

Orange Police Department

Orange PD Policy Manual

CHIEF'S MESSAGE

As the Chief of Police, I am proud to present a comprehensive Policy and Procedure Manual for the Orange Police Department (OPD). Developed in conjunction with Lexipol Inc., the policies were reviewed and adapted to incorporate procedures specific to the City of Orange Police Department. Lexipol has a long-standing and strong reputation for providing comprehensive policies that incorporate up-to-date legal information and widely accepted best practices.

The Orange Police Department embraces the Law Enforcement Code of Ethics along with our Policy and Procedure Manual to provide employees with guidance and expectations. Additionally, a number of directives on subject matter not previously addressed in policy have been added to this Policy Manual. This was done to ensure (to the greatest degree possible) that when a question arises, employees will have a source to turn to for answers.

I am most appreciative of the commitment and character of our employees. Together we have made great strides in moving our department forward; and it is together that we must continue to move closer to the achievement of our own "Five Pillars of Success." The information contained in our OPD Policy and Procedure Manual should be reviewed on a continuous basis so that you are familiar with its content.

Dan Adams, Chief of Police

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LAW ENFORCEMENT CODE OF ETHICS

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

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

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

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

I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession . . . law enforcement.

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MISSION STATEMENT

To perform our law enforcement duties with innovative leadership, accountable to the people we serve, in order to ensure their safety and improve the quality of life in our diverse community.

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Chapter 1 - Law Enforcement Role and Authority

Law Enforcement Authority

100.1 PURPOSE AND SCOPE

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

100.2 PEACE OFFICER POWERS

Sworn personnel of this department are authorized to exercise peace officer powers pursuant to applicable state law (refer to the California Penal Code).

100.2.1 DELIVERY TO NEAREST MAGISTRATE

When an officer makes an arrest pursuant to a warrant with bail set and the warrant was issued in a county other than where the person was arrested, the officer shall inform the person in writing of the right to be taken before a magistrate in the county where the warrant was issued (refer to the California Penal Code).

100.2.2 ARREST AUTHORITY OUTSIDE THE JURISDICTION OF THE ORANGE POLICE DEPARTMENT

The arrest authority outside the jurisdiction of the Orange Police Department includes (refer to the California Penal Code).

- (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 with the City, or while assisting another agency.

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

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100.2.3 ARREST AUTHORITY INSIDE THE JURISDICTION OF THE ORANGE POLICE DEPARTMENT

The arrest authority within the jurisdiction of the Orange Police Department includes (refer to the California Penal Code).

- (a) When the officer has probable cause to believe the person has committed a felony, whether or not committed in the presence of the officer.
- (b) When the officer has probable cause to believe the person has committed a misdemeanor in this jurisdiction and in the presence of the officer.
- (c) When the officer has probable cause to believe the person has committed a public offense outside this jurisdiction, in the presence of the officer and the officer reasonably believes there is an immediate danger to person or property, or of escape.
- (d) When the officer has probable cause to believe the person has committed a misdemeanor for which an arrest is authorized or required by statute even though the offense has not been committed in the in the presence of the officer such as certain domestic violence offenses.
- (e) In compliance with an arrest warrant.

100.2.4 TIME OF MISDEMEANOR ARRESTS

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

- (a) The arrest is made without a warrant (refer to the California Penal Code). which includes:
 - (a) A misdemeanor committed in the presence of the officer.
 - (b) Misdemeanor domestic violence offenses (See the Domestic Violence Policy).
- (b) The arrest is made in a public place.
- (c) The arrest is made with the person in custody pursuant to another lawful arrest.
- (d) The arrest is made pursuant to a warrant which, for good cause shown, directs that it may be served at any time of the day or night.

100.2.5 OREGON AUTHORITY

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

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

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

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

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

100.3 POLICY

It is the policy of the Orange Police Department to limit its sworn personnel 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 personnel shall observe and comply with every person's clearly established rights under the United States and California Constitutions.

Oath of Office

101.1 PURPOSE AND SCOPE

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

101.2 POLICY

It is the policy of the Orange Police Department that, when appropriate, department police officers 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 police officers to their duties.

101.3 OATH OF OFFICE

All department police officers, when appropriate, shall take and subscribe to the oaths or affirmations applicable to their positions. All sworn officers 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 (refer to the California Constitutional Code and California Government Code). 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.”

101.4 MAINTENANCE OF RECORDS

The oath of office shall be filed as prescribed by law (refer to the California Government Code).

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 (refer to the California Penal Code).

Policy Manual

103.1 PURPOSE AND SCOPE

The manual of the Orange 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 personnel 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.

103.2 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 personnel of this department under the circumstances reasonably available at the time of any incident.

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

103.3 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.

103.4 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

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CHP- The California Highway Patrol.

CFR - Code of Federal Regulations.

City - The City of Orange.

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

Department/OPD - The Orange Police Department.

DMV - The Department of Motor Vehicles.

Employee/Personnel - Any person employed or appointed by the Department, including:

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

Juvenile- Any person under the age of 18 years.

Manual - The Orange Police Department Policy Manual.

May - Indicates a permissive, discretionary or conditional action.

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

On-duty - A police officer'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 personnel, directing the work of other personnel or having the authority to adjust grievances. The supervisory exercise of authority may not be merely routine or clerical in nature but requires the use of independent judgment.

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

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

USC - United States Code.

103.5 ISSUING THE POLICY MANUAL

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

103.6 PERIODIC REVIEW OF THE POLICY MANUAL

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

103.7 REVISIONS TO POLICIES

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

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

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

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

Law Enforcement Code of Ethics

104.1 PURPOSE AND SCOPE

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

104.2 POLICY

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

104.3 LAW ENFORCEMENT CODE OF ETHICS

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

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

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

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

104.3.1 OBJECTION TO RELIGIOUS AFFIRMATION

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

Chapter 2 - Organization and Administration

Organizational Structure and Responsibility

200.1 PURPOSE AND SCOPE

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

200.2 [DIVISIONS]

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

- Support Services Division
- Field Services Division
- Investigative Services Division

200.3 COMMAND PROTOCOL

200.3.1 SUCCESSION OF COMMAND

The Chief of Police exercises command over all personnel in the Department. During planned absences the Chief of Police is as follows:

- (a) Field Services Division Commander
- (b) Investigative Services Division Commander
- (c) Support Services Division Commander
- (d) Watch Commander

200.3.2 UNITY OF COMMAND

The principles of unity of command ensure efficient supervision and control within the department. Generally, each employee shall be accountable to one supervisor at any time for a given assignment or responsibility. Any supervisor may temporarily direct any subordinate if an operational necessity exists.

200.3.3 ORDERS

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

Emergency Management Plan

201.1 PURPOSE AND SCOPE

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

201.2 ACTIVATING THE EMERGENCY PLAN

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

201.2.1 RECALL OF PERSONNEL

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

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

201.2.2 ALTERNATE EMERGENCY OPERATIONS CENTERS

In the event the EOC is damaged and cannot be utilized, alternate EOCs have been designated. All alternate EOCs are city facilities. They are not maintained at the same state of readiness as the primary EOC. They are:

EOC LOCATION AND ADDRESS

CITY'S PRIMARY EOC	POLICE DEPARTMENT HEADQUARTERS, 1107 North Batavia
FIRST ALTERNATE EOC	FIRE DEPARTMENT HEADQUARTERS, 176 South Grand
SECOND ALTERNATE EOC	POLICE DEPARTMENT MOBILE COMMAND POST, 1107 North Batavia

201.2.3 LEGAL RATIONALE

- (a) The city's Emergency Operations Plan (EOP) was developed utilizing the Emergency Planning Guidance (EPG), a State Office of Emergency Preparedness guide, dated January 1999. Note that sections in the EOP that meet EPG are designated throughout the plan as (EPG#) relating to the question number in the guidance crosswalk.
- (b) The City of Orange Disaster Council shall be responsible for the development of the City of Orange Emergency Operations Plan, which plan shall provide for the effective mobilization of all resources of this city, both public and private, to meet any condition constituting a Local Emergency, State of Emergency or State of War Emergency; and shall provide for the organization, powers and duties, services and staff of the

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Emergency Management Plan

emergency organization. Such plan shall take effect upon adoption by resolution of the Orange City Council.

- (c) The City of Orange has adopted the Standardized Emergency Management System (SEMS), SB 1841 as described and required by the California Government Code for managing response to multi-agency and multi-jurisdiction emergencies in California. SEMS incorporates the use of the Incident Command System, the Master Mutual Aid Agreement, existing mutual aid systems, Operational Area concepts, and multi-agency or inter-agency coordination. The city has also adopted the National Incident Management System (NIMS), which is the Federal counterpart to SEMS.
- (d) The emergency operations plan is consistent and compatible with the California Emergency Operations Plan and is considered to be an extension of the plan as necessary. Individuals and agencies assigned emergency responsibilities within this plan will prepare appropriate supporting procedures using SEMS. They will also conduct periodic reviews, update alert procedures and resource lists, maintain level of preparedness by participating in annual exercises and be prepared to implement all or portions of the plan as necessary.

201.3 LOCATION OF THE PLAN

The Emergency Management Plan is available in Support Services Division and the Watch Commander's office. All supervisors should familiarize themselves with the Emergency Management Plan. The Homeland Security Sergeant/Emergency Services Coordinator should ensure that department personnel are familiar with the roles police personnel will play when the plan is implemented.

201.4 UPDATING OF MANUALS

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

Training

202.1 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.

202.2 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).

202.3 POLICY

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

202.4 OBJECTIVES

The objectives of the Training Program are to:

- (a) Enhance the level of law enforcement service to the public.
- (b) Increase the technical expertise and overall effectiveness of our personnel.
- (c) Provide for continued professional development of department personnel.
- (d) Ensure compliance with POST rules and regulations concerning law enforcement training.

202.5 TRAINING PLAN

A training plan will be developed and maintained by the Training Bureau Sergeant. It is the responsibility of the Training Bureau Sergeant to maintain, review, and update the training plan on an annual basis.

202.6 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

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4. Physical limitations preventing the employee's participation.
 5. Emergency situations
- (b) When an employee is unable to attend mandatory training, that employee shall:
1. Notify his/her supervisor as soon as possible but no later than one hour prior to the start of training.
 2. Document his/her absence in a memorandum to his/her supervisor.
 3. Make arrangements through his/her supervisor and the Training Bureau Sergeant to attend the required training on an alternate date.

202.7 DAILY TRAINING BULLETINS

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

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

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

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

202.8 TRAINING BUREAU SERGEANT

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

202.8.1 TRAINING RESTRICTION

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

Use of Training Funds for Schools, Seminars, etc.

203.1 PURPOSE AND SCOPE

In order to establish uniformity in the use of city funds for schools, seminars, conferences, etc., the following guidelines shall be used whenever possible.

203.2 VEHICLE TRANSPORTATION

- (a) When a city-owned vehicle is driven to a training/conference location, a fuel credit card will be provided to facilitate travel to the site.
- (b) Employees may be required to use their personal vehicles and submit a claim for mileage. Mileage reimbursement will be at the current approved rate per city policy.
 - 1. Mileage will be approved between the police station and the lodging/training site, or from the employee's residence and the lodging/training site, whichever is less.
 - (a) If the employee must first come to the OPD station, then mileage will be calculated from the police station to the lodging/training site.
 - 2. Daily mileage is allowed between lodging site and the course site.
 - 3. Personal business mileage is not allowed.
 - 4. Required training materials, necessary transportation (i.e., taxi, bus, shuttle, or rental of vehicle) required to conduct city business will be reimbursed as separate items. Receipts must accompany these items.
 - (a) Tips will not be reimbursed.
- (c) Whenever two or more employees are attending the same training school or conference, and upon approval from the Support Services Division Commander, reimbursement of travel for more than one vehicle driven to the course is allowed. Car pooling is encouraged.
- (d) In some cases, it may be more practical to fly rather than drive to a training site and in other instances driving may be better due to the remote location of the facility. In each case, the Support Services Division Commander will determine the appropriate mode of travel.
 - (a) Employees who wish to travel by personal vehicle may do so; however, reimbursement will be made on the basis of airfare or mileage, whichever is less.

203.2.1 AIR TRANSPORTATION

All reservations for air transportation will be made by the training coordinator for accommodations consisting of coach class travel.

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203.3 OVERNIGHT STAYS AT RESIDENT SCHOOLS

- (a) When an employee is required to remain at the conference or training site for an entire day (24 hours), the department will furnish the employee a hotel room at the currently approved per diem rate, as determined by city policy. Receipts will not be required.
- (b) Whenever the employee is en route to, or returning from, a resident training program and the travel time continues through a meal period, purchase of that meal may be claimed. No receipts are required. Travel time, if four hours or less the employee is entitled to one prorated meal. Travel time greater than four hours and less than eight hours, the employee is entitled to two meals.
- (c) When meals are included as a part of the conference or seminar registration fee, the subsistence allowance will be prorated on meals not covered. No receipts are required.

203.3.1 COMMUTER TRAINING - LUNCH ALLOWANCE

- (a) **Commuter Training Defined:** POST defines a "commuter trainee" as an individual who attends a training course and travels between his/her agency or station assignment or residence and the course site each day.
 - 1. Employees who fall under the definition of a commuter trainee will receive a flat allowance at the current city policy approved rate, unless lunch is provided in the original fee.
- (b) Commuting for part of a course and residing at a hotel for part of the same course is discouraged, and only allowed by permission from the Support Services Division Commander. Reimbursement must be requested as if the employee were a commuter because subsistence expenses will not be covered by POST.

203.3.2 LODGING

- (a) When one employee requires lodging, only the single room rate will be reimbursed.
- (b) The new MOU allows for single rooms.
 - 1. In order to eliminate confusion concerning accommodations, especially where employees of opposite sex are involved, all lodging will be arranged by the training coordinator.
 - 2. The Support Services Division Commander may grant single room status over that of double occupancy if circumstances dictate such accommodations are in the best interests of all concerned.
- (c) It will be necessary for employees to retain the lodging receipt and turn it in after completion of the training program.

203.4 TRAVEL

- (a) Travel time to and from school locations is compensable time worked under the following provisions:
 - 1. An employee attending a departmentally approved or required lecture, meeting or training program shall be compensated according to MOU and FLSA

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regulations. Travel time to and from the training site will be compensated according to the travel time/call back formula listed below.

- (a) **One-day trips-** Travel time is normally considered work time, unless between home and a public conveyance which is comparable to normal travel time and duty free meal time, need not be counted.
- (b) **Overnight trips -** Employees required to travel by the employer, as a passenger on a public conveyance or in an automobile is considered to be working (except for meal periods or sleep time). An employee, as a passenger, will be compensated for hours worked for travel time spent during normal working hours, whether or not the travel occurs on a work day or day off. An employee, who is required by the employer to drive, shall be compensated for all travel hours except for regular meal periods or sleep time.

2. **NOTE:** An employee will be compensated for travel time as hours worked for the shortest mode of transportation. Example, if an employee is required to work in San Francisco and air flight time is considered to be two hours. The employee will be compensated for two hours travel time worked even though he chooses to drive by automobile, it is approved, and it takes him seven hours to drive.

- (b) Employees will not be compensated for lectures, meetings, or training programs, if all of the following criteria are met:
 - (a) Attendance is outside of the employee's regular working hours,
 - (b) Attendance is in fact voluntary,
 - (c) The course, lecture, meeting, etc. is not directly related to the employee's job or it is voluntary and job related,
 - (d) The employee does not perform any productive work during such attendance.

203.5 DOCUMENTATION FOR REIMBURSEMENT

- (a) All necessary forms, receipts and mileage documentation when appropriate, shall be turned in to the training coordinator no later than three working days following the employee's return from the training site.
- (b) It is important to adhere to this "three day period" in order for the city to process timely reimbursement credits.

Department Directive

204.1 PURPOSE AND SCOPE

Department 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 the California Government Code. Department Directives will immediately modify or change and supersede sections of this manual to which they pertain.

204.1.1 DEPARTMENT DIRECTIVE PROTOCOL

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

All existing Department Directives have been incorporated in the updated Policy Manual as of the revision date listed in the bottom left footer of each page.

Any Department 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 Department 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 Department Directive.

204.2.2 CHIEF OF POLICE

The Chief of Police shall issue all Department Directives.

204.3 ACCEPTANCE OF DEPARTMENTAL DIRECTIVES

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

Electronic Mail

205.1 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.

205.2 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.

205.3 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.

205.4 EMAIL RECORD MANAGEMENT

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

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

Administrative Communications

206.1 PURPOSE AND SCOPE

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

206.2 MEMORANDUMS

All memorandums disseminated within the agency shall receive prior approval by a supervisor.

206.3 CORRESPONDENCE

In order to ensure that the letterhead and name of the department are not misused, all correspondence utilizing department letterhead shall receive prior approval by no one less in rank than a captain or their designee. Before giving approval, the individual approving correspondence on department letterhead should take into consideration whether the Chief of Police should also be notified of the contents of the correspondence.

All outside communication memorandums, prior to being disseminated, shall be approved by a division commander.

206.4 DEPARTMENT SURVEYS

All surveys made in the name of the department shall be authorized by the Chief of Police or a division commander.

206.5 MEMORANDUMS AND LETTERS OF RECOGNITION

- (a) Memorandums and Letters of Recognition for superior employee performances are not to be authored by anyone below the rank of sergeant.
- (b) Memorandums and Letters of Recognition for superior performance by individuals outside the Orange Police Department shall not be authored by anyone below the rank of sergeant, and shall receive prior approval by a division commander.

Department "Flat" Badges and Retirement Badges

207.1 PURPOSE AND SCOPE

The purpose of this policy is to establish department policy and guidelines for the issuance of city-owned department "flat" badges and retirement badges.

207.1.1 FLAT BADGE

- (a) The flat badge will be a duplicate facsimile of the officially issued Orange Police Department badge.
- (b) A simple scroll pattern will appear in place of the employee's badge number.
- (c) The flat badge will be of the same rank as the employee requesting issuance of a flat badge, such as police officer, sergeant, lieutenant, captain, or chief. No special assignment designations will appear on the flat badges.
- (d) Should the flat badge become lost, damaged, or otherwise removed from the officer's control, he/she shall make the proper notifications as outlined in the Department Owned and Personal Property Policy.
- (e) The carrying or display of a flat badge is not authorized for non-sworn personnel.
- (f) The use of the flat badge is subject to all the same provisions the uniform badge.

207.2 BASIC REQUIREMENTS FOR A FLAT BADGE

- (a) The "Flat Badge Authorization" form shall be approved and signed by the employee's division commander and Chief of Police.
- (b) The Personnel and Training sergeant will issue a flat badge and case. A copy of the approved authorization will be maintained in the Training File of the employee. The issuance of the flat badge will be noted in the Badge Control Log and the employee's Equipment Log.

207.2.1 RESPONSIBILITIES OF THE REQUESTING OFFICER

- (a) Obtain division commander and Chief of Police approval and provide written approval of the request to the Personnel and Training sergeant.
- (b) Upon separation from the department, when an employee opts to relinquish their flat badge, or if permission to possess a flat badge is withdrawn by the Chief of Police: the employee shall immediately return their flat badge.

207.2.2 PERSONNEL AND TRAINING SERGEANT RESPONSIBILITIES

- (a) Record flat badge issuance in the Badge Control Log and Employee's Equipment Log.
- (b) Secure any returned flat badge from the employee upon their separation from the department, voluntary relinquishment, and/or at the direction of the Police Chief or their designee.

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207.2.3 BASIS FOR REFUSAL OF FLAT BADGE ISSUANCE

- (a) Failure to meet service requirement and employment status.
- (b) Denial or revocation based upon cumulative discipline, or any other job related reason, as determined by the Chief of Police.

207.3 RETIREMENT BADGES/SERVICE AWARDS

- (a) Retirement badges will be issued to retiring employees at the discretion of the Police Chief.
- (b) A record of the issued retirement badge will be noted in the Badge Control Log with a similar notation in the retiring employee's personnel file. CCW privileges will also be noted in the personnel file.
- (c) The retirement badge will be flat with the bottom panel reading "Retired" in place of the employee identification number.
- (d) Service Awards, including the presentation of a retiring employee's badge, mounted on a plaque or other arrangement, must be authorized by the Chief of Police.
- (e) The information on retirement badges presented as service awards will also be noted in the Badge Control Log and the employee's Personnel File.

License to Carry a Firearm

208.1 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 (refer to California Penal Code). This policy will provide a written process for the application and issuance of such licenses. Pursuant to the California Penal Code, this policy shall be made accessible to the public.

208.1.1 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).

208.1.2 POLICY

It is the policy of the Orange Police Department that general requests for concealed weapons permits be referred to the Orange County Sheriff's Department. The Chief of Police may consider issuing concealed weapons permits to those qualified reserve officers serving with the City of Orange, or retirees from our agency. Also, refer to the current policy manual regarding Reserve CCW Endorsements, and policy regarding Retired CCW Endorsements.

208.2 POLICY

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

208.3 QUALIFIED APPLICANTS

In order to qualify for a license to carry a firearm, the applicant must meet certain requirements, including:

- (a) Be a resident of the City of Orange (Penal Code § 26150; Penal Code § 26155).
- (b) Be at least 21 years of age (Penal Code § 29610).
- (c) Fully complete an application that will include substantial personal information. Much of the information in the application may be subject to public access under the Public Records Act.
- (d) Be free from criminal convictions that would disqualify the applicant from carrying a firearm. Fingerprints will be required and a complete criminal background check will be conducted.
- (e) Be of good moral character (Penal Code § 26150; Penal Code § 26155).
- (f) Pay all associated application fees. These fees are set by statute and may not be refunded if the application is denied.
- (g) Provide proof of ownership or registration of any firearm to be licensed.

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- (h) Be free from any psychological conditions that might make the applicant unsuitable for carrying a firearm (Penal Code § 26190).
- (i) Complete required training (Penal Code § 26165).

208.4 APPLICATION PROCESS

The application process for a license to carry a firearm shall consist of two phases. Upon the successful completion of each phase, the applicant will advance to the next phase until the process is completed and the license is either issued or denied.

No person determined to fall within a prohibited class described in Penal Code § 29800, Penal Code § 29900, Welfare and Institutions Code § 8100, or Welfare and Institutions Code § 8103 will be issued a license to carry a firearm. A license shall not be issued if the California Department of Justice (DOJ) determines that the applicant is prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm (Penal Code § 26195).

208.4.1 PHASE ONE (TO BE COMPLETED BY ALL APPLICANTS)

- (a) Any individual applying for a license to carry a firearm shall first fully complete a California DOJ application to be signed under penalty of perjury. Any applicant who provides false information or statements on the application will be removed from further consideration and may be prosecuted for a criminal offense (Penal Code § 26180).
 - 1. In the event of any discrepancies in the application or background investigation, the applicant may be required to undergo a polygraph examination, at no cost to the applicant.
 - 2. If an incomplete application package is received, the Chief of Police or the authorized designee may do any of the following:
 - (a) Require the applicant to complete the package before any further processing.
 - (b) Advance the incomplete package to phase two for conditional processing pending completion of all mandatory conditions.
 - (c) Issue a denial if the materials submitted at the time demonstrate that the applicant would not qualify for a license to carry a firearm even if the package was completed (e.g., not a resident, disqualifying criminal conviction).
- (b) Applicant fees shall be submitted and processed according to department-established procedures and Penal Code § 26190.
 - 1. Additional fees may be required for fingerprinting, training, or psychological testing, in addition to the application fee.
 - 2. Full payment of the remainder of the application fee will be required upon issuance of a license.

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3. Payment of related fees may be waived if the applicant is a duly appointed reserve peace officer as defined in Penal Code § 830.6 (a) or (b) (Penal Code § 26170).
 - (c) The applicant shall be required to submit to fingerprinting and a complete criminal background check by the California DOJ. A second set of fingerprints may be required for retention in department files. Two recent passport-size photos (2 inches by 2 inches) of the applicant shall be submitted for department use.
 - (d) The applicant should submit at least three signed letters of character reference from individuals other than relatives.
 - (e) The applicant shall submit proof of ownership or registration of each firearm to be licensed.

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

In the event that an application is denied at the conclusion of, or during, phase one, the applicant shall be notified in writing within 90 days of the initial application or within 30 days after receipt of the applicant's criminal background check from the California DOJ, whichever is later. If the license is denied, the notice shall state which requirement was not satisfied (Penal Code § 26205).

208.4.2 PHASE TWO

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

- (a) Upon successful completion of phase one, the applicant shall be scheduled for a personal interview with the Chief of Police or the authorized designee. During this stage, there will be further discussion of any potential restrictions or conditions that might be placed on the license.
- (b) The Chief of Police may, based upon criteria established by the Chief of Police, require that the applicant be referred to an authorized psychologist used by the Department for psychological testing. The cost of such psychological testing (not to exceed \$150) shall be paid by the applicant. The purpose of any such psychological testing is intended only to identify any outward indications or history of psychological problems that might render the applicant unfit to carry a firearm. This testing is not intended to certify in any other respect that the applicant is psychologically fit. If it is determined that the applicant is not a suitable candidate for carrying a firearm, the applicant shall be removed from further consideration (Penal Code § 26190).
- (c) The applicant shall complete a course of training approved by the department, which complies with Penal Code § 26165 (Penal Code § 26165).
- (d) The applicant shall submit any firearm to be considered for a license to the Firearms Training Staff or other department authorized gunsmith, at no cost to the applicant, for a full safety inspection. The Chief of Police reserves the right to deny a license for any firearm that has been altered from the manufacturer's specifications or that is unsafe (Penal Code § 31910).

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- (e) The applicant shall successfully complete a firearms safety and proficiency examination with the firearm to be licensed, to be administered by the department Firearms Training Staff, or provide proof of successful completion of another department-approved firearms safety and proficiency examination, including completion of all releases and other forms. The cost of any outside inspection/examination shall be the responsibility of the applicant.

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

Whether an application is approved or denied at the conclusion of or during phase two, the applicant shall be notified in writing within 90 days of the initial application or within 30 days after receipt of the applicant's criminal background check from the California DOJ, whichever is later. If the license is denied, the notice shall state which requirement was not satisfied (Penal Code § 26205).

208.5 ISSUED FIREARMS PERMITS

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

- (a) The license will be subject to any and all reasonable restrictions or conditions the Chief of Police has deemed warranted, including restrictions as to the time, place, manner, and circumstances under which the person may carry the firearm.
 - 1. All such restrictions or conditions shall be conspicuously noted on any license issued (Penal Code § 26200).
 - 2. The licensee will be required to sign a Restrictions and Conditions Agreement. Any violation of any of the restrictions and conditions may result in the immediate revocation of the license.
- (b) The license shall be laminated, bearing a photograph of the licensee with the expiration date, type of firearm, restrictions, and other pertinent information clearly visible.
 - 1. Each license shall be numbered and clearly identify the licensee.
 - 2. All licenses shall be subjected to inspection by the Chief of Police or any law enforcement officer.
- (c) The license will be valid for a period not to exceed two years from the date of issuance (Penal Code § 26220).
 - 1. A license issued to a state or federal magistrate, commissioner, or judge will be valid for a period not to exceed three years.
 - 2. A license issued to any reserve peace officer as defined in Penal Code § 830.6(a) or (b), or a custodial officer employed by the Sheriff as provided in Penal Code § 831.5 will be valid for a period not to exceed four years, except that such license shall be invalid upon the individual's conclusion of service as a reserve officer.
- (d) If the licensee's place of residence was the basis for issuance of a license and the licensee moves out of the county of issuance, the license shall expire 90 days after the licensee has moved (Penal Code § 26210).

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- (e) The licensee shall notify this department in writing within 10 days of any change of place of residency.

208.5.1 LICENSE RESTRICTIONS

- (a) The Chief of Police may place special restrictions limiting time, place, manner and circumstances under which any license shall be valid. In general, these restrictions will prohibit the licensee from:
 1. Consuming any alcoholic beverage while armed.
 2. Falsely representing him/herself as a peace officer.
 3. Unjustified or unreasonable displaying of a firearm.
 4. Committing any crime.
 5. Being under the influence of any medication or drug while armed.
 6. Interfering with any law enforcement officer's duties.
 7. Refusing to display his/her license or firearm for inspection upon demand of any peace officer.
 8. Loading the permitted firearm with illegal ammunition.
- (b) The Chief of Police reserves the right to inspect any license or licensed firearm at any time.
- (c) The alteration of any previously approved firearm including, but not limited to adjusting the trigger pull, adding laser sights or modifications shall void any license and serve as grounds for revocation.

208.5.2 AMENDMENTS TO LICENSES

Any licensee may apply to amend a license at any time during the period of validity by completing and submitting a written Application for License Amendment along with the current processing fee to the Department in order to (refer to the California Penal Code)

- (a) Add or delete authority to carry a firearm listed on the license.
- (b) Change restrictions or conditions previously placed on the license.
- (c) Change the address or other personal information of the licensee (refer to the California Penal Code).

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

208.5.3 REVOCATION OF LICENSES

Any license issued pursuant to this policy may be immediately revoked by the Chief of Police for any of the following reasons:

- (a) The licensee has violated any of the restrictions or conditions placed upon the license.

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- (b) The licensee becomes psychologically unsuitable to carry a firearm.
- (c) The licensee is determined to be within a prohibited class described in Penal Code § 29800, Penal Code § 29900, Welfare and Institutions Code § 8100, Welfare and Institutions Code § 8103, or any state or federal law.
- (d) The licensee engages in any conduct which involves a lack of good moral character for the original issuance of the license.
- (e) If the license is one to carry "loaded and exposed," the license shall be revoked immediately upon a change of the licensee's place of residence to another county (Penal Code § 26210).

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

If any license is revoked, the Department will immediately notify the licensee in writing and the California DOJ (Penal Code § 26225).

208.5.4 LICENSE RENEWAL

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

- (a) Verifying all information submitted in the original application under penalty of perjury.
- (b) Completing a department-approved training course pursuant to Penal Code § 26165.
- (c) Submitting any firearm to be considered for a license renewal to the Firearms Training Staff for a full safety inspection. The Chief of Police reserves the right to deny a license for any firearm that has been altered from the manufacturer's specifications or that is unsafe (Penal Code § 31910).
- (d) Paying a non-refundable renewal application fee.

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

Whether an application for renewal is approved or denied, the applicant shall be notified in writing within 90 days of the renewal application or within 30 days after receipt of the applicant's criminal background check from the California DOJ, whichever is later (Penal Code § 26205).

208.6 DEPARTMENT REPORTING AND RECORDS

Pursuant to the California Penal Code, the Chief of Police shall maintain a record of the following and immediately provide copies of each to the California DOJ:

- (a) The denial of a license
- (b) The denial of an amendment to a license
- (c) The issuance of a license
- (d) The amendment of a license

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- (e) The revocation of a license

The Chief of Police shall annually submit to the State Attorney General the total number of licenses to carry firearms issued to reserve peace officers and judges.

208.7 CONFIDENTIAL RECORDS

The home address and telephone numbers of any peace officer, public defender, prosecutor, magistrate, court commissioner, or judge contained in an application shall not be considered public record (Government Code § 7923.805).

Any information in an application for a license to carry a firearm that indicates when or where the applicant is vulnerable to attack or that concerns the applicant's medical or psychological history or that of the applicant's family shall not be considered public record (Government Code § 7923.800).

208.8 LIMITED BUSINESS LICENSE TO CARRY A CONCEALED FIREARM

The authority to issue a limited business license to carry a concealed firearm to a non-resident applicant is granted only to the Sheriff of the county in which the applicant works. A chief of a municipal police department may not issue limited licenses (Penal Code § 26150). Therefore, such applicants may be referred to the Sheriff for processing.

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

- (a) The applicant physically spends a substantial period of working hours in the applicant's principal place of employment or business within the City of Orange (Penal Code § 26150).
- (b) Such a license will be valid for a period not to exceed 90 days from the date of issuance (Penal Code § 26220).
- (c) The applicant shall provide a copy of the license to the licensing authority of the city or county in which the applicant resides (Penal Code § 26220).
- (d) Any application for renewal or reissuance of such a license may be granted only upon concurrence of the original issuing authority and the licensing authority of the city or county in which the applicant resides (Penal Code § 26220).

CCW Endorsement for Reserve Officers

209.1 PURPOSE AND SCOPE

The purpose of this policy is to establish procedural guidelines for the issuance of concealed weapon permits (CCW) to actively employed Orange Police Department reserve officers.

209.1.1 BACKGROUND

The California Penal Code gives the sheriff of a county, upon proof that the person applying is of good moral character, that good cause exists for the issuance, and that the person applying satisfies any one of the conditions specified in the penal code, may issue to that person a license to carry a pistol, revolver, or other firearm capable of being concealed upon the person.

The California Penal Code gives the chief or other head of a municipal police department, upon proof that the person is of good moral character, that good cause exists for the issuance, and that the person applying is a person who has been deputized or appointed as a peace officer pursuant to the penal code by that chief or other head of a municipal police department, may issue to that person a license to carry concealed a pistol, revolver, or other firearm capable of being concealed upon the person.

A permit may include any reasonable restrictions or conditions which the issuing authority deems warranted, including restrictions as to the time, place, and circumstances under which the person may carry a concealed firearm.

209.1.2 POLICY

It is the policy of this department that general requests for concealed weapons permits be referred to the Orange County Sheriff's Department. The Chief of Police may consider issuing concealed weapons permits to those qualified reserve officers serving with the City of Orange.

209.2 REQUIREMENTS FOR APPLICATION

- (a) Pursuant to the California Penal Code, the Chief of Police may consider issuing concealed weapons permits to reserve officers.
 - 1. Residency in the City of Orange is not required.
- (b) The applicant must be a qualified reserve peace officer appointed pursuant to the California Penal Code.
- (c) The applicant must be certified as a Level I reserve officer and have served in that capacity for one year.
- (d) The reserve officer must have successfully completed the Field Training Program.
- (e) The reserve officer must possess experience serving as a solo officer in the field.

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CCW Endorsement for Reserve Officers

209.3 RESTRICTIONS/CONDITIONS OF ISSUANCE PURSUANT TO THE CURRENT CALIFORNIA PENAL CODE SECTION

- (a) Such concealed weapons permits pursuant to the California Penal Code are valid for any period of time not to exceed four years, except that any such license shall be invalid upon the conclusion of the person's appointment as a reserve peace officer with the City of Orange any other condition imposed pursuant to this section does not limit the validity of the license to a shorter period of time.
- (b) The Chief of Police may waive local fees for the issuance of a license pursuant to the California Penal Code.
- (c) The CCW privilege is authorized by California law. The right for a reserve officer to carry a concealed and loaded firearm only applies within the State of California.
- (d) While carrying a concealed weapon, the licensee shall not:
 - 1. Unjustifiably display a concealed weapon,
 - 2. Be under the adverse or inhibiting influence of any medication, narcotic drug, cannabis, marijuana, THC-related products, or alcoholic beverages,
 - 3. Refuse to show his/her CCW permit to any peace officer on demand,
 - 4. Violate any state, county or city law.
- (e) The Orange Police Department may attach any reasonable conditions deemed necessary, including but not limited to:
 - 1. The type of weapon to be carried,
 - 2. The type of ammunition that may be used,
 - 3. The time of day the weapon may be carried.

209.3.1 FEDERAL AND STATE LAWS AND REGULATIONS

Employees are required to follow all federal and state laws and regulations, including laws or regulations where the use of controlled substances, including cannabis, marijuana and THC-related products might limit an employee's ability to lawfully possess a firearm (refer to 18 USC 922(g)(3)) or maintain federal clearances, licenses and/or certification required to perform their job duties.

209.4 APPLICATION REQUIREMENTS

- (a) The reserve officer applicant shall draft a memo, directed to the Chief of Police, through the reserve coordinator and Field Services Division Commander, stating his/her desire to obtain a CCW permit.
- (b) The reserve coordinator shall review the application and ensure that the reserve officer has obtained Level One status outlined in the California Penal Code and that his/her performance and judgment within that assignment meets the expectations of an Orange Reserve Officer.
- (c) If the request is approved, the reserve officer shall submit two fingerprint cards (Dept. of Justice BID-7) to the Training and Personnel sergeant.

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1. The Training and Personnel sergeant will indicate on the back of the cards, under "License Permit Certification Title" - "Peace Officer CCW." The appropriate information will be documented in the remaining portions of the cards, including the reserve officer's home address.
- (d) There is a State Department of Justice fee for processing such applications.. The reserve officer will obtain a money order in that amount and submit that money order to the Training and Personnel sergeant, who will submit the fingerprint cards with the fees to the State of California, Department of Justice. The address is indicated on the back of DOJ BID-7.
- (e) If the Department of Justice approves the license, the Training and Personnel sergeant shall complete form DOJ BCIA 4501. In the "restrictions/if any" line, enter "Peace Officer/up to four years."
- (f) Obtain the reserve officer's thumb print and signature as designated on the form.
- (g) Applicant photographs are not required.
- (h) The reserve officer must show proof of when and where the weapon was purchased.
- (i) The officer must present the weapon for inspection to the Orange Police Department's armorer, so as to verify good working order.
- (j) Obtain the signature of Chief of Police.
- (k) Sections A and B of BCIA 4501 constitute the CCW license. The reserve officer shall be provided with the white copy of the form. The yellow copy shall be sent to the Department of Justice. The pink copy shall be filed with the secretary to the Chief of Police. A copy of the form shall be included in the reserve officer's Division File and Training File.

209.5 QUALIFICATION REQUIREMENTS

- (a) A reserve officer authorized to carry a concealed firearm off-duty shall qualify with the firearm pursuant to the guidelines established by the Personnel and Training Bureau.
 1. Failure to qualify pursuant to these guidelines shall be considered a reason for revoking the CCW license.

If any section, subsection, sentence, paragraph, clause, phrase, or portion of this policy is, for any reason, held to be unconstitutional or invalid by a court decision, such decision shall not affect the remaining portions of the policy.

Retiree Concealed Firearms

210.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the issuance, denial, suspension or revocation of Orange Police Department identification cards under the Law Enforcement Officers' Safety Act (LEOSA) and California law (refer to the U.S. Code and California Penal Code).

210.2 POLICY

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

210.2.1 HONORABLY RETIRED PEACE OFFICERS

- (a) The definition of "honorably retired" is found in the California Penal Code. Any peace officer who has qualified for and accepted either a service or disability retirement is considered to be "honorably retired."
 1. "Honorably retired" does not include an officer who has agreed to a service retirement in lieu of termination.
- (b) Honorable retirement can apply to either a service or disability retirement. Both service and disability retirements are defined by the California Public Employees Retirement System. To be eligible for service retirement you must be at least age 50 and have five years of Cal PERS credit service. There are two types of disability retirements. If the cause of the disability is job related, there is no minimum service requirement. The date of separation with the City of Orange determines whether an employee has resigned or has retired and qualifies for the CCW privilege.
- (c) When an officer is retired due to a psychological disability (including stress), the California Penal Code specifies that no endorsement to carry a concealed and loaded firearm shall be issued if the officer retires after January 1, 1989. The identification card shall be stamped in bold red letters "No CCW Privilege."
- (d) The CCW privilege is authorized by California law. The right for an honorably retired officer to carry a concealed and loaded firearm only applies within the State of California, unless a reciprocal agreement exists with another state.

210.3 LEOSA

The Chief of Police may issue an identification card for LEOSA purposes to any qualified former officer of this department who (refer to the U.S. Code):

- (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.

