contact the on-duty watch commander and brief him/her on the factual circumstances, including any exigent circumstances which may support a warrantless forced blood sample.

(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.

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(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 shall follow the above steps, including consultation with and direction from the watch commander. In no event shall a forced blood sample occur without prior involvement of and approval by the watch commander or some higher level of the chain of command.

514.5.3 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)).

514.6 RECORDS BUREAU RESPONSIBILITIES

The Records Supervisor will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney's office.

514.7 TRAINING

The Training Coordinator 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 Coordinator should confer with the prosecuting attorney's office and update training topics as needed.

514.8 ARREST AND INVESTIGATION

514.8.1 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.

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(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.

514.8.2 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 Records Bureau, in consultation with the Traffic Sergeant, shall be responsible for the development and design of all Department traffic citations in compliance with state law and the Judicial Council.

The Records Bureau shall be responsible for the supply and accounting of all traffic citations issued to employees of this department.

The Records Bureau 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 Sergeant. Upon a review of the circumstances involving the issuance of the traffic citation, the Traffic Bureau Sergeant may request the Patrol Division Commander to recommend dismissal of the traffic citation. If approved, the citation will be forwarded to the appropriate court with a request for dismissal. All recipients of traffic citations whose request for the dismissal of a traffic citation has been denied shall be referred to the appropriate court.

Should an officer determine during a court proceeding that a traffic citation should be dismissed in the interest of justice or where prosecution is deemed inappropriate the officer may request the court to dismiss the citation. Upon dismissal of the traffic citation by the court, the officer shall notify his/her immediate supervisor of the circumstances surrounding the dismissal and shall complete any paperwork as directed or required. The citation dismissal shall then be forwarded to the Patrol Division Commander for review.

516.3.1 "NO RECALL" POLICY

(a) Officers shall write sufficient notes on the back side of the duplicate traffic citation so that it may assist in the recollection of the events for testimony purposes.

(b) If an officer is unavailable to appear in traffic court due to illness or any other reason other than planned vacation, the officer shall notify the on-duty watch commander prior to the traffic hearing date and time.

(c) "No Recall" is not a legitimate reason for failing to attend traffic court. Officers shall not contact the court clerk and telephonically advise they have no recall. Should the officer

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have no recall in a traffic matter, the officer shall notify the shift watch commander verbally of the "no recall" at least 7 days prior to the court date.

(d) The employee shall also complete a memorandum addressed to their appropriate division commander outlining the circumstances of the "no recall." This is to be submitted to the employee's shift watch commander at least 7 days prior to the court date.

(e) A copy of the subpoena shall be attached to the memorandum.

(f) A copy of the front and back side of the citation shall be attached to the memorandum.

(g) The watch commander, upon receipt of this documentation, will notify the court liaison officer via email.

(h) The officer will not need to appear on that specific traffic matter and will not be compensated for the scheduled court appearance.

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 Records 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 citation and a letter requesting a specific correction to his/her immediate supervisor. The citation and letter shall then be forwarded to the Records Bureau. The Records Bureau shall prepare a letter of correction to the court having jurisdiction and to the recipient of the citation.

516.6 DISPOSITION OF TRAFFIC CITATIONS

The citation copies shall be filed with the Records Bureau.

Upon separation from employment with this department, all employees issued traffic citation books shall return any unused citations to the Records Bureau.

516.7 NOTICE OF PARKING VIOLATION APPEAL PROCEDURE

Disposition of notice of parking violation appeals is conducted pursuant to Vehicle Code § 40215.

516.7.1 APPEAL STAGES

Appeals may be pursued sequentially at three different levels (Vehicle Code § 40215; Vehicle Code § 40230):

(a) Administrative reviews are conducted by the Traffic Bureau who will review written/documentary data. Requests for administrative reviews are available online at www.ticketwizard5000.com or by calling Data Ticket at (800) 989-2058. The Initial review consists of informal written statements outlining why the notice of parking violation should be dismissed. Copies of documentation relating to the notice of

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parking violation and the request for dismissal must be submitted online or mailed to the current mailing address of the processing agency.

(b) If the appellant wishes to pursue the matter beyond Initial review, an Administrative hearing may be requested. The Administration hearing can be conducted in person or by written application, at the election of the appellant. Independent referees review the existent administrative file, amendments, and/or testimonial material provided by the appellant and may conduct further investigation or follow-up on their own.

(c) If the appellant wishes to pursue the matter beyond an administrative hearing, a Superior Court review may be requested. The Superior Court request must be presented in person by the appellant after an application for review and designated filing fees have been paid to The Superior Court of California.

516.7.2 TIME REQUIREMENTS

Administrative review or appearance before a hearing examiner will not be provided if the mandated time limits are not adhered to by the violator.

(a) Requests for an administrative review must be postmarked within 21 calendar days of issuance of the notice of parking violation, or within 14 calendar days of the mailing of the Notice of Delinquent Parking Violation (Vehicle Code § 40215(a)).

(b) Requests for administrative hearings must be made no later than 21 calendar days following the notification mailing of the results of the administrative review (Vehicle Code § 40215(b)).

(c) An administrative hearing shall be held within 90 calendar days following the receipt of a request for an administrative hearing, excluding time tolled pursuant to Vehicle Code § 40200 - 40225. The person requesting the hearing may request one continuance, not to exceed 21 calendar days (Vehicle Code § 40215).

(d) Registered owners of vehicles may transfer responsibility for the violation via timely affidavit of non-liability when the vehicle has been transferred, rented or under certain other circumstances (Vehicle Code § 40209; Vehicle Code § 40210).

516.7.3 COSTS

(a) There is no cost for an administrative review.

(b) Appellants must deposit the full amount due for the citation before receiving an administrative hearing, unless the person is indigent, as defined in Vehicle Code § 40220, and provides satisfactory proof of inability to pay (Vehicle Code § 40215).

(c) An appeal through Superior Court requires prior payment of filing costs, including applicable court charges and fees. These costs will be reimbursed to the appellant in addition to any previously paid fines if appellant's liability is overruled by the Superior Court.

516.7.4 PAYMENT PLANS FOR PARKING CITATIONS

Beginning July 1, 2018, the City of Whittier will offer payment plans to indigent registered Owner(s)/Lessee(s) with unpaid parking citations issued on or after July 1, 2018 for the amounts of $300.00 or less.

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If you wish to apply for an indigent payment plan, you must request the application within 60 calendar days of issuance of the citation, or within 10 days of administrative hearing determination, whichever is later.

An indigent payment plan provides the option to pay your parking citation in up to $25.00 monthly increments, and shall be paid off within 18 months of the payment plan approval date. Upon approval, a non-refundable payment plan fee of $5.00 will be assessed to the total payment plan amount and all late fees and penalties shall be waived. Waived late fees and penalties may be reinstated if the person falls out of compliance with the payment plan.

The registered Owner/Lessee must demonstrate that he or she is indigent by providing either of the following information as applicable:

A person is **"Indigent"** if they meet any of the following conditions:

(a) The person receives public benefits from any of the programs listed in subdivision (a) of section 68632 of the Government Code.

- Supplemental Security Income (SSI).
- California Work Opportunity (Cal works).
- Supplemental Nutrition Assistance Program (food stamps).
- County Relief, General Relief (GR) or General Assistance (GA).
- Cash Assistance Program for Aged, Blind, and Disabled Legal Immigrants.
- In-Home Supportive Services (IHSS).
- Medi-Cal.

(b) The person meets the income criteria set forth in subdivision (B) of section 68632 of the Government Code. An applicant whose monthly income is 125% or less of the current poverty guidelines updated periodically in the Federal Register by the United States Department of Health and Human Services.

Proof of Indigence

The person may demonstrate that he or she is indigent by providing either of the following information, as applicable:

(a) Proof of receipt of benefits under the programs described in subdivision (a) of section 68632 of the Government Code. Proof of receipt will consist of a copy of the most recent verification of benefits form, notice of action (approval) letter or award letter.

1. If a person has no income or does not receive public assistance, a copy of their yearly earnings from the Social Security Department is required for proof.

(b) Proof of income from 3 most recent pay stubs or other form of proof of earnings such as a bank statement that shows the individual meets the income criteria set forth in subdivision (b) of section 68632 of the Government Code.

516.8 12500(A) PROTOCOL
ADULT 12500(a)

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The Los Angeles County District Attorney's Office has changed the manner in which they will be prosecuting adult 12500(a) violations. This necessitates some modifications to our procedures when dealing with 12500(a) offenses. The Penal Code authorizes prosecutors to charge 12500(a) violations as misdemeanors or infractions. Beginning on January 1, 2016, 12500(a) violations will be considered infractions when both of the following circumstances are met.

- Where the suspect does not have any prior convictions of a violation of VC 12500(a) or VC 14601; and
- Where the violation of VC 12500(a) was not committed in conjunction with another misdemeanor or felony offense.

Effective immediately, if officers discover a 12500(a) driver with no priors for 12500(a) or 14601, and who has no other misdemeanor or felony charges, the citation shall be issued as an infraction. Officers are responsible for checking for prior 12500 or 14601 offenses when citing for 12500. Records will process the citation through traffic court.

Officers shall issue 12500(a) citations as misdemeanors when either of the following circumstances exist:

- Where the suspect has one or more prior violations of 12500(a) or 14601; or
- Where the offense was committed in conjunction with another misdemeanor or felony offense.

In these cases, officers shall issue the citation as a misdemeanor. Records will prepare a standard filing packet consisting of a written narrative establishing the facts of the offense and the probable cause for the arrest, the suspect's CLETS, CCHRS, and DMV criminal history. Officers shall use the Whittier Police Department Probable Cause Form as the written narrative. This is the same form currently used for 14601 violations.

If the subject is going to be taken into physical custody on a separate open charge, simply add the charge of 12500(a) to the booking form. Do NOT issue a citation in this case.

JUVENILE 12500(a)

All juvenile 12500(a) violations should be charged as misdemeanors. The citation should reflect "TO BE NOTIFIED BY PROBATION" with no court date listed.

516.9 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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Citation Correction and VIN Verification

517.1 PURPOSE AND SCOPE

To establish a procedure to facilitate the collection of fees imposed for citation corrections and V.I.N. verifications. The city council has approved the imposition of fees for the service of Citation Correction and V.I.N. Verification done by police employees. This procedure establishes the manner in which we will collect those fees and provide the community with this service. Realizing that this new fee will not be popular in the community, employees should strive to provide the service in a timely and courteous manner.

517.2 CITATION CORRECTIONS

An established fee will be charged for each citation regardless of the number of violations on the citation.

517.2.1 PROCEDURE

(a) Requests at Station

1. Citizens coming to the station for citation correction shall first pay the required fee to records personnel and obtain a receipt. The records personnel should be careful to issue receipts only for those citations that we are able to sign off. (I.E. headlamps, brakes are by official station only) Note * Registration violations do not need sign-off, only proof of compliance to the court clerk.
2. The receipt shall reflect the citation number in the comments section and shall be made out to the person paying the fee.
3. In the event the party does not have the citation, a court notice to be signed will have the citation number affixed.
4. Upon payment of fees, whenever possible an available officer in the station should be used to sign-off the citation. If no officers are available, an officer shall be detailed by notifying Communications and calling in a field unit.
5. In the event that the citizen does not want to wait for the officer, he may pay the fee and obtain a receipt with the citation number. He/she can then return to the station when convenient.
6. If for any reason the citizen would later request a refund, he shall be directed to the Records Supervisor during normal office hours, or in his absence the station commander.

(b) Field Requests

1. Officers encountering requests for citation correction in the field shall refer all requests to the station to assure that the proper fees are paid. If an officer

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encounters a citizen with a valid receipt he should make every effort to sign-off the citation.

(c) Verification: In all cases, the Officer signing off the citation shall make a notation on the receipt that the correction has been handled.

517.3 V.I.N. (VEHICLE IDENTIFICATION NUMBER) VERIFICATION

An established fee will be charged for each V.I.N. verification whether done at the station or in the field. A receipt shall be issued with the indication of the V.I.N. in the comment section.

517.3.1 PROCEDURES

(a) Citizens who call communications and request an officer to respond for a V.I.N. verification shall be told that it will be necessary for them to pay the above fee at the station before a unit will be detailed.

(b) If they are unable to legally bring the vehicle to the station, they should be told to return home and call the station. A unit shall then be dispatched to verify the V.I.N.

(c) Officers responding to a citizen's home and completing the V.I.N. verification shall initial and date the receipt indicating the verification has been completed.

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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. Employees should refrain from utilizing the push bumpers absent an immediate traffic hazard.

520.3.2 RELOCATION OF DISABLED VEHICLES

The relocation of disabled vehicles by members of this department by pushing or pulling a vehicle should only occur when the conditions reasonably indicate that immediate movement is necessary to reduce a hazard presented by the disabled vehicle.

520.3.3 RELOCATION OF DISABLED MOTORIST

The relocation of a disabled motorist should only occur with the person's consent and should be suggested when conditions reasonably indicate that immediate movement is necessary to mitigate a potential hazard. The department member may stay with the disabled motorist or transport him/her to a safe area to await pickup.

520.4 PUBLIC ACCESS TO THIS POLICY

This written policy is available upon request.

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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 Whittier/Santa Fe Springs 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 Whittier/Santa Fe Springs 72-Hour Parking Ordinance shall be marked and noted on the Whittier Police Department Marked Vehicle Card. No case number is required at this time.

A visible chalk mark should be placed on the left rear tire tread at the fender level unless missing tires or other vehicle conditions prevent marking. Any deviation in markings shall be noted on the Marked Vehicle Card. The investigating employee should make a good faith effort to notify the owner of any vehicle subject to towing prior to having the vehicle removed. This may be accomplished by personal contact, telephone or by leaving notice attached to the vehicle at least 24 hours prior to removal.

All Marked Vehicle Cards shall be submitted to the Traffic Bureau for computer data entry.

If a marked vehicle has been moved or the markings have been removed during a 72-hour investigation period, the vehicle shall be marked again for the 72-hour parking violation and a Marked Vehicle Card completed and forwarded to the Traffic Bureau.

Parking citations for the 72-hour parking ordinance shall not be issued when the vehicle is stored for the 72-hour parking violation.

524.2.1 MARKED VEHICLE FILE

Dispatch shall be responsible for printing a report for the Traffic Bureau.

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 (CHP form 180) shall be completed by the officer authorizing the storage of the vehicle.

The storage report form shall be submitted to the Dispatch Center immediately following the storage of the vehicle. It shall be the responsibility of the Dispatch Center to immediately notify the Stolen Vehicle System (SVS) of the Department of Justice in Sacramento (Vehicle Code § 22851.3(b)). Notification may also be made to the National Law Enforcement Telecommunications System (NLETS)(Vehicle Code § 22854.5).

Within 48 hours of the storage of any such vehicle, excluding weekends and holidays, it shall be the responsibility of the Records Bureau to determine the names and addresses of any individuals

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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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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 CUSTODIAL INTERROGATION REQUIREMENTS

Any custodial interrogation of a person who is suspected of having committed any violent felony offense should be electronically recorded (audio/video or both as available) in its entirety as otherwise allowed by law. Regardless of where the interrogation occurs, every reasonable effort should be made to secure functional recording equipment to accomplish such recordings.

Officers should also consider electronically recording a custodial interrogation, or any investigative interview, for any other offense when the officer reasonably believes it would be appropriate and beneficial to the investigation and is otherwise allowed by law.

No recording of an interrogation should be destroyed or altered without written authorization from the District Attorney and the Detective Bureau supervisor. Copies of recorded interrogations or interviews may be made in the same or different format provided they are true, accurate and complete copies and are made only for authorized and legitimate law enforcement purposes.

Officers should not allow the recording to take the place of a thorough report and investigative interviews and should continue to obtain written statements from suspects when applicable.

600.2.1 MANDATORY RECORDINGS OF JUVENILES

Any interrogation of an individual under 18 years of age who 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 official setting. The recording shall include the entire interview and a *Miranda* advisement preceding the interrogation (Penal Code § 859.5).

This recording is not mandatory when (Penal Code § 859.5):

(a) Recording is not feasible because of exigent circumstances that are later documented in a report.

(b) The individual refuses to have the interrogation recorded, including refusal anytime during interrogation, and the refusal is documented in a report. If feasible, the refusal shall be electronically recorded.

(c) The custodial interrogation took place 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

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custodial interrogation concerning that offense shall be electronically recorded if the interrogating member develops a reason to believe the individual committed a murder.

(e) The interrogation would disclose the identity of a confidential informant or 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 was not feasible.

(g) Questions are part of a routine processing or booking, and not an interrogation.

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 of the individual or the prosecution for that offense is barred (Penal Code § 859.5; Welfare and Institution Code § 626.8).

600.3 POLICY

It is the policy of the Whittier 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.

600.4 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.

600.4.1 AUDIO/VIDEO RECORDINGS

Any custodial interrogation of an individual who is suspected of having committed any violent felony offense should be recorded (audio or video with audio as available) in its entirety. Regardless of where the interrogation occurs, every reasonable effort should be made to secure functional recording equipment to accomplish such recordings.

Consideration should also be given to recording a custodial interrogation, or any investigative interview, for any other offense when it is reasonable to believe it would be appropriate and beneficial to the investigation and is otherwise allowed by law.

No recording of a custodial interrogation should be destroyed or altered without written authorization from the prosecuting attorney and the Detective Bureau supervisor. Copies of recorded interrogations or interviews may be made in the same or a different format as the original recording, provided the copies are true, accurate and complete and are made only for authorized and legitimate law enforcement purposes.

Recordings should not take the place of a thorough report and investigative interviews. Written statements from suspects should continue to be obtained when applicable.

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600.4.2 MANDATORY RECORDING OF ADULTS

Any custodial interrogation of an adult who is suspected of having committed any murder shall be recorded in its entirety. The recording should be video with audio if reasonably feasible (Penal Code § 859.5).

This recording is not mandatory when (Penal Code § 859.5):

(a) Recording is not feasible because of exigent circumstances that are later documented in a report.

(b) The suspect refuses to have the interrogation recorded, including a refusal any time during the interrogation, and the refusal is documented in a report. If feasible, the refusal shall be electronically recorded.

(c) The custodial interrogation occurred in another state by law enforcement officers of that state, unless the interrogation was conducted with the intent to avoid the requirements of Penal Code § 859.5.

(d) The interrogation occurs when no member conducting the interrogation has a reason to believe that the individual may have committed murder. Continued custodial interrogation concerning that offense shall be electronically recorded if the interrogating member develops a reason to believe the individual committed murder.

(e) The interrogation would disclose the identity of a confidential informant or would jeopardize the safety of an officer, the individual being interrogated or another individual. Such circumstances shall be documented in a report.

(f) A recording device fails despite reasonable maintenance and the timely repair or replacement is not feasible.

(g) The questions are part of a routine processing or booking, and are not an interrogation.

(h) The suspect is in custody for murder and the interrogation is unrelated to a murder. However, if any information concerning a murder is mentioned during the interrogation, the remainder of the interrogation shall be recorded.

The Department shall maintain an original or an exact copy of the recording until a conviction relating to the interrogation is final and all appeals are exhausted or prosecution is barred by law (Penal Code § 859.5).

600.5 INITIAL INVESTIGATION

600.5.1 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:

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1. Preserve the scene and any evidence as required to complete the initial and follow-up investigation.
2. Determine if additional investigative resources (e.g., investigators or scene processing) are necessary and request assistance as required.
3. If assistance is warranted, or if the incident is not routine, notify a supervisor or the Watch Commander.
4. Make reasonable attempts to locate, identify and interview all available victims, complainants, witnesses and suspects.
5. Collect any evidence.
6. Take any appropriate law enforcement action.
7. Complete and submit the appropriate reports and documentation.

(c) If the preliminary determination is that no crime occurred, determine what other action may be necessary, what other resources may be available, and advise the informant or complainant of this information.

600.5.2 NON-SWORN MEMBER RESPONSIBILITIES

A non-sworn member assigned to any preliminary investigation is responsible for all investigative steps, except making any attempt to locate, contact or interview a suspect face-to-face or take any enforcement action. Should an initial investigation indicate that those steps are required, the assistance of an officer shall be requested.

600.6 DISCONTINUATION OF INVESTIGATIONS

The investigation of a criminal case or efforts to seek prosecution should only be discontinued if one of the following applies:

(a) All reasonable investigative efforts have been exhausted, no reasonable belief that the person who committed the crime can be identified, and the incident has been documented appropriately.

(b) The 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.

(c) 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.

(d) Suspects have been arrested, there are no other suspects, and further investigation is either not warranted or requested.

(e) Investigation has proven that a crime was not committed (see the Sexual Assault Investigations Policy for special considerations in these cases).

The Domestic Violence, Child Abuse Sexual Assault Investigations and Adult Abuse policies may also require an arrest or submittal of a case to a prosecutor.

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600.7 COMPUTERS AND DIGITAL EVIDENCE

The collection, preservation, transportation and storage of computers, cell phones and other digital devices may require specialized handling to preserve the value of the related evidence. If it is anticipated that computers or similar equipment will be seized, officers should request that computer forensic examiners assist with seizing computers and related evidence. If a forensic examiner is unavailable, officers should take reasonable steps to prepare for such seizure and use the resources that are available.

600.8 INVESTIGATIVE USE OF SOCIAL MEDIA AND INTERNET SOURCES

Use of social media and any other Internet source to access information for the purpose of criminal investigation shall comply with applicable laws and policies regarding privacy, civil rights and civil liberties. Information gathered via the Internet should only be accessed by members while on-duty and for purposes related to the mission of this department.

Information obtained via the Internet should not be archived or stored in any manner other than department-established record keeping systems (see the Records Maintenance and Release and the Criminal Organizations policies).

600.8.1 INTERCEPTING ELECTRONIC COMMUNICATION

Intercepting social media communications in real time may be subject to federal and state wiretap laws. Officers should seek legal counsel before any such interception.

600.9 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.

600.10 CELLULAR COMMUNICATIONS INTERCEPTION TECHNOLOGY

The Investigation Division Commander is responsible for ensuring the following for cellular communications interception technology operations (Government Code § 53166):

(a) Security procedures are developed to protect information gathered through the use of the technology.

(b) A usage and privacy policy is developed that includes:

1. The purposes for which using cellular communications interception technology and collecting information is authorized.
2. Identification by job title or other designation of employees who are authorized to use or access information collected through the use of cellular communications interception technology.
3. Training requirements necessary for those authorized employees.

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4. A description of how the Department will monitor the use of its cellular communications interception technology to ensure the accuracy of the information collected and compliance with all applicable laws.
5. Process and time period system audits.
6. Identification of the existence of any memorandum of understanding or other agreement with any other local agency or other party for the shared use of cellular communications interception technology or the sharing of information collected through its use, including the identity of signatory parties.
7. The purpose of, process for and restrictions on the sharing of information gathered through the use of cellular communications interception technology with other local agencies and persons.
8. The length of time information gathered through the use of cellular communications interception technology will be retained, and the process the local agency will utilize to determine if and when to destroy retained information.

Members shall only use approved devices and usage shall be in compliance with department security procedures, the department's usage and privacy procedures and all applicable laws.

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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 Adult Abuse 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 Whittier Police Department that its members, when responding to reports of sexual assaults, will strive to minimize the trauma experienced by the victims, and will aggressively investigate sexual assaults, pursue expeditious apprehension and conviction of perpetrators, and protect the safety of the victims and the community.

602.3 QUALIFIED INVESTIGATORS

Qualified investigators should be available for assignment of sexual assault investigations. These investigators should:

(a) Have specialized training in, and be familiar with, interview techniques and the medical and legal issues that are specific to sexual assault investigations.

(b) Conduct follow-up interviews and investigation.

(c) Present appropriate cases of alleged sexual assault to the prosecutor for review.

(d) Coordinate with other enforcement agencies, social service agencies and medical personnel as needed.

(e) Provide referrals to therapy services, victim advocates and support for the victim.

(f) Participate in or coordinate with SART.

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602.4 REPORTING

In all reported or suspected cases of sexual assault, a report should be written and assigned for follow-up investigation. This includes incidents in which the allegations appear unfounded or unsubstantiated.

602.5 RELEASING INFORMATION TO THE PUBLIC

In cases where the perpetrator is not known to the victim, and especially if there are multiple crimes where more than one appear to be related, consideration should be given to releasing information to the public whenever there is a reasonable likelihood that doing so may result in developing helpful investigative leads. The Detective Bureau supervisor should weigh the risk of alerting the suspect to the investigation with the need to protect the victim and the public, and to prevent more crimes.

602.6 VICTIM INTERVIEWS

The primary considerations in sexual assault investigations, which begin with the initial call to Dispatch, 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 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.

602.6.1 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).

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(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).

602.6.2 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).

602.7 COLLECTION AND TESTING OF BIOLOGICAL EVIDENCE

Whenever possible, a SART member should be involved in the collection of forensic evidence from the victim.

When the facts of the case indicate that collection of biological evidence is warranted, it should be collected regardless of how much time has elapsed since the reported assault.

If a drug-facilitated sexual assault is suspected, urine and blood samples should be collected from the victim as soon as practicable.

Subject to requirements set forth in this policy, biological evidence from all sexual assault cases, including cases where the suspect is known by the victim, should be submitted for testing.

Victims who choose not to assist with an investigation, do not desire that the matter be investigated, or wish to remain anonymous may still consent to the collection of evidence under their control. In these circumstances, the evidence should be collected and stored appropriately.

602.7.1 COLLECTION AND TESTING REQUIREMENTS

Members investigating a sexual assault offense should take every reasonable step to ensure that DNA testing of such evidence is performed in a timely manner and within the time periods prescribed by Penal Code § 803(g). SAFE kits should be submitted to the crime lab within 20 days after being booked into evidence (Penal Code § 680).

In order to maximize the effectiveness of such testing and identify the perpetrator of any sexual assault, the assigned officer shall ensure that an information profile for the SAFE kit evidence has been created in the California Department of Justice (DOJ) SAFE-T database within 120 days of

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collection and should further ensure that the results of any such test have been timely entered into and checked against both the DOJ Cal-DNA database and the Combined DNA Index System (CODIS) (Penal Code § 680.3).

If the assigned officer determines that a SAFE kit submitted to a private laboratory for analysis has not been tested within 120 days after submission, the officer shall update the SAFE-T database to reflect the reason for the delay in testing. The assigned officer shall continue to update the status every 120 days thereafter until the evidence has been analyzed or the statute of limitations has run (Penal Code § 680.3).

If, for any reason, DNA evidence in a sexual assault case in which the identity of the perpetrator is in issue and is not going to be analyzed within 18 months of the crime, the assigned officer shall notify the victim of such fact in writing no less than 60 days prior to the expiration of the 18-month period (Penal Code § 680).

Additional guidance regarding evidence retention and destruction is found in the Property and Evidence Policy.

602.7.2 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.

(a) Upon receipt of a written request from a sexual assault victim or the victim's authorized designee, members investigating sexual assault cases shall inform the victim of the status of the DNA testing of any evidence from the victim's case (Penal Code § 680).

  1. Although such information may be communicated orally, the assigned officer should thereafter follow-up with and retain a copy of confirmation by either written or electronic mail.

  2. Absent a written request, no member of this department is required to, but may, communicate with the victim or the victim's authorized designee regarding the status of any DNA testing.

(b) Subject to the commitment of sufficient resources to respond to requests for information, sexual assault victims shall further have the following rights (Penal Code § 680):

  1. To be informed if a DNA profile of the assailant was obtained from the testing of the SAFE kit or other crime scene evidence from their case.

  2. To be informed if there is a match between the DNA profile of the assailant developed from the evidence and a DNA profile contained in the DOJ Convicted Offender DNA Database, providing that disclosure would not impede or compromise an ongoing investigation.

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3. To be informed if the DNA profile of the assailant developed from the evidence has been entered into the DOJ Databank of case evidence.

(c) Provided that the sexual assault victim or the victim's authorized designee has kept the assigned officer informed with regard to current address, telephone number, and email address (if available), any victim or the victim's authorized designee shall, upon request, be advised of any known significant changes regarding the victim's case (Penal Code § 680).

1. Although such information may be communicated orally, the assigned officer should thereafter follow-up with and retain a copy of confirmation by either written or electronic mail.

2. No officer shall be required or expected to release any information which might impede or compromise any ongoing investigation.

602.8 DISPOSITION OF CASES

If the assigned investigator has reason to believe the case is without merit, the case may be classified as unfounded only upon review and approval of the Detective Bureau supervisor.

Classification of a sexual assault case as unfounded requires the Detective Bureau supervisor to determine that the facts have significant irregularities with reported information and that the incident could not have happened as it was reported. When a victim has recanted his/her original statement, there must be corroborating evidence that the allegations were false or baseless (i.e., no crime occurred) before the case should be determined as unfounded.

602.9 CASE REVIEW

The Detective Bureau supervisor should ensure case dispositions are reviewed on a periodic basis, at least annually, using an identified group that is independent of the investigation process. The reviews should include an analysis of:

- Case dispositions.
- Decisions to collect biological evidence.
- Submissions of biological evidence for lab testing.

The SART and/or victim advocates should be considered for involvement in this audit. Summary reports on these reviews should be forwarded through the chain of command to the Chief of Police.

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Asset Forfeiture

607.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure, forfeiture and liquidation of property associated with designated offenses.

607.1.1 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 Whittier Police Department seizes property for forfeiture or when the Whittier 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.

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(b) Property related to criminal profiteering (may include gang crimes), to include (Penal Code § 186.2; Penal Code § 186.3):

1. Any property interest, whether tangible or intangible, acquired through a pattern of criminal profiteering activity.

2. All proceeds acquired through a pattern of criminal profiteering activity, including all things of value that may have been received in exchange for the proceeds immediately derived from the pattern of criminal profiteering activity.

Seizure - The act of law enforcement officials taking property, cash or assets that have been used in connection with or acquired by specified illegal activities.

607.2 POLICY

The Whittier 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 Whittier 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.

607.3 ASSET SEIZURE

Property may be seized for forfeiture as provided in this policy.

607.3.1 PROPERTY SUBJECT TO SEIZURE

The following may be seized upon review and approval of a supervisor and in coordination with the forfeiture reviewer:

(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).

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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.

607.3.2 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).

607.4 PROCESSING SEIZED PROPERTY FOR FORFEITURE PROCEEDINGS

When property or cash subject to this policy is seized, the officer making the seizure should ensure compliance with the following:

(a) Complete applicable seizure forms and present the appropriate copy to the person from whom the property is seized. If cash or property is seized from more than one person, a separate copy must be provided to each person, specifying the items seized. When property is seized and no one claims an interest in the property, the officer must leave the copy in the place where the property was found, if it is reasonable to do so.

(b) Complete and submit a report and original seizure forms within 24 hours of the seizure, if practicable.

(c) Forward the original seizure forms and related reports to the forfeiture reviewer within two days of seizure.

The officer will book seized property 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.

607.5 MAINTAINING SEIZED PROPERTY

The Senior Property and Evidence Technician 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.

607.6 FORFEITURE REVIEWER

The Chief of Police will appoint an officer as the forfeiture reviewer. Prior to assuming duties, or as soon as practicable thereafter, the forfeiture reviewer should attend a department-approved course on asset forfeiture.

The responsibilities of the forfeiture reviewer include:

(a) Remaining familiar with forfeiture laws, particularly Health and Safety Code § 11469 et seq. and Penal Code § 186.2 et seq. and the forfeiture policies of the forfeiture counsel.

(b) Serving as the liaison between the Department and the forfeiture counsel and ensuring prompt legal review of all seizures.

(c) Making reasonable efforts to obtain annual training that includes best practices in pursuing, seizing and tracking forfeitures.

(d) Ensuring that property seized under state law is not referred or otherwise transferred to a federal agency seeking the property for federal forfeiture as prohibited by Health and Safety Code § 11471.2.

(e) Ensuring that responsibilities, including the designation of a fiscal agent, are clearly established whenever multiple agencies are cooperating in a forfeiture case.

(f) Ensuring that seizure forms are available and appropriate for department use. These should include notice forms, a receipt form and a checklist that provides relevant

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guidance to officers. The forms should be available in languages appropriate for the region and should contain spaces for:

1. Names and contact information for all relevant persons and law enforcement officers involved.
2. Information as to how ownership or other property interests may have been determined (e.g., verbal claims of ownership, titles, public records).
3. A space for the signature of the person from whom cash or property is being seized.
4. A tear-off portion or copy, which should be given to the person from whom cash or property is being seized, that includes the legal authority for the seizure, information regarding the process to contest the seizure and a detailed description of the items seized.

(g) Ensuring that officers who may be involved in asset forfeiture receive training in the proper use of the seizure forms and the forfeiture process. The training should be developed in consultation with the appropriate legal counsel and may be accomplished through traditional classroom education, electronic media, Daily Training Bulletins (DTBs) or Department Directives. The training should cover this policy and address any relevant statutory changes and court decisions.

(h) Reviewing each asset forfeiture case to ensure that:

1. Written documentation of the seizure and the items seized is in the case file.
2. Independent legal review of the circumstances and propriety of the seizure is made in a timely manner.
3. Notice of seizure has been given in a timely manner to those who hold an interest in the seized property (Health and Safety Code § 11488.4).
4. Property is promptly released to those entitled to its return (Health and Safety Code § 11488.2).
5. All changes to forfeiture status are forwarded to any supervisor who initiates a forfeiture case.
6. Any cash received is deposited with the fiscal agent.
7. Assistance with the resolution of ownership claims and the release of property to those entitled is provided.
8. Current minimum forfeiture thresholds are communicated appropriately to officers.
9. This policy and any related policies are periodically reviewed and updated to reflect current federal and state statutes and case law.

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(i) Ensuring that a written plan that enables the Chief of Police to address any extended absence of the forfeiture reviewer, thereby ensuring that contact information for other law enforcement officers and attorneys who may assist in these matters is available.

(j) Ensuring that the process of selling or adding forfeited property to the department's regular inventory is in accordance with all applicable laws and consistent with the department's use and disposition of similar property.

(k) Keeping a manual that details the statutory grounds for forfeitures and department procedures related to asset forfeiture, including procedures for prompt notice to interest holders, the expeditious release of seized property, where appropriate, and the prompt resolution of claims of innocent ownership (Heath and Safety Code § 11469).

(l) Providing copies of seized business records to the person or business from whom such records were seized, when requested (Heath and Safety Code §11471).

(m) Notifying the California Franchise Tax Board when there is reasonable cause to believe that the value of seized property exceeds $5,000.00 (Health and Safety Code § 11471.5).

Forfeiture proceeds should be maintained in a separate fund or account subject to appropriate accounting control, with regular reviews or audits of all deposits and expenditures.

Forfeiture reporting and expenditures should be completed in the manner prescribed by the law and City financial directives (Health and Safety Code § 11495).

607.7 DISPOSITION OF FORFEITED PROPERTY

Forfeited funds distributed under Health and Safety Code § 11489 et seq. shall only be used for purposes allowed by law, but in no case shall a peace officer's employment or salary depend upon the level of seizures or forfeitures he/she achieves (Heath and Safety Code § 11469).

The Department may request a court order so that certain uncontaminated science equipment is relinquished to a school or school district for science classroom education in lieu of destruction (Health and Safety Code § 11473; Health and Safety Code § 11473.5).

607.7.1 RECEIVING EQUITABLE SHARES

When participating in a joint investigation with a federal agency, the Whittier Police Department shall not receive an equitable share from the federal agency of all or a portion of the forfeiture proceeds absent either a required conviction under Health and Safety Code § 11471.2 or the flight, death or willful failure to appear of the defendant. This does not apply to forfeited cash or negotiable instruments of $40,000 or more.

607.8 CLAIM INVESTIGATIONS

An investigation shall be made as to any claimant of a vehicle, boat or airplane whose right, title, interest or lien is on the record in the Department of Motor Vehicles or in an appropriate federal agency. If investigation reveals that any person, other than the registered owner, is the legal

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owner, and that ownership did not arise subsequent to the date and time of arrest or notification of the forfeiture proceedings or seizure of the vehicle, boat or airplane, notice shall be made to the legal owner at his/her address appearing on the records of the Department of Motor Vehicles or the appropriate federal agency (Health and Safety Code § 11488.4).

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Informants

609.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use of informants.

609.1.1 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 Whittier Police Department for law enforcement purposes. This also includes a person agreeing to supply information to the Whittier Police Department for a benefit (e.g., a quid pro quo in the form of a reduced criminal penalty, money).

609.2 POLICY

The Whittier 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.

609.3 USE OF INFORMANTS

609.3.1 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.

All officers must ensure that the potential risks of utilizing an informant are outweighed by the potential benefits that may be derived from the use of informants. Members of this department should not guarantee absolute safety or confidentiality to an informant.

609.3.2 JUVENILE INFORMANTS

The use of informants under the age of 13 is prohibited.

Except for the enforcement of laws related to the commercial sale of alcohol, marijuana or tobacco products, a juvenile 13 years of age or older may only be used as an informant with the written consent of each of the following:

(a) The juvenile’s parents or legal guardians

(b) The juvenile’s attorney, if any

(c) The court in which the juvenile’s case is being handled, if applicable (Penal Code § 701.5)

(d) The Chief of Police or the authorized designee

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609.3.3 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.

609.4 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, Special 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 Whittier 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 Special 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 Special Enforcement Team supervisor.

1. Officers may meet informants alone in an occupied public place, such as a restaurant.

(f) When contacting informants for the purpose of making payments, officers shall arrange for the presence of another officer.

(g) In all instances when department funds are paid to informants, the "Narcotic Expenditure/Buy form" 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.

609.4.1 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

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unsuitable will notify the supervisor, who will initiate a review to determine suitability. Until a 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.

609.5 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 Special Enforcement Team. The Special 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, Special 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 Special 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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609.5.1 FILE SYSTEM PROCEDURE

A separate file shall be maintained on each informant and shall be coded with an assigned informant control number. An informant history that includes the following information shall be prepared for each file:

(a) Name and aliases

(b) Date of birth

(c) Physical description: sex, race, height, weight, hair color, eye color, scars, tattoos or other distinguishing features

(d) Photograph

(e) Current home address and telephone numbers

(f) Current employers, positions, addresses and telephone numbers

(g) Vehicles owned and registration information

(h) Places frequented

(i) Briefs of information provided by the informant and his/her subsequent reliability

1. If an informant is determined to be unsuitable, the informant's file is to be marked "unsuitable" and notations included detailing the issues that caused this classification.

(j) Name of the officer initiating use of the informant

(k) Signed informant agreement

(l) Update on active or inactive status of informant

609.6 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 Special Enforcement Team supervisor and the Investigative Lieutenant will discuss the above factors with the Patrol Division Commander and recommend the type and level of payment subject to approval by the Chief of Police. The amount of payment will be based on a percentage of the current market price for the drugs or other contraband being sought, not to exceed 15%.

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609.6.1 PAYMENT PROCESS

Approved payments to an informant should be in cash using the following process:

(a) Payments of $500 and under may be paid in cash from a Special Enforcement Team buy/expense fund.

1. The Special Enforcement Team supervisor shall sign the "Narcotic Expenditure/ Buy Form" for cash payouts from the buy/expense fund.

(b) Payments exceeding $500 shall be made by issuance of cash at the cashier's office only after the following criteria has been met:

(a) A memorandum shall be authored to include the case number the operation is connected with, as well as the confidential informant number. The Investigations Division Captain and the Chief of Police shall sign the memorandum.

(b) The funds for the payment must be picked up at the cashier's office by either the Investigations Division Captain or the Investigation's Lieutenant..

(c) A written statement of the informant's involvement in the case shall be placed in the informant's file.

(d) The statement shall be signed by the informant verifying the statement as a true summary of his/her actions in the case.

(e) .

(c) To complete the payment process for any amount, the officer delivering the payment shall complete the "Narcotics Expenditure/Buy and Payment Receipt" form.

(a) The "Narcotics Expenditure/Buy and Payment Receipt" form shall include the following:

(a) Date

(b) Payment amount

(c) Whittier Police Department case number

(d) A statement that the informant is receiving funds in payment for information voluntarily rendered.

(b) The cash "Narcotics Expenditure/Buy and Payment Receipt" shall be signed by the informant.

(c) A copy of the cash "Narcotics Expenditure/Buy and Payment Receipt" will be kept in the informant's file and the original kept in the safe.