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- (d) Has not entered into an agreement with this department where the officer acknowledges that they are is not qualified to receive a firearm qualification certificate for reasons related to mental health.
- (e) Is not prohibited by federal law from receiving or possessing a firearm.

210.3.1 LEOSA IDENTIFICATION CARD FORMAT

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

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

210.3.2 AUTHORIZATION

Any qualified former law enforcement officer, including a former officer of this department, may carry a concealed firearm under the U.S. Code when they are:

- (a) In possession of photographic identification that identifies them as having been employed as a law enforcement officer, and one of the following:
 - (a) An indication from the person's former law enforcement agency that they have, 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.
 - (b) 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 an alcoholic beverage, cannabis, marijuana, THC-related products 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.

210.4 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 their employment shall be issued an identification card with a Carrying Concealed Weapon endorsement, "CCW Approved," upon honorable retirement (refer to the California Penal Code).

- (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.

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- (b) No CCW Approved endorsement shall be issued to any officer retiring because of a psychological disability (refer to the California Penal Code).

210.4.1 REQUIREMENTS OF THE UNITED STATES CODE REGARDING RETIRED POLICE OFFICERS AND CONCEALED FIREARMS

- (a) Notwithstanding any other provision of the law of any state or any political subdivision thereof, an individual who is a qualified retired law enforcement officer and who is carrying the identification required by subsection (d) may carry a concealed firearm that has been shipped or transported in interstate or foreign commerce, subject to subsection (b).
- (b) This section shall not be construed to supersede or limit the laws of any state that:
 1. Permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property, or
 2. Prohibit or restrict the possession of firearms on any State or local government property, installation, building, base, or park.
- (c) As used in this section, the term "qualified retired law enforcement officer" means an individual who:
 1. Retired in good standing from service with a public agency as a law enforcement officer, other than for reasons of mental instability,
 2. Before such retirement, was authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and had statutory powers of arrest,
 3. Before such retirement, was regularly employed as a law enforcement officer for an aggregate of 15 years or more, or
 - (a) Retired from service with such agency, after completing any applicable probationary period of such service, due to a service connected disability, as determined by such agency.
 4. Has a non forfeitable right to benefits under the retirement plan of the agency,
 5. During the most recent 12-month period, has met, at the expense of the individual, the State's standards for training and qualification for active law enforcement officers to carry firearms,
 6. Is not under the influence of alcoholic beverages, cannabis, marijuana, THC-related products, or another intoxicating or hallucinatory drug or substance, and
 7. Is not prohibited by Federal law from receiving a firearm.
- (d) The identification required by this subsection is:
 1. A photographic identification issued by the agency from which the individual retired from service as a law enforcement officer that indicates that the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the agency to meet the standards established by the agency for training and qualification for active

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law enforcement officers to carry a firearm of the same type as the concealed firearm, or

2. A photographic identification issued by the agency from which the individual retired from service as a law enforcement officer, and
 - (a) A certification issued by the State in which the individual resides that indicates that the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the State to meet the standards established by the State for training and qualification for active law enforcement officers to carry a firearm of the same type as the concealed firearm.
- (e) As used in this section, the term "firearm" does not include:
 1. Any machine gun (as defined in the National Firearms Act).
 2. Any firearm silencer (as defined in the U.S. Code), and
 3. A destructive device (as defined in the U.S. Code).

FEDERAL AND STATE LAWS AND REGULATIONS

Retirees are required to follow federal and state laws and regulations where the use of controlled substances, including cannabis, marijuana and THC-related products, might limit a retiree's ability to lawfully possess a firearm (refer to 18 USC 922(g)(3)) or maintain federal clearances.

210.4.2 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 (refer to the California Penal Code):

- (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."

210.4.3 QUALIFIED RETIRED RESERVES

Qualified retired reserve officers who meet the department requirements shall be provided an identification card with a CCW Approved endorsement (refer to the California Penal Code).

210.5 FORMER OFFICER RESPONSIBILITIES

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

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210.5.1 RESPONSIBILITIES UNDER LEOSA

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

- (a) Sign the waiver of liability and release agreement retired peace officer concealable firearm from the Department for all acts taken related to carrying a concealed firearm, acknowledging both their personal responsibility as a private person for all acts taken when carrying a concealed firearm as permitted by LEOSA and also that these acts were not taken as an employee or former employee of the Department.
- (b) Remain subject to all applicable department policies and federal, state and local laws.
- (c) Demonstrate good judgment and character commensurate with carrying a loaded and concealed firearm.
- (d) Upon retirement from, the department will complete a No Longer Interested (NLI) form and the retiree will undergo a LiveScan transmission specific to CCW Retiree through DOJ.
- (e) Successfully pass an annual criminal history background check indicating that they are is not prohibited by law from receiving or possessing a firearm.
 - 1. This will be accomplished through a yearly LiveScan transmission at the department's expense. NOTE: If out-of-state arrangements are made, the expense will be on the former officer.

210.5.2 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 (refer to the California Penal Code):

- (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.

210.6 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.

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

A CCW endorsement under the California Penal Code 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.

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- (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 (refer to the California Penal Code).
 - 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 (refer to the California Penal Code).
 - 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 (refer to the California Penal Code).
 - 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 their identification card. The department will then reissue a new identification card which shall be stamped "No CCW Privilege."
- (d) Personnel 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 (refer to the California Penal Code).
 - 2. The Watch Commander should document the investigation, the actions taken and, if applicable, any notification made to the retiree. The memo should be forwarded to the Chief of Police.
 - 3. The personal and written notification should be as follows:
 - (a) The retiree's CCW endorsement is immediately and temporarily suspended.

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- (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.

210.8 FIREARM QUALIFICATIONS

The department may provide its 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 Division and Firearms Training Staff will maintain a record of the qualifications and weapons used.

210.9 AUTHORIZED FIREARMS

Effective February 1, 2022, all firearms approved for CCW shall fall under the department's Firearms Policy. A firearm approved by the department for CCW prior to February 1, 2022, will continue to be permissible.

Chapter 3 - General Operations

Use of Force

300.1 PURPOSE AND SCOPE

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

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

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

300.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

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

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

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

300.2 POLICY

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

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

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

300.2.1 DUTY TO INTERCEDE

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

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

300.2.2 FAIR AND UNBIASED USE OF FORCE

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

300.2.3 DUTY TO REPORT EXCESSIVE FORCE

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

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

300.2.4 FAILURE TO INTERCEDE

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

300.3 USE OF FORCE

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

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

Given that no policy can realistically predict every possible situation an officer might encounter, officers are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident. Officers may only use a level of force that they reasonably believe is proportional to

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the seriousness of the suspected offense or the reasonably perceived level of actual or threatened resistance (Government Code § 7286(b)).

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

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

300.3.1 USE OF FORCE TO EFFECT AN ARREST

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

300.3.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

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

- (a) The apparent immediacy and severity of the threat to officers or others (Penal Code § 835a).
- (b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time (Penal Code § 835a).
- (c) Officer/subject factors (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).
- (d) The conduct of the involved officer leading up to the use of force (Penal Code § 835a).
- (e) The effects of suspected drugs or alcohol.
- (f) The individual's apparent mental state or capacity (Penal Code § 835a).
- (g) The individual's apparent ability to understand and comply with officer commands (Penal Code § 835a).
- (h) Proximity of weapons or dangerous improvised devices.

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- (i) The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.
- (j) The availability of other reasonable and feasible options and their possible effectiveness (Penal Code § 835a).
- (k) Seriousness of the suspected offense or reason for contact with the individual prior to and at the time force is used.
- (l) Training and experience of the officer.
- (m) Potential for injury to officers, suspects, bystanders, and others.
- (n) Whether the person appears to be resisting, attempting to evade arrest by flight, or is attacking the officer.
- (o) The risk and reasonably foreseeable consequences of escape.
- (p) The apparent need for immediate control of the subject or a prompt resolution of the situation.
- (q) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.
- (r) Prior contacts with the subject or awareness of any propensity for violence.
- (s) Any other exigent circumstances.

300.3.3 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 Orange Police Department for this specific purpose.

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300.3.5 ALTERNATIVE TACTICS - DE-ESCALATION

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

- (a) Summoning additional resources that are able to respond in a reasonably timely manner.
- (b) Formulating a plan with responding officers before entering an unstable situation that does not reasonably appear to require immediate intervention.
- (c) Employing other tactics that do not unreasonably increase officer jeopardy.

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

- (a) Attempts to de-escalate a situation.
- (b) If reasonably available, the use of crisis intervention techniques by properly trained personnel.

300.3.6 RESTRICTIONS ON THE USE OF A CHOKE HOLD

Officers of this department are not authorized to use a choke hold. A choke hold means any defensive tactic or force option in which direct pressure is applied to a person's trachea or windpipe (Government Code § 7286.5).

300.3.7 ADDITIONAL RESTRICTIONS

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

300.4 DEADLY FORCE APPLICATIONS

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

If an objectively reasonable officer would consider it safe and feasible to do so under the totality of the circumstances, officers shall evaluate and use other reasonably available resources and

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techniques when determining whether to use deadly force. To the extent that it is reasonably practical, officers should consider their surroundings and any potential risks to bystanders prior to discharging a firearm (Government Code § 7286(b)).

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

- (a) An officer may use deadly force to protect him/herself or others from what he/she reasonably believes is an imminent threat of death or serious bodily injury to the officer or another person.
- (b) An officer may use deadly force to apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended.

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

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

300.4.1 SHOOTING AT OR FROM MOVING VEHICLES

When feasible, officers should take reasonable steps to move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants. An officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the imminent threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others (Government Code § 7286(b)).

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

300.4.2 DISPLAYING OF FIREARMS

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

- (a) If the officer does not initially perceive a threat but reasonably believes that the potential for such threat exists, firearms should generally be kept in the low-ready or other position not directed toward an individual.
- (b) If the officer reasonably believes that a threat exists based on the totality of circumstances presented at the time (e.g., high-risk stop, tactical entry, armed

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encounter), firearms may be directed toward such threat until the officer no longer perceives such threat.

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

300.5 REPORTING THE USE OF FORCE

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

300.5.1 NOTIFICATION TO SUPERVISORS

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

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

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

300.5.2 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

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

See the Medical Aid and Response Policy for additional guidelines.

300.7 SUPERVISOR RESPONSIBILITY

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

- (a) Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- (b) Ensure that any injured parties are examined and treated.
- (c) When possible, separately obtain a recorded interview with the subject upon whom force was applied. If this interview is conducted without the person having voluntarily waived his/her *Miranda* rights, the following shall apply:
 1. The content of the interview should not be summarized or included in any related criminal charges.
 2. The fact that a recorded interview was conducted should be documented in a property or other report.
 3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.

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- (d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas. These photographs should be retained until all potential for civil litigation has expired.
- (e) Identify any witnesses not already included in related reports.
- (f) Review and approve all related reports.
- (g) Determine if there is any indication that the subject may pursue civil litigation.
 - 1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.
- (h) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy non-compliance or if for any reason further investigation may be appropriate.

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

300.7.1 WATCH COMMANDER RESPONSIBILITY

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

300.8 TRAINING

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

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

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

- (a) Guidelines regarding vulnerable populations, including but not limited to children, elderly persons, pregnant individuals, and individuals with physical, mental, and developmental disabilities.
- (b) Training courses required by and consistent with POST guidelines set forth in Penal Code § 13519.10.

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

300.9 USE OF FORCE ANALYSIS

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

- (a) The identification of any trends in the use of force by employees.
- (b) Training needs recommendations.

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- (c) Equipment needs recommendations.
- (d) Policy revision recommendations.

300.10 USE OF FORCE COMPLAINTS

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

300.11 POLICY REVIEW

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

300.12 POLICY AVAILABILITY

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

300.13 PUBLIC RECORDS REQUESTS

Requests for public records involving an officer's personnel records shall be processed in accordance with Penal Code § 832.7 and the Personnel Records and Records Maintenance and Release policies (Government Code § 7286(b)).

Handcuffing and Restraints

301.1 PURPOSE AND SCOPE

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

301.2 POLICY

The Orange 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.

301.3 USE OF RESTRAINTS

Only sworn personnel who have successfully completed Orange 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.

301.3.1 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.

301.3.2 RESTRAINT OF PREGNANT PERSONS

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

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

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

301.3.3 RESTRAINT OF JUVENILES

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

301.3.4 NOTIFICATIONS

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

301.4 APPLICATION OF HANDCUFFS OR PLASTIC CUFFS

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

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

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

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

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

301.5 APPLICATION OF SPIT HOODS

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

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

Officers utilizing spit hoods should ensure that the spit hood is fastened properly to allow for adequate ventilation and so that the restrained person can breathe normally. Officers should provide assistance during the movement of a restrained person due to the potential for impairing

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or distorting that person's vision. Officers should avoid comingling those wearing spit hoods with other detainees.

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

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

301.6 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.

301.7 APPLICATION OF LEG RESTRAINT DEVICES

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

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

- (a) Whether the officer or others could be exposed to injury due to the assaultive or resistant behavior of a person.
- (b) Whether it is reasonably necessary to protect the person from his/her own actions (e.g., hitting his/her head against the interior of the patrol vehicle, running away from the arresting officer while handcuffed, kicking at objects or officers).
- (c) Whether it is reasonably necessary to avoid damage to property (e.g., kicking at windows of the patrol vehicle).

301.7.1 GUIDELINES FOR USE OF LEG RESTRAINTS

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

- (a) If practicable, officers should notify a supervisor of the intent to apply the leg restraint device. In all cases, a supervisor shall be notified as soon as practicable after the application of the leg restraint device.
- (b) Once applied, absent a medical or other emergency, restraints should remain in place until the officer arrives at the jail or other facility or the person no longer reasonably appears to pose a threat.

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- (c) Once secured, the person should be placed in a seated or upright position, secured with a seat belt, and shall not be placed on his/her stomach for an extended period, as this could reduce the person's ability to breathe.
- (d) The restrained person should be continually monitored by an officer while in the leg restraint. The officer should ensure that the person does not roll onto and remain on his/her stomach.
- (e) The officer should look for signs of labored breathing and take appropriate steps to relieve and minimize any obvious factors contributing to this condition.
- (f) When transported by emergency medical services, the restrained person should be accompanied by an officer when requested by medical personnel. The transporting officer should describe to medical personnel any unusual behaviors or other circumstances the officer reasonably believes would be potential safety or medical risks to the person (e.g., prolonged struggle, extreme agitation, impaired respiration).

301.8 REQUIRED DOCUMENTATION

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

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

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

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

301.9 TRAINING

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

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

Control Devices and Techniques

302.1 PURPOSE AND SCOPE

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

302.2 POLICY

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

302.3 ISSUING, CARRYING AND USING CONTROL DEVICES

Control devices described in this policy may be carried and used by employees 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.

302.4 RESPONSIBILITIES

302.4.1 WATCH COMMANDER'S RESPONSIBILITIES

The Watch Commander may authorize the use of a control device by selected personnel or personnel of specialized units who have successfully completed the required training.

302.4.2 FIREARMS TRAINING STAFF RESPONSIBILITIES

The Firearms Training Staff 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 Firearms Training Staff or the designated instructor for a particular control device. The inspection shall be documented.

302.4.3 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 Firearms Training Staff 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.

302.5 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.

302.6 TEAR GAS GUIDELINES

Tear gas may be used for crowd control, crowd dispersal or against barricaded suspects based on the circumstances. Only the Watch Commander, Incident Commander or SWAT Commander with the rank of Lieutenant or above may authorize the delivery and use of tear gas, and only after evaluating all conditions known at the time and determining that such force reasonably appears justified and necessary.

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

302.6.1 MAINTENANCE RESPONSIBILITY

All normal maintenance, charging or cleaning shall remain the responsibility of the department armorer.

302.7 OLEORESIN CAPSICUM (OC) GUIDELINES

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

302.7.1 OC SPRAY

Should uniformed personnel carrying OC spray, they shall carry the canister 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.

302.7.2 PEPPER PROJECTILE SYSTEMS

Pepper projectiles are plastic spheres that are filled with a derivative of OC powder. Because the compressed gas launcher delivers the projectiles with enough force to burst the projectiles on

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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. 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.

302.7.3 TREATMENT FOR OC 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.

302.8 POST-APPLICATION NOTICE

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

302.9 KINETIC ENERGY PROJECTILE GUIDELINES

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

302.9.1 DEPLOYMENT AND USE

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

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

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

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- (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.

302.9.2 DEPLOYMENT CONSIDERATIONS

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

- (a) Distance and angle to target.
- (b) Type of munitions employed.
- (c) Type and thickness of subject's clothing.
- (d) The subject's proximity to others.
- (e) The location of the subject.
- (f) Whether the subject's actions dictate the need for an immediate response and the use of control devices appears appropriate.

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

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

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

302.9.3 SAFETY PROCEDURES

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

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

When it is not deployed, the shotgun will be unloaded and properly and securely stored in the vehicle. When deploying the kinetic energy projectile shotgun, the officer shall visually inspect

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the kinetic energy projectiles to ensure that conventional ammunition is not being loaded into the shotgun.

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

302.10 TRAINING FOR CONTROL DEVICES

The Training Bureau Sergeant shall ensure that all personnel who are authorized to carry a control device have been properly trained and certified to carry the specific control device and are retrained or re-certified 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.

302.11 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES

Any application of a control device or technique listed in this policy shall be documented in the related incident report and reported pursuant to the Use of Force Policy.

Conducted Energy Device

303.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of the conducted energy device (CED).

303.2 POLICY

The CED is used in an attempt to control a violent or potentially violent individual. The appropriate use of such a device may result in fewer serious injuries to officers and suspects.

303.3 ISSUANCE AND CARRYING CEDS

Only personnel who have successfully completed department-approved training may be issued and may carry the CED.

The Personnel and Training Staff should keep a log of issued CED devices and the serial numbers of cartridges/magazines issued to employees.

CEDs are issued for use during an employee's current assignment. Those leaving a particular assignment may be required to return the device to the Department inventory.

Employees shall only use the CED and cartridges/magazines that have been issued by the Department. Cartridges/magazines should not be used after the manufacturer's expiration date.

Personnel who have been issued the CED shall wear the device in an approved holster while in uniform. CEDs are not required to be worn when in uniform for ceremonial events (i.e., Rotary meetings, police academy graduations, award banquets, etc.), or when assigned to a position within the station.

Officers who carry the CED while in uniform shall carry it in a weak-side holster on the side opposite the duty weapon or in a cross-draw configuration if carried on the same side as the officer's firearm. This will reduce the possibility of accidentally drawing and/or firing a firearm. All CEDs shall be clearly distinguishable to differentiate them from the duty weapon and any other device.

- (a) For single-shot devices, whenever practicable, employees should carry an additional cartridge on their person when carrying the CED.
- (b) Officers should not hold a firearm and the CED at the same time.

Non-uniformed officers may secure the CED in a concealed, secure location in the driver's compartment of their vehicles.

303.3.1 ADDITIONAL DEPARTMENT PERSONNEL RESPONSIBILITIES

Employees working a plain-clothes assignment may utilize a department issued CED when they believe such a device may be beneficial and in accordance with this policy. All non-uniformed employees who are engaging in pre-planned enforcement activities such as a search warrant service, arrest warrant service, or parole/probation searches should utilize a CED. Employees not carrying a CED while engaging in pre-planned enforcement activities shall have prior approval

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from a Lieutenant or higher. Field Training Officers who are wearing civilian clothing during a "ghost phase" of training are required to carry a CED.

303.3.2 USER RESPONSIBILITIES

Officers shall be responsible for ensuring that the issued CED is properly maintained and in good working order. This includes a function test and battery life monitoring, as required by the manufacturer, and should be completed prior to the beginning of the employee's shift.

CEDs that are damaged or inoperative, or cartridges/magazines that are expired or damaged shall be returned to the Personnel and Training Staff for disposition.

303.4 VERBAL AND VISUAL WARNINGS

A verbal warning of the intended use of the CED 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 CED may be deployed.

If, after a verbal warning, an individual fails to voluntarily comply with officers' lawful orders and it appears both reasonable and feasible under the circumstances, the officer may, but is not required to, activate any warning on the device, which may include display of the electrical arc, an audible warning, or displaying the laser in a further attempt to gain compliance prior to the application of the CED. The laser should not be intentionally directed into anyone's eyes.

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 CED in the related report.

303.5 USE OF THE CED

The CED has limitations and restrictions requiring consideration before its use. The CED should only be used when its operator can safely deploy the device within its operational range. Although the CED may be effective in controlling most individuals, officers should be aware that the device may not achieve the intended results and be prepared with other options.

If sufficient personnel are available and can be safely assigned, an officer designated as lethal cover for any officer deploying a CED may be considered for officer safety.

303.5.1 APPLICATION OF THE CED

The CED may be used, when the circumstances reasonably perceived by the officer at the time indicate that such application reasonably appears necessary to control a person who:

- (a) Is violent or is physically resisting.
- (b) 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, themselves, or others.

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

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

303.5.2 DOCUMENTATION AFTER APPLICATION OF A CED

- (a) When a CED is used to control a person, photographs should be taken of the area affected by the discharged probes or of any points where the discharged device made direct contact with the subject's skin. Photographs should also be taken of any other subsequent injuries that were a direct result of the application of a CED. Such photographs should be booked into evidence.
- (b) When practical, every effort should be made to secure the spent cartridge and attached wires with probes which shall be booked into evidence. All items collected and submitted into evidence are to be marked with the appropriate warnings for Biohazard and Sharp Objects.
- (c) Personnel shall get a new CED battery from the Watch Commander, dock the used battery and ensure all CED info is tagged with the appropriate report number in Evidence.com.
- (d) If a CED cartridge/magazine is negligently discharged and does not result in injury, damage to property, or any person being struck by the CED probes, a supervisor shall be notified about the incident.

303.5.3 SPECIAL DEPLOYMENT CONSIDERATIONS

The use of the CED 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 potential risk of using the device. This includes:

- (a) Individuals who are known to be pregnant.
- (b) Elderly individuals or obvious juveniles.
- (c) Individuals with obviously low body mass.
- (d) Individuals who are handcuffed or otherwise restrained.
- (e) Individuals known to have been recently sprayed with a flammable chemical agent or who are otherwise known to be in close proximity to any known combustible vapor or flammable material, including alcohol-based oleoresin capsicum (OC) spray.
- (f) Individuals whose position or activity is likely to result in collateral injury (e.g., falls from height, located in water, operating vehicles).

Any CED capable of being applied in the drive-stun mode (i.e., direct contact without probes as a primary form of pain compliance) 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.

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303.5.4 TARGETING CONSIDERATIONS

Recognizing that the dynamics of a situation and movement of the subject may affect target placement of probes, when practicable, officers should attempt to target the back, lower center mass, and upper legs of the subject, and avoid intentionally targeting the head, neck, area of the heart, or genitals. If circumstances result in one or more probes inadvertently striking an area outside of the preferred target zones, the individual should be closely monitored until examined by paramedics or other medical personnel.

303.5.5 MULTIPLE APPLICATIONS OF THE CED

Once an officer has successfully deployed at least two probes on the subject, the officer should continually assess the subject to determine if additional probe deployments or cycles reasonably appear necessary. Additional factors officers may consider include but are not limited to:

- (a) Whether it is reasonable to believe that the need to control the individual outweighs the potentially increased risk posed by the multiple applications
- (b) Whether the probes are making proper contact.
- (c) Whether the individual has the ability and has been given a reasonable opportunity to comply.
- (d) Whether verbal commands, or other options or tactics may be more effective.

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

303.5.6 ACTIONS FOLLOWING DEPLOYMENTS

Officers should take appropriate actions to control and restrain the individual as soon as reasonably practicable to minimize the need for longer or multiple exposures to the CED. As soon as practicable, officers shall notify a supervisor any time the CED has been discharged. If needed for evidentiary purposes, the expended cartridge, along with any probes and wires, 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.

303.5.7 DANGEROUS ANIMALS

The CED may be deployed against an animal if the animal reasonably appears to pose an imminent threat to human safety.

303.5.8 OFF-DUTY CONSIDERATIONS

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

Officers shall ensure that CEDs 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.

303.6 DOCUMENTATION

Officers shall document all CED discharges in the related reports. Photographs should be taken of any obvious probe impact or drive-stun application sites and attached to the related reports.

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Notification shall also be made to a supervisor in compliance with the Use of Force Policy. If a CED is discharged, the related reports shall also document unintentional discharges, pointing the device at a person, audible warnings, and laser activation and arcing the device other than for testing purposes. Data downloads from the CED after use on a subject should be done as soon as practicable using the department-approved process to preserve the data.

303.6.1 REPORTS

The officer should include the following in the reports:

- (a) Identification of all personnel firing CEDs.
- (b) Identification of supervisor who responded to the scene.
- (c) Identification of all witnesses.
- (d) Observations of the subject's physical and physiological actions.
- (e) Any known or suspected drug use, intoxication, or other medical problems.

303.7 MEDICAL TREATMENT

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

All persons who have been struck by CED 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 CED 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 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/video recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

The transporting officer shall inform any person providing medical care or receiving custody that the individual has been subjected to the application of the CED (see the Medical Aid and Response Policy).

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303.8 SUPERVISOR RESPONSIBILITIES

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

A supervisor should review each incident where a person has been exposed to a CED. The supervisor should arrange for photographs of probe sites to be taken and witnesses to be interviewed.

Supervisors who are notified about a negligent discharge of a CED cartridge/magazine shall document the incident in a supervisor's log.

303.9 TRAINING

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

Proficiency training for personnel who have been issued CEDs should occur every year. A reassessment of an officer's knowledge and/or practical skills may be required at any time, if deemed appropriate by the Training Bureau Sergeant. All training and proficiency for CEDs will be documented in the officer's training files.

Supervisors and investigators should receive CED training as appropriate for the investigations they conduct and review.

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

The Training Bureau Sergeant is responsible for ensuring that all personnel who carry CEDs have received initial and annual proficiency training. Periodic audits should be used for verification.

Application of CEDs during training could result in injuries and should not be mandatory for certification.

The Training Bureau Sergeant should include the following training:

- (a) A review of this policy.
- (b) A review of the Use of Force Policy.
- (c) Performing weak-hand draws or cross-draws until proficient 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 to the head, neck, area of the heart, and groin.
- (e) Scenario-based training, including virtual reality training when available.
- (f) Handcuffing a subject during the application of the CED and transitioning to other force options.

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- (g) De-escalation techniques.
- (h) Restraint techniques that do not impair respiration following the application of the CED.
- (i) Proper use of cover and concealment during deployment of the CED for purposes of officer safety.
- (j) Proper tactics and techniques related to multiple applications of CEDs.

Officer-Involved Shootings and Deaths

304.1 PURPOSE AND SCOPE

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

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

304.2 POLICY

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

304.3 TYPES OF INVESTIGATIONS

Officer-involved shootings and deaths involve several separate investigations. The investigations may include:

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

304.4 CONTROL OF INVESTIGATIONS

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

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

304.4.1 CRIMINAL INVESTIGATION OF SUSPECT ACTIONS

The investigation of any possible criminal conduct by the suspect is controlled by the agency in whose jurisdiction the suspect's crime occurred. For example, the Orange Police Department would control the investigation if the suspect's crime occurred in Orange.

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

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304.4.2 CRIMINAL INVESTIGATION OF OFFICER ACTIONS

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

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

304.4.3 ADMINISTRATIVE AND CIVIL INVESTIGATION

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

304.5 INVESTIGATION PROCESS

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

304.5.1 UNINVOLVED OFFICER RESPONSIBILITIES

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

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

304.5.2 WATCH COMMANDER RESPONSIBILITIES

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

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

304.5.3 NOTIFICATIONS

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

- Chief of Police
- Investigative Services Division Commander
- Orange County District Attorney's Office
- Outside agency investigator (if appropriate)

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

304.5.4 SUPERVISOR RESPONSIBILITIES

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

- (a) Attempt to obtain a brief overview of the situation from any uninvolved officers.
 1. In the event that there are no uninvolved officers who can supply adequate overview, the supervisor should attempt to obtain a brief voluntary overview from one involved officer.
- (b) If necessary, the supervisor may administratively order any OPD officer to immediately provide public safety information necessary to secure the scene, identify injured parties and pursue suspects.
 - (a) Public safety information shall be limited to such things as outstanding suspect information, number and direction of any shots fired, perimeter of the incident scene, identity of known or potential witnesses and any other pertinent information.
 - (b) The initial on-scene supervisor should not attempt to order any involved officer to provide any information other than public safety information.
- (c) Provide all available information to the Watch Commander and the Communications Center. If feasible, sensitive information should be communicated over secure networks.
- (d) Take command of and secure the incident scene with additional OPD personnel until properly relieved by another supervisor or other assigned personnel or investigator.
- (e) As soon as practicable, ensure that involved officers are transported (separately, if feasible) to a suitable location for further direction.
 - (a) Each involved OPD officer should be given an administrative order not to discuss the incident with other involved officers or OPD employees pending further direction from a supervisor.
 - (b) When an involved officer's weapon is taken or left at the scene for other than officer-safety reasons (e.g., evidence), ensure that he/she is provided with a comparable replacement weapon or transported by other officers.
 - (c) When an involved officer's body worn camera is taken for evidentiary purposes, ensure that he/she is provided with a replacement body worn camera.

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304.5.5 INVOLVED OFFICERS

The following shall be considered for the involved officer:

- (a) Any request for legal or union representation will be accommodated.
 - 1. Involved OPD officers shall not be permitted to meet collectively or in a group with an attorney or any representative prior to providing a formal interview or report.
 - 2. Requests from involved non-OPD officers should be referred to their employing agency.
- (b) Discussions with licensed attorneys will be considered privileged as attorney-client communications.
- (c) Discussions with agency representatives/employee groups will be privileged only as to the discussion of non-criminal information (refer to the California Government Code).
- (d) A licensed psychotherapist shall be provided by the Department to each involved OPD officer. A licensed psychotherapist may also be provided to any other affected OPD personnel, upon request.
 - (a) Interviews with a licensed psychotherapist will be considered privileged.
 - (b) An interview or session with a licensed psychotherapist may take place prior to the employee providing a formal interview or report. However, involved employees shall not be permitted to consult or meet collectively or in a group with a licensed psychotherapist prior to providing a formal interview or report.
 - (c) A separate fitness-for-duty exam may also be required (see the Fitness for Duty Policy).
- (e) Although the Department will honor the sensitivity of communications with peer counselors, there is no legal privilege to such communications. Peer counselors are cautioned against discussing the facts of any incident with an involved or witness officer.

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

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

304.5.6 NOTIFICATION TO DEPARTMENT OF JUSTICE

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

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

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304.6 CRIMINAL INVESTIGATION

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

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

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

The following shall be considered for the involved officer:

- (a) OPD supervisors and Legal Affairs Office personnel should not participate directly in any voluntary interview of OPD officers. This will not prohibit such personnel from monitoring interviews or providing the criminal investigators with topics for inquiry.
- (b) If requested, any involved officer will be afforded the opportunity to consult individually with a representative of his/her choosing or an attorney prior to speaking with criminal investigators (refer to the California Government Code). However, in order to maintain the integrity of each involved officer's statement, involved officers shall not consult or meet with a representative or an attorney collectively or in groups prior to being interviewed.
- (c) If any involved officer is physically, emotionally or otherwise not in a position to provide a voluntary statement when interviewed by criminal investigators, consideration should be given to allowing a reasonable period for the officer to schedule an alternate time for the interview.
- (d) Any voluntary statement provided by an involved officer will be made available for inclusion in any related investigation, including administrative investigations. However, no administratively coerced statement will be provided to any criminal investigators unless the officer consents.

304.6.1 REPORTS BY INVOLVED ORANGE POLICE DEPARTMENT OFFICERS

In the event that suspects remain outstanding or subject to prosecution for related offenses, this department shall retain the authority to require involved OPD officers to provide sufficient information for related criminal reports to facilitate the apprehension and prosecution of those individuals (refer to the California Government Code).

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

Nothing in this section shall be construed to deprive an involved OPD officer of the right to consult with legal counsel prior to completing any such criminal report.

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

304.6.2 WITNESS IDENTIFICATION AND INTERVIEWS

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

- (a) Identification of all persons present at the scene and in the immediate area.
 - 1. When feasible, a recorded statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.
 - 2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, officers should attempt to identify the witness prior to his/her departure.
- (b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by personnel of the Department.
 - 1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.
- (c) Promptly contacting the suspect's known family and associates to obtain any available and untainted background information about the suspect's activities and state of mind prior to the incident.

304.6.3 INVESTIGATIVE PERSONNEL

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

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

304.7 ADMINISTRATIVE INVESTIGATION

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

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conformance with Department policy. The investigation will be conducted under the supervision of the Legal Affairs Office and will be considered a confidential officer personnel file.

Interviews of police officers shall be subject to Department policies and applicable laws (see the Personnel Complaints Policy).

- (a) Any officer involved in a shooting or death may be requested or administratively compelled to provide a blood sample for alcohol/drug screening. Absent consent from the officer, such compelled samples and the results of any such testing shall not be disclosed to any criminal investigative agency.
- (b) If any officer has voluntarily elected to provide a statement to criminal investigators, the assigned administrative investigator should review that statement before proceeding with any further interview of that involved officer.
 1. If a further interview of the officer is deemed necessary to determine policy compliance, care should be taken to limit the inquiry to new areas with minimal, if any, duplication of questions addressed in the voluntary statement. The involved officer shall be provided with a copy of their prior statement before proceeding with any subsequent interviews.
- (c) In the event that an involved officer has elected to not provide criminal investigators with a voluntary statement, the assigned administrative investigator shall conduct an administrative interview to determine all relevant information.
 1. Although this interview should not be unreasonably delayed, care should be taken to ensure that the officer's physical and psychological needs have been addressed before commencing the interview.
 2. If requested, the officer shall have the opportunity to select an uninvolved representative to be present during the interview. However, in order to maintain the integrity of each individual officer's statement, involved officers shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed (refer to the California Government Code).
 3. Administrative interviews should be recorded by the investigator. The officer may also record the interview (refer to the California Government Code).
 4. The officer shall be informed of the nature of the investigation. If an officer refuses to answer questions, they should be given their *Lybarger* or *Garrity* rights and ordered to provide full and truthful answers to all questions. The officer shall be informed that the interview will be for administrative purposes only and that the statement cannot be used criminally.
 5. The Legal Affairs Office shall compile all relevant information and reports necessary for the Department to determine compliance with applicable policies.
 6. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

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304.8 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.

304.9 DIVISION COMMANDER RESPONSIBILITY FOR OFFICER INVOLVED SHOOTING(S) OR INCIDENTS INVOLVING THE USE OF FORCE WHERE ANY PERSON IS KILLED OR GRAVELY WOUNDED

- (a) The officer's Division Commander shall ensure that a meeting is arranged, within five days following the incident, with a departmentally designated psychotherapist for all personnel directly involved in the incident.
- (b) These same personnel shall be temporarily removed from field duties and assigned at the discretion of the Chief of Police or their designee, as follows:
 1. Interior post position,
 2. Inactive duty at home or other designated place.

304.10 CIVIL LIABILITY RESPONSE

A police officer of this Department may be assigned to work exclusively under the direction of the legal counsel for the Department to assist in the preparation of materials deemed necessary in anticipation of potential civil litigation.

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

304.11 DEBRIEFING

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

304.11.1 TACTICAL DEBRIEFING

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

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304.12 MEDIA RELATIONS

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

The Department shall not subject any involved OPD officer to visits by the media (refer to the California Government Code). No involved OPD officer shall make any comment to the media unless they are authorized by the Chief of Police or a Division Commander. Department personnel receiving inquiries regarding officer-involved shootings or deaths occurring in other jurisdictions shall refrain from public comment and will direct those inquiries to the agency having jurisdiction and primary responsibility for the investigation.

304.13 REPORTING

If the death of an individual occurs in the Orange Police Department jurisdiction and qualifies to be reported to the state as a justifiable homicide or an in-custody death, the Field Services Division Commander will ensure that the Records Manager is provided with enough information to meet the reporting requirements (refer to the California Penal Code and California Government Code).

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305.1 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 officers who are authorized to carry firearms.

305.2 POLICY

The Orange Police Department will equip its police officers with firearms to address the risks posed to the public and department officers by violent and sometimes well-armed persons. The Department will ensure firearms are appropriate and in good working order and that relevant training is provided as resources allow.

305.3 AUTHORIZED FIREARMS, AMMUNITION AND OTHER WEAPONS

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

The authorized department-issued handgun is the Glock, Model 17 (9mm) and Model 22 (.40)
The following additional handguns are approved for use:

- (a) Beretta
- (b) Sig-Sauer
- (c) Colt
- (d) Taurus
- (e) Glock
- (f) Walther
- (g) Smith & Wesson
- (h) Heckler & Koch
- (i) Para-Ordnance

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- (j) Ruger
- (k) Springfield
- (l) Staccato

The weapon shall be:

- (a) Double action, semi-automatic
- (b) Single Action: the only approved single action handgun is the Staccato with the approval of the Division Commander and under the provisions established by the Personnel and Training Unit
- (c) Caliber: .38, 380 ACP, 9mm, .40, .45
- (d) Be inspected by the Department Armorer prior to being carried

305.3.1 PRIMARY DUTY WEAPON

In addition to the above, the primary duty weapon shall be:

- (a) Black, double action, semi-automatic,
- (b) Single Action: the only approved single action handgun is the Staccato with the approval of the Division Commander and under the provisions established by the Personnel and Training Unit
- (c) 9mm, .40, .45
- (d) Have a minimum barrel length of 3.9"
- (e) Be inspected by the department armorer prior to being carried
- (f) Any exceptions to the above must be approved by the Chief of Police or their designee

305.3.2 SHOTGUNS

The authorized department-issued shotgun is the Remington 870, 12 gauge. When not deployed, the shotgun shall be properly secured consistent with department training in a locking weapons rack in the patrol vehicle.

305.3.3 AUTHORIZED WEAPONS FOR SPECIAL ASSIGNMENTS

Officers assigned to investigative or administrative assignments may carry (as an alternative to those handguns listed in the policy manual) a compact version, double-action semi-automatic made by any of the approved manufacturers, or in any of the calibers previously listed in this policy.

- (a) All authorization and approval requirements for regular duty weapons applies to special assignment weapons.
- (b) All special assignment officers shall carry at least one additional magazine for the handgun they choose to carry on their person.

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305.3.4 OFF-DUTY RESERVE POLICE OFFICERS

- (a) Reserve police officers shall not carry a concealed handgun while "off-duty" unless issued a CCW permit, in accordance with applicable state laws (refer to the policy for CCW Endorsement for Reserve Officers).
- (b) All reserve officers must qualify in accordance with all the requirements specified by the department.

305.3.5 PATROL RIFLES

The authorized department-issued patrol rifle is the AR-15 Platform. It shall be semi-automatic only, with a barrel length of no less than 16 inches and an overall length of no less than 30 inches. It shall be chambered in 5.56 NATO or .223 Remington and be equipped with a sling. The barrel shall have a twist of no less than 1:7 and no more than 1:9.

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 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 fire on a barricaded person or a person 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.

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

305.3.6 PERSONALLY OWNED DUTY FIREARMS

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

- (a) The firearm shall be in good working order and on the department list of approved firearms.
- (b) The firearm shall be inspected by the Department Armorer prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.
- (c) Prior to carrying the firearm, personnel shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule.