609.6.2 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.

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In such cases, the informant shall be provided a letter identifying the amount he/she must report on a tax return as “other income” and shall be required to provide a signed acknowledgement of receipt of the letter. The completed acknowledgement form and a copy of the letter shall be retained in the informant’s file.

609.6.3 AUDIT OF PAYMENTS

The Special 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 month, 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. A memo will be provided to the Investigative Lieutenant indicating the amount, who conducted the audit, when the audit was completed, and any inconsistencies.

609.6.4 CASH DISBURSEMENT LIMITS

The following sets limits of cash disbursements:

(a) When both assets and drugs have been seized, the confidential informant shall receive payment based upon overall value and the purchase price of the drugs seized not to exceed a maximum of $150,000.

(b) A confidential informant may receive a sash amount for each quantity of drugs seized whether or not assets are also seized, not to exceed a maximum of $30,000.

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Eyewitness Identification

612.1 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when members of this department employ eyewitness identification techniques (Penal Code § 859.7).

612.1.1 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.

Blind Administration - The administrator of an eyewitness identification procedure does not know the identity of the suspect.

Blinded Administration - The administrator of an eyewitness identification procedure may know who the suspect is, but does not know where the suspect, or their photo, as applicable, has been placed or positioned in the identification procedure.

Folder Shuffle Method - A system for conducting a photo lineup by placing photographs in folders, randomly numbering the folders, shuffling the folders, and then presenting the folders sequentially so that the administrator cannot see or track which photograph is being presented to the eyewitness until after the procedure is completed.

Filler - The person or a photograph of a person who is not suspected of an offense and is included in an identification procedure.

612.2 POLICY

The Whittier 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.

612.3 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.

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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.

612.4 EYEWITNESS IDENTIFICATION PROCESS AND FORM

The Detective Bureau supervisor shall be responsible for the development and maintenance of an eyewitness identification process for use by members when they are conducting eyewitness identifications.

The process should include appropriate forms or reports that provide (Penal Code § 859.7):

(a) The date, time and location of the eyewitness identification procedure.

(b) The name 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 he/she did on the date of the incident.

(h) An instruction to the witness that the investigation will continue regardless of whether an identification is made by the witness.

(i) A signature line where the witness acknowledges that he/she understands the identification procedures and instructions.

(j) A statement from the witness in the witness's own words describing how certain he/she is of the identification or non-identification. This statement should be taken at the time of the identification procedure.

(k) The member shall also inquire with the witness to the confidence level in the accuracy of the identification and record it in writing.

(l) 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.

612.5 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:

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- 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 video recorded and the recording should be retained according to current evidence procedures (Penal Code § 859.7).

612.6 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.

612.6.1 <B>DOCUMENTATION RELATED TO RECORDINGS</B>

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).

612.6.2 <B>DOCUMENTATION RELATED TO BLIND ADMINISTRATION</B>

If a presentation of a lineup is not conducted using blind administration, the handling member shall document the reason (Penal Code § 859.7).

612.7 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.

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.

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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.

612.8 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.

612.8.1 OTHER SAFEGUARDS

Witnesses should be asked for suspect descriptions as close in time to the incident as possible and before conducting an eyewitness identification. No information concerning a suspect should be given prior to obtaining a statement from the witness describing how certain he/she is of the identification or non-identification. Members should not say anything to a witness that 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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Special Enforcement Team/Detective Division Operating Funds

613.1 PURPOSE AND SCOPE

The SET Team/Investigative Division use operating funds for undercover purchases involving illegal narcotics, stolen property, confidential informant (CI) operations and witness protection. These cash funds are kept in a locked safe, which is located in a secure, access controlled SET Team unit office.

613.2 FUNDING AND MAINTENANCE

At the beginning of each fiscal year, the cash fund amount available is $5000.00. In order to provide immediate access to cash funds necessary for a major narcotics purchase as "flash money" on short notice, Whittier cash funds will be maintained at a minimum of $3,000. When cash funds drop below the minimum amounts, the unit supervisor will complete a "City of Whittier Demand for Payment" form and submit it to the Division Lieutenant and Division Commander for approval. The form will be submitted to the Administrative Services Department for processing.

613.3 AUTHORIZATION TO USE CASH FUNDS

If cash funds are needed for the above stated purposes and operational approval has been granted by the unit supervisor, the investigator will do the following:

(a) Complete a "Whittier Police Department Narcotic Expenditure Request/Buy" form indicating the desired amount and purpose, and submit the form to the unit supervisor.

(b) Complete a memorandum titled "Witness Protection Fund Request" indicating the desired amount, purpose, case number and submit the form to the unit supervisor.

Supervisor Responsibilities:

(a) The unit supervisor will sign the form, thereby authorizing disbursement of cash funds from the safe.

(b) The unit supervisor will log the expenditure on the digital tracking log which is maintained on the "O" drive.

(c) The Whittier Police Department "Narcotic Expenditure Request/Buy" form or "Witness Protection Fund Request" memorandum will be filed and maintained by the unit supervisor in the safe.

(d) The unit supervisor will also log the confidential reliable informant (CRI) number or BR number for each expenditure that is case-related.

613.4 MONTH END RECAP

The unit supervisor will complete a monthly expenditure report for the SET Team/Investigative Division cash funds and submit the report to the supervising Lieutenant. The expenditure report will contain a beginning monthly balance, any transactions and associated dates, and a closing

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balance. This information will be incorporated into the SET monthly report, which is submitted to the Patrol Division Commander.

613.5 ACCOUNTABILITY

The unit supervisor will be responsible for verifying that the amount of cash in the safe is identical to the balance on the digital tracking log, which is on the "O" drive. Any discrepancy shall be reported immediately to the supervising Lieutenant. The supervising Lieutenant will audit the SET Team/ Investigative Division Operating funds two times a year, coinciding with patrol shift change dates. In addition, representatives from the Administrative Services Department may conduct audits of the SET Team/Investigative Division funds at any time.

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Chapter 7 - Equipment

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Department Owned and Personal Property

700.1 PURPOSE AND SCOPE

Department employees are expected to properly care for department property assigned or entrusted to them. Employees may also suffer occasional loss or damage to personal or department property while performing their assigned duty. Certain procedures are required depending on the loss and ownership of the item.

700.2 CARE OF DEPARTMENTAL PROPERTY

Employees shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of department property assigned or entrusted to them. An employee's intentional or negligent abuse or misuse of department property may lead to discipline including, but not limited to the cost of repair or replacement.

(a) Employees shall promptly report through their chain of command, any loss, damage to, or unserviceable condition of any department issued property or equipment assigned for their use.

(b) The use of damaged or unserviceable department property should be discontinued as soon as practical and replaced with comparable Department property as soon as available and following notice to a supervisor.

(c) Except when otherwise directed by competent authority or required by exigent circumstances, department property shall only be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed.

(d) Department property shall not be thrown away, sold, traded, donated, destroyed, or otherwise disposed of without proper authority.

(e) In the event that any Department property becomes damaged or unserviceable, no employee shall attempt to repair the property without prior approval of a supervisor.

700.3 FILING CLAIMS FOR PERSONAL PROPERTY

Claims for reimbursement for damage or loss of personal property must be made on the proper form. This form is submitted to the employee's immediate supervisor. The supervisor may require a separate written report of the loss or damage.

The supervisor shall direct a memo to the appropriate Division Commander, which shall include the results of his/her investigation and whether the employee followed proper procedures. The supervisor's report shall address whether reasonable care was taken to prevent the loss or damage.

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Upon review by staff and a finding that no misconduct or negligence was involved, repair or replacement may be recommended by the Chief of Police who will then forward the claim to the Finance Department.

The Department will not replace or repair luxurious or overly expensive items (jewelry, exotic equipment, etc.) that are not reasonably required as a part of work.

700.3.1 REPORTING REQUIREMENT

A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.

A written report shall be submitted before the employee goes off duty or within the time frame directed by the supervisor to whom the verbal report is made.

700.4 LOSS OR DAMAGE OF PROPERTY OF ANOTHER

Officers and other employees intentionally or unintentionally may cause damage to the real or personal property of another while performing their duties. Any employee who damages or causes to be damaged any real or personal property of another while performing any law enforcement functions, regardless of jurisdiction, shall report it as provided below.

(a) A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.

(b) A written report shall be submitted before the employee goes off duty or within the time frame directed by the supervisor to whom the verbal report is made.

700.4.1 DAMAGE BY PERSON OF ANOTHER AGENCY

If employees of another jurisdiction cause damage to real or personal property belonging to the City, it shall be the responsibility of the employee present or the employee responsible for the property to make a verbal report to his/her immediate supervisor as soon as circumstances permit. The employee shall submit a written report before going off duty or as otherwise directed by the supervisor.

These written reports, accompanied by the supervisor's written report, shall promptly be forwarded to the appropriate Division Commander.

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Personal Communication Devices

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 Whittier Police Department allows members to utilize department-issued or funded PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations. Any PCD used while on-duty, or used off-duty in any manner reasonably related to the business of the Department, will be subject to monitoring and inspection consistent with the standards set forth in this policy.

The inappropriate use of a PCD while on-duty may impair officer safety. Additionally, members are advised and cautioned that the use of a personally owned PCD either on-duty or after duty hours for business-related purposes may subject the member and the member's PCD records to civil or criminal discovery or disclosure under applicable public records laws.

Members who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory personnel.

702.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to any communication accessed, transmitted, received or reviewed on any PCD issued or funded by the Department/Office and shall have no expectation of privacy in their location should the device be equipped with location detection capabilities (see the Information Technology Use Policy for additional guidance).

702.3.1 CALIFORNIA ELECTRONIC COMMUNICATIONS PRIVACY ACT (CALECPA)

No member is authorized to be the sole possessor of a department-issued PCD. Department-issued PCDs can be retrieved, reassigned, accessed or used by any member as directed by a supervisor without notice. Member use of a department-issued PCD and use of a personal PCD at work or for work-related business constitutes specific consent for access for department purposes. Prior to conducting an administrative search of a PCD, supervisors should consult legal counsel to ensure access is consistent with CalECPA (Penal Code § 1546; Penal Code § 1546.1).

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702.4 DEPARTMENT-ISSUED PCD

Depending on a member's assignment and the needs of the position, the Department may, at its discretion, issue or fund a PCD. Department-issued or funded PCDs are provided as a convenience to facilitate on-duty performance only. Such devices and the associated telephone number shall remain the sole property of the Department and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause.

Unless a member is expressly authorized by the Chief of Police or the authorized designee for off-duty use of the PCD, the PCD will either be secured in the workplace at the completion of the tour of duty or will be turned off when leaving the workplace.

702.5 PERSONALLY OWNED PCD

Members may carry a personally owned PCD while on-duty, subject to the following conditions and limitations:

(a) Permission to carry a personally owned PCD may be revoked if it is used contrary to provisions of this policy.

(b) The Department accepts no responsibility for loss of or damage to a personally owned PCD.

(c) The PCD and any associated services shall be purchased, used and maintained solely at the member's expense.

(d) The device should not be used for work-related purposes except in exigent circumstances (e.g., unavailability of radio communications). Members will have a reduced expectation of privacy when using a personally owned PCD in the workplace and have no expectation of privacy with regard to any department business-related communication.

    1. Members may use personally owned PCDs on-duty for routine administrative work as authorized by the Chief of Police.

(e) The device shall not be utilized to record or disclose any business-related information, including photographs, video or the recording or transmittal of any information or material obtained or made accessible as a result of employment with the Department, without the express authorization of the Chief of Police or the authorized designee.

(f) Use of a personally owned PCD while at work or for work-related business constitutes consent for the Department to access the PCD to inspect and copy data to meet the needs of the Department, which may include litigation, public records retention and release obligations and internal investigations. If the PCD is carried on-duty, members will provide the Department with the telephone number of the device.

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.

702.6 USE OF PERSONAL COMMUNICATION DEVICES

The following protocols shall apply to all PCDs, whether provided by the Department or personally owned, that are carried while on-duty or used to conduct department business:

(a) A PCD shall not be carried in a manner that allows it to be generally visible while in uniform, unless it is in an approved carrier.

(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 or making copies of any such picture or recording media unless it is directly related to official department business and with a supervisor's approval when other means of recording the event are not reasonably available. 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. Any recording of official department business on a PCD will follow the Audio/Video Recording policy.

(e) Using PCDs to harass, threaten, coerce or otherwise engage in inappropriate conduct with any third party is prohibited. Any members having knowledge of such conduct shall promptly notify a supervisor.

702.7 SUPERVISORY RESPONSIBILITIES

Supervisors should ensure that members under their command are provided appropriate training on the use of PCDs consistent with this policy. Supervisors should monitor, to the extent practicable, PCD use in the workplace and take prompt corrective action if an employee is observed or reported to be improperly using a PCD. An investigation into improper conduct should be promptly initiated when circumstances warrant.

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If, when carrying out any provision of this policy, the need to contact an employee who is off-duty arises, supervisors should consider delaying the contact, if practicable, until the employee is on-duty, as such contact may be compensable.

702.8 USE WHILE DRIVING

The use of a PCD while driving can adversely affect safety, cause unnecessary distractions and present a negative image to the public. Officers operating emergency vehicles should restrict the use of these devices to matters of an urgent nature and should, where practicable, stop the vehicle at an appropriate location to use the PCD.

Members who are operating department vehicles that are not authorized emergency vehicles shall not use a PCD while driving unless the device is specifically designed and configured to allow hands-free use. In an emergency, a wireless phone may be used to place an emergency call to the Department or other emergency services agency (Vehicle Code § 23123; Vehicle Code § 23123.5). Hands-free use should be restricted to business-related calls or calls of an urgent nature.

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Critical Equipment Inspection Process

703.1 PURPOSE AND SCOPE

Department employees are expected to properly care for, examine, and inspect all department issued equipment in their city vehicle before and after its use. In addition to the regular supplies needed each day (i.e.. crime tape, chalk, ambu bag, first aid kit, etc.) high value and imperative equipment (i.e. rifles, magazines, shotguns and high velocity vests) required by the department for the member's safety must be inspected daily to ensure against theft or loss. The purpose of this policy is to ensure critical equipment is always accounted for and tracked for security reasons.

703.2 IDENTIFYING CRITICAL EQUIPMENT

Each vehicle designed for deployment in the field for response to critical incidents must contain at minimum the following ancillary equipment which will have a three (3) digit number matching the vehicle's three (3) digit number:

1. One (1) AR 15 Rifle
2. Three (3) AR 15 magazines
3. One (1) Shotgun
4. One (1) High Velocity Patrol Vest

703.3 PROCEDURE FOR INSPECTION

Each member taking a patrol or undercover vehicle, designated to contain the above equipment, shall request a corporal or above to confirm the specifically marked equipment is present and will then complete an inspection log before putting the vehicle into service for each use. Vehicles in the department's fleet are numbered with a three (3) digit identifier specific to that unit. The above mentioned critical equipment will be numbered with the same three (3) digit identifier as the vehicle. This will ensure that every vehicle has these four (4) pieces of equipment and that specific equipment remains with the vehicle for inventory purposes unless that vehicle is taken out of service for a prolonged period of time for maintenance or safety reasons. All numbered critical equipment shall match the unit number. When new vehicles requiring this equipment are introduced to the fleet, it will be the supervisor's responsibility to update the inspection log to reflect the new unit's three (3) digit identifier and notify the training coordinator so the existing equipment numbers on the critical equipment can be changed to match the new unit number.

Before any patrol or undercover unit is used, for any reason, the driver of that vehicle shall inspect the unit for the presence of each of these pieces of critical equipment and verify the numbers match the unit number. They are to have a corporal or above initial the vehicle inspection log indicating the member's name and ID # with the time it went into service and when you took it out of service. The corporal or above will write the number of each piece of critical equipment in the corresponding vehicle inspection log maintained by the supervisor/WC.

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Should any piece of equipment be taken out of service for safety reasons or maintenance, a similar "spare" should be retrieved from the department's armory/gun locker. The armory/gun locker can only be accessed by a corporal or above who will sign out the "spare" piece of critical equipment indicating what vehicle it will be deployed in and when it was deployed, until the designated numbered equipment for that vehicle is put back into service. On the corresponding vehicle inspection log that unit identifier will then reflect that a "spare" is in that unit instead of its designated numbered critical equipment, with it's unique "spare" number identifying that specific serialized piece of equipment such as "spare 1, spare 2 or spare 3).

The armory/gun locker log shall reflect the location of the deployed spare equipment (i.e. AR Spare 1 is in unit #362; Vest Spare #2 is in #385, etc.). The uniquely numbered critical equipment that is taken out of service should be put in the armory/gun locker and logged for the correct reasons on the armory/gun locker log by a corporal or above. When the vehicle's similarly numbered equipment is ready for redeployment the armory/gun locker log should reflect the deployment of the intended equipment and the return of the "spare" equipment back to the armory/gun locker. When a member has a vehicle with "spare" critical equipment they should notify a corporal or above so they can determine if the assigned equipment is ready in the armory/gun locker to be put back into service. Spare equipment in a vehicle should not be deployed for long periods of time and should trigger the corporal or above to inquire as to the critical equipment's whereabouts. This equipment is audited and tracked daily for security reasons so it does not end up missing or lost.

703.4 PROCEDURE FOR MISPLACED OR MISSING CRITICAL EQUIPMENT

In the event a member does not find that the numbered critical equipment in their vehicle does not match the three (3) digit number of their unit, a supervisor shall be notified immediately so it can be located. If it cannot be located by a supervisor after an inspection of other vehicles in the fleet and the armory, the supervisor will notify the WC in a memo form indicating when the critical piece of equipment was last seen and what member possessed it last according to the inspection log. It is imperative that every member sign out their vehicle inspection log after use to indicate the equipment was in their vehicle before going out of service.

703.5 INVENTORY AND AUDITS BY SUPERVISORS

Because this equipment is critical to a member's safety as well as the community's, frequent visual audits should take place by the supervisor of each team. Spontaneous inspections by the supervisor of vehicles for the proper equipment should be done every month to ensure compliance. Missing critical equipment can endanger the officer and the community if not located. Annually, the Training Coordinator in cooperation with the Department Armorer shall conduct a serialized audit of this critical equipment. Daily and monthly inspections by supervisors will ensure accuracy of these yearly audits and promote accountability for issued equipment.

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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.

When an officer takes a patrol unit out of service, the officer is responsible for removing all firearms from the vehicle and placing them in the armory. At no time should a non sworn employee remove firearms from vehicles. Additionally, when sworn and non sworn personnel take a vehicle out of service it is that employee's responsibility to notify those, with whom they may share that with, the whereabouts of their personal equipment.

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.

704.3 VEHICLE EQUIPMENT

Certain items shall be maintained in all department vehicles for emergency purposes and to perform routine duties.

704.3.1 PATROL VEHICLES

Officers shall inspect the patrol vehicle at the beginning of the shift and ensure that the following equipment, at a minimum, is present in the vehicle:

- 20 Emergency road flares
- 2 sticks yellow crayon or chalk
- 1 Roll barricade tape
- 1 First aid kit
- 1 Fire extinguisher
- 1 Ballistic throw-over vest
- Personal Protective Equipment per § 1016 and § 1024

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704.3.2 UNMARKED VEHICLES

An employee driving unmarked department vehicles shall ensure that the minimum following equipment is present in the vehicle:

- 20 Emergency road flares
- 2 sticks yellow crayon or chalk
- 1 Roll barricade tape
- 1 First aid kit
- 1 Fire extinguisher
- Personal Protective Equipment per § 1016 and § 1024

704.4 VEHICLE REFUELING

Absent emergency conditions or supervisor approval, officers driving patrol vehicles shall not place a vehicle in service that has less than one-quarter tank of fuel. Vehicles shall only be refueled at the authorized location.

704.5 WASHING OF VEHICLES

All units shall be kept clean at all times and weather conditions permitting, shall be washed as necessary to enhance their appearance.

Officers in patrol shall obtain clearance from the dispatcher before responding to the car wash. Only one marked unit should be at the car wash at the same time unless otherwise approved by a supervisor.

Employees using a vehicle shall remove any trash or debris at the end of their shift. Confidential material should be placed in a designated receptacle provided for the shredding of this matter.

704.6 NON-SWORN EMPLOYEE USE

Non-sworn employees using marked vehicles shall ensure all weapons are removed from vehicles before going into service. Non-sworn employees shall also prominently display the “out of service” placards or lightbar covers at all times. Non-sworn employees shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

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Rescue Vehicle

705.1 PURPOSE

The purpose and scope of this p olicy is to set guidelines for the use, training, and storage of the Ballistic Armored Transport (BATT) and the Armored Rescue Vehicle (ARV/Peacekeeper).

705.2 AUTHORIZATION FOR USE

The use of the BATT and/or ARV will be authorized by the field supervisor and/or the on-duty Watch Commander or SWAT Commander. The use of the BATT and/or ARV will only be for legitimate patrol purposes such as patrol calls involving armed subjects, SWAT callouts, SWAT search warrants, officer or citizen rescues, or authorized training. The BATT and/or ARV may be used for demonstrations, displays, or special events only with the authorization of the SWAT Commander, SWAT Executive Officer or Chief. If the BATT and/or ARV are utilized by patrol personnel, SWAT personnel shall be notified post-incident to conduct a check of the BATT and/ or ARV and the fuel level.

705.2.1 USE BY OUTSIDE AGENCIES

The use of the BATT and/or ARV by outside agencies will be in accordance with existing mutual aid agreements and at the direction of the Chief of Police or his designee.

705.3 OPERATOR TRAINING

Periodic briefing training will be conducted that incorporates the operation of the BATT and ARV as well as patrol tactics when using the BATT and ARV. This training will be conducted by the SWAT team. A valid class "C" California driver's license is required to drive the BATT or ARV.

705.4 GENERAL STORAGE AND MAINTENANCE

The BATT and ARV will be secured in a police facility unless they are out for maintenance.

General vehicle maintenance of the BATT and ARV is the responsibility of the City’s fleet maintenance department. Officers from the SWAT Team will routinely check the BATT and ARV to ensure operational and tactical equipment is in good working order.

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Automatic Vehicle Locator (AVL) System

707.1 PURPOSE AND SCOPE

It is the policy of this Department to install, use, and maintain an Automatic Vehicle Locator (AVL) System in designated police vehicles.

The purpose of the AVL System is, during emergency situations, to assist communications personnel, field supervisors, and the Watch Commander with dispatching units and locating personnel. The AVL System has additional functions intended to provide field personnel with an enhanced mapping and call routing companion to the Computer Aided Dispatch System.

707.2 FIELD PERSONNEL

(a) Department field personnel assigned to a vehicle equipped with an AVL System will have the ability to utilize an enhanced mapping system with call routing information displayed on their mobile computer screen. The AVL System will also have the ability to provide field personnel with their current location.

(b) Department field personnel assigned to a vehicle equipped with AVL that is not functioning shall immediately report the problem to their supervisor or the Watch Commander and exchange the vehicle for one with a properly functioning AVL System as availability permits.

(c) Field personnel assigned to a vehicle equipped with AVL shall not unplug, disconnect, or otherwise tamper with the system rendering it non-functional.

707.3 COMMUNICATION PERSONNEL

(a) Will have the ability to utilize the AVL System in order to select and dispatch a unit to a call for service based on their location.

(b) Will have the ability to utilize the AVL System to locate field personnel involved in emergencies or perceived emergency situations, such as, but not limited to, pursuits, emergency button activations, or a lack of a response to radio transmissions.

(c) Shall verify that all in-service vehicles equipped with AVL are displayed on the AVL screen in Communications and shall notify any unit when their AVL System is not properly functioning. Notification of the failure shall also be made to the on-duty Watch Commander.

(d) Other than routine calls for service, Communications Center personnel should use the system to dispatch the closest unit to priority one calls or any call requiring an immediate response. Although the closest unit will ordinarily be dispatched to the scene, it is still the responsibility of the assigned beat unit to respond and handle the call and any report.

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(e) Shall use the AVL System to assist personnel and supervisors involved in pursuits with appropriate transmission regarding location, direction, speed, units involved, and topography.

(f) Shall use the AVL System to assist units and supervisors in the establishment of crime scene perimeters and area searches.

(g) Shall use the AVL System to assist personnel in locating units who fail or are unable to respond to radio or MDC transmissions.

707.4 MANAGEMENT/SUPERVISORY PERSONNEL

(a) An AVL screen will be placed in the Watch Commander's office to assist with effective and efficient deployment of personnel.

(b) The system is not intended to be used as a management/supervisory tool to routinely or randomly monitor the movements of individual field personnel. However, supervisors may access the AVL system at their discretion.

(c) While the AVL system is not intended as a disciplinary tool, supervisors shall investigate allegations of misconduct by accessing all available information, including information viewed, captured and/or retained in the AVL System.

707.5 AUTOMATIC VEHICLE LOCATION (AVL) DATA

The AVL System, once upgraded, is capable of storing historical data relating to a variety of information about each patrol unit for a given date and time, including call sign, unit status, incident type, location, speed, and heading. All data from the MDC system will be stored on the department server for a period either dictated by statute, otherwise, they are not to be kept for a period of longer than 6 months.

707.6 ACCESS TO AUTOMATIC VEHICLE LOCATION (AVL) DATA

Access to any AVL data may be permitted for a variety of purposes including, but not limited to:

(a) The AVL System Database may only be reviewed by management/supervisors or an investigator participating in an official department investigation, such as a personnel complaint, claims investigation, administrative inquiry, or criminal investigation.

(b) Response to criminal or civil subpoenas requesting data stored in AVL database.

(c) No employee shall make an inquiry into or audit the AVL records unless specifically authorized by the Chief of Police or Division Commander.

(d) Department personnel may request a review of the AVL System Database for their assigned vehicle in order to assist in reconstructing and documenting their movement in situations such as a pursuit. This request should be made to the on-duty Watch Commander who will be responsible for authorizing the release of this data in the

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absence of the Chief of Police or Division Commander. The manager of the Police Department I.T. Unit will be responsible for any retrieval of AVL data.

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Personal Protective Equipment

708.1 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.

708.1.1 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 issued by the department that is worn by the user to protect from exposure to atmosphere where there is 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.

708.2 POLICY

The Whittier Police Department endeavors to protect members by supplying certain PPE to members as provided in this policy.

708.3 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.

708.4 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.

708.5 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 Training Coordinator shall ensure eye protection meets or exceeds the requirements provided in 8 CCR 3382.

708.6 HEAD AND BODY PROTECTION

Members who make arrests or control crowds should be provided ballistic head protection with an attachable face shield.

Padded body protection consisting of chest, arm, leg and groin protection will be provided on an "as needed" basis per the direction of the watch commander. Gear will be stored in the room to the rear of the department gym.

708.7 RESPIRATORY PROTECTION

The Administration 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.

708.7.1 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 commanders 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.

708.7.2 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 the appropriate 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.

708.7.3 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 commander may order the use of gas masks in situations where the use of a SCBA is not necessary. 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.

(c) The cartridges or filters become wet.

(d) The expiration date on the cartridges or canisters has been reached.

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708.7.4 SELF-CONTAINED BREATHING APPARATUS

Scene commanders may direct members to use SCBA when entering an atmosphere that may pose an immediate threat to life, would cause irreversible adverse health effects or would impair an individual's ability to escape from a dangerous atmosphere. These situations may include, but are not limited to:

(a) Entering the hot zone of a hazardous materials incident.

(b) Entering any area where contaminant levels may become unsafe without warning, or any situation where exposures cannot be identified or reasonably estimated.

(c) Entering a smoke- or chemical-filled area.

The use of SCBA should not cease until approved by a scene commander.

708.7.5 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.

708.7.6 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.

708.8 RECORDS

The Training Coordinator is responsible for maintaining records of all:

(a) PPE training.

(b) Initial fit testing for respiratory protection equipment.

(c) Annual fit testing.

(d) Respirator medical evaluation questionnaires and any subsequent physical examination results.

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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.

708.9 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 analysis can be useful to the Department's long range planning efforts by providing estimates of future crime trends and assisting in the identification of enforcement priorities.

800.2 DATA SOURCES

Crime analysis data is extracted from many sources including, but not limited to:

- Crime reports
- Field Interview cards
- Parole and Probation records
- Computer Aided Dispatch data
- Statewide Integrated Traffic Reporting System (SWITRS)

800.3 CRIME ANALYSIS FACTORS

The following minimum criteria should be used in collecting data for Crime Analysis:

- Frequency by type of crime
- Geographic factors
- Temporal factors
- Victim and target descriptors
- Suspect descriptors
- Suspect vehicle descriptors
- Modus operandi factors
- Physical evidence information

800.4 CRIME ANALYSIS DISSEMINATION

For a crime analysis system to function effectively, information should be disseminated to the appropriate units or persons on a timely basis. Information that is relevant to the operational and tactical plans of specific line units should be sent directly to them. Information relevant to the development of the Department's strategic plans should be provided to the appropriate staff units. When information pertains to tactical and strategic plans, it should be provided to all affected units.

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Communication Operations

802.1 PURPOSE AND SCOPE

This policy establishes guidelines for the basic functions of Dispatch. It addresses the immediate information needs of the Department in the course of its normal daily activities and during emergencies.

802.2 POLICY

It is the policy of the Whittier Police Department to provide 24-hour telephone service to the public for information and for routine or emergency assistance. The Department provides two-way radio capability providing continuous communication between Dispatch and department members in the field.

802.3 DISPATCH SECURITY

The communications function is vital and central to all emergency service operations. The safety and security of Dispatch, its members and its equipment must be a high priority. Special security procedures should be established in a separate operations manual for Dispatch.

Access to Dispatch shall be limited to Dispatch members, the Watch Commander, command staff and department members with a specific business-related purpose.

802.4 9-1-1 SYSTEM

The statewide 9-1-1 emergency system funded the ability for each public safety agency that is a reception site for 9-1-1 calls to establish an alternate site. Our alternate site location is the La Habra Police Department.

In the event of a failure of our 9-1-1 system, we can reroute all 9-1-1 calls generated from the City of Whittier into the La Habra Police Department Communications system. The La Habra Police Department has agreed to handle our 9-1-1 calls until our system becomes operative.

802.4.1 PROCEDURE

Notification of 9-1-1 failure; the following persons should be notified as soon as possible in the event of a 9-1-1 system failure:

(a) Chief of Police

(b) Support Services Manager

(c) On-Duty Station Commander

(d) Communications Supervisor

(e) Verizon 911

(f) The La Habra Police Department must then be notified and requested that they take our 9-1-1 calls.

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1. Direct dial numbers are 562 383 4309
2. In the event that our phone lines are down and no cellular phone is available, a police unit should be dispatched to the La Habra Police Department for the notification.

802.4.2 PERSONNEL

(a) Call Receipt Operators

1. If, due to workload, the La Habra Police Department requests assistance in answering calls, we will provide either a dispatcher, clerk, or matron clerk and they shall be transported to La Habra Police Department. The Station Commander or Communications Supervisor shall decide who to send to La Habra.

(b) Police Unit

1. In the event that phone connections are down, a Whittier Police Unit may be used at La Habra to communicate with Whittier units. A portable radio will not work from inside the La Habra Police Department.

(c) Command Post

1. The Emergency Command Post should be activated and utilized in the event that the 9-1-1 system is down for extended lengths of time.

802.5 RESPONSIBILITIES

802.5.1 COMMUNICATIONS SUPERVISOR

The Chief of Police shall appoint and delegate certain responsibilities to a Communications Supervisor. The Communications Supervisor is directly responsible to the Services Division Commander.

The responsibilities of the Communications Supervisor include, but are not limited to:

(a) Overseeing the efficient and effective operation of Dispatch in coordination with other supervisors.

(b) Scheduling and maintaining dispatcher time records.

(c) Supervising, training and evaluating dispatchers.

(d) Ensuring the radio and telephone recording system is operational.

1. Recordings shall be maintained in accordance with the established records retention schedule and as required by law.

802.5.2 ADDITIONAL PROCEDURES

The Communications Supervisor should establish procedures for:

(a) Recording all telephone and radio communications and playback issues.

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(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) Procurement of external services (e.g., fire suppression, ambulances, aircraft, tow trucks, taxis).

(g) Protection of essential equipment (e.g., surge protectors, gaseous fire suppression systems, uninterruptible power systems, generators).

(h) Handling misdirected, silent and hang-up calls.

(i) Handling private security alarms, if applicable.

(j) Radio interoperability issues.

802.5.3 DISPATCHERS

Dispatchers report to the Communications Supervisor. The responsibilities of the dispatcher include, but are not limited to:

(a) Receiving and handling all incoming and transmitted communications, including:

1. Emergency 9-1-1 lines.
2. Business telephone lines.
3. Telecommunications Device for the Deaf (TDD)/Text Telephone (TTY) equipment.
4. Radio communications with department members in the field and support resources (e.g., fire department, emergency medical services (EMS), allied agency law enforcement units).
5. Other electronic sources of information (e.g., text messages, digital photographs, video).

(b) Documenting the field activities of department members and support resources (e.g., fire department, EMS, allied agency law enforcement units).

(c) Inquiry and entry of information through Dispatch, department and other law enforcement database systems (CLETS, DMV, NCIC).

(d) Monitoring department video surveillance systems.

(e) Maintaining the current status of members in the field, their locations and the nature of calls for service.

(f) Notifying the Watch Commander or field supervisor of emergency activity, including, but not limited to:

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2. Foot pursuits.
3. Assignment of emergency response.
4. Calls that are holding

802.6 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?

It is the expectation of the Department that calls for service generated by the community are dispatched as quickly as possible. Whenever appropriate field resources are available, calls should be prioritized and dispatched without unnecessary delay.

Calls designated as Priority 1 should be dispatched within 5 minutes of the incoming call whenever possible.

- Priority 1 calls are designated so in the CAD system based on a combination of Call Type and Status. Examples of Priority 1 calls are the following when they are reported as “in progress” or “just occurred”: Homicide, Robbery, T/C with injuries, Rape, Aggravated Assault, Man Down. Other calls reported can be made Priority 1 by a dispatcher at the time of entering them into the CAD system.

In order to efficiently dispatch calls for service when field resources are not readily available, dispatchers should employ the following practices as necessary: advise officers over the radio to determine if they can clear from their current call(s); notify field supervisors over the radio of significant calls holding; call the reporting party to advise of substantial delays in response (notate contact with R/P in CFS).

Dispatchers should notify the on duty Watch Commander if the above measures have not been successful in ensuring the efficient dispatching of calls for service.

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

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a language-appropriate authorized interpreter is available in Dispatch, the dispatcher should immediately connect the LEP caller to the authorized interpreter.

If no authorized interpreter is available or the dispatcher is unable to identify the caller's language, the dispatcher will contact the contracted telephonic interpretation service and establish a three-party call connecting the dispatcher, the LEP individual and the interpreter.

Dispatchers should be courteous, patient and respectful when dealing with the public.

802.6.1 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.

802.6.2 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.

802.7 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.

(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.

The Communications 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.

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802.7.1 FEDERAL COMMUNICATIONS COMMISSION COMPLIANCE
Whittier Police Department radio operations shall be conducted in accordance with Federal Communications Commission (FCC) procedures and requirements.

802.7.2 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.

802.8 DOCUMENTATION

It shall be the responsibility of Dispatch 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.

802.9 CONFIDENTIALITY

Information that becomes available through Dispatch may be confidential or sensitive in nature. All members of Dispatch 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

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authorized law enforcement personnel. Prior to transmitting confidential information via the radio, an admonishment shall be made that confidential information is about to be broadcast.

802.10 TRAINING AND CERTIFICATION

Dispatchers shall receive training consistent with minimum standards established by POST (Penal Code § 13510).

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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 identifies those persons authorized to remove and/or destroy property.

804.2 DEFINITIONS

Property - Includes all items of evidence, items taken for safekeeping and found property.

Evidence - Includes items taken or recovered in the course of an investigation that may be used in the prosecution of a case. This includes photographs and latent fingerprints.

Safekeeping - Includes the following types of property:

- Property obtained by the Department for safekeeping such as a firearm
- Personal property of an arrestee not taken as evidence
- Property taken for safekeeping under authority of a law (e.g., Welfare and Institutions Code § 5150 (mentally ill persons))
- Property that is under observation for 72 hours for further investigation or pending the filing of criminal complaint.
- Property that has been booked for destruction, including firearms and ammunition, whether seized by an officer or surrendered by a citizen.

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:

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(a) Complete the property form describing each item of property separately, listing all serial numbers, owner's name, finder's name, and other identifying information or markings.

(b) Mark each item of evidence with the booking employee's initials and the date booked using the appropriate method so as not to deface or damage the value of the property.

(c) Complete an evidence/property tag and attach it to each package or envelope in which the property is stored.

(d) Place the case number in the upper right hand corner of the bag.

(e) The original property form shall be submitted with the case report. A copy shall be placed with the property in the temporary property locker or with the property if property is stored somewhere other than a property locker.

(f) When the property is too large to be placed in a locker, the item may be retained in the supply room. Submit the completed property record into a numbered locker indicating the location of the property.

804.3.2 NARCOTICS AND DANGEROUS DRUGS

All narcotics and dangerous drugs shall be booked separately using a separate property record. Paraphernalia as defined by Health and Safety Code § 11364 shall also be booked separately.

The officer seizing the narcotics and dangerous drugs shall place them in the designated locker accompanied by two copies of the form for the Records Bureau and detectives. The remaining copy will be detached and submitted with the case report.

804.3.3 EXPLOSIVES

Officers who encounter a suspected explosive device shall promptly notify their immediate supervisor or the Watch Commander. The Los Angeles County 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 that are known or suspected to be armed or live, other than fixed ammunition, should not be retained in the police facility. All fireworks, railroad flares, or fuses that are considered safe will be transported to the Fire Department on a regular basis by a Evidence Technician.

804.3.4 EXCEPTIONAL HANDLING

Certain property items require a separate process. The following items shall be processed in the described manner:

(a) Latent fingerprints are to be placed on the latent print card which is completed by the employee collecting the prints and shall be submitted directly to the I.D. Technician or placed in the designated latent fingerprint locker.

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(b) "Elimination Fingerprints" shall be placed directly on the latent fingerprint card and submitted directly to the I.D. Technician or placed in the designated latent print lockers with the latent prints collected in connection with the same case.

(c) Bodily fluids such as blood or semen stains shall be air dried prior to booking

(d) License plates found not to be stolen or connected with a known crime, should be released directly to the Evidence Technician, or placed in the designated container for return to the Department of Motor Vehicles. No formal property booking process is required

(e) All bicycles and bicycle frames require a property record. Property and Evidence Section tags will be securely attached to each bicycle or bicycle frame. The property may be released directly to the Evidence Technician, or placed in the bicycle storage area until a Evidence Technician can log the property

(f) In order to have a proper accounting of prisoner cash, an inventory of inmate's personal cash by denomination shall be taken. This cash inventory shall be witnessed. Jail staff can be utilized as witnesses. All cash shall be counted in the booking area. After counting the currency, the cash envelope shall be initialed by the booking officer and witness officer along with the appropriate ID # identifying the employee. If the dollar amount is $400 or greater, the Watch Commander shall be contacted for special handling procedures. Any amount $400 or greater will require the watch commander, or if he is unavailable a sergeant or corporal to respond to the jail to witness the count. Under no circumstances shall inmate monies leave the jail unless authorized by the watch commander.

(g) The appropriate dollar amount shall be written on the inmate booking form and shall correspond with the amount documented on the currency envelope. Any amount $400 or greater will require the watch commander, or if he is unavailable the sergeant, to respond to the jail to witness the count. When feasible the count should be conducted in the presence of the prisoner and include his initials on both the currency envelope and booking form acknowleding the dollar amount. Any disputed dollar amount shall require notification of the watch commander. Once verified, the prisoner's cash will be kept in his personnal property in a sealed cash envelope in the jail. In the event that the inmate's initials cannot be obtained, (ie. intoxication levels, combative subject) the reason for exclusion of the inmate's intials shall be detailed on the cash envelope and booking form. If an inmate refuses to sign the cash envelope and booking form this shall also require documentation.

(h) Upon releasing the inmate from custody all personal property shall be released as listed on the Arrest/Booking form. The Custody Officer is to have the prisoner sign the back of the Arrest/Booking form in the "Release Information" section. The amount of cash is to be recorded in the appropriate seciton prior to the inmate's signature. This

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will provide a second opportunity of acknowledgment on behalf of the Custody Officer and inmate as to the amount of personal cash being released.

(i) Officers are to advise Custody Officers if any additional inmate property is being held for safekeeping outside of the jail area. Officers are to note that additional property is being held for "safekeeping" and document this fact on the booking form. Officers are to have the inmate sign the safekeeping notice which is listed on the back of the inmate booking form.

(j) City property, unless connected to a known criminal case, should be released directly to the appropriate City department. No formal booking is required. In cases where no responsible person can be located, the property should be booked for safekeeping in the normal manner.

804.3.5 HANDLING CASH

The money envelope serves as the sole method for logging cash money into the property room. Cash is defined as coin and/or currency. Checks, credit cards or other negotiable items are not to be used with the money envelope. The Property Officer will not accept money that has not been packaged and logged appropriately and according to the following procedures:

(a) Money is to be itemized by denomination listing sub totals and total amounts.

(b) All money logged into the property room will require at least two officers or employees to verify the count.

(c) All money envelopes MUST CONTAIN AT LEAST TWO signatures verifying the amount listed and enclosed. The entering officer and verifying officer shall sign their names and numbers to the front of the envelope, seal the envelope with tamper-proof security tape, then both must initial the back of the envelope prior to entering into the property locker.

Note: It is strongly suggested that two separate counts be conducted with large amounts of cash. Extremely large amounts of coin and/or currency might be seized which, because of the container or quantity of money, make it impractical to package in the money envelope (e.g., coins stored in a large piggy bank or water bottle, large amount of bills in a briefcase or satchel, etc.). In those rare cases, it is acceptable to log the container containing the money as is. However, a money count and completion of the money form must still be done. The money envelope can be taped to the container; however, officers submitting the money should secure the container as necessary with evidence tape to prevent tampering.

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).

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Relinquished firearms shall be retained for 30 days, after which time they may be destroyed, retained, sold or otherwise transferred, unless (Penal Code § 29810):

(a) A certificate is issued by a judge of a court of record or the District Attorney stating the firearms shall be retained; or

(b) The convicted person provides written notice of an intent to appeal the conviction that necessitated the relinquishment; or

(c) The Automated Firearms System indicates that the firearm was reported lost or stolen.

1. In such event, the firearm shall be restored to the lawful owner as soon as it is no longer needed as evidence, the lawful owner has identified the weapon and provided proof of ownership, and the Department has complied with the requirements of Penal Code § 33850 et seq.

The Evidence Technician shall ensure the Records Supervisor is notified of the relinquished firearm for purposes of updating the Automated Firearms System and the disposition of the firearm for purposes of notifying the California Department of Justice (DOJ) (See the Records Bureau Policy).

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 narcotics locker, accompanied by one copy of the property card. 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. A photograph of the narcotics shall be taken. An LASD

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Property receipt shall be completed and placed in the locker with the evidence. The "J" number shall be recorded on the property card and included in the crime report.

Narcotics and dangerous drugs shall be packaged in an envelope of appropriate size available in the report room. The booking officer shall initial the sealed envelope and the initials covered with cellophane tape. Narcotics and dangerous drugs shall not be packaged with other property.

A completed property tag shall be attached to the outside of the container. The chain of evidence shall be recorded on the back of this tag.

804.5 RECORDING OF PROPERTY

The Evidence Technician receiving custody of evidence or property shall record his/her signature, the date and time the property was received and where the property will be stored on the property control card.

A property number shall be obtained for each item or group of items. Thisnumber shall be recorded on the property tag and the property control card.

Any changes in the location of property held by the Whittier Police Department shall be noted in the property logbook.

804.5.1 EVIDENCE PROCESSING REQUEST FORM

(a) The Evidence Processing Request Form is used to submit evidence to the Identification Bureau for processing for latent prints.

(b) The requestor shall complete the form and submit the form to the Identification Bureau.

(c) The Identification Bureau will then record the form and submit the form to Property via the designated property locker.

(d) Property will then gather the evidence, sign the evidence out to ID, and then place the evidence in the designated property locker with the form.

804.6 PROPERTY CONTROL

Each time the Evidence Technician receives property or releases property to another person, he/she shall enter this information on the property control card. Officers desiring property for court shall contact the Evidence Technician at least one day prior to the court day.

804.6.1 RESPONSIBILITY OF OTHER PERSONNEL

Every time property is released or received, an appropriate entry on the evidence package shall be completed to maintain the chain of evidence. No property or evidence is to be released without first receiving written authorization from a supervisor or detective.

Request for analysis for items other than narcotics or drugs shall be completed on the appropriate forms and submitted to the Evidence Technician. This request may be filled out any time after booking of the property or evidence.

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804.6.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY

The transporting employee will check the evidence out of property, indicating the date and time on the property control card and the request for laboratory analysis.

The property officer releasing the evidence must complete the required information on the property control card and the evidence. The lab forms will be transported with the property to the Examining Laboratory. Upon delivering the item involved, the LASO employee will record the delivery time on both copies, and indicate the locker in which the item was placed, or the employee to whom it was delivered. The original copy of the lab form will remain with the evidence, and the copy will be returned to the Property Room for filing with the case.

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.

Officers and investigators who need evidence for court should submit a request 72 hours prior to the anticipated release for court.

The property technician shall obtain the signature of the person to whom property is released, and the reason for release. Any employee receiving property shall be responsible for such property until it is properly returned to property or properly released to another authorized person or entity.

The return of the property should be recorded on the property control card, indicating date, time, and the person who returned the property.

804.6.4 AUTHORITY TO RELEASE PROPERTY

The Detective Bureau shall authorize the disposition or release of all evidence and property coming into the care and custody of the Department.

804.6.5 RELEASE OF PROPERTY

All reasonable attempts shall be made to identify the rightful owner of found property or evidence not needed for an investigation.

Release of property shall be made upon receipt of an authorized release form, listing the name and address of the person to whom the property is to be released. The release authorization shall be signed by the authorizing supervisor or detective and must conform to the items listed on the property form or must specify the specific item(s) to be released. Release of all property shall be documented on the property form.

With the exception of firearms and other property specifically regulated by statute, found property and property held for safekeeping shall be held for a minimum of 90 days. During such period, property personnel shall attempt to contact the rightful owner by telephone and/or mail when sufficient identifying information is available. Property not held for any other purpose and not claimed within 90 days after notification (or receipt, if notification is not feasible) may be auctioned to the highest bidder at a properly published public auction. If such property is not sold at auction

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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 Evidence Technician shall release the property upon proper identification being presented by the owner for which an authorized release has been received. A signature of the person receiving the property shall be recorded on the original property form. After release of all property entered on the property control card, the card shall be forwarded to the Records Bureau for filing with the case. If some items of property have not been released, the property card will remain with the Property and Evidence Section. Upon release, the proper entry shall be documented in the Property Log.

Under no circumstances shall any firearm, magazine, or ammunition be returned to any individual unless and until such person presents valid identification and written notification from the California Department of Justice that conforms to the provisions of Penal Code § 33865.

The Property and Evidence Section Supervisor should also make reasonable efforts to determine whether the person is the subject of any court order preventing the person from possessing a firearm and, if so, the firearm should not be released to the person while the order is in effect.

The Department is not required to retain any firearm, magazine, or ammunition longer than 180 days after notice has been provided to the owner that such items are available for return. At the expiration of such period, the firearm, magazine, or ammunition may be processed for disposal in accordance with applicable law (Penal Code § 33875).

804.6.6 DISPUTED CLAIMS TO PROPERTY

Occasionally more than one party may claim an interest in property being held by the Department, and the legal rights of the parties cannot be clearly established. Such property shall not be released until one party has obtained a valid court order or other undisputed right to the involved property.

All parties should be advised that their claims are civil and in extreme situations, legal counsel for the Department may wish to file an interpleader to resolve the disputed claim (Code of Civil Procedure § 386(b)).

804.6.7 CONTROL OF NARCOTICS AND DANGEROUS DRUGS

Property will be responsible for the storage, control, and destruction of all narcotics and dangerous drugs, including paraphernalia coming into the custody of this Department under Health and Safety Code § 11364.

804.6.8 RELEASE OF FIREARM IN DOMESTIC VIOLENCE MATTERS

Within five days of the expiration of a restraining order issued in a domestic violence matter that required the relinquishment of a firearm, the 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).

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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 a firearm or a weapon has been initiated pursuant to Welfare and Institutions Code § 8102(c), the firearm or weapon shall be released or disposed of as provided by an order of the court. If the court orders a firearm returned, the firearm shall not be returned unless and until the person presents valid identification and written notification from the California Department of Justice (DOJ) that conforms to the provisions of Penal Code § 33865.

(b) If no petition has been initiated pursuant to Welfare and Institutions Code § 8102(c) and the firearm or weapon is not retained as evidence, the Department shall make the firearm or weapon available for return. No firearm will be returned unless and until the person presents valid identification and written notification from the California DOJ that conforms to the provisions of Penal Code § 33865.

(c) Unless the person contacts the Department to facilitate the sale or transfer of the firearm to a licensed dealer pursuant to Penal Code § 33870, firearms not returned should be sold, transferred, destroyed, or retained as provided in Welfare and Institutions Code § 8102.

804.6.10 RELEASE OF FIREARMS IN GUN VIOLENCE RESTRAINING ORDER MATTERS

Firearms and ammunition that were taken into temporary custody or surrendered pursuant to a gun violence restraining order shall be returned to the restrained person upon the expiration of the order and in accordance with the requirements of Penal Code § 33850 et seq. (Penal Code § 18120).

If the restrained person who owns the firearms or ammunition does not wish to have the firearm or ammunition returned, he/she is entitled to sell or transfer title to a licensed dealer, provided that the firearms or ammunition are legal to own or possess and the restrained person has right to title of the firearms or ammunition (Penal Code § 18120).

If a person other than the restrained person claims title to the firearms or ammunition surrendered pursuant to Penal Code § 18120 and the Whittier Police Department determines him/her to be the lawful owner, the firearms or ammunition shall be returned in accordance with the requirements of Penal Code § 33850 et seq. (Penal Code § 18120).

Firearms and ammunition that are not claimed are subject to the requirements of Penal Code § 34000.

804.6.11 RELEASE OF FIREARMS, MAGAZINES, AND AMMUNITION

The Department shall not return any firearm, magazine, or ammunition taken into custody to any individual unless all requirements of Penal Code § 33855 are met.

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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 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)

804.7.2 UNCLAIMED MONEY

If found or seized money is no longer required as evidence and remains unclaimed after three years, the Department shall cause a notice to be published each week for a period of two consecutive weeks in a local newspaper of general circulation (Government Code § 50050). Such notice shall state the amount of money, the fund in which it is held and that the money will become the property of the agency on a designated date not less than 45 days and not more than 60 days after the first publication (Government Code § 50051).

Any individual item with a value of less than $15.00, or any amount if the depositor/owner's name is unknown, which remains unclaimed for a year or by order of the court, may be transferred to the general fund without the necessity of public notice (Government Code § 50055).

If the money remains unclaimed as of the date designated in the published notice, the money will become the property of this department to fund official law enforcement operations. Money representing restitution collected on behalf of victims shall either be deposited into the Restitution Fund or used for purposes of victim services.

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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).

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

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to the property room or function to ensure that records are correct and all evidence property is accounted for.

804.9 PROPERTY TECHNICIANS

A Property Technician shall serve as the Department's Property Officer. He/She is responsible for maintaining security and control of property and evidence that the Police Department acquires through normal duties and responsibilities. The Property Officer will be assigned to the Support Services Bureau.

(a) Personnel assigned to the property room must possess a valid California Driver license and have a good work record.

(b) Duties of the Property Officer require excellent organizational skills, initiative and resourcefulness. The work involves high frequency contact with the public requiring the person to have good interpersonal and communication skills.

(c) The position requires that the Property Officer be able to work with minimum supervision. The Property Officer must have the ability to communicate orally and in writing, be able to operate a computer terminal and specialized software related to inventory control, and maintain a working relationship with a variety of individuals and organizations.

(d) The Property Officer must have the ability to effectively organize work assignments and establish priorities with minimum supervision.

(e) The Property Officer must have a good working knowledge of California rules of evidence, Penal Code, Government Code, Civil Code, Health and Safety Code, Administrative Code, and other related codes as they apply to the evidence/property function.

804.9.1 SPECIALIZED TRAINING

The recommended training for the Property Officer is satisfactory completion of a POST approved basic course on the management of the property function, on the job training, and other relted training courses, seminars and/or conferences as appropriate.

804.9.2 JOB DUTIES AND RESPONSIBILITIES

The primary duty of the Property Officer is to log, classify, store, dispense, destroy, and release property/evidence to its rightful owner, for court presentation and/or for destruction or auction. Addtional duties include, but are not limited to:

(a) Maintain evidence, found and stored property in such a manner that the individual items are secure from theft, loss or contamination, and can be located in a timely manner.

(b) Maintain property reports and other documentation associated with the "chain of custody" for all property.

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(c) Ensure the timely and legally correct notification of owners and release/disposal of perperty recovered, found, or seized by the Department.

(d) Operate computer terminals to access information regarding case dispositions and other related information involving the classification and proper disposition of property/evidence.

(e) Coordinate the disposal of unclaimed and/or surplus property and the special disposal of narcotics, weapons, explosives, and hazardous materials pursuant to law.

(f) Release of property for court, to persons legally entitled, for auction and for disposal.

(g) Supervise, train, and evaluate other Department personnel assigned to the Property Room.

(h) Provide in-service training to Department personnel regarding the appropriate logging, packaging, documenting and storage of property and evidence.

(i) Provide effective liaison between the Police Department and local, county, state and federal law enforcement agencies.

(j) Represent the Department while attending state and local associations involved with the management of property and evidence.

(k) Stay abreast of local, state, and federal law involving property and evidence handling. Recommend and facilitate appropriate changes.

(l) Maintain a clean and orderly property storage facility.

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Records Bureau

806.1 PURPOSE AND SCOPE

This policy establishes the guidelines for the operational functions of the Whittier Police Department Records Bureau. The policy addresses department file access and internal requests for case reports.

806.2 POLICY

It is the policy of the Whittier Police Department to maintain department records securely, professionally, and efficiently.

806.3 ARREST WITHOUT FILING OF ACCUSATORY PLEADING

The Record's Supervisor 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 Department of Justice is notified.

806.4 FILE ACCESS AND SECURITY

The security of files in the Records Bureau must be a high priority and shall be maintained as mandated by state or federal law. All case reports including but not limited to initial, supplemental, follow-up, evidence, and any other reports related to a police department case, including field interview (FI) cards, criminal history records, and publicly accessible logs, shall be maintained in a secure area within the Records Bureau, accessible only by authorized members of the Records Bureau. Access to case reports or files when Records Bureau staff is not available may be obtained through the Watch Commander.

The Records Bureau will also maintain a secure file for case reports deemed by the Chief of Police as sensitive or otherwise requiring extraordinary access restrictions.

806.5 ORIGINAL CASE REPORTS

Generally, original case reports shall not be removed from the Records Bureau. Should an original case report be needed for any reason, the requesting department member shall first obtain authorization from the Records Supervisor. All original case reports removed from the Records Bureau shall be recorded on a designated report check-out log, which shall be the only authorized manner by which an original case report may be removed from the Records Bureau.

All original case reports to be removed from the Records Bureau shall be photocopied and the photocopy retained in the file location of the original case report until the original is returned to

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the Records Bureau. The photocopied report shall be shredded upon return of the original report to the file.

806.6 CONFIDENTIALITY

Records Bureau staff has access to information that may be confidential or sensitive in nature. Records Bureau staff shall not access, view, or distribute, or allow anyone else to access, view, or distribute any record, file, or report, whether in hard copy or electronic file format, or any other confidential, protected, or sensitive information except in accordance with the Records Maintenance and Release and Protected Information policies and the Records Bureau procedure manual.

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Digital Imaging

807.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for maintaining evidentiary integrity of all digital images through photographing, processing, storage, dissemination and control of such images.

807.2 ID BUREAU RESPONSIBILITY

All digital image evidence shall be processed through, stored, and disseminated by the Whittier Police Department's I.D. Bureau.

807.3 USE OF DIGITAL IMAGES

Digital photography and digital imaging technologies are to be used for the following purposes:

(a) Historical documentation, training, publications, public relations. These photos will be assigned event numbers based on the date the photos were taken.

(b) Crime scene photographs to create a visual record of evidence found and/or the overall conditions at the scene of crimes. Crime scene digital images shall not be deleted in the field.

(c) To capture and store latent fingerprints, trace evidence and other objects of an evidentiary nature for comparison or analysis purposes. These digital images should be photographed in an uncompressed file format of either TIFF or RAW. Images described herein will only be taken by members of the ID Bureau. Any alterations of images performed by the ID Bureau shall be properly documented.

(d) Personal cameras shall not be used to take photographs of crime/accident scenes or any other photographs related to official police business unless authorized by a supervisor.

807.4 CARE OF EQUIPMENT

Equipment utilized in imaging (cameras, lenses, flashes, scanners, etc.) should be checked regularly for proper performance. All equipment should be maintained according to the manufacture's specifications and recommendations as contained in the operating manuals. When a piece of equipment or system fails to operate properly, the item(s) should be taken out of service and the ID Bureau notified. Employees who are assigned photographic equipment shall ensure the equipment is properly functioning and free of damage prior to its use.

807.4.1 IMAGE CAPTURE DEVICES

Digital images shall only be captured with approved Whittier/Santa Fe Springs Police Department-owned photographic equipment. Employees shall not use personal digital photographic equipment for official use.

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807.4.2 IMAGE COMPRESSION
If a lossy (JPEG) compression is used, then the highest quality option is recommended to limit the chances of losing critical information or the introduction of unwanted artifacts into the image. Images saved and printed from a compressed (JPEG) image with the least amount of compression used, are acceptable in court as long as a person can testify that the image is "a fair and accurate representation" of the scene they originally photographed.

807.4.3 DIMS DOWNLOAD STATIONS
Images taken with approved WPD photographic equipment shall be downloaded at one of the DIMS (Digital Image Management System) download stations located inside the Property Bureau, Whittier Detective Bureau, Police Services Center, or the Santa Fe Springs Staging Facility. The exception to this requirement will be the processing of booking photos, narcotic, sex and arson registrant photos. Both booking and registrant photos will be added to RMS (Records Management System) and linked to the subject's global record.

Memory cards shall not be downloaded into a non-DIMS download station, personal computer, or other digital storage device that has not been approved by the I.D. Bureau. In addition, images from the camera card shall not be deleted, copied, transferred, emailed, or printed prior to downloading into the DIMS system.

Only Whittier detectives may utilize the DIMS download station in the Detective Bureau. Similarly, only Detectives in Santa Fe Springs may utilize the DIMS download station at the Police Services Center. Should the download station located in the Property Bureau or Staging Facility become inoperable, a sergeant or watch commander should be contacted, as they will have administrator rights to all download stations.

807.4.4 DOWNLOADING ERRORS
In the event a download or corrupt file error occurs while utilizing one of the DIMS download stations, remove the camera card and forward to the ID Bureau with a written explanation what occurred. Should a DIMS download station fail to operate properly, notify the ID Bureau.

807.5 IMAGE RESIDENCE
Digital images taken with WPD owned cameras will reside in the main DIMS located in the ID Bureau. Images will then be sent to two secure data storage servers. After all images have been transferred from the camera card or other media, the images are then only accessible by photo lab personnel within the ID Bureau or personnel with administrator rights and are completely unalterable.

807.6 TRANSMISSION AND DISTRIBUTION OF DIGITAL IMAGES
The original TIFF or RAW or JPEG image upon capture will remain in its unaltered form as do negatives from standard film. Subsequent photographic reprints will only be produced by the ID bureau from copies of the original file to maintain the evidentiary integrity of original image. Distribution of such copies may be in the form of a CD, DVD, floppy disk, Zip, or Jazz. All

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photographic reprints should be treated as the original photograph and may be used for authorized law enforcement purposes only.

807.6.1 OBTAINING COPIES OF DIGITAL IMAGES
Those personnel authorized to obtain photographs for official purposes must submit a "request for service" form to the ID Bureau indicating the case number, type of crime, number of copies needed, the format required (print, CD, DVD, etc.), and the date they are needed. Personnel should also indicate the preferred method of delivery (interoffice mail, pick-up). Anyone other than Department personnel or the district attorney will be charged the monetary rate that is currently in effect and must submit such requests through the custodian of records.

807.6.2 IMAGE OUTPUT
Any output devices being utilized should be capable of producing an accurate representation of the original input image. Regardless of the final output (print, CD, DVD, etc.) all images are the property of the Whittier Police Department and may only be used for law enforcement purposes.

807.7 TRAINING OF PERSONNEL
The ID Bureau shall initially train all personnel in the use of digital imaging devices and related equipment. Quarterly evaluations will be performed by the ID Bureau to confirm image quality including, but not limited to consistency of focus, exposure, and composition.

807.7.1 CAMERA ASSIGNMENT
The ID Bureau will assign cameras to various divisions, bureaus, and teams within the Department including, but not limited to: Patrol Division, Detective Bureau, Narcotic Bureau, SET Team, Entry Team, and Administration. Patrol Division cameras will be maintained in a secured locker in the sally port to be checked in and out by the supervisor or watch commander. A patrol assignment log shall be maintained for at least a one-month period for tracking purposes. All other issued cameras will be assigned to the specific supervisor within that group (i.e., narcotics, entry team, SET team, etc.) who then may assign it to an employee under their span on control. Employees assigned cameras and related equipment shall ensure proper care of such equipment and immediately report loss or damage to their immediate supervisor.

807.7.2 PATROL SUPERVISOR CAMERA
Additional smaller digital cameras are available for patrol supervisor use and are maintained in the watch commander's office. Each supervisor desiring to obtain a camera for use during their shift shall complete the assignment log also maintained in the watch commander's office.

807.8 GRAFFITI TRACKER PROGRAM - DIGITAL IMAGES
Specific Department-owned digital cameras are assigned for the Graffiti Tracker Program. Photographs taken with these cameras are electronically uploaded directly to the Graffiti Tracker Program website and therefore bypasses the Digital Image Management Systems maintained by this Department. Graffiti Tracker will be responsible for maintaining these photographs.

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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 Whittier Police Department as evidence, found property, etc., where the serial numbers have been removed or obliterated will be processed in the following manner:

808.2.1 PRELIMINARY FIREARM EXAMINATION

(a) Always keep the muzzle pointed in a safe direction. Be sure the firearm is in an unloaded condition. This includes removal of the ammunition source (e.g., the detachable magazine, contents of the tubular magazine) as well as the chamber contents.

(b) If the firearm is corroded shut or in a condition that would preclude inspection of the chamber contents, treat the firearm as if it is loaded. Make immediate arrangements for a firearms examiner or other qualified examiner to render the firearm safe.

(c) Accurately record/document the condition of the gun when received. Note the positions of the various components such as the safeties, cylinder, magazine, slide, hammer, etc. Accurately record/document cylinder chamber and magazine contents. Package the ammunition separately.

(d) If the firearm is to be processed for fingerprints or trace evidence, process before the serial number restoration is attempted. First record/document important aspects such as halos on the revolver cylinder face or other relevant evidence that might be obscured by the fingerprinting chemicals.

808.2.2 PROPERTY BOOKING PROCEDURE

Any employee taking possession of a firearm with removed/obliterated serial numbers shall book the firearm into property following standard procedures. The employee booking the firearm shall indicate on the property form that serial numbers have been removed or obliterated.

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808.2.3 OFFICER RESPONSIBILITY
The Evidence Technician receiving a firearm when the serial numbers have been removed or obliterated shall arrange for the firearm to be transported to the crime lab for restoration and maintain the chain of evidence.

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 investigator 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 Whittier 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 (Government Code § 6253).

(d) Identifying records or portions of records that are confidential under state or federal law and not open for inspection or copying.

(e) Establishing rules regarding the processing of subpoenas for the production of records.

(f) Ensuring a current schedule of fees for public records as allowed by law is available (Government Code § 6253).

(g) Determining how the department's website may be used to post public records in accordance with Government Code § 6253.

(h) Ensuring that all department current standards, policies, practices, operating procedures, and education and training materials are posted on the department website in accordance with Penal Code § 13650.

(i) Ensuring that public records posted on the Department website meet the requirements of Government Code § 6253.10 including but not limited to posting in an open format where a record may be retrieved, downloaded, indexed, and searched by a commonly used internet search application.

(j) Ensuring that a list and description, when applicable, of enterprise systems (as defined by Government Code § 6270.5) is publicly available upon request and posted in a prominent location on the Department’s website.

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810.4 PROCESSING REQUESTS FOR PUBLIC RECORDS

Any department member who receives a request for any record shall route the request to the Custodian of Records or the authorized designee.

810.4.1 REQUESTS FOR RECORDS

Any member of the public, including the media and elected officials, may access unrestricted records of this department, during regular business hours by submitting a written and signed request that reasonably describes each record sought and paying any associated fees (Government Code § 6253).

The processing of requests for any record is subject to the following (Government Code § 6253):

(a) The Department is not required to create records that do not exist.

(b) Victims of an incident or their authorized representative shall not be required to show proof of legal presence in the United States to obtain department records or information. If identification is required, a current driver's license or identification card issued by any state in the United States, a current passport issued by the United States or a foreign government with which the United States has a diplomatic relationship or current Matricula Consular card is acceptable (Government Code § 6254.30).

(c) Either the requested record or the reason for non-disclosure will be provided promptly, but no later than 10 days from the date of request, unless unusual circumstances preclude doing so. If more time is needed, an extension of up to 14 additional days may be authorized by the Custodian of Records or the authorized designee. If an extension is authorized, the Department shall provide the requester written notice that includes the reason for the extension and the anticipated date of the response.

1. When the request does not reasonably describe the records sought, the Custodian of Records shall assist the requester in making the request focused and effective in a way to identify the records or information that would be responsive to the request including providing assistance for overcoming any practical basis for denying access to the records or information. The Custodian of Records shall also assist in describing the information technology and physical location in which the record exists (Government Code § 6253.1).

2. If the record requested is available on the department website, the requester may be directed to the location on the website where the record is posted. If the requester is unable to access or reproduce the record, a copy of the record shall be promptly provided.

(d) Upon request, a record shall be provided in an electronic format utilized by the Department. Records shall not be provided only in electronic format unless specifically requested (Government Code § 6253.9).

(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

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the redactions. If the record is audio or video, a copy of the redacted audio/video release should be maintained in the department-approved media storage system and a notation should be made in the case file to document the release and the reasons for the redacted portions.

(f) If a record request is denied in whole or part, the requester shall be provided a written response that includes the statutory exemption for withholding the record or facts that the public interest served by nondisclosure outweighs the interest served by disclosure (Government Code § 6255). The written response shall also include the names, titles or positions of each person responsible for the denial.

810.5 RELEASE RESTRICTIONS

Examples of release restrictions include:

(a) Personal identifying information, including an individual's photograph; Social Security and driver identification numbers; name, address, and telephone number; and medical or disability information that is contained in any driver license record, motor vehicle record, or any department record including traffic collision reports, are restricted except as authorized by the Department, and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721; 18 USC § 2722).

(b) Social Security numbers (Government Code § 6254.29).

(c) Personnel records, medical records, and similar records 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.

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2. Victims of sexual assault, upon written request, shall be provided a free copy of the initial crime report regardless of whether the report has been closed. Personal identifying information may be redacted (Penal Code § 680.2(b)).

(e) Video or audio recordings created during the commission or investigation of the crime of rape, incest, sexual assault, domestic violence, or child abuse that depicts the face, intimate body part, or voice of a victim of the incident except as provided by Government Code § 6254.4.5.

(f) Information involving confidential informants, intelligence information, information that would endanger the safety of any person involved, or information that would endanger the successful completion of the investigation or a related investigation. This includes analysis and conclusions of investigating officers (Evidence Code § 1041; Government Code § 6254).

1. Absent a statutory exemption to the contrary or other lawful reason to deem information from reports confidential, information from unrestricted agency reports shall be made public as outlined in Government Code § 6254(f).

(g) Local criminal history information including but not limited to arrest history and disposition, and fingerprints shall only be subject to release to those agencies and individuals set forth in Penal Code § 13300.

1. All requests from criminal defendants and their authorized representatives (including attorneys) shall be referred to the District Attorney, City Attorney, or the courts pursuant to Penal Code § 1054.5.

(h) Certain types of reports involving but not limited to child abuse and molestation (Penal Code § 11167.5), elder and dependent abuse (Welfare and Institutions Code § 15633), and juveniles (Welfare and Institutions Code § 827).

(i) Sealed autopsy and private medical information concerning a murdered child with the exceptions that allow dissemination of those reports to law enforcement agents, prosecutors, defendants, or civil litigants under state and federal discovery laws (Code of Civil Procedure §130).

(j) Information contained in applications for licenses to carry firearms or other files that indicates when or where the applicant is vulnerable or which contains medical or psychological information (Government Code § 6254).

(k) Traffic collision reports (and related supplemental reports) shall be considered confidential and subject to release only to the California Highway Patrol, Department of Motor Vehicles (DMV), other law enforcement agencies, and those individuals and their authorized representatives set forth in Vehicle Code § 20012.

(l) Any record created exclusively in anticipation of potential litigation involving this department (Government Code § 6254).

(m) Any memorandum from legal counsel until the pending litigation has been adjudicated or otherwise settled (Government Code § 6254.25).

(n) Records relating to the security of the department's electronic technology systems (Government Code § 6254.19).

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(o) A record of a civilian complaint, or the investigations, findings, or dispositions of that complaint if the complaint is frivolous, as defined by Code of Civil Procedure § 128.5, or if the complaint is unfounded (Penal Code § 832.7 (b)(8)).

(p) Any other record not addressed in this policy shall not be subject to release where such record is exempt or prohibited from disclosure pursuant to state or federal law, including but not limited to provisions of the Evidence Code relating to privilege (Government Code § 6254).

(q) Information connected with juvenile court proceedings or the detention or custody of a juvenile. Federal officials may be required to obtain a court order to obtain certain juvenile information (Welfare and Institutions Code § 827.9; Welfare and Institutions Code § 831).

810.6 SUBPOENAS AND DISCOVERY REQUESTS

Any member who receives a subpoena duces tecum or discovery request for records should promptly contact a supervisor and the Custodian of Records for review and processing. While a subpoena duces tecum may ultimately be subject to compliance, it is not an order from the court that will automatically require the release of the requested information.

Generally, discovery requests and subpoenas from criminal defendants and their authorized representatives (including attorneys) should be referred to the District Attorney, City Attorney or the courts.

All questions regarding compliance with any subpoena duces tecum or discovery request should be promptly referred to legal counsel for the Department so that a timely response can be prepared.

810.7 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 Supervisor shall ensure that the required notations on local summary criminal history information and police investigative reports are made. Sealed records may be disclosed or used as authorized by Penal Code § 851.92.

810.8 SECURITY BREACHES

The Records Supervisor shall ensure notice is given anytime there is a reasonable belief an unauthorized person has acquired either unencrypted personal identifying information or encrypted personal information along with the encryption key or security credential stored in any Department information system (Civil Code § 1798.29).

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Notice shall be given as soon as reasonably practicable to all individuals whose information may have been acquired. The notification may be delayed if the Department determines that notification will impede a criminal investigation or any measures necessary to determine the scope of the breach and restore the reasonable integrity of the data system.

For the purposes of this requirement, personal identifying information includes an individual's first name or first initial and last name in combination with any one or more of the following:

- Social Security number
- Driver license number, California identification card number, tax identification number, passport number, military identification number, or other unique identification number issued on a government document commonly used to verify the identity of a specific individual
- Account number or credit or debit card number, in combination with any required security code, access code or password that would permit access to an individual's financial account
- Medical information
- Health insurance information
- A username or email address, in combination with a password or security question and answer that permits access to an online account
- Information or data collected by Automated License Plate Reader (ALPR) technology
- Unique biometric data

810.9 RELEASE OF AUDIO OR VIDEO RECORDINGS RELATED TO CRITICAL INCIDENTS

Video and audio recordings related to critical incidents shall be released upon a proper public record request and subject to delayed release, redaction, and other release restrictions as provided by law (Government Code § 6254(f)(4)).

For purposes of this section, a video or audio recording relates to a critical incident if it depicts an incident involving the discharge of a firearm at a person by an officer, or depicts an incident in which the use of force by an officer against a person resulted in death or in great bodily injury (as defined by Penal Code § 243(f)(4)) (Government Code § 6254(f)(4)).

The Custodian of Records should work as appropriate with the Chief of Police or the Professional Standards Bureau supervisor in determining what recordings may qualify for disclosure when a request for a recording is received and if the requested recording is subject to delay from disclosure, redaction, or other release restrictions.

810.9.1 DELAY OF RELEASE

Disclosure of critical incident recordings during active criminal or administrative investigations may be delayed as follows if disclosure would substantially interfere with the investigation, such as by endangering the safety of a witness or a confidential source:

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(a) Disclosure may be delayed up to 45 days from the date the Department knew or reasonably should have known about the incident.

(b) Delay of disclosure may continue after the initial 45 days and up to one year if the Department demonstrates that disclosure would substantially interfere with the investigation.

(c) Any delay of disclosure longer than one year must be supported by clear and convincing evidence that disclosure would substantially interfere with the investigation (Government Code § 6254(f)(4)).

810.9.2 NOTICE OF DELAY OF RELEASE

When there is justification to delay disclosure of a recording, the Custodian of Records shall provide written notice to the requester as follows (Government Code § 6254(f)(4)):

(a) During the initial 45 days, the Custodian of Records shall provide the requester with written notice of the specific basis for the determination that disclosure would substantially interfere with the investigation. The notice shall also include the estimated date for the disclosure.

(b) When delay is continued after the initial 45 days, the Custodian of Records shall promptly provide the requester with written notice of the specific basis for the determination that the interest in preventing interference with an active investigation outweighs the public interest in the disclosure, and the estimated date for the disclosure. The Custodian of Records should work with the Chief of Police in reassessing the decision to continue withholding a recording and notify the requester every 30 days.

Recordings withheld shall be disclosed promptly when the specific basis for withholding the recording is resolved.

810.9.3 REDACTION

If the Custodian of Records, in consultation with the Chief of Police or authorized designee, determines that specific portions of the recording may violate the reasonable expectation of privacy of a person depicted in the recording, the Department should use redaction technology to redact portions of recordings made available for release. The redaction should not interfere with the viewer's ability to fully, completely, and accurately comprehend the events captured in the recording, and the recording should not otherwise be edited or altered (Government Code § 6254(f)(4)).

If any portions of a recording are withheld to protect the reasonable expectation of privacy of a person depicted in the recording, the Custodian of Records shall provide in writing to the requester the specific basis for the expectation of privacy and the public interest served (Government Code § 6254(f)(4)).

810.9.4 RECORDINGS WITHHELD FROM PUBLIC DISCLOSURE

If the reasonable expectation of privacy of a person depicted in the recording cannot adequately be protected through redaction, and that interest outweighs the public interest in disclosure, the

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Department may withhold the recording from the public, except that the recording, either redacted or unredacted, shall be disclosed promptly, upon request, to any of the following (Government Code § 6254(f)(4)):

(a) The person in the recording whose privacy is to be protected, or his/her authorized representative.

(b) If the person is a minor, the parent or legal guardian of the person whose privacy is to be protected.

(c) If the person whose privacy is to be protected is deceased, an heir, beneficiary, designated immediate family member, or authorized legal representative of the deceased person whose privacy is to be protected.

If the Department determines that this disclosure would substantially interfere with an active criminal or administrative investigation, the Custodian of Records shall provide the requester with written notice of the specific basis for the determination and the estimated date of disclosure (Government Code § 6254(f)(4)).

The Department may continue to delay release of the recording from the public for 45 days with extensions as provided in this policy (Government Code § 6254(f)(4)(A)).

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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 Whittier 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 Whittier 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 Whittier 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 CALIFORNIA RELIGIOUS FREEDOM ACT

Members shall not release personal information from any agency database for the purpose of investigation or enforcement of any program compiling data on individuals based on religious belief, practice, affiliation, national origin or ethnicity (Government Code § 8310.3).

812.4 RESPONSIBILITIES

The Chief of Police shall select a member of the Department to coordinate the use of protected information--that person will be the Records Supervisor who is designated as the agency CLETS Coordinator.

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.

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(d) Developing procedures to ensure training and certification requirements are met.

(e) Resolving specific questions that arise regarding authorized recipients of protected information.

(f) Ensuring security practices and procedures are in place to comply with requirements applicable to protected information.

812.5 ACCESS TO PROTECTED INFORMATION

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Whittier 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.

812.5.1 PENALTIES FOR MISUSE OF RECORDS

It is a misdemeanor to furnish, buy, receive or possess Department of Justice criminal history information without authorization by law (Penal Code § 11143).

Authorized persons or agencies violating state regulations regarding the security of Criminal Offender Record Information (CORI) maintained by the California Department of Justice may lose direct access to CORI (11 CCR 702).

812.6 RELEASE OR DISSEMINATION OF PROTECTED INFORMATION

Protected information may be released only to authorized recipients who have both a right to know and a need to know.

A member who is asked to release protected information that should not be released should refer the requesting person to a supervisor or to the Records Supervisor for information regarding a formal request.

Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by the Department may generally be shared with authorized persons from other law enforcement agencies who are assisting in the investigation or conducting a related investigation. Any such information should be released through the Records Bureau to ensure proper documentation of the release (see the Records Maintenance and Release Policy).

Protected information, such as Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), should generally not be transmitted by radio, cellular telephone or any other type of wireless transmission to members in the field or in vehicles through any computer or electronic device, except in cases where there is an immediate need for the information to further an investigation or where circumstances reasonably indicate that the immediate safety of officers, other department members or the public is at risk.

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Nothing in this policy is intended to prohibit broadcasting warrant information.

812.6.1 REVIEW OF CRIMINAL OFFENDER RECORD
Individuals requesting to review their own California criminal history information shall be referred to the Department of Justice (Penal Code § 11121).

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).

812.7 SECURITY OF PROTECTED INFORMATION
The Chief of Police will select a member of the Department to oversee the security of protected information--that person will be the Information Systems Analyst who is designated as the security point of contact.

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.

812.7.1 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).

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Chapter 9 - Personnel

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Recruitment and Selection

900.1 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 Whittier Police Department and that are promulgated and maintained by the Department of Human Resources.

900.2 POLICY

In accordance with applicable federal, state, and local law, the Whittier Police Department provides equal opportunities for applicants and employees regardless of actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law. The Department does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law.

The Department will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

900.3 SELECTION PROCESS

The Department shall actively strive to identify a diverse group of candidates who have in some manner distinguished themselves as being outstanding prospects. Minimally, the Department should employ a comprehensive screening, background investigation, and selection process that assesses cognitive and physical abilities and includes review and verification of the following:

(a) A comprehensive application for employment (including previous employment, references, current and prior addresses, education, military record)

(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)

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(i) Medical and psychological examination (may only be given after a conditional offer of employment)

(j) Review board or selection committee assessment

900.3.1 VETERAN'S PREFERENCE
Qualifying veterans of the United States Armed Forces who receive a passing score on an entrance examination shall be ranked in the top rank of any resulting eligibility list. The veteran's preference shall also apply to a widow or widower of a veteran or a spouse of a 100 percent disabled veteran (Government Code § 18973.1).

900.4 BACKGROUND INVESTIGATION
Every candidate shall undergo a thorough background investigation to verify his/her personal integrity and high ethical standards, and to identify any past behavior that may be indicative of the candidate's unsuitability to perform duties relevant to the operation of the Whittier 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).

900.4.1 NOTICES
Background investigators shall ensure that investigations are conducted and notices provided in accordance with the requirements of the FCRA and the California Investigative Consumer Reporting Agencies Act (15 USC § 1681d; Civil Code § 1786.16).

900.4.2 STATE NOTICES
If information disclosed in a candidate's criminal offender record information (CORI) is the basis for an adverse employment decision, a copy of the CORI shall be provided to the applicant (Penal Code § 11105).

900.4.3 REVIEW OF SOCIAL MEDIA SITES
Due to the potential for accessing unsubstantiated, private, or protected information, the Administration Division Commander shall not require candidates to provide passwords, account information, or access to password-protected social media accounts (Labor Code § 980).