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Personnel must demonstrate proficiency and safe handling, and that the firearm functions properly.

- (d) Personnel shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Firearms Training Staff, who will maintain a list of the information.

305.3.7 AUTHORIZED SECONDARY (BACK-UP) HANDGUN

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

- (a) The handgun shall be in good working order and on the department list of approved firearms.
- (b) Only one secondary handgun may be carried at a time.
- (c) The purchase of the handgun and ammunition shall be the responsibility of the officer unless the handgun and ammunition are provided by the Department.
- (d) The handgun shall be carried concealed at all times and in such a manner as to prevent unintentional cocking, discharge or loss of physical control.
- (e) The handgun shall be inspected by the Department Armorer prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.
- (f) Ammunition shall be the same as department issue. If the caliber of the handgun is other than department issue, the Chief of Police or the authorized designee shall approve the ammunition.
- (g) Prior to carrying the secondary handgun, officers shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule. Officers must demonstrate proficiency and safe handling, and that the handgun functions properly.
- (h) Officers shall provide written notice of the make, model, color, serial number and caliber of a secondary handgun to the Firearms Training Staff, who will maintain a list of the information.

305.3.8 AUTHORIZED OFF-DUTY FIREARMS

The carrying of firearms by officers while off-duty is permitted by the Chief of Police but may be rescinded should circumstances dictate (e.g., administrative leave). Officers 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 officer 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. An officer carrying his/her duty firearm will be deemed to have complied with (c), (d) and (e) of this section.
- (a) The purchase of the personally owned firearm and ammunition shall be the responsibility of the officer.

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- (b) The firearm shall be carried concealed at all times and in such a manner as to prevent accidental unintentional cocking, discharge or loss of physical control.
- (c) It will be the responsibility of the officer to submit the firearm to the Armorer for inspection prior to being personally carried. Thereafter the firearm shall be subject to periodic inspection by the Armorer.
- (d) The officer will successfully qualify with the firearm prior to it being carried.
- (e) Officers shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Armorer, who will maintain a list of the information.
- (f) If an officer 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.
- (g) Officers shall only carry department-authorized ammunition.
- (h) When armed, officers shall carry their badges and Orange Police Department identification cards.
- (i) The firearm shall have a minimum barrel length of 2.0".

305.3.9 AMMUNITION

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

305.4 EQUIPMENT

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

305.4.1 REPAIRS OR MODIFICATIONS

Each officer shall be responsible for promptly reporting any damage or malfunction of an assigned firearm to a supervisor or the Department Armorer.

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

Any repairs or modifications to the officer's personally owned firearm shall be done at his/her expense and must be approved by the Department Armorer.

305.4.2 HOLSTERS

Handguns must be carried in a hard frame holster, that is molded for the specific weapon system. Soft frame holsters made solely of a nylon type material are not authorized. Officers shall periodically inspect their holsters to make sure they are serviceable and provide the proper security and retention of the handgun.

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305.4.3 OPTICS OR LASER SIGHTS

Optics or laser sights may only be installed on a firearm carried on- or off-duty after they have been examined and approved by Firearms Training Staff. Officers may not install an optic or laser sight on any handgun that has been modified after purchase to facilitate the use of an optic or laser sighting system. Any approved optic or laser sights shall only be installed in strict accordance with manufacturer's specifications by a person who is department-approved and certified as an armorer or gunsmith.

Once approved optics or laser sights have been properly installed on any firearm, the officer shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it. Personnel shall provide written notice of the make, model, and serial number of an optic or laser sight installed on a handgun to Personnel and Training, who will maintain a list of the information. If an officer wants to remove an optic or laser sight from a handgun, the sight must be removed by a person who is department-approved and certified as an armorer or gunsmith. Personnel shall provide written notice to Personnel and Training that the optic or laser sight is no longer being used..

305.4.4 LIGHTS MOUNTED ON WEAPONS

- (a) The department has authorized lights to be mounted on weapons. Lights mounted on weapons can be used in patrol, or during any special assignment position, which could expose the officer to low-light or other hazardous entry situations. Lights may be mounted on rifles, shotguns and handguns, and may be carried and deployed when the use of the light will enhance the officer's ability to safely perform their duties. Lights may only be installed on a weapon after they have been examined and approved by the department armorer.
- (b) The light mounted on the weapon is not intended to replace the officer's handheld flashlight. A light mounted on a weapon is a tool to be used as an aid during high-risk situations. For officer safety reasons, handguns with a light attachment must be carried in a hard frame holster, molded for the specific weapon system. The holster must be designed to carry the weapon with the light still attached to the weapon. Soft framed holsters made solely of nylon material are not authorized.
- (c) Lights mounted on weapons, holsters and other related equipment are considered optional equipment and must be purchased and maintained by the officer.
- (d) Tactical lights may only be installed on a firearm carried on or off duty after they have been examined and approved by the armorer. Once the approved tactical lights have been properly installed on any firearm, the officer shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

305.5 SAFE HANDLING, INSPECTION AND STORAGE

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

- (a) Officers shall not unnecessarily display or handle any firearm.

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- (b) Officers shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Firearms Training Staff. Officers shall not dry fire or practice quick draws except as instructed by the Firearms Training Staff or other firearms training staff.
- (c) Officers 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 employee open-air parking lots, outside of the vehicle, with the muzzle pointed in a safe direction at all times.
- (e) Officers shall not place or store any firearm or other weapon on department premises except where the place of storage is locked. No one shall carry firearms into the jail section or any part thereof when securing or processing an arrestee, but shall place all firearms in a secured location. Officers providing access to the jail section to persons from outside agencies are responsible for ensuring firearms are not brought into the jail section.
- (f) Officers 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 an officer to be malfunctioning or in need of service or repair shall not be carried. It shall be promptly presented to the Department Armorer for inspection and repair. Any firearm deemed in need of repair or service by the Department Armorer will be immediately removed from service. If the firearm is the officer's primary duty firearm, a replacement firearm will be issued to the officer until the duty firearm is serviceable.

305.5.1 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 officer to whom the weapon is issued. The officer shall ensure that the firearm is carried in the proper condition and loaded with approved ammunition. Inspection, loading and unloading of the shotgun and rifle shall be done in the open air department parking lots, while standing outside of the patrol vehicle. All firearms shall be pointed in a safe direction or into clearing barrels.

Department and personally owned firearms may be safely stored in locker at the end of the shift. Handguns may remain loaded if they are secured in an appropriate holster. Shotguns and rifles shall be unloaded prior to storing in the appropriate equipment storage room.

When not in use, personally owned rifles must be safely stored in locked container, disabled by a firearm safety device, or maintained in a locked gun safe pursuant to the California Penal Code. On-duty patrol officer utilizing personally owned rifles must secure them using the gun mount inside the passenger compartment of a marked unit or kept secured inside the trunk/rear storage area.

Department authorized personally owned rifles and Department issued rifles shall be used exclusively for law enforcement purposes, whether on duty or off duty, and shall be safely stored

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in a locker or appropriate equipment storage room at the police department. Personally owned and Department issued rifles may only be stored/kept off premises with prior supervisor approval. Approval may only be granted for short periods when special needs (i.e. - Training, Repair, etc...) arise.

305.5.2 STORAGE AT HOME

Officers 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. Officers shall not permit department-issued firearms to be handled by anyone not authorized by the Department to do so. Officers should be aware that negligent storage of a firearm could result in civil and criminal liability (refer to the California Penal Code).

305.5.3 STORAGE IN VEHICLES

When leaving a handgun in an unattended vehicle, officers 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).

305.5.4 ALCOHOL AND DRUGS

Firearms shall not be carried by any sworn personnel, either on- or off-duty, who has consumed an amount of an alcoholic beverage, cannabis, marijuana, THC-related products, or has taken any drugs or medication, or has used any combination thereof that would tend to adversely affect the employee's senses or judgment.

FEDERAL AND STATE LAWS AND REGULATIONS

Employees are required to follow all federal and state laws and regulations including laws or regulations where the use of controlled substances, including cannabis, marijuana or THC-related products, might limit an employee's ability to lawfully possess a firearm (refer to 18 USC 922(g)(3)) or maintain federal clearances, licenses and/or certification required to perform their job duties.

305.6 FIREARMS TRAINING AND QUALIFICATIONS

All officers who carry a firearm while on-duty are required to successfully complete quarterly firearms qualification. Probationary officers shall qualify monthly. In addition to quarterly firearms qualification, all officers will attend an annual advanced officer firearms training course with their duty firearms. Officers will qualify with off-duty and secondary firearms at least twice a year. Training and qualifications must be on an approved range course.

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At least annually, all officers carrying a firearm should receive practical training designed to simulate field situations including low-light shooting. Also, all officers who carry a rifle should receive an additional eight hours of patrol rifle training annually.

305.6.1 NON-CERTIFICATION OR NON-QUALIFICATION

If any officer fails to meet minimum standards for firearms training or qualification for any reason, including injury, illness, duty status or scheduling conflict, that officer 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 officer in demonstrating consistent firearm proficiency.
- (b) Officers 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

Officers who repeatedly fail to meet minimum standards may be removed from field assignment, may be subject to disciplinary action, and/or suspension of firearm privileges.

305.7 FIREARM DISCHARGE

Except during training or recreational use, any officer who discharges a firearm accidentally or intentionally, on- or off-duty, shall make a verbal report to his/her supervisor (to the watch commander if the employee's supervisor is not available) as soon as circumstances permit. If the incident occurs while on-duty, the employee may be directed to file a written report with their division commander prior to the end of their (employee's) shift. If the incident occurs while off-duty, the employee may be requested to write a report as directed by the division commander. 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 officer shall adhere to the additional reporting requirements set forth in the Use of Force Policy. In these instances, the provisions within the California Government Code shall be afforded to the involved office.

305.7.1 DESTRUCTION OF ANIMALS

Officers 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 officers should develop reasonable contingency plans for dealing with the animal (e.g., fire extinguisher, conducted energy device, oleoresin capsicum (OC) spray,

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animal control officer). Nothing in this policy shall prohibit any officer from shooting a dangerous animal if circumstances reasonably dictate that a contingency plan has failed or becomes impractical, or if the animal reasonably appears to pose an imminent threat to human safety.

305.7.2 INJURED ANIMALS

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

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).

305.7.3 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 police officer reasonably believes that they appear necessary, effective and reasonably safe.

305.8 FIREARMS TRAINING STAFF DUTIES

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

The armorer and the Personnel & Training staff should keep accurate records of all training shoots, qualifications, repairs, maintenance or other records as directed by the Training Bureau Sergeant.

305.9 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 (refer to the Code of Federal Regulations):

- (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 Orange 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

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carry the standard photo identification needed for passenger screening by airline and TSA officials (e.g., driver license, passport).

- (c) The Orange Police Department must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the officer's travel. If approved, TSA will send the Orange Police Department an NLETS message containing a unique alphanumeric identifier. The officer must present the message on the day of travel to airport personnel as authorization to travel while armed.
- (d) An official letter signed by the Chief of Police authorizing armed travel may also accompany the officer. The letter should outline the officer's need to fly armed, detail his/her itinerary, and include that the officer has completed the mandatory TSA training for a law enforcement officer flying while armed.
- (e) Officers must have completed the mandated TSA security training covering officers flying while armed. The training shall be given by the department-appointed instructor.
- (f) It is the officer's responsibility to notify the air carrier in advance of the intended armed travel. This notification should be accomplished by early check-in at the carrier's check-in counter.
- (g) Any officer flying while armed should discreetly contact the flight crew prior to take-off and notify them of his/her assigned seat.
- (h) Discretion must be used to avoid alarming passengers or crew by displaying a firearm. The officer must keep the firearm concealed on his/her person at all times. Firearms are not permitted in carry-on luggage and may not be stored in an overhead compartment.
- (i) Officers should try to resolve any problems associated with flying armed through the flight captain, ground security manager, TSA representative or other management representative of the air carrier.
- (j) Officers shall not consume alcoholic beverages while aboard an aircraft, or within eight hours prior to boarding an aircraft.

305.10 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 (refer to the U.S. Code):

- (a) The officer shall carry his/her Orange 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,

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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 the U.S. Code.

Vehicle Pursuits

306.1 PURPOSE AND SCOPE

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

306.1.1 DEFINITIONS

Blocking - A low-speed tactic where one or more authorized police department emergency vehicles intentionally restrict the movement of a suspect vehicle, with the goal of containment or preventing a pursuit. Blocking is not boxing in or a roadblock.

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

Pursuit Intervention - An attempt to stop the suspect's ability to continue to flee in a vehicle through tactical application of technology, tire deflation devices, blocking or vehicle intercept, boxing-in, the PIT (known as Pursuit Intervention Technique or Precision Immobilization Technique), ramming, or roadblock procedures.

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

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

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

Tire deflation device - A device that extends across the roadway designed to puncture the tires of the pursued vehicle, sometimes referred to as spike strips.

Terminate - To discontinue a pursuit or stop chasing fleeing vehicles.

Trail - Following the path of the pursuit at a safe speed while obeying all traffic laws and without activating emergency equipment. If the pursuit is at a slow rate of speed, the trailing vehicle will maintain sufficient distance from the pursuit vehicles so as to clearly indicate an absence of participation in the pursuit

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

306.2 OFFICER RESPONSIBILITIES

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

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

306.2.1 WHEN TO INITIATE A PURSUIT

Officers are authorized to initiate a pursuit when the officer reasonably believes that a suspect, who has been given appropriate signal to stop by a law enforcement officer, is attempting to evade arrest or detention by fleeing in a vehicle.

Factors that should be considered in deciding whether to initiate a pursuit include:

- (a) The seriousness of the known or reasonably suspected crime and its relationship to community safety.
- (b) The importance of protecting the public and balancing the known or reasonably suspected offense and the apparent need for immediate capture against the risks to officers, innocent motorists, and others.
- (c) The safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic (e.g., school zones), and the speed of the pursuit relative to these factors.
- (d) The pursuing officers' familiarity with the area of the pursuit, the quality of radio communications between the pursuing units and the dispatcher supervisor, and the driving capabilities of the pursuing officers under the conditions of the pursuit.
- (e) Whether weather, traffic, and road conditions unreasonably increase the danger of the pursuit when weighed against the risk of the suspect's escape.
- (f) Whether the identity of the suspect has been verified and whether there is comparatively minimal risk in allowing the suspect to be apprehended at a later time.
- (g) The performance capabilities of the vehicles used in the pursuit in relation to the speeds and other conditions of the pursuit.
- (h) Emergency lighting and siren limitations on unmarked police department vehicles that may reduce visibility of the vehicle, such as visor or dash-mounted lights, concealable or temporary emergency lighting equipment, and concealed or obstructed siren positioning.
- (i) Suspect and officer vehicle speeds.
- (j) Other persons in or on the pursued vehicle (e.g., passengers, co-offenders, hostages).
- (k) Availability of other resources such as air support or vehicle locator or deactivation technology.

306.2.2 WHEN TO TERMINATE A PURSUIT

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

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The factors listed in this policy on when to initiate a pursuit will apply equally to the decision to terminate a pursuit. Officers and supervisors must objectively and continuously weigh the seriousness of the offense against the potential danger to innocent motorists, themselves, and the public when electing to continue a pursuit.

In addition to the factors that govern when to initiate a pursuit, other factors should be considered in deciding whether to terminate a pursuit, including:

- (a) The distance between the pursuing vehicle and the fleeing vehicle is so great that further pursuit would be futile or require the pursuit to continue for an unreasonable time and/or distance.
- (b) The pursued vehicle's location is no longer definitely known.
- (c) The pursuing vehicle sustains damage or a mechanical failure that renders it unsafe to drive.
- (d) The pursuing vehicle's emergency lighting equipment or siren becomes partially or completely inoperable.
- (e) Hazards to uninvolved bystanders or motorists.
- (f) The danger that the continued pursuit poses to the public, the officers, or the suspect, balanced against the risk of allowing the suspect to remain at large.
- (g) The identity of the suspect is known and it does not reasonably appear that the need for immediate capture outweighs the risks associated with continuing the pursuit.
- (h) Extended pursuits of violators for misdemeanors not involving violence, risk of serious harm, or weapons (independent of the pursuit) are generally discouraged.

306.2.3 SPEED LIMITS

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

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

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

306.3 PURSUIT UNITS

When involved in a pursuit, unmarked police department emergency vehicles should be replaced by marked emergency vehicles whenever practicable

Vehicle pursuits should be limited to three vehicles (two units and a supervisor); however, the number of units involved may vary with the circumstances.

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An officer or supervisor may request additional units to join a pursuit if, after assessing the factors outlined above, it reasonably appears that the number of officers involved may be insufficient to safely arrest the suspects. All other officers should stay out of the pursuit, but should remain alert to its progress and location. Any officer who drops out of a pursuit may then, if necessary, proceed to the termination point at legal speeds, following the appropriate rules of the road.

306.3.1 MOTORCYCLE OFFICERS

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

306.3.2 VEHICLES WITHOUT EMERGENCY EQUIPMENT

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

306.3.3 PRIMARY UNIT RESPONSIBILITIES

The initial pursuing unit will be designated as the primary pursuit unit and will be responsible for the conduct of the pursuit unless the officer is unable to remain reasonably close to the suspect's vehicle. The primary responsibility of the officer initiating the pursuit is the apprehension of the suspects without unreasonable danger to any person.

The primary unit should notify the dispatcher commencing with a request for priority radio traffic, that a vehicle pursuit has been initiated, and as soon as practicable provide information including but not limited to:

- (a) The location, direction of travel, and estimated speed of the suspect's vehicle.
- (b) The description of the suspect's vehicle including license plate number, if known.
- (c) The reason for the pursuit.
- (d) Known or suspected weapons. Threat of force, violence, injuries, hostages, or other unusual hazards.
- (e) The suspected number of occupants and identity or description.
- (f) The weather, road, and traffic conditions.
- (g) The need for any additional resources or equipment.
- (h) The identity of other law enforcement agencies involved in the pursuit.

Until relieved by a supervisor or secondary unit, the officer in the primary unit is responsible for the broadcasting of the progress of the pursuit. Unless circumstances reasonably indicate otherwise, the primary pursuing officer should, as soon as practicable, relinquish the responsibility of broadcasting the progress of the pursuit to a secondary unit or air support joining the pursuit to minimize distractions and allow the primary pursuing officer to concentrate foremost on safe pursuit tactics.

306.3.4 SECONDARY UNIT RESPONSIBILITIES

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

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- (a) Immediately notifying the dispatcher of entry into the pursuit.
- (b) Remaining a safe distance behind the primary unit unless directed to assume the role of primary pursuit vehicle or if the primary pursuit vehicle is unable to continue the pursuit.
- (c) Broadcasting the progress, updating known or critical information, and providing changes in the pursuit, unless the situation indicates otherwise.
- (d) Identifying the need for additional resources or equipment as appropriate.
- (e) Serving as backup to the primary pursuing officer once the suspect has been stopped.

306.3.5 PURSUIT DRIVING

The decision to use specific driving tactics requires the same assessment of the factors the officer considered when determining whether to initiate and/or terminate a pursuit. The following are tactics for units involved in the pursuit:

- (a) Officers, considering their driving skills and vehicle performance capabilities, will space themselves from other involved vehicles such that they are able to see and avoid hazards or react safely to maneuvers by the fleeing vehicle.
- (b) Because intersections can present increased risks, the following tactics should be considered:
 - 1. Available units not directly involved in the pursuit may proceed safely to controlled intersections ahead of the pursuit in an effort to warn cross traffic.
 - 2. Pursuing units should exercise due regard and caution when proceeding through controlled intersections.
- (c) As a general rule, officers should not pursue a vehicle driving left of center (wrong way) against traffic. In the event that the pursued vehicle does so, the following tactics should be considered:
 - 1. Requesting assistance from available air support.
 - 2. Maintain visual contact with the pursued vehicle by paralleling it on the correct side of the roadway.
 - 3. Request other units to observe exits available to the suspects.
- (d) Notify the California Highway Patrol (CHP) and/or other law enforcement agency if it appears that the pursuit may enter its jurisdiction.
- (e) Officers involved in a pursuit should not attempt to pass other units unless the situation indicates otherwise or they are requested to do so by the primary unit and with a clear understanding of the maneuver process between the involved units.

306.3.6 PURSUIT TRAILING

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

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306.3.7 AIR SUPPORT ASSISTANCE

When available, air support assistance should be requested. Once the air unit has established visual contact with the pursued vehicle, the unit should assume control over the pursuit. The primary and secondary ground units, or involved supervisor, will maintain operational control but should consider whether the participation of air support warrants the continued close proximity and/or involvement of ground units in the pursuit.

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

306.3.8 UNITS NOT INVOLVED IN THE PURSUIT

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

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

306.4 SUPERVISORY CONTROL AND RESPONSIBILITIES

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

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

- (a) Immediately notifying involved unit and the dispatcher of supervisory presence and ascertaining all reasonably available information to continuously assess the situation and risk factors associated with the pursuit.
- (b) Engaging in the pursuit, when appropriate, to provide on-scene supervision.
- (c) Exercising management and control of the pursuit even if not engaged in it.
- (d) Ensuring that no more than the required number of units are involved in the pursuit under the guidelines set forth in this policy.
- (e) Directing that the pursuit be terminated if, in the supervisor's judgment, it is unreasonable to continue the pursuit under the guidelines of this policy.
- (f) Ensuring that assistance from air support, canines, or additional resources is requested, if available and appropriate.
- (g) Ensuring that the proper radio channel is being used.
- (h) Ensuring that the Watch Commander is notified of the pursuit as soon as practicable.

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

306.4.1 WATCH COMMANDER RESPONSIBILITIES

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

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

306.5 THE COMMUNICATIONS CENTER

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

306.5.1 THE COMMUNICATIONS CENTER RESPONSIBILITIES

Upon notification or becoming aware that a pursuit has been initiated, the dispatcher is responsible for:

- (a) Clearing the radio channel of non-emergency traffic.
- (b) Coordinating pursuit communications of the involved units and personnel.
- (c) Broadcasting pursuit updates as well as other pertinent information as necessary.
- (d) Ensuring that a field supervisor is notified of the pursuit.
- (e) Notifying and coordinating with other involved or affected agencies as practicable.
- (f) Notify the Watch Commander as soon as practicable.
- (g) Assigning an incident number and logging all pursuit activities.

306.5.2 LOSS OF PURSUED VEHICLE

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

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306.6 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.

306.6.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

Officers will relinquish control of the pursuit when another agency has assumed the pursuit, unless the continued assistance of the Orange Police Department is requested by the agency assuming the pursuit. Upon relinquishing control of the pursuit, the involved officers may proceed, with supervisory approval, to the termination point of the pursuit to assist in the investigation. The supervisor should coordinate such assistance with the assuming agency and obtain any information that is necessary for any reports. Notification of a pursuit in progress should not be construed as a request to join the pursuit. Requests to or from another agency to assume a pursuit should be specific.

306.6.2 PURSUITS EXTENDING INTO THIS JURISDICTION

The agency that initiates a pursuit is responsible for conducting the pursuit. Units from this department should not join a pursuit unless specifically requested to do so by the pursuing agency and with approval from a supervisor. The exception to this is when a single unit from the initiating agency is in pursuit. Under this circumstance, a supervisor may authorize units from this department to join the pursuit until sufficient units from the initiating agency join the pursuit or until additional information is provided allowing withdrawal of the pursuit.

When a request is made for this department to assist or take over a pursuit that has entered the jurisdiction of Orange Police Department, the supervisor should consider:

- (a) The public's safety within this jurisdiction.
- (b) The safety of the pursuing officers.
- (c) Whether the circumstances are serious enough to continue the pursuit.
- (d) Whether there is adequate staffing to continue the pursuit.
- (e) The ability to maintain the pursuit.

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

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

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

306.7 WHEN PURSUIT INTERVENTION IS AUTHORIZED

Whenever practicable, an officer shall seek approval from a supervisor before employing any intervention to stop the pursued vehicle. In deciding whether to use intervention tactics, officers/supervisors should balance the risks of allowing the pursuit to continue with the potential hazards to the public arising from the use of each tactic, the officers, and persons in or on the pursued vehicle to determine which, if any, intervention tactic may be reasonable.

306.7.1 USE OF FIREARMS

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

Officers should not shoot at any part of a vehicle in an attempt to disable the vehicle (see the Use of Force Policy).

306.7.2 INTERVENTION STANDARDS

Any intervention tactic, depending upon the conditions and circumstances under which it is used, may present dangers to the officers, the public, or anyone in or on the vehicle being pursued. Certain applications of intervention tactics may be construed to be a use of force, including deadly force, and subject to the policies guiding such use. Officers should consider these facts and requirements prior to deciding how, when, where, and if an intervention tactic should be employed.

- (a) Blocking should only be used after giving consideration to the following:
 - 1. The technique should only be used by officers who have received training in the technique.
 - 2. The need to immediately stop the suspect vehicle or prevent it from leaving reasonably appears to outweigh the risks of injury or death to occupants of the suspect vehicle, officers, or other members of the public.
 - 3. It reasonably appears the technique will contain or prevent the pursuit.
- (b) The PIT should only be used after giving consideration to the following:
 - 1. The technique should only be used by officers who have received training in the technique, including speed restrictions.
 - 2. Supervisory approval should be obtained before using the technique.
 - 3. The need to immediately stop the suspect vehicle reasonably appears to outweigh the risks of injury or death to occupants of the suspect vehicle, officers, or other members of the public.
 - 4. It reasonably appears the technique will terminate or prevent the pursuit.

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- (c) Ramming a fleeing vehicle should only be done after giving consideration to the following:
 - 1. Supervisory approval should be obtained before using the technique.
 - 2. The need to immediately stop the suspect vehicle reasonably appears to substantially outweigh the risks of injury or death to occupants of the suspect vehicle, officers, or other members of the public.
 - 3. It reasonably appears the technique will terminate or prevent the pursuit.
 - 4. Ramming may be used only under circumstances when deadly force would be authorized.
 - 5. Ramming may be used when all other reasonable alternatives have been exhausted or reasonably appear ineffective.
- (d) Before attempting to box a suspect vehicle during a pursuit the following should be considered:
 - 1. The technique should only be used by officers who have received training in the technique.
 - 2. Supervisory approval should be obtained before using the technique.
 - 3. The need to immediately stop the suspect vehicle reasonably appears to outweigh the risks of injury or death to occupants of the suspect vehicle, officers, or other members of the public.
 - 4. It reasonably appears the technique will terminate or prevent the pursuit.
- (e) Tire deflation devices should only be used after considering the following:
 - 1. Tire deflation devices should only be used by officers who have received training in their use.
 - 2. Supervisory approval should be obtained before using tire deflation devices.
 - 3. The need to immediately stop the suspect vehicle reasonably appears to outweigh the risks of injury or death to occupants of the suspect vehicle, officers, or other members of the public.
 - 4. It reasonably appears the use will terminate or prevent the pursuit.
 - 5. Tire deflation devices should not be used when the pursued vehicle is a motorcycle, a vehicle transporting hazardous materials, or a school bus transporting children, except in extraordinary circumstances.
 - 6. Due to the increased risk to officers deploying tire deflation devices, such deployment should be communicated to all involved personnel.
- (f) Roadblocks should only be used after considering the following:
 - 1. Roadblocks should only be used by officers who have received training in their use.
 - 2. Supervisory approval should be obtained before using the technique.

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3. The need to immediately stop the suspect vehicle reasonably appears to substantially outweigh the risks of injury or death to occupants of the suspect vehicle, officers, or other members of the public.
4. It reasonably appears the technique will terminate or prevent the pursuit. Roadblocks may be used only under circumstances when deadly force would be authorized.
5. Roadblocks may be used when all other reasonable alternatives have been exhausted or reasonably appear ineffective.

306.7.3 CAPTURE OF SUSPECTS

Proper self-discipline and sound professional judgment are the keys to a successful conclusion of a pursuit and apprehension of evading suspects. Officers shall use only that amount of force, which reasonably appears necessary under the circumstances, to accomplish a legitimate law enforcement purpose.

Unless relieved by a supervisor, the primary pursuing officer should coordinate efforts to apprehend the suspects following the pursuit. Officers should consider safety of the public and the involved officers when formulating plans for setting up perimeters or for containing and capturing the suspects.

306.8 REPORTING REQUIREMENTS

All appropriate reports should be completed to comply with applicable laws, policies, and procedures.

- (a) The primary officer should complete appropriate crime/arrest reports.
- (b) The Supervisor shall ensure that an Allied Agency Vehicle Pursuit Report (form CHP 187A) is filed with the CHP not later than 30 days following the pursuit (Vehicle Code § 14602.1). The primary officer should complete as much of the required information on the form as is known and forward the report to the Supervisor for review and distribution.
- (c) After first obtaining the available information, the involved, or if unavailable on-duty, field supervisor shall promptly complete a Supervisor's Log briefly summarizing the pursuit to the Chief of Police or the authorized designee. This log should include, at a minimum:
 1. Date and time of pursuit.
 2. Initial reason and circumstances surrounding the pursuit.
 3. Length of pursuit in distance and time, including the starting and termination points.
 4. Involved units and officers.
 5. Alleged offenses.
 6. Whether a suspect was apprehended, as well as the means and methods used.
 7. Any use of force that occurred during the vehicle pursuit.

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- (a) Any use of force by personnel should be documented in the appropriate report (See the Use of Force Policy).
- 8. Any injuries and/or medical treatment.
- 9. Any property or equipment damage.
- 10. Name of supervisor at scene or who handled the incident.
- (d) After receiving copies of reports, logs, and other pertinent information, the Chief of Police or the authorized designee should conduct or assign the completion of a post-pursuit review.

Annually, the Chief of Police should direct a documented review and analysis of department vehicle pursuit reports to minimally include policy suitability, policy compliance, and training or equipment needs.

306.8.1 REGULAR AND PERIODIC PURSUIT TRAINING

The Training Bureau Sergeant shall make available to all officers initial and supplementary Police Officer Standard Training (POST) training on pursuits required by Penal Code § 13519.8, and no less than annual training addressing:

- (a) This policy.
- (b) The importance of vehicle safety and protecting the public.
- (c) The need to balance the known offense and the need for immediate capture against the risks to officers and others (Vehicle Code § 17004.7(d)).

306.8.2 POLICY REVIEW

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

306.9 APPLICATION OF VEHICLE PURSUIT POLICY

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

306.10 POLICY

It is the policy of this department to balance the importance of apprehending suspects who unlawfully flee from law enforcement against the risks associated with vehicle pursuits.

Officer Response to Calls

307.1 PURPOSE AND SCOPE

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

307.2 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 the California Vehicle Code. The decision to continue a Code 3 response is at the discretion of the officer.

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.

The watch commander and field supervisors should be continually monitoring the radio and have the discretion to cancel any Code 3 assignments.

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

307.3 REQUESTING EMERGENCY ASSISTANCE

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

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

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

307.3.1 NUMBER OF UNITS ASSIGNED

Normally, only one unit should respond to an emergency call Code 3, unless the situation dictates the need for additional officers to respond Code 3.

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307.4 INITIATING CODE 3 RESPONSE

- (a) If an officer believes a Code 3 response to any assigned call is appropriate, the officer shall notify the Communications Center as soon as practical.
- (b) Should an officer not assigned to the call believe a Code 3 response is appropriate, the officer shall immediately notify the Communications Center.
- (c) Generally, only one unit should respond Code 3 to any situation.
- (d) The officer should base the discretionary Code 3 response on the following criteria:
 - 1. Type of call,
 - 2. Safety of the public and responding officers,
 - 3. Vehicle and pedestrian traffic in the area,
 - 4. Weather conditions,
 - 5. Road conditions,
 - 6. The location of other responding officers.
- (e) The watch commander and field supervisors should be continually monitoring the radio and have the discretion to cancel any Code 3 responses.

307.5 RESPONSIBILITIES OF RESPONDING OFFICERS

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

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

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

307.6 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)

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- (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

307.7 SUPERVISORY RESPONSIBILITIES

Upon being notified that a Code-3 response has been initiated, the Watch Commander or the field supervisor shall verify the following:

- (a) The proper response has been initiated
- (b) No more than those units reasonably necessary under the circumstances are involved in the response
- (c) Affected outside jurisdictions are being notified as practical

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

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

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

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

307.8 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 Communications Center of the equipment failure so that another unit may be assigned to the emergency response.

Canines

308.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of canines to augment police services to the community including, but not limited to locating individuals and contraband and apprehending criminal offenders.

308.2 POLICY

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

308.3 ASSIGNMENT

Canine teams should be assigned to assist and supplement the Field Services Division to function primarily in assist or cover assignments. However, they may be assigned by the Watch Commander to other functions, such as routine calls for service, based on the current operational needs.

Canine teams should generally not be assigned to handle routine matters that will take them out of service for extended periods of time and then only with the approval of the Watch Commander.

308.4 REQUESTS FOR CANINE TEAMS

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

308.4.1 OUTSIDE AGENCY REQUEST

All requests for canine assistance from outside agencies must be approved by the Watch Commander and are subject to the following:

- (a) Canine teams shall not be used for any assignment that is not consistent with this policy.
- (b) The canine handler shall have the authority to decline a request for any specific assignment that they deems unsuitable.
- (c) Calling out off-duty canine teams is discouraged.
- (d) It shall be the responsibility of the canine handler to coordinate operations with agency personnel in order to minimize the risk of unintended injury.
- (e) It shall be the responsibility of the canine handler to complete all necessary reports as directed.

308.4.2 PUBLIC DEMONSTRATIONS

All public requests for a canine team shall be reviewed and, if appropriate, approved by the canine sergeant prior to making any resource commitment. The canine sergeant is responsible for obtaining resources and coordinating involvement in the demonstration to include proper safety

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protocols. Canine handlers shall not demonstrate any apprehension work unless authorized to do so by the canine coordinator.

308.5 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 is threatening to commit a serious offense, mere flight from a pursuing officer, without any of the above conditions, shall not serve as the basis for the use of a canine to apprehend a suspect.

Use of a canine to locate and apprehend a suspect wanted for a lesser criminal offense than those identified above requires approval from the Watch Commander. Absent a change in circumstances that present an imminent threat to officers, the canine or the public, such canine use should be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual.

In all applications, once the suspect has been located and no longer reasonably appears to present a threat or risk of escape, the handler should secure the canine as soon as it becomes reasonably practicable.

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

308.5.1 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.

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- (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 personnel 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 personnel should take direction from the handler in order to minimize interference with the canine.

308.5.2 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 personnel 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 their 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.

308.5.3 REPORTING DEPLOYMENTS, BITES AND INJURIES

Whenever a canine deployment results in a bite or causes injury to an intended suspect, a supervisor should be promptly notified and the injuries documented in a canine use report. The injured person shall be promptly treated by emergency medical services personnel and, if appropriate, transported to an appropriate medical facility for further treatment. The deployment and injuries should also be included in any related incident or arrest report.

Any unintended bite or injury caused by a canine, whether on- or off-duty, shall be promptly reported to the canine coordinator. Unintended bites or injuries caused by a canine should be documented in an administrative report, not in a canine use report.

If an individual alleges an injury, either visible or not visible, a supervisor shall be notified and both the individual's injured and uninjured areas shall be photographed as soon as practicable after first tending to the immediate needs of the injured party. Photographs shall be retained as evidence in

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accordance with current department evidence procedures. The photographs shall be retained until the criminal proceeding is completed and the time for any related civil proceeding has expired.

Canines used by law enforcement agencies are generally exempt from impoundment and reporting requirements. However, the canine shall be made available for examination at any reasonable time if requested by the local health department. The canine handler shall also notify the local health department if the canine exhibits any abnormal behavior after a bite (refer to California Health and Safety Code).

308.6 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 present an immediate 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 themselves 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.

308.6.1 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.

308.6.2 NARCOTICS DETECTION

A canine trained in narcotics detection may be used in accordance with current law and under certain circumstances, including:

- (a) The search of vehicles, buildings, bags and other articles.
- (b) Assisting in the search for narcotics during a search warrant service.
- (c) Obtaining a search warrant by using the narcotics-detection trained canine in support of probable cause.

A narcotics-detection trained canine will not be used to search a person for narcotics unless the canine is trained to passively indicate the presence of narcotics.

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308.6.3 BOMB/EXPLOSIVE DETECTION

Because of the high risk of danger to the public and officers when a bomb or other explosive device is suspected, the use of a canine team trained in explosive detection may be considered. When available, an explosive-detection canine team may be used in accordance with current law and under certain circumstances, including:

- (a) Assisting in the search of a building, structure, area, vehicle or article where an actual or suspected explosive device has been reported or located.
- (b) Assisting with searches at transportation facilities and vehicles (e.g., buses, airplanes, trains).
- (c) Preventive searches at special events, VIP visits, official buildings and other restricted areas. Searches of individuals should remain minimally intrusive and shall be strictly limited to the purpose of detecting explosives.
- (d) Assisting in the search of scenes where an explosion has occurred and an explosive device or secondary explosive device is suspected.

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

308.7 HANDLER SELECTION

The minimum qualifications for the assignment of canine handler include:

- (a) An officer who is currently off probation.
- (b) Residing in an adequately fenced, single-family residence (minimum 5-foot high fence with locking gates).
- (c) A garage that can be secured and accommodate a canine vehicle.
- (d) Living within 30 minutes travel time from the Orange City limits.
- (e) Agreeing to be assigned to the position for a minimum of three years.

308.8 HANDLER RESPONSIBILITIES

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

The canine handler will be responsible for the following:

- (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 their 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 Orange Police Department facility.

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- (e) Handlers shall permit the canine sergeant 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 sergeant as soon as possible.
- (g) When off-duty, the canine shall be in a kennel provided by the City at the home of the handler. When a canine is kenneled at the handler's home, the gate shall be secured with a lock. When off-duty, the canine may be let out of the kennel while under the direct control of the handler.
- (h) The canine should be permitted to socialize in the home with the handler's family for short periods of time and under the direct supervision of the handler.
- (i) Under no circumstances will the canine be lodged at another location unless approved by the canine sergeant 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 sergeant 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.

308.8.1 CANINE IN PUBLIC AREAS

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

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

308.9 CANINE INJURY AND MEDICAL CARE

In the event that a canine is injured, or there is an indication that the canine is not in good physical condition, the injury or condition will be reported to the canine sergeant or Watch Commander as soon as practicable and appropriately documented.

All medical attention shall be rendered by the designated canine veterinarian, except during an emergency where treatment should be obtained from the nearest available veterinarian. All records of medical treatment shall be maintained in the handler's personnel file.

308.10 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

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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 employees 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 sergeant 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 sergeant or Watch Commander.

308.10.1 CONTINUED TRAINING

Each canine team shall thereafter be re-certified to a current POST, CNCA or other recognized and approved certification standards on an annual basis. Additional training considerations are as follows:

- (a) Canine teams should receive training as defined in the current contract with the Orange Police Department canine training provider.
- (b) Canine handlers are encouraged to engage in additional training with approval of the canine sergeant.
- (c) To ensure that all training is consistent, no handler, trainer or outside vendor is authorized to train to a standard that is not reviewed and approved by this department.

308.10.2 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.

308.10.3 TRAINING RECORDS

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

308.10.4 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 regarding the same. Alternatively, the Orange Police Department may work with outside trainers with the applicable licenses or permits.