The Administration 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.

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Regardless of whether a third party is used, the Administration Division Commander should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

900.4.4 DOCUMENTING AND REPORTING
The background investigator shall summarize the results of the background investigation in a narrative report that includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment. The report shall 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).

900.4.5 RECORDS RETENTION
The background report and all supporting documentation shall be maintained for a minimum of two years and in accordance with the established records retention schedule (Government Code § 12946; 11 CCR 1953).

900.4.6 BACKGROUND INVESTIGATION UPDATE
A background investigation update may, at the discretion of the Chief of Police, be conducted in lieu of a complete new background investigation on a peace officer candidate who is reappointed within 180 days of voluntary separation from the Whittier Police Department, or who is an interim police chief meeting the requirements contained in 11 CCR 1953(f).

900.5 DISQUALIFICATION GUIDELINES
As a general rule, performance indicators and candidate information and records shall be evaluated by considering the candidate as a whole, and taking into consideration the following:

- Age at the time the behavior occurred
- Passage of time
- 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.

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900.6 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.

900.6.1 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

(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)).

900.6.2 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)

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(b) An oral communication assessment (11 CCR 1958)

(c) A medical evaluation (11 CCR 1960)

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Evaluation of Employees

902.1 PURPOSE AND SCOPE

The Department's employee performance evaluation system is designed to record work performance for both the Department and the employee, providing recognition for good work and developing a guide for improvement.

902.2 POLICY

The Whittier Police Department utilizes a performance evaluation report to measure performance and to use as a factor in making personnel decisions that relate to merit increases, promotion, reassignment, discipline, demotion, and termination. The evaluation report is intended to serve as a guide for work planning and review by the supervisor and employee. It gives supervisors a way to create an objective history of work performance based on job standards.

The Department evaluates employees in a non-discriminatory manner based upon job-related factors specific to the employee's position, without regard to actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law.

902.3 EVALUATION PROCESS

Evaluation reports will cover a specific period of time and should be based on documented and or observed 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 non-sworn 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.

902.3.1 RESERVE OFFICER EVALUATIONS
Reserve officer evaluations are covered under the Reserve Officers Policy.

902.4 FULL TIME PROBATIONARY PERSONNEL

Non-sworn personnel are on probation for 12 months before being eligible for certification as permanent employees. An evaluation is completed monthly for all full-time non-sworn personnel during the probationary period.

Sworn personnel are on probation for 12 months before being eligible for certification as permanent employees. Probationary employeesmay be evaluated daily, weekly and or monthly during the probationary period.

902.5 FULL-TIME PERMANENT STATUS PERSONNEL

Permanent employees are subject to three types of performance evaluations:

Regular - An Employee Performance Evaluation shall be completed once each year by the employee's immediate supervisor on the anniversary of the employee’s date of hire except for employees who have been promoted in which case an Employee Performance Evaluation shall be completed on the anniversary of the employee’s date of last promotion.

Transfer - If an employee is transferred from one assignment to another in the middle of an evaluation period and less than six months have transpired since the transfer, then an evaluation shall be completed by the current supervisor with input from the previous supervisor.

Special - A special evaluation may be completed any time the rater and the rater's supervisor feel one is necessary due to employee performance that is deemed less than standard. Generally, the special evaluation will be the tool used to demonstrate those areas of performance deemed less than standard when follow-up action is planned (action plan, remedial training, retraining, etc.). The evaluation form and the attached documentation shall be submitted as one package.

902.5.1 PERSONNEL RATINGS
When completing the Employee Performance Evaluation, the rater will place a check mark in the column that best describes the employee's performance. The definition of each rating category is as follows:

Sworn Rating Categories

Exceptional - Is actual performance well beyond that required for the position. It is exceptional performance, definitely superior or extraordinary.

Successful - Is the performance of a fully competent employee. It means satisfactory performance that meets the standards required of the position**.**

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Needs Improvement - Is a level of performance less than that expected of a fully competent employee and less than standards required of the position.

Space for written comments is provided at the end of the evaluation in the rater comments section. This section allows the rater to document the employee's strengths, weaknesses, and suggestions for improvement.

Non-Sworn Rating Categories

Outstanding - Total work performance is definitely superior and well above the standards of performance required for the position. Justification must be presented in writing to substantiate this evaluation.

Very Good - Total work performance is consistently above therequirement of the position. This is the performance which, while not outstanding, is always above that which is expected of the position.

Competent - The work performance is consistently up to or somewhat above the requirement for the position. This is the performance which is expected of a trained and qualified employee.

Improvement Needed - Total work performance is below the standards of performance required for the position. This evaluation indicates that serious effort is needed to improve performance.

Unsatisfactory - Total work performance is inadequate and definitely inferior to the standards of performance required for the position. Factual evidence must be presented in writing to substantiate this rating.

902.5.2 PERFORMANCE STANDARDS

Raters who are required to evaluate their personnel will do so on the Department approved evaluation form. The evaluation will consist of the following performance standards and will receivee the requisite rating for each category of Exceptional, Successful, or Needs Improvement. Comments should be documented in the Summary/Additional Information area.

The rater will select the appropriate rating) in the column that best describes the employee's performance. The general Patrol Performance Standard are as follows, however special assignments may have slightly different categories and expectations based on their duties:

Sworn Rating Categories

I. ENFORCEMENT/SERVICE DELIVERY

II. REPORTS/WRITTEN WORK

III. SAFETY

IV. TEAMWORK AND INTERNAL RELATIONS

V. PUBLIC RELATIONS, CUSTOMER SERVICE

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VI. WORK HABITS

VII. APPEARANCE AND GROOMING

VIII. EQUIPMENT USE AND MAINTENANCE

Non-Sworn Performance Standards

1. **Quantity**
2. **Quality**
3. **Work Habits**
4. **Personal Relations**
5. **Adaptability**
6. **Other**
7. **Supervisory Ability (Only for Supervisors)**

902.6 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.

902.6.1 DISCRIMINATORY HARASSMENT FORM

At the time of each employee's annual evaluation, the reviewing supervisor shall require the employee to read the City and Department harassment and discrimination policies. Following such policy review, the supervisor shall provide the employee a form to be completed and returned by the employee certifying the following:

(a) That the employee understands the harassment and discrimination policies.

(b) Whether any questions the employee has have been sufficiently addressed.

(c) That the employee knows how and where to report harassment policy violations.

(d) Whether the employee has been the subject of, or witness to, any conduct that violates the discrimination or harassment policy which has not been previously reported.

The completed form should be returned to the supervisor (or other authorized individual if the employee is uncomfortable returning the form to the presenting supervisor) within one week.

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The employee's completed answers shall be attached to the evaluation. If the employee has expressed any questions or concerns, the receiving supervisor or other authorized individual shall insure that appropriate follow up action is taken.

902.7 EVALUATION REVIEW

After the supervisor finishes the discussion with the employee, the signed performance evaluation is forwarded to the rater's supervisor (Division Commander). The Division Commander shall review the evaluation for fairness, impartiality, uniformity, and consistency. The Division Commander shall evaluate the supervisor on the quality of ratings given.

902.7 EVALUATION DISTRIBUTION

The original performance evaluation shall be maintained in the employee's personnel file in the office of the Chief of Police for the tenure of the employee's employment. A copy will be given to the employee and a copy will be forwarded to City Department of Human Resources.

902.8 EVALUATION OF PART TIME EMPLOYEE'S

Evaluations shall be completed in narrative form. The employee's supervisor may evaluate the employee's performance at any time. However, at a minimum, the employee will receive one evaluation every twelve months (determined by date of hire). The number of hours worked by the employee during the evaluation period has no bearing on the timing of said evaluation.

902.8.1 TRACKING

A list of part time employees, along with their date of hire, shall be held in the office of the Chief of Police. The Chief's secretary, or another designated employee, shall issue a list of the names and performance review dates one month prior to the due date of the evaluation. The list shall be disseminated to division commanders for appropriate distribution.

902.8.2 PAY INCREASES

When the supervisor demonstrates, through the written evaluation process, that the part time employee's performance is above average or higher, then the supervisor may recommend, with the Division Commander's approval, an increase of up to 5%, within the employee's designated pay range. With the concurrence of the Division Commander and the Chief of Police, an increase of greater than 5% may be granted for exceptional performance.

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Promotional and Transfer Policy

904.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for promotions and for making special assignments within the Whittier Police Department.

904.2 ROTATIONAL POLICY

It is the philosophy of the Department that the rotation of employees among "specialized" positions is important for the development of personnel and for ensuring the long-term delivery of quality service to the communities that we serve. Specialized positions are those positions not assigned to a uniform patrol team whose primary responsibilities include responding to calls for service.

As a general guideline, employees should be rotated to a uniform patrol assignment after serving five continuous years in any assignment, or combination of assignments, away from uniform patrol. A tentative out date should be included in all transfer orders. Before a candidate is eligible for any special assignment they must have had at least one full-year in patrol at the time the application is due. Applications received for a special assignment before the minimum one-year in patrol will not be considered unless waived by the Chief.

Special attention will be paid to specific detective bureau case loads and motor positions that require extended experience and/or training to be effective in the performance of their duties. These positions include the Homicide Desk, Robbery Desk, Fraud Desk, Sex Crime Desk, and motor positions in Whittier/Santa Fe Springs and Santa Fe Springs.

The Division Commander with concurrence from the Chief of Police will have the discretion to extend the time a detective/motor may work in these special assignments. The extension(s) may be assigned in one year increments up to a maximum of eight years of total service in a specialty assignment.

Decisions regarding the selection and rotation of personnel should consider the following:

(a) First and foremost, the delivery of quality service by our Department.

(b) The length of time an employee has been in a specialized assignment.

(c) The length of time an employee has been out of uniform patrol.

(d) The provision of career development opportunities for employees who have demonstrated through their performance an interest and a commitment to assuming a particular assignment.

904.3 PROMOTIONAL REQUIREMENTS

Requirements and information regarding any promotional process are available at the Whittier/ Santa Fe Springs Department of Human Resources.

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904.4 POLICY

The Whittier Police Department determines assignments and promotions in a non-discriminatory manner based upon job-related factors and candidate skills and qualifications. Assignments and promotions are made by the Chief of Police.

904.5 SPECIAL ASSIGNMENT POSITIONS

The following positions are considered special assignments and not promotions:

(a) Detective

(b) Motor officer

(c) Bicycle Patrol officer

(d) Canine Handler

(e) Collision Investigator

(f) Field Training Officer

(g) Community Relations/Training Officer

(h) School Resource officer

(i) MET Officer

(j) Special Enforcement Team Officer

(k) Community Impact Team Officer

(l) Whitwood Mall Officer

(m) P.O.P. Team

904.5.1 GENERAL REQUIREMENTS

The following requirements should be considered when selecting a candidate for a special assignment:

(a) Three years of relevant experience at time of application unless otherwise waived by the Chief of Police

(b) Off probation

(c) Has shown an expressed interest in the position applied for

(d) Education, training and demonstrated abilities in related areas; such as enforcement activities, investigative techniques, report writing, public relations etc.

(e) Possession of or ability to obtain any certification required by POST or law

(f) Exceptional skills, experience, or abilities related to the special assignment

(g) Review of personnel file including performance evaluations for the last three years

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904.5.2 EVALUATION CRITERIA

The following criteria will be used in evaluating candidates for a special assignment:

(a) Presents a professional, neat appearance.

(b) Maintains a physical condition that aids in his/her performance.

(c) Expressed an interest in the assignment.

(d) Demonstrates the following traits:

1. Emotional stability and maturity
2. Stress tolerance
3. Sound judgment and decision-making
4. Personal integrity and ethical conduct
5. Leadership skills
6. Initiative
7. Adaptability and flexibility
8. Ability to conform to department goals and objectives in a positive manner

904.5.3 SELECTION PROCESS

The selection process for special assignments will include an administrative evaluation as determined by the Chief of Police to include:

(a) An oral interview by a panel of internal personnel approved by the Division Commander

(b) The Division Commander will schedule interviews with each candidate.

1. Based on panel recommendations and those of the Division Commander after the interview, the Division Commander will submit his/her recommendations to the Chief of Police.

(c) Assignment by the Chief of Police.

The selection process for all special assignment positions may be waived for temporary assignments, emergency situations, training, and at the discretion of the Chief of Police.

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Reporting of Employee Convictions

910.1 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.

910.2 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.

910.3 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.

910.4 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

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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.

910.5 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.

910.5.1 NOTIFICATION REQUIREMENTS

The Administration Supervisor shall submit within 30 days of final disposition a notice to the Commission on Peace Officer Standards and Training (POST) of a felony conviction or Government Code § 1029 reason that disqualifies any current peace officer employed by this department or any former peace officer if this department was responsible for the investigation (11 CCR 1003).

The Administration Supervisor shall submit within 30 days a notice to POST of any appointment, termination, reinstatement, name change, or status change regarding any peace officer, reserve peace officer, public safety dispatcher, and records supervisor employed by this department (11 CCR 1003).

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Drug- and Alcohol-Free Workplace

912.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace.

912.2 POLICY

It is the policy of this department to provide a drug- and alcohol-free workplace for all members.

912.3 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).

The consumption of alcohol or other intoxicants is prohibited by on-duty personnel except as necessary in the performance of an official special assignment. Employees who have consumed an amount of an alcoholic beverage or taken any drugs that would tend to adversely affect their senses or judgment shall not report for duty.

912.3.1 USE OF MEDICATIONS

Members should avoid taking any medications that will impair their ability to safely and competently perform their job 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 could interfere with the employee's safe and efficient performance of his/her duties , without a written release from his/her physician.

912.3.2 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.

912.4 MEMBER RESPONSIBILITIES

Members shall not report for work while their ability to perform their job duties is imparied due to alcohol or drug use. Members are prohibited from purchasing, manufacturing, distributing, dispensing, possessing or using alcohol or controlled substances 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 alcohol or drug 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).

912.5 EMPLOYEE ASSISTANCE PROGRAM

Members who think they may have an alcohol or drug use problem are encouraged to seek confidential assistance through the Employee Assistance Program. Existing medical insurance plans may provide treatment for alcohol and/or drug abuse. Members may contact the Human Resources Department, their insurance provider, or the Employee Assistance Program for additional information.

The Department is committed to providing reasonable accommodations, which might include rehabilitation for those employees whose alcohol or drug problem classifies them as disabled under federal and/or state law. Persons whose use of alcohol or drugs prohibits them from performing the duties of their position, or whose use constitutes a direct threat to health or safety of self or others, will not be accommodated.

912.6 REQUESTING SCREENING TESTS

The Department may request an employee to submit a blood test, urinalysis or other alcohol and/or drug screening test if the Department:

A. Reasonably suspects, based upon the following objective factors, that the employee is under the influence of alcohol or drugs that are impairing the employee's ability to perform duties safely and efficiently.If the supervisor reasonably suspects, based on objective facts, that an employee is under the influence of alcohol or drugs that are impairing the employee's ability to perform duties safely and efficiently, the supervisor shall prevent the employee from continuing to work and shall arrange for the employee to be transported to a safe location for an alcohol and/or drug screening test.

“Reasonable suspicion” is based on objective factors which would lead a reasonable person to believe that the employee is under the influence of drugs or alcohol so that the employee’s ability to perform the functions of the job is impaired or the ability to perform the job safely is reduced.

Examples of indicators which can form a reasonable suspicion that an employee is under the influence of alcohol or drugs, include but are not limited to, direct observation of one or any combination of the following; the below list is not all inclusive, nor are the symptoms absolute signs of substance abuse:

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1. Slurred speech;
2. Odor of Alcohol;
3. Unsteady walking or movement;Glassy or bloodshot eyes;
4. Behavior that is highly unusual or uncharacteristic for the particular employee;
5. Possession of alcohol, drugs, or drug paraphernalia in the workplace;
6. Involved in a motor vehicle collision with a City vehicle which causes bodily injury to third parties or the employee and the employee's actions cannot be immediately ruled out as contributing to the accident
7. Sleeping on the job;
8. Difficulty performing simple tasks such as counting, touching nose, etc;

B. Informs the employee of the specific facts supporting its reasonable suspicion and prepares a written record of those facts, and:

1. Informs the employee in writing whether the test will be for alcohol or drugs or both.
2. Informs the employee that he/she may refuse the screening test but that refusal may result in dismissal or other disciplinary action.

912.7 SCREENING TESTS

A. If the alcohol and/or drug screening test is negative, the employee will be returned to work.

B. If an initial screening test indicates the presence of alcohol and/or drugs, an appropriate confirmation test will be conducted, including split sample testing of any blood or urine collected from the employee for the alcohol and/or drug screening test.

C. Employees who are confirmed positive for the presence of controlled substance(s) must provide verification within 72 hours after being requested to do so by the employee’s appointing authority that the employee took the controlled substance as directed, pursuant to a current and lawful prescription issued in the employee’s name.

912.8 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).

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912.9 CONFIDENTIALITY

The Department recognizes the confidentiality and privacy due to employees. Any information about an employee's use of prescription or non-prescription medication, the results of any alcohol and/or drug testing, and/or an employee's past or present participation in rehabilitation or treatment for substance abuse shall be considered confidential personnel information. Disclosure of any such information, except on a need-to-know basis, shall only be with the express written consent of the employee involved or pursuant to lawful process. The written results of any screening test may be provided to the employee but will remain confidential and separate from the employee's other personnel files.

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Sick Leave

915.1 PURPOSE AND SCOPE

This policy provides general guidance regarding the use and processing of sick leave. The accrual and terms of use of sick leave for eligible employees are detailed in the City personnel manual or applicable collective bargaining agreement.

This policy is not intended to cover all types of sick or other leaves. For example, employees may be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (FMLA) (29 USC § 2601 et seq.) and the California Family Rights Act, and leave related to domestic violence, sexual assault, stalking or for organ or bone marrow donor procedures (29 CFR 825; Government Code § 12945.2; Labor Code § 230.1; Labor Code § 1510).

915.2 POLICY

It is the policy of the Whittier Police Department to provide eligible employees with a sick leave benefit.

915.2.1 NOTIFICATION

Employees shall telephonically notify the Watch Commander as soon as they are aware that they will not be able to report to work when working a position (Whittier/SFS Patrol, Patrol OT, SRO, Dispatch, etc) that requires it be backfilled. At a minimum, employees shall make such telephonic notification no less than one hour before the start of their scheduled shift. If an employee is unable to contact the watch commander in the case of an emergency, the employee shall notify Dispatch telephonically--written forms such as text or email do not qualify. This protocol only applies to those assignments which may require it be backfilled immediately (i.e. Whittier/SFS Patrol, Whittier/SFS Patrol OT, Dispatchers, SRO, etc). Employees in special assignments (i.e. Narcotics, SET, Traffic, Administration, Investigations, etc), who are not filling a backfill position (Patrol Augment, Patrol OT, Draft, etc) in Patrol, will continue to notify their immediate supervisor.

When the necessity for leave is foreseeable, such as an expected birth or planned medical treatment, the employee shall, whenever possible, provide the Department with no less than 30-days notice of the intent to take leave (Labor Code §246).

915.3 USE OF SICK LEAVE

Sick leave may be used for absences caused by illness, injury, diagnosis, care or treatment for existing health conditions, temporary disability (including pregnancy/maternity), or for medical, dental or vision exams or medical treatment of the employee or the employee's immediate family when it is not possible to schedule such appointments during non-working hours.

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.

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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.

915.4 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.

915.5 ATTENDANCE CALENDAR

In addition to the notification requirements by employees the supervisor will be required to do the following:

(a) Supervisors shall use the "Attendance Calendar" to chart employee attendance and absences at the end of each evaluation period.

(b) Supervisors shall use the Attendance Calendar as a management tool to help them identify exemplary attendance and/or patterns of excessive use or abuse of sick leave.

(c) The Attendance Calendar shall be attached to the employee's evaluation.

(d) If a supervisor recognizes a pattern of absences, i.e., absences in conjunction with days off, one day a month absences, absences in conjunction with holidays, etc., the supervisor shall counsel the employee and document such counseling in the employee's evaluation.

(e) In evaluating sick leave use, the supervisor will consider circumstances for absences in conjunction with total hours used, number of occurrences, and/or days off.

915.5.1 EXEMPLARY ATTENDANCE

Exemplary attendance shall be defined as no use of sick leave and no times tardy in a 12 month period (personal necessity time excluded).

(a) Supervisors shall document exemplary attendance in the employee's performance evaluation.

(b) Supervisors are encouraged to acknowledge attendance that, while not exemplary, is above the shift average. Acknowledgement shall be made in the employee's performance evaluation.

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915.5.2 EXCESSIVE ABSENTEEISM-DISCIPLINARY ACTION

(a) Abuse or excessive use of sick leave, including but not limited to unauthorized absence, a pattern of absences on specific days of the week or failure to provide medical verification, may be cause for disciplinary action up to and including termination.

(b) If the employee does not show improvement, the employee shall be required to furnish a medical certificate for each such subsequent absence of one day or more.

(c) Abuse of sick leave or excessive use of sick leave shall lead to discipline up to and including termination.

915.6 REQUIRED NOTICES

The Personnel Director 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.

915.7 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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Shift Trades

916.1 PURPOSE AND SCOPE

To establish a uniform and consistent policy to govern the exchange of work hours between employees for a temporary period of time.

916.1.1 GENERAL

There are times when an employee desires time off or relief from work and when, due to staffing requirements, supervisors are not able to approve these requests. Trade requests for overtime or para-police assignments will follow the same protocol as that of shift trade requests. On these occasions, it is often possible for an employee to arrange a "shift trade" with another employee for a temporary and limited period of time. This allows the employee the time off that they desire, and allows the department to retain the integrity of staffing standards. "Shift trades" are specifically discouraged when employees have sufficient leave time, and staffing standards for the department will not be compromised. This policy will establish procedures to be followed when a "shift," "overtime" or "para-police" trade is desired.

(a) The initiation of shift, overtime or para-police trades are the responsibility of the employees involved in the exchange of working hours.

(b) All "shift trades" must take place, and be repaid within two consecutive work weeks (Saturday of the first week, through Friday of the second week). The two weeks may occur in different payroll periods.

(c) Employees who are entitled to shift differential are advised that no changes will be made in compensation for shift trades sought by the employees involved, and mutually agreed upon. Example: A dispatcher working AM shift (receiving shift differential) who trades a shift with a dispatcher working day shift (not receiving shift differential), would both be compensated at their same current rates. The AM watch dispatcher would not receive a lesser rate for the day shift worked, nor would the day watch dispatcher receive shift differential pay for the AM shift that they worked.

(d) Requests for shift, overtime or para-police trades shall be submitted in memorandum form to the employee's supervisor(s) for approval. The memorandum shall include the specific dates and times to be exchanged, indicate the agreement of both employees involved, and are signed by the employees requesting the trade. When a request for a shift trade involves employees being compensated at different rates of pay due to "shift differential pay," there will be no changes in their individual hourly compensation as the exchange is being accommodated as the result of requested shift trade. Requests for shift, overtime or para-police trades should be submitted in a timely manner to ensure adequate review by the supervisor(s).

(e) Supervisors completing the daily time sheet will ensure that it accurately reflects the hours worked by each employee. When "shift trades" occur, they will be shown on the time sheet consistent with proper reporting practices.

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(f) The timekeeper is to receive a copy of the memorandum requesting and approving any "shift trade."

(g) The supervisor(s) reviewing (and approving) a requested shift trade is responsible for ensuring that the above provisions are complied with.

(h) The supervisor(s) reviewing (and approving) a requested overtime or para-police trade is responsible for ensuring the trade is properly recorded and that copies of the trade requests are placed in each officer's divisional file.

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Communicable Diseases

917.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of department members contracting and/or spreading communicable diseases.

917.1.1 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 Whittier Police Department. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred.)

917.2 POLICY

The Whittier 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.

917.3 EXPOSURE CONTROL OFFICER

The Chief of Police will assign a the Professional Standards Sergeant as the Exposure Control Officer (ECO). The ECO shall develop an exposure control plan that includes:

(a) Exposure-prevention and decontamination procedures.

(b) Procedures for when and how to obtain medical attention in the event of an exposure or suspected exposure.

(c) The provision that department members will have no-cost access to the appropriate personal protective equipment (PPE) (e.g., gloves, face masks, eye protection, pocket masks) for each member's position and risk of exposure.

(d) Evaluation of persons in custody for any exposure risk and measures to separate them (15 CCR 1051; 15 CCR 1207).

(e) Compliance with all relevant laws or regulations related to communicable diseases, including:

1. Responding to requests and notifications regarding exposures covered under the Ryan White law (42 USC § 300ff-133; 42 USC § 300ff-136).

2. Bloodborne pathogen mandates including (8 CCR 5193):

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(a) Sharps injury log.

(b) Needleless systems and sharps injury protection.

3. Airborne transmissible disease mandates including (8 CCR 5199):

(a) Engineering and work practice controls related to airborne transmissible diseases.

(b) Distribution of appropriate personal protective equipment to minimize exposure to airborne disease.

4. Promptly notifying the county health officer regarding member exposures (Penal Code § 7510).

5. Establishing procedures to ensure that members request exposure notification from health facilities when transporting a person that may have a communicable disease and that the member is notified of any exposure as required by Health and Safety Code § 1797.188.

6. Informing members of the provisions of Health and Safety Code § 1797.188 (exposure to communicable diseases and notification).

(f) Provisions for acting as the designated officer liaison with health care facilities regarding communicable disease or condition exposure notification. The designated officer should coordinate with other department members to fulfill the role when not available. The designated officer shall ensure that the name, title and telephone number of the designated officer is posted on the Department website (Health and Safety Code § 1797.188).

The ECO should also act as the liaison with the Division of Occupational Safety and Health (Cal/OSHA) and may request voluntary compliance inspections. The ECO shall annually review and update the exposure control plan and review implementation of the plan (8 CCR 5193).

917.4 EXPOSURE PREVENTION AND MITIGATION

917.4.1 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.

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(e) Using an appropriate barrier device when providing CPR.

(f) Using a face mask or shield if it is reasonable to anticipate an exposure to an airborne transmissible disease.

(g) Decontaminating non-disposable equipment (e.g., flashlight, control devices, clothing and portable radio) as soon as possible if the equipment is a potential source of exposure.

1. Clothing that has been contaminated by blood or other potentially infectious materials shall be removed immediately or as soon as feasible and stored/ decontaminated appropriately.

(h) Handling all sharps and items that cut or puncture (e.g., needles, broken glass, razors, knives) cautiously and using puncture-resistant containers for their storage and/or transportation.

(i) Avoiding eating, drinking, smoking, applying cosmetics or lip balm, or handling contact lenses where there is a reasonable likelihood of exposure.

(j) Disposing of biohazardous waste appropriately or labeling biohazardous material properly when it is stored. Red waste recepticles are located in the jail and are marked.

917.4.2 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).

917.5 POST EXPOSURE

917.5.1 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) For contaminated clothing such as uniforms and undergarments, they shall be removed as soon asfeasible and rinsed in cold water to prevent the setting of bloodstains. If the clothing may be washed in soap and hot water, do so as soon as possible. If the clothing cannot be reasonably cleaned provide a memo to the supervisor following the protocol for replacement requrest of duty clothing or equipment.

(c) For contaminated leather such as boots or belt, they shall be brushed and scrubbed with detergent and hot water. If the contaminant soaked through the leather, it will be discarded. In this case provide a memo to the supervisor following the protocol for replacement request for duty equipment.

(d) For contaminated vehicles and components such as seats, radios, and doors, they shall be washed with soap and warm water and disinfected with an approved germicide as soon as feasible or when practical contact the listed vendor in the watch commander's office to perform the decontamination. Ensure all receipts are forwarded to the Administration Division.

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(e) Obtain medical attention as appropriate.

(f) Notify a supervisor as soon as practicable.

917.5.2 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) in a threshold memo:

(a) Date and time of the incident

    (a) Name of member exposed

    (b) Location of the incident

    (c) Potentially infectious materials involved and the source of exposure (e.g., identification of the person who may have been the source)

    (d) Work being done during exposure

    (e) How the incident occurred or was caused

    (f) PPE in use at the time of the incident

    (g) Actions taken post-event (e.g., clean-up, notifications)

(b) City of Whittier Employee Bloodborne Pathogen Exposure Report

(c) City of Whittier Report of Accident Form.

(d) AdminSure Form.

(e) Workers Compensation Form DWC.

(f) State Form CDPH 8479 (Potential HIV Exposure).

The supervisor shall advise the member that disclosing the identity and/or infectious status of a source to the public or to anyone who is not involved in the follow-up process is prohibited. The supervisor should complete the incident documentation in conjunction with other reporting requirements that may apply (see the On Duty Injuries Policy).

917.5.3 MEDICAL CONSULTATION, EVALUATION AND TREATMENT

Department members shall have the opportunity to have a confidential medical evaluation immediately after an exposure and follow-up evaluations as necessary (8 CCR 5193).

The ECO should request a written opinion/evaluation from the treating medical professional that contains only the following information:

(a) Whether the member has been informed of the results of the evaluation.

(b) Whether the member has been notified of any medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation or treatment.

No other information should be requested or accepted by the ECO.

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917.5.4 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).

917.5.5 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.

1. If the subject consents to having their blood drawn you will have medical staff and the subject complete the "Voluntary Informed Consent" for (2 page form)

(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.

1. If the subject refuses, have medical staff and the subject complete the "Refusal to Consent" form If the subject refuses to sign, simply write "REFUSAL" in the area identified as the "Refusal to Consent to Draw and Test Blood." These instances will be similar to those procedures followed where the department has to "Force" blood (passive resistance). These encounters will be audio and video taped with a Department camera.

(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).

1. In certain instances where the subject is refusing to provide a sample, we will be required to obtain a declaration from a medical doctor that a "true exposure" occurred.

2. The attending physician will have to complete a declaration that we will submit to the court along with the officer's declaration.

3. For further assistance, refer to the example templates found in the watch commander's office for BBP exposure.

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Since there is the potential for overlap between the different manners in which source testing may occur, the ECO or supervisor is responsible for coordinating the testing to prevent unnecessary or duplicate testing.

917.5.6 EXPOSURE FROM A NON ARRESTEE

Upon notification of an employee's exposure to a person who was not arrested, the immediate supervisor in conjunction with the Professional Standards Bureau Supervisor 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 including those outlined above:

(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 immediate supervisor or Professional Standards Sergeant should document the consent on the appropriate consent form.

(c) The results of the tests should be made available to the source and the exposed employee.

If consent is not obtained, the immediate supervisor should follow the steps outlined above under "Source Testing" to obtain a forced sample.

917.5.7 EXPOSURE FROM AN ARRESTEE

Upon notification of an exposure to an employee by a person who was arrested, the immediate supervisor or Professional Standards Supervisor should take the following steps:

(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 employee's 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.

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(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 professional standards supervisor is responsible for coordinating the testing with the County Health Officer to prevent unnecessary or duplicate testing.

In the rare event that the exposed employee is not covered by either statutory scheme, the immediate supervisor or professional standards supervisor should seek consent or a court order in the same manner as for a non-arrestee.

917.6 CONFIDENTIALITY OF REPORTS

Most of the information involved in this process must remain confidential. The Professional Standards Supervisor shall insure that all records and reports are kept in the strictest confidence.

The Professional Standards Supervisor shall be responsible for maintaining records containing the employee's treatment status and the results of examinations, medical testing and follow-up procedures.

The Professional Standards Supervisor shall be responsible for maintaining the name and social security number of the employee and copies of any information provided to the consulting health care professional.

This information is confidential and shall not be disclosed to anyone without the employee's written consent (except as required by law). Test results from persons who may have been the source of an exposure are to be kept confidential as well.

917.7 TRAINING

All members shall participate in training regarding communicable diseases commensurate with the requirements of their position. The training (8 CCR 5193):

(a) Shall be provided at the time of initial assignment to tasks where an occupational exposure may take place and at least annually after the initial training.

(b) Shall be provided whenever the member is assigned new tasks or procedures affecting his/her potential exposure to communicable disease.

(c) Should provide guidance on what constitutes an exposure, what steps can be taken to avoid an exposure and what steps should be taken if a suspected exposure occurs.

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Smoking and Tobacco Use

919.1 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 Whittier 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.

919.2 POLICY

The Whittier 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).

919.3 SMOKING AND TOBACCO USE

Smoking and tobacco use by members is prohibited anytime members are in public view representing the Whittier 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.

919.4 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.).

919.4.1 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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Parking Regulations in Civic Center Complex

920.1 PURPOSE AND SCOPE

The unavailability of sufficient parking in the Civic Center Complex has created problems for City Employees. The Police Department, with the largest employee count and it's around-the-clock operations, has suffered the most.

In an effort to accommodate our parking requirements and balance them with the needs of the other Civic Center employees, the Building and Safety Department Superintendent has been assigned the responsibility of assignment of those parking spaces available, except as otherwise noted in this order.

The parking areas in the Civic Center have been appropriately posted and restrictions and limitations designated by these signs shall be followed.

All personnel shall adhere to the parking restrictions outlined for the Civic Center parking areas and those placed on the streets surrounding the Police Department. Failure to do so may result in the issuance of a citation, disciplinary action, or both.

920.2 POLICE DEPARTMENT PARKING LOT

(a) Parking of Police Vehicles

1. When parking Police vehicles in the Police Parking lot, personnel, shall park them in those spaces designated for "Police Cars Only". The front wheels shall be adjacent to the curb and within those designated parking stalls. Police vehicles parked in the center stalls shall be parked wholly within the particular stall.
2. Marked Police vehicles should avoid parking against the south wall of the parking lot to allow room for the parking of unmarked vehicles. If necessary, due to space restrictions, when marked Police units must use the south wall they shall not be backed against the wall.
3. All vehicles parking under the carport should be parked according to the appropriately posted sign. Stalls marked for "booking" should only be used for those officers "booking" prisoners.
4. The Chief of Police, the Division Commanders, and the Services Director parking spots are marked accordingly along the Northeast portion of the Sallyport. They are to be kept clear for these vehicles at all times.
5. The northwest portion of the carport shall be utilized for the parking of police motorcycles.

(b) Parking of Other Law Enforcement Agency Vehicles

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1. Officials or representatives of other law enforcement agencies shall be allowed to park in any stalls designated for "Police Cars Only" while they are conducting official business at the Police Department.

(c) Parking of Vehicles of the Telephone Company, Radio Repair Company, and like agencies.

1. Usually, vehicles of the Telephone Co., Radio Repair Co., and like agencies shall be allowed to park in the spaces marked for "Police Cars Only when conducting business at the station.

(d) Parking of Privately-owned vehicles of Departmental Personnel

1. Privately-owned vehicles are permitted to park in the Police Parking lot only for brief periods of time. The intent is to permit sufficient time to pick up paychecks or attend to other personal business by our personnel.

2. Privately owned motorcycles shall park only to the rear of City Hall in designated areas.

920.3 OTHER CIVIC CENTER PARKING AREAS

(a) City Parking Lots

1. The parking of vehicles in these areas is by permit only. Such permits are issued to each employee upon beginning of employment and spaces are "first come basis".

2. This "no parking" (without permit) applies to that period between 0700 and 1700 hours on Mondays through Fridays, except holidays.

3. No Department employees are to park in the stalls immediately west of the Evidence Storage Facility which are used by various City officials, including the City Council.

4. Parking for the purpose of appearing in Court by Officers of other agencies shall not be permitted in these areas.

(b) Parking Permit Restrictions

1. Police Department employees working Monday through Friday between the hours of 0700 and 1700 are to park in the secured lot to the rear of City Hall. If there are no spaces available, employees are to find legal street parking, this includes not parking on the south side of Penn Street in the two-hour parking area; these spaces are for public parking to conduct business. Employees are not to park along Civic Center drive behind City Hall, any of the assigned City Hall parking between the police patrol lot and the employee secure lot, the secure lot

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east of the old station and the library. Employees who lose their parking permits will be charged a $2.00 replacement fee.

2. Parking permits must be hung on the vehicle's rear view mirror and be visible from the outside of the vehicle.

3. Employees are not to use the "Carpool Only" spaces unless they have a carpool permit.

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Personnel Complaints

921.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the Whittier 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.

921.2 POLICY

The Whittier 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.

921.3 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.

921.3.1 COMPLAINT CLASSIFICATIONS

Personnel complaints shall be classified in one of the following categories:

Informal - A matter in which the Watch Commander is satisfied that appropriate action has been taken by a supervisor of rank greater than the accused member. Informal complaints need not be documented on a personnel complaint form and the responsible supervisor shall have the discretion to handle the complaint in any manner consistent with this policy.

Formal - A matter in which a supervisor determines that further action is warranted. Such complaints may be investigated by a supervisor of rank greater than the accused member or referred to the Professional Standards Bureau, depending on the seriousness and complexity of the investigation.

Incomplete - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the assigned supervisor or

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the Professional Standards Bureau, such matters may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

Service Review – A procedural review into an objection or request for clarification of Department policy or procedure.

Mitigated Complaint – A complaint wherein the parties agree to resolve the matter to their mutual satisfaction. This classification should only be used for minor matters that would not generally result in discipline. Mitgated complaints that are resolved will not be considered a citizen's complaint.

DISPOSITION OF SERVICE REVIEWS

The Chief of Police shall determine the classification of service reviews using the following classifications:

PROCEDURE APPROPRIATE: The policy or procedure was found to be appropriate and not in need of revision.

REVISION REQUESTED: The policy or procedure has been referred to the appropriate Division Commander for review, clarification, or possible revision.

921.3.2 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.

921.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

921.4.1 COMPLAINT FORMS

Personnel complaint forms will be maintained in the Records area of the police facility, which is near the customer service windows of the lobby and be accessible through the department website. Forms will be provided to anyone who asks.

Personnel complaint forms in languages other than English may also be provided, as determined necessary or practicable.

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921.4.2 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.The following should be considered before taking a complaint:

(a) Complaints shall not be prepared unless the alleged misconduct or job performance is of a nature which, if true, would normally result in disciplinary action.

(b) When an uninvolved supervisor or the Watch Commander determines that the reporting person is satisfied that their complaint required nothing more than an explanation regarding the proper/improper implementation of department policy or procedure, a complaint need not be taken.

(c) When the complainant is intoxicated to the point where his/her credibility appears to be unreliable, identifying information should be obtained and the person should be provided with a Personnel Compliant form.

(d) Depending on the urgency and seriousness of the allegations involved, complaints from juveniles should generally be taken only with their parents or guardians present and after the parents or guardians have been informed of the circumstances prompting the complaint.

If requested, 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).

921.4.3 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).

921.5 DOCUMENTATION

When a Personnel Complaint form is completed in person, the complainant should legibly write a detailed narrative of his/her complaint.If circumstances indicate that this is not feasible, the complaint may be dictated to the receiving supervisor.In an effort to ensure accuracy in any complaint, it is recommended that a recorded statement be obtained from the reporting party.A refusal by a party to be recorded shall not alone be grounds to refuse to accept a complaint.Whether handwritten or dictated, the complainant's signature should be obtained at the conclusion of the statement.The complaintant shall be provided with a copy of his/her own original complaint per Penal Code § 832.7.

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921.6 ADMINISTRATIVE INVESTIGATIONS

Allegations of misconduct will be administratively investigated as follows.

921.6.1 ADMINISTRATIVE INVESTIGATION PROCEDURES

Whether conducted by a supervisor or a member of the Professional Standards Bureau, the following applies to members covered by the Public Safety Officers Procedural Bill of Rights Act (POBR) (Government Code § 3303):

(a) Interviews of an accused member shall be conducted during reasonable hours and preferably when the member is on-duty. If the member is off-duty, he/she shall be compensated.

(b) Unless waived by the member, interviews of an accused member shall be at the Whittier 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.

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

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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).

921.6.2 ADMINISTRATIVE INVESTIGATION FORMAT

Formal investigations of personnel complaints shall be thorough, complete and essentially follow this format:

COMPLAINT: A summary of the complaint and the specific issues identified as to possible violations of rules or regulations.

INVESTIGATIONS/FINDINGS: The main body of the report which consists of a chronological summary of the investigation including all pertinent information developed during the interviews. This section shall also include any written statements and an analysis of the evidence.

CONCLUSION: The results of the investigation as to each allegation including the opinions and conclusions of the investigator. The findings for each allegation and the justification for the finding shall be included in this section. The investigator shall include a recommendation regarding the final disposition.