308.10.5 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 (refer to the California Health & Safety Code).

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The Chief of Police or the authorized designee may authorize a police officer to seek a court order to allow controlled substances seized by the Orange Police Department to be possessed by the officer 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 Agency (DEA).

These procedures are not required if the canine handler uses commercially available synthetic substances that are not controlled narcotics.

308.10.6 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 prior to dispensing to the individual canine handler or trainer.
- (b) The weight 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 and weighed bi-annually. The results of the bi-annual inspection and weighing shall be recorded and maintained by the canine sergeant 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 sergeant 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 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.
- (i) All training narcotics will have been adjudicated by the court process.

308.10.7 EXPLOSIVE TRAINING AIDS

Officers may possess, transport, store or use explosives or destructive devices in compliance with state and federal laws (refer to the California Penal Code).

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 sergeant shall be responsible to verify 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 sergeant, 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).

308.10.8 FIREARMS DETECTION TRAINING AIDS

Firearms detection training aids designed specifically for specialized training in canine detection of firearms, ammunition and any firearms parts or accessories. The issuance and use of firearms, ammunition and firearms part or accessories is subject to the following:

- (a) All firearms, firearms parts and accessories detection training aids shall be acquired through the Department's property and evidence or an authorized dispensing agency.
- (b) All firearms detection training aids shall be determined to no longer have any evidentiary value and have been designated for destruction. All training firearms issued to a canine handler will be deemed inoperable by the Department's Armorer. Live ammunition will be issued by the armorer and will be used for training purposes only. The ammunition will be reissued annually and previously issued ammunition will be inspected and returned to the Armorer.
- (c) All firearms detection training aids shall be stored in locked 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.
- (d) All firearms detection training aids shall be inspected bi-annually. The results of the bi-annual inspection shall be recorded and maintained by the canine sergeant with a copy forwarded to the dispensing agency.
- (e) All firearms detection training aids shall be returned to the Department's property and evidence or to the dispensing agency by the Chief of Police or by their authorized designee.

Potential Claims - Format for City Liability Investigations

309.1 PURPOSE AND SCOPE

To establish a format for the complete proper and timely investigations of city liability cases.

The department should investigate all cases where the potential for police civil liability exists. On occasion, the City Manager, City Attorney or Risk Manager may also request assistance from the Orange Police Department to investigate city liability cases not associated with the police department. Utilizing the following standard procedures and guidelines will enhance the investigation of potential claims and create an accurate account and reporting of such cases.

309.1.1 RECOGNITION OF POTENTIAL LIABILITY CASES

The recognition of potential liability cases should be an ongoing training topic within the Orange Police Department utilizing roll-call training, staff meetings and routine supervision as methods to impart knowledge and the recognition of incidents of potential city liability.

309.1.2 POTENTIAL CLAIM FORM

- (a) The police department enjoys the same attorney client privilege as in every other legal case. Therefore, any supervisor utilizing the Potential Claim Form shall include all facts of the incident, even those that may be adverse to the city's potential liability.
- (b) The Potential Claim Form is solely for the use of the police department in reporting potential liability cases to the City Attorney and Risk Manager. Any further distribution of that investigation format is at the discretion of the City Attorney's Office and the Chief of Police.

309.2 DISTINCTION BETWEEN MINOR AND MAJOR POTENTIAL CLAIMS

- (a) Minor potential claim incidents would include, but not be limited to, non-injury traffic accidents, damage to doors or windows in relation to legitimately forced police entry, lost property in police custody (valued at less than \$400), minor sidewalk trip and falls, etc.
- (b) Major potential claim incidents would include, but not be limited to, injury traffic accidents, injury or death to anyone in police custody, cases where there is potential for false arrest, illegal detention or an illegal search, incident involving a failure to take proper action, negligence or misuse of department equipment or resources resulting in injury or death, defective areas of city responsibility in streets, lighting, etc., which contribute to serious injury or death.
 - 1. Also included within this category are potential claim incidents that have the likelihood to negatively reflect upon the good reputation of the police department and/or City of Orange (e.g. politically sensitive and/or controversial issues, public figures, incidents that may be of public importance, etc.).

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309.3 PROCEDURES FOR SOLELY CITY OF ORANGE LIABILITY CASES

Whenever any police employee recognizes a potential liability for the City of Orange, that employee shall immediately notify a supervisor. The supervisor shall confirm if the employee's concerns were valid and determine the need for:

- (a) Reporting the incident through the chain of command,
 - 1. Please refer to the current policy regarding Major Incident Notification, as the minimum standard for notification to the watch commander and other command staff. All major potential claim incidents, as referenced in the current policy above, shall immediately be reported to the respective division commander and the Chief of Police. It shall be up to the discretion of the Chief of Police if the City Attorney and/or Risk Manager are to be notified at this time.
- (b) Additional reporting,
- (c) Additional investigation,
- (d) Supervisory review of reports and totality of the incident,
- (e) Referral to the appropriate city department (e.g. Fire Department, Street Maintenance Department, Water Department, etc.) for disposition.
 - 1. If the time of a reported minor liability incident is after the operating hours of the affected city department, the watch commander has the discretion to further investigate and generate a Potential Claim Form.
 - 2. The completed Potential Claim Form shall be processed through the chain of command to the Chief of Police.

309.3.1 POTENTIAL CLAIM INVESTIGATIONS INVOLVING A CRIME AND/OR ASSIGNED A CASE NUMBER

- (a) All police personnel recognizing an incident that has potential liability to the police department shall immediately notify a supervisor.
- (b) A supervisor or their designee shall respond to the scene of the incident and determine if the potential claim is related to a criminal matter and/or a DR number has been assigned.
 - 1. The supervisor shall promptly notify the watch commander of the circumstances surrounding the incident and discuss a plan of action.
- (c) When the incident is related to a criminal matter and/or has been assigned a DR number, the supervisor will limit any report of liability to the Potential Claim Form. All interviews, photographs, and other evidence become part of the DR file. These items may later be requested by the City Attorney through the Legal Affairs Office of the police department.
 - 1. The Potential Claim Form shall include the names and addresses of all victims and witnesses to the incident.
 - 2. The Potential Claim Form shall include the description of any injuries and the condition of the injured parties at the time of the report.

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3. The narrative of the incident can be incorporated within the Potential Claim Form or by attaching a copy of the Supervisor's Log or memorandum.

309.3.2 POTENTIAL CLAIM INVESTIGATIONS - SOLELY CIVIL INCIDENTS

- (a) All police employees recognizing an incident that has potential liability to the City of Orange or the police department shall immediately notify a supervisor.
- (b) A supervisor or their designee shall respond to the scene of the incident and determine if the potential claim is strictly a civil liability issue for the police department and is not part of a criminal investigation or has been assigned a DR number.
 1. The supervisor shall promptly notify the watch commander of the circumstances surrounding the incident and discuss a plan of action.
- (c) If the incident is solely civil in nature then all reports, interview tapes, evidence collected, etcetera will not be listed under a DR number.
- (d) The supervisor will ensure that all involved employees, witnesses and principals are interviewed, preferably recorded.
- (e) The supervisor shall ensure that all necessary photographs are taken and evidence that relates to the incident is recovered and referenced within the Potential Claim Form.
- (f) The supervisor shall gather all related reports (originals if related solely to a civil matter) and review the circumstances with involved employees and the watch commander.
- (g) The supervisor shall then complete the Potential Claim Form and ensure that all related reports are completed in a timely manner. All additional reports should be submitted, along with the Potential Claim Form, as a package.
- (h) The supervisor should conduct any further needed on-scene, or follow-up investigations that could reveal additional witnesses or evidence.
- (i) The supervisor should also consider pulling and duplicating dispatch tapes, call slips, officer Daily Logs and/or Supervisor Logs, etc.

309.4 POTENTIAL CLAIM NOTIFICATION PROTOCOL AND PROCESSING

- (a) Upon completion of the potential claim investigation, the supervisor shall promptly notify the watch commander and/or their lieutenant as to the details of the incident.
- (b) The completed Potential Claim Form or Potential Claim package shall then be forwarded to the respective division commander for review.
- (c) The division commander shall review the Potential Claim Form or Potential Claim package and ensure that any needed follow-up investigation is completed.
- (d) If the Potential Claim involves a major incident, the division commander shall immediately notify the Chief of Police as to the facts and conclusions of the investigation.
- (e) The division commander shall forward the completed Potential Claim Form or Potential Claim package to the Legal Affairs Office.

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1. The Legal Affairs Supervisor will ensure that the Chief of Police has been briefed on the potential claim.
- (f) The Legal Affairs Supervisor will review the potential claim case for completeness and retain a copy of the Potential Claim Form and file it in the Legal Affairs File.
 1. The Legal Affairs Supervisor will forward copies of the completed Potential Claim Form or Potential Claim package to:
 - (a) The City Attorney,
 - (b) The Risk Manager.
- (g) Duplication of Potential Claim Forms is strictly prohibited and distribution is expressly limited to the City Attorney's Office, Risk Management and the Legal Affairs Office of the Police department.
- (h) Should a claim against the City of Orange or police department be filed, the Legal Affairs Supervisor shall pull the Potential Claim File and incorporate all appropriate documents.
- (i) The Legal Affairs Supervisor should maintain the file for 36 months. If no lawsuit is filed and after City Attorney approval for such destruction under City Council Ordinance then forward the Potential Claim File to the Records Bureau manager for destruction.

309.4.1 LEGAL AFFAIRS SUPERVISOR'S RESPONSIBILITIES WHEN A CLAIM FOR DAMAGES IS FILED AGAINST THE POLICE DEPARTMENT

- (a) Verify that the City Clerk has properly received the claim.
- (b) Check for a Potential Claim File regarding the incident. Incorporate the claim in the file, if one exists.
- (c) Pull all reports and review, if necessary. Pull dispatch tapes, if not already done (keep in-office call slips, etc.).
- (d) Evaluate claim in consultation with the Chief of Police, respective division commander, City Attorney and Risk Manager.
- (e) At their request, forward copies of any additional police reports, dispatch tapes, etc. to the City Attorney and Risk Manager.

309.5 POSSIBLE DEPARTMENT VIOLATIONS IN CIVIL LIABILITY CASES

If the conduct of any involved employee may reasonably lead to disciplinary action, the employee shall be afforded all procedural rights at each stage of the investigation. The City Attorney's Office shall be advised when an internal investigation is being conducted in relation to a civil liability case.

Domestic Violence

310.1 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.

310.1.1 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.

310.2 POLICY

The Orange 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.

310.3 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.

310.4 INVESTIGATIONS

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

- (a) Calls of reported, threatened, imminent, or ongoing domestic violence and the violation of any court order are of extreme importance and should be considered among the highest response priorities. This includes incomplete 9-1-1 calls.
- (b) When practicable, officers should obtain and document statements from the victim, the suspect, and any witnesses, including children, in or around the household or location of occurrence.
- (c) Officers should list the full name and date of birth (and school if available) of each child who was present in the household at the time of the offense. The names of other children who may not have been in the house at that particular time should also be obtained for follow-up.
- (d) When practicable and legally permitted, video or audio record all significant statements and observations.

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- (e) All injuries or lack of 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 Investigative Services Division 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.

310.4.1 IF A SUSPECT IS ARRESTED

If a suspect is arrested, officers should:

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- (a) Advise the victim that there is no guarantee the suspect will remain in custody.
- (b) Provide the victim's contact information to the jail staff to enable notification of the victim upon the suspect's release from jail.
- (c) Advise the victim whether any type of court order will be in effect when the suspect is released from jail.

310.4.2 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.

310.5 VICTIM ASSISTANCE

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

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

An officer shall advise an individual protected by a Canadian domestic violence protection order of available local victim services (Family Code § 6452).

310.6 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.

310.7 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 (refer to the U.S. Code). An otherwise valid out-of-state court order or foreign shall be enforced, regardless of whether the order has been properly registered with this state.

Canadian domestic violence protection orders shall also be enforced in the same manner as if issued in this state (refer to the California Family Code).

310.8 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.

310.9 STANDARDS FOR ARRESTS

Officers investigating a domestic violence report should consider the following:

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- (a) An arrest should be made when there is probable cause to believe that a felony or misdemeanor domestic violence offense has been committed (Penal Code § 13701). Any decision to not arrest an adult when there is probable cause to do so requires supervisor approval.
 - 1. Officers are only authorized to make an arrest without a warrant for a misdemeanor domestic violence offense if the officer makes the arrest as soon as probable cause arises (Penal Code § 836).
- (b) An officer responding to a domestic violence call who cannot make an arrest will advise the victim of the victim's right to make a private person's arrest. The advisement should be made out of the presence of the suspect and shall include advising the victim how to safely execute the arrest. Officers shall not dissuade victims from making a lawful private person's arrest. Officers should refer to the provisions in the Private Persons Arrests Policy for options regarding the disposition of private person's arrests (Penal Code § 836(b)).
- (c) Officers shall not cite and release a person for the following offenses (Penal Code § 853.6(a)(3)):
 - 1. Penal Code § 243(e)(1) (battery against spouse, cohabitant)
 - 2. Penal Code § 273.5 (corporal injury on spouse, cohabitant, fiancé/fiancée, person of a previous dating or engagement relationship, mother/father of the offender's child)
 - 3. Penal Code § 273.6 (violation of protective order) if violence or threats of violence have occurred or the suspect has gone to the workplace or residence of the protected party
 - 4. Penal Code § 646.9 (stalking)
 - 5. Other serious or violent felonies specified in Penal Code § 1270.1
- (d) In responding to domestic violence incidents, including mutual protective order violations, officers should generally be reluctant to make dual arrests. Officers shall make reasonable efforts to identify the dominant aggressor in any incident. The dominant aggressor is the person who has been determined to be the most significant, rather than the first, aggressor (Penal Code § 13701). In identifying the dominant aggressor, an officer shall consider:
 - 1. The intent of the law to protect victims of domestic violence from continuing abuse.
 - 2. The threats creating fear of physical injury.
 - 3. The history of domestic violence between the persons involved.
 - 4. Whether either person acted in self-defense.
- (e) An arrest shall be made when there is probable cause to believe that a violation of a domestic violence court order has been committed (Penal Code § 13701; Penal Code § 836), regardless of whether the offense was committed in the officer's presence. After arrest, the officer shall confirm that a copy of the order has been registered, unless the victim provides a copy (Penal Code § 836).

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310.10 REPORTS AND RECORDS

- (a) A written report shall be completed on all incidents of domestic violence. All such reports should be documented on the appropriate form, which includes information and notations specific to domestic violence incidents as required by Penal Code § 13730.
- (b) Reporting officers should provide the victim with the case number of the report. The case number may be placed in the space provided on the domestic violence victim information handout provided to the victim. If the case number is not immediately available, an explanation should be given regarding how the victim can obtain the information at a later time.
- (c) Officers who seize any firearm, ammunition, or other deadly weapon in a domestic violence incident shall issue the individual possessing such weapon a receipt that includes the name and residential mailing address of the owner or person who possessed the weapon and notice of where the weapon may be recovered, along with the applicable time limit for recovery (Penal Code § 18250; Penal Code § 18255; Penal Code § 33800; Family Code § 6389(c)).

310.11 RECORD-KEEPING AND DATA COLLECTION

This department shall maintain records of court orders related to domestic violence and the service status of each (Penal Code § 13710), as well as records on the number of domestic violence related calls reported to the Department, including whether weapons were used in the incident or whether the incident involved strangulation or suffocation (Penal Code § 13730). This information is to be reported to the Attorney General monthly. It shall be the responsibility of the Records Manager to maintain and report this information as required.

310.12 SERVICE OF COURT ORDERS

- (a) An officer who obtains an emergency protective order from the court shall serve it on the restrained person if the person can be reasonably located and shall provide the person protected or the person's parent/guardian with a copy of the order. The officer shall file a copy with the court as soon as practicable and shall have the order entered into the computer database system for protective and restraining orders maintained by the Department of Justice (Family Code § 6271; Penal Code § 646.91).
- (b) At the request of the petitioner, an officer at the scene of a reported domestic violence incident shall serve a court order on a restrained person (Family Code § 6383; Penal Code § 13710).
- (c) Any officer serving a protective order that indicates that the respondent possesses weapons or ammunition shall request that the firearm/ammunition be immediately surrendered (Family Code § 6389(c)).
- (d) During the service of a protective order any firearm discovered in plain view or pursuant to consent or other lawful search shall be taken into temporary custody (Penal Code § 18250).
- (e) If a valid Canadian order cannot be enforced because the person subject to the order has not been notified or served with the order, the officer shall notify the protected

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individual that reasonable efforts shall be made to contact the person subject to the order. The officer shall make a reasonable effort to inform the person subject to the order of the existence and terms of the order and provide the person with a record of the order, if available, and shall allow the person a reasonable opportunity to comply with the order before taking enforcement action (Family Code § 6452).

310.13 PUBLIC ACCESS TO POLICY

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

310.14 DECLARATION IN SUPPORT OF BAIL INCREASE

Any officer who makes a warrantless arrest for a felony or misdemeanor violation of a domestic violence restraining order shall evaluate the totality of the circumstances to determine whether reasonable cause exists to seek an increased bail amount. If there is reasonable cause to believe that the scheduled bail amount is insufficient to assure the arrestee's appearance or to protect the victim or family member of a victim, the officer shall prepare a declaration in support of increased bail (Penal Code § 1269c).

310.15 DOMESTIC VIOLENCE DEATH REVIEW TEAM

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

Reporting Child Custody/Visitation Order Violations

311.1 PURPOSE AND SCOPE

To eliminate unnecessary police reporting and investigation of Civil Restraining Order violations.

311.2 REPORTING GUIDELINES

- (a) In general, barring a serious threat of violence or impending violence, most restraining order violations can be handled as civil proceedings. If there is another underlying criminal violation that can be established, independent of the restraining order violation, the District Attorney's Office may choose to prosecute providing there are sufficient grounds to justify issuing a criminal complaint. Utilize the same criteria as any other criminal investigation. The following is a general rule: if the matter does not approach the degree consistent with a criminal violation of the Penal Code, then the matter can be properly referred for civil action in the appropriate court of jurisdiction, under an Order to Show Cause, re contempt. When a party contacts the department to report a custody/visitation court order violation, they are to be provided a copy of OPD Form DV-1. This is to be used when the reporting party would like documentation for missed or late child visitation violations. No other reports are necessary under these conditions. This form is not to be used for missing children, child abduction, or restraining order violation cases. The reporting party must provide a copy of their child custody/visitation order.
1. The Form DV-1 may be completed by the reporting person, front desk personnel, or a police officer.
 2. After the form is completed, a DR number is to be issued and the department employee accepting the report shall complete the bottom portion with their name and serial number.
 3. At the time of the report, the reporting party will receive the yellow copy for their personal records. The back of the form explains that the report is for documentation only, and refers the person to the appropriate agencies.
 - (a) It must be stressed to the reporting party that the case will not be investigated by the Orange Police Department or the Orange County District Attorney's Office as a crime.
 4. The form's white copy will remain on file at our police department and the pink copy will be sent to the Orange County District Attorney's Family Violence Unit to be kept on file.
- (b) As in all situations, discretion must be used to determine whether a report is to be taken or the party is to be referred to the civil courts/private attorney.

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311.3 SUPERVISOR RESPONSIBILITY

Supervisors will determine when a report is to be taken if a question of reporting versus non-reporting should arise.

311.3.1 RECORDS RESPONSIBILITIES

- (a) When receiving a copy of OPD Form DV-1, the pink copy is to be separated and mailed to: Orange County District Attorney, Family Violence Unit, P.O. Box 808, Santa Ana, CA 92708.
- (b) Maintain all original (white) copies of OPD Form DV-1 in the appropriate DR file.
- (c) Maintain a supply of DV-1 Forms according to established procedures, which are available by calling (714) 541-7533.
- (d) Forward a copy of the DV-1 Form to the Crimes Against Persons sergeant for review.

311.3.2 OFFICER/PSO RESPONSIBILITIES

- (a) The handling officer or PSO shall determine whether or not the situation warrants a report.
- (b) When a questionable situation arises, a supervisor shall be contacted. Should no supervisor be available, a report shall be taken.

Search and Seizure

312.1 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 Orange Police Department personnel to consider when dealing with search and seizure issues.

312.2 POLICY

It is the policy of the Orange Police Department to respect the fundamental privacy rights of individuals. Officers 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.

312.3 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, personnel 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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312.4 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) Officers 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.

Temporary Custody of Juveniles

313.1 PURPOSE AND SCOPE

This policy provides guidelines consistent with the Juvenile Justice and Delinquency Prevention Act for juveniles taken into temporary custody by police officers of the Orange Police Department (refer to the U.S. Code).

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

313.1.1 DEFINITIONS

Definitions related to this policy include:

Juvenile non-offender - An abused, neglected, dependent or alien juvenile who may be legally held for his/her own safety or welfare. This also includes any juvenile who may have initially been contacted for an offense that would not subject an adult to arrest (e.g., fine-only offense) but was taken into custody for his/her protection or for purposes of reuniting the juvenile with a parent, guardian or other responsible person.

Juvenile offender - A juvenile 17 years of age or younger who is alleged to have committed an offense that would subject an adult to arrest (a non-status offense). It also includes an offense under the California Penal Code for underage possession of a handgun or concealable firearm (refer to the U.S. Code of Federal Regulations).

Non-secure custody - When a juvenile is held in the presence of an officer or police jailer at all times and is not placed in a locked room, cell or behind any locked doors. Juveniles in non-secure custody may be handcuffed but not to a stationary or secure object. Personal supervision, through direct visual monitoring and audio two-way communication is maintained. Monitoring through electronic devices, such as video, does not replace direct visual observation (refer to the California Welfare and Institutions Code).

Safety checks - Direct, visual observation personally by a police officer or police jailer of this department performed at random intervals within time frames prescribed in this policy to provide for the health and welfare of juveniles in temporary custody.

Secure custody - When a juvenile offender is held in a locked room, a set of rooms or a cell. Secure custody also includes being physically secured to a stationary object (refer to the California Code of Regulations).

Examples of secure custody include:

- (a) A juvenile left alone in an unlocked room within the secure perimeter of the adult temporary holding area.
- (b) A juvenile handcuffed to a rail.
- (c) A juvenile placed in a room that contains doors with delayed egress devices that have a delay of more than 30 seconds.

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- (d) A juvenile being processed in a secure booking area when a non-secure booking area is available.
- (e) A juvenile left alone in a secure booking area after being photographed and fingerprinted.
- (f) A juvenile placed in a cell within the adult temporary holding area, whether or not the cell door is locked.
- (g) A juvenile placed in a room that is capable of being locked or contains a fixed object designed for cuffing or restricting movement.

Sight and sound separation - Located or arranged to prevent physical, visual or auditory contact.

Status offender - A juvenile suspected of committing a criminal violation of the law that would not be a criminal violation but for the age of the offender. Examples may include running away, underage possession of tobacco, curfew violation and truancy. A juvenile in custody on a court order or warrant based upon a status offense is also a status offender. This includes the habitually disobedient or truant juvenile under the California Welfare and Institutions Code and any juvenile suspected of an offense that would not subject an adult to arrest (e.g., fine-only offense).

313.2 POLICY

The Orange Police Department is committed to releasing juveniles from temporary custody as soon as reasonably practicable and keeping juveniles safe while they are in temporary custody at the Orange Police Department. Juveniles should be held in temporary custody only for as long as reasonably necessary for processing, or transfer or release.

313.2.1 DETENTION OF INTOXICATED JUVENILES

A Minor who is taken into temporary custody by an officer on the basis of being a person described in the California Welfare & Institutions Code and who displays outward signs of intoxication to the level that he or she is unable to care for him/herself, or is known or suspected to have ingested any substance that could result in a medical emergency, the officer shall summon paramedics to the scene to conduct a medical screening of the individual. If practical, the juvenile should be released to a parent, legal guardian or responsible adult. Only after paramedics have medically cleared the minor may the minor be transported to the OPD.

313.3 JUVENILES WHO SHOULD NOT BE HELD

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

- (a) Unconscious
- (b) Seriously injured
- (c) A known suicide risk or obviously severely emotionally disturbed
- (d) Significantly intoxicated except when approved by the Watch Commander. A medical clearance shall be obtained for minors who are under the influence of drugs, alcohol or any other intoxicating substance to the extent that they are unable to care for themselves (refer to the California Code of Regulations).

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(e) Extremely violent or continuously violent

Officers taking custody of a juvenile who exhibits any of the above conditions should take reasonable steps to provide medical attention or mental health assistance and notify a supervisor of the situation (refer to the California Code of Regulations).

These juveniles should not be held at the Orange Police Department unless they have been evaluated by a qualified medical and/or mental health professional (refer to the California Code of Regulations).

If the officer taking custody of the juvenile believes the juvenile may be a suicide risk, the juvenile shall be under continuous direct supervision until evaluation, release, or a transfer is completed (refer to the California Code of Regulations).

313.3.1 EMERGENCY MEDICAL CARE OF JUVENILES IN CUSTODY

When emergency medical attention is required for a juvenile, medical assistance will be called immediately. The Watch Commander shall be notified of the need for medical attention for the juvenile. Department officers or police jailers should administer first aid as applicable (refer to the California Code of Regulations).

313.3.2 SUICIDE PREVENTION OF JUVENILES IN CUSTODY

Department personnel should be alert to potential symptoms based upon exhibited behavior that may indicate the juvenile is a suicide risk. These symptoms may include depression, refusal to communicate, verbally threatening to kill him/herself or any unusual behavior which may indicate the juvenile may harm him/herself while in either secure or non-secure custody (refer to the California Code of Regulations).

313.4 CUSTODY OF JUVENILES

Officers should take custody of a juvenile and temporarily hold the juvenile at the Orange Police Department when there is no other lawful and practicable alternative to temporary custody. Refer to the Child Abuse Policy for additional information regarding detaining a juvenile that is suspected of being a victim.

No juvenile should be held in temporary custody at the Orange Police Department without authorization of the arresting officer's supervisor or the Watch Commander. Juveniles taken into custody shall be held in non-secure custody unless otherwise authorized by this policy.

Any juvenile taken into custody shall be released to the care of the juvenile's parent or other responsible adult or transferred to a juvenile custody facility or to other authority as soon as practicable and in no event shall a juvenile be held beyond six hours from the time of his/her entry into the Orange Police Department (34 USC § 11133; Welfare and Institutions Code § 207.1).

313.4.1 CUSTODY OF JUVENILE NON-OFFENDERS

Non-offenders taken into protective custody in compliance with the Child Abuse Policy should generally not be held at the Orange Police Department. Custodial arrangements should be made

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for non-offenders as soon as reasonably possible. Juvenile non-offenders shall not be held in secure custody (34 USC § 11133; Welfare and Institutions Code § 206).

Juveniles 11 years of age or younger who have committed an offense that would subject an adult to arrest may be held in non-secure custody for the offenses listed in Welfare and Institutions Code § 602(b) (murder and the sexual assault offenses) and should be referred to a probation officer for a placement determination (Welfare and Institutions Code § 602.1).

313.4.2 CUSTODY OF JUVENILE STATUS OFFENDERS

Status offenders should generally be released by citation or with a warning rather than taken into temporary custody. However, officers may take custody of a status offender if requested to do so by a parent or legal guardian in order to facilitate reunification (e.g., transported home or to the station to await a parent). Juvenile status offenders shall not be held in secure custody (refer to the U.S. Code).

313.4.3 CUSTODY OF JUVENILE OFFENDERS

Juvenile offenders should be held in non-secure custody while at the Orange Police Department unless another form of custody is authorized by this policy or is necessary due to exigent circumstances.

Generally, a juvenile offender may be taken into custody when authorized by a court order or when there is probable cause to believe the juvenile has committed an offense that would subject an adult to arrest (Welfare and Institutions Code § 625).

A juvenile offender who is 14 years of age or older and taken into custody for committing or attempting to commit a felony with a firearm shall not be released and be transported to a juvenile facility (Welfare and Institutions Code § 625.3).

A juvenile offender suspected of committing murder, a sex offense described in Welfare and Institutions Code § 602(b) that may subject the juvenile to criminal jurisdiction under Welfare and Institutions Code § 707, or a serious or violent felony should be referred to a probation officer for a decision on further detention.

In all other cases the juvenile offender may be:

- (a) Released upon warning or citation.
- (b) Released to a parent or other responsible adult after processing at the Department.
- (c) Referred to a probation officer for a decision regarding whether to transport the juvenile offender to a juvenile facility.
- (d) Transported to his/her home or to the place where the juvenile offender was taken into custody (Welfare and Institutions Code § 207.2).

In determining which disposition is appropriate, the investigating officer or supervisor shall prefer the alternative that least restricts the juvenile's freedom of movement, provided that alternative is compatible with the best interests of the juvenile and the community (Welfare and Institutions Code § 626).

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Whenever a juvenile offender under the age of 14 is taken into custody, the officer should take reasonable steps to verify and document the child's ability to differentiate between right and wrong, particularly in relation to the alleged offense (Penal Code § 26).

313.5 ADVISEMENTS

Officers shall take immediate steps to notify the juvenile's parent, guardian, or a responsible relative that the juvenile is in custody, the location where the juvenile is being held, and the intended disposition (Welfare and Institutions Code § 627).

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

Anytime a juvenile offender is placed in secure custody, he/she shall be informed of the purpose of the secure custody, the length of time the secure custody is expected to last, and of the maximum six-hour limitation (Welfare and Institutions Code § 207.1).

Juveniles taken into custody for an offense shall immediately be advised (or at least within one hour from being taken into custody, if possible) that they may make three telephone calls: one call completed to his/her parent or guardian; one to a responsible relative or his/her employer; and another call completed to an attorney. The calls shall be at no expense to the juvenile when completed to telephone numbers within the local calling area. Juveniles should be asked whether they are a caregiver and provided two more phone calls in the same manner as provided to adults in the Temporary Custody of Adults Policy (Welfare and Institutions Code § 627; Penal Code § 851.5).

313.6 JUVENILE CUSTODY LOGS

Any time a juvenile is held in custody at the Department, the custody shall be promptly and properly documented in the juvenile custody log, including:

- (a) Identifying information about the juvenile.
- (b) Date and time of arrival and release from the Orange Police Department (15 CCR 1150).
- (c) Watch Commander notification and approval to temporarily hold the juvenile.
- (d) Any charges for which the juvenile is being held and classification of the juvenile as a juvenile offender, status offender, or non-offender.
- (e) Any changes in status (e.g., emergency situations, unusual incidents).
- (f) Time of all safety checks.
- (g) Any medical and other screening requested and completed (15 CCR 1142).
- (h) Circumstances that justify any secure custody (Welfare and Institutions Code § 207.1; 15 CCR 1145).

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- (i) Any other information that may be required by other authorities, such as compliance inspectors or a local juvenile court authority.

The Watch Commander shall initial the log to approve the custody, including any secure custody, and shall also initial the log when the juvenile is released.

313.7 NO-CONTACT REQUIREMENTS

Sight and sound separation shall be maintained between all juveniles and adults while in custody at the Department (34 USC § 11133; Welfare and Institutions Code § 207.1; Welfare and Institutions Code § 208; 15 CCR 1144). There should also be sight and sound separation between non-offenders and juvenile and status offenders.

In situations where brief or accidental contact may occur (e.g., during the brief time a juvenile is being fingerprinted and/or photographed in booking), police officers or police jailers of the Orange Police Department (trained in the supervision of persons in custody) shall maintain a constant, immediate, side-by-side presence with the juvenile or the adult to minimize any contact. If inadvertent or accidental contact does occur, reasonable efforts shall be taken to end the contact (15 CCR 1144).

313.8 TEMPORARY CUSTODY REQUIREMENTS

Sworn personnel, police jailers and supervisors assigned to monitor or process any juvenile at the Orange Police Department shall ensure the following:

- (a) The Watch Commander should be notified if it is anticipated that a juvenile may need to remain at the Orange Police Department more than four hours. This will enable the Watch Commander to ensure no juvenile is held at the Orange Police Department more than six hours.
- (b) An employee of the same sex shall supervise personal hygiene activities and care, such as changing clothing or using the restroom, without direct observation to allow for privacy.
- (c) Personal safety checks and significant incidents/activities shall be noted on the log.
- (d) Juveniles in custody are informed that they will be monitored at all times, except when using the toilet.
 - 1. There shall be no viewing devices, such as peep holes or mirrors, of which the juvenile is not aware.
 - 2. This does not apply to surreptitious and legally obtained recorded interrogations.
- (e) Juveniles shall have reasonable access to toilets and wash basins (15 CCR 1143).
- (f) Juveniles shall be provided sanitary napkins, panty liners, and tampons as requested (15 CCR 1143).
- (g) Food shall be provided if a juvenile has not eaten within the past four hours or is otherwise in need of nourishment, including any special diet required for the health of the juvenile (15 CCR 1143).
- (h) Juveniles shall have reasonable access to a drinking fountain or water (15 CCR 1143).

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- (i) Juveniles shall have reasonable opportunities to stand and stretch, particularly if handcuffed or restrained in any way.
- (j) Juveniles shall have privacy during family, guardian, and/or lawyer visits (15 CCR 1143).
- (k) Juveniles shall be permitted to remain in their personal clothing unless the clothing is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody (15 CCR 1143).
- (l) Blankets shall be provided as reasonably necessary (15 CCR 1143).
 - 1. The supervisor should ensure that there is an adequate supply of clean blankets.
- (m) Adequate shelter, heat, light, and ventilation should be provided without compromising security or enabling escape.
- (n) Juveniles shall have adequate furnishings, including suitable chairs or benches.
- (o) Juveniles shall have the right to the same number of telephone calls as an adult in temporary custody.
- (p) Juveniles shall have access to language services (15 CCR 1143).
- (q) Juveniles shall have access to disability services (15 CCR 1143).
- (r) No discipline may be administered to any juvenile, nor may juveniles be subjected to corporal or unusual punishment, humiliation, or mental abuse (15 CCR 1142).

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

313.9 USE OF RESTRAINT DEVICES

Juvenile offenders may be handcuffed in accordance with the Handcuffing and Restraints Policy. A juvenile offender may be handcuffed at the Orange Police Department when the juvenile presents a heightened risk. However, non-offenders and status offenders should not be handcuffed unless they are combative or threatening (15 CCR 1142).

Other restraints shall only be used after less restrictive measures have failed and with the approval of the Watch Commander. Restraints shall only be used so long as it reasonably appears necessary for the juvenile's protection or the protection of others (15 CCR 1142).

Juveniles in restraints shall be kept away from other unrestrained juveniles or monitored in such a way as to protect the juvenile from abuse (15 CCR 1142).

313.10 PERSONAL PROPERTY

The officer taking custody of a juvenile offender or status offender at the Orange Police Department shall ensure a thorough search of the juvenile's property is made and all property is removed from the juvenile, especially those items that could compromise safety, such as pens, pencils, and belts.

The personal property of a juvenile should be placed in a property bag. The property should be inventoried in the juvenile's presence and sealed into the bag. The property should be kept in a

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monitored or secure location until the juvenile is released from the custody of the Orange Police Department.

313.11 SECURE CUSTODY

Only juvenile offenders 14 years of age or older may be placed in secure custody (refer to the California Welfare and Institutions Code and the California Code of Regulations). Watch Commander approval is required before placing a juvenile offender in secure custody.

Secure custody should only be used for juvenile offenders when there is a reasonable belief that the juvenile is a serious risk of harm to him/herself or others. Factors to be considered when determining if the juvenile offender presents a serious security risk to him/herself or others include the following (refer to the California Code of Regulations):

- (a) Age, maturity and delinquent history
- (b) Severity of offense for which the juvenile was taken into custody
- (c) The juvenile offender's behavior
- (d) Availability of staff to provide adequate supervision or protection of the juvenile offender
- (e) Age, type and number of other individuals in custody at the facility

Sworn personnel or police jailers of this department shall not use secure custody for convenience when non-secure custody is, or later becomes, a reasonable option (refer to the California Code of Regulations).

When practicable and when no locked enclosure is available, handcuffing one hand of a juvenile offender to a fixed object while otherwise maintaining the juvenile in non-secure custody should be considered as the method of secure custody. A police officer or police jailer must be present at all times to ensure the juvenile's safety while secured to a stationary object (refer to the California Code of Regulations).

Juveniles shall not be secured to a stationary object for more than 60 minutes. Supervisor approval is required to secure a juvenile to a stationary object for longer than 60 minutes and every 30 minutes thereafter (refer to the California Code of Regulations). Supervisor approval should be documented.

The decision for securing a minor to a stationary object for longer than 60 minutes and every 30 minutes thereafter shall be based upon the best interests of the juvenile offender (refer to the California Code of Regulations).

313.11.1 LOCKED ENCLOSURES

A thorough inspection of the area shall be conducted before placing a juvenile into the enclosure. A second inspection shall be conducted after removing the juvenile. Any damage noted to the room should be photographed and documented in the crime report.

The following requirements shall apply to a juvenile offender who is held inside a locked enclosure:

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- (a) The juvenile shall constantly be monitored by an audio/video system during the entire custody.
- (b) Juveniles shall have constant auditory access to department police officers or police jailers (15 CCR 1147).
- (c) Initial placement into and removal from a locked enclosure shall be logged (Welfare and Institutions Code § 207.1).
- (d) Unscheduled safety checks to provide for the health and welfare of the juvenile by a police officer or police jailer, no less than once every 15 minutes, shall occur (15 CCR 1147; 15 CCR 1151).
 - 1. All safety checks shall be logged.
 - 2. The safety check should involve questioning the juvenile as to the juvenile's well-being (sleeping juveniles or apparently sleeping juveniles should be awakened).
 - 3. Requests or concerns of the juvenile should be logged.
- (e) Juveniles of different genders shall not be placed in the same locked room (15 CCR 1147).
- (f) Juvenile offenders should be separated according to severity of the crime (e.g., felony or misdemeanor).
- (g) Restrained juveniles shall not be mixed in a cell or room with unrestrained juveniles.

313.12 SUICIDE ATTEMPT, DEATH OR SERIOUS INJURY OF A JUVENILE

The Watch Commander will ensure procedures are in place to address the suicide attempt, death, or serious injury of any juvenile held at the Orange Police Department (refer to the California Code of Regulations). The procedures will address:

- (a) Immediate notification of the on-duty supervisor, Chief of Police and Investigative Services Division Supervisor.
- (b) Notification of the parent, guardian, or person standing in loco parentis, of the juvenile.
- (c) Notification of the appropriate prosecutor.
- (d) Notification of the City attorney.
- (e) Notification to the coroner.
- (f) Notification of the juvenile court.
- (g) In the case of a death, providing a report to the Attorney General under Government Code within 10 calendar days of the death, and forwarding the same report to the Board of State and Community Corrections within the same time frame (refer to the California Code of Regulations).
- (h) A medical and operational review of deaths and suicide attempts pursuant to the California Code of Regulations.
- (i) Evidence preservation.

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313.13 INTERVIEWING OR INTERROGATING JUVENILE SUSPECTS

No interview or interrogation of a juvenile should occur unless the juvenile has the apparent capacity to consent, and does consent to an interview or interrogation.

Prior to conducting a custodial interrogation, including the waiver of *Miranda* rights, an officer shall permit a juvenile 17 years of age or younger to consult with legal counsel in person, by telephone, or by video conference. The consultation may not be waived by the juvenile. The requirement to consult with legal counsel does not apply when (Welfare and Institutions Code § 625.6):

- (a) Information is necessary to protect life or property from an imminent threat.
- (b) The questions are limited to what is reasonably necessary to obtain the information relating to the threat.