ATTACHMENTS - A separate list of exhibits (e.g., recordings, photos, documents) should be attached to the report.

921.6.3 DISPOSITIONS

Each personnel complaint shall be classified with one of the following dispositions:

Unfounded - When the investigation discloses that the alleged acts did not occur or did not involve department members. Complaints that are determined to be frivolous will fall within the classification of unfounded (Penal Code § 832.8).

Exonerated - When the investigation discloses that the alleged act occurred but that the act was justified, lawful and/or proper.

Not sustained - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the member.

Sustained - A final determination by an investigating agency, commission, board, hearing officer, or arbitrator, as applicable, following an investigation and opportunity for an administrative appeal

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pursuant to Government Code § 3304 and Government Code § 3304.5 that the actions of an officer were found to violate law or department policy (Penal Code § 832.8).

No Finding – The complainant failed to disclose information necessary to further the investigation, or wishes to withdraw the complaint.

Not Resolved –The disposition assigned to a complaint when there is **not** sufficient evidence either to prove or disprove the allegation.

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.

921.6.4 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.

Within 30 days of the final review by the Chief of Police, written notice of the findings shall be sent to the complaining party.This notice shall indicate the findings, however, will not disclose the amount of discipline, if any imposed.The complaining party should also be provided with a copy of his/her own original complain (Penal Code 827.7(e)).

Any complaining party who is not satisfied with the findings of the Department concerning their complaint may contact the Chief of Police to discuss the matter further.

921.6.5 NOTICE TO COMPLAINANT OF INVESTIGATION STATUS

The member conducting the investigation should provide the complainant with periodic updates on the status of the investigation, as appropriate.

921.7 ADMINISTRATIVE SEARCHES

An employee of this department may be administratively ordered to submit to a blood, breath, or urine test for alcohol and drugs under any of the following circumstances:

- When the employee, whether on or off–duty, is involved in a shooting or police related death.
- When the employee is involved in an injury or fatal accident while on duty.
- When the employee is involved in an injury or fatal accident while operating any city–owned vehicle whether on or off–duty.
- When the empmloyee is found to be exhibiting objective symptoms of intoxication or drug influence while on duty.

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The use of compelled testing results shall be restricted to the administrative investigation.

Any employee may be compelled to disclose personal financial information pursuant to proper legal process; if such information tends to indicate a conflict of interest with official duties, or, if the employee is assigned to or being considered for a special assignment with a potential for bribes (Government Code § 3308).

Employees shall have no expectation of privacy when using telephones, computers, radios or other communications provided by the Department.

Assigned lockers and storage spaces may only be administratively searched in the employee's presence, with the employee's consent, with a valid search warrant or where the employee has been given reasonable notice that the search will take place (Government Code § 3309).

All other departmentally assigned areas (e.g., desks, office space, assigned vehicles) may be administratively searched by a supervisor, in the presence of an uninvolved witness, for non-investigative purposes. (e.g., obtaining a needed report or radio). An investigative search of such areas shall only be conducted upon a reasonable suspicion that official misconduct is involved.

921.7.1 DISCLOSURE OF FINANCIAL INFORMATION

An employee may be compelled to disclose personal financial information under the following circumstances (Government Code § 3308):

(a) Pursuant to a state law or proper legal process

(b) Information exists that tends to indicate a conflict of interest with official duties

(c) If the employee is assigned to or being considered for a special assignment with a potential for bribes or other improper inducements

921.8 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 paid 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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921.9 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.

No information or evidence administratively coerced from a member may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.

Any law enforcement agency is authorized to release information concerning the arrest or detention of a peace officer, which has not led to a conviction, however, no disciplinary action, other than paid administrative leave shall be taken against the accused employee based solely on an arrest or crime report (Labor Code § 432.7(b)). An independent administrative investigation shall be conducted based upon the allegations in the report in accordance with department policy.

921.9.1 PROTOCOL FOR REFERRAL TO THE DISTRICT ATTORNEY

Although law enforcement agencies have the primary responsibility to investigate allegations of misconduct, it is the policy of the Los Angeles County District Attorney's Office and the Los Angeles County Police Chiefs Association that all allegations of criminal misconduct by law enforcement personnel, where probable cause exists to believe that a crime has been committed and the person has committed it, shall be referred to the Los Angeles County District Attorney's Office for review and consideration of filing of criminal charges. This policy is applicable to all potential criminal conduct, whether felony or misdemeanor, and whether the member of the law enforcement agency was on-duty or off-duty, sworn or non-sworn.

To ensure consistent, professional and appropriate review, the Justice System Integrity Division (JSID) of the Los Angeles County District Attorney's Office has been assigned the responsibility of reviewing all allegations of criminal misconduct. Therefore, the following procedure has been established:

In all cases involving serious injury, JSID shall be contacted immediately. Upon notification, a JSID prosecutor will be assigned to assist or advise in the investigation.

(a) When an investigation has determined that there is probable cause to believe that criminal conduct has occurred, the matter shall be presented to JSID as soon as possible.

(b) All investigative reports relative to such allegations shall be provided to JSID as soon as the investigation is completed.

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(c) JSID will review all matters in a timely manner and, except in unusual circumstances, inform the law enforcement agency within 60 days regarding any filing decision.

(d) Whenever a law enforcement employee is suspected of committing a felony or misdemeanor while off-duty, the agency with jurisdiction to investigate shall notify JSID.

FELONY CASES

JSID shall prosecute all cases filed as felonies except when, in the opinion of the Head Deputy of JSID, the case would be more appropriately handled by another specialized division of the District Attorney's Office.

MISDEMEANOR CASES

Misdemeanor cases may be filed and prosecuted by JSID or referred to the appropriate District Attorney branch or area office or appropriate city prosecutor.

Pursuant to Penal Code § 832.7, any material reviewed by the District Attorney's Office containing information from the peace officer's personnel file as defined in Penal Code § 832.5 shall not be provided to the city prosecutor.

921.10 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 make any recommendations for modification prior to forwarding the report. The Chief of Police may accept or modify any classification or recommendation for disciplinary action.

921.10.1 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.

921.10.2 CHIEF OF POLICE RESPONSIBILITIES

Upon receipt of any written recommendation for disciplinary action, the Chief of Police shall review the recommendation and all accompanying materials. The Chief of Police may modify any recommendation and/or may return the file to the Division Commander for further investigation or action.

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Once the Chief of Police is satisfied that no further investigation or action is required by staff, the Chief of Police shall determine the amount of discipline, if any, that should be imposed. In the event disciplinary action is proposed, the Chief of Police shall provide the member with a pre-disciplinary procedural due process hearing (Skelly) by providing written notice of the charges, proposed action and reasons for the proposed action. Written notice shall be provided within one year from the date of discovery of the misconduct (Government Code § 3304(d)). The Chief of Police shall also provide the member with:

(a) Specific charges set forth in separate counts, describing the conduct underlying each count.

(b) A separate recommendation of proposed discipline for each charge.

(c) 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 porposed discipline.

(d) An opportunity to respond orally or in writing to the Chief of Police within ten days of receiving the *Skelly* notice.

1. Upon a showing of good cause by the employee, the Chief of Police may grant a reasonable extension of time for the employee to respond.

2. If the employee elects to respond orally, the presentation shall be recorded by the Department.Upon request, the employee 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.

921.10.3 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)).

921.10.4 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)).

921.11 PRE-DISCIPLINE EMPLOYEE RESPONSE

The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the Chief of Police after having had an opportunity to review the supporting materials and prior to imposition of any recommended discipline. The employee shall consider the following:

(a) This *Skelly* response is not intended to be an adversarial or formal hearing.

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(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 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 his/her *Skelly* response or, if the employee has elected to waive and 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 within 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.

WRITTEN REPRIMANDS

Any employee wishing to appeal a written reprimand must submit a written rebuttal to the Chief of Police within thirty (30) days of receipt of the written reprimand. Unless otherwise directed by the Chief, the rebuttal will be attached to the written reprimand and placed in the employee's personnel file.

921.12 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.

921.13 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.

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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).

921.14 PROBATIONARY EMPLOYEES AND OTHER MEMBERS

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. This 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 allegations 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 his or her 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

7. In the event that a probationary employee fails to meet his or her burden of proof in such a disciplinary appeal, the employee shall have no further right to appeal beyond the Chief of Police

921.15 RETENTION OF PERSONNEL INVESTIGATION FILES

All investigations of personnel complaints, whether originating from a citizen or internally, shall be considered confidential peace officer personnel files. The contents of such files shall not be revealed to other than the involved employee or authorized personnel except pursuant to lawful process.

In the event that an accused employee (or the representative of such employee) knowingly makes false representations regarding any internal investigation and such false representations are

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communicated to any media source, the Department may disclose sufficient information from the employee's personnel file to refute such false representations (Penal Code § 832.5).

All sustained citizen's complaints shall be maintained for a period of at least five years (Penal Code § 832.5). All internally initiated complaints shall be maintained at least two years (Government Code § 34090 et seq.).

Sustained complaints shall be maintained in the employee's personnel file. Complaints which are unfounded, exonerated or not sustained shall be maintained by the Professional Standards Bureau apart from the employee's personnel file.

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Seat Belts

923.1 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).

923.1.1 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.

923.2 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.

923.3 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.

923.4 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.

923.5 POLICY

It is the policy of the Whittier 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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923.6 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).

923.7 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.

923.8 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

925.1 PURPOSE AND SCOPE

The purpose of this policy is to provide law enforcement officers with guidelines for the proper use of body armor.

925.2 POLICY

It is the policy of the Whittier 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.

925.3 ISSUANCE OF BODY ARMOR

The Administrative Commander shall ensure that body armor is issued to all sworn officers when the officer begins service at the Whittier Police Department and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

The Administrative Commander shall establish a body armor replacement schedule and ensure that replacement body armor is issued pursuant to the schedule or whenever the body armor becomes worn or damaged to the point that its effectiveness or functionality has been compromised.

925.3.1 USE OF SOFT BODY ARMOR

Generally, the use of body armor is required subject to the following:

(a) Officers shall only wear agency-approved body armor.

(b) Officers shall wear body armor anytime they are in a situation where they could reasonably be expected to take enforcement action.

(c) Officers may be excused from wearing body armor when they are functioning primarily in an administrative or support capacity and could not reasonably be expected to take enforcement action.

(d) Body armor shall be worn when an officer is working in uniform or taking part in Department range training.

(e) An officer may be excused from wearing body armor when he/she is involved in undercover or plainclothes work that his/her supervisor determines could be compromised by wearing body armor, or when a supervisor determines that other circumstances make it inappropriate to mandate wearing body armor.

925.4 AVAILABILITY

Whenever the wearing of the safety vest is discretionary (i.e. Detectives or Administration), the sworn officer shall keep a safety vest readily available for use during an emergency situation or other event where the use of the vest will increase the officer's safety.

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925.5 RANGEMASTER RESPONSIBILITIES

The Training Coordinator should:

(a) Monitor technological advances in the body armor industry for any appropriate changes to Department approved body armor.

(b) Assess weapons and ammunition currently in use and the suitability of approved body armor to protect against those threats.

(c) Provide training that educates officers about the safety benefits of wearing body armor.

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Personnel Records

927.1 PURPOSE AND SCOPE

This policy governs maintenance and access to personnel records. Personnel records include any file maintained under an individual member's name.

927.2 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).

927.3 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 maintained.

(e) Discipline records, including copies of sustained personnel complaints.

  (a) Disciplinary action resulting from sustained internally initiated complaints or observation of misconduct shall be maintained pursuant to the established records retention schedule and at least two years (Government Code § 26202; Government Code § 34090).

  (b) Disciplinary action resulting from a sustained civilian's complaint shall be maintained pursuant to the established records retention schedule and at least five years (Penal Code § 832.5).

(f) Adverse comments such as comment cards 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).

  (a) 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).

  (b) Any member response shall be attached to and retained with the original adverse comment (Government Code § 3306).

  (c) 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

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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.

927.4 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.

927.5 TRAINING FILE

An individual training file shall be maintained by the Training Coordinator 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 Coordinator or immediate supervisor with evidence of completed training/education in a timely manner.

(b) The Training Coordinator or supervisor shall ensure that copies of such training records are placed in the member’s training file.

927.6 INTERNAL AFFAIRS FILE

Internal affairs files shall be maintained under the exclusive control of the Professional Standards Bureau in conjunction with the office of the Chief of Police. Access to these files may only be approved by the Chief of Police or the Professional Standards Bureau supervisor.

These files shall contain the complete investigation of all formal complaints of member misconduct, regardless of disposition (Penal Code § 832.12). Investigations of complaints that result in the following findings shall not be placed in the member's file but will be maintained in the internal affairs file:

(a) Not sustained

(b) Unfounded

(c) Exonerated

Each investigative file shall be sequentially numbered within a calendar year and based on the category of the complaint (e.g., yy-cc-001, yy-II-002, yy-SR-003, etc.)

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Investigation files arising out of civilian's complaints shall be maintained pursuant to the established records retention schedule and for a period of at least five years. Investigations that resulted in other than a sustained finding may not be used by the Department to adversely affect an employee's career (Penal Code § 832.5).

Investigation files arising out of internally generated complaints shall be maintained pursuant to the established records retention schedule and for at least two years (Government Code § 26202; Government Code § 34090).

927.7 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.

927.7.1 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.

927.7.2 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).

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927.8 BRADY MATERIAL IN PERSONNEL FILES

The purpose of this section is to establish a procedure for releasing potentially exculpatory information (so-called Brady material) contained within confidential peace officer personnel files.

927.8.1 DEFINITIONS

Brady Material - In the Brady v. Maryland decision (373 U.S. 83 (1963)) the United States Supreme Court held that the prosecution has an affirmative duty to disclose to the defendant evidence which is both favorable and material to the guilt and/or punishment of the defendant.

The Prosecution - Refers to the District Attorney and all investigative agencies involved in the criminal prosecution of a defendant, including this department.

Penal Code § 1054.1 - California law also establishes a criminal defendant's right to access potentially exculpatory evidence.

927.8.2 RELEASE OF PERSONNEL FILES TO DISTRICT ATTORNEY

Pursuant to Penal Code § 832.7(a), the only time the District Attorney (Attorney General or Grand Jury) is entitled to access confidential peace officer personnel files without filing a so-called Pitchess motion (Evidence Code § 1043 et seq.) is when they are investigating the conduct of an officer or this department. Such access shall not be considered a waiver of the confidentiality of the information contained in these files.

Absent a specific investigation of identified officer(s) or a specific investigation of this department (or the consent of an involved officer), no confidential information from any officer's personnel file shall be released to the District Attorney or Grand Jury without full compliance with the Pitchess process. The prosecution of a criminal defendant is not considered an investigation of any involved officer.

Should an officer's credibility or other issues related to an officer's personnel file arise in the context of an officer acting as a witness for the prosecution, access to that officer's personnel file by either the District Attorney or the criminal defendant shall be limited to that which is authorized by the process set forth in Evidence Code § 1043, et seq.

927.8.3 PROCEDURE

If an officer is a material witness in a criminal case, a person or persons designated by the Chief of Police may examine the subject officer's personnel file to determine whether there are Brady materials contained therein (e.g., evidence which is both favorable and material to the guilt and/or punishment of the defendant). If Brady material is located, the following procedure shall apply:

(a) In the event that a Pitchess motion has not already been filed by the criminal defendant or other party, the District Attorney shall be notified of the potential presence of Brady material in the officer's personnel file.

(b) The District Attorney should be instructed to file a Pitchess motion in order to initiate an in camera review by the court.

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(c) As with any Pitchess motion, and prior to any review of the files by the court, subject officer(s) shall be notified in writing that a Pitchess motion has been filed.

(d) The responsible Custodian of Records shall accompany all relevant personnel files during any in camera inspection and address any issues or questions raised by the court in determining whether or not any material contained in the file is both material and favorable to the criminal defendant.

(e) If the court determines that there is relevant Brady material contained in the file(s), only that material ordered released will be copied and released to the parties filing the Pitchess motion.

1. Prior to the release of any materials pursuant to this process, the Custodian of Records should request a protective order from the Court limiting the use of such materials to the involved case and requiring the return of all copies upon completion of the case.

927.9 MEMBER ACCESS TO HIS/HER OWN PERSONNEL RECORDS

Any member may request access to his/her own personnel records during the normal business hours of those responsible for maintaining such files. Any member seeking the removal of any item from his/her personnel records shall file a written request to the Chief of Police through the chain of command. The Department shall remove any such item if appropriate, or within 30 days provide the member with a written explanation of why the contested item will not be removed. If the contested item is not removed from the file, the member's request and the written response from the Department shall be retained with the contested item in the member's corresponding personnel record (Government Code § 3306.5).

Members may be restricted from accessing files containing any of the following information:

(a) An ongoing internal affairs investigation to the extent that it could jeopardize or compromise the investigation pending final disposition or notice to the member of the intent to discipline.

(b) Confidential portions of internal affairs files that have not been sustained against the member.

(c) Criminal investigations involving the member.

(d) Letters of reference concerning employment/appointment, licensing or issuance of permits regarding the member.

(e) Background information, test results, promotional assessments, or letters of recommendation.

(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.

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(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.

927.10 RETENTION AND PURGING

Unless provided otherwise in this policy, personnel records shall be maintained in accordance with the established records retention schedule.

(a) The Professional Standards Supervisor in conjunction with the Chief and Administration Lieutenant shall also determine whether any prior sustained disciplinary file should be retained beyond the statutory period for reasons other than pending litigation or other ongoing legal proceedings.

(b) If it is determined that records of prior discipline should be retained beyond the applicable statutory period, approval for such retention shall be obtained through the chain of command from the Chief of Police.

(c) During the preparation of each employee's performance evaluation, all complaints and discipline should be reviewed to determine the relevancy, if any, to progressive discipline, training and career development. If, in the opinion of the Chief of Police, a complaint or disciplinary action beyond the statutory retention period is no longer relevant, all records of such matter may be destroyed pursuant to resolution.

927.11 RELEASE OF PERSONNEL RECORDS AND RECORDS RELATED TO CERTAIN INCIDENTS, COMPLAINTS, AND INVESTIGATIONS OF OFFICERS

Personnel records and records related to certain incidents, complaints, and investigations of officers shall be released pursuant to a proper request under the Public Records Act and subject to redaction and delayed release as provided by law.

The Custodian of Records should work as appropriate with the Chief of Police or the Professional Standards Bureau supervisor in determining what records may qualify for disclosure when a request for records is received and if the requested record is subject to redaction or delay from disclosure.

For purposes of this section, a record includes (Penal Code § 832.7(b)(2)):

- All investigation reports.
- Photographic, audio, and video evidence.
- Transcripts or recordings of interviews.
- Autopsy reports.
- All materials compiled and presented for review to the District Attorney or to any person or body charged with determining whether to file criminal charges against an officer in connection with an incident, or whether the officer’s action was consistent with law and

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department policy for purposes of discipline or administrative action, or what discipline to impose or corrective action to take.

- Documents setting forth findings or recommending findings.
- Copies of disciplinary records relating to the incident, including any letters of intent to impose discipline, any documents reflecting modifications of discipline due to the *Skelly* or grievance process, and letters indicating final imposition of discipline or other documentation reflecting implementation of corrective action.

Unless a record or information is confidential or qualifies for delayed disclosure as provided by Penal Code § 832.7(b)(7) or other law, the following records shall be made available for public inspection upon request (Penal Code § 832.7):

(a) Records relating to the report, investigation, or findings of:

1. The discharge of a firearm at another person by an officer.
2. The use of force against a person resulting in death or in great bodily injury (as defined by Penal Code § 243(f)(4)) by an officer.

(b) Records relating to an incident where a sustained finding (see the Personnel Complaints Policy) was made by the department or oversight agency regarding:

1. An officer engaged in sexual assault of a member of the public (as defined by Penal Code § 832.7(b)).
2. Dishonesty of an officer relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another officer, including but not limited to any sustained finding of perjury, false statements, filing false reports, destruction, falsifying, or concealing of evidence.

A record from a separate and prior investigation or assessment of a separate incident shall not be released unless it is independently subject to disclosure (Penal Code § 832.7(b)(3)).

When an investigation involves multiple officers, the Department shall not release information about allegations of misconduct or the analysis or disposition of an investigation of an officer unless it relates to a sustained finding of a qualified allegation as provided by Penal Code § 832.7(b)(4) against the officer. However, factual information about the action of the officer during an incident or the statements of an officer shall be released if the statements are relevant to a sustained finding of the qualified allegation against another officer that is subject to release (Penal Code § 832.7(b)(4)).

927.11.1 REDACTION

The Custodian of Records, in consultation with the Chief of Police or authorized designee, shall redact the following portions of records made available for release (Penal Code § 832.7(b)(5)):

(a) Personal data or information (e.g., home address, telephone number, identities of family members) other than the names and work-related information of officers

(b) Information that would compromise the anonymity of complainants and witnesses

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(c) Confidential medical, financial, or other information where disclosure is prohibited by federal law or would cause an unwarranted invasion of personal privacy that clearly outweighs the strong public interest in records about misconduct and serious use of force

(d) Where there is a specific, articulable, and particularized reason to believe that disclosure of the record would pose a significant danger to the physical safety of the officer or another person

Additionally, a record may be redacted, including redacting personal identifying information, where, on the facts of the particular case, the public interest served by not disclosing the information clearly outweighs the public interest served by disclosing it (Penal Code § 832.7(b)(6)).

927.11.2 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 records relating to the discharge of a firearm or use of force resulting in death or in great bodily injury due to any of the following conditions (Penal Code § 832.7):

(a) Active criminal investigations

1. Disclosure may be delayed 60 days from the date the use of force occurred or until the District Attorney determines whether to file criminal charges, whichever occurs sooner.

2. After the initial 60 days, delay of disclosure may be continued if the disclosure could reasonably be expected to interfere with a criminal enforcement proceeding against an officer or against someone other than an officer who used the force.

(b) Filed criminal charges

1. When charges are filed related to an incident where force was used, disclosure may be delayed until a verdict on those charges is returned at trial or, if a plea of guilty or no contest is entered, the time to withdraw the plea has passed.

(c) Administrative investigations

1. Disclosure may be delayed until whichever occurs later:

(a) There is a determination from the investigation whether the use of force violated law or department policy, but no longer than 180 days after the date of the department's discovery of the use of force or allegation of use of force

(b) Thirty days after the close of any criminal investigation related to the officer's use of force

927.11.3 NOTICE OF DELAY OF RECORDS

When there is justification for delay of disclosure of records relating to the discharge of a firearm or use of force resulting in death or in great bodily injury during an active criminal investigation,

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the Custodian of Records shall provide written notice of the reason for any delay to a requester as follows (Penal Code § 832.7):

(a) Provide the specific basis for the determination that the interest in delaying disclosure clearly outweighs the public interest in disclosure. The notice shall also include the estimated date for the disclosure of the withheld information.

(b) When delay is continued beyond the initial 60 days because of criminal enforcement proceedings against anyone, at 180-day intervals provide the specific basis that disclosure could reasonably be expected to interfere with a criminal enforcement proceeding and the estimated date for disclosure.

1. Information withheld shall be disclosed when the specific basis for withholding the information is resolved, the investigation or proceeding is no longer active, or no later than 18 months after the date of the incident, whichever occurs sooner, unless:

(a) When the criminal proceeding is against someone other than an officer and there are extraordinary circumstances to warrant a continued delay due to the ongoing criminal investigation or proceeding, then the Department must show by clear and convincing evidence that the interest in preventing prejudice to the active and ongoing criminal investigation or proceeding outweighs the public interest for prompt disclosure of records about use of serious 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)(7)).

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Awards and Commendations

930.1 PURPOSE AND SCOPE

To establish a procedure to acknowledge commendatory acts by employees and to receive suggestions made for the improvement of the agency. Recognizing that most employees take pride in their work and endeavor to provide superior service, the Administration wishes to reward outstanding acts of service and performances of a commendatory nature.

930.1.1 DEGREES OF SERVICE AWARD

(a) **Valor** -This is the highest award obtainable by any member of the department. It shall be awarded only in exceptional cases where a hazardous duty is performed by a member who risks his life in so doing. The act must be of such an extraordinary nature that the officer, exposing himself to the peril, acted above and beyond the call of duty.

(b) **Meritorious Citation** -This award is given for action taken by a member of the Department wherein an act is performed which may arise through an emergency, and where, because of the action taken, a life may be saved, a serious crime prevented, or a person arrested who has committed a serious crime.

(c) **Commendation** -This award is given for action taken by an employee, where, because of diligence and perseverance, a difficult task is performed, resulting in a crime being prevented, life and/or property protected, criminals apprehended, or an exemplary service is rendered the Department or City.

(d) **Letter of Recognition -**This recognition is given to an employee in letter form for outstanding service that reflects a high degree of professionalism, dedication, commendable restraint, or commendable suggestion for the improvement of the department, that results in carrying forward the Department's missions and objectives.

(e) **Lifesaving** - The lifesaving medal is awarded to recognize the actions of Department personnel that result in the saving or preservation of human life that otherwise would have been lost without the employee's direct invovlement. An employee can receive only one lifesaving award per incident, regardless of how many victims were involved.

930.2 COMMENDATION PROCEDURES

(a) Reporting of Commendable Incidents

1. All members of the Department are encouraged to submit requests for review when they consider that a member has performed an act as defined in this order. Such requests shall be made in memo form; contain all pertinent details of the incident; have copies of any related reports attached; and shall be directed to the respective Division Commanders, through Chain of Command. The supervisor shall forward commendable incidents after signature to the Administration Bureau. The Public Relations Officer will maintain a file and be responsible for the initiation of timely Awards.

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(b) Reporting of Suggestions

1. All suggestions for improvement shall be submitted in writing, named or anonymously to the Administrative Bureau. The Administrative Bureau will review each suggestion and forward to the Chief of Police for review. They will then be distributed by the Administrative Bureau to the appropriate Division Commander for action. The Awards Board shall determine if each suggestion shall receive an award.

(c) Board of Awards shall consist of:

1. The Chief of Police or their designee.
2. At least one command staff member
3. One officer, one WPOA board member and one sergeant representing the Patrol Division
4. Representatives from all other divisions are also preferred.
5. Public Relations officer of the Administrative Bureau.

930.2.1 BOARD OF AWARDS

Members other than the Command Staff will be selected by the respective Division Commanders to serve on the board for one year. The Board shall review each request for appropriateness, and if found sufficient, shall determine the degree of award. All requests and review shall be honored with a reply from the Board as to its decision.

(a) Certificates of Award

1. Shall be presented to each member considered by the Board of Awards to have performed an act, as described above.
2. Such Certificates shall be issued by the Chief of Police and shall bear the name, rank or position of the member, a designation as to the type of award, and a brief description of the facts incident thereto.
3. A copy of the Certificate shall be placed, in the member's Personnel File, the Departmental Administrative File, and on the Bulletin Board.

(b) A Letter of Recognition will be presented to the recipient by the appropriate Division Commander.

(c) Medal of Valor

1. A medal of Valor shall be given only for acts of valor and shall be known as the "Metal of Valor."
2. This Award shall be equivalent to the Entenmann 100c with 40" Neck Ribbon (dark blue).
3. Companion issue with this Medal shall be the Uniform Valor Ribbon equivalent to the Entenmann AR-1 (1/3 Blue 1/3 Gold 1/3 Blue).

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4. The Uniform Valor Ribbon shall be worn on their uniform as per the standards set forth in the uniform section of the policy manual.

(d) Meritorious Citation Award

1. A Meritorious Award pin shall be given to the recipients who have performed the act(s) as described above and worn on their uniform according to the standards set forthe in the uniform section of the policy manual.

(e) Livesaving Award

1. A Livesaving pin shall be given to the recipients who have performed the act(s) as described above and worn on their uniform according to the standards set forth in the uniform section of the policy manual.

930.3 LETTERS OF THANKS AND APPRECIATION

A written commendation may be made by any supervisor of the Department regarding any other employee of the Department, provided the reporting person is superior in rank or is the person-in-charge of the individual being commended. Additionally, investigating officers may commend uniformed officers for exceptional assistance in investigative functions, with approval from the investigator's supervisor.

Any employee may recommend a commendation to the supervisor of the employee subject to commendation. Copies of all letters of thanks and appreciation either from citizens or other government units shall be routed to the Chief of Police. The Chief of Police shall determine the appropriate method of acknowledgement for each correspondence from the following:

(a) Submit to the Awards Board for possible award listed in this policy section.

(b) Forward to the Chief's Secretary for inclusion in the employee's personnel package under "Awards and Commendations".

(c) Copy to the affected employee through his Division Commander.

(d) Forward to affected employee through his Division commander with acknowledgement of receipt by Chief of Police for possible use in the evaluation process.

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Fitness for Duty

931.1 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).

931.2 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.

931.3 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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931.4 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.

931.5 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.

931.6 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.

931.7 LIMITATION ON HOURS WORKED

Absent emergency operations members should not work more than:

- 16 hours in one day (24 hour) period or
- 30 hours in any 2 day (48 hour) period or
- 84 hours in any 7 day (168 hour) period

Except in very limited circumstances members should have a minimum of 8 hours off between shifts. Supervisors should give consideration to reasonable rest periods and are authorized to deny overtime or relieve to off-duty status any member who has exceeded the above guidelines.

Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, general overtime and any other work assignments.

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Meal Periods and Breaks

932.1 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.

932.1.1 MEAL PERIODS

Sworn employees and dispatchers 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 Dispatch/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.

The time spent for the meal period shall not exceed 45 minutes including travel time.

932.1.2 15 MINUTE BREAKS

Each employee is entitled to a 15 minute break, near the midpoint, for each four-hour work period. Only one 15 minute break shall be taken during each four hours of duty. No breaks shall be taken during the first or last hour of an employee's shift unless approved by a supervisor.

Employees normally assigned to the police facility shall remain in the police facility for their breaks. This would not prohibit them from taking a break outside the facility if on official business.

Field officers will take their breaks in their assigned areas, subject to call and shall monitor their radios. When field officers take their breaks away from their vehicles, they shall do so only with the knowledge and clearance of Dispatch.

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Lactation Break Policy

933.1 PURPOSE AND SCOPE

The purpose of this policy is to provide reasonable accommodations to employees desiring to express breast milk for the employee's infant child (Labor Code § 1034).

933.2 POLICY

It is the policy of this department to provide, in compliance with the Fair Labor Standards Act, reasonable break time and appropriate facilities to accommodate any employee desiring to express breast milk for her nursing infant child (29 USC § 207; Labor Code § 1030).

933.3 LACTATION BREAK TIME

A rest period should be permitted each time the employee has the need to express breast milk (29 USC § 207; Labor Code § 1030). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time. Such breaks, if feasible, should be taken at the same time as the employee's regularly scheduled rest or meal periods.

While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled and paid break time will be unpaid (Labor Code § 1030).

Employees desiring to take a lactation break shall notify Dispatch 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.

933.4 PRIVATE LOCATION

The Department will make reasonable efforts to accommodate employees with the use of an appropriate room or other location to express milk in private. Such room or place should be in close proximity to the employee's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view and free from intrusion from co-workers and the public (29 USC § 207; Labor Code § 1031).

Employees occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. All other employees should avoid interrupting an employee during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for employees assigned to the field may be taken at the nearest appropriate private area.

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933.5 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.

933.5.1 STATE REQUIREMENTS

Employees have the right to request lactation accommodations. If a break time or location accommodation cannot be provided, the supervisor shall provide the member with a written response regarding the reasons for the determination (Labor Code § 1034).

Lactation rooms or other locations should comply with the prescribed feature and access requirements of Labor Code § 1031.

Employees who believe that their rights have been violated under this policy or have been the subject of discrimination or retaliation for exercising or attempting to exercise their rights under this policy, are encouraged to follow the chain of command in reporting a violation, but may also file a complaint directly with the Labor Commissioner (Labor Code § 1033).

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Payroll Records

934.1 PURPOSE AND SCOPE

This policy provides the guidelines for completing and submitting payroll records of department members who are eligible for the payment of wages.

934.2 ATTENDANCE

(a) Work schedules will be set at the Division Commander level.

(b) Employees shall be in attendance at their scheduled work time.

(c) The Department recognizes "flex time" (i.e. work schedule changes) scheduling can often be advantageous to the organization as well as individual employees. However, "flex-time" scheduling must have prior approval from a supervisor.

(d) "Flex time" may be employee generated.

(e) "Flex-time" shall not apply to tardiness (i.e. an employee may not flex their schedule to avoid being tardy.

934.3 POLICY

The Whittier Police Department maintains timely and accurate payroll records.

934.4 RESPONSIBILITIES

Members are responsible for the accurate completion and timely submission of their payroll records for the payment of wages.

Supervisors are responsible for approving the payroll records for those under their commands.

934.5 TIME REQUIREMENTS

Members who are eligible for the payment of wages are paid on a scheduled, periodic basis, generally on the same day or date each period, with certain exceptions, such as holidays. Payroll records shall be completed and submitted to Administration as established by the City payroll procedures.

934.6 RECORDS

The Administration Division Commander shall ensure that accurate and timely payroll records are maintained as required by 29 CFR 516.2 for a minimum of three years (29 CFR 516.5).

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Whittier Police Department Mentor Program

935.1 PURPOSE AND SCOPE

The Mentor Program is committed to assisting employees with their transition to the Whittier Police Department by providing an understanding of Departmental culture, policies and procedures. This will be accomplished by creating a welcoming, positive and professional work environment. The Mentor Program will also assist employees in outlining their career development goals and objectives.

The Mentor Program will work cooperatively with present and future training programs for the purpose of improving and maintaining the high professional standards of the Whittier Police Department. The Mentor Program and Mentors shall not interfere with or undermine the Field Training Officers or other personnel assigned to train or supervise the Protg.

The Mentor Program is made available to both sworn and civilian police personnel. It is ultimately overseen by the Patrol Division Commander.

In order to maintain the value and integrity of the Mentor Program, The Mentor/Protg relationship shall at all times remain professional. A Mentor and Protg shall not become intimately involved while engaged in the Mentoring Relationship. Doing so is a violation of this policy and will result in the immediate removal from the Mentor Program.

935.2 DEFINITIONS

Mentor: A full time, non-probationary employee who volunteers to be formally assigned to an employee for the purpose of guiding and supporting that employee through their transition to the Whittier Police Department, as well as outlining paths of career development.

Protege: An employee who is formally assigned to a Mentor, who receives guidance and support for the purpose of Departmental assimilation and career development.

Mentor Coordinator: The person responsible for the administration of the Mentor Program. The Mentor Coordinator shall be appointed by the Patrol Division Commander.

Mentor Advisory Committee: This select body of employees will assist the Mentor Coordinator with the administration of the program. This Committee is subject to the below listed selection process.

Mentor Team: The team is comprised of the Patrol Division Commander, Mentor Coordinator, Mentor Advisory Committee, and Mentors.

935.3 MENTOR TEAM DESIRABLE QUALIFICATIONS

Mentor Team candidates should possess the following characteristics:

- A role model and example setter (only those with "competent" or better evaluations within the last year will be considered)

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- Have no sustained misconduct within the last year resulting in disciplinary action. (However, minimal discipline such as written reprimands will be reviewed on a case by case basis)
- A genuine concern for employee development
- A basic level of understanding and a demonstrated commitment to the concept of mentoring
- Highly motivated and mature individual dedicated to the values, goals and objectives of the Department
- Friendly and strong interpersonal skills
- Excellent verbal and written communication skills
- Work well in a team environment
- Availability for occasional scheduled meetings and training sessions

935.4 MENTOR TEAM SELECTION PROCESS

Employees interested in becoming a part of the Mentoring Team must complete the following process:

- Submit a formal memorandum of interest
- Participate in an oral interview
- The interview panel will consist of members of the Mentor Advisory Committee
- Selected personnel shall attend Mentor Training provided by members of the Mentor Advisory Committee

935.5 MENTOR DUTIES AND EXPECTATIONS

The Mentor is expected to fulfill the following duties and expectations. A failure to adequately perform these duties may result in removal from the Mentor Program.

(a) Upon being assigned to a Protege, promptly contact and schedule an in person meeting to welcome, introduce and, explain the Mentor Program

(b) Offer ongoing guidance and assistance to the Protege throughout the academy, field training, civilian job training, probationary period, and as long as they are involved in the mentoring relationship

(c) Serve as a trusted outlet where private matters or problems can be discussed. However, violations of policy or law shall be immediately reported to the Mentor Coordinator

(d) When applicable and as needed, provide assistance to the Protege with personal needs such as housing, family, child care etc.

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(e) Whenever possible, consider attending significant moments in the Protege's career such as the swearing in ceremony, graduation, award or promotional ceremonies, etc. If attendance is not possible, make an attempt to contact and explain this to the Protege

(f) Orient the Protege to the culture and general expectations of the academy, field training, or civilian job training programs

(g) Assist the protege with questions or concerns that should not otherwise be directed to Human Relations, academy staff, FTO, or supervisors

935.6 MENTOR COORDINATOR DUTIES AND EXPECTATIONS

The Mentor Coordinator should perform the below listed duties and expectations:

(a) Serve as a liaison with the Human Resources Department and Recruiter.

(b) Recruit, train and maintain the Mentor Team

(c) Assign Mentors their Protgs

(d) Schedule and conduct Mentor meetings

(e) Evaluate, troubleshoot, and make changes to the program as necessary

935.6.1 MENTOR ADVISORY COMMITTEE DUTIES AND EXPECTATIONS

The Mentor Advisory Committee should collaboratively assist the Mentor Coordinator with their above listed duties and expectations.

935.7 PROTEGE PARTICIPATION

The Protege should make every effort to actively participate in this valuable program and should consider the following.

(a) Actively seek to make use of the skills, experience and guidance of their Mentor

(b) Allow some time in their personal schedule to make contact with their Mentor

(c) Notify the Mentor Coordinator of any conflicts that may arise between the Mentor and Protege.

(d) Provide constructive feedback on the benefits of the program or areas of improvement.

935.8 MEETINGS AND TRAINING

Unless designated otherwise by the Patrol Division Commander or Mentor Coordinator, The Mentor Team should meet twice a year to evaluate the progress of the Mentor Program or conduct in house training exercises.

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Overtime Compensation Requests

936.1 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 a Request for Overtime Payment as soon as practical after overtime is worked.

936.1.1 DEPARTMENT POLICY

Because of the nature of police work, and the specific needs of the Department, a degree of flexibility concerning overtime policies must be maintained.

Non-exempt employees are not authorized to volunteer work time to the Department. All requests to work overtime shall be approved in advance by a supervisor. If circumstances do not permit prior approval, then approval shall be sought as soon as practical during the overtime shift and in no case later than the end of shift in which the overtime is worked.

Short periods of work at the end of the normal duty day (e.g., less than one hour in duration) may be handled unofficially between the supervisor and the employee by flexing a subsequent shift schedule to compensate for the time worked rather than by submitting requests for overtime payments. If the supervisor authorizes or directs the employee to complete a form for such a period, the employee shall comply.

The individual employee may request compensatory time in lieu of receiving overtime payment. Per Article 10 of the City Personnel Rules and Regulations, sworn personel may not accumulate more than 100 hours of compensatory time. Non-sworn emloyees may not accumulate more than 80 hours of compensatory time.

936.1.2 EARNING OVERTIME

Overtime may be earned as the result of any of the following:

(a) Investigations or arrest begun during the regular tour of duty, which cannot be concluded prior to the end of Watch, and are of such nature that such additional work, cannot be postponed until the next subsequent tour of duty.

(b) In-service or off-job training as required by the Department.

(c) Shift extensions due to personnel shortages.

(d) Any other time worked by the employee on behalf of the City, as required by that employee's immediate supervisor, the duty Station Commander, or the employee's Division Commander.

(e) Court Appearances on behalf of the City.

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(f) An employee shall not, without prior approval of a supervisor, incur overtime liability to the City.

936.1.3 ACCUMULATED OVERTIME

(a) The policy of this Department is that each employee may accumulate overtime to a maximum outlined in the current M.O.U. of that employee's bargaining unit. All time may be accumulated in increments of one-quarter hour.

1. On-Call Court Pay may be accumulated at the rate of two hours compensatory time when on-call for court in the morning and two hours compensatory time when on-call for court in the afternoon to a maximum of four hours per day.