313.13.1 MANDATORY RECORDINGS OF JUVENILES

Any interrogation of an individual under 18 years of age who is in custody and suspected of committing murder shall be audio and video recorded when the interview takes place at a department facility, jail, detention facility or other fixed place of detention. The recording shall include the entire interview and a *Miranda* advisement preceding the interrogation (refer to the California Penal Code).

This recording is not mandatory when (refer to the California Penal Code):

- (a) Recording is not feasible because of exigent circumstances that are later documented in a report.
- (b) The individual refuses to have the interrogation recorded, including a refusal any time during the interrogation, and the refusal is documented in a report. If feasible, the refusal shall be electronically recorded.
- (c) The custodial interrogation occurred in another state by law enforcement officers of that state, unless the interrogation was conducted with the intent to avoid the requirements of the California Penal Code.
- (d) The interrogation occurs when no officer 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 officers 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.

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These recordings shall be retained until a conviction is final and all direct and habeas corpus appeals are exhausted, a court no longer has any jurisdiction over the individual or the prosecution for that offense is barred (refer to the California Penal Code and California Welfare and Institutions Code).

313.14 FORMAL BOOKING

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

Any juvenile 14 years of age or older who is taken into custody for a felony, or any juvenile whose acts amount to a sex crime, shall be booked, fingerprinted, and photographed.

For all other acts defined as crimes, juveniles may be booked, fingerprinted, or photographed upon the approval from the Watch Commander or the Investigative Services Division supervisor, giving due consideration to the following:

- (a) The gravity of the offense
- (b) The past record of the offender
- (c) The age of the offender

313.15 RELEASE OF INFORMATION CONCERNING JUVENILES

Court decisions and legislation have combined to carefully specify situations in which information may be given out or exchanged when a case involves a juvenile. Personnel of this department shall not divulge any information regarding juveniles unless they are certain of the legal authority to do so.

A copy of the current policy of the juvenile court concerning authorized release of information and appropriate acknowledgment forms shall be kept with copies of this procedure in the Orange Police Department Policy Manual. Such releases are authorized by the California Welfare and Institutions Code.

The California Welfare and Institutions Code authorizes the release of certain information to other agencies. It shall be the responsibility of the Records Manager and the appropriate Investigative Services Division supervisors to ensure that personnel of those bureaus act within legal guidelines.

313.16 BOARD OF STATE AND COMMUNITY CORRECTIONS CERTIFICATION

The Field Services Division Commander shall coordinate the procedures related to the custody of juveniles held at the Orange Police Department and ensure any required certification is maintained (refer to the California Welfare and Institution Code).

313.17 RELIGIOUS ACCOMMODATION

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

313.18 SECTION TITLE

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313.19 TRAINING

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

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314.1 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 Orange Police Department personnel as required by law (Penal Code § 368.6).

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

314.1.1 DEFINITIONS

Definitions related to this policy include:

Abuse of an elder (age 65 or older) or dependent adult - Physical abuse, neglect, financial abuse, abandonment, isolation, abduction, or other treatment with resulting physical harm or pain or mental suffering; or the deprivation by a care custodian of goods or services that are necessary to avoid physical harm or mental suffering. Neglect includes self-neglect (Welfare and Institutions Code § 15610.05 et seq.; Penal Code § 368.5).

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

Dependent adult - An individual, regardless of whether the individual lives independently, between 18 and 64 years of age who has physical or mental limitations that restrict his/her ability to carry out normal activities or to protect his/her rights, including but not limited to persons who have physical or developmental disabilities or whose physical or mental abilities have diminished because of age. This also includes those admitted as inpatients to a 24-hour health facility, as defined in state law (Penal Code § 368; Welfare and Institutions Code § 15610.23).

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

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

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

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

314.2 POLICY

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

314.2.1 ARREST POLICY

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

314.2.2 ADHERENCE TO POLICY

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

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

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

314.3 INVESTIGATIONS AND REPORTING

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

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

- (a) The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected elder and dependent adult abuse victim is contacted.
- (b) Any relevant statements the victim may have made and to whom he/she made the statements.

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- (c) If a person is taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.
- (d) Documentation of any visible injuries or any injuries identified by the victim. This should include photographs of such injuries, if practicable.
- (e) Whether the victim was transported for medical treatment or a medical examination.
- (f) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other potential victims or witnesses who may reside in the residence.
- (g) Identification of any prior related reports or allegations of abuse, including other jurisdictions, as reasonably known.
- (h) Previous addresses of the victim and suspect.
- (i) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.
- (j) Witness and suspect statements if available.
- (k) Review of all portable audio/video recorders, devices, and other available video.
- (l) Call history related to the elder or dependent adult including calls from mandated reporters or other individuals.
- (m) Whether the abuse is related to a disability-bias hate crime and related bias motivations (Penal Code § 368.6) (see the Hate Crimes Policy for additional guidance).
- (n) Results of investigations shall be provided to those agencies (Adult Protective Services (APS), long-term ombudsman) that referred or reported the elder or dependent adult abuse (Welfare and Institutions Code § 15640(f)).
- (o) Whether a death involved the End of Life Option Act:
 - 1. Whether or not assistance was provided to the person beyond that allowed by law (Health and Safety Code § 443.14).
 - 2. Whether an individual knowingly altered or forged a request for an aid-in-dying drug to end a person's life without his/her authorization, or concealed or destroyed a withdrawal or rescission of a request for an aid-in-dying drug (Health and Safety Code § 443.17).
 - 3. Whether coercion or undue influence was exerted on the person to request or ingest an aid-in-dying drug or to destroy a withdrawal or rescission of a request for such medication (Health and Safety Code § 443.17).
 - 4. Whether an aid-in-dying drug was administered to a person without his/her knowledge or consent (Health and Safety Code § 443.17).

Any unexplained death of an adult who was in the care of a guardian or caretaker should be considered as potential elder or dependent adult abuse and investigated similarly.

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

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

314.3.1 ADDITIONAL INVESTIGATIVE CONSIDERATIONS

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

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

314.4 QUALIFIED INVESTIGATORS

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

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

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

314.5 MANDATORY NOTIFICATION

Personnel of the Orange Police Department shall notify the local office of the California Department of Social Services (CDSS) APS agency when they reasonably suspect, have observed, or have knowledge of an incident that reasonably appears to be abuse of an elder or dependent adult, or are told by an elder or dependent adult that the person has experienced abuse (Welfare and Institutions Code § 15630(b)).

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

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

- (a) If the abuse is physical abuse and occurred in a long-term care facility (not a state mental health hospital or a state developmental center), notification shall be made as follows (Welfare and Institutions Code § 15630(b)(1)):
 1. If there is serious bodily injury, notification shall be made by telephone and, within two hours, a written report shall be made to the local ombudsman and the corresponding licensing agency.
 2. If there is physical abuse and no serious bodily injury, notification shall be made by telephone and, within 24 hours, a written report shall be made to the local ombudsman and the corresponding licensing agency.
 3. If the abuse is allegedly caused by a resident with dementia and there is no serious bodily injury, notification shall be made by telephone and a written report to the local ombudsman within 24 hours.
 4. When a report of abuse is received by the Department, the local ombudsman shall be called to coordinate efforts to provide the most immediate and appropriate response (Welfare and Institutions Code § 15630(b)).
- (b) If the abuse is in a long-term care facility (not a state mental health or a state developmental center) and is other than physical abuse, a telephone report and a written report shall be made to the local ombudsman as soon as practicable (Welfare and Institutions Code § 15630(b)).
- (c) The California Department of Public Health (DPH) shall be notified of all known or suspected abuse in a long-term care facility.
- (d) The CDSS shall be notified of all known or suspected abuse occurring in a residential care facility for the elderly or in an adult day program.

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- (e) If the abuse occurred in an adult day health care center, DPH and the California Department of Aging shall be notified.
- (f) The Division of Medi-Cal Fraud and Elder Abuse shall be notified of all abuse that constitutes criminal activity in a long-term care facility.
- (g) The District Attorney's office shall be notified of all cases of physical abuse and financial abuse in a long-term care facility.
- (h) If the abuse occurred at a state mental hospital or a state developmental center, notification shall be made to the designated investigators of the California Department of State Hospitals or the California Department of Developmental Services as soon as practicable but no later than two hours after law enforcement becomes aware of the abuse (Welfare and Institutions Code § 15630(b)).
 - 1. When a report of abuse is received by the Department, investigation efforts shall be coordinated with the designated investigators of the California Department of State Hospitals or the California Department of Developmental Services (Welfare and Institutions Code § 15630(b)).
- (i) If during an investigation it is determined that the elder or dependent adult abuse is being committed by a licensed health practitioner as identified in Welfare and Institutions Code § 15640(b), the appropriate licensing agency shall be immediately notified (Welfare and Institutions Code 15640(b)).
- (j) When the Department receives a report of abuse, neglect, or abandonment of an elder or dependent adult alleged to have occurred in a long-term care facility, the licensing agency shall be notified by telephone as soon as practicable (Welfare and Institutions Code § 15640(e)).

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

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

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

314.5.1 NOTIFICATION PROCEDURE

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

- (a) The name of the person making the report.
- (b) The name and age of the elder or dependent adult.
- (c) The present location of the elder or dependent adult.

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- (d) The names and addresses of family members or any other adult responsible for the care of the elder or dependent adult.
- (e) The nature and extent of the condition of the elder or dependent adult.
- (f) The date of incident.
- (g) Any other information, including information that led the person to suspect elder or dependent adult abuse.

314.6 PROTECTIVE CUSTODY

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

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

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

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

314.6.1 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 (refer to the California Family Code).

314.6.2 VERIFICATION OF PROTECTIVE ORDER

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

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

314.7 INTERVIEWS

314.7.1 PRELIMINARY INTERVIEWS

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

314.7.2 DETAINING VICTIMS FOR INTERVIEWS

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

- (a) Exigent circumstances exist, such as:
 - 1. A reasonable belief that medical issues of the adult need to be addressed immediately.
 - 2. A reasonable belief that the adult is or will be in danger of harm if the interview or physical exam is not immediately completed.
 - 3. The alleged offender is a family member or guardian and there is reason to believe the adult may be in continued danger.
- (b) A court order or warrant has been issued.

314.7.3 INTERVIEWS WITH A PERSON WITH DEAFNESS OR HEARING LOSS

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

314.8 MEDICAL EXAMINATIONS

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

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

314.9 DRUG-ENDANGERED VICTIMS

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

314.9.1 OFFICER RESPONSIBILITIES

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

- (a) Document the environmental, medical, social, and other conditions of the adult, using photography as appropriate and checklist for this purpose.
- (b) Notify the Investigative Services Division supervisor so an interagency response can begin.

314.9.2 SUPERVISOR RESPONSIBILITIES

The Investigative Services Division 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 Investigative Services Division supervisor that he/she has responded to a drug lab or other narcotics crime scene where an adult abuse victim is present or where evidence indicates that an adult abuse victim lives.

314.9.3 RECORDS 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 as required by law (refer to the Welfare and Institutions code).
- (b) Retaining the original adult abuse report with the initial case file.

314.10 TRAINING

The Department should provide training on best practices in elder and dependent adult abuse investigations to members tasked with investigating these cases. The training should include:

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- (a) Participating in multidisciplinary investigations, as appropriate.
- (b) Conducting interviews.
- (c) Availability of therapy services for adults and families.
- (d) Availability of specialized forensic medical exams.
- (e) Cultural competence (including interpretive services) related to elder and dependent adult abuse investigations.
- (f) Availability of victim advocates or other support.

314.10.1 MANDATORY TRAINING

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

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

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

314.11 JURISDICTION

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

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

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

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314.12 RELEVANT STATUTES

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

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

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

Penal Code § 368 (c)

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

Penal Code § 368 (f)

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

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

Welfare and Institutions Code § 15610.05

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

Welfare and Institutions Code § 15610.06

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

Welfare and Institutions Code § 15610.30

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- (a) "Financial abuse" of an elder or dependent adult occurs when a person or entity does any of the following:
 - 1. Takes, secretes, appropriates, obtains, or retains real or personal property of an elder or dependent adult for a wrongful use or with intent to defraud, or both.
 - 2. Assists in taking, secreting, appropriating, obtaining, or retaining real or personal property of an elder or dependent adult for a wrongful use or with intent to defraud, or both.
 - 3. Takes, secretes, appropriates, obtains, or retains, or assists in taking, secreting, appropriating, obtaining, or retaining, real or personal property of an elder or dependent adult by undue influence, as defined in Section 15610.70.
- (b) A person or entity shall be deemed to have taken, secreted, appropriated, obtained, or retained property for a wrongful use if, among other things, the person or entity takes, secretes, appropriates, obtains, or retains the property and the person or entity knew or should have known that this conduct is likely to be harmful to the elder or dependent adult.
- (c) For purposes of this section, a person or entity takes, secretes, appropriates, obtains, or retains real or personal property when an elder or dependent adult is deprived of any property right, including by means of an agreement, donative transfer, or testamentary bequest, regardless of whether the property is held directly or by a representative of an elder or dependent adult.
- (d) For purposes of this section, "representative" means a person or entity that is either of the following:
 - 1. A conservator, trustee, or other representative of the estate of an elder or dependent adult.
 - 2. An attorney-in-fact of an elder or dependent adult who acts within the authority of the power of attorney.

Welfare and Institutions Code § 15610.43

- (a) "Isolation" means any of the following:
 - 1. Acts intentionally committed for the purpose of preventing, and that do serve to prevent, an elder or dependent adult from receiving his or her mail or telephone calls.
 - 2. Telling a caller or prospective visitor that an elder or dependent adult is not present, or does not wish to talk with the caller, or does not wish to meet with the visitor where the statement is false, is contrary to the express wishes of the elder or the dependent adult, whether he or she is competent or not, and is made for the purpose of preventing the elder or dependent adult from having contact with family, friends, or concerned persons.
 - 3. False imprisonment, as defined in Section 236 of the Penal Code.
 - 4. Physical restraint of an elder or dependent adult, for the purpose of preventing the elder or dependent adult from meeting with visitors.

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- (b) The acts set forth in subdivision (a) shall be subject to a rebuttable presumption that they do not constitute isolation if they are performed pursuant to the instructions of a physician and surgeon licensed to practice medicine in the state, who is caring for the elder or dependent adult at the time the instructions are given, and who gives the instructions as part of his or her medical care.
- (c) The acts set forth in subdivision (a) shall not constitute isolation if they are performed in response to a reasonably perceived threat of danger to property or physical safe.

Welfare and Institutions Code § 15610.57

- (a) "Neglect" means either of the following:
 - 1. The negligent failure of any person having the care or custody of an elder or a dependent adult to exercise that degree of care that a reasonable person in a like position would exercise.
 - 2. The negligent failure of an elder or dependent adult to exercise that degree of self care that a reasonable person in a like position would exercise.
- (b) Neglect includes, but is not limited to, all of the following:
 - 1. Failure to assist in personal hygiene, or in the provision of food, clothing, or shelter.
 - 2. Failure to provide medical care for physical and mental health needs. A person shall not be deemed neglected or abused for the sole reason that the person voluntarily relies on treatment by spiritual means through prayer alone in lieu of medical treatment.
 - 3. Failure to protect from health and safety hazards.
 - 4. Failure to prevent malnutrition or dehydration.
 - 5. Substantial inability or failure of an elder or dependent adult to manage personal finances.
 - 6. Failure of an elder or dependent adult to satisfy any of the needs specified in paragraphs (1) to (5), inclusive, for themselves as a result of poor cognitive functioning, mental limitation, substance abuse, or chronic poor health.
- (c) Neglect includes being homeless if the elder or dependent adult is also unable to meet any of the needs specified in paragraphs (1) to (5), inclusive, of subdivision (b).

Welfare and Institutions Code § 15610.63

"Physical abuse" means any of the following:

- (a) Assault, as defined in Section 240 of the Penal Code.
- (b) Battery, as defined in Section 242 of the Penal Code.
- (c) Assault with a deadly weapon or force likely to produce great bodily injury, as defined in Section 245 of the Penal Code.
- (d) Unreasonable physical constraint, or prolonged or continual deprivation of food or water.

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- (e) Sexual assault, that means any of the following:
 - 1. Sexual battery, as defined in Section 243.4 of the Penal Code.
 - 2. Rape, as defined in Section 261 of the Penal Code, or former Section 262 of the Penal Code.
 - 3. Rape in concert, as described in Section 264.1 of the Penal Code.
 - 4. Incest, as defined in Section 285 of the Penal Code.
 - 5. Sodomy, as defined in Section 286 of the Penal Code.
 - 6. Oral copulation, as defined in Section 287 or former Section 288a of the Penal Code.
 - 7. Sexual penetration, as defined in Section 289 of the Penal Code.
 - 8. Lewd or lascivious acts as defined in paragraph (2) of subdivision (b) of Section 288 of the Penal Code.
- (f) Use of a physical or chemical restraint or psychotropic medication under any of the following conditions:
 - 1. For punishment.
 - 2. For a period beyond that for which the medication was ordered pursuant to the instructions of a physician and surgeon licensed in the State of California, who is providing medical care to the elder or dependent adult at the time the instructions are given.
 - 3. For any purpose not authorized by the physician and surgeon.

314.13 CHIEF OF POLICE RESPONSIBILITIES

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

- (a) Taking leadership within the Department and in the community, including by speaking out publicly in major cases of senior and disability victimization, to assure the community of department support for the victims and their families and for others in the community who are terrorized and traumatized by the crimes, and to encourage victims and witnesses to the crimes or similar past or future crimes to report those crimes to help bring the perpetrators to justice and prevent further crimes.
- (b) Developing and including department protocols in this policy, including but not limited to the following:
 - 1. Protocols for seeking emergency protective orders by phone from a court at any time of day or night pursuant to Family Code § 6250(d).
 - 2. Protocols for arrest warrants and arrests for senior and disability victimization for matters other than domestic violence and consistent with the requirements of Penal Code § 368.6(c)(9)(B) that include the following:
 - (a) In the case of a senior and disability victimization committed in an officer's presence, including but not limited to a violation of a relevant protective

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order, the officer shall make a warrantless arrest based on probable cause when necessary or advisable to protect the safety of the victim or others.

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

314.14 ELDER AND DEPENDENT ADULT ABUSE LIAISON

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

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

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314.15 ELDER AND DEPENDENT ADULT CHECKLIST

- Take responsibility for the safety and well-being of the potential victim(s) and witnesses.
- Treat all potential victims, witnesses, and suspects with dignity and respect.
- Comply with OPD Policy requirements for arrests and requirements for seeking emergency protective orders.
- Recognize that some elder and dependent adults with cognitive or communication disabilities may have difficult narrating events, appear to be poor historians, or lack short-term memory, which adds to their vulnerability and therefore requires officers to make special efforts to provide them with equal protection.
- Avoid repeated interviews, when possible, of persons with cognitive and communication disabilities.
- Document the scene (Photographs, CSI, Video, etc.).
- Obtain a signed medical release from victim(s) (If transported to hospital – obtain that specific hospital's medical release form).
- Interview caretakers, family members, and witnesses separately from victim. Recognize, in some cases, the caretaker or family member may be the perpetrator.
- Recognize victim cooperation is sometimes unnecessary for prosecution, and that in some cases allowing victims the option of preventing prosecution creates an opportunity for the perpetrators to obstruct justice by pressuring or threatening the victims.
- All peace officers are mandated reporters and shall fill out a SOC 341 Form and cross-report to Adult Protective Services (WIC 15630).

Discriminatory Harassment

315.1 PURPOSE AND SCOPE

The purpose of this policy is to prevent department personnel 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.

315.1.1 GOALS

The goal of the Orange Police Department's Equal Employment Opportunity (EEO) Program is to hire, train, compensate, assign and promote all employees and those aspiring to become employees on the basis of merit and fitness.

The police department is committed to fair and equal treatment of all employees. Our continued success depends on deliberate and sustained effort to identify and eliminate barriers to employment and advancement. We will accomplish this goal within moral and legal principles of our merit system. Each police department employee is expected to understand, support, and promote equal employment opportunities.

It is the objective of the OPD to promote equal employment opportunity and to assist all persons in understanding their rights, duties and obligations, so as to facilitate achievement of compliance with the law.

315.2 POLICY

The Orange 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 an employee 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 an employee to discipline.

315.3 DEFINITIONS

Definitions related to this policy include:

315.3.1 DISCRIMINATION

The Department prohibits all forms of discrimination, including any employment-related action by an employee that adversely affects an applicant or employee 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.

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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.

315.3.2 SEXUAL HARASSMENT

The Department prohibits all forms of discrimination and discriminatory harassment, including sexual harassment. It is unlawful to harass an applicant or an employee 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 employee.
- (c) Such conduct has the purpose or effect of substantially interfering with an employee's work performance or creating an intimidating, hostile, or offensive work environment.

315.3.3 ADDITIONAL CONSIDERATIONS

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

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

315.3.4 PROCEDURES

The Administrative Services Division Commander is the Equal Employment Opportunity Coordinator for the Orange Police Department. The duties of the position include:

- (a) The continuing development, implementation and monitoring of the EEO program,

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- (b) As assigned by the Chief of Police, the investigation of cases of suspected discrimination or sexual harassment, and liaison with the City Personnel's Equal Employment Opportunity Office,
- (c) The authority to implement all aspects of our policy and plan,
- (d) Responsibility for the department's continued adherence to the directive and goals listed throughout this directive.

315.3.5 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.

315.4 RESPONSIBILITIES

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

Employees are encouraged to promptly report any discriminatory, retaliatory or harassing conduct or known violations of this policy to a supervisor. Any employee who is not comfortable with reporting violations of this policy to his/her immediate supervisor may bypass the chain of command and make the report to a higher-ranking supervisor or manager. Complaints may also be filed with the Chief of Police, the Director of Human Resources and Employee Relations or the City Manager.

Any employee who believes, in good faith, that he/she has been discriminated against, harassed or subjected to retaliation, or who has observed harassment, discrimination, or 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.

315.4.1 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 employees 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.

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- (e) Making a timely determination regarding the substance of any allegation based upon all available facts.
- (f) Notifying the Chief of Police or Director of Human Resources and Employee Relations in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment or retaliation no later than the next business day.

315.4.2 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 employees.

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 employees, or issuing discipline, in a manner that is consistent with established procedures.

315.4.3 QUESTIONS OR CLARIFICATION

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

315.5 INVESTIGATION OF COMPLAINTS

Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved employee should take prompt and reasonable steps to mitigate or eliminate any continuing abusive or hostile work environment. It is the policy of the Department that all complaints of discrimination, retaliation or harassment shall be fully documented and promptly and thoroughly investigated.

315.5.1 SUPERVISOR RESOLUTION

Employees who believe they are experiencing discrimination, harassment or retaliation should be encouraged to inform the individual that his/her behavior is unwelcome, offensive, unprofessional or inappropriate. However, if the employee feels uncomfortable or threatened or has difficulty expressing his/her concern, or if this does not resolve the concern, assistance should be sought from a supervisor or manager who is a rank higher than the alleged transgressor.

315.5.2 FORMAL INVESTIGATION

If the complaint cannot be satisfactorily resolved through the process described above, a formal investigation will be conducted.

The person assigned to investigate the complaint will have full authority to investigate all aspects of the complaint. Investigative authority includes access to records and the cooperation of any

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employees involved. No influence will be used to suppress any complaint and no employee will be subject to retaliation or reprisal for filing a complaint, encouraging others to file a complaint or for offering testimony or evidence in any investigation.

Formal investigation of the complaint will be confidential to the extent possible and will include, but is not limited to, details of the specific incident, frequency and dates of occurrences and names of any witnesses. Witnesses will be advised regarding the prohibition against retaliation, and that a disciplinary process, up to and including termination, may result if retaliation occurs.

Employees 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, Director of Human Resources and Employee Relations or the City Manager.

315.5.3 ALTERNATIVE COMPLAINT PROCESS

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

315.6 DOCUMENTATION OF COMPLAINTS

All complaints or allegations shall be thoroughly documented on forms and in a manner designated by the Chief of Police. The outcome of all reports shall be:

- (a) Approved by the Chief of Police, the City Manager, or the Director of Human Resources and Employee Relations, depending on the ranks of the involved parties.
- (b) Maintained in accordance with the department's established records retention schedule.

315.6.1 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.

315.7 TRAINING

All new employees shall be provided with a copy of this policy as part of their orientation. The policy shall be reviewed with each new employee. The employee shall certify by signing the prescribed form that he/she has been advised of this policy, is aware of and understands its contents and agrees to abide by its provisions during his/her term with the Department.

All employees 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.

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315.7.1 STATE-REQUIRED TRAINING

The Training Bureau Sergeant should ensure that employees receive the required state training and education regarding sexual harassment, prevention of abusive conduct, and harassment based on gender identity, gender expression, and sexual orientation as follows (Government Code § 12950.1; 2 CCR 11024):

- (a) Supervisory employees shall receive two hours of classroom or other effective interactive training and education within six months of assuming a supervisory position.
- (b) All other employees shall receive one hour of classroom or other effective interactive training and education within six months of their employment or sooner for seasonal or temporary employees as described in Government Code § 12950.1.
- (c) All employees shall receive refresher training every two years thereafter.

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

315.7.2 TRAINING RECORDS

The Personnel and Training Bureau Sergeant shall be responsible for maintaining records of all discriminatory harassment training provided to employees. Records shall be retained in accordance with established records retention schedules and for a minimum of two years (refer to the California Code of Regulations).

315.8 WORKING CONDITIONS

The Administrative Services Division Commander or the authorized designee should be responsible for reviewing facility design and working conditions for discriminatory practices. This person should collaborate with other City employees who are similarly tasked (refer to the California Code of Regulations).

Child Abuse

316.1 PURPOSE AND SCOPE

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

316.1.1 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).

316.2 POLICY

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

316.3 MANDATORY NOTIFICATION

The child protection agency shall be notified when (Penal Code § 11166):

- (a) There is a known or suspected instance of child abuse or neglect reported, which is alleged to have occurred as a result of the action of a person responsible for the child's welfare, or
- (b) A person responsible for the child's welfare fails to adequately protect the child from abuse when the person knew or reasonably should have known that the child was in danger of abuse.

The District Attorney's office shall be notified in all instances of known or suspected child abuse or neglect reported to this department. Notification of the District Attorney is not required for reports only involving neglect by a person, who has the care or custody of a child, to provide adequate food, clothing, shelter, medical care, or supervision where no physical injury to the child has occurred (Penal Code § 11166).

When the abuse or neglect occurs at a licensed facility or is alleged to have resulted from the actions of a person who is required to have a state license (e.g., foster homes, group homes, day care), notification shall also be made to the California Department of Social Services or other applicable licensing authority. When the alleged abuse or neglect involves a child of a minor parent or a dependent adult, notification shall also be made to the attorney of the minor or the dependent adult within 36 hours (Penal Code 11166.1; Penal Code 11166.2).

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For purposes of notification, the abuse or neglect includes physical injury or death inflicted by other than accidental means upon a child by another person; sexual abuse (Penal Code § 11165.1); neglect (Penal Code § 11165.2); the willful harming or injuring of a child or the endangering of the person or health of a child (Penal Code § 11165.3); and unlawful corporal punishment or injury (Penal Code § 11165.4). Child abuse or neglect does not include a mutual affray between minors, nor does it include an injury caused by the reasonable and necessary force used by a peace officer acting within the course and scope of the peace officer's employment as a peace officer.

316.3.1 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.

316.4 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).

316.5 INVESTIGATIONS AND REPORTING

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

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

- (a) The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected child abuse victim was contacted.
- (b) The exigent circumstances that existed if officers interviewed the child victim without the presence of a parent or guardian.

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- (c) Any relevant statements the child may have made and to whom he/she made the statements.
- (d) If a child was taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.
- (e) Documentation of any visible injuries, lack of 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).

316.5.1 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 personnel 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 (California Penal Code 11165.9).

316.6 PROTECTIVE CUSTODY

Before taking any child into protective custody, the officer should make reasonable attempts to contact CPS. Generally, removal of a child from their family, guardian or other responsible adult should be left to the child welfare authorities when they are present or have become involved in an investigation.

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

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

Children may only be removed from a parent or guardian in the following situations when a court order cannot reasonably be obtained in a timely manner (Welfare and Institutions Code § 305):

- (a) The officer reasonably believes the child is a person described in Welfare and Institutions Code § 300, or a commercially exploited child under Penal Code § 647 and Penal Code § 653.22, and further has good cause to believe that any of the following conditions exist:
 1. The child has an immediate need for medical care.
 2. The child is in immediate danger of physical or sexual abuse.
 3. The physical environment or the fact that the child is left unattended poses an immediate threat to the child's health or safety. In the case of a child left unattended, the officer shall first attempt to locate and determine if a responsible parent or guardian is available and capable of assuming custody before taking the child into protective custody.
- (b) The officer reasonably believes the child requires protective custody under the provisions of Penal Code § 279.6, in one of the following circumstances:
 1. It reasonably appears to the officer that a person is likely to conceal the child, flee the jurisdiction with the child or, by flight or concealment, evade the authority of the court.
 2. There is no lawful custodian available to take custody of the child.
 3. There are conflicting custody orders or conflicting claims to custody and the parties cannot agree which party should take custody of the child.
 4. The child is an abducted child.
- (c) The child is in the company of, or under the control of, a person arrested for Penal Code § 278 (Detainment or concealment of child from legal custodian) or Penal Code § 278.5 (Deprivation of custody of a child or right to visitation) (Penal Code § 279.6).

A child taken into protective custody shall be delivered to CPS unless otherwise directed by court order.

316.6.1 CALIFORNIA SAFELY SURRENDERED BABY LAW

An individual having lawful custody of an infant less than 72 hours old is not guilty of abandonment if the individual voluntarily surrenders physical custody of the infant to personnel on-duty at a safe-surrender site, such as a hospital or fire department (Penal Code § 271.5). The law requires the surrender site to notify CPS.

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316.6.2 NEWBORNS TESTING POSITIVE FOR DRUGS

Under certain circumstances, officers can be prohibited from taking a newborn who is the subject of a proposed adoption into protective custody, even when the newborn has tested positive for illegal drugs or the birth mother tested positive for illegal drugs.

Officers shall instead follow the provisions of Welfare and Institutions Code § 305.6 to ensure that the newborn is placed with the adoptive parents when it is appropriate.

316.7 INTERVIEWS

316.7.1 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.

316.7.2 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.

316.7.3 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).

316.8 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.

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In cases where the alleged offender is the custodial parent or guardian and is refusing consent for the medical examination, officers should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for officers to take the child for a medical examination, the notified supervisor should consider obtaining a court order for such an examination.

316.9 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.

316.9.1 SUPERVISOR RESPONSIBILITIES

The Investigative Services Division 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 Investigative Services Division 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.

316.9.2 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 Investigative Services Division supervisor so an interagency response can begin.

316.10 STATE MANDATES AND OTHER RELEVANT LAWS

California requires or permits the following:

316.10.1 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 (refer to the California Penal Code).

316.10.2 REQUESTS FOR REMOVAL FROM THE CHILD ABUSECENTRAL INDEX (CACI)

Any person whose name has been forwarded to the California Department of Justice (DOJ) for placement in California's CACI, as a result of an investigation, may request that his/her name be removed from the CACI list. Requests shall not qualify for consideration if there is an active

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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.

316.10.3 CACI HEARING OFFICER

The Investigative Services Division 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.

316.10.4 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.

316.10.5 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).

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316.11 TRAINING

The Department should provide training on best practices in child abuse investigations to personnel tasked with investigating these cases. The training should include:

- (a) Participating in multidisciplinary investigations, as appropriate.
- (b) Conducting forensic interviews.
- (c) Availability of therapy services for children and families.
- (d) Availability of specialized forensic medical exams.
- (e) Cultural competence (including interpretive services) related to child abuse investigations.
- (f) Availability of victim advocate or guardian support.

Missing Persons

317.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

317.1.1 DEFINITIONS

At risk - Includes, but is not limited to (refer to the California Penal Code):

- 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 (refer to the California Penal Code). 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 (refer to the California Penal Code).

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).

317.2 POLICY

The Orange 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 Orange 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 (refer to the California Penal Code).

317.3 REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS

The Investigative Services 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 (refer to the California Penal Code)

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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

317.4 ACCEPTANCE OF REPORTS

Any personnel encountering a person who wishes to report a missing person or runaway shall render assistance without delay (refer to the California Penal Code). This can be accomplished by accepting the report via telephone or in-person and initiating the investigation. Those personnel 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 (refer to the California Penal Code).

317.5 INITIAL INVESTIGATION

Officers or other personnel 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 (refer to the California Penal Code).
- (e) Ensure that entries are made into the appropriate missing person networks as follows:
 1. Immediately, when the missing person is at risk.
 2. In all other cases, as soon as practicable, but not later than two hours from the time of the initial report.
- (f) Complete the appropriate report forms accurately and completely and initiate a search as applicable under the facts.
- (g) Collect and/or review:
 1. A photograph and a fingerprint card of the missing person, if available.
 2. A voluntarily provided biological sample of the missing person, if available (e.g., toothbrush, hairbrush).
 3. Any documents that may assist in the investigation, such as court orders regarding custody.

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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.

317.6 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.

317.6.1 SUPERVISOR RESPONSIBILITIES

The responsibilities of the supervisor shall include, but are not limited to:

- (a) Reviewing and approving missing person reports upon receipt.
 1. The reports should be promptly sent to the Records Bureau.
- (b) Ensuring resources are deployed as appropriate.
- (c) Initiating a command post as needed.
- (d) Ensuring applicable notifications and public alerts are made and documented.
- (e) Ensuring that records have been entered into the appropriate missing persons networks.
- (f) Taking reasonable steps to identify and address any jurisdictional issues to ensure cooperation among agencies.

If the case falls within the jurisdiction of another agency, the supervisor should facilitate transfer of the case to the agency of jurisdiction.

317.6.2 RECORDS BUREAU RESPONSIBILITIES

The receiving employee 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 (refer to the California Penal Code).
- (b) Notify and forward a copy of the report to the law enforcement agency in whose jurisdiction the missing person was last seen (refer to the California Penal Code).
- (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 Investigative Services Division.

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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 (refer to the U.S. Code).

317.7 INVESTIGATIVE SERVICES DIVISION 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 (refer to the California Education Code).
 - 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 (refer to the U.S. Code).
- (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 (refer to the U.S. Code).
- (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 the California Penal Code.
- (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 (refer to the California Penal Code) and enter the photograph into applicable missing person networks (refer to the U.S. Code).
- (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 (refer to the U.S. Code).

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317.8 WHEN A MISSING PERSON IS FOUND

When any person reported missing is found, the assigned investigator shall document the location of the missing person in the appropriate report, notify the relatives and/or reporting party, as appropriate, and other involved agencies and refer the case for additional investigation if warranted.

The Records Manager shall ensure that, upon receipt of information that a missing person has been located, the following occurs (refer to the California Penal Code):

- (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.

317.8.1 UNIDENTIFIED PERSONS

Department personnel 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.

317.9 CASE CLOSURE

The Investigative Services Division 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 Orange or this department is the lead agency, the case should be kept under active investigation for as long as the person may still be alive. Exhaustion of leads in the investigation should not be a reason for closing a case.
- (c) If this department is not the lead agency, the case can be made inactive if all investigative leads have been exhausted, the lead agency has been notified and entries are made in the applicable missing person networks as appropriate.
- (d) A missing person case should not be closed or reclassified because the person would have reached a certain age or adulthood or because the person is now the subject of a criminal or civil warrant.

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317.10 TRAINING

Subject to available resources, the Training Bureau Sergeant should ensure that personnel of this department whose duties include missing person investigations and reports receive regular training that includes:

- (a) The initial investigation:
 - 1. Assessments and interviews
 - 2. Use of current resources, such as Mobile Audio Video (MAV)
 - 3. Confirming missing status and custody status of minors
 - 4. Evaluating the need for a heightened response
 - 5. Identifying the zone of safety based on chronological age and developmental stage
- (b) Briefing of department members at the scene.
- (c) Identifying NCIC Missing Person File categories (e.g., disability, endangered, involuntary, juvenile and catastrophe).
- (d) Verifying the accuracy of all descriptive information.
- (e) Initiating a neighborhood investigation.
- (f) Investigating any relevant recent family dynamics.
- (g) Addressing conflicting information.
- (h) Key investigative and coordination steps.
- (i) Managing a missing person case.
- (j) Additional resources and specialized services.
- (k) Update procedures for case information and descriptions.
- (l) Preserving scenes.
- (m) Internet and technology issues (e.g., Internet use, cell phone use).
- (n) Media relations.

Public Alerts

318.1 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.

318.2 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.

318.3 RESPONSIBILITIES

318.3.1 EMPLOYEE RESPONSIBILITIES

Employees of the Orange Police Department should notify their supervisor, Watch Commander or Investigative Services Division Supervisor as soon as practicable upon learning of a situation where public notification, a warning or enlisting the help of the media and public could assist in locating a missing person, apprehending a dangerous person or gathering information.

318.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor apprised of the need for a public alert is responsible to make the appropriate notifications based upon the circumstances of each situation. The supervisor shall promptly notify the Chief of Police, the appropriate Division Commander and the Public Information Officer when any public alert is generated.

The supervisor in charge of the investigation to which the alert relates is responsible for the following:

- (a) Updating alerts
- (b) Canceling alerts
- (c) Ensuring all appropriate reports are completed
- (d) Preparing an after-action evaluation of the investigation to be forwarded to the Division Commander

318.4 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.

318.4.1 CRITERIA FOR AMBER ALERT

The following conditions must be met before activating an AMBER Alert (refer to the California Government Code):

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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.

318.4.2 PROCEDURE FOR AMBER ALERT

The supervisor in charge will ensure the following:

- (a) An initial press release is prepared that includes all available information that might aid in locating the child:
 - 1. The child's identity, age and description
 - 2. Photograph if available
 - 3. The suspect's identity, age and description, if known
 - 4. Pertinent vehicle description
 - 5. Detail regarding location of incident, direction of travel, potential destinations, if known
 - 6. Name and telephone number of the Public Information Officer or other authorized individual to handle media liaison
 - 7. A telephone number for the public to call with leads or information
- (b) The local California Highway Patrol communications center should be contacted to initiate a multi-regional or statewide EAS broadcast, following any policies and procedures developed by CHP (refer to the California Government Code).
- (c) The press release information is forwarded to the Sheriff's Department Emergency Communications Bureau so that general broadcasts can be made to local law enforcement agencies.
- (d) Information regarding the missing person should be entered into the California Law Enforcement Telecommunication System (CLETS).
- (e) Information regarding the missing person should be entered into the California Department of Justice Missing and Unidentified Persons System (MUPS)/National Crime Information Center (NCIC).
- (f) The following resources should be considered as circumstances dictate:
 - 1. The local FBI office
 - 2. National Center for Missing and Exploited Children (NCMEC)

318.5 BLUE ALERTS

Blue Alerts may be issued when an officer is killed, injured or assaulted and the suspect may pose a threat to the public or other law enforcement personnel.