2. Premium overtime may be accumulated.

3. Special Assignment (Para-Police) time may not be accumulated.

4. Overtime previously accumulated may be taken as paid time off at the employee's option providing that such time off is compatible with the operation of the Department and does not result in the payment of overtime to any employee required to fill in for the absence of an employee off on accumulated overtime.

(b) Overtime Buy Back Employees have the option of selecting either paid time off or payment in cash for hours 1 through 40. Overtime in excess of 40 hours must be taken as paid time off. If the employee sells hours 1 through 40 back to the City, hours over 40 must have been used. (City S.O.P. 21).

936.1.4 EMERGENCY CALL BACK OVERTIME PROCEDURES

In general, emergency call-back overtime refers to those periods of work that occur at times other than the employee's regularly scheduled hours of work, where the employee is required to return to work, without prior notice after having left his place of work at the end of his work shift constitutes an emergency call-back.

(a) Emergency callback will be compensated at a three-hour minimum.

(b) The Field Supervisor shall first approve by the Stations Commander or, in his absence, all emergency callbacks of personnel.

(c) Emergency callbacks will be compensated beginning at the time the employee leaves his home only when the employee is assigned to respond directly to the scene of the emergency.

936.1.5 OVERTIME RECORDING PROCEDURE

(a) A request for payment shall be submitted by the employee to the Station Commander or the employee's immediate supervisor using the department scheduing software. The watch commander/supervisor, shall review all requests for overtime payment submitted by the employee via the department scheduling software. Any overtime

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discrepancies should be handled between the watch commander/supervisor and the employee.

(b) Completing the request for overtime utilizing the scheduling application:

1. Complete the card, indicating by the check boxes the general classification into which the overtime falls.
2. Enter the applicable BR number. Only one BR number should be used.
3. For activities not assigned a BR number such as training classes, range qualification or personnel shortages, the exact activity must be described.
4. All overtime will generally be paid. If an employee desires to accumulate overtime, the proper box must be checked.
5. Whenever possible, the employee beginning a tour of overtime duty, should submit an accurate "Request for OT" if the OT spot has not already been posted in the scheduling system.
6. Without prior approval of a Department Supervisor, all overtime assignments must terminate in the station.
7. Completed OT assignments should be approved by the Watch Commander or the employee's lieutenant.
8. Hours shall be recorded in quarter hour increments expressed as fractions (e.g., hr. hr.)

936.1.6 COURT OVERTIME

(a) In general, court overtime will be paid for court appearances that require an employee to attend a court function (Refer Definition "Court Time") on off-duty time will be compensated at premium time with a two-hour minimum.

(b) Exceptions:

1. Court appearances immediately before or after an employee's work shift without a break in time shall not receive the two-hour minimum. (City S.O.P. #26) These cases constitute an extension of the employee's normal duty shift. Any break between the appearance and the start or end of an employee's duty hours shall entitle the employee to a two-hour minimum.
2. Court appearance while off duty due to an industrial accident or illness shall be considered on-duty for any appearance less than eight hours.
3. Court appearance while on suspension from duty due to disciplinary enacted or pending shall not be compensated.
4. Officers working a Special Assignment (para-police) will be compensated at premium pay for the court and the two-hour minimum shall not apply. Note:

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Officers must clock out of the Special Assignment and submit a separate time card for the court appearance.

936.1.7 RECORDING COURT OVERTIME

(a) The starting time on the subpoena plus the appropriate travel time to the location of the court shall be the starting time for court time. When leaving court, employees shall have the subpoena signed out by a court official whenever possible. The time signed out plus the appropriate travel time from the court to the station or staging facility should reflect the time for ending. Employees shall indicate on the overtime request whether or not they testified in court. Court time will consist of that time span indicated on the subpoena, beginning with the time started for appearance, and terminating with the time indicated by the court official, plus the appropriate travel time to and from court, less any lunch recess. (Lunch recesses are not compensable for the off-shift employee)

(b) Travel Time - Without prior approval of a supervisor, travel time will be measured from the Police Station or staging facility to the concerned court. It shall be the responsibility of the employee concerned to obtain the travel time to the nearest 15 minute increment and submit this with the subpoena as outlined above. Travel time will be entered in the space provided. Subpoenas will be turned into the Watch Commander to verify the time in the scheduling system. Upon Watch Commander approval the subpoena can be destroyed.

(c) Lunch Recess - For purposes of this Order, all lunch or supper recesses will be considered to be one hour in duration.

(d) Court Without Subpoena - In those instances where an employee must respond to Court without benefit of subpoena, such an appearance and the circumstances therefore, shall be reduced to writing, including the date/time excused. This memo will be turned into the Watch Commander to verify the circumstances of the court appearance.

(e) Short Notice Appearance - Where, due to short notice by the court, it is necessary to notify the employee by phone of a subpoena and a message is left with someone other than the employee involved (answering machine included), the employee will contact the Court Officer or an on-duty supervisor when he received the notification. The Court Officer will then note the employee's availability for the court.

936.1.8 MISCELLANEOUS COURT RULES

(a) Multiple Court Appearances— If an off-duty employee is entitled to one 2-hour minimum for a Court appearance, and he makes a subsequent, unrelated Court appearance after the expiration of the preceding two-hour period, he shall be entitled to another two-hour minimum compensation. If the second, or subsequent, Court appearance occurs prior to the expiration of the initial two-hour compensation period,

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the subsequent appearance shall be deemed an extension of the initial subpoena. An employee that had both a morning and afternoon on-call it will be necessary to submit two overtime requests in the scheduling software.

(b) Court Check-in and changes in case status—Employees shall check in with Calendar Deputy District Attorney at the time shown on subpoena. It is the responsibility of the subpoenaed employee to notify the District Attorney's Office in the event of unavailability due to illness; the employee shall also notify the on-duty watch commander of the absence due to sickness.

(c) Multiple Subpoenas Same Date—Whenever an employee receives subpoenas to two courts for the same day, it is the employee's responsibility to contact the Court (s) involved and make proper arrangements. If there is a conflict, the first subpoena received shall be honored.

936.1.9 DMV TELEPHONIC HEARINGS

In general the following process applies to officers testifying in a DMV telephonic hearing:

(a) When an employee receives a subpoena from a DMV hearing officer, which indicates that the hearing will use telephonic testimony, the employee has the option of giving that testimony from his/her desired location or from a telephone at the station. If an employee chooses to make the call from other than the station, he/she must assume the expense of the call to DMV.

(b) Compensation - The employee's time will be compensated as court time with a two-hour minimum, paid or accumulated at time and one-half.

(c) Procedures - After the employee has completed his/her testimony, the subpoena shall be submitted to the Station Commander in the normal course of business to verify the employee's "OT Request" in the scheduling software. Upon verification the subpoena can be discarded.

936.2 COURT STAND-BY COMPENSATION

In general, court Stand-by compensation is not overtime per se, but compensation for the inconvenience of remaining on-call for a scheduled court appearance. Compensation for Court Stand-by will be in accordance with the current Salary Resolution/MOU.

(a) General application involving such Stand-by time is as follows:

1. Stand-by fee will not be paid while an Officer is working SPECIAL ASSIGNMENT.
2. An employee will not be entitled to a Stand-by fee while on Workers Compensation.
3. An employee cannot receive two or more stand-by fees simultaneously.

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4. A Stand-by fee will not be paid during an employee's sick leave, unless the period of stand-by occurs during the time that the employee is normally off-duty.
5. Request for Stand-by fees shall be submitted within three working days of such Stand-by.
6. Employees receiving the two-hour minimum Court overtime will not receive "On-call" for the same case, for those same hours. (I.E: If the employee attends a morning court session, is excused and placed on-call, he/she will not receive a stand-by fee during the time covered by his two-hour minimum pay.)

(b) Beeper/Page System

1. All employees required to be on court Stand-by may be issued a battery-operated beeper.
2. When an employee is on stand-by, he shall utilize the page system at all time.
3. Notifications to be in court will be made by the Court Officer, Communications Personnel or the Detective Secretary under normal circumstances.
4. Notification will be made utilizing the beeper/page system.
5. Personnel paged may call into communications or the Court Officer for information regarding the page.
6. The Court Officer will supply the Communications personnel with a Daily Roster of employees on stand-by in all courts.
7. Employee's utilizing the beeper/page system are required to respond to the required court within one hour of receiving the page.
8. Pagers will be issued to individual employees as City Property and shall not be utilized for commercial purposes. Services Division personnel will maintain the master list of pagers and provide batteries and repair services as needed.

936.3 COURT SUBPOENA TIME RECORDING

936.3.1 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
8 to 22 minutes	1/4 hour
23 to 37 minutes	1/2 hour
38 to 52 minutes	3/4 hour
53 to 60 minutes	1 hour

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936.3.2 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.

936.4 TRAINING ASSIGNMENT OVERTIME

(a) Training assignments of a full day or more:

1. Each day of training shall constitute a day worked. This shall be regardless of the shift schedule the employee normally works.

(b) Partial Day Training assignments:

1. In the event of a partial day training assignment of less than six hours, the employee must work the required number of hours to constitute a full workday.

(c) Travel Time (Reference F.L.S.A.):

1. Travel time to a training function requiring an employee to stay overnight shall be compensated by an adjustment of the employees work schedule to allow for the number of travel hours required using the most efficient travel method to the location of the training assignment, when that training is not compensated on overtime. (I.E. Air Travel vs. Driving Time). When employees are attending training on overtime, the employee only receives overtime compensation for travel time when the employee is driving a department owned vehicle and then only the driver receives this compensation. If an employee is attending training on overtime and is using their own vehicle for transportation then no overtime compensation is paid.
2. No travel time will be allowed to a non-overnight training function as the location of the training assignment constituted the employee's work location for the day.
3. POST Commission guidelines regarding commuter training will apply to all employees.

936.5 EXTRADITION ASSIGNMENT

No overtime will be considered while a member of the Department is on extradition matters out-of-State.

936.6 EXPENSE ALLOWANCES ON OFFICIAL BUSINESS

Employees who shall be obligated to travel in the performance of their duties shall receive the amount of their approved expenses for reasonable transportation, meals according to the POST or City Approved reimbursement schedule, any pre-approved lodging and other reasonable incidentals. If an employee is unsure if expenses will be reimbursed they should contact the Administrative Lieutenant or his designee immediately.

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(a) Meals reimbursement of City Business:

1. Employees in Court assignments other than the Bellflower Superior Court shall be reimbursed for the lunch meal expense.
2. Employees in training assignment will be reimbursed for meal expenses.
3. Employees attending approved professional meetings will be reimbursement for the actual meal expense served in conjunction with that meeting.
4. All meals will be reimbursed at the current City rate.

(b) Mileage:

1. Employees shall use his or her personal vehicle to travel on City Business (including court) unless they receive prior approval from a supervisor to utilize a City owned vehicle for such travel. If an employee uses his or her personal vehicle for such travel, he/she will be allowed automobile expense reimbursement provided their vehicle is insured.
2. The mileage reimbursement rate shall be the same monetary rate authorized by the Internal Revenue Service for the current calendar year. Mileage reimbursement shall be calculated as described in City SOP #8, which is generally the distance from home to training minus the distance from home to City Hall.
3. Any accident resulting from an employee's use of their personal vehicle will be resolved between the employee and his/her insurance company.

(c) Claims:

1. Claims for reimbursement shall be submitted on prescribed forms to be used in making such claims, including receipts when required.

(d) FBI National Academy Training Reimbursement:

1. Personnel who are accepted to the FBI Academy will be entitled to $1200.00 incidental expense reimbursement during their 3-month academy stay. The money may by use for uniform purchase, other equipment as necessary and weekend per diem. The reimbursement will be processed pursuant to City of Whittier policy.
2. During the stay the employee may request one round trip flight from Virginia to California at City expense. If the employee chooses to exercise this option they must prepare a City Council agenda report for approval prior to leaving for the Academy as per City of Whittier policy.

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Outside Employment

938.1 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.

938.1.1 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.

938.2 OBTAINING APPROVAL

No member of this department may engage in any outside employment without first obtaining prior written approval of the Chief of Police. Failure to obtain prior written approval for outside employment or engaging in outside employment prohibited by this policy may lead to disciplinary action.

In order to obtain approval for outside employment, the employee must complete an Outside Employment Application which shall be submitted to the employee's immediate supervisor. The application will then be forwarded through channels to the Chief of Police for consideration.

If approved, the employee will be provided with a copy of the approved permit. Unless otherwise indicated in writing on the approved permit, a permit will be valid through the end of the calendar year in which the permit is approved. Any employee seeking to renew a permit shall submit a new Outside Employment Application in a timely manner.

Any employee seeking approval of outside employment, whose request has been denied, shall be provided with a written reason for the denial of the application at the time of the denial (Penal Code § 70(e)(3)).

938.2.1 APPEAL OF DENIAL OF OUTSIDE EMPLOYMENT

If an employee's Outside Employment Application is denied or withdrawn by the Department, the employee may file a written notice of appeal to the Chief of Police within ten days of the date of denial.

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If the employee's appeal is denied, the employee may file a grievance pursuant to the procedure set forth in the current Memorandum of Understanding (MOU).

938.2.2 REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT PERMITS
Any outside employment permit may be revoked or suspended under the following circumstances:

(a) Should an employee's performance at this department decline to a point where it is evaluated by a supervisor as needing improvement to reach an overall level of competency, the Chief of Police may, at his or her discretion, revoke any previously approved outside employment permit(s). That revocation will stand until the employee's performance has been reestablished at a satisfactory level and his/her supervisor recommends reinstatement of the outside employment permit

(b) Suspension or revocation of a previously approved outside employment permit may be included as a term or condition of sustained discipline

(c) If, at any time during the term of a valid outside employment permit, an employee's conduct or outside employment conflicts with the provisions of department policy, the permit may be suspended or revoked

(d) When an employee is unable to perform at a full duty capacity due to an injury or other condition, any previously approved outside employment permit may be subject to similar restrictions as those applicable to the employee's full time duties until the employee has returned to a full duty status

938.3 PROHIBITED OUTSIDE EMPLOYMENT

Consistent with the provisions of Government Code § 1126, the Department expressly reserves the right to deny any Outside Employment Application submitted by an employee seeking to engage in any activity which:

(a) Involves the employee's use of departmental time, facilities, equipment or supplies, the use of the Department badge, uniform, prestige or influence for private gain or advantage

(b) Involves the employee's receipt or acceptance of any money or other consideration from anyone other than this department for the performance of an act which the employee, if not performing such act, would be required or expected to render in the regular course or hours of employment or as a part of the employee's duties as a member of this department

(c) Involves the performance of an act in other than the employee's capacity as a member of this department that may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other employee of this department

(d) Involves time demands that would render performance of the employee's duties for this department less efficient

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938.3.1 OUTSIDE SECURITY AND PEACE OFFICER EMPLOYMENT

Consistent with the provisions of Penal Code § 70, and because it would further create a potential conflict of interest, no member of this department may engage in any outside or secondary employment as a private security guard, private investigator or other similar private security position.

Any private organization, entity or individual seeking special services for security or traffic control from members of this department must submit a written request to the Chief of Police in advance of the desired service. Such outside extra duty overtime assignments will be assigned, monitored and paid through the Department.

(a) The applicant will be required to enter into an indemnification agreement prior to approval.

(b) The applicant will further be required to provide for the compensation and full benefits of all employees requested for such outside security services.

(c) Should such a request be approved, any employee working outside overtime shall be subject to the following conditions:

1. The officer(s) shall wear the departmental uniform/identification.
2. The officer(s) shall be subject to the rules and regulations of this department.
3. No officer may engage in such outside employment during or at the site of a strike, lockout, picket, or other physical demonstration of a labor dispute.
4. Compensation for such approved outside security services shall be pursuant to normal overtime procedures.
5. Outside security services shall not be subject to the collective bargaining process.
6. No officer may engage in outside employment as a peace officer for any other public agency without prior written authorization of the Chief of Police.

938.3.2 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.

938.4 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.

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938.4.1 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.

938.5 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.

938.6 OUTSIDE EMPLOYMENT WHILE ON DISABILITY

Department members engaged in outside employment who are placed on disability leave or modified/light-duty shall inform their immediate supervisor in writing within five days whether or not they intend to continue to engage in such outside employment while on such leave or light-duty status. The immediate supervisor shall review the duties of the outside employment along with any related doctor’s orders, and make a recommendation to the Chief of Police whether such outside employment should continue.

In the event the Chief of Police determines that the outside employment should be discontinued or if the employee fails to promptly notify his/her supervisor of his/her intentions regarding their work permit, a notice of revocation of the member's permit will be forwarded to the involved employee, and a copy attached to the original work permit.

Criteria for revoking the outside employment permit include, but are not limited to, the following:

(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.

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(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 Whittier 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

940.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding the timely reporting of occupational diseases, mental health issues and work-related injuries.

940.1.1 DEFINITIONS

Definitions related to this policy include:

Occupational disease or work-related injury - An injury, disease, or mental health issue arising out of employment (Labor Code § 3208; Labor Code § 3208.3; Labor Code § 3212 et seq.).

940.2 POLICY

The Whittier 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.).

940.3 RESPONSIBILITIES

940.3.1 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). Those injuries not requiring medical attention shall be documented on an Injured Person Declination of Medical Treatment form.

940.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor learning of any occupational disease or work-related injury should ensure the member receives medical care as appropriate.

A supervisor learning of any work-related injury, illness or accident shall promptly prepare the appropriate forms as outlined in this policy manual. Updated copies of forms with instructions for completion provided by Risk Management are kept in the Watch Commander's office.

For work-related accidents, injuries or illness, an Injured Worker form shall be completed. All copies of the completed form shall be forwarded to the supervisor's Division Commander, through the chain of command.

Every injured employee must be provided with an Employee's Claim for Workers' Compensation Benefits Form (DWC1) within 24 hours, regardless of the nature of illness or injury.

Copies of the ODI report, Injured Worker Form Packet, and DWC1 should be forwarded to the Division Commander as soon as they are completed. These documents should be completed and

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forwarded to the Division Commander no later than 24 hours after the report of injury or accident to a supervisor.

Supervisors shall determine whether the Major Incident Notification and Illness and Injury Prevention policies apply and take additional action as required.

940.3.3 DIVISION COMMANDER RESPONSIBILITIES

The Division Commander who receives a report of an occupational disease or work-related injury should review the report for accuracy and determine what additional action should be taken. The report shall then be forwarded to the Chief of Police, the City's risk management entity, and the Administration Division Commander to ensure any required Division of Occupational Health and Safety Administration (Cal/OSHA) reporting is made as required in the illness and injury prevention plan identified in the Illness and Injury Prevention Policy.

940.3.4 CHIEF OF POLICE RESPONSIBILITIES

The Chief of Police 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.

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Personal Appearance Standards

942.1 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.

942.2 GROOMING STANDARDS

Unless otherwise stated and because deviations from these standards could present officer safety issues, the following appearance standards shall apply to all employees, except those whose current assignment would deem them not appropriate, and where the Chief of Police has granted exception.

942.2.1 HAIR

Hairstyles of all members shall be neat in appearance. For male sworn members, hair must not extend below the top edge of the uniform collar while assuming a normal stance.

For female sworn members, hair must be no longer than the horizontal level of the bottom of the uniform patch when the employee is standing erect, worn up or in a tightly wrapped braid or ponytail.

942.2.2 MUSTACHES

A short and neatly trimmed mustache may be worn. Mustaches shall not extend below the corners of the mouth or beyond the natural hairline of the upper lip.

942.2.3 SIDEBURNS

Sideburns shall not extend below the bottom of the outer ear opening (the top of the earlobes) and shall be trimmed and neat.

942.2.4 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.

942.2.5 FINGERNAILS

Fingernails extending beyond the tip of the finger can pose a safety hazard to officers or others. For this reason, fingernails shall be trimmed so that no point of the nail extends beyond the tip of the finger.

942.2.6 JEWELRY AND ACCESSORIES

No jewelry or personal ornaments shall be worn by officers on any part of the uniform or equipment, except those authorized within this manual. Jewelry, if worn around the neck, shall not be visible above the shirt collar if worn with Department uniform.

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942.3 TATTOOS

Sworn personnel and other employees who have routine contact with the public shall not allow tattoos to be visible whenever on-duty or while representing the City of Whittier in any official capacity unless specifically approved by the Chief of Police. Compliance can be effectuated by means of:

(a) Removal of the tattoo

(b) Wearing department approved uniform or other approved attire in such a manner that the tattoo is not visible

(c) Wearing of a Department approved unobtrusive device which covers the tattoo such as, but not limited to, a bandage that does not impede the safe and efficient performance of duties.

942.4 ORNAMENTATION AND BODY PIERCING

No ornamentation or body piercing shall be visible while any employee is on-duty or representing the City of Whittier in any official capacity except as provided by this policy:

(a) Earrings shall not be worn by male employees except as approved by the Chief of Police for specialized assignments.

(b) Female employees may wear a post earring, or earring of a clip design. Earrings for all female employees shall not exceed two per ear. Earrings shall be conservative in nature.

(c) Employees shall not wear ornamentation consisting of nose rings, tongue rings or tongue studs while on-duty or representing the Department in any official capacity.

942.4.1 BODY ALTERATION

Body alteration to any area of the body visible while on-duty, representing the City of Whittier in any official capacity or in any authorized uniform or attire that is a deviation from normal anatomical features and which is not medically required is prohibited. Such body alteration includes, but is not limited to:

(a) Tongue splitting or piercing.

(b) The complete or transdermal implantation of any material other than hair replacement.

(c) Abnormal shaping of the ears, eyes, nose or teeth.

(d) Branding or scarification.

942.5 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

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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

943.1 PURPOSE AND SCOPE

The uniform policy of the Whittier 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 Policy Manual sections:

Section 700 - Department Owned and Personal Property

Section 923 - Body Armor

Section 941 - 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 Whittier 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.

943.1.1 POSSESSION OF UNIFORM AND EQUIPMENT

All eemployees issued a uniform shall possess at all times a serviceable uniform and the necessary equipment to perform their assigned duties. Officers assigned to plainclothes duties shall also possess a uniform as prescribed hereafter. Uniforms shall not be loaned, rented or sold to persons not authorized to wear such uniform.

(a) Maintenance & Replacement: All uniforms and equipment shall be maintained in a clean, serviceable condition, and shall be ready at all times for immediate use or inspection, if worn while on duty. Items shall not be altered to contemporary fashion; however, uniforms may be altered to provide proper fit. Loss or theft of an item shall be reported immediately on the appropriate report.

(b) Mixed Clothing: Members shall wear only the uniform specified for their particular rank or position. Civilian clothing shall not be worn with any distinguishable equipment, except as authorized in this Order, and/or by the respective Division Commander.

(c) Retention of Present Uniform: Members presently possessing uniforms as equipment which meet specification as to color, style and fit in effect a the time of purchase, may wear them until they are no longer serviceable.

943.1.2 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.

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(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.T

(d) he uniform is to be worn in compliance with the specifications set forth in the department's uniform specifications that are maintained separately from this policy.

(e) All supervisors will perform periodic inspections of their personnel to ensure conformance to these regulations.

(f) Civilian attire shall not be worn in combination with any distinguishable part of the uniform.

(g) Uniforms are only to be worn while on duty, while in transit to or from work, for court, or at other official department functions or events.

(h) If the uniform is worn while in transit, an outer garment shall be worn over the uniform shirt so as not to bring attention to the employee while he/she is off-duty.

(i) Employees are not to purchase or drink alcoholic beverages while wearing any part of the department uniform, including the uniform pants.

(j) Mirrored sunglasses will not be worn with any Department uniform.

(k) Visible jewelry, other than those items listed below, shall not be worn with the uniform unless specifically authorized by the Chief of Police or the authorized designee:

1. Wrist watch
2. Wedding ring(s), class ring, or other ring of tasteful design. A maximum of one ring/set may be worn on each hand
3. Medical alert bracelet

943.2 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 or provide their name and/or identification number 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.

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943.3 UNIFORM SPECIFICATIONS CLASS A, B AND C (REGULAR AND RESERVES)

The items named in this section constitute the basic Class B uniform for Officers. Uniform specifications shall comply with those set forth by the Whittier Police Department as follows:

(a) Tactical Helmet

1. The helmet worn shall be that issued by the Department.
2. May be worn while driving Code 3 or in pursuit conditions and circumstances permitting.
3. May be worn while engaged in traffic control activities or conducting accident investigations where traffic flow created a hazard.
4. Shall be worn in potentially riotous situation or disturbances.
5. Shall be worn on order of superior officer.

(b) Caps (Baseball Style)

1. It shall be of a baseball cap design, solid black in color, construction shall be of cotton, acrylic, or blended material. Headband may be sized or adjustable. "Whittier Police" is to be embroidered on the front of the cap."Whittier" is to be embroidered using script 2 cursive font, .62 inches tall, 110% width, white in color."Police" is to be embroidered in all caps using the block 2 font.The color shall be maderia gold 1" in height and 108% wide.The cap shall retain its original shape and not be molded to the contrary.
2. The Department recognizes that there are instances when headgear, short of the helmet, is desirable for protection from the sun or for identification purposes. Although not part of the basic uniform, the cap may be worn with the uniform during isolated instances such as prolonged outdoor searches, outdoor para-police activities, fixed crowd control, or upon a physician's prescription. It may not be worn as a matter of routine during uniform duties. The cap may be worn at anytime with the police raincoat. It may also be worn by non-uniform personnel when further police identification is warranted, such as outdoor searches or warrant service.
3. These caps will be purchased by the individual.

(c) Shirt

1. Material, style and construction shall meet the specifications set forth and known as the standard Los Angeles Police Department duty shirt.
2. Class B uniform shirt worn by employees shall, at their discretion, be either the long or short sleeve style. However, all officers shall maintain a long sleeve shirt and tie for wear as may be directed by the Chief of Police for their Class "A" uniform.

(d) T-Shirt

1. A black tee shirt shall be worn under the uniform shirt, covering the otherwise exposed chest area. The sleeves of the tee shirt shall not show below the sleeves of the uniform shirt.

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2. A Dickey or turtleneck may be worn under long sleeve shirt and must be black. The sleeves of the turtleneck or Dickey shall not show below the sleeves of the uniform shirt.

(e) Trousers

1. Shall be a dark navy blue of wool or polyester material or any combination of such material.
2. Plain front with two straight side pockets, two back pockets, and two sap pockets below each back pocket and fully lined seat.
3. There shall be a minimum of 7 belt loops, each loop to be 3/4" wide, of double thickness, and shall accommodate a 1 5/8" belt.

(f) Trouser Belt

1. The trouser belt shall be worn under the Sam Browne belt. The belt shall be adjustable so that no part, other than the top edge, is visible.
2. The trouser belt shall be 1 1/3" in width. It shall be provided with a white metal buckle and belt loop 1/2" in width.It shall be secured with either a white metal buckle or Velcro.

(g) Socks

1. Socks worn may be of any type provided that any portion of the sock, which is visible, be black or midnight blue.

(h) Footwear

(a) Shoes shall be center-laced style, smooth finish, and solid black in color. They may be either low or high cut, with a plain-tip toe.

(b) Personnel may also wear the footwear commonly known as the Combat, Wellington, or Chippewa Boot. This footwear shall have a smooth finish, solid black, plain toe, with standard sole and heel. The boot shall have a zipper or lace which, when closed, prevents the uniform trouser leg from hanging inside the boot. Combat boots may be of the type, which incorporates a zipper in the uppers of the boot. See optional footwear available for Class C uniform.

(c) After wrinkling at the ankle, the top of the boot shall be within 1" below the bottom of the bone on the outside of the leg just below the knee.

(i) Ballistic Vest

(a) Shall be vest issued by the Department.

(b) Shall be worn by all uniformed personnel assigned to the field.

(c) Non-uniformed personnel shall wear a vest when any violent situation could be anticipated.

(d) Uniquely Fitted Vests

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(a) Defined: Means a protective (ballistic or stab-resistant) armor vest that conform to the individual wearer to provide the best possible fit and coverage, through a combination of:

(a) correctly-sized panels and carrier, determined through appropriate measurement, and

(b) properly adjusted straps, harnesses, fasteners, flaps, or other adjustable features.

(b) The requirement that body armor be "uniquely fitted" does not necessarily require body armor that is individually manufactured based on the measurements of the wearer.

943.3.1 CLASS A UNIFORM

(a) Shirt

1. Material, style and construction shall meet the specifications set forth and known as the standard Los Angeles Police Department duty shirt.

2. A Class A uniform shirt shall be a long-sleeve styled shirt.

(b) Tie

(a) All employees shall maintain a tie for wear when donning a Class A uniform. The tie shall be black in color and shall have a dull finish. It may be standard type of the ready-made breakaway tie. The tie shall be tied with a "four-in-hand" knot or a "Windsor Knot.

(c) T-Shirt

1. A black t-shirt shall be worn under the uniform shirt, covering the otherwise exposed chest area.

(d) Trousers

1. Shall be a dark navy blue of wool or polyester material or any combination of such material.

2. Plain front with two straight side pockets, two back pockets, and two sap pockets below each back pocket and fully lined seat.

3. There shall be a minimum of 7 belt loops, each loop to be 3/4" wide, of double thickness, and shall accommodate a 1 5/8" belt.

(e) Belt

1. The trouser belt shall be worn under the Sam Browne belt. The belt shall be adjustable so that no part, other than the top edge, is visible.

2. The trouser belt shall be 1 1/3" in width with a 1/2" belt loop. It shall have a white metal buckle or Velcro fastener. The belt shall be of basket-weave design.

(f) Socks

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1. Socks worn may be of any type provided that any portion of the sock, which is visible, be black or midnight blue.

(g) Footwear

1. Black, plain-toed, conservative Oxford or ankle high, lace-tied shoes OR black boot with leather toe, highly polished, with black laces or zippers. Patent-leather or Corfram is authorized.

(h) Duty Gear

1. Shall conform to all specifications set forth in this policy and shall be stamped with basket weave design. Nylon web-gear is not authorized for Class A use, unless accommodating an approved medical condition.

(i) Cover

(a) Shall be LAPD Style Cap navy blue in color.

(b) Cap piece shall be provided by the Department and remain the property of the City.

(c) Cap piece will utilized the preformed eyelets in the cover.

943.3.2 CLASS C UNIFORM

(a) Shirt

1. The shirt shall be the 5.11 Brand-Style #71339, dark navy in color.
2. TDU Ripstop Style.
3. Short or long sleeve
4. Embroidered name directly onto uniform above the right breast pocket--first initial, last name in 1/2" block letters.Silver in color--no sewn on name tag.
5. Metal badge--no cloth badge.
6. Patches appropriate to the city assigned.

(b) NO TIE SHALL BE WORN WITH THIS UNIFORM.

(c) T-Shirt

1. A black t-shirt shall be worn under the uniform shirt, covering the otherwise exposed chest area.

(d) Belt

1. The trouser belt shall be worn under the Sam Browne belt. The belt shall be adjustable so that no part, other than the top edge, is visible.The trouser belt shall be 1 1/3" in width with a 1/2" belt loop. It shall have a white metal buckle or Velcro fastener. The belt shall be of basket-weave design.

(e) Socks

1. Socks worn may be of any type provided that any portion of the sock, which is visible, be black or midnight blue.

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(f) Trousers

1. Shall be the 5.11 brand--style #74003, dark navy in color
2. TDU Ripstop Style.
3. Trousers shall not be bloused or tucked into footwear.

(g) Footwear

1. For Class C and Class C-EVC (External Vest Carrier) tactical boots designed for patrol use from a reputable manufacturer may be worn. Boots made of any combination of leather, synthetic leather, nylon, mesh or fabric, black in color, non-steel toe are authorized.

(h) Caps (Baseball style)

(a) It shall be of a baseball cap design, solid black in color, construction shall be of cotton, acrylic, or blended material. Headband may be sized or adjustable. "Whittier Police" is to be embroidered on the front of the cap. "Whittier" is to be embroidered using script 2 cursive font,.62 inches tall, 110% width, white in color. "Police" is to be embroidered in all caps using the block 2 font. The color shall be maderia gold 1" in height and 108% wide. The cap shall retain its original shape and not be molded to the contrary.

(b) The Department recognizes that there are instances when headgear, short of the helmet, is desirable for protection from the sun or for identification purposes. Although not part of the basic uniform, the cap may be worn with the uniform during isolated instances such as prolonged outdoor searches, outdoor para-police activities, fixed crowd control, or upon a physician's prescription. It may not be worn as a matter of routine during uniform duties. The cap may be worn at anytime with the police raincoat. It may also be worn by non-uniform personnel when further police identification is warranted, such as outdoor searches or warrant service.

(c) These caps will be purchased by the individual.

943.3.3 CLASS-C-EVC (EXTERNAL VEST CARRIER) UNIFORM

(a) Shirt

1. The shirt shall be the 5.11 Brand-Style #71049 Performance Polo, dark navy in color (#724).
2. Short or long sleeve.
3. Sewn on Department provided "Whittier Police" shoulder patches, appropriate to the City assigned.
4. Sewn on Department provided shoulder insignia for Sergeant, Corporal, Traffic and FTO
5. No additional decorations or attachments.

(b) No tie shall be worn with this uniform.

(c) T-Shirt

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1. A black T-shirt shall be worn under the uniform shirt, covering the otherwise exposed chest area.

(d) Belt

1. The trouser belt shall be worn under the Sam Browne belt. The belt shall be adjustable so that no part, other than the top edge, is visible. The trouser belt shall be 1 1/3" in width with a 1/2" belt loop. It shall have a white metal buckle or Velcro fastener. The belt shall be of basket-weave design.

(e) Socks

1. Socks worn may be of any type, provided that any portion of the sock, which is visible, be black or midnight blue.

(f) Trousers

1. Shall be the 5.11 brand-style #74369 Stryker pant or style #74003 TDU pant or style #74280 Taclite TDU pant, dark navy in color (#724).
2. Trousers shall not be bloused or tucked into footwear.

(g) External Vest Carrier (EVC)

1. The EVC is authorized as an option to be worn while on patrol only with Class-C EVC uniform. The Department will not provide officers assigned to patrol with an EVC. If an officer chooses to wear an EVC while assigned to patrol, they will be responsible for all associated costs.
2. If an officer chooses to wear an EVC while assigned to patrol, the EVC shall only be removed under the following circumstances:
   (a) While inside of the secure portion of the police station, staging facility and police services center. The EVC shall not be left unattended.
   (b) When an officer can articulate why they needed to remove the vest (i.e, need to jump in water to save someone, medical aid needed for the officer wearing the vest, etc.)
   (c) As authorized by the watch commander with reasonable articulation.
3. The only Department approved EVC is the U.S. Armor USBP-SOGC External Carrier, black in color.
4. The use of the approved EVC is subject to the following:
   (a) Front Insignia
      1. Issued cloth badge
      2. Light gray on black Velcro POLICE non-reflective patch
      3. Light gray on black Velcro nametape: first initial-period, last name in all caps, embroidered with 3/4" letters
      4. Black Molle attachments of high quality purchased from reputable manufacturers.

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5. Subdued gray U.S Flag Velcro patch or subdued gray Thin Blue Line Flag Velcro patch may be worn on the EVC or on a large pouch. Flag patch dimensions shall not exceed 3" in length and 2" in height. Flag shall be worn in horizontal position.

(b) Back Insignia:

1. Gray on black Velcro POLICE non-reflective 8x4" on back.

5. The following attachments are authorized to carry on the EVC. The pouches/ holsters must be a nylon style Molle attachment.

(a) ASP baton/holder

(b) Compact flashlight holder

(c) OC holder

(d) Glove pouch/tourniquet pouch

(e) Radio holder

(f) Spare magazine holders (4 Magazine limit)

(g) Utility Pouch

(h) Taser

(i) Handcuff holder

6. EVC shall not have the following items attached to it:

(a) Patches other than Department authorized

(b) Firearms

7. The EVC shall not be used as a vest carrier alone. The purpose of the EVC is to transfer weight from the officer's belt to the vest. Some equipment must be transferred from the belt to the EVC.

8. The number of pouches on the EVC should be reasonable as to not restrict the mobility of the wearer and or present a hazard or danger. The pouches shall be kept clean, operable and present a professional uniform appearance.

(h) Safariland Model 6004-25 Single Strap Leg Shroud with Drop Flex Adapter (DFA), black in color is authorized for Class-C-EVC. The attached firearm holster must match duty belt finish.

943.4 UNIFORM SPECIFICATIONS FOR CIVILIAN PERSONNEL

Universal Requirements:

(a) Keystone Uniforms and Mr. Uniform have been designated as uniform providers. J&J Promotional Products has been designated to provide uniform polo shirts with embroidery in compliance to the Department's requirements.Employees must purchase from Keystone Uniform Depot, Mr. Uniform or J&J Promotional Products

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and have embroidery completed by them. Specific clothing manufacturers provided at the uniform stores are subject to change.

(b) An approved list of uniform pieces has been provided to the three uniform providers, one sample voucher for each work unit.

(c) An initial uniform voucher will be provided to the supervisor of each new employee upon hiring.

(d) Tattoo cover up – see Personal Appearance Standards policy. Long sleeved shirts or turtle necked shirts worn under short sleeved polo shirts are NOT acceptable tattoo cover ups.The cover up method must be approved by the work unit supervisor or Division Manager.

(e) If extreme changes in body dimensions occur (because of significant weight loss, pregnancy etc.), any temporary uniform consideration must be reviewed and approved by the Division Manager.

(f) Business casual attire may be authorized by the Supervisor or Division Manager for wear in lieu of a uniform when employee attends meetings or training.

Uniformed Support Services and uniformed station personnel: Full-time Records PSAs, PSA assigned to Investigations, Dispatchers, Property and Evidence Technician, Senior Property and Evidence Technician, Senior PSAs, and Senior Dispatchers.

(a) These positions receive uniform provisioning per the WCEA MOU:

1. $400 one time initial uniform provision.
2. $200 annual voucher for uniform replacement.
3. $300 annually for uniform maintenance (distributed across pay periods).

(b) **Full time Support Services personnel:**

1. **Class A Uniform** (All full time uniformed Support Services personnel must purchase and maintain a Class A uniform.Records and Communications Supervisors must purchase and maintain a Class A uniform and wear when mandated by the Chief of Police.(May wear business casual or professional business attire when on duty for regular assignment.)

(a) **Shirt**

1. Long sleeved light blue police styled uniform shirt with epaulettes (any fabric blend). Manufacturers include Conquerer, Elbeco and Tact Squad.
2. Approved embroidered badge patch w/appropriate title and ID# affixed to left side of chest, and shoulder patches affixed to sleeves. Badge patches and shoulder patches to be ordered from Administration.
3. White shirts are designated for Seniors and Supervisors only.Shirt must be worn tucked into pants or skirt at all time.

(b) **Tie**

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1. Black uniform tie with dull finish and silver tie bar.

(c) **Name Plate**

1. Shall depict first initial, period, and last name.Size, material and design approved and ordered by Department (non-uniform store item)

(d) **T-Shirt**

1. Plain white scoop necked t-shirt to be worn under long sleeved uniform shirt (non uniform store okay)

(e) **Pant**

1. Dark navy blue police styled uniform pants or skirt (for women) of wool or blended fabrics.

(f) **Belt-**

1. Black leather basket weave uniform belt.

(g) **Socks**

1. Plain black socks (non-uniform store okay).

(h) **Shoes**

1. Black or dark navy closed toe shoes (non-uniform store okay)

2. **Class B Uniform** (May be worn during all work assignments unless Class A has been mandated):

(a) **Shirt**

1. Short sleeved light blue police styled uniform shirt with epaulettes (any fabric blend). Manufacturers include Conqueror, Elbeco and Tact Squad.
2. Approved embroidered badge patch w/appropriate title and ID# affixed to left side of chest, and shoulder patches affixed to sleeves. Badge patches and shoulder patches to be ordered from Administration.
3. White shirts are designated for Seniors and Supervisors only.
4. Shirt must be worn tucked into pants or skirt at all times.

(b) **Name Plate**

1. Shall depict first initial, period, and last name.Size, material, and design approved and ordered by Department (non-uniform store item).