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318.5.1 CRITERIA FOR BLUE ALERTS

All of the following conditions must be met before activating a Blue Alert (refer to the California Government Code):

- (a) A law enforcement officer has been killed, suffered serious bodily injury or has been assaulted with a deadly weapon, and the suspect has fled the scene of the offense.
- (b) The investigating law enforcement agency has determined that the suspect poses an imminent threat to the public or other law enforcement personnel.
- (c) A detailed description of the suspect's vehicle or license plate is available for broadcast.
- (d) Public dissemination of available information may help avert further harm or accelerate apprehension of the suspect.

318.5.2 PROCEDURE FOR BLUE ALERT

The supervisor in charge should ensure the following:

- (a) An initial press release is prepared that includes all available information that might aid in locating the suspect:
 - 1. The license number and/or any other available description or photograph of the vehicle
 - 2. Photograph, description and/or identification of the suspect
 - 3. The suspect's identity, age and description, if known
 - 4. Detail regarding location of incident, direction of travel, potential destinations, if known
 - 5. Name and telephone number of the Public Information Officer or other authorized individual to handle media liaison
 - 6. A telephone number for the public to call with leads or information
- (b) The local California Highway Patrol communications center is contacted to initiate a multi-regional or statewide EAS broadcast.
- (c) The information in the press release is forwarded to the Sheriff's Department Emergency Communications Bureau so that general broadcasts can be made to local law enforcement agencies.
- (d) The following resources should be considered as circumstances dictate:
 - 1. Entry into the California Law Enforcement Telecommunication System (CLETS)
 - 2. The FBI local office

318.6 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 (refer to California Government Code).

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318.6.1 CRITERIA FOR SILVER ALERTS

All of the following conditions must be met before activating a Silver Alert (refer to the California Government Code):

- (a) The missing person is 65 years of age or older, developmentally disabled or cognitively impaired.
- (b) The department has utilized all available local resources.
- (c) The investigating officer or supervisor has determined that the person is missing under unexplained or suspicious circumstances.
- (d) The investigating officer or supervisor believes that the person is in danger because of age, health, mental or physical disability, environment or weather conditions, that the person is in the company of a potentially dangerous person, or that there are other factors indicating that the person may be in peril.
- (e) There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person.

318.6.2 PROCEDURE FOR SILVER ALERT

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

318.7 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 Investigative Services Division Supervisor elects to use the services of the Sheriff's Department, the following will apply:

- (a) Notify the Sheriff's Department Watch Commander of the incident and the request for assistance. The Watch Commander will provide a telephone number for the public to call.
- (b) In the press release, direct the public to the telephone number provided by the Sheriff's Department Watch Commander.
- (c) The Public Information Officer will continue to handle all press releases and media inquiries. Any press inquiries received by the Sheriff's Department will be referred back to this department.

The Orange 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.

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318.8 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).

318.8.1 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.

318.8.2 PROCEDURE

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

318.9 YELLOW ALERT

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

318.9.1 CRITERIA FOR YELLOW ALERT

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

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

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318.9.2 PROCEDURE FOR YELLOW ALERT

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

318.10 FEATHER ALERT

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

318.10.1 CRITERIA FOR FEATHER ALERT

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

- (a) The missing person is an indigenous person.
- (b) The Department has utilized local and tribal resources.
- (c) The investigating officer has determined the person has gone missing under unexplained or suspicious circumstances.
- (d) The investigating officer or supervisor believes that the person is in danger because of age, health, mental or physical disability, environment or weather conditions, that the person is in the company of a potentially dangerous person, or that there are other factors indicating that the person may be in peril.
- (e) There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person.

318.10.2 PROCEDURE FOR FEATHER ALERT

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

Victim and Witness Assistance

319.1 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.

319.2 POLICY

The Orange Police Department is committed to providing guidance and assistance to the victims and witnesses of crime. The employees of the Orange 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.

319.3 CRIME VICTIM LIAISON

The Chief of Police shall appoint personnel of the Department to serve as the crime victim liaison (refer to the California Code of Regulations). The crime victim liaison will be the point of contact for individuals requiring further assistance or information from the Orange Police Department regarding benefits from crime victim resources. This person shall also be responsible for maintaining compliance with all legal mandates related to crime victims and/or witnesses.

319.3.1 CRIME VICTIM LIAISON DUTIES

The crime victim liaison is specifically tasked with the following:

- (a) Developing and implementing written procedures for notifying and providing forms for filing with the California Victim Compensation Board (CalVCB) to crime victims, their dependents, or family. Access to information or an application for victim compensation shall not be denied based on the victim's or derivative victim's designation as a gang member, associate, or affiliate, or on the person's documentation or immigration status (Government Code § 13962; 2 CCR 649.35; 2 CCR 649.36).
- (b) Responding to inquiries concerning the procedures for filing a claim with CalVCB (2 CCR 649.36).
- (c) Providing copies of crime reports requested by CalVCB or victim witness assistance centers. Disclosure of reports must comply with the Records Maintenance and Release Policy.
- (d) Annually providing CalVCB with the crime victim liaison's contact information (Government Code § 13962).
- (e) Developing in consultation with sexual assault experts a sexual assault victim card explaining the rights of victims under California law (Penal Code § 680.2).
 1. Ensuring that sufficient copies of the rights of sexual assault victim card are provided to each provider of medical evidentiary examinations or physical examinations arising out of sexual assault in the Orange Police Department jurisdiction (Penal Code § 680.2).

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

319.4 CRIME VICTIMS

Officers should provide all victims with the applicable victim information handouts.

Officers should never guarantee a victim's safety from future harm but may make practical safety suggestions to victims who express fear of future harm or retaliation. Officers should never guarantee that a person qualifies as a victim for the purpose of compensation or restitution but may direct him/her to the proper written department material or available victim resources.

319.4.1 VICTIMS OF HUMAN TRAFFICKING

Officers investigating or receiving a report involving a victim of human trafficking shall inform the victim, or the victim's parent or guardian if the victim is a minor, that upon the request of the victim the names and images of the victim and his/her immediate family members may be withheld from becoming a matter of public record until the conclusion of the investigation or prosecution (refer to the California Penal Code).

319.5 VICTIM INFORMATION

The Administrative Services Supervisor shall ensure that victim information handouts are available and current. These should include as appropriate:

- (a) Shelters and other community resources for victims of domestic violence.
- (b) Community resources for victims of sexual assault.
- (c) Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams, and information about evidence collection, storage, and preservation in sexual assault cases (34 USC § 10449; 34 USC § 20109; Penal Code § 13823.95(a)).
- (d) An explanation that victims of sexual assault who seek a standardized medical evidentiary examination shall not be required to participate or agree to participate in the criminal justice system, either prior to the examination or at any other time (Penal Code § 13823.95(b)).
- (e) An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.
- (f) A clear explanation of relevant court orders and how they can be obtained.
- (g) Information regarding available compensation for qualifying victims of crime (Government Code § 13962).
- (h) VINE® information (Victim Information and Notification Everyday), including the telephone number and whether this free service is available to allow victims to check

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on an offender's custody status and to register for automatic notification when a person is released from jail.

- (i) Notice regarding U visa and T visa application processes.
- (j) Resources available for victims of identity theft.
- (k) A place for the officer's name, badge number, and any applicable case or incident number.
- (l) The "Victims of Domestic Violence" card containing the names, phone numbers, or local county hotlines of local shelters for battered women and rape victim counseling centers within the county and their 24-hour counseling service telephone numbers (Penal Code § 264.2).
- (m) The rights of sexual assault victims card with the required information as provided in Penal Code § 680.2.
- (n) Any additional information required by state law (Penal Code § 13701; Penal Code § 679.02; Penal Code § 679.04; Penal Code § 679.05; Penal Code § 679.026).

319.6 WITNESSES

Officers should never guarantee a witness' safety from future harm or that his/her identity will always remain confidential. Officers may make practical safety suggestions to witnesses who express fear of future harm or retaliation.

Officers should investigate allegations of witness intimidation and take enforcement action when lawful and reasonable.

Hate Crimes

320.1 POLICY

It is the policy of this department to safeguard the rights of all individuals irrespective of their disability, gender, nationality, race or ethnicity, religion, sexual orientation, and/or association with a person or group with one or more of these actual or perceived characteristics. Any acts or threats of violence, property damage, harassment, intimidation, or other crimes motivated by hate or bias should be viewed very seriously and given high priority.

This department will employ reasonably available resources and vigorous law enforcement action to identify and arrest hate crime perpetrators. Also, recognizing the particular fears and distress typically suffered by victims, the potential for reprisal and escalation of violence, and the far-reaching negative consequences of these crimes on the community, this department should take all reasonable steps to attend to the security and related concerns of the immediate victims and their families as feasible.

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

320.2 PURPOSE AND SCOPE

This policy is designed to assist in identifying and handling crimes motivated by hate or other bias toward individuals and groups with legally defined protected characteristics, to define appropriate steps for assisting victims, and to provide a guide to conducting related investigations. It outlines the general policy framework for prevention, response, accessing assistance, victim assistance and follow-up, and reporting as related to law enforcement's role in handling hate crimes. It also serves as a declaration that hate crimes are taken seriously and demonstrates how the Orange Police Department may best use its resources to investigate and solve an offense, in addition to building community trust and increasing police legitimacy (Penal Code § 13519.6).

320.2.1 DEFINITION AND LAWS

In accordance with Penal Code § 422.55; Penal Code § 422.56; Penal Code § 422.6; and Penal Code § 422.87, for purposes of all other state law, unless an explicit provision of law or the context clearly requires a different meaning, the following shall apply:

Bias motivation - Bias motivation is a pre-existing negative attitude toward actual or perceived characteristics referenced in Penal Code § 422.55. Depending on the circumstances of each case, bias motivation may include but is not limited to hatred, animosity, resentment, revulsion, contempt, unreasonable fear, paranoia, callousness, thrill-seeking, desire for social dominance, desire for social bonding with those of one's "own kind," or a perception of the vulnerability of the victim due to the victim being perceived as being weak, worthless, or fair game because of a protected characteristic, including but not limited to disability or gender.

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Disability - Disability includes mental disability and physical disability as defined in Government Code § 12926, regardless of whether those disabilities are temporary, permanent, congenital, or acquired by heredity, accident, injury, advanced age, or illness.

Disability bias - In recognizing suspected disability-bias hate crimes, officers should consider whether there is any indication that the perpetrator was motivated by hostility or other bias, occasioned by factors such as but not limited to dislike of persons who arouse fear or guilt, a perception that persons with disabilities are inferior and therefore “deserving victims,” a fear of persons whose visible traits are perceived as being disturbing to others, or resentment of those who need, demand, or receive alternative educational, physical, or social accommodations.

In recognizing suspected disability-bias hate crimes, officers should consider whether there is any indication that the perpetrator perceived the victim to be vulnerable and, if so, if this perception is grounded, in whole or in part, in anti-disability bias. This includes but is not limited to situations where a perpetrator targets a person with a particular perceived disability while avoiding other vulnerable-appearing persons, such as inebriated persons or persons with perceived disabilities different from those of the victim. Such circumstances could be evidence that the perpetrator's motivations included bias against persons with the perceived disability of the victim and that the crime must be reported as a suspected hate crime and not a mere crime of opportunity.

Gender - Gender means sex and includes a person's gender identity and gender expression.

Gender expression-Gender expression means a person's gender-related appearance and behavior, whether or not stereotypically associated with the person's assigned sex at birth.

Gender identity - Gender identity means each person's internal understanding of their gender, or the perception of a person's gender identity, which may include male, female, a combination of male and female, neither male nor female, a gender different from the person's sex assigned at birth, or transgender (2 CCR § 11030).

Hate crime - “Hate crime” includes but is not limited to a violation of Penal Code § 422.6, and means a criminal act committed, in whole or in part, because of one or more of the following actual or perceived characteristics of the victim:

- (a) Disability
- (b) Gender
- (c) Nationality
- (d) Race or ethnicity
- (e) Religion
- (f) Sexual orientation
- (g) Association with a person or group with one or more of these actual or perceived characteristics:

1. “Association with a person or group with these actual or perceived characteristics” includes advocacy for, identification with, or being on the ground owned or rented by, or adjacent to, any of

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the following: a community center, educational facility, family, individual, office, meeting hall, place of worship, private institution, public agency, library, or other entity, group, or person that has, or is identified with people who have, one or more of those characteristics listed in the definition of “hate crime” under paragraphs 1 to 6, inclusive, of Penal Code § 422.55(a).

Note: A “hate crime” need not be motivated by hate but may be motivated by any bias against a protected characteristic.

Hate incident - A hate incident is an action or behavior motivated by hate or bias but legally protected by the First Amendment right to freedom of expression. Examples of hate incidents include:

- Name-calling
- Insults and epithets
- Distributing hate material in public places
- Displaying hate material on your own property

Hate speech - The First Amendment to the U.S. Constitution protects most speech, even when it is disagreeable, offensive, or hurtful. The following types of speech are generally not protected:

- Fighting words
- True threats
- Perjury
- Blackmail
- Incitement to lawless action
- Conspiracy
- Solicitation to commit any crime

In whole or in part - “In whole or in part because of” means that the bias motivation must be a cause in fact of the offense whether or not other causes also exist. When multiple concurrent motives exist, the prohibited bias must be a substantial factor in bringing about the particular result. There is no requirement that the bias be a main factor, or that a crime would not have been committed but for the actual or perceived characteristic.

Nationality - Nationality includes citizenship, country of origin, and national origin.

Race or ethnicity - Race or ethnicity includes ancestry, color, and ethnic background.

Religion - Religion includes all aspects of religious belief, observance, and practice and includes agnosticism and atheism.

Sexual orientation - Sexual orientation means heterosexuality, homosexuality, or bisexuality.

Victim - Victim includes but is not limited to:

- Community center

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- Educational facility
- Entity
- Family
- Group
- Individual
- Office
- Meeting hall
- Person
- Place of worship
- Private institution
- Public agency
- Library
- Other victim or intended victim of the offense

320.3 PLANNING AND PREVENTION

In order to facilitate the guidelines contained within this policy, department employees will continuously work to build and strengthen relationships with the community, engage in dialogue, and provide education to the community about this policy. Department personnel are also encouraged to learn about the inherent issues concerning their communities in relation to hate crimes.

Although hate incidents are not criminal events, they can be indicators of, or precursors to, hate crimes. Hate incidents should be investigated and documented as part of an overall strategy to prevent hate crimes.

320.3.1 CRIMES AGAINST PERSONS UNIT SERGEANT

A department employee appointed by the Chief of Police or the authorized designee will serve as the Crimes Against Persons Unit Sergeant (C.A.P.). The responsibilities of the C.A.P. Unit Sergeant should include but not be limited to (Penal Code § 422.87):

- (a) Meeting with residents in target communities to allay fears; emphasizing the department's concern over hate crimes and related incidents; reducing the potential for counter-violence; and providing safety, security, and crime-prevention information. Cultural diversity education and immersion programs (if available) could facilitate this process.
- (b) Finding, evaluating, and monitoring public social media sources to identify possible suspects in reported hate crimes; to identify suspects or suspect groups in future hate crimes or hate incidents affecting individuals, groups, or communities that may be victimized; and to predict future hate-based events.

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- (c) Providing direct and referral assistance to the victim and the victim's family.
- (d) Conducting public meetings on hate crime threats and violence in general.
- (e) Establishing relationships with formal community-based organizations and leaders.
- (f) Expanding, where appropriate, preventive programs such as hate, bias, and crime-reduction seminars for students.
- (g) Reviewing the Attorney General's latest opinion on hate crime statistics and targets in order to prepare and plan for future crimes, specifically for Arab/Middle Eastern and Muslim communities (Penal Code § 13519.6(b)(8)).
- (h) Providing orientation of and with communities of specific targeted victims such as immigrants, Muslims, Arabs, LGBTQ, black or African-American, Jewish, Sikh, and persons with disabilities.
- (i) Coordinating with the C.A.P. Unit Sergeant to include in a training plan recognition of hate crime bias characteristics, including information on general underreporting of hate crimes.
- (j) Verifying a process is in place to provide this policy and related orders to officers in the field; and taking reasonable steps to rectify the situation if such a process is not in place.
- (k) Taking reasonable steps to ensure hate crime data is provided to the Records Bureau for mandated reporting to the Department of Justice.
 - 1. Ensure the California Department of Justice crime data is posted monthly on the department website (Penal Code § 13023).
- (l) Reporting any suspected multi-mission extremist crimes to the agency Terrorism Liaison Officer, the assigned designee, or other appropriate resource; and verifying that such data is transmitted to the Joint Regional Information Exchange System in accordance with the protocols of the Records Bureau Policy.
- (m) Maintaining the department's supply of up-to-date hate crimes brochures (Penal Code § 422.92; Penal Code § 422.87).
- (n) Annually assessing this policy, including:
 - 1. Keeping abreast of the Commission on Peace Officer Standards and Training (POST) model policy framework for hate crimes for revisions or additions, including definitions, responsibilities, training resources, and planning and prevention methods.
 - 2. Analysis of the department's data collection as well as the available outside data (e.g., annual California Attorney General's report on hate crime) in preparation for and response to future hate crimes.

320.3.2 RELEASE OF INFORMATION

Establishing a relationship with stakeholders, before any incident occurs, to develop a network and protocol for disclosure often assists greatly in any disclosure.

The benefit of public disclosure of hate crime incidents includes:

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- (a) Dissemination of correct information.
- (b) Assurance to affected communities or groups that the matter is being properly and promptly investigated.
- (c) The ability to request information regarding the commission of the crimes from the victimized community.

Information or records relating to hate crimes subject to public disclosure shall be released as provided by the Records Maintenance and Release Policy or as allowed by law. In accordance with the Media Relations Policy, the supervisor, public information officer, or the authorized designee should be provided with information that can be responsibly reported to the media. When appropriate, the department spokesperson should reiterate that hate crimes will not be tolerated, will be investigated seriously, and will be prosecuted to the fullest extent of the law.

The Department should consider the following when releasing information to the public regarding hate crimes and hate incidents that have been reported within the jurisdiction:

- Inform community organizations in a timely manner when a community group has been the target of a hate crime.
- Inform the community of the impact of these crimes on the victim, the victim's family, and the community, and of the assistance and compensation available to victims.
- Inform the community regarding hate crime law and the legal rights of, and remedies available to, victims of hate crimes.
- Provide the community with ongoing information regarding hate crimes and/or hate incidents.

320.4 INVESTIGATION

Investigators at the scene of, or performing follow-up investigation on, a suspected hate or bias crime or hate incident should take all actions deemed reasonably necessary, including but not limited to the following:

- (a) Consider typologies of perpetrators of hate crimes and incidents, including but not limited to thrill, reactive/defensive, and mission (hard core).
- (b) Utilize investigative techniques and methods to handle hate crimes or hate incidents in a professional manner.
- (c) Utilize proper techniques for interviewing people with disabilities and be aware of and provide appropriate accommodations (e.g., ADA standards, Braille, visuals, translators for the deaf or hard of hearing).
- (d) Properly investigate any report of a hate crime committed under the color of authority per Penal Code § 422.6 and Penal Code § 13519.6.
- (e) Document physical evidence or indicators of hate crimes, in accordance with the provisions of the Property and Evidence Policy, such as:
 - 1. Hate literature.
 - 2. Spray paint cans.

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3. Threatening letters.
 4. Symbols used by hate groups.
 5. Desecration of religious symbols, objects, or buildings.
- (f) Request the assistance of translators or interpreters when needed to establish effective communication.
- (g) Conduct a preliminary investigation and record information regarding: Identity of suspected perpetrators.
1. Identity of suspected perpetrators.
 2. Identity of witnesses, including those no longer at the scene.
 3. Offer of victim confidentiality per Government Code § 5264.
 4. Prior occurrences, in this area or with this victim.
 5. Statements made by suspects; exact wording is critical.
 6. Document the victim's protected characteristics.
- (h) Provide victim assistance and follow-up.
- (i) Canvass the area for additional witnesses.
- (j) Examine suspect's social media activity for potential evidence of bias motivation.
- (k) Coordinate the investigation with department, state, and regional intelligence operations. These sources can provide the investigator with an analysis of any patterns, organized hate groups, and suspects potentially involved in the offense.
- (l) Coordinate the investigation with the crime scene investigation unit (if applicable) or other appropriate units of the Department.
- (m) Determine if the incident should be classified as a hate crime.
- (n) Take reasonable steps to provide appropriate assistance to hate crime victims, including the following measures:
1. Contact victims periodically to determine whether they are receiving adequate and appropriate assistance.
 2. Provide ongoing information to victims about the status of the criminal investigation.
 3. Provide victims and any other interested persons the brochure on hate crimes per Penal Code § 422.92 and information on any local advocacy groups (if asked).
- (o) Document any suspected multi-mission extremist crimes.
- (p) Coordinate with other law enforcement agencies in the area to assess patterns of hate crimes and/or hate incidents, and determine if organized hate groups are involved.

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320.5 SUPERVISION

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

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

1. Expressing the department's official position on the importance of these cases and the measures that will be taken to apprehend the perpetrators.
2. Expressing the department's interest in protecting victims' anonymity (confidentiality forms, Government Code § 6254) to the extent reasonably possible. Allow the victims to convey their immediate concerns and feelings.
3. Identifying individuals or agencies that may provide victim assistance and support. Local victim assistance resources may include family members or close acquaintances, clergy, or a department chaplain, as well as community service agencies that provide shelter, food, clothing, child care, or other related services (per Penal Code § 422.92).

(b) Take reasonable steps to ensure that all relevant facts are documented on an incident and/or arrest report and make an initial determination as to whether the incident should be classified as a hate crime for federal and state bias-crimes reporting purposes.

(c) Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.

(d) In cases of large-scale hate crime waves, or in circumstances where the potential exists for subsequent hate crimes or incidents, consider directing resources to protect vulnerable sites (such as assigning an officer to specific locations that could become targets).

(e) Verify hate crimes are being properly reported, including reporting to the Department of Justice, pursuant to Penal Code § 13023.

(f) Verify adherence to Penal Code § 422.93, which protects hate crime victims and witnesses from being reported to federal immigration authorities if they have not committed any crime under state law. Supervisors should also be aware of the immigration remedies available to victims of crime (e.g., U-Visa, T-Visa, S-Visa).

(g) Respond to and properly initiate an investigation of any reports of hate crimes committed under the color of authority.

(h) Provide appropriate assistance, including activating the California Department of Justice hate crime rapid response protocol if necessary. For additional information refer to the California Department of Justice website.

(i) Verify reporting of any suspected multi-mission extremist crimes to the agency Hate Crimes Coordinator.

(j) Make a final determination as to whether the incident should be classified as a hate crime and forward to the Chief of Police for approval.

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320.6 INVESTIGATIVE SERVICES DIVISION'S RESPONSIBILITY

If a hate crime case is assigned to the Investigative Services Division, the assigned detective will be responsible for:

- (a) Coordinating further investigation with the District Attorney and other appropriate law enforcement agencies.
- (b) Maintaining contact with the victims and other individuals, as needed.
- (c) Maintaining statistical data and tracking on suspected hate crimes as indicated for required reporting to the Attorney General (refer to the California Penal Code). 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 Public 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.

320.7 RESPONSE, VICTIM ASSISTANCE, AND FOLLOW-UP

320.7.1 INITIAL RESPONSE

First responding officers should know the role of all department personnel as they relate to the department's investigation of hate crimes and/or incidents. Responding officers should evaluate the need for additional assistance and, working with supervision and/or investigations, access needed assistance if applicable.

At the scene of a suspected hate or bias crime, officers should take preliminary actions reasonably deemed necessary, including but not limited to the following:

- (a) Use agency checklist (per Penal Code § 422.87) to assist in the investigation of any hate crime (see Appendix).
- (b) Stabilize the victims and request medical attention when necessary.
- (c) Properly protect the safety of victims, witnesses, and perpetrators.
 1. Assist victims in seeking a Temporary Restraining Order (if applicable).
- (d) Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.
- (e) Properly protect, preserve, and process the crime scene, and remove all physical evidence of the incident as soon as possible after the offense is documented. If evidence of an inflammatory nature cannot be physically removed, the property owner should be contacted to facilitate removal or covering as soon as reasonably possible. Department personnel should follow up with the property owner to determine if this was accomplished in a timely manner.

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- (f) Collect and photograph physical evidence or indicators of hate crimes such as:
 - 1. Hate literature.
 - 2. Spray paint cans.
 - 3. Threatening letters.
 - 4. Symbols used by hate groups.
- (g) Identify criminal evidence on the victim.
- (h) Request the assistance of translators or interpreters when needed to establish effective communication with witnesses, victims, or others as appropriate.
- (i) Conduct a preliminary investigation and record pertinent information including but not limited to:
 - 1. Identity of suspected perpetrators.
 - 2. Identity of witnesses, including those no longer at the scene.
 - 3. The offer of victim confidentiality per Government Code § 6254.
 - 4. Prior occurrences in this area or with this victim.
 - 5. Statements made by suspects; exact wording is critical.
 - 6. The victim's protected characteristics and determine if bias was a motivation "in whole or in part" in the commission of the crime.
- (j) Adhere to Penal Code § 422.93, which protects hate crime victims and witnesses from being reported to federal immigration authorities if they have not committed any crime under state law.
- (k) Provide information regarding immigration remedies available to victims of crime (e.g., U-Visa, T-Visa, S-Visa).
- (l) Provide the department's Hate Crimes Brochure (per Penal Code § 422.92) if asked, if necessary, or per policy.
- (m) Utilize proper techniques for interviewing people with disabilities and be aware of and provide appropriate accommodations (e.g., ADA standards, Braille, visuals, translators for the deaf or hard of hearing).
- (n) Document any suspected multi-mission extremist crimes.

320.8 TRAINING

All employees of this department will receive POST-approved training on hate crime recognition and investigation as provided by Penal Code § 13519.6. Training should include (Penal Code § 422.87):

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

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- (c) Distribution of hate crime brochures.

320.9 APPENDIX

See attachments:

[Statutes and Legal Requirements.pdf](#)

[Hate Crime Checklist.pdf](#)

Standards of Conduct

321.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the Orange Police Department and are expected of all department personnel. 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, personnel 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 an employee's supervisors.

321.2 POLICY

The continued employment or appointment of every employee of the Orange 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.

321.2.1 DISCIPLINARY STANDARD

- (a) Any employee of the police department (including part-time employees and reserves) may be disciplined whenever the employee's job performance or job-related misconduct so warrants.
- (b) The "just cause" for such disciplinary action shall include, but is not limited to, incompetence, commission of a criminal offense, inefficiency, dishonesty, neglect of duty, misconduct, insubordination, conduct which tends to reflect unfavorably upon the employee, department, or city, or failure to observe departmental or city policies, procedures, rules, and/or regulations, except as provided in the California Government Code. The specific charge against an employee must be directly related to the employee's duties and, if off-duty, they must be related to an act or acts that materially may affect the employee's ability to perform the duties assigned or required or which are indicative of unfitness for his/her position. No sworn employee may be suspended, demoted, transferred for punitive reasons or dismissed from his/her position for an act or acts of misconduct unless such employee is "officially charged" with the misconduct within one year after the misconduct comes to the attention of the Chief of Police.
 1. **Officially Charged** - For purposes of this section, means that point in time at the completion of all disciplinary procedures, when the appointing authority or his/her designee, serves the employee with a statement of the sustained allegations of misconduct and the penalty, if applicable.

321.3 DIRECTIVES AND ORDERS

Personnel 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.

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

Unless it would jeopardize the safety of any individual, employees 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 employee is obliged to comply. Employees 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.

The person countermanding the original order shall notify, in writing, the person issuing the original order, indicating the action taken and the reason.

321.3.2 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 an employee to their 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 employee for malicious or other improper purpose.

321.4 GENERAL STANDARDS

Employees 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.

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

321.4.1 UNFAVORABLE SUPERVISOR LOGS

On occasion, employees may receive Unfavorable Supervisor Logs for violation of department policy and/or procedures. Unfavorable Supervisor Logs shall not include language, which admonishes an employee that "further actions and/or in actions of this type may lead to further discipline up to, and including termination." The employee will be provided the original Supervisor Log that contains the entry of the Unfavorable Supervisor Log item. The employee shall read be given the opportunity to read and initial the log entry (also refer to the Personnel Records policy). Copies of the Unfavorable Supervisor Log will be provided to the employee and placed in the employee's Division File. The original Supervisor Log shall then be filed in the Supervisor Log Files under the name of the supervisor who authored it.

Employees will be given the opportunity to write a rebuttal letter to the Unfavorable Supervisor Log within 30 days of receiving the document. The rebuttal letter from the employee shall be attached to the copy of the Unfavorable Supervisor Log maintained in the Division File.

When a supervisor writes an evaluation for an employee, who has an Unfavorable Supervisor Log, the supervisor will not refer to the log item per se; but instead, will only discuss the information that was contained within the log item. At the time of completing the employee's evaluation, the supervisor may remove any Unfavorable Supervisor Logs (over one year old) from the Division File and return it to the employee. It will ultimately be the responsibility of the employee to ensure that Unfavorable Supervisor Logs, over one year old, are removed from Division, Department, and/or Personnel Files.

321.5 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:

321.5.1 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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321.5.2 ETHICS

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

321.5.3 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.

321.5.4 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 employee 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 employee knows, or reasonably should know of such criminal activities, except as specifically directed and authorized by this department.
- (f) Participation in a law enforcement gang as defined by Penal Code § 13670. Participation is grounds for termination (Penal Code § 13670).

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321.5.5 ATTENDANCE

- (a) Leaving the job to which the employee is assigned during duty hours without reasonable excuse and proper permission and approval.
- (b) Unexcused or unauthorized absence or tardiness.
- (c) Excessive absenteeism or abuse of leave privileges.
- (d) Failure to report to work or to place of assignment at time specified and fully prepared to perform duties without reasonable excuse.

321.5.6 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 employee's position with this department.
 - (a) Employees of this department shall not disclose the name, address or image of any victim of human trafficking except as authorized by law (refer to the California Penal Code).
- (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 Orange Police Department badge, uniform, identification card or department property for personal use, personal gain or any other improper or unauthorized use or purpose.
- (e) Using department resources in association with any portion of an independent civil action. These resources include, but are not limited to, personnel, vehicles, equipment and nonsubpoenaed records.

321.5.7 EFFICIENCY

- (a) Neglect of duty.
- (b) Unsatisfactory work performance including but not limited to failure, incompetence, inefficiency, or delay in performing and/or carrying out proper orders, work assignments, or the instructions of supervisors without a reasonable and bona fide excuse.
- (c) Concealing, attempting to conceal, removing, or destroying defective or incompetent work.
- (d) Unauthorized sleeping during on-duty time or assignments.
- (e) Failure to notify the Department within 24 hours of any change in residence address or contact numbers.

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- (f) Failure to notify the Human Resources and Employee Relations Department of changes in relevant personal information (e.g., information associated with benefits determination) in a timely fashion.

321.5.8 PERFORMANCE

- (a) Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any workrelated investigation.
- (b) The falsification of any work-related records, making misleading entries or statements with the intent to deceive or the willful and unauthorized removal, alteration, destruction and/or mutilation of any department record, public record, book, paper or document.
- (c) Failure to participate in, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any departmentrelated 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 employees.
- (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 employees.
- (f) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:
 - (a) While on department premises.
 - (b) At any work site, while on duty or while in uniform, or while using any department equipment or system.
 - (c) Gambling activity undertaken as part of an officer official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.
- (g) Improper political activity including:
 - (a) Unauthorized attendance while on duty at official legislative or political sessions.
 - (b) 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.

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321.5.9 CONDUCT

- (a) Failure of any employee to promptly and fully report activities on his/her part or the part of any other employee where such activities resulted in contact with any other law enforcement agency or that may result in criminal prosecution or discipline under this policy.
- (b) Unreasonable and unwarranted force to a person encountered or a person under arrest.
- (c) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.
- (d) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily harm on another.
- (e) Engaging in horseplay that reasonably could result in injury or property damage.
- (f) Discourteous, disrespectful or discriminatory treatment of any member of the public or any employee 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 employee'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 an employee's conditions of employment or appointment as established by law or that violates a provision of any memorandum of understanding or contract to include fraud in securing the appointment or hire.
- (l) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without first notifying the Chief of Police of such action.
- (m) Any other on or off duty conduct which any employee knows or reasonably should know is unbecoming an employee of this department, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this department or its employees.

321.5.10 SAFETY

- (a) Failure to observe or violating department safety standards or safe working practices.
- (b) Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver license, first aid).
- (c) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.

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- (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 employee'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.

321.5.11 INTOXICANTS

- (a) Reporting for work or being at work while intoxicated or when the employee's ability to perform assigned duties is impaired due to the use of alcoholic beverages, cannabis, marijuana, THC-related products, medication or drugs, whether legal, prescribed or illegal.
- (b) Possession or use of an alcoholic beverage at any work site or while on-duty, except as authorized in the performance of an official assignment. An employee 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, cannabis, marijuana, THC-related products to any work site.

Information Technology Use

322.1 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.

322.1.1 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 Orange Police Department that are provided for official use by its employees. 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.

322.2 POLICY

It is the policy of the Orange Police Department that employees 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.

322.3 PRIVACY EXPECTATION

Employees 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 an employee 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).

322.3.1 NO EXPECTATION OF CONFIDENTIALITY OR PRIVACY

- (a) Employees who use electronic systems and/or communication devices provided by the city are not guaranteed privacy. Access to the system or to an employee's data or files will allow the viewing of all stored contents of all files and messages, regardless of an indication as to their confidentiality. This does not apply to data, files or messages subject to the attorney/client privilege or other statutory privileges the city may assert.
- (b) In the course of maintaining the technical operation of the system, the system administrator may view internally stored data, which would expose the contents or portions of data, files and messages in the system.
- (c) Employees should delete items not necessary for the ordinary course of city business on a daily basis. Employees should be aware that due to technical aspects of the city's electronic system, the system administrator can retrieve electronic data even though the employee and/or the receiver have deleted it.
- (d) Employees should be aware that the use of individual passwords for access to personal computers does not guarantee confidentiality or privacy of data. The system administrator has the ability to override passwords and to access data and information from any of the city's systems.

322.4 RESTRICTED USE

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

Employees 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.

322.4.1 SOFTWARE

Employees shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes in accordance with the software company's copyright and license agreement.

To reduce the risk of a computer virus or malicious software, employees shall not install any unlicensed or unauthorized software on any department computer. Employees shall not install personal copies of any software onto any department computer.

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.

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No employee 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 employees 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.

322.4.2 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 employees 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.

322.4.3 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 an employee's assignment.

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

322.5 PROTECTION OF AGENCY SYSTEMS AND FILES

All employees 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.

Employees 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.

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It is prohibited for an employee to allow an unauthorized user to access the computer system at any time or for any reason. Employees shall promptly report any unauthorized access to the computer system or suspected intrusion from outside sources (including the Internet) to a supervisor.

322.6 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 employees or a employee'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.

322.7 PROCUREMENT OF ELECTRONIC HARDWARE AND SOFTWARE

All computer hardware, software, cabling or related automation acquisitions are to be in conformance with city standards, prepared as required and reviewed by the system administrator.

322.8 NETWORK AND SYSTEM ACCESS

The police department shall complete and submit a Network Access form approved by the Chief of Police to Personnel Services for the creation of employee network and system access. Likewise, the Personnel and Training Bureau shall complete and submit a Network Access form approved by the Chief of Police to the Personnel Department to remove network and/or system access, as required.

322.8.1 REMOTE ACCESS

Remote access to city systems must be in accordance with the city's Virtual Private Network Policy (VPN), which is managed by the City's Computer Services Department. Employees and authorized third parties must read and sign the VPN Policy along with completing the VPN Access Request form. Both the policy and the form require the signature of the employee's division commander and must then be returned to the Computer Services Department. For a copy of the Virtual Private Network Policy and VPN Access Request form, please contact Computer Services.

Report Preparation

323.1 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.

323.1.1 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.

323.2 REQUIRED REPORTING

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

323.2.1 CRIMINAL ACTIVITY

When a member responds to a call for service, or as a result of self-initiated activity becomes aware of any activity where a crime has occurred, the member shall document the incident regardless of whether a victim desires prosecution. Activity to be documented in a written report includes:

- (a) All arrests
- (b) All felony crimes
- (c) Non-Felony incidents involving threats or stalking behavior
- (d) Situations covered by separate policy. These include:
 - 1. Use of Force Policy
 - 2. Domestic Violence Policy

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3. Child Abuse Policy
4. Senior and Disability Victimization Policy
5. Hate Crimes Policy
6. Suspicious Activity Reporting Policy

- (e) All misdemeanor crimes where the victim desires a report

Misdemeanor crimes where the victim does not desire a report shall be documented using the department-approved alternative reporting method (e.g., dispatch log).

323.2.2 NON-CRIMINAL ACTIVITY

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

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

323.2.3 DEATH CASES

Death investigations require specific investigation methods depending on circumstances and should be handled in accordance with the Death Investigations Policy. The handling officer should notify and apprise a supervisor of the circumstances surrounding the incident to determine how to proceed. The following cases shall be appropriately investigated and documented using the approved report:

- (a) Sudden or accidental deaths.
- (b) Suicides.
- (c) Homicide or suspected homicide.
- (d) Unattended deaths (No physician or qualified hospice care in the 20 days preceding death).

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- (e) Found dead bodies or body parts.

323.2.4 INJURY OR DAMAGE BY CITY PERSONNEL

If Orange Police Department personnel are requested by other city department personnel to take a report, then a supervisor shall be notified and determine if a report is necessary.

323.2.5 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.

323.2.6 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, on a form provided by the state. Forms may be obtained from the CDPH website (refer to the California Penal Code).

323.2.7 ALTERNATE REPORTING FOR VICTIMS

Reports that may be submitted by the public via online or other self-completed reporting processes as available to 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) Annoying telephone calls with no suspect information.
- (f) Identity theft without an identifiable suspect.
- (g) Hit-and-run vehicle collisions with no suspect or suspect vehicle.
- (h) Personnel 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. Personnel 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).

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323.3 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.

323.4 REPORT CORRECTIONS

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should return the report 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.

323.5 ALLOWING EMPLOYEES TO HOLD REPORTS FOR COMPLETION AT A LATER TIME

Only a supervisor can authorize someone to hold a report until the following day, and/or until their next shift. Supervisors should consider the following guidelines:

- (a) Incidents that involve death, significant injuries, missing children or at risk adults, large property loss, and issues that are of importance to the public, city government or the police department should not be held over,
- (b) Reports of higher importance and/or sensitivity should be completed in a timely manner to assist with follow-up investigations,
- (c) Adult in-custody Arrest Reports must be processed by the Records Bureau and submitted to the Court Liaison Officer prior to the 72-hour Arraignment Hearing,
- (d) In-custody juvenile arrest reports must be processed and submitted to Juvenile Hall within 24 hours of the arrest,
- (e) The complexity of the incident and whether it will be more effective for the employee to write the report sooner rather than later,
- (f) The number of hours the employee has been at work and their next scheduled shift,
- (g) Whether the employee will be taking extended leave before their next shift, their work history for completing reports in a timely manner and/or their history of unscheduled absences.

Ultimately, it is the discretion of the supervisor, considering any or all of the above guidelines, as to whether a report is allowed to be held for completion. Employees are required to complete reports whenever a supervisor desires it to be done. It is not necessary for the supervisor to inform the employee exactly which, if any, of the above criteria was considered when not allowing the report to be held for completion. If a report is allowed to be held, the supervisor should ensure that the employee is aware of exactly when the report shall be completed.

Media Relations

324.1 PURPOSE AND SCOPE

This policy provides guidelines for the release of official department information to the media. It also addresses coordinating media access to scenes of disasters, criminal investigations, emergencies, and other law enforcement activities.

324.2 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Chief of Police. In situations not warranting immediate notice to the Chief of Police and in situations where the Chief of Police has given prior approval, Division Commanders, Watch Commanders, and designated Public Information Officers (PIOs) may prepare and release information to the media in accordance with this policy and the applicable laws regarding confidentiality.

324.3 ACCESS

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

Access by the media is subject to the following conditions (Penal Code § 409.5(d)):

- (a) The media representative shall produce valid press credentials that shall be prominently displayed at all times while in areas otherwise closed to the public. Media representatives may not bring or facilitate the transport of an unauthorized person into a closed area unless it is for the safety of the person.
- (b) Media representatives may be prevented from interfering with emergency operations and criminal investigations.
 1. Based upon available resources, reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency or criminal investigation operations. All information released to the media should be coordinated through the PIO or other designated spokesperson.
- (c) No member of this department who is under investigation shall be subjected to media visits or interviews without the consent of the involved member (Government Code § 3303(e)).
- (d) Media interviews with individuals who are in custody should not be permitted without the approval of the Chief of Police and the express consent of the person in custody.

324.3.1 CRITICAL OPERATIONS

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

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324.3.2 TEMPORARY FLIGHT RESTRICTIONS

Whenever the presence of media or other aircraft pose a threat to public or employee safety or significantly hamper incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for a TFR should be routed through the Watch Commander. The TFR request should include specific information regarding the perimeter and altitude necessary for the incident and should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration (FAA) should be contacted (14 CFR 91.137).

324.4 POLICY

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

324.5 PROVIDING ADVANCE INFORMATION

To protect the safety and rights of department employees and other persons, advance information about planned actions by law enforcement personnel, such as movement of persons in custody or the execution of an arrest or search warrant, should not be disclosed to the media, nor should media representatives be invited to be present at such actions except with the prior approval of the Chief of Police.

Any exceptions to the above should only be considered for the furtherance of legitimate law enforcement purposes. Prior to approving any exception, the Chief of Police will consider, at a minimum, whether the release of information or presence of the media would unreasonably endanger any individual, prejudice the rights of any person, or is otherwise prohibited by law.

324.6 MEDIA REQUESTS

Any media request for information or access to a law enforcement incident shall be referred to the PIO, or if unavailable, to the first available supervisor. Prior to releasing any information to the media, 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 PIO.
- (b) In situations involving multiple agencies or government departments, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this department.
- (c) Under no circumstance should any employee of this department make any comments to the media regarding any law enforcement incident not involving this department without prior approval of the Chief of Police. Under these circumstances the employee should direct the media to the agency handling the incident.

324.7 CONFIDENTIAL OR RESTRICTED INFORMATION

It shall be the responsibility of the PIO to ensure that confidential or restricted information is not inappropriately released to the media (see the Records Maintenance and Release and Personnel

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Records policies). When in doubt, authorized and available legal counsel should be consulted prior to releasing any information.

324.7.1 EMPLOYEE INFORMATION

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

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

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

324.8 RELEASE OF INFORMATION

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

324.8.1 INFORMATION LOG

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

The daily information log will generally include:

- (a) The date, time, location, case number, type of crime, extent of injury or loss, and names of individuals involved in crimes occurring within this jurisdiction, unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation, or the information is confidential (e.g., juveniles or certain victims).
- (b) The date, time, location, case number, name, birth date, and charges for each person arrested by this department, unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation or the information is confidential (e.g., juveniles).
- (c) The time and location of other significant law enforcement activities or requests for service with a brief summary of the incident.

At no time shall identifying information pertaining to a juvenile arrestee (13 years of age and under), victim, or witness be publicly released without prior approval of a competent court. The identity of a minor 14 years of age or older shall not be publicly disclosed unless the minor has

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been arrested for a serious felony and the release of such information has been approved by the Watch Commander (Welfare and Institutions Code § 827.5).

Identifying information concerning deceased individuals shall not be released to the media until notification of next of kin or otherwise cleared through the Coroner.

Any requests for copies of related reports or additional information not contained in this log shall be referred to the designated department media representative, the custodian of records, or if unavailable, to the Watch Commander. Such requests will generally be processed in accordance with the provisions of the Public Records Act (see the Records Maintenance and Release Policy).

Subpoenas and Court Appearances

325.1 PURPOSE AND SCOPE

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

325.2 POLICY

Orange Police Department members will respond appropriately to all subpoenas and any other court-ordered appearances.

325.3 SUBPOENAS

Only department personnel authorized to receive a subpoena on behalf of this department or any of its employees 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 (refer to the California Government Code and California Penal Code).

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 (refer to the California Government Code).

An immediate supervisor or authorized individual may refuse to accept service for a criminal subpoena if (refer to the California Penal Code):

- (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 (refer to the California Penal Code).

325.3.1 SPECIAL NOTIFICATION REQUIREMENTS

Any employee 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 employees, 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 an employee 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 employee is called to testify or provide information on behalf of the defense.
- (d) Any civil action stemming from the employee's on-duty activity or because of his/her association with the Orange Police Department.
- (e) Any personal or disciplinary matter when called to testify or to provide information by a government entity other than the Orange 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 employee shall be retaliated against for testifying in any matter.

325.3.2 CIVIL SUBPOENA

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

325.3.3 OFF-DUTY RELATED SUBPOENAS

Personnel 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.

325.4 FAILURE TO APPEAR

Any employee 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.

325.4.1 COURT OVERTIME FORM (OPD FORM O-5)

- (a) Each employee has the responsibility to complete the overtime form indicating if an actual court appearance was made or "on-call" status only. The completed form is then submitted to a supervisor on or before the first regular workday following "on-call" or the court appearance.
- (b) **Front side** - required entries by employee:
 1. Name,
 2. Method of payment (paid or accumulated),
 3. Hours worked,
 - (a) Enter the time arrived at court and time excused from court, plus 30 minute travel time.

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- (b) Court designated meals and break periods are compensated.
- 4. Indicate unit and/or division assignment,
- 5. Under "activity" mark "court."
- (c) **Reverse side** - required entries by employees:
 - (a) Court "on-call,"
 - (a) Enter the location of the court
 - (b) Enter the DR/citation number
 - (c) Enter the defendant's name
 - (b) Court.
 - (a) Enter the DR/citation number
 - (b) Enter the defendant's name
 - (c) Enter the disposition of the case, if known
 - (d) Check either "Testified" or "Did Not Testify"
- (d) Supervisor's Responsibilities:
 - 1. Review the overtime slip for accuracy and completeness,
 - 2. Enter signature in "Authorized By" space and forwards the form to the appropriate lieutenant for their review and signature.
- (e) Subpoena clerk's Responsibilities:
 - 1. Review the overtime slip for accuracy and completeness,
 - (a) If there is an inaccuracy on the overtime slip, return it to the lieutenant who approved the request, along with an explanation of the inaccuracy.
 - 2. If there are no inaccuracies, initial the overtime slip and send it to the time keeper for processing.

325.5 STANDBY

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

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

325.6 COURTROOM PROTOCOL

When appearing in court, personnel shall:

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- (a) Be punctual and prepared to proceed immediately with the case for which they are scheduled to appear.
- (b) Dress in the department uniform or business attire.
- (c) Observe all rules of the court in which they are appearing and remain alert to changes in the assigned courtroom where their matter is to be heard.

325.6.1 TESTIMONY

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

325.7 OVERTIME APPEARANCES

When an employee appears in court on his/her off-duty time, he/she will be compensated in accordance with the current memorandum of understanding or collective bargaining agreement.

Reserve Officers

326.1 PURPOSE AND SCOPE

The Orange 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.

326.1.1 RESERVE POLICE OFFICER STATUS SUMMARY

(a) **Level I Reserve Police Officer**

1. Per the California Penal Code
 - (a) Authority: 24 hours, or only for the duration of the person's specific shift
 - (b) Assignment: General law enforcement
 - (c) Supervision: Same as a regular police officer
 - (d) Training: Must complete; Regular Basic Academy (664 hours), Field Training Program (400 hours), and Continuous Professional Training of 24 hours every two years

(b) **Level II Reserve Police Officer**

- (a) Per the California Penal Code
 - (a) Authority: Only for the duration of the person's specific assignment
 - (b) Assignment: General law enforcement with limited support duties, which may include work assignments authorized for Level III reserve officers
 - (c) Supervision: Immediate supervision by a police officer or Level I reserve officer, who has completed the POST Regular Basic Course. Work assignments authorized for Level III reserve officers may be completed without immediate supervision
 - (d) Training: Level III and Level II Modules (386 hours), and Continuous Professional Training of 24 hours every two years

(c) **Level III Reserve Police Officer**

1. Per the California Penal Code
 - (a) Authority: Only for the duration of the person's assigned shift
 - (b) Assignment: Limited support duties, which includes traffic control, security at parades and sporting events, report writing, evidence transportation, parking enforcement and other duties that are not likely to result in physical arrests. May transport prisoners without immediate supervision
 - (c) Supervision: Supervised in the accessible vicinity by a Level I reserve officer, or a full-time regular officer employed by a law enforcement agency authorized to have reserve officers
 - (d) Training: Level III Module (162 hours).

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326.2 SELECTION AND APPOINTMENT OF POLICE RESERVE OFFICERS

The Orange 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.

326.2.1 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.

326.2.2 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.

326.2.3 COMPENSATION FOR POLICE RESERVE OFFICERS

Compensation for reserve officers is provided as follows:

All reserve officer appointees are issued two sets of uniforms and all designated attire and safety equipment. All property issued to the reserve officer shall be returned to the Department upon termination or resignation. Reserves shall receive a yearly uniform allowance equal to that of regular officers.

326.2.4 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 Human Resources and Employee Relations Department prior to an employee serving in a reserve or volunteer capacity (refer to the Code of Federal Regulations).

326.3 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 Field Services Division. Reserve officers may be assigned to other areas within the Department as needed. Reserve officers are required to work a minimum of 16 hours per month.

326.3.1 POLICY COMPLIANCE

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

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

326.3.2 RESERVE OFFICER ASSIGNMENTS

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

326.3.3 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

326.4 FIELD TRAINING

The California Penal Code 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.

326.4.1 TRAINING OFFICERS

Officers of this department, who demonstrate a desire and ability to train reserve officers, may train reserve officers subject to approval of the reserve coordinator.

326.4.2 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 personnel of the Field Training Officer (FTO) program.

326.4.3 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 Orange 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.

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326.4.4 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.

326.4.5 SECONDARY TRAINING PHASE

The Secondary Training Phase (Phase II) shall consist of a minimum of 100 hours of additional on-duty training. The reserve officer shall only ride with their assigned FTO, unless authorized otherwise by the reserve coordinator.

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.

326.4.6 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.

326.4.7 COMPLETION OF THE FORMAL TRAINING PROCESS

When a reserve officer has satisfactorily completed all three phases of formal training, he/she will no longer be required to ride with a reserve training officer.

326.5 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 (refer to the California Penal Code). 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.

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326.5.1 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 the California Penal Code 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 the California Penal Code for specific purposes and duration.

326.5.2 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.

326.5.3 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.

326.5.4 UNIFORM

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

326.5.5 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 Field Services Division Commander.

Reserve officers are considered at-will employees. The California Government Code 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.

326.5.6 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.

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326.6 FIREARMS REQUIREMENTS

The California Penal Code 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 the California Penal Code.

326.6.1 CARRYING WEAPON ON DUTY

The California Penal Code 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.

326.6.2 CONCEALED FIREARMS PROHIBITED

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

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

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

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

326.6.3 RESERVE OFFICER FIREARM TRAINING

All reserve officers are required to maintain proficiency with firearms used in the course of their assignments. Reserve officers shall comply with all areas of the firearms training section of the Policy Manual, with the following exceptions:

- (a) All reserve officers are required to qualify quarterly
- (b) Reserve officers may fire at the department approved range at least once each month and more often with the approval of the Reserve Coordinator
- (c) Should a reserve officer fail to qualify over a two-month period, that reserve officer will not be allowed to carry a firearm until he/she has reestablished his/her proficiency

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- (d) Complete Advanced Officer Training (AOT)

326.7 EMERGENCY CALL-OUT FOR RESERVE PERSONNEL

The reserve coordinator or designee shall develop a plan outlining an emergency call-out procedure for reserve personnel.

Outside Agency Assistance

327.1 PURPOSE AND SCOPE

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

327.1.1 ORANGE COUNTY CHIEFS OF POLICE AND SHERIFF'S ASSOCIATION OPERATIONAL AND PROCEDURAL PROTOCOL MANUAL

Whenever an officer or supervisor contemplates requesting the assistance of an outside agency, they should consult with the Operational and Procedural Protocol Manual, which was developed by the Orange County Chiefs of Police and Sheriff's Association. A copy of this manual is available in the Watch Commanders' Office.

- (a) Operational and Procedural Protocol Manual § 102, refers to the Inter-city Police Assistance Plan and includes such subjects as Code Alex, Code Charlie, 999 and the Cost of Inter-city Assistance.
- (b) Operational and Procedural Protocol Manual § 122, discusses the Master Mutual Aid Plan for Orange County.

327.1.2 INTER-CITY POLICE ASSISTANCE PLAN

Requests under this plan shall be made by the watch commander, or their designee. The initiating jurisdiction's highest ranking officer present at the scene shall be responsible for deployment of the assisting agencies' responding personnel. The use of trainees, academy recruits, or non-sworn personnel during any response under this plan shall be approved by a division commander or Chief of Police from the agency supplying such personnel.

327.2 HELICOPTER ASSISTANCE

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 such a request. 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.

- (a) The Anaheim Police Department, Huntington Beach Police Department, Orange County Sheriff's Department and the California Highway Patrol maintain helicopter units.

327.2.1 CIRCUMSTANCES WHEN HELICOPTER ASSISTANCE MAY BE REQUESTED

Police helicopters may be requested under any of the following conditions:

- (a) When a helicopter is activated under existing mutual aid agreements,
- (b) Whenever the safety of law enforcement personnel and/or the public is in jeopardy and the presence of a helicopter may reduce such danger,
- (c) When the use of a helicopter will aid in the capture of a suspected fleeing felon whose continued freedom represents an ongoing threat to the community,

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- (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 risk,
- (e) Vehicle pursuits.

327.2.2 PROTOCOL FOR REQUESTING POLICE HELICOPTER ASSISTANCE

- (a) "Routine" requests for helicopter assistance, other than the emergency mutual aid situations outlined in the policy manual, should be directed via dispatch to the Anaheim Police Department, Huntington Beach Police Department, Orange County Sheriff's Department or the California Highway Patrol.
- (b) The approval of a field supervisor or watch commander is required for "routine" requests.

327.2.3 DISPATCHERS' RESPONSIBILITIES WHEN REQUESTING HELICOPTER ASSISTANCE

- (a) In situations that there is an immediate risk to life or public safety, the dispatcher shall utilize the services of the first available helicopter. Those situations as listed in the policy manual.
- (b) Dispatch will apprise the helicopter's agency of the specific details of the incident prompting the request.

327.2.4 PREPLANNED HELICOPTER ASSISTANCE

There are times when the use of a helicopter is planned in advance of an operation, such as a long surveillance, or service of a high-risk search warrant. In these instances, the respective Division Commander, or their designee, shall be apprised and give approval prior to the request being made for helicopter assistance.

327.3 POLICY

It is the policy of the Orange 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.

327.4 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. Personnel 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.

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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 officer unless otherwise directed by a supervisor.

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

327.5 REQUESTING OUTSIDE ASSISTANCE

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

The requesting officer should arrange for appropriate radio communication capabilities, if necessary and available, so that communication can be coordinated between assisting personnel.

327.6 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.

327.7 MANDATORY SHARING

Equipment and supplies purchased with federal funds or grants that require such equipment and supplies be shared with other agencies should be documented and updated as necessary by the Administrative Services Division Commander or the authorized designee.

The documentation should include:

- (a) The conditions relative to sharing.
- (b) The training requirements for:
 - (a) The use of the supplies and equipment.
 - (b) The personnel trained in the use of the supplies and equipment.
- (c) Any other requirements for use of the equipment and supplies.

Copies of the documentation should be provided to the Communications Center and the Watch Commander to ensure use of the equipment and supplies is in compliance with the applicable sharing agreements.

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The Training Bureau Sergeant should maintain documentation that the appropriate employees have received the required training.

Registered Offender Information

328.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the Orange 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.

328.2 POLICY

It is the policy of the Orange 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.

328.3 REGISTRATION

The Investigative Services Division 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 (refer to the California Health and Safety Code and California Penal Code).

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.

328.3.1 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 (refer to the California Health and Safety Code and California Penal Code).

328.4 MONITORING OF REGISTERED OFFENDERS

The Investigative Services Division 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 Investigative Services Division supervisor should also establish a procedure to routinely disseminate information regarding registered offenders to Orange Police Department personnel, including timely updates regarding new or relocated registrants.

328.5 DISSEMINATION OF PUBLIC INFORMATION

Employees will not unilaterally make a public notification advising the community of a particular registrant's presence in the community. Employees 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 Orange Police Department's website. Information on sex registrants placed on the Orange Police Department's website shall comply with the requirements of the California Penal Code.

The Records Manager may release local registered offender information to residents only in accordance with applicable law (refer to the California Penal Code and California Health and Safety Code), and in compliance with a California Public Records Act (refer to the California Government Code) request.

328.5.1 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 (refer to the California Penal Code):

- (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 the California Penal Code
- (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 the California Penal Code.

328.5.2 RELEASE NOTIFICATIONS

Registrant information that is released should include notification that:

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- (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 (refer to the California Penal Code).

Major Incident Notification

329.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to personnel of this department in determining when, how and to whom notification of major incidents should be made.

329.2 POLICY

The Orange 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.

329.3 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 Investigation Policy for special notifications)
- Significant injury or death to employee - on or off duty
- Death of a prominent Orange official
- Arrest of a department employee or prominent Orange official
- Aircraft crash with major damage and/or injury or death
- In-custody deaths

329.4 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.

329.4.1 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.

329.4.2 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.

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329.4.3 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.

329.4.4 PRESS INFORMATION OFFICER (PIO)

The Public Information Officer shall be called after members of the Command Staff have been notified that it appears the media may have a significant interest in the incident.

Death Investigation

330.1 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.

330.2 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.

330.2.1 CORONER REQUEST

The California Government Code and the California Health & Safety Code 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 the California Health and Safety Code 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).
- (l) Occupational diseases or occupational hazards.
- (m) Known or suspected contagious disease and constituting a public hazard.

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- (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.

330.2.2 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 the California Government Code. 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 (refer the California Government Code). 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 (refer to the California Government Code).

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.

330.2.3 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.

330.2.4 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.

330.2.5 DEATH INVESTIGATION REPORTING

All incidents involving a death shall be documented on the appropriate form.

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330.2.6 SUSPECTED HOMICIDE

If the initially assigned officer suspects that the death involves a homicide or other suspicious circumstances, the Investigative Services Division shall be notified to determine the possible need for a detective to respond to the scene for further investigation.

330.2.7 EMPLOYMENT RELATED DEATHS OR INJURIES

Any officer 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 (refer to the California Code of Regulations).

Identity Theft

331.1 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.

331.2 REPORTING

- (a) In an effort to maintain uniformity in reporting, officers presented with the crime of identity theft (refer to the California Penal Code) 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 (refer to the California Penal Code). 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.

Private Persons Arrests

332.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the handling of private person's arrests made pursuant to the California Penal Code.

332.2 ADVISING PRIVATE PERSONS OF THE ARREST PROCESS

The California Penal Code 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.

332.3 ARRESTS BY PRIVATE PERSONS

The California Penal Code 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.

332.4 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 (refer to the California Penal Code).

- (a) Should any officer determine that there is no reasonable cause to believe that a private person's arrest is lawful, the officer should take no action to further detain or restrain the individual beyond that which reasonably appears necessary to investigate the matter, determine the lawfulness of the arrest and protect the public safety.
 - 1. Any officer who determines that a private person's arrest appears to be unlawful should promptly release the arrested individual pursuant to the California Penal Code. The officer must include the basis of such a determination in a related report.

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2. Absent reasonable cause to support a private person's arrest or other lawful grounds to support an independent arrest by the officer, the officer should advise the parties that no arrest will be made and that the circumstances will be documented in a related report.
- (b) Whenever an officer determines that there is reasonable cause to believe that a private person's arrest is lawful, the officer may exercise any of the following options:
1. Take the individual into physical custody for booking,
 2. Release the individual pursuant to a Notice to Appear,
 3. Release the individual pursuant to the California Penal Code.

332.5 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 Statement of Private Person's (Citizen's) Arrest form under penalty of perjury.

In addition to the Statement of Private Person's (Citizen's) Arrest form (and any other related documents such as citations, booking forms, etc.), officers shall complete a narrative report regarding the circumstances and disposition of the incident.

Anti-Reproductive Rights Crimes Reporting

333.1 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 (refer to the California Penal Code).

333.2 DEFINITIONS

The current California Penal Code 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.

333.3 REPORTING REQUIREMENTS TO THE ATTORNEY GENERAL

- (a) Upon the receipt of the report of an ARRC, it shall be the responsibility of the Records Bureau in processing 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 records manager and Investigative Services Division Commander.
- (c) By the tenth working day for the proceeding month, it shall be the responsibility of the Records Bureau manager to ensure that a Summary Worksheet (BCIA 8370) is submitted to the Department of Justice Criminal Justice Statistics Center.
 1. In the event that no ARRC(s) were reported during the previous month, a Summary Worksheet shall be submitted to Department of Justice with an indication that no such crimes were reported.
 2. Any ARRC(s) reported in the Summary Worksheet shall be accompanied by a copy of the related Data Collection Worksheet(s).

Limited English Proficiency Services

334.1 PURPOSE AND SCOPE

This policy provides guidance to personnel when communicating with individuals with limited English proficiency (LEP) (refer to the U.S. Code).

334.1.1 DEFINITIONS

Definitions related to this policy include:

Authorized interpreter - A person who has been screened and authorized by the Department to act as an interpreter and/or translator for others.

Interpret or interpretation - The act of listening to a communication in one language (source language) and orally converting it to another language (target language), while retaining the same meaning.

Limited English proficient (LEP) - Any individual whose primary language is not English and who has a limited ability to read, write, speak or understand English. These individuals may be competent in certain types of communication (e.g., speaking or understanding) but still be LEP for other purposes (e.g., reading or writing). Similarly, LEP designations are context-specific; an individual may possess sufficient English language skills to function in one setting but these skills may be insufficient in other situations.

Qualified bilingual employee - An employee of the Orange Police Department, designated by the Department, who has the ability to communicate fluently, directly and accurately in both English and another language. Bilingual employees may be fluent enough to communicate in a non-English language but may not be sufficiently fluent to interpret or translate from one language into another.

Translate or translation - The replacement of written text from one language (source language) into an equivalent written text (target language).

334.2 POLICY

It is the policy of the Orange 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.

334.3 LEP COORDINATOR

The Chief of Police shall delegate certain responsibilities to an LEP Coordinator. The LEP Coordinator shall be appointed by, and directly responsible to, the Field Services Division Commander or the authorized designee.

The responsibilities of the LEP Coordinator include, but are not limited to:

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- (a) Coordinating and implementing all aspects of the Orange Police Department's LEP services to LEP individuals.
- (b) Developing procedures that will enable members to access LEP services, including telephonic interpreters, and ensuring the procedures are available to all members.
- (c) Ensuring that a list of all qualified bilingual members and authorized interpreters is maintained and available to each Watch Commander and Communications Supervisor. The list should include information regarding the following:
 - 1. Languages spoken
 - 2. Contact information
 - 3. Availability
- (d) Ensuring signage stating that interpreters are available free of charge to LEP individuals is posted in appropriate areas and in the most commonly spoken languages.
- (e) Reviewing existing and newly developed documents to determine which are vital documents and should be translated, and into which languages the documents should be translated.
- (f) Annually assessing demographic data and other resources, including contracted language services utilization data and community-based organizations, to determine if there are additional documents or languages that are appropriate for translation.
- (g) Identifying standards and assessments to be used by the Department to qualify individuals as qualified bilingual members or authorized interpreters.
- (h) Periodically reviewing efforts of the Department in providing meaningful access to LEP individuals, and, as appropriate, developing reports, new procedures or recommending modifications to this policy.
- (i) Receiving and responding to complaints regarding department LEP services.
- (j) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities.

334.3.1 FAMILY AND FRIENDS OF LEP INDIVIDUAL

While family and friends of an LEP individual may frequently offer to assist with interpretation, officers should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in emergency or critical situations. Further, the nature of the contact and relationship between the LEP individual and the individual offering services must be carefully considered (e.g., victim/suspect).

334.4 FOUR-FACTOR ANALYSIS

Since there are many different languages that personnel 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

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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 employees, 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 employees, 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.

334.5 TYPES OF LEP ASSISTANCE AVAILABLE

Orange Police Department personnel should never refuse service to an LEP individual who is requesting assistance, nor should they require an LEP individual to furnish an interpreter as a condition for receiving assistance. The Department will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services.

The Department will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language.

LEP individuals may choose to accept department-provided LEP services at no cost or they may choose to provide their own.

Department-provided LEP services may include, but are not limited to, the assistance methods described in this policy.

334.6 WRITTEN FORMS AND GUIDELINES

Vital documents or those that are frequently used should be translated into languages most likely to be encountered. The LEP Coordinator will arrange to make these translated documents available to members and other appropriate individuals, as necessary.

334.7 AUDIO RECORDINGS

The Department may develop audio recordings of important or frequently requested information in a language most likely to be understood by those LEP individuals who are representative of the community being served.

334.8 QUALIFIED BILINGUAL EMPLOYEES

Bilingual employees may be qualified to provide LEP services when they have demonstrated through established department procedures a sufficient level of skill and competence to fluently communicate in both English and a non-English language. Employees utilized for LEP services must demonstrate knowledge of the functions of an interpreter/translator and the ethical issues involved when acting as a language conduit. Additionally, bilingual employees must be able to communicate technical and law enforcement terminology, and be sufficiently proficient in the non-English language to perform complicated tasks, such as conducting interrogations, taking statements, collecting evidence or conveying rights or responsibilities.

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When a qualified bilingual employee from this department is not available, personnel from other City departments, who have been identified by the Department as having the requisite skills and competence, may be requested.

334.9 AUTHORIZED INTERPRETERS

Any person designated by the Department to act as an authorized interpreter and/or translator must have demonstrated competence in both English and the involved non-English language, must have an understanding of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the department case or investigation involving the LEP individual. A person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation in a court proceeding.

Authorized interpreters must pass a screening process established by the LEP Coordinator which demonstrates that their skills and abilities include:

- (a) The competence and ability to communicate information accurately in both English and in the target language.
- (b) Knowledge, in both languages, of any specialized terms or concepts peculiar to this department and of any particularized vocabulary or phraseology used by the LEP individual.
- (c) The ability to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (d) Knowledge of the ethical issues involved when acting as a language conduit.

334.9.1 SOURCES OF AUTHORIZED INTERPRETERS

The Department may contract with authorized interpreters who are available over the telephone. employees may use these services with the approval of a supervisor and in compliance with established procedures.

Other sources may include:

- Qualified bilingual employees of this department or personnel from other City departments.
- Individuals employed exclusively to perform interpretation services.
- Contracted in-person interpreters, such as state or federal court interpreters, among others.
- Interpreters from other agencies who have been qualified as interpreters by this department, and with whom the Department has a resource-sharing or other arrangement that they will interpret according to department guidelines.

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334.9.2 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF LANGUAGE ASSISTANCE

Language assistance may be available from community volunteers who have demonstrated competence in either monolingual (direct) communication and/or in interpretation or translation (as noted in above), and have been approved by the Department to communicate with LEP individuals.

Where qualified bilingual employees or other authorized interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department employees must carefully consider the nature of the contact and the relationship between the LEP individual and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

While family or friends of an LEP individual may offer to assist with communication or interpretation, personnel should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in exigent or very informal and non-confrontational situations.

334.10 CONTACT AND REPORTING

While all law enforcement contacts, services and individual rights are important, this department will utilize the four-factor analysis to prioritize service to LEP individuals so that such services may be targeted where they are most needed, according to the nature and importance of the particular law enforcement activity involved.

Whenever any employee 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. Employees 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.

334.11 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

The Orange Police Department will take reasonable steps and will work with the Human Resources and Employee Relations Department to develop in-house language capacity by hiring or appointing qualified employees proficient in languages representative of the community being served.

334.11.1 EMERGENCY CALLS TO 9-1-1

Department employees 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 employee is available in the Communications Center, the call shall immediately be handled by the qualified bilingual employee.

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If a qualified bilingual employee 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 employee 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.

334.12 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary. Employees and/or supervisors must assess each situation to determine the need and availability of language assistance to all involved LEP individuals and utilize the methods outlined in this policy to provide such assistance.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to request consent to search if the officer is unable to effectively communicate with an LEP individual.

If available, officers should obtain the assistance of a qualified bilingual employee or an authorized interpreter before placing an LEP individual under arrest.

334.13 INVESTIGATIVE FIELD INTERVIEWS

In any situation where an interview may reveal information that could be used as the basis for arrest or prosecution of an LEP individual and a qualified bilingual employee is unavailable or lacks the skills to directly communicate with the LEP individual, an authorized interpreter should be used. This includes interviews conducted during an investigation with victims, witnesses and suspects. In such situations, audio recordings of the interviews should be made when reasonably possible. Identification and contact information for the interpreter (e.g., name, address) should be documented so that the person can be subpoenaed for trial if necessary.

If an authorized interpreter is needed, officers should consider calling for an authorized interpreter in the following order:

- An authorized department employee or allied agency interpreter
- An authorized telephone interpreter
- Any other authorized interpreter

Any *Miranda* warnings shall be provided to suspects in their primary language by an authorized interpreter or, if the suspect is literate, by providing a translated *Miranda* warning card.

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The use of an LEP individual's bilingual friends, family members, children, neighbors or bystanders may be used only when a qualified bilingual employee or authorized interpreter is unavailable and there is an immediate need to interview an LEP individual.

334.14 CUSTODIAL INTERROGATIONS

Miscommunication during custodial interrogations may have a substantial impact on the evidence presented in a criminal prosecution. Only qualified bilingual employees or, if none is available or appropriate, authorized interpreters shall be used during custodial interrogations. *Miranda* warnings shall be provided to suspects in their primary language by the qualified bilingual employee or an authorized interpreter.

In order to ensure that translations during custodial interrogations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

334.15 BOOKINGS

When gathering information during the booking process, employees 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. Employees should seek the assistance of a qualified bilingual employees whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by an LEP individual.

334.16 COMPLAINTS

The Department shall ensure that LEP individuals who wish to file a complaint regarding employees of this department are able to do so. The Department may provide an authorized interpreter or translated forms, as appropriate. Complaints will be referred to the LEP Coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Authorized interpreters used for any interview with an LEP individual during an investigation should not be employees of this department.

Any notice required to be sent to an LEP individual as a complaining party pursuant to the Personnel Complaints Policy should be translated or otherwise communicated in a language-accessible manner.

334.17 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional law enforcement duties. This department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

334.18 TRAINING

To ensure that all employees who may have contact with LEP individuals are properly trained, the Department will provide periodic training on this policy and related procedures, including

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how to access department-authorized telephonic and in-person interpreters and other available resources.

The Training Bureau Sergeant shall be responsible for ensuring new employees receive LEP training. Those who may have contact with LEP individuals should receive refresher training at least once every two years thereafter. The Training Bureau Sergeant shall maintain records of all LEP training provided, and will retain a copy in each employee's training file in accordance with established records retention schedules.

334.18.1 TRAINING FOR AUTHORIZED INTERPRETERS

All employees on the authorized interpreter list must successfully complete prescribed interpreter training at the time of hire. To complete interpreter training successfully, an interpreter must demonstrate proficiency in and ability to communicate information accurately in both English and in the target language, demonstrate knowledge in both languages of any specialized terms or phraseology, and understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

Employees on the authorized interpreter list must receive refresher training annually or they will be removed from the authorized interpreter list. This annual training should include language skills competency (including specialized terminology) and ethical considerations.

The Training Bureau Sergeant shall be responsible for coordinating the annual refresher training and will maintain a record of all training the interpreters have received.

Communications with Persons with Disabilities

335.1 PURPOSE AND SCOPE

This policy provides guidance to employees when communicating with individuals with disabilities, including those who are deaf or hard of hearing, have impaired speech or vision, or are blind.

335.1.1 DEFINITIONS

Definitions related to this policy include:

Auxiliary aids - Tools used to communicate with people who have a disability or impairment. They include, but are not limited to, the use of gestures or visual aids to supplement oral communication; a notepad and pen or pencil to exchange written notes; a computer or typewriter; an assistive listening system or device to amplify sound; a teletypewriter (TTY) or videophones (video relay service or VRS); taped text; qualified readers; or a qualified interpreter.

Disability or impairment - A physical or mental impairment that substantially limits a major life activity, including hearing or seeing, regardless of whether the disabled person uses assistive or adaptive devices or auxiliary aids. Individuals who wear ordinary eyeglasses or contact lenses are not considered to have a disability (refer to the U.S. Code).

Qualified interpreter - A person who is able to interpret effectively, accurately and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include oral interpreters, translators, sign language interpreters and intermediary interpreters.

335.2 POLICY

It is the policy of the Orange Police Department to reasonably ensure that people with disabilities, including victims, witnesses, suspects and arrestees have equal access to law enforcement services, programs and activities. Employees must make efforts to communicate effectively with individuals with disabilities.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon disabilities.

335.3 AMERICANS WITH DISABILITIES (ADA) COORDINATOR

The Chief of Police shall delegate certain responsibilities to an ADA Coordinator (refer to the Code of Federal Regulations). The ADA Coordinator shall be appointed by, and directly responsible, to the Field Services Division Commander or the authorized designee.

The responsibilities of the ADA Coordinator shall include, but not be limited to:

- (a) Working with the City ADA coordinator regarding the Orange Police Department's efforts to ensure equal access to services, programs and activities.
- (b) Developing reports, new procedures, or recommending modifications to this policy.
- (c) Acting as a liaison with local disability advocacy groups or other disability groups regarding access to department services, programs and activities.

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- (d) Ensuring that a list of qualified interpreter services is maintained and available to each Watch Commander and Communications Supervisor. The list should include information regarding the following:
 - 1. Contact information
 - 2. Availability
- (e) Developing procedures that will enable employees to access auxiliary aids or services, including qualified interpreters, and ensure the procedures are available to all employees.
- (f) Ensuring signage is posted in appropriate areas, indicating that auxiliary aids are available free of charge to people with disabilities.
- (g) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities.

335.4 FACTORS TO CONSIDER

Because the nature of any law enforcement contact may vary substantially from one situation to the next, employees of this department should consider all information reasonably available to them when determining how to communicate with an individual with a disability. Employees should carefully balance all known factors in an effort to reasonably ensure people who are disabled have equal access to services, programs and activities. These factors may include, but are not limited to:

- (a) Employees should not always assume that effective communication is being achieved. The fact that an individual appears to be nodding in agreement does not always mean he/she completely understands the message. When there is any doubt, employees should ask the individual to communicate back or otherwise demonstrate their understanding.
- (b) The nature of the disability (e.g., deafness or blindness vs. hard of hearing or low vision).
- (c) The nature of the law enforcement contact (e.g., emergency vs. non-emergency, custodial vs. consensual contact).
- (d) The availability of auxiliary aids. The fact that a particular aid is not available does not eliminate the obligation to reasonably ensure access. However, in an emergency, availability may factor into the type of aid used.

335.5 INITIAL AND IMMEDIATE CONSIDERATIONS

Recognizing that various law enforcement encounters may be potentially volatile and/or emotionally charged, employees should remain alert to the possibility of communication problems.

Employees should exercise special care in the use of all gestures, and verbal and written communication to minimize initial confusion and misunderstanding when dealing with any individual with known or suspected disabilities.

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In a non-emergency situation, when an employee knows or suspects an individual requires assistance to effectively communicate, the employee shall identify the individual's choice of auxiliary aid or service.

The individual's preferred communication method must be honored unless another effective method of communication exists under the circumstances (refer to the California Federal Regulations).

Factors to consider when determining whether an alternative method is effective include:

- (a) The methods of communication usually used by the individual.
- (b) The nature, length and complexity of the communication involved.
- (c) The context of the communication.

In emergency situations involving an imminent threat to the safety or welfare of any person, employees may use whatever auxiliary aids and services that reasonably appear effective under the circumstances. This may include, for example, exchanging written notes or using the services of a person who knows sign language but is not a qualified interpreter, even if the person who is deaf or hard of hearing would prefer a qualified sign language interpreter or another appropriate auxiliary aid or service. Once the emergency has ended, the continued method of communication should be reconsidered. The employee should inquire as to the individual's preference and give primary consideration to that preference.

If an individual who is deaf, hard of hearing or has impaired speech must be handcuffed while in the custody of the Orange Police Department, consideration should be given, safety permitting, to placing the handcuffs in the front of the body to facilitate communication using sign language or writing.

335.6 TYPES OF ASSISTANCE AVAILABLE

Orange Police Department employees shall never refuse to assist an individual with disabilities who is requesting assistance. The Department will not charge anyone to receive auxiliary aids, nor shall they require anyone to furnish their own auxiliary aid or service as a condition for receiving assistance. The Department will make every reasonable effort to provide equal access and timely assistance to individuals who are disabled through a variety of services.

A person who is disabled may choose to accept department-provided auxiliary aids or services or they may choose to provide their own.

Department-provided auxiliary aids or services may include, but are not limited to, the assistance methods described in this policy.

335.7 AUDIO RECORDINGS AND ENLARGED PRINT

The Department may develop audio recordings to assist people who are blind or have a visual impairment with accessing important information. If such a recording is not available, employees may read aloud from the appropriate form, for example a personnel complaint form, or provide forms with enlarged print.

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335.8 QUALIFIED INTERPRETERS

A qualified interpreter may be needed in lengthy or complex transactions (e.g., interviewing a victim, witness, suspect or arrestee), if the individual to be interviewed normally relies on sign language or speech reading (lip-reading) to understand what others are saying. The qualified interpreter should not be a person with an interest in the case or investigation involving the disabled individual. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a court proceeding.

Qualified interpreters should be:

- (a) Available within a reasonable amount of time but in no event longer than one hour if requested.
- (b) Experienced in providing interpretation services related to law enforcement matters.
- (c) Familiar with the use of VRS and/or video remote interpreting services.
- (d) Certified in either American Sign Language (ASL) or Signed English (SE).
- (e) Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (f) Knowledgeable of the ethical issues involved when providing interpreter services.

Employees should use department-approved procedures to request a qualified interpreter at the earliest reasonable opportunity, and generally not more than 15 minutes after a request for an interpreter has been made or it is reasonably apparent that an interpreter is needed. No individual who is disabled shall be required to provide his/her own interpreter (refer to the California Federal Regulations).