(c) **T-Shirt**

1. Plain white scoop necked t-shirt may be worn under short sleeved uniform shirt (non-uniform store okay).

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(d) **Pant**

1. Dark blue police styled uniform pants or skirt (for women) of wool or blended fabrics.

(e) **Belt**

1. Black leather basket weave uniform belt.

(f) **Socks**

1. Plain black socks (non-uniform store okay).

(g) **Shoes**

1. Black or dark navy closed toe shoes (non-uniform store okay)

3. **Class C Uniform--**(May be worn during all work assignments unless Class A has been mandated):

(a) **Shirt**

1. Short or long sleeved dark navy blue polo shirt w/approved white embroidery with grey edging on both sides of chest (fabrics include cotton pique or polyester w/Smart Weave).Manufacturers include Gilden, Cornerstone, 5/11 or Elbeco;Or

2. Short sleeve dark navy women's polo shirt w/collar and V-neck, and aproved white embroidery on both sides of chest.Manufacturer is Tri-Mountain, style #104(women) or #108(men)

3. Embroidered "WPD" emblem with work unit designation (Records, Communications, or Evidence) in white with grey edging, affixed to left side of chest. First intial, period and last name of employee in white on right side of chest. Block style lettering.

4. Position title embroidered under name for Seniors/Supervisors only. (Titles include: Records Supervisor, Commnuications Supervisor, Senior Property/Evidence Technician, Senior PSA, and Senior Dispatcher.)

(b) **Pant/Skirt**

1. Dark navy blue police styled uniform pants or skirt (for women) of wool blended fabrics; OR

2. Dark navy blue 5.11 Taclite pants without drawstring cuffs.

(c) **Belt**

1. Black leather basket weave uniform belt is required if shirt is tucked into pants or skirt.

(d) **Socks**

1. Plain black socks (non-uniform store okay).

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(e) **Shoes**

(a) Black or dark navy closed toed shoes (non-uniform store okay)

4.<u>Sweaters/Jackets (Optional)</u>

The following optional outer clothing may be worn while on duty.If desired for wear, it must purchased from the uniform store.Other sweaters/jackets are not approved for wear while on duty.

(a) 1. (a) **Dark navy uniform cardigan sweater** zippered or button. Manufacturer is A+;

(b) **Dark navy uniform sweater vest** Manufacturer is A+;

(c) **Dark navy pullover** "job shirt" with collar and zipper.Manufacturer is 5.11;

(d) **Dark navy wind breaker jacket w/collar.** Manufacturer is Tact Squad;

1. The above four garments may have embroidery as described below:

2. Embroidered "WPD" emblem with work unit designation (Records, Communications, or Evidence) in white with grey edging, affixed to left side of chest.First initial, period and last name of employee in white on right side of chest. Block style lettering.OR

3. Approved embroidered badge patch w/appropriate title and ID# affixed to left side of chest.First initial, period and last name of employee in white on right side of chest.Block style lettering.

(e) **Dark navy or black jacket** with pockets on chest.Manufacturers include Pilot or 5.11.No embroidery.

<u>Code Enforcement Personnel</u>

(a) 1. **<u>Class A Uniform</u>** (All full-time uniformed Code Enforcement personnel must purchase and maintain a Class A uniform. Code Enforcement Supervisor must purchase and maintain Class A uniform and wear when mandated by Chief of Police. May wear business casual or professional business attire when on duty for regular assignment.):

(a) **Shirt**

1. Long sleeved light blue buttoned down shirt. Manufacturer is Edwards #5077-001(women) #1077-001(men).

2. Approved embroidered badge patch w/appropriate title and ID# affixed to left side of chest. First initial, period, and last name of employee embroidered on right side of chest. Block style lettering in black.Badge patches to be ordered from Administration.

3. Shirt must be worn tucked into pants at all times.

(b) **Tie**

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1. Black uniform tie
2. Silver tie bar.

(c) **T-shirt**

1. Plain white scoop necked t-shirt to be worn under long sleeved uniform shirt (non-uniform store okay).

(d) **Pant**

1. Dark navy blue police styled uniform pants of wool or blended fabrics.

(e) **Belt**

1. Black leather basket weave uniform belt.

(f) **Socks**

1. Plain black socks (non-uniform store okay).

(g) **Shoes**

1. Black closed toe shoes (non-uniform store okay).

2. **Class B Uniform** (May be worn during all work assignments unless Class A has been mandated).

(a) **Shirt**

1. Short sleeved light blue buttoned down police styled uniform type shirt. Manufacturers is Edwards #5027-001(women) #1027-001(men).
2. Approved embroidered badge patch w/appropriate title and ID# affixed to left side of chest. First initial, period, and last name of employee embroidered on right side of chest. Block style lettering in black.Badge patches to be ordered from Administration.
3. Shirt must be worn tucked into pants at all times.

(b) **T-shirt**

1. Plain white scoop necked t-shirt to be worn under long sleeved uniform shirt (non-uniform store okay).

(c) **Pant**

1. Dark blue police styled uniform pants of wool or blended fabrics.

(d) **Belt**

1. Black leather basket weave uniform belt.

(e) **Socks**

1. Plain black socks (non-uniform store okay).

(f) **Shoes**

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1. Black closed toe shoes (non-uniform store okay).

3. **Class C Uniform** (May be worn during all work assignments unless Class A has mandated.

(a) **Shirt**

1. Short or long sleeved light blue polo shirt w/approved embroidery on both sides of chest. Manufacturer is Tri Mountain, style #104(women) or #108(men).

2. Approved embroidered badge patch w/appropriate title and ID# affixed to left side of chest.First initial, period, and last name of employee embroidered on right side of chest. Block style lettering in black. Badge patches to be ordered from Administration.

3. Shirt must be worn tucked into pants or shorts at all times.

(b) **T-shirt**

1. Plain white scoop necked t-shirt to be worn under long sleeved uniform shirt (non-uniform store okay).

(c) **Pant**

1. Dark navy blue police styled uniform pants of wool or blended fabrics; or

2. Dark navy blue 5.11 taclite pants without drawstring cuffs.

(d) **Belt**

1. Black leather basket weave uniform belt is required if shirt is tucked into pants or skirt.

(e) **Socks**

1. Plain black socks (non-uniform store okay).

(f) **Shoes**

1. Black closed toe shoes (non-uniform store okay).

4. **Jackets (Optional)**The following optional outer clothing may be worn while on duty. If desired for wear, it must be purchased from the uniform store. Other sweaters/jackets are not approved for wear while on duty.

(a) Approved embroidered badge patch w/appropriate title and ID# affixed to left side of chest.First initial, period, and last name of employee embroidered on right side of chest. Block style lettering in black. Badge patches to be ordered from Administration.

(b) **Black warm jacket** with zippered lining. Manufacturer is Tact Squad, Style 9001b

(c) **Black windbreaker.** Manufacturers include: Auburn Sportswear, Tact Squad and New Star Classic Collection.

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Police Cadet

(a) **Class A Uniform** (Police Cadets must purchase and maintain a Class A uniform).

1. **Shirt**
   - (a) Long sleeved light blue police styled uniform shirt with epqulettes (all polyester).Manufacturer is Elbeco.
   - (b) Approved embroidered badge patch w/appropriate title and ID# afixed to left side of chest, and shoulder patches affixed to sleeves.Badge patches and shoulder patces to be ordered from Administration.
   - (c) Shirt must be worn tucked into pants at all times.
2. **Tie**
   - (a) Black uniform tie
   - (b) Silver tie bar
3. **T-shirt**
   - (a) Plain white scoop neck t-shirt to be worn under uniform shirt (non- uniform store okay).
4. **Pant**
   - (a) Dark navy blue plice styled uniform pants of wool or blended fabric
5. **Belt**
   - (a) Black leather basket weave uniform belt.
6. **Socks**
   - (a) Plain black socks (non-uniform store okay.)
7. **Shoes**
   - (a) Black close toe shoes (non-uniform store okay).
8. **Key Holder**
   - (a) Black leather (Optional)

(b) **Class B Uniform** --(May be worn during all work assignments unless Class A has been mandated)

(a) **Shirt**
   - (a) Short sleeved light blue poice styled uniform shirt with epaulettes (all polyester).Manufacturer is Elbeco.
   - (b) Approved embroidered badge patch w/appropriate title and ID# affixed to left side of chest, and shoulder patches affixed to sleeves.Badge patches and shoulder patches to be ordered from Administration.
   - (c) Shirt must be worn tucked into pants at all times.

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(b) **T-shirt**

(a) Plain whitie scoop necked t-shirt may be worn under uniform shirt (non-uniform store okay).

(c) **Pant**

(a) Dark blue police styled uniform pants of wool or blended fabrics.

(d) **Belt**

(a) Black leather basket weave uniform belt.

(e) **Socks**

(a) Plain black socks (non-uniform store okay).

(f) **Shoes**

(a) Black or dark navy closed toe shoes (non-uniform store okay).

(c) **Jackets/Sweater (OPTIONAL)** The following optional outer clothing may be worn while on duty.If desired for weark, it must be purchased from the Uniform Store.Other sweaters/jackets are not approved for wear while on duty.

1. Dark navy uniform cardigan sweater, zipper or button.Manufacturer is A+
2. Dark navy wind breaker jacket w/collar.Manufacturer is Tact Squad.
3. Dark navy pullover "job sirt" with collar and zipper.Manufacturer is 5.11
4. The above 3 garments MAY have embroidery as described below:

(a) Embroidered "WPD" emblem with work unit designation (Cadet) in white with grey edging, affixed to left side of chest.First initial, period and last name of employee in white on right side of chest.Block style lettering.OR

(b) Approved embroidered badge patch w/appropriate title and ID# affixed to left side of chest.First intial, period and last name of employee in white on right side of chest.Block style lettering.

5. Dark navy or black jacket with pockets on chest.Manufacturers include Pilot or 5.11.

(a) Shoulder patches should be attached to each shoulder, black name tape with first initial and last name in silver above right pocket; and approved embroidered badge patch w/appropriate title and ID# affixed above left pocket.Badge patches and should patches to be ordered from Administration.

Part-time Personnel: assigned to Records, Applicant LiveScan Operator, Part-time Dispatcher, assigned to Property and Evidence, and 290 registratin staff assigned to Investigations.Upon hiring, the Department will issue a voucher for two of approved polo shirts, and an additional voucher for two polo shirts annually.For regular wear during all work assignments

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unless otherwise temporarily exempted (such as when authorized to wear casual business attire to a training class, etc).

(a) **Shirt**

1. Short or long sleeved dark navy blue polo shirt with approved white embroidery on both sides of chest (fabrics include cotton pique or polyester w/Smart weave).manufacturers include Gilden, Cornerstone, 5.11, or Elbeco.Or
2. Short sleeve dark navy women's polo shirt w/collar and V-neck, and approved white embroidery on both sides of chest.Manufacturer is Tri-Mountain, style #104(women) or #108(men).
3. Embroidered "WPD" emblem with work unit designation (Records, Communicatins, or Evidence) in white with grey edging, affixed to left side of chest.First initial, period and last name of employee in white on right side of chest.Block style lettering.

(b) **Shoes**

1. Black or dark navy closed toed shoes (non-uniform store okay).

(c) **Sweaters/Jackets** (Optional)The following optional outer clothing may be worn while on duty.If desired for wear, it must be purchased from the uniform store.Other sweaters/jackets are not approved for wear while on duty.

(a) Dark navy uniform cardigan sweater, zippered or button.Manufacturer is A+

(b) Dark navy wind breaker jacket w/collar.Manufacturer is Tact Squad;

(c) Dark navy pullover "job shirt" with collar and zipper.Manufacturer is 5.11;

(a) The above three (3) garments may have embroidery as described below:

(b) Embroidered "WPD" emblem with work unit designation (Records, Communications, or Evidence) in white with grey edging, affixed to the left side of chest.First initial, period and last name of employee in white on right side of chest.Block style lettering.Or

(c) Approved embroidered badge patch w/appropriate title and ID# affixed to left side of chest.First intial, period and last name of employee in white on right side of chest.Block style lettering.

(d) Dark navy or black jacket with pockets on chest.Manufacturers include Pilot or 5.11.No embroidery.

(d) **Pant/Skirt**

1. Dark navy blue police styled uniform pants or skirt (for women) of wool or blended fabrics from uniform store; OR
2. Dark navy blue 5.11 Taclite pants without drawstring cuffs from uniform store; OR
3. Dark navy blue "Dickies" or "Dockers" styled pant (non-uniform store item).

(e) **Socks**

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1. Plain black socks (non-uniform store okay).

Non-uniformed Full and Part-time Station Personnel: (CAU staff, Management Analyst, Court Liaison, Administrative Secretary to Chief, Code Enforcement Secretary, and Support Services Manager).

(a) Business casual or professional business attire is required for all regular assignments; formal business attire will be worn for special occasions as required by the Chief of Police.

943.5 DUTY GEAR

The items listed below shall be black, polished, full grain leather, stitched with heavy linen thread and stamped with basket weave design OR Nylon gear. All fasteners shall be chrome-plated or plain. Officers are still required to maintain a complete set of basket weave gear for formal events such as graduations, funerals, department photos, and other official events as directed by the Chief of Police.

(a) Belt

1. Shall be of the Sam Browne style without "D" rings or shoulder strap. The tongue shall be shaped into an English strap end.

(b) Holster

1. The holster shall be worn on the side for which it was designed.
2. It shall be at the minimum a Level II holster approved by the Department Rangemaster.

(c) Cartridge Carrier

1. The magazine holders may be the type which will accommodate two magazines in a side by side configuration.
2. It shall be worn on the side opposite the holster, in the front quarter.

(d) The Key Holder

1. The key holder shall be the standard strap type or with a protective leather flap.
2. It is worn on the side opposite the holster near the trouser seam.

(e) Baton Holder

1. The baton holder shall be worn on the side opposite the holster near the trouser seam.

(f) Handcuff Case

1. It may be either the single or double handcuff case.
2. The handcuff case shall be worn on the rear position of the Sam Browne.

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(g) Flashlight Holder

1. If desired to be worn, it shall be a professionally made leather or ring-type holder.

(h) Portable Radio Holder

1. Shall be a professionally made black basket weave leather holder, issued by the Department.

(i) Belt Keeper Straps

1. Minimally four keeper straps shall be used to keep the police equipment belt in place. Two keeper straps shall be worn in front, proportionately spaced on each side and two in back each proportionately spaced, one on each side.

(j) Chemical Agent

1. Chemical agent canister is to be carried in black, basket-wave leather case, and worn on the side opposite the weapon.

943.6 JACKETS

Car Duty Jackets (Optional)

Car duty jacket shall be manufactured by a reputable uniform company for the specific purpose of patrol operations outerwear.

(a) 1. May be Nylon, polyester, or a combination of the two fabrics.

2. Shall be solid black or dark navy blue in color with full zipper front.

3. May have an optional zip-in zip-out liner

4. Shall have at least two front pockets.

5. A dark blue or black cloth name plate shall be sewn above the right pocket if horizontal pocket flaps are located on the bottom part of the jacket. On jackets without bottom horizontal flap pockets, name plate shall be sewn centered on the right chest area at a height directly opposite the middle of the badge. The officer's name shall be embroidered on the name plate using silver or gray, 1/2" block lettering. The name format shall be first initial and last name.

6. A cloth badge, resembling the current shield style badge, supplied by the department, may be sewn in the appropriate badge area. The officer's rank shall be embroidered across the upper portion of the cloth badge. The officers ID number shall be embroidered on the bottom of the cloth badge. All embroidery is to be black in color.The standard badge shall be used if the cloth badge is not utilized. In all cases when wearing a jacket, it shall have a badge displayed.

7. Department uniform shoulder patches shall be sewn on each jacket sleeve.

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943.7 BADGES

(a) When in uniform all officers shall wear the official badge currently issued to them. The badge shall be attached to the left badge holder on the outer most garment, and shall be visible at all times.

(b) Officers, while on plainclothes duty, shall carry the official badge issued them, unless the type of assignment makes its carrying impractical.

943.7.2 RETIREE'S BADGES

The Chief of Police may issue identification in the form of a badge, insignia, emblem, device, label, certificate, card or writing that clearly states the person has honorably retired from the Whittier Police Department. (This identification is separate and distinct from the identification authorized by Penal Code § 25905 and referenced in the Retired Officer CCW Endorsement Policy in this manual).

A badge issued to an honorably retired peace officer that is not affixed to a plaque or other memento will have the words "Retired" clearly visible on its face. A retiree shall be instructed that any such badge will remain the property of the Whittier Police Department and will be revoked in the event of misuse or abuse (Penal Code § 538d).

943.7.2 MOURNING BADGE

Uniformed employees shall wear a black mourning band 1/2 " in width horizontally across the uniform badge but not covering the ID number, whenever a law enforcement officer is killed in the line of duty

a. An officer of this department from the time of death for 30 days.
b. Any officer from 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.

943.8 UNIFORM ACCESSORIES

(a) Name tags.

  (a) Name Bar

  (b) Shall be of the type provided by the Department.All replacements will be ordered through the Administration Division.

  (c) Shall be worn centered immediately above the right shirt pocket.

(b) Tie Bar

  (a) Shall be worn evenly spaced between the shirt pockets and the top of the bar shall be level with the top of the shirt pockets.

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(b) It shall be not less than 5/16" wide, nor more than 7/16" wide; not less than 1 3/4", nor more than 2 5/16" in length. It shall be white metal for Officers and Corporals, and yellow metal for Sergeants and above. It shall be free of ornamentation, except for the City of Whittier service emblem, which may be attached on the face.

(c) Medal of Valor

(a) In additional to the neck ribbon, a companion valor award ribbon shall be issued, equivalent to the Entenmann AR-1 (1/2 silver, 1/2 dark blue).

(b) The uniform valor award ribbon shall be worn horizontally, centered vertically and horizontal on left shirt pocket flap below the badge.

(c) In order of precedence, this award is first from right to left, followed by Meritorious and then Lifesaving (See diagram below). If other service pin(s) are earned then both or all will be worn horizontally, centered vertically and horizontal on left shirt pocket flap below the badge.

(d) Only one pin will be worn for this particular award. If multiple citations for this award are earned, the ribbon will be exchanged for one with a star representing each issuance (i.e. two, three, stars, etc).

(e) Comparable awards for Valor earned while employed at prior agencies will be honored and worn in the same location.

(d) Meritorious Citation Award

(a) Recipients of the meritorious award shall be issued a complimentary ribbon to be worn on their uniform

(b) The uniform meritorious award ribbon shall be worn horizontally, centered vertically and horizontal on left shirt pocket flap below the badge.

(c) In order of precedence, this award is second, positioned from right to left, preceded by Medal of Valor and followed by Lifesaving (See diagram below). If other service pin(s) are earned then both or all will be worn horizontally, centered vertically and horizontal on left shirt pocket flap below the badge.

(d) Only one pin will be worn for this particular award. If multiple citations for this award are earned, the ribbon will be exchanged for one with a star representing each issuance. (i.e. two, three, four stars, etc)

(e) Comparable awards for Meritorious Citations earned while employed at prior agencies will be honored and worn in the same location.

(e) Lifesaving Award

(a) Recipients of this award will be issued a complimentary (1/2 red, 1/2 white) ribbon to be worn on their uniform.

(b) The uniform lifesaving award ribbon shall be worn horizontally, centered vertically and horizontal on the right shirt pocket flap below the badge.

(c) In order of precedence, this award is last from right to left, preceded by Medal of Valor and then Meritorious (See diagram below)If other service pin(s)

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are earned then both or all will be worn horizontally, centered vertically and horizontal on left shirt pocket flap below the badge.

(d) Only one pin will be worn for this particular award. If multiple citations for this award are earned, the ribbon will be exchanged for one with a star representing each issuance. (i.e. two, three, four stars, etc)

(e) Comparable awards for Lifesaving earned while employed at prior agencies will be honored and worn in the same location.

(f) The following pins may be worn on the right breast pocket flap below the seam and name plate. Only two pins may be worn at any one time, if more than one is possessed they can only be worn in the two designated locations described below (see diagram below):

(a) City Service Award Pin

(a) The City-issued service award pin shall be worn in either of the two designated places on the right breast pocket flap of the uniform shirt (see image below), or the cloth jacket of Department employees.

(b) American Flag Pin

(a) Officers may wear a pin made in the image of the American Flag. The pin shall be 3/4" tall and 3/4" wide at the widest point. The pin is to be worn only on the left side of the right breast pocket flap below the seam as indicated in the diagram below.

(c) 23152 Pin.

(a) Officers receiving the DUI pin may wear it in any of the two designated positions on the right breast pocket flap below the seam as indicated below.

(d) 10851 Pin

(a) Officers receiving the 10851 pin may wear it in any of the two designated positions on the right breast pocket flap below the seam as indicated below.

(e) SWAT Pin

(a) Officers who are active members of the Department's SWAT team may wear it in any of the two designated positions on the right breast pocket flap below the seam as indicated below.

(f) City Service Pin

(a) Members being awarded the City Service Pin may wear it in any of the two designated positions on the right breast pocket flap below the seam as indicated below.

(g) Military Branch Pin

(a) The Department approved military pin can be worn on any uniform on the right breast pocket flap below the seam, except when military ribbons are worn on the Class A. This pin shall be worn on the left side of the right

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pocket and measure 1"W X 3/4"H. It can be either the military branch pin with the flag (see example)

or just the flag. If a solitary flag pin is worn, the military pin will be worn on the right side of the right pocket.

(g) Military Ribbons

(a) Military ribbons may be displayed on Class A uniforms for personnel who are military veterans or are currently serving in the military reserves under the following guidelines

(a) Only ribbons that were awarded while on active duty or active reserve/ national guard status may be displayed.

(b) Ribbons for both medals and service awards may be worn along with the proper ribbon devices (i.e., bronze service stars or oak leafs for multiple awards.)

(c) Ribbons are to be worn on the left breast pocket flap below the seam.

(d) They are to be centered with the first row worn directly below the pocket seam. Subsequent rows are to be worn on the pocket flap. If only one row is being worn, the ribbons will be centered below the pocket seam, directly under the badge.

(e) Multiple ribbons are to be worn with a ribbon bar designed for the appropriate amount of ribbons.

(f) If the officer possesses the Departmental Medal of Valor, Meritorious or Lifesaving pins, these pins shall be worn above the military ribbons on the left breast pocket flap and below the seam.

(h) Placement diagram for pins.

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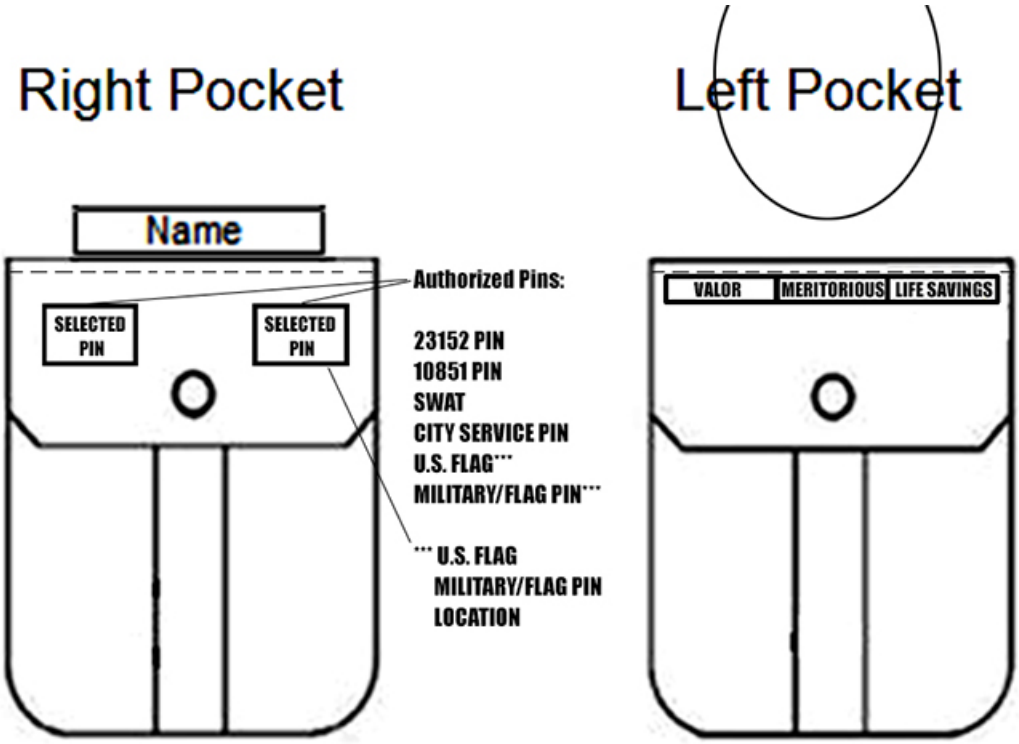
(a)



943.8.1 DEPARTMENT EMBLEMS AND INSIGNIAS

(a) Shoulder Patch

1. All uniformed officers shall wear the Department shoulder patch on each shoulder of the uniform shirt and jacket.
2. The top edge of the shoulder patch shall be 1/2" below the shoulder seam.
3. The shoulder patch shall have a royal blue background bearing the clock-style lettering stating, "WHITTIER POLICE", 1/2" high. The work WHITTIER above the circle, and the word POLICE below the circle. The lettering and the outside border of the emblem shall be California gold in color. It shall be on a midnight blue cloth approximately 2" in diameter and contain the approved Department design.

(b) Service Stripes

(a) For each five years of service with this Department or other police agency, as a sworn police officer, one service stripe shall be worn on the uniform shirt.

(b) The service stripe may be worn six months prior to the five-year period represented, if the wearer so desires.

(c) Service stripes shall be embroidered or cloth-on-cloth style, royal blue edged with California gold on a midnight blue background, cut and embroidered on a 45 angle. This royal blue stripe with the California gold shall be 3/8" wide, and

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2" long, with a midnight blue cloth background 1/4" longer than the stripe. All service stripes shall be sewn on with professional skill and with plain, invisible black thread stitching.

(d) Service stripes shall be sewn on the lower left sleeve of the long sleeve uniform shirt, with the lower edge of the bottom stripe 1/2" above the top edge of the cuff. The complete stripe shall be in front of the center press of the sleeve.

(c) Field Training Officer Insignia

1. The Field Training Officer is not a rank in the chain of command, however it does carry with it an insignia designating the officer's duties within the organization.

2. The insignia worn on the FTO uniform shirt shall be one strip of the United States Army regulatin size with a gold five-pointed star immediately below it.It will have a royal blue striped edge in California gold on a midnight blue background.It may be either cloth-on-cloth or embroidered type.In the later case, the embroidering shall be done so closely that the base material is not visible.The stripe shall be sewn on with black thread and with professional skill.

3. Shall be worn on each sleeve of the uniform shirt worn by Field Training Officers and on the nylon car duty jacket.The top point of the chevron shall be placed 1/2" below the Department emblem on the shoulder.

(d) Corporal Rank Insignia

1. The Corporal's rank insignia worn on the uniform shirt shall be two stripes of United States Army regulation size, with royal blue stripe edge in California gold on a midnight blue background. It may be either cloth-on-cloth or embroidered type. In the latter case, the embroidering shall be done so closely that the base material is not visible. Stripes shall be sewn on with black thread and with professional skill.

2. Shall be worn on each sleeve of the uniform shirt worn by the Corporals. Wearing the chevrons on the nylon car duty jacket is optional. The top point of the chevrons shall be placed 1/2" below the Department emblem.

(e) Sergeant Rank Insignia

1. The Sergeant's rank insignia worn on the uniform shirt shall be three stripes of the United States Army regulation size, with royal blue stripes edged California gold on a midnight blue background. It may be either cloth-on-cloth or embroidered type. In the latter case, the embroidering shall be done so closely that the base material is not visible. Chevrons shall be sewn on with black thread and with professional skill.

2. Shall be worn on each sleeve of the uniform shirt worn by Sergeants. Wearing the chevrons on the nylon car duty jacket is optional. The top point of the chevrons shall be placed 1/2" below the Department emblem. Sergeants assigned to traffic duty shall wear the chevrons 1/2" below the bottom of the Traffic Tactical Unit emblem.

(f) Lieutenant Rank Insignia

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1. The Lieutenant's rank insignia worn on the uniform shirt shall be a single, plain, flat, yellow-metal bar, 1/4"' wide, and 3/4" long. The bar shall be equipped with a clutch fastener.
2. The bar shall be affixed to the center of each side of the collar of the uniform shirt. The front edge of the bar shall be 3/4" from and parallel with, the front edge of the collar.
3. When wearing a jacket the bars will be worn on the collar of the jacket.

(g) Captain Rank Insignia

1. Two bar, flat metal, gold in color, 3/8" wide and 1" long, joined by a small wire at each end. The bars shall be equipped with either a pin and safety catch, or a clutch fastener.
2. The two bars shall be affixed to the center of each side of the collar of the uniform shirt. The front edge of the bar shall be 3/4" from and parallel with, the front edge of the collar.
3. Two bars shall be worn on each shoulder of the jacket, placed so that the outer edge of the bar is 5/8" from and parallel with the sleeve seam. The bars shall be centered directly over the shoulder seam.

(h) Chief Rank Insignia

1. Four stars, yellow metal.
2. The four stars shall be affixed to the center of each side of the collar of the uniform shirt.The front edge of the bar shall be 3/4" from and parallel with, the front edge of the collar.
3. Four stars shall be worn on each shoulder of the jacket, in such manner that one point of each star points to the rear. The center of the outside star shall be 1" above the sleeve and centered directly over the shoulder seam.

(i) Traffic Tactical Unit Emblem

1. Officers assigned to two-wheeled motorcycle duty shall wear the traffic tactical unit emblem on each sleeve of the uniform shirt and patrol jacket. It shall be placed 1/4" below the bottom of the Department shoulder patch.
2. The emblem shall consist of a California gold silk thread on a midnight blue background eight-spooked wheel, 7/8" in diameter, with a horizontal arrow 1-3/4" long and 1/8" wide.

943.8.2 ADDITIONAL EQUIPMENT

(a) Baton (Officers shall only carry those types of batons for which they have been properly trained).

(a) ASP collapsible baton

(a) Holster must match duty gear and Asp shall be carried in respective holster during uniform field duties.

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(b) The Peacekeeper RCB baton

1. Black or Nickel
2. 26" only
3. Holster must match duty gear and RCB baton shall be carried in respective holster during uniform field duties

(c) Straight baton

(a) Straight baton constructed of wood, 26 to 29 inches in length. The baton shall be 1 1/8 to 1 1/4 inches in diameter and shall be equipped with a black rubber grommet positioned approximately seven inches from one end of the baton. The baton shall be either black or brown (natural wood) in color. It shall also be smooth (sanded) in texture.

(b) Straight baton shall be carried in their respective holder and not modified in any way. Exception is name and/or ID #label or engraved above rubber grommet (area where the baton is held. No other script or text shall be permitted. Engraved text font shall not exceed 1/2 inch in size.

(c) Straight baton shall be carried in respective holder during uniform field duties.

(b) Handcuffs

1. The handcuffs shall be of all steel construction, with either metal chrome, nickel plated or flat black finish, Smith & Wesson or Peerless brand.
2. Officers shall carry a key that opens the handcuffs.
3. Handcuffs shall be carried in the handcuff case.

(c) Rain Equipment

1. Officers shall wear rain equipment when weather conditions may require to insure uninterrupted performance of duty.
2. Rain clothing shall be the two-piece rain suit, yellow in color, either rubber or vinyl material, with rust proof snap fasteners.

(d) Flashlight

(a) All officers shall carry a flashlight during the hours of darkness.

(b) May be no larger than 5-cell size.

(e) Reflective Vests

1. Shall be those issued by the department.
2.

(f) Duty Suspenders

(a) Nylon material.

(b) Shall be black in color with straps being no larger than "1 1/2

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(c) Will cross in the back and be only worn with the Class B or C uniform

(d) Shall not be worn off the shoulder while in uniform at anytime.

(e) Approved vendors will be "bmp 911 (online vendor) or Uncle Mike's model 9120-3 or 9120-4(Galls).

943.8.3 POLITICAL ACTIVITIES, ENDORSEMENTS, AND ADVERTISEMENTS
Unless specifically authorized by the Chief of Police, Whittier 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 caused to be posted, published, or displayed, the image of another employee, or identify himself/herself as an employee of the Whittier 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.

943.9 OTHER AUTHORIZED UNIFORMS AND/OR EQUIPMENT

943.9.1 RECRUIT TRAINING UNIFORM
The items worn by male and female regular Officers while attending Academy training shall be the same as provided above, except as otherwise specified by the Academy they are attending.

943.9.2 TRAFFIC AND MOTOR OFFICER UNIFORM
The items identified in this section constitute the basic duty uniform for traffic and motor officers and shall comply with the specifications set forth by the Whittier Police Department

(a) Helmet

  (a) The motor helmet worn shall be that issued by the department.

  (b) May be worn while engaged in traffic control activities or conducting accident investigations.

  (c) Shall be worn in potentially riotous situations or disturbances

  (d) Shall be worn on the order of a superior officer.

  (e) Shall be worn while operating any motorcycle.

(b) Breeches

  (a) Officers, while assigned to two-wheel motorcycles shall wear breeches in lieu of the uniform pants.

  (b) Material shall be 100% wool, Navy (blue) **OR**

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(c) Motosport Air Mesh Trousers #102508-CUST/Dark Blue

(a) Inside rear no flap/zip hip pockets

(a) ZIPPER 03/Zipper/Velcro cuff closure (no extra velcro past flap)

(b) POCKET 03/Right and left cargo pockets.

(c) REFLECTIVE/Full gray reflective stripe

(b) These trousers may be purchased by the officer and shall be worn with black patrol boots.

(c) Traffic bureau motor officers will be required to possess and maintain issued trousers and motor boots for Class-A attire.

(c) Boots

1. Officers assigned to two-wheeled motorcycle duty shall wear motorcycle officer boots.

2. After wrinkling at the ankle, the top of the boot shall be within 1" below the bottom of the bone of the outside of the leg just below the knee.

(d) Neckwear

1. A knit turtleneck dickey may be worn.

2. It must be white, royal blue, or midnight blue in color, with no design or initials visible.

3. The dickey shall have a full turn-down collar.

(e) Class A uniform

1. Motor officers shall wear the motor breeches and motor leather boots with the departmental Class A uniform.Motor officers shall wear the standard Class A tie or a black bow tie.

(f) Leather Jacket (Optional for Motorcycle Officers.)

1. Material shall be black, Napa chrome-tanned calf skin or garment-tanned top grade cowhide or horsehide.

2. Collar shall be made of short cropped hair fur, black or dark brown in color, similar to "mouton" leather black electrified lamb's wool, #1 grade.

3. Material, style and construction shall meet the specifications set forth and known as the standard Los Angeles Police Department motor officer jacket.

(g) Whistle

(a) Officers assigned to the traffic bureau as their primary assignment will be permitted to wear a silver Vanguard styled whistle chain with their Class A or Class B uniforms only.

(b) The whistle chain will be worn so that the top portion attaches to the right lapel while the whistle is kept in the right breast pocket.

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943.9.3 OTHER UNIFORMS
SET/POP

(a) These details will be authorized to wear denim jeans, BDU, or cotton trousers.

(b) T-shirts worn may not contain any offensive text or graphics. This includes, but is not limited to, text or graphics related to alcohol, drugs, sex, weapons, or violence.

Canine

(a) Those assigned as Canine Officers will be authorized to wear a black Class -C uniform when working or training in a canine capacity with the police service dog. In all other work situations, where the police service dog is not in service, Canine Officers will wear the Class "A", "B" or "C" uniform

(b) Black Shirt

1. 5.11 style #71354 (short sleeve)/ #72399 (long sleeve)

(c) Black Pants

1. 5.11 style #74369 (men's)/#64386 (Women's)

(d) Shoulder Patch

1. Whittier Police Department black and gray patch

943.9.4 HONOR GUARD
The Honor Guard uniform differs from the Department's Class "A" uniform in the following manner:

(a) Honor Guard Blouse Coat LAPD Style

1. With 4 Gold P Buttons Above Belt.
2. Preset holes in collar to hold Brass WPD insignia
3. Preset holes in blazer on right chest for nameplate
4. Built in sweat pads
5. Preset belt hooks (4) total in front and back.
6. CA Gold Piping around collar, epaulets, sleeve points.
7. Honor Guard patches on each shoulder

(b) Honor Guard Trousers--LAPD Style

(a) 1/2 inch Gold braid down pant leg.

(c) WPD Collar Brass no periods--one bar on bottom behind WPD.

(d) Safariland Flap Holster for Sig P226R .40caliber--hidden snap

(e) Sam Browne Duty Belt--Brass Buckle

(f) Keepers (4)--Hidden snap.

(g) Handcuff Case (1)--Hidden snap.

(h) Double Magazine Pouch for Sig P226R--Hidden snap.

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(i) D rings for Shoulder Straps

(j) Brass Shoulder Straps.

(k) Thorogood Honor Guard Patent Leather Shoes.

(l) White gloves (1 pair) with rubber dot grips.

(m) Name plate 1/2 inch--gold-last name only--black ink.

(n) Ceremonial shoulder cord--gold

(o) P buttons for dress cap--gold

(p) Gold hat band for dress cap.

943.10 ACQUISITION OF UNIFORMS

(a) Newly appointed uniformed personnel will assemble a complete uniform as soon as practicable after appointment.

1. The newly appointed employee will, after initial processing, be directed to the Administration Division for the issuance of those uniform items that are required and available from the Department Inventory. These items are considered non-expendable and may include, but are not limited to, the following for sworn personnel:

(a) Helmet

(b) Badge

(c) Nameplate

(d) Identification Card

(e) Access Card

(f) Patches

(g) Traffic Vest

(h) Chemical Mask

(i) Station Keys

(j) Ballistic vest

(k) Taser and holster

(l) Handgun and holster

(m) tactical light

(n) Lockers for inside and outside with key for outside

(o) Citebooks (traffic and parking)

(p) Cover for Class A with hat-piece

(q) Asp and holder.The RCB is optional and at the Officer's expense.

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(r) Other items as determined by the Services Division (i.e. tape packets, Radio, charger, holster, parking pass, etc)

(b) The Administration Division, upon issuance of available items, will keep a record of issued items.

(c) New employees will be issued a uniform voucher for the purchase of expendable uniform items in the amount stated in the current M.O.U.A receipt for the voucher amount will be signed by the employee.Motor officers upon appointment will be given a voucher in the amount designated in the MOU.

(d) Newly appointed employee shall receive a voucher for the purchase of a ballistic vest.

(e) As a part of the employee's hire the employee will sign a statement, available from the Administrative Bureau, acknowledging that upon termination from a position that qualifies for uniform allowance, the following will be effective.

(a) The employee will be required to turn in all equipment not designated expendable in a condition acceptable by the Police Department.

(b) If an employee terminates from a uniformed position within three years from the date of appointment (according to the MOU), the full amount of the uniform allowance, less credit for non-expendable items returned in good condition, will be refunded to the City.

(c) Credit allowance for returned items would be at the current replacement cost of new items.

(f) Uniformed employees, other than sworn police officers, who have received an initial uniform allowance, and subsequently become sworn police officers, will be entitled only to the difference between the amount of the actual initial allowance, and the total $400 allowable amount, plus amounts credited for any non-expendable items, returned.

(g) The City Controller will withhold all amounts due as a result of an employee's failing to return required uniform items from the terminal pay of the employee.

943.10.1 UNIFORM MAINTENANCE ALLOWANCE

(a) Sworn personnel are provided with an annual uniform maintenance allowance in the amount specified in the MOU each Demember when the uniform is required to be worn regularly.

1. Additionally, if an officer's uniform is not in an appropriate condition, the affected employee can be required by his/her supervisor to purchase a new uniform. This requirement is not a grievable matter according to the MOU.

(b) Replacement and/or repair of uniforms and accessories damaged in the line of duty will be made at City expense to the degree determined by the Chief of Police.

1. Employees requesting replacement of Department issued equipment or clothing will write a memo to their immediate supervisor outling the following:

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(a) Date of occurrence.

(b) Job performing when article was damaged

(c) Exact article needing replacement (i.e. Wool, class B, uniform, shirt or class C uniform shirt with long sleeves, etc)

(d) Supervisor's initials approving request.

2. The memo will be forwarded through the chain of command to the Administrative Lieutenant.

3. A replacement voucher will be provided to the employee.

(c) It is determined by the Chief of Police that damage to uniforms and accessories is the result of negligence of the employee, replacement and/or repair costs will not be borne by the City.

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BLANK PLACEHOLDER POLICY

946.1 SECTION TITLE

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Peer Support and Assistance Program

947.1 PURPOSE AND SCOPE

The Whittier Police Department recognizes the value of providing an in-house resource for employees and their family members to support them in managing both professional and personal crisis.

The Peer Support Team may be utilized to support other City Departments and personnel and should work in cooperation with peer support teams of other agencies and/or City Departments in multi-agency and/or multi-department incidents. The Peer Support Team may also be utilized to support the community in situations of critical incidents, such as school shootings, natural disasters, etc.

947.2 DEFINITION

The Peer Support Program is a program that offers assistance and appropriate support resources to employees when personal or professional problems negatively affect their work performance, family unit or self. This communication is confidential, providing it does not violate any law or Department regulation. This program is designed to:

(a) Provide emotional support during and after times of personal or professional crisis to other employees who need assistance;

(b) Promote trust, allow anonymity, and preserve confidentiality for persons using Peer Support within the guidelines of the program;

(c) Develop members who can identify personal conflicts and provide guidance or referral to professional/alternate resources as required;

(d) Maintain an effective peer support training and response program;

(e) Check on the wellbeing of employees out with illnesses / ODI's and provide support where desired and needed.

947.3 MISSION STATEMENT

The role of the Whittier Police Department Peer Support Team is to be available to listen, support, refer, and assist employees and family members during professional or personal, stressful, or difficult periods in their lives.

947.4 ACCESSING PEER SUPPORT

The Peer Support Team is available 24 hours a day, 7 days a week to all employees. There are Peer Support Team brochures available at several locations in the main station and staging facility briefing rooms, with team member contact information included.

947.5 POLICY

The Peer support Team is intended to be a resource available to the Department in the event of critical incident or crisis. Peer Support personnel will be available to:

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(a) Listen to another employee's feelings after a critical incident or crisis situation;

(b) Facilitate or assist supervisors in defusing critical incidents;

(c) Respond to an employee's request for peer support or assistance;

(d) Arrange for Critical Incident Stress Management (CISM) debriefings;

(e) Provide information on other resources available (Employee Assistance Program, Alcoholics Anonymous, financial support, etc.)

(f) Provide Peer Support orientation to new employees

Personnel who may possibly be involved in conducting any administrative or criminal investigation or administrative discipline relating to an employee seeking assistance shall avoid any conflict of interest.

Peer Support personnel shall also be available for support and assistance on any other incident at the discretion of the Chief of Police or his designee. In addition, Peer Support personnel may be utilized to support the community or other law enforcement agencies in critical incident situations. Examples would be school shootings, natural disasters, etc.

947.6 CRITICAL INCIDENTS

A "critical incident" is any event that causes an unusually intense stress reaction. The distress people experience after a critical incident limits their ability to cope, impairs their ability to adjust, and negatively impacts the work environment.

Critical Incidents that may require a Peer Support response may include, but are not limited to:

(a) Officer involved shootings;

(b) Where an employee witnesses another employee's death or serious injury;

(c) Where an employee is taken hostage;

(d) Where an employee is a witness to a suicide;

(e) Where an employee is a witness to a violent death or serious injury;

(f) Infant/child death

(g) Any incident that is likely to affect the employee's ability to interact with the public and carry out their job functions;

(h) Any other incident deemed appropriate by any employee and approved by a supervisor.

947.7 DEFUSING/DEBRIEFING

Defusing will be conducted by Peer Support personnel or a certified CISM mental health professional as soon as practical after a critical incident. Debriefings should occur within 24-72 hours after the critical incident. Attendance at defusing and debriefings is highly recommended for all employees involved in the critical incident.

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A defusing immediately follows the critical event and generally lasts no longer than one hour. It gives those involved in the incident the "big picture" of what occurred. It gives involved personnel a reminder about exercise, what foods to eat, to drink plenty of water and to know their thoughts are normal. Peer support team members with critical incident stress management training may conduct a preliminary assessment of the incident's impact on the involved employee(s) and recommend appropriate options to the Peer Support Coordinator, including referral.

A defusing may eliminate the need for a formal debriefing or it may enhance the formal debriefing process. Department chaplains may be present at defusing sessions.

Following a critical incident and/or a diffusion session, the Peer Support Coordinator, in consultation with the Program Lieutenant, will decide on the need for a formal debriefing referral, to be conducted by a certified CISM mental health professional (The Counseling Team International). The request for a formal debriefing will need to be approved by the Division Commander. At the request of a CISM mental health professional, peer support team members and/or Department chaplains may be present during formal debriefings.

When responding to support an employee following an officer involved shooting, or an incident involving a significant use of force by the employee, the role of Peer Mentoring Team members will be to take care of the employee's immediate needs, until a certified CISM mental health professional is able to respond to the station to conduct a defusing and/or a debriefing session. Under these circumstances only a certified CISM mental health professional will be present in the session with the employee.

947.8 CONFIDENTIALITY

The acceptance and success of the Whittier Police Department Peer Support and Assistance Program will be determined in part by the observance of confidentiality. It is imperative each Peer Support Team Member maintain strict confidentiality of all information learned about an individual within the guidelines of this program.

All conversations between Peer Support personnel and employees are not privileged communications under the Evidence Code. The department will respect the confidentiality of conversations between Peer Support personnel and employees, with the following exceptions:

(a) Information concerning the commission of a crime;

(b) The employee or a third party is a danger to themselves or to others.

Disclosures under this exception will be made directly to the Program Lieutenant and communicated through the chain of command to the Division Commander and Chief of Police.

947.9 TEAM STRUCTURE

Program Lieutenant –The Program Lieutenant shall be responsible for the program's administrative, staffing, planning, and financial tasks and will serve as a liaison to the command staff**.**

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Program Coordinators - The Program Coordinator(s) should be of the rank of Sergeant. The Program Coordinator(s) shall be responsible for operational, response, and training tasks of the team.

Peer Support Team Members - Peer Support Team Members shall be selected from the Department personnel at large.

Certified CISM Mental Health Practitioner – For purposes of consultation, referral, and debriefings.

947.10 ROLE OF PEER SUPPORT TEAM MEMBERS

Peer Support Team Members provide support and assistance to employees in times of stress and crisis. The responsibilities of a Peer Support Team Member are as follows:

(a) Convey trust and anonymity and assure confidentiality within the policy to employees who seek assistance from the Peer Support Program;

(b) Attend assigned Peer Support training seminars;

(c) Provide assistance and support;

(d) Assist the employee by referring them to the appropriate outside resource when necessary;

(e) Be available to employees for additional follow-up support;

(f) Maintain contact with the Program Coordinators regarding team activities;

(g) Agree to be contacted and if necessary, respond at any hour to assist an employee in need.

947.11 PAY AND COMPENSATION

When members of the Peer Support Team are notified to respond for assistance, the following pay and compensation policies will be in effect. Whenever possible, overtime will be preapproved by the Program Coordinator(s).

(a) If the personnel are on-duty they will be paid as Hours Worked;

(b) If the personnel are off-duty they will send an overtime request to their immediate supervisor.

(c) The pay/compensation will be the same as the guidelines set forth in the applicable Memorandum of Understanding for that Team Member;

(d) There is no pay/compensation for being on a call-out roster, should one be established.

(e) Selection of members on the Peer Support team is not considered a special assignment as set forth in Memorandum of Understanding.

(f) Members on the Peer Support Team are considered "At Will" and can be removed by the Program Coordinators, in consultation with the Program Lieutenant.

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Generally, when an employee is on duty, meetings and follow-up contacts by a Peer Support Team Member will be coordinated with that employee's immediate supervisor. Consideration should be given to the employee's position, minimum staffing levels, calls for service and availability to attend meetings.

947.12 TRAINING

Peer Support Team Members should receive training in the following areas:

(a) Effective listening;

(b) Critical incident stress;

(c) Debriefing and defusing techniques;

(d) Post-traumatic stress;

(e) Problem-solving skills;

(f) Relationship termination;

(g) General assessment skills;

(h) Referral follow-up.

The suggested training matrix for team members is as follows:

(a) Basic Peer Support (year 1)

(b) Basic Critical Incident Management (year 2)

(c) Advanced Peer Support (year 3)

(d) Assisting Individuals In Crisis & Groups Intervention Training (year 4)

(e) The Impact of Officer Involved Shootings (year 5)

(f) Dealing with Depression and Suicide Situations (year 6)

(g) The Strength of Posttraumatic Growth (year 7)

(h) Understanding Grief and Bereavement (year 8)

(i) Any additional training as deemed necessary by the Chief of Police, Program Coordinators or Program Lieutenant.

In addition, The California Peer Support Association offers a training conference each year. A selected number of members may be budgeted to attend each year. Those in attendance shall provide training for team members unable to attend. Peer Support Team Members should attend on-going training to stay current on the latest practices and procedures for assistance to employees.

947.13 PEER SUPPORT TEAM RESPONSE FORM

A Peer Support Team response form shall be completed by the Program Coordinator and submitted to the Program Lieutenant after the conclusion of each response. The response form

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will be maintained by the Program Lieutenant. The response form will track and document team members who responded, overtime used and any incidental purchases.

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Department Badges

950.1 PURPOSE AND SCOPE

The Whittier Police Department badge and uniform patch as well as the likeness of these items and the name of the Whittier Police Department are property of the Department and their use shall be restricted as set forth in this policy.

950.2 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.

950.2.1 FLAT BADGE

Sworn officers shall be issued a flat badge capable of being carried in a wallet upon successful completion of their probationary period or upon approval of the Chief of Police. The use of the flat badge is subject to all the same provisions of department policy as the uniform badge.

(a) Should the flat badge become lost, damaged, or otherwise removed form the officer's control, he/she shall make the proper notifications as outlined in the Policy Manual.

(b) An honorably retired officer may keep his/her flat badge upon retirement with the approval of the Chief of Police.

(c) Any sworn employee who is placed on administrative leave, terminated or resigns in lieu of termination, is released for other than honorable reasons or is retiring because of a psychological disability shall relinquish their flat badge immediately to the Chief of Police or his/her designee.

(d) The purchase, carrying or displaying of a flat badge is not authorized for non-sworn personnel.

950.2.2 NON SWORN PERSONNEL

Non sworn personnel will not be issued metal badges (Flat or domed).

Departmental identification card issued to non-sworn personnel shall be clearly marked to reflect the position of the assigned employee (e.g. Parking Control, Dispatcher).

Non-sworn personnel shall not represent him/herself, on or off duty, in such a manner which would cause a reasonable person to believe that he/she is a sworn peace officer.

950.2.3 RETIREE UNIFORM BADGE

Upon honorable retirement employees may purchase his/her assigned duty badge for display purposes. It is intended that the duty badge be used only as private memorabilia as other uses of the badge may be unlawful or in violation of this policy.

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950.3 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 for official use only. The department badge, shoulder patch or the likeness thereof, or the department name shall not be used for personal or private reasons including, but not limited to, letters, memoranda, and electronic communications such as electronic mail or web sites and web pages.

The use of the badge, uniform patch and department name for all material (printed matter, products or other items) developed for department use shall be subject to approval by the Chief of Police.

Employees shall not loan his/her department badge or identification card to others and shall not permit the badge or identification card to be reproduced or duplicated.

950.4 PERMITTED USE BY EMPLOYEE GROUPS

The likeness of the department badge shall not be used without the expressed authorization of the Chief of Police and shall be subject to the following:

(a) The employee associations may use the likeness of the department badge for merchandise and official association business provided they are used in a clear representation of the association and not the Whittier Police Department. The following modifications shall be included:

1. The text on the upper and lower ribbons is replaced with the name of the employee association.
2. The badge number portion displays the acronym of the employee association.

(b) The likeness of the department badge for endorsement of political candidates shall not be used without the expressed approval of the Chief of Police.

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Temporary Modified-Duty Assignments

952.1 PURPOSE AND SCOPE

This policy establishes procedures for providing temporary modified-duty assignments. This policy is not intended to affect the rights or benefits of employees under federal or state law, City rules, current memorandums of understanding or collective bargaining agreements. For example, nothing in this policy affects the obligation of the Department to engage in a good faith, interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability that is protected under federal or state law.

952.2 POLICY

Subject to operational considerations, the Whittier 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.

952.3 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 Whittier Police Department shall be created or maintained as a temporary modified-duty assignment.

Temporary modified-duty assignments are a management prerogative and not an employee right. The availability of temporary modified-duty assignments will be determined on a case-by-case basis, consistent with the operational needs of the Department. Temporary modified-duty assignments are subject to continuous reassessment, with consideration given to operational needs and the employee's ability to perform in a modified-duty assignment.

The Chief of Police or the authorized designee may restrict employees working in temporary modified-duty assignments from wearing a uniform, displaying a badge, carrying a firearm, operating an emergency vehicle, engaging in outside employment, or being otherwise limited in employing their peace officer powers.

Temporary modified-duty assignments shall generally not exceed a cumulative total of 1,040 hours in any one-year period.

952.4 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

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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. The Department may also work with other City Departments to identify work needs and assign employees as needed throughout the City for the benefit of the employee and the City.

952.4.1 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.

952.5 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.

(d) When it is determined that an employee on modified duty will return to regular duty, the supervisor shall notify the Division Commander and any other necessary notifications. All training and certification necessary for return to duty shall be reviewed and updated as necessary.

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952.6 MEDICAL EXAMINATIONS

Prior to returning to full-duty status, employees shall be required to provide certification from their treating medical professionals stating that they are medically cleared to perform the essential functions of their jobs without restrictions or limitations.

The Department may require a fitness-for-duty examination prior to returning an employee to full-duty status, in accordance with the Fitness for Duty Policy.

952.7 PREGNANCY

If an employee is temporarily unable to perform regular duties due to a pregnancy, childbirth, or a related medical condition, the employee will be treated the same as any other temporarily disabled employee (42 USC § 2000e(k)). A pregnant employee shall not be involuntarily transferred to a temporary modified-duty assignment. Nothing in this policy limits a pregnant employee's right to a temporary modified-duty assignment if required under Government Code § 12945.

952.7.1 NOTIFICATION

Pregnant employees should notify their immediate supervisors as soon as practicable and provide a statement from their medical providers identifying any pregnancy-related job restrictions or limitations. If at any point during the pregnancy it becomes necessary for the employee to take a leave of absence, such leave shall be granted in accordance with the City's personnel rules and regulations regarding family and medical care leave.

952.8 PROBATIONARY EMPLOYEES

Probationary employees who are assigned to a temporary modified-duty assignment shall have their probation extended by a period of time equal to their assignment to temporary modified duty.

952.9 MAINTENANCE OF CERTIFICATION AND TRAINING

Employees assigned to temporary modified duty shall maintain all certification, training and qualifications appropriate to both their regular and temporary duties, provided that the certification, training or qualifications are not in conflict with any medical limitations or restrictions. Employees who are assigned to temporary modified duty shall inform their supervisors of any inability to maintain any certification, training or qualifications.

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Workplace Privacy Expectations; Employee Speech, Expression and Communication; Social Media

956.1 PURPOSE AND SCOPE

This policy is intended to address workplace privacy expectations and issues associated with the necessary regulation and balancing of employee speech and expression (including social networking and other electronic communication) with the legitimate operational needs of the Department. The Whittier Police Department may take disciplinaryaction against employees, up to and including termination, for violations of this policy that adversely affect the employee's job performance, the performance of the employee's co-workers, is detrimental to the mission and function of the Department or otherwise adversely affects members of the public served by the Department, people who work on behalf of the Department or the Department's legitimate business interests.

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 the Constitution of the United States and the Constitution of the State of California, labor statutes and regulations (e.g. Meyers-Milians-Brown Act) and or other applicable laws. For example, this policy does not restrict 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.

956.1.1 APPLICABILITY

This policy applies to all forms of communication including, but not limited to, film, video, print media, public 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.

956.2 POLICY

Public employees, especially Police Department personnel, 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 Whittier Police Department will carefully balance the

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individual employee's rights against the Department's needs and interests when exercising a reasonable degree of control over its employees' speech and expression.

956.3 SAFETY

Employees should consider carefully the implications of their speech or any other form of expression including when using the Internet and other technology that can be widely disseminated. Speech and expression that may negatively affect the safety of Whittier Police Department employees, such as posting personal information in a public forum, can result in compromising an employee's home address or family ties. Employees should therefore not disseminate or post any information on any forum or medium that could reasonably be anticipated to compromise the safety of any employee, an employee's family or associates. Examples of the type of information that could reasonably be expected to compromise safety include:

- Disclosing a photograph and name or address of an officer who is working undercover.
- Disclosing the home address and other personal contact information (e.g. telephone number or personal email address) of a fellow officer.
- Publicly disclosing where another officer can be located off-duty.
- Publicly identifying a fellow officer's family members as having a relationship with the law enforcement community.While such conduct is not expressly prohibited in every circumstance, employees are cautioned to exercise reasonable judgment before providing a fellow employee's personal information to any outside party.

Any employee who discovers what he/she perceives to be a threat against the safety of any Whittier Police Department employee (or the employee's family) on any social media forum shall promptly notify his/her supervisor of that perceived threat.If the discovering employee is off-duty, the employee shall promptly contact the on-duty supervisor.The Whittier Police Department shall promptly notify the affected employee of such threats against the employee's safety and/or the safety of the employee's family.The Department shall take all reasonable actions to ensure the safety of the affected employee and/or his/her family, including requesting assistance from the local law enforcement agency in the location of the affected employee's residence, and seeking to remove the threatening content from the social media forum.

956.4 PROHIBITED SPEECH, EXPRESSION AND CONDUCT

To meet the Department's safety, performance and public-trust needs, the following speech is prohibited unless the speech is otherwise protected (e.g. an employee speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or officer association, 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 Whittier Police Department or its employees.

(b) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the employee as a witness in a judicial or administrative

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proceeding. For example, posting statements or expressions to a website that confess to acts of dishonesty by the employee, endorse unlawful discrimination, express racial bias or promote illegal behavior may compromise an officer's credibility as a witness.

(c) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the employees of the Whittier Police 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.Other examples would include posting an employee's home address on a social media forum, disclosing the identity of an undercover officer advising a suspect that he/she is under surveillance.

(d) Speech or expression that is contrary to the canons of the Law Enforcement Code of Ethics as adopted by the Whittier Police Department.

(e) 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 without the express authorization of the Chief of Police or the authorized designee.

(f) 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 Whittier Police Department on any personal or social networking or other website or web page, without the express authorization of the Chief of Police or designee.

(g) 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).

956.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

Employees are not restricted from engaging in any political endorsements or social activities as private citizens or as authorized members of a recognized bargaining unit.While nothing shall prevent an employee from identifying himself/herself as an employee of the Whittier Police Department in conjunction with his/her political speech. employees may not represent that their political, social, or other personal views are those of the Whittier Police Department.Unless specifically authorized by the Chief of Police, employees shall not identify themselves in any way that could be reasonably perceived as speaking on behalf of, or officially representing the Whittier

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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 Whittier Police Department.

Employees retain their right to vote as they choose, to support candidates of their choice and to express their opinions as private citizens, including as authorized members of a recognized bargaining unit or officer associations, on political subjects and candidates at all times while off-duty.

However, employees may not use their official authority or influence to interfere with or affect the result of an election or a nomination for office. Employees are also prohibited from directly or 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).

956.5 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 Whittier Police Department reserves the right to access, audit, and when legally obligated disclose 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, Department issued cellular phones, or any information placed into storage on any Department system or device.

This 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

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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).

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Line-of-Duty Deaths

958.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of the Whittier Police Department in the event of the death of a member occurring in the line of duty and to direct the Department in providing proper support for the member's survivors.

The Chief of Police may also apply some or all of this policy in situations where members are injured in the line of duty and the injuries are life-threatening.

958.1.1 DEFINITIONS

Definitions related to this policy include:

Line-of-duty death - The death of a sworn member during the course of performing law enforcement-related functions while on- or off-duty, or a non-sworn member during the course of performing their assigned duties.

Survivors - Immediate family members of the deceased member, which can include spouse, children, parents, other next of kin or significant others. The determination of who should be considered a survivor for purposes of this policy should be made on a case-by-case basis given the individual's relationship with the member and whether the individual was previously designated by the deceased member.

958.2 POLICY

It is the policy of the Whittier Police Department to make appropriate notifications and to provide assistance and support to survivors and coworkers of a member who dies in the line of duty.

It is also the policy of this department to respect the requests of the survivors when they conflict with these guidelines, as appropriate. To facilitate the wishes of the deceased member, all employees will complete the Line Of Duty Death Form (These forms will be kept in the Administration Division and online at O:\2-PD Forms\Line of Duty Death Forms). All information will be updated annually at the time of their annual evaluation. This information will be kept confidential and in the employee's personnel file.

958.3 INITIAL ACTIONS BY COMMAND STAFF

(a) Upon learning of a line-of-duty death, the deceased member's supervisor should provide all reasonably available information to the Watch Commander and Dispatch.

1. Communication of information concerning the member and the incident should be restricted to secure networks to avoid interception by the media or others (see the Press Information Officer section of this policy).

(b) The Watch Commander should ensure that notifications are made in accordance with the Officer-Involved Shootings and Deaths and Major Incident Notification policies as applicable.

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(c) If the member has been transported to the hospital, the Watch Commander or the designee should respond to the hospital to assume temporary responsibilities as the Hospital Liaison.

(d) The Chief of Police or the authorized designee should assign members to handle survivor notifications and assign members to the roles of Hospital Liaison (to relieve the temporary Hospital Liaison) and the Department Liaison as soon as practicable (see the Notifying Survivors section and the Department Liaison and Hospital Liaison subsections in this policy).

958.4 NOTIFYING SURVIVORS

Survivors should be notified as soon as possible in order to avoid the survivors hearing about the incident in other ways.

The Chief of Police or the authorized designee should review the deceased member's emergency contact information and make accommodations to respect the member's wishes and instructions specific to notifying survivors. However, notification should not be excessively delayed because of attempts to assemble a notification team in accordance with the member's wishes.

The Chief of Police, Watch Commander or the authorized designee should select at least two members to conduct notification of survivors, one of which may be the Department Chaplain.

Notifying members should:

(a) Make notifications in a direct and compassionate manner, communicating as many facts of the incident as possible, including the current location of the member. Information that is not verified should not be provided until an investigation has been completed.

(b) Determine the method of notifying surviving children by consulting with other survivors and taking into account factors such as the child's age, maturity and current location (e.g., small children at home, children in school).

(c) Plan for concerns such as known health concerns of survivors or language barriers.

(d) Offer to transport survivors to the hospital, if appropriate. Survivors should be transported in department vehicles. Notifying members shall inform the Hospital Liaison over a secure network that the survivors are on their way to the hospital and should remain at the hospital while the survivors are present.

(e) When survivors are not at their residences or known places of employment, actively seek information and follow leads from neighbors, other law enforcement, postal authorities and other sources of information in order to accomplish notification in as timely a fashion as possible. Notifying members shall not disclose the reason for their contact other than a family emergency.

(f) If making notification at a survivor's workplace, ask a workplace supervisor for the use of a quiet, private room to meet with the survivor. Members shall not inform the workplace supervisor of the purpose of their visit other than to indicate that it is a family emergency.

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(g) Offer to call other survivors, friends or clergy to support the survivors and to avoid leaving survivors alone after notification.

(h) Assist the survivors with meeting childcare or other immediate needs.

(i) Provide other assistance to survivors and take reasonable measures to accommodate their needs, wishes and desires. Care should be taken not to make promises or commitments to survivors that cannot be met.

(j) Inform the survivors of the name and phone number of the Survivor Support Liaison (see the Survivor Support Liaison section of this policy), if known, and the Department Liaison.

(k) Provide their contact information to the survivors before departing.

(l) Document the survivor's names and contact information, as well as the time and location of notification. This information should be forwarded to the Department Liaison.

(m) Inform the Chief of Police or the authorized designee once survivor notifications have been made so that other Whittier Police Department members may be apprised that survivor notifications are complete.

958.4.1 OUT-OF-AREA NOTIFICATIONS

The Department Liaison should request assistance from law enforcement agencies in appropriate jurisdictions for in-person notification to survivors who are out of the area.

(a) The Department Liaison should contact the appropriate jurisdiction using a secure network and provide the assisting agency with the name and telephone number of the department member that the survivors can call for more information following the notification by the assisting agency.

(b) The Department Liaison may assist in making transportation arrangements for the member's survivors, but will not obligate the Department to pay travel expenses without the authorization of the Chief of Police.

958.5 NOTIFYING DEPARTMENT MEMBERS

Supervisors or members designated by the Chief of Police are responsible for notifying department members of the line-of-duty death as soon as possible after the survivor notification is made. Notifications and related information should be communicated in person or using secure networks and should not be transmitted over the radio.

Notifications should be made in person and as promptly as possible to all members on-duty at the time of the incident. Members reporting for subsequent shifts within a short amount of time should be notified in person at the beginning of their shift. Members reporting for duty from their residence should be instructed to contact their supervisor as soon as practicable. Those members who are working later shifts or are on days off should be notified by phone as soon as practicable.

Members having a close bond with the deceased member should be notified of the incident in person. Supervisors should consider assistance (e.g., peer support group, modifying work schedules, approving sick leave) for members who are especially affected by the incident.

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Supervisors should direct members not to disclose any information outside the Department regarding the deceased member or the incident.

958.6 LIAISONS AND COORDINATORS

The Chief of Police or the authorized designee should select members to serve as liaisons and coordinators to handle responsibilities related to a line-of-duty death, including, but not limited to:

(a) Department Liaison.

(b) Hospital Liaison.

(c) Survivor Support Liaison.

(d) Trauma Response Team coordinator.

(e) Funeral Liaison.

(f) Mutual aid coordinator.

(g) Benefits Liaison.

(h) Finance coordinator.

Liaisons and coordinators will be directed by the Department Liaison and should be given sufficient duty time to complete their assignments.

Members may be assigned responsibilities of more than one liaison or coordinator position depending on available department resources. The Department Liaison may assign separate liaisons and coordinators to accommodate multiple family units, if needed.

958.6.1 DEPARTMENT LIAISON

The Department Liaison should be a Division Commander or of sufficient rank to effectively coordinate department resources, and should serve as a facilitator between the deceased member's survivors and the Department. The Department Liaison reports directly to the Chief of Police. The Department Liaison's responsibilities include, but are not limited to:

(a) Directing the other liaisons and coordinators in fulfilling survivors' needs and requests. Consideration should be given to organizing the effort using the National Incident Management System (NIMS).

(b) Establishing contact with survivors within 24 hours of the incident and providing them contact information.

(c) Advising survivors of the other liaison and coordinator positions and their roles and responsibilities.

(d) Identifying locations that will accommodate a law enforcement funeral and presenting the options to the appropriate survivors, who will select the location.

(e) Coordinating all official law enforcement notifications and arrangements.

(f) Making necessary contacts for authorization to display flags at half-mast.

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(g) Ensuring that department members are reminded of appropriate information–sharing restrictions regarding the release of information that could undermine future legal proceedings.

(h) Coordinating security checks of the member's residence as necessary and reasonable.

(i) Serving as a liaison with visiting law enforcement agencies during memorial and funeral services.

958.6.2 HOSPITAL LIAISON

The Hospital Liaison should work with hospital personnel to:

(a) Arrange for appropriate and separate waiting areas for:

1. The survivors and others whose presence is requested by the survivors.
2. Department members and friends of the deceased member.
3. Media personnel.

(b) Ensure, as much as practicable, that any suspects who are in the hospital and their families or friends are not in close proximity to the member's survivors or Whittier Police Department members (except for members who may be guarding the suspect).

(c) Ensure that survivors receive timely updates regarding the member before information is released to others.

(d) Arrange for survivors to have private time with the member, if requested.

1. The Hospital Liaison or hospital personnel may need to explain the condition of the member to the survivors to prepare them accordingly.
2. The Hospital Liaison should accompany the survivors into the room, if requested.

(e) Stay with survivors and ensure that they are provided with other assistance as needed at the hospital.

(f) If applicable, explain to the survivors why an autopsy may be needed.

(g) Ensure hospital bills are directed to the Department, that the survivors are not asked to sign as guarantor of payment for any hospital treatment and that the member's residence address, insurance information and next of kin are not included on hospital paperwork.

Other responsibilities of the Hospital Liaison include, but are not limited to:

- Arranging transportation for the survivors back to their residence.
- Working with investigators to gather and preserve the deceased member's equipment and other items that may be of evidentiary value.
- Documenting his/her actions at the conclusion of his/her duties.

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958.6.3 SURVIVOR SUPPORT LIAISON

The Survivor Support Liaison should work with the Department Liaison to fulfill the immediate needs and requests of the survivors of any member who has died in the line of duty, and serve as the long-term department contact for survivors.

The Survivor Support Liaison should be selected by the deceased member's Division Commander. The following should be considered when selecting the Survivor Support Liaison:

- The liaison should be an individual the survivors know and with whom they are comfortable working.
- If the survivors have no preference, the selection may be made from names recommended by the deceased member's supervisor and/or coworkers. The deceased member's partner or close friends may not be the best selections for this assignment because the emotional connection to the member or survivors may impair their ability to conduct adequate liaison duties.
- The liaison must be willing to assume the assignment with an understanding of the emotional and time demands involved.

The responsibilities of the Survivor Support Liaison include, but are not limited to:

(a) Arranging for transportation of survivors to hospitals, places of worship, funeral homes and other locations, as appropriate.

(b) Communicating with the Department Liaison regarding appropriate security measures for the family residence, as needed.

(c) If requested by the survivors, providing assistance with instituting methods of screening telephone calls made to their residence after the incident.

(d) Providing assistance with travel and lodging arrangements for out-of-town survivors.

(e) Returning the deceased member's personal effects from the Department and the hospital to the survivors. The following should be considered when returning the personal effects:

1. Items should not be delivered to the survivors until they are ready to receive the items.
2. Items not retained as evidence should be delivered in a clean, unmarked box.
3. All clothing not retained as evidence should be cleaned and made presentable (e.g., items should be free of blood or other signs of the incident).
4. The return of some personal effects may be delayed due to ongoing investigations.

(f) Assisting with the return of department-issued equipment that may be at the deceased member's residence.

1. Unless there are safety concerns, the return of the equipment should take place after the funeral at a time and in a manner considerate of the survivors' wishes.

(g) Working with the Trauma Response Team coordinator to ensure that survivors have access to available counseling services.

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(h) Coordinating with the department's Press Information Officer (PIO) to brief the survivors on pending press releases related to the incident and to assist the survivors with media relations in accordance with their wishes (see the Press Information Officer section of this policy).

(i) Briefing survivors on investigative processes related to the line-of-duty death, such as criminal, internal and administrative investigations.

(j) Informing survivors of any related criminal proceedings and accompanying them to such proceedings.

(k) Introducing survivors to prosecutors, victim's assistance personnel and other involved personnel as appropriate.

(l) Maintaining long-term contact with survivors and taking measures to sustain a supportive relationship (e.g., follow-up visits, phone calls, cards on special occasions, special support during holidays).

(m) Inviting survivors to department activities, memorial services or other functions as appropriate.

Survivor Support Liaisons providing services after an incident resulting in multiple members being killed should coordinate with and support each other through conference calls or meetings as necessary.

The Department recognizes that the duties of a Survivor Support Liaison will often affect regular assignments over many years, and is committed to supporting members in the assignment.

If needed, the Survivor Support Liaison should be issued a personal communication device (PCD) owned by the Department to facilitate communications necessary to the assignment. The department-issued PCD shall be used in accordance with the Personal Communication Devices Policy.

958.6.4 TRAUMA RESPONSE TEAM COORDINATOR

The Trauma Response Team coordinator should work with the Chief of Police or the authorized designee, liaisons, coordinators and other resources to make Trauma Response Team and counseling services available to members and survivors who are impacted by a line-of-duty death. The responsibilities of the Trauma Response Team coordinator include, but are not limited to:

(a) Identifying members who are likely to be significantly affected by the incident and may have an increased need for Trauma Response Team input and counseling services, including:

1. Members involved in the incident.
2. Members who witnessed the incident.
3. Members who worked closely with the deceased member but were not involved in the incident.

(b) Ensuring that members who were involved in or witnessed the incident are relieved of department responsibilities until they can receive Trauma Response Team support as appropriate and possible.

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(c) Ensuring that Trauma Response Team and counseling resources (e.g., peer support, debriefing, grief counselors) are available to members as soon as reasonably practicable following the line-of-duty death.

(d) Coordinating with the Survivor Support Liaison to ensure survivors are aware of available Trauma Response Team and counseling services and assisting with arrangements as needed.

(e) Following up with members and the Survivor Support Liaison in the months following the incident to determine if additional Trauma Response Team or counseling services are needed.

958.6.5 FUNERAL LIAISON

The Funeral Liaison should work with the Department Liaison, Survivor Support Liaison and survivors to coordinate funeral arrangements to the extent the survivors wish. The Funeral Liaison's responsibilities include, but are not limited to:

(a) Assisting survivors in working with the funeral director regarding funeral arrangements and briefing them on law enforcement funeral procedures.

(b) Completing funeral notification to other law enforcement agencies.

(c) Coordinating the funeral activities of the Department, including, but not limited to the following:

1. Honor Guard
    - (a) Casket watch
    - (b) Color guard
    - (c) Pallbearers
    - (d) Bell/rifle salute
2. Bagpipers/bugler
3. Uniform for burial
4. Flag presentation
5. Last radio call

(d) Briefing the Chief of Police and command staff concerning funeral arrangements.

(e) Assigning an officer to remain at the family home during the viewing and funeral.

(f) Arranging for transportation of the survivors to and from the funeral home and interment site using department vehicles and drivers.

958.6.6 MUTUAL AID COORDINATOR

The mutual aid coordinator should work with the Department Liaison and the Funeral Liaison to request and coordinate any assistance from outside law enforcement agencies needed for, but not limited to:

(a) Traffic control during the deceased member's funeral.

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(b) Area coverage so that as many Whittier Police Department members can attend funeral services as possible.

The mutual aid coordinator should perform his/her duties in accordance with the Mutual Aid and Outside Agency Assistance Policy.

958.6.7 BENEFITS LIAISON

The Benefits Liaison should provide survivors with information concerning available benefits and assist them in applying for benefits. Responsibilities of the Benefits Liaison include, but are not limited to:

(a) Confirming the filing of workers' compensation claims and related paperwork (see the Occupational Disease and Work-Related Injury Reporting Policy).

(b) Researching and assisting survivors with application for federal government survivor benefits, such as those offered through the:

1. Public Safety Officers' Benefits (PSOB) Programs.
2. Public Safety Officers' Educational Assistance (PSOEA) Program.
3. Social Security Administration.
4. Department of Veterans Affairs.

(c) Researching and assisting survivors with application for state and local government survivor benefits.

1. Education benefits (Education Code § 68120)
2. Health benefits (Labor Code § 4856)
3. Worker's compensation death benefit (Labor Code § 4702)

(d) Researching and assisting survivors with application for other survivor benefits such as:

1. Private foundation survivor benefits programs.
2. Survivor scholarship programs.

(e) Researching and informing survivors of support programs sponsored by police associations and other organizations.

(f) Documenting and informing survivors of inquiries and interest regarding public donations to the survivors.

1. If requested, working with the finance coordinator to assist survivors with establishing a process for the receipt of public donations.

(g) Providing survivors with a summary of the nature and amount of benefits applied for, including the name of a contact person at each benefit office. Printed copies of the summary and benefit application documentation should be provided to affected survivors.

(h) Maintaining contact with the survivors and assisting with subsequent benefit questions and processes as needed.

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958.6.8 FINANCE COORDINATOR

The finance coordinator should work with the Chief of Police and the Department Liaison to manage financial matters related to the line-of-duty death. The finance coordinator's responsibilities include, but are not limited to:

(a) Establishing methods for purchasing and monitoring costs related to the incident.

(b) Providing information on finance-related issues, such as:

1. Paying survivors' travel costs if authorized.
2. Transportation costs for the deceased.
3. Funeral and memorial costs.
4. Related funding or accounting questions and issues.

(c) Working with the Benefits Liaison to establish a process for the receipt of public donations to the deceased member's survivors.

(d) Providing accounting and cost information as needed.

958.7 PRESS INFORMATION OFFICER

In the event of a line-of-duty death, the department's PIO should be the department's contact point for the media. As such, the PIO should coordinate with the Department Liaison to:

(a) Collect and maintain the most current incident information and determine what information should be released.

(b) Ensure that department members are instructed to direct any media inquiries to the PIO.

(c) Prepare necessary press releases.

1. Ensure coordination with other entities having media roles (e.g., outside agencies involved in the investigation or incident).
2. Ensure that important public information is disseminated, such as information on how the public can show support for the Department and deceased member's survivors.

(d) Arrange for community and media briefings by the Chief of Police or the authorized designee as appropriate.

(e) Respond, or coordinate the response, to media inquiries.

(f) If requested, assist the member's survivors with media inquiries.

1. Brief the survivors on handling sensitive issues such as the types of questions that reasonably could jeopardize future legal proceedings.

(g) Release information regarding memorial services and funeral arrangements to department members, other agencies and the media as appropriate.

(h) If desired by the survivors, arrange for the recording of memorial and funeral services via photos and/or video.

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The identity of deceased members should be withheld until the member's survivors have been notified. If the media has obtained identifying information for the deceased member prior to survivor notification, the PIO should request that the media withhold the information from release until proper notification can be made to survivors. The PIO should ensure that media are notified when survivor notifications have been made.

958.8 DEPARTMENT CHAPLAIN

The Department chaplain may serve a significant role in line-of-duty deaths. His/her duties may include, but are not limited to:

- Assisting with survivor notifications and assisting the survivors with counseling, emotional support or other matters, as appropriate.
- Assisting liaisons and coordinators with their assignments, as appropriate.
- Assisting department members with counseling or emotional support, as requested and appropriate.

Further information on the potential roles and responsibilities of the chaplain is in the Chaplains Policy.

958.9 INVESTIGATION OF THE INCIDENT

The Chief of Police shall ensure that line-of-duty deaths are investigated thoroughly and may choose to use the investigation process outlined in the Officer-Involved Shootings and Deaths Policy.

Investigators from other agencies may be assigned to work on any criminal investigation related to line-of-duty deaths. Partners, close friends or personnel who worked closely with the deceased member should not have any investigative responsibilities because such relationships may impair the objectivity required for an impartial investigation of the incident.

Involved department members should be kept informed of the progress of the investigations and provide investigators with any information that may be pertinent to the investigations.

958.10 LINE-OF-DUTY DEATH OF A LAW ENFORCEMENT ANIMAL

The Chief of Police may authorize appropriate memorial and funeral services for law enforcement animals killed in the line of duty.

958.11 NON-LINE-OF-DUTY DEATH

The Chief of Police may authorize certain support services for the death of a member not occurring in the line of duty.

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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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Victim's Rights Card.JPG

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WHITTIER POLICE DEPARTMENT
7315 S. Painter Avenue
WHITTIER, CA 90602

PUBLIC COUNTER HOURS

Mon – Fri	7:00 AM – 8:00 PM
Sat – Sun	10:00 AM – 5:00 PM

Classification of Incident

File Number | Date of Report

TO GIVE OR RECEIVE ADDITIONAL INFORMATION CONCERNING THIS INCIDENT

CALL:	( ) 945-8250 and ask for	( ) TRAFFIC DETAIL
	( )	( ) DETECTIVE BUREAU
	( )	( ) RECORDS BUREAU
	( )	( ) COURT OFFICER
	( )	( ) _____

IF MISSING PERSON RETURNS, or you learn his/her WHEREABOUTS, please notify this Department.

RECOVERY OF PROPERTY. Promptly report recovery of property if the recovery was not made by this Department. Notification concerning recovered property (except vehicles), or missing persons may be made by telephone.

As a VICTIM in a criminal case, you are entitled to certain rights as outlined under Article 1, 28(b) of the California Constitution. You can view these rights on our website at: www.whittierpd.org/vofcrime.htm or pick up a victims' rights pamphlet at our front counter. Victims of Crime Resource Center: 1-800-VICTIMS or 1-800-842-8467

RETAIN THIS FOR REFERENCE

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