335.9 TTY AND RELAY SERVICES

In situations where an individual without a disability would have access to a telephone (e.g., booking or attorney contacts), employees must also provide those who are deaf, hard of hearing or have impaired speech the opportunity to place calls using an available TTY (also known as a telecommunications device for deaf people, or TDD). Employees shall provide additional time, as needed, for effective communication due to the slower nature of TTY and TDD communications.

The Department will accept all TTY or TDD calls placed by those who are deaf or hard of hearing and received via a telecommunications relay service (refer to the California Federal Regulations).

Note that relay services translate verbatim, so the conversation must be conducted as if speaking directly to the caller.

335.10 COMMUNITY VOLUNTEERS

Interpreter services may be available from community volunteers who have demonstrated competence in communication services, such as ASL or SE, and have been approved by the Department to provide interpreter services.

Where qualified interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department

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employees must carefully consider the nature of the contact and the relationship between the individual with the disability and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

335.11 FAMILY AND FRIENDS

While family or friends may offer to assist with interpretation, employees should carefully consider the circumstances before relying on such individuals. The nature of the contact and relationship between the individual with the disability and the person offering services must be carefully considered (e.g., victim/suspect).

Children shall not be relied upon except in emergency or critical situations when there is no qualified interpreter reasonably available.

Adults may be relied upon when (refer to the California Federal Regulations):

- (a) There is an emergency or critical situation and there is no qualified interpreter reasonably available.
- (b) The person with the disability requests that the adult interpret or facilitate communication and the adult agrees to provide such assistance, and reliance on that adult for such assistance is reasonable under the circumstances.

335.12 REPORTING

Whenever any employee of this department is required to complete a report or other documentation, and communication assistance has been provided, such services should be noted in the related report. Employee should document the type of communication services utilized and whether the individual elected to use services provided by the Department or some other identified source. If the individual's express preference is not honored, the employee must document why another method of communication was used.

All written communications exchanged in a criminal case shall be attached to the report or placed into evidence.

335.13 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve individuals with disabilities. The scope and nature of these activities and contacts will inevitably vary.

The Department recognizes that it would be virtually impossible to provide immediate access to complete communication services to every officer of this department. Officers and/or supervisors must assess each situation and consider the length, complexity and importance of the communication, as well as the individual's preferred method of communication, when determining the type of resources to use and whether a qualified interpreter is needed.

Although not every situation can be addressed in this policy, it is important that officers are able to effectively communicate the reason for a contact, the need for information and the meaning

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or consequences of any enforcement action. For example, it would be meaningless to verbally request consent to search if the officer is unable to effectively communicate with an individual who is deaf or hard of hearing and requires communications assistance.

If available, officers should obtain the assistance of a qualified interpreter before placing an individual with a disability under arrest. Individuals who are arrested and are assisted by service animals should be permitted to make arrangements for the care of such animals prior to transport.

335.13.1 FIELD RESOURCES

Examples of methods that may be sufficient for transactions, such as checking a license or giving directions to a location or for urgent situations such as responding to a violent crime in progress, may, depending on the circumstances, include such simple things as:

- (a) Hand gestures or visual aids with an individual who is deaf, hard of hearing or has impaired speech.
- (b) Exchange of written notes or communications.
- (c) Verbal communication with an individual who can speak read by facing the individual and speaking slowly and clearly.
- (d) Use of computer, word processing, personal communication device or similar device to exchange texts or notes.
- (e) Slowly and clearly speaking or reading simple terms to individuals who have a visual or mental impairment.

Officers should be aware that these techniques may not provide effective communication as required by law and this policy depending on the circumstances.

335.14 CUSTODIAL INTERROGATIONS

In an effort to ensure that the rights of individuals who are deaf, hard of hearing or have speech impairment are protected during a custodial interrogation, this department will provide interpreter services before beginning an interrogation, unless exigent circumstances exist or the individual has made a clear indication that he/she understands the process and desires to proceed without an interpreter. The use of a video remote interpreting service should be considered, where appropriate, if a live interpreter is not available. *Miranda* warnings shall be provided to suspects who are deaf or hard of hearing by a qualified interpreter or by providing a written *Miranda* warning card.

In order to ensure that communications during custodial investigations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

335.15 ARREST AND BOOKINGS

If an individual with speech or hearing disabilities is arrested, the arresting officer shall use department-approved procedures to provide a qualified interpreter at the place of arrest or booking as soon as reasonably practicable, unless the individual indicates that he/she prefers a

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different auxiliary aid or service or the officer reasonably determines another effective method of communication exists under the circumstances.

When gathering information during the booking process, officers should remain alert to the impediments that often exist when communicating with those who are deaf, hard of hearing, who have impaired speech or vision, are blind, or have other disabilities. In the interest of the arrestee's health and welfare, the safety and security of the facility and to protect individual rights, it is important that accurate medical screening and booking information be obtained. If necessary, officers should seek the assistance of a qualified interpreter whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by the individual.

Individuals who require and possess personally owned communication aids (e.g., hearing aids, cochlear processors) should be permitted to retain them while in custody.

335.16 COMPLAINTS

The Department shall ensure that individuals with disabilities who wish to file a complaint regarding employees of this department are able to do so. The Department may provide a qualified interpreter or forms in enlarged print, as appropriate. Complaints will be referred to the department ADA Coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Qualified interpreters used during the investigation of a complaint should not be employees of this Department.

335.17 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional law enforcement duties. This department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

335.18 TRAINING

To ensure that all employees who may have contact with individuals who are disabled are properly trained, the Department will provide periodic training that should include:

- (a) Awareness and understanding of this policy and related procedures, related forms and available resources.
- (b) Procedures for accessing qualified interpreters and other available resources.
- (c) Working with in-person and telephone interpreters and related equipment.

The Training Bureau Sergeant shall be responsible for ensuring new employees receive training related to interacting with individuals who have disabilities, including individuals who are deaf, hard of hearing, who have impaired speech or vision, or are blind. Those who may have contact with such individuals should receive refresher training at least once every two years thereafter.

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The Training Bureau Sergeant shall maintain records of all training provided, and will retain a copy in each employee's training file in accordance with established records retention schedules.

335.18.1 CALL-TAKER TRAINING

Emergency call-takers shall be trained in the use of TTY equipment protocols for communicating with individuals who are deaf, hard of hearing or who have speech impairments. Such training and information should include:

- (a) The requirements of the ADA and Section 504 of the Rehabilitation Act for telephone emergency service providers.
- (b) ASL syntax and accepted abbreviations.
- (c) Practical instruction on identifying and processing TTY or TDD calls, including the importance of recognizing silent TTY or TDD calls, using proper syntax, abbreviations and protocol when responding to TTY or TDD calls.
- (d) Hands-on experience in TTY and TDD communications, including identification of TTY or TDD tones.

Training should be mandatory for all the Communications Center employees who may have contact with individuals from the public who are deaf, hard of hearing or have impaired speech. Refresher training should occur every six months.

Mandatory Employer Notification

336.1 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.

336.2 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.

336.2.1 ARREST OF PUBLIC SCHOOL TEACHER

In the event a public school teacher is arrested for any controlled substance offense enumerated in the California Health and Safety Code, in so far as that section relates to the California Health and Safety Code, or for any of the offenses enumerated in the California Penal Code or the California Education Code, 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 (refer to the California Health and Safety code and California Penal Code).

336.2.2 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 the California Health and Safety Code, in so far as that section relates to the California Health and Safety Code, or for any of the offenses enumerated in the California Penal Code or the California Education Code, 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 (refer to the California Health and Safety Code and California Penal Code).

336.2.3 ARREST OF PRIVATE SCHOOL TEACHER

In the event a private school teacher is arrested for any controlled substance offense enumerated in the California Health and Safety Code, in so far as that section relates to the California Health and Safety Code, or for any of the offenses enumerated in the California Penal Code or the California Education Code, 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 (refer to the California Health and Safety Code and California Penal Code).

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Mandatory Employer Notification

336.2.4 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 the California Health and Safety Code, in so far as that section relates to the California Health and Safety Code, or for any of the offenses enumerated in the California Penal Code, 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 (refer to the California Health and Safety Code and California Penal Code).

336.2.5 DESIGNEE FOR THE CHIEF OF POLICE

The Chief of Police's designee for reporting school employee crimes to school officials.

336.3 POLICY

The Orange Police Department will meet the reporting requirements of California law to minimize the risks to children and others.

336.4 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 the California Penal Code) and the employee is free to return to work where children are present, the investigating officer shall notify the Investigative Services Division Commander of the licensee of the charge of abuse (refer to the California Health and Safety Code).

Orange Police Department Fingerprint System

337.1 PURPOSE AND SCOPE

To establish a fingerprint file system for comparison and retention purposes.

337.1.1 INFORMATION

The department's LiveScan fingerprint file will be maintained by Crime Lab personnel. This system will maintain file credibility and provide easy access by Crime Lab personnel for comparison purposes.

The Records Management System (RMS) contains the data of each individual who has been fingerprinted.

337.2 GENERAL GUIDELINES

- (a) All adults arrested or officially detained by officers and processed in our Detention Facility, should be fingerprinted (including palm prints) and photographed using the LiveScan System. The fingerprints and photographs are to be retained within LiveScan System.
- (b) Any juvenile, 14 through 17-years of age, who commits a felony crime, should be fingerprinted (including palm prints) and photographed.
- (c) For all other crimes, juveniles, 14 through 17-years of age, may be fingerprinted (including palm prints) and photographed at the discretion of the watch commander or other applicable supervisor, depending on:
 - 1. The gravity of the offense,
 - 2. Past record of the juvenile.
- (d) Persons released pursuant to the California Penal code, or released after an interview, may "upon request," have their fingerprint scan destroyed in their presence; otherwise, all fingerprints will be retained within the LiveScan System. Juveniles under the age of 14, in the absence of an arrest under the guidelines of the California Welfare and Institutions Code, should not be subject to fingerprints without articulable reasons and approval from a supervisor.

337.3 RESPONSIBILITIES OF THE ARRESTING/DETAINING OFFICER

- (a) Shall be responsible for completing applicable fingerprints and photograph(s) on subject.
 - 1. If the subject is under arrest and objects to having his fingerprints taken, they may be taken over his objections, depending on the gravity of the related charge(s).
 - (a) A fingerprint scan is not required if the subject is likely to be released under the current California Penal Code and objects to having his prints taken.
- (b) Complete all available information on the LiveScan System and add all known AKA's the subject uses.

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Orange Police Department Fingerprint System

337.3.1 RESPONSIBILITIES FOR CRIME LAB PERSONNEL

Crime Lab personnel shall be responsible for the maintenance, security, preservation and filing of all OPD fingerprints, palm prints and photographs.

Biological Samples

338.1 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.

338.2 POLICY

The Orange 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.

338.3 PERSONS SUBJECT TO DNA COLLECTION

Those who must submit a biological sample include (refer to the California Penal Code):

- (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.

338.4 PROCEDURE

When an individual is required to provide a biological sample, a trained employee shall obtain the sample in accordance with this policy.

338.4.1 COLLECTION

The following steps should be taken to collect a sample:

- (a) Verify that the individual is required to provide a sample pursuant to the California Penal Code.
- (b) Verify that a biological sample has not been previously collected from the offender by querying the individual's criminal history record for a DNA collection flag or, during regular business hours, calling the California Department of Justice (DOJ) designated DNA laboratory. There is no need to obtain a biological sample if one has been previously obtained.
- (c) Use a DNA buccal swab collection kit provided by the California DOJ to perform the collection and take steps to avoid cross contamination.

338.5 USE OF FORCE TO OBTAIN SAMPLES

If a person refuses to cooperate with the sample collection process, officers should attempt to identify the reason for refusal and seek voluntary compliance without resorting to using force. Force will not be used in the collection of samples except as authorized by court order and only

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with the approval of a supervisor. Methods to consider when seeking voluntary compliance include contacting:

- (a) The person's parole or probation officer when applicable.
- (b) The prosecuting attorney to seek additional charges against the person for failure to comply or to otherwise bring the refusal before a judge.
- (c) The judge at the person's next court appearance.
- (d) The person's attorney.
- (e) A chaplain.
- (f) Another custody facility with additional resources, where an arrestee can be transferred to better facilitate sample collection.
- (g) A supervisor who may be able to authorize custodial disciplinary actions to compel compliance, if any are available.

The supervisor shall review and approve any plan to use force and be present to document the process.

338.5.1 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 (refer to the California Code of Regulations).

338.5.2 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 (refer to the California Code of Regulations).

338.6 LEGAL MANDATES AND RELEVANT LAWS

California law provides for the following:

338.6.1 DOCUMENTATION RELATED TO FORCE

The Watch Commander shall prepare prior written authorization for the use of any force (refer to the California Code of Regulations). 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.

338.6.2 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

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- (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 (refer to the California Penal Code).

338.6.3 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.

Chaplains

339.1 PURPOSE AND SCOPE

This policy establishes the guidelines for Orange Police Department chaplains to provide counseling or emotional support to employees of the Department, their families and members of the public.

339.2 POLICY

The Orange Police Department shall ensure that department chaplains are properly appointed, trained and supervised to carry out their responsibilities without financial compensation.

339.3 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) Must have at least five years of successful counseling experience or ministry experience with a recognized church or religious denomination.
- (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.

339.4 RECRUITMENT, SELECTION AND APPOINTMENT

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

All applicants shall be required to meet and pass the same pre-employment procedures as department personnel before appointment.

339.4.1 SELECTION AND APPOINTMENT

Chaplain candidates shall successfully complete the following process prior to appointment as a chaplain:

- (a) Submit the appropriate written application.
- (b) Include a recommendation from employers or volunteer programs.
- (c) Interview with the Chief of Police and the chaplain coordinator or authorized designee.
- (d) Successfully complete an appropriate-level background investigation.
- (e) Complete an appropriate probationary period as designated by the Chief of Police.

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Chaplains are volunteers and serve at the discretion of the Chief of Police. Chaplains shall have no property interest in continued appointment. However, if a chaplain is removed for alleged misconduct, the chaplain will be afforded an opportunity solely to clear his/her name through a liberty interest hearing, which shall be limited to a single appearance before the Chief of Police or the authorized designee.

339.5 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 Orange Police Department identification cards, which must be carried at all times while on-duty. The identification cards will be the standard Orange 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.

339.6 CHAPLAIN COORDINATOR

The Chief of Police shall delegate certain responsibilities to a chaplain coordinator. The coordinator shall be appointed by and directly responsible to the Administrative Services Division Commander or the authorized designee.

The chaplain coordinator shall serve as the liaison between the chaplains and the Chief of Police. The function of the coordinator is to provide a central coordinating point for effective chaplain management within the Department, and to direct and assist efforts to jointly provide more productive chaplain services. Under the general direction of the Chief of Police or the authorized designee, chaplains shall report to the chaplain coordinator and/or Watch Commander.

The chaplain coordinator may appoint a senior chaplain or other designee to assist in the coordination of chaplains and their activities.

The responsibilities of the coordinator or the authorized designee include, but are not limited to:

- (a) Recruiting, selecting and training qualified chaplains.
- (b) Conducting chaplain meetings.
- (c) Establishing and maintaining a chaplain call out 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.
- (g) Completing and disseminating, as appropriate, all necessary paperwork and information.

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- (h) Planning periodic recognition events.
- (i) Maintaining liaison with other agency chaplain coordinators.

An evaluation of the overall use of chaplains will be conducted on an annual basis by the coordinator.

339.7 DUTIES AND RESPONSIBILITIES

Chaplains assist the Department, its members and the community, as needed. Assignments of chaplains will usually be to augment the Field Services Division . Chaplains may be assigned to other areas within the Department as needed. Chaplains should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the Department.

All chaplains will be assigned to duties by the chaplain coordinator or the authorized designee.

Chaplains may not proselytize or attempt to recruit employees of the Department or the public into a religious affiliation while representing themselves as chaplains with this department. If there is any question as to the receiving person's intent, chaplains should verify that the person is desirous of spiritual counseling or guidance before engaging in such discussion.

Chaplains may not accept gratuities for any service or any subsequent actions or follow-up contacts that were provided while functioning as a chaplain for the Orange Police Department.

339.7.1 WHEN CHAPLAINS SHALL ENCOURAGE OPD EMPLOYEES TO SPEAK WITH A SUPERVISOR

- (a) The employee has violated department policy, but the action does not rise to a violation of law.
- (b) The employee shares concerns about another member of the agency who may have violated department policy, which does not rise to a violation of the law.
- (c) The employee or other member of the department may have violated department policy and/or the law.

339.7.2 WHEN CHAPLAINS SHALL DIVULGE CONFIDENTIAL STATEMENTS TO A SUPERVISOR

- (a) A chaplain shall be responsible to divulge certain incriminating statements from OPD employees depending upon the severity of the offense, but only after encouraging the employee to voluntarily communicate the issue to their supervisor and informing the employee that the chaplain is required to report the issue.
 1. Required reporting would include any statement where an employee has stated they had committed or were contemplating committing harm to him/her self or any other person.
 2. Except as otherwise specified, matters of a personal nature that are part of a penitential communication and are discussed between a chaplain and penitent shall remain private and confidential per California State Law (refer to the California Penal Code).

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- (b) The chaplain may be required to file a written report in accordance with department guidelines.

339.7.3 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.

339.7.4 OPERATIONAL GUIDELINES

- (a) Chaplains will be asked to maintain an on-call status available to serve day or night.
- (b) Generally, each chaplain will serve with Orange Police Department personnel a minimum of eight hours per month.
- (c) At the end of each watch the chaplain will complete a chaplain shift report and submit it to the Chief of Police or the authorized designee.
- (d) Chaplains shall be permitted to ride with officers during any shift and observe Orange Police Department operations, provided the Watch Commander has been notified and has approved the activity.
- (e) Chaplains shall not be evaluators of employees 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 Orange Police Department unless otherwise authorized by the Chief of Police or the authorized designee.
- (i) Each chaplain shall have access to current department member rosters, addresses, telephone numbers, duty assignments and other information that may assist in his/her duties. Such information will be considered confidential and each chaplain will exercise appropriate security measures to prevent distribution of the data.

339.7.5 ASSISTING DEPARTMENT MEMBERS

The responsibilities of a chaplain related to department employees include, but are not limited to:

- (a) Assisting in making notification to families of employees who have been seriously injured or killed and, after notification, responding to the hospital or home of the employee.
- (b) Visiting sick or injured employees in the hospital or at home.
- (c) Attending and participating, when requested, in funerals of active or retired employees.
- (d) Serving as a resource for employees when dealing with the public in incidents, such as accidental deaths, suicides, suicidal subjects, serious accidents, drug and alcohol abuse and other such situations that may arise.
- (e) Providing counseling and support for employees and their families.
- (f) Being alert to the needs of employees and their families.

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339.7.6 ASSISTING THE DEPARTMENT

The responsibilities of a chaplain related to this department include, but are not limited to:

- (a) Assisting officers 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 employees.
- (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.

339.7.7 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.

339.7.8 CHAPLAIN MEETINGS

All chaplains are required to attend scheduled meetings. Any absences must be satisfactorily explained to the chaplain coordinator.

339.8 PRIVILEGED COMMUNICATIONS

No person who provides chaplain services to members of the Department may work or volunteer for the Orange 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 employees when it appears reasonably likely that the employee 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.

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No chaplain shall provide counsel to or receive confidential communications from any Orange Police Department employee concerning an incident personally witnessed by the chaplain or concerning an incident involving the chaplain.

339.9 TRAINING

The Department will establish a minimum number of training hours and standards for department chaplains. The training, as approved by the Training Bureau Sergeant, may include:

- Stress management
- Death notifications
- Symptoms of post-traumatic stress
- Burnout for employees 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

Procedure for Waiving Department Service Fees

340.1 PURPOSE AND SCOPE

The Orange City Council has adopted a schedule of fees to be charged to users of specified services at the Orange Police Department. This order establishes a procedure to appeal the imposition of a fee when a dispute occurs.

340.2 EMPLOYEE RESPONSIBILITIES

- (a) The employee shall attempt to resolve the dispute and provide all information to the complaining party.
- (b) If the matter cannot be resolved, the employee shall notify their immediate supervisor or the watch commander in a timely manner.

340.2.1 SUPERVISOR RESPONSIBILITIES

- (a) When a supervisor is notified of a conflict regarding fees for service, he/she shall:
 - 1. Review the facts surrounding the dispute and attempt to resolve it,
 - 2. If it appears to be in the best interest of the involved parties to waive the fee, the supervisor has the authority to do so, provided the fee has not already been paid and forwarded to the Finance Department,
 - (a) If the dispute is over a previous fee that has already been forwarded to the Finance Department, the supervisor shall not render a decision and will forward all the information to the respective division commander.
 - 3. If a reasonable solution cannot be reached, the supervisor shall have the fee collected and inform the party that their concerns will be forwarded to the respective division commander,
 - 4. The supervisor shall forward a memorandum to the division commander explaining all of the pertinent facts at issue.
- (b) When a fee has been waived, and there is a DR number assigned to the incident, a written explanation for the waiver shall be placed into the case folder.

340.2.2 DIVISION COMMANDER'S RESPONSIBILITIES

Upon receiving a written notification concerning a disputed fee, the division commander shall review the circumstances and determine whether the fee should be refunded, or continue the appeal process by forwarding the supervisor's written explanation to the Chief of Police.

If the division commander determines that the fee should be refunded, that information shall be forwarded to the administrative analyst, who will forward the refund request to the Finance Department on the appropriate form.

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340.2.3 CHIEF OF POLICE'S RESPONSIBILITIES

The Chief of Police, or his/her designee, shall be the final authority to render a decision. If the complaining party is not satisfied, a hearing with the party can be scheduled. The complaining party will be notified of the final decision by the Chief of Police or his/her designee.

Child and Dependent Adult Safety

341.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that children and dependent adults are not left without appropriate care in the event their caregiver or guardian is arrested or otherwise prevented from providing care due to actions taken by members of this department (Penal Code § 833.2(a)).

This policy does not address the actions to be taken during the course of a child abuse or dependent adult investigation. These are covered in the Child Abuse and Senior and Disability Victimization policies.

341.2 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 Orange 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.

341.3 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 (refer to the California Penal Code):

- (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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341.3.1 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.
 - (a) 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.

341.3.2 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 (refer to the California Penal Code).

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.

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341.3.3 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

341.3.4 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.

341.4 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 (refer to the Welfare and Institutions Code).

Only when other reasonable options are exhausted should a child or dependent adult be transported to the police facility, transported in a marked patrol car or taken into formal protective custody.

Under no circumstances should a child or dependent adult be left unattended or without appropriate care.

341.5 TRAINING

The Training Bureau Sergeant is responsible to ensure that all personnel of this department who may be involved in arrests affecting children or dependent adults receive approved POST-

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approved training on effective safety measures when a parent, guardian or caregiver is arrested (refer to the Penal Code).

Service Animals

342.1 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).

342.1.1 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 (refer to the Code of Federal Regulations and California Health and Safety Code).

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 (refer to the Code of Federal Regulations).

342.2 POLICY

It is the policy of the Orange 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.

342.3 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.

342.4 PERSONNEL RESPONSIBILITIES

Service animals that are assisting individuals with disabilities are permitted in all public facilities and areas where the general public is allowed. Department employees are expected to treat individuals with service animals with the same courtesy and respect that the Orange Police Department affords to all members of the public (refer to the Code of Federal Regulations).

342.4.1 INQUIRY

If it is apparent or if an employee is aware that an animal is a service animal, the individual generally should not be asked any questions as to the status of the animal. If it is unclear whether an animal meets the definition of a service animal, the employee should ask the individual only the following questions (refer to the Code of Federal Regulations):

- Is the animal required because of a disability?
- What task or service has the service animal been trained to perform?

If the individual explains that the animal is required because of a disability and has been trained to work or perform at least one task, the animal meets the definition of a service animal and no further questions as to the animal's status should be asked. The individual should not be questioned about his/her disability nor should the person be asked to provide any license, certification or identification card for the service animal.

342.4.2 CONTACT

Service animals are not pets. Department employees should not interfere with the important work performed by a service animal by talking to, petting or otherwise initiating contact with a service animal.

342.4.3 REMOVAL

If a service animal is not housebroken or exhibits vicious behavior, poses a direct threat to the health of others, or unreasonably disrupts or interferes with normal business operations, an officer may direct the handler to remove the animal from the premises. Barking alone is not a threat nor does a direct threat exist if the person takes prompt, effective action to control the service animal (refer to the Code of Federal Regulations).

Each incident must be considered individually and past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse service to an individual with disabilities. Employees of this department are expected to provide all services as are reasonably available to an individual with a disability, with or without a service animal.

342.4.4 COMPLAINTS

When handling calls of a complaint regarding a service animal, employees of this department should remain neutral and should be prepared to explain the ADA requirements concerning service animals to the concerned parties. Businesses are required to allow service animals to accompany

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their handlers into the same areas that other customers or members of the public are allowed (refer to the Code of Federal Regulations).

Absent a violation of law independent of the ADA, officers should take no enforcement action beyond keeping the peace. Individuals who believe they have been discriminated against as a result of a disability should be referred to the Civil Rights Division of the U.S. Department of Justice (DOJ).

Off-Duty Law Enforcement Actions

343.1 PURPOSE AND SCOPE

The decision to become involved in a law enforcement action when off-duty can place an officer as well as others at great risk and must be done with careful consideration. This policy is intended to provide guidelines for officers of the Orange Police Department with respect to taking law enforcement action while off-duty.

343.2 POLICY

Initiating law enforcement action while off-duty is generally discouraged. Officers should not attempt to initiate enforcement action when witnessing minor crimes, such as suspected intoxicated drivers, reckless driving or minor property crimes. Such incidents should be promptly reported to the appropriate law enforcement agency.

Officers are not expected to place themselves in unreasonable peril. However, any sworn personnel of this department who becomes aware of an incident or circumstance that he/she reasonably believes poses an imminent threat of serious bodily injury or death, or significant property damage may take reasonable action to minimize the threat.

When public safety or the prevention of major property damage requires immediate action, officers should first consider reporting and monitoring the activity and only take direct action as a last resort.

343.3 FIREARMS

Officers of this department may carry firearms while off-duty in accordance with federal regulations and department policy. All firearms and ammunition must meet guidelines as described in the department Firearms Policy. When carrying firearms while off-duty officers shall also carry their department-issued badge and identification.

Officers should refrain from carrying firearms when the consumption of alcohol is likely or when the need to carry a firearm is outweighed by safety considerations. Firearms shall not be carried by any officer who has consumed an amount of an alcoholic beverage or taken any drugs or medications or any combination thereof that would tend to adversely affect the officer's senses or judgment.

343.4 DECISION TO INTERVENE

There is no legal requirement for off-duty officers to take law enforcement action. However, should officers decide to intervene, they must evaluate whether the action is necessary or desirable, and should take into consideration the following:

- (a) The tactical disadvantage of being alone and the fact there may be multiple or hidden suspects.
- (b) The inability to communicate with responding units.
- (c) The lack of equipment, such as handcuffs, OC or baton.

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- (d) The lack of cover.
- (e) The potential for increased risk to bystanders if the off-duty officer were to intervene.
- (f) Unfamiliarity with the surroundings.
- (g) The potential for the off-duty officer to be misidentified by other peace officers or members of the public.

Officers should consider waiting for on-duty uniformed officers to arrive, and gather as much accurate intelligence as possible instead of immediately intervening.

343.4.1 INTERVENTION PROCEDURE

If involvement is reasonably necessary the officer should attempt to call or have someone else call 9-1-1 to request immediate assistance. The dispatcher should be informed that an off-duty officer is on-scene and should be provided a description of the officer if possible.

Whenever practicable, the officer should loudly and repeatedly identify him/herself as an Orange Police Department officer until acknowledged. Official identification should also be displayed.

343.4.2 INCIDENTS OF PERSONAL INTEREST

Officers should refrain from handling incidents of personal interest, (e.g., family or neighbor disputes) and should remain neutral. In such circumstances officers should call the responsible agency to handle the matter.

343.4.3 CIVILIAN RESPONSIBILITIES

Civilian personnel should not become involved in any law enforcement actions while off-duty except to notify the local law enforcement authority and remain at the scene, if safe and practicable.

343.4.4 OTHER CONSIDERATIONS

When encountering a non-uniformed officer in public, uniformed officers should wait for acknowledgement by the non-uniformed officer in case he/she needs to maintain an undercover capability.

343.5 REPORTING

Any off-duty officer who engages in any law enforcement activity, regardless of jurisdiction, shall notify the Watch Commander as soon as practicable. The Watch Commander shall determine whether a report should be filed by the employee.

Officers should cooperate fully with the agency having jurisdiction in providing statements or reports as requested or as appropriate.

Volunteer Program

344.1 PURPOSE AND SCOPE

It is the policy of this department to use qualified volunteers for specified tasks and duties in order to create efficiencies for the Department and improve services to the community. Volunteers are intended to supplement and support, rather than supplant, sworn officers and civilian personnel. Volunteers can be an important part of any organization and are proven to be a valuable asset to law enforcement agencies. Volunteers help to increase departmental responsiveness, delivery of services and information input, and provide new program opportunities. In addition, volunteers bring new skills and expertise to the Department and prompt new enthusiasm.

344.1.1 DEFINITION OF VOLUNTEER

An individual who performs a service for the Department without promise, expectation or receipt of compensation for services rendered. This may include unpaid chaplains, interns, persons providing administrative support and youth involved in a law enforcement Explorer Post, among others.

344.2 VOLUNTEER MANAGEMENT

344.2.1 VOLUNTEER COORDINATOR

The Volunteer Coordinator shall be appointed by the Support Services Division Commander. The function of the Volunteer Coordinator is to provide a central coordinating point for effective volunteer management within the Department, and to direct and assist staff and volunteer efforts to jointly provide more productive services. The Volunteer Coordinator should work with other Department staff on an ongoing basis to assist in the development and implementation of volunteer-staffed positions.

The Volunteer Coordinator, or his/her designee, shall be responsible for the following:

- (a) Recruiting, selecting and training qualified volunteers for various positions.
- (b) Facilitating the implementation of new volunteer activities and assignments.
- (c) Maintaining records for each volunteer.
- (d) Tracking and evaluating the contribution of volunteers.
- (e) Maintaining the volunteer handbook and outlining expectations, policies and responsibilities for all volunteers.
- (f) Maintaining a record of volunteer schedules and work hours.
- (g) Completion and dissemination as appropriate of all necessary paperwork and information.
- (h) Planning periodic recognition events.
- (i) Maintaining liaison with other volunteer-utilizing programs in the community and assisting in community-wide efforts to recognize and promote volunteering.

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344.2.2 RECRUITMENT

Volunteers should be recruited on a continuous and ongoing basis consistent with department policy on equal opportunity nondiscriminatory employment. A primary qualification for participation in the application process should be an interest in, and an ability to assist the Department in serving the public.

Requests for volunteers should be submitted in writing by interested staff to the Volunteer Coordinator through the requester's immediate supervisor. A complete position description and a requested time-frame should be included in the request. All parties should understand that the recruitment of volunteers is enhanced by creative and interesting assignments. The Volunteer Coordinator may withhold assignment of any volunteer until such time as the requesting unit is prepared to make effective use of volunteer resources.

344.2.3 SCREENING

All prospective volunteers should complete the volunteer application form. The Volunteer Coordinator or designee should conduct a face-to-face interview with an applicant under consideration.

A documented background investigation shall be completed on each volunteer applicant and shall include, but not necessarily be limited to, the following:

- (a) Traffic and criminal background check. Fingerprints shall be obtained from all applicants and processed through the California Criminal Information Index.
- (b) Employment
- (c) References
- (d) Credit check

A polygraph exam may be required of each applicant depending on the type of assignment.

344.2.4 SELECTION AND PLACEMENT

Service as a volunteer with the Department shall begin with an official notice of acceptance or appointment to a volunteer position. Notice may only be given by an authorized representative of the Department, who will normally be the Volunteer Coordinator. No volunteer should begin any assignment until they have been officially accepted for that position and completed all required screening and paperwork. At the time of final acceptance, each volunteer should complete all required enrollment paperwork and will receive a copy of their position description and agreement of service with the Department. All volunteers shall receive a copy of the volunteer handbook and shall be required to sign a volunteer agreement.

Volunteers should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the Department.

344.2.5 TRAINING

Volunteers will be provided with an orientation program to acquaint them with the Department, personnel, policies and procedures that have a direct impact on their work assignment.

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Volunteers should receive position-specific training to ensure they have adequate knowledge and skills to complete tasks required by the position and should receive periodic ongoing training as deemed appropriate by their supervisor or the Volunteer Coordinator.

Training should reinforce to volunteers that they may not intentionally represent themselves as, or by omission infer that they are sworn officers or other full-time members of the Department. They shall always represent themselves as volunteers.

All volunteers shall comply with the rules of conduct and with all orders and directives, either oral or written, issued by the Department.

344.2.6 FITNESS FOR DUTY

No volunteer shall report to work or be on-duty when his/her judgment or physical condition has been impaired by alcohol, medication, other substances, illness or injury.

Volunteers shall report to their supervisor any changes in status that may affect their ability to fulfill their duties. This includes, but is not limited to, the following:

- (a) Driver license
- (b) Medical condition
- (c) Arrests
- (d) Criminal investigations

All volunteers shall adhere to the guidelines set forth by this department regarding drug and alcohol use.

344.2.7 DRESS CODE

As representatives of the Department, volunteers are responsible for presenting a professional image to the community. Volunteers shall dress appropriately for the conditions and performance of their duties.

Volunteers shall conform to department-approved dress consistent with their duty assignment. Uniforms authorized for volunteers should be readily distinguishable from those worn by sworn officers. The uniform or identifiable parts of the uniform shall not be worn while off-duty except volunteers may choose to wear the uniform while in transit to or from official department assignments or functions provided an outer garment is worn over the uniform shirt so as not to bring attention to the volunteer while he/she is off duty.

Volunteers shall be required to return any issued uniform or department property at the termination of service.

344.3 SUPERVISION OF VOLUNTEERS

Each volunteer who is accepted to a position with the Department must have a clearly identified supervisor who is responsible for direct management of that volunteer. This supervisor will be responsible for day-to-day management and guidance of the work of the volunteer and should be available to the volunteer for consultation and assistance.

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A volunteer may be assigned as and act as a supervisor of other volunteers provided that the supervising volunteer is under the direct supervision of a paid staff employee.

Functional supervision of volunteers is the responsibility of the supervisor in charge of the unit where the volunteer is assigned. Following are some considerations to keep in mind while supervising volunteers:

- (a) Take the time to introduce volunteers to employees on all levels.
- (b) Ensure volunteers have work space and necessary office supplies.
- (c) Make sure the work is challenging. Do not hesitate to give them an assignment or task that will tap these valuable resources.

344.4 CONFIDENTIALITY

With appropriate security clearance, volunteers may have access to confidential information such as criminal histories or investigative files. Unless otherwise directed by a supervisor or departmental policy, all information shall be considered confidential. Only that information specifically identified and approved by authorized personnel shall be released. Confidential information shall be given only to persons who have a need and a right to know as determined by departmental policy and supervisory personnel.

Each volunteer will be required to sign a nondisclosure agreement before being given an assignment with the Department. Subsequent unauthorized disclosure of any confidential information, verbally, in writing or by any other means, by the volunteer is grounds for immediate dismissal and possible criminal prosecution.

Volunteers shall not address public gatherings, appear on radio or television, prepare any article for publication, act as correspondents to a newspaper or other periodical, release or divulge any information concerning the activities of the Department, or maintain that they represent the Department in such matters without permission from the proper department personnel.

344.5 PROPERTY AND EQUIPMENT

Volunteers will be issued an identification card that must be worn at all times while on-duty. Any fixed and portable equipment issued by the Department shall be for official and authorized use only. Any property or equipment issued to a volunteer shall remain the property of the Department and shall be returned at the termination of service.

344.5.1 VEHICLE USE

Volunteers assigned to duties such as vacation house checks or other assignments that require the use of a vehicle must first complete the following:

- (a) A driving safety briefing.
- (b) Verification that the volunteer possesses a valid California Driver License.
- (c) Verification that the volunteer carries current vehicle insurance.

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The Volunteer Coordinator should insure that all volunteers receive safety briefing updates and license and insurance verification at least once a year.

When operating a Department vehicle, volunteers shall obey all rules of the road, including seat belt requirements. Smoking is prohibited in all Department vehicles.

Volunteers should not operate a marked patrol car unless there is a prominently placed sign indicating that it is out of service and are not authorized to operate a Department vehicle Code-3.

344.5.2 RADIO AND MDT USAGE

Volunteers shall successfully complete CLETS and radio procedures training prior to using the police radio or MDC and comply with all related provisions. The Support Services Division Commander should ensure that radio and CLETS training is provided for volunteers whenever necessary.

344.6 DISCIPLINARY PROCEDURES/TERMINATION

A volunteer may be removed from the volunteer program at the discretion of the Chief of Police or the Volunteer Coordinator. Volunteers shall have no property interests in their continued appointment. However, if a volunteer is removed for alleged misconduct, the volunteer will be afforded an opportunity solely to clear his/her name through a liberty interest hearing which shall be limited to a single appearance before the Chief of Police or authorized designee.

Volunteers may resign from volunteer service with the Department at any time. It is requested that volunteers who intend to resign provide advance notice of their departure and a reason for their decision.

344.6.1 EXIT INTERVIEWS

Exit interviews, where possible, should be conducted with volunteers who are leaving their positions by a supervisor. The interview should ascertain why the volunteer is leaving the position and solicit the volunteer's suggestions on improving the position. When appropriate, the interview should also include a discussion on the possibility of involvement in some other capacity with the Department.

344.7 EVALUATION

A written evaluation of the overall volunteer program will be conducted on an annual basis by the Volunteer Coordinator. Regular interviews should be conducted with volunteers to ensure the best use of human resources available, to ensure personnel problems can be identified and dealt with promptly and fairly, and to ensure optimum satisfaction on the part of volunteers.

Gun Violence Restraining Orders

345.1 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).

345.1.1 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).

345.2 POLICY

It is the policy of the Orange Police Department to petition for and serve gun violence restraining orders in compliance with state law and to properly account for firearms and ammunition obtained by the Department pursuant to such orders.

345.3 GUN VIOLENCE RESTRAINING ORDERS

An officer who reasonably believes a person is a present danger to themselves or another person by controlling, owning, purchasing, possessing, receiving, or otherwise having custody of a firearm may request permission from the officer's supervisor to petition the court for a gun violence restraining order.

Officers petitioning the court should use the forms established by the Judicial Council (Penal Code § 18105). The petition should describe the number, types, and locations of any firearms and ammunition that the officer believes to be possessed or controlled by the person (Penal Code § 18107). The petition should also describe why less-restrictive alternatives are ineffective or inadequate for the circumstances (Penal Code § 18125; Penal Code § 18150; Penal Code § 18175).

If it is not practical under the circumstances to submit a written petition, an officer may submit the petition electronically or orally request a temporary order (Penal Code § 18122; Penal Code § 18140).

345.3.1 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).

345.4 SERVICE OF GUN VIOLENCE RESTRAINING ORDERS

An officer serving any gun violence restraining order shall:

- (a) Verbally ask the subject of the order if he/she has any firearm, ammunition, or magazine in his/her possession or under his/her custody or control (Penal Code § 18160).
- (b) Request that any firearms or ammunition be immediately surrendered and issue a receipt for the surrendered items (Penal Code § 18120).
- (c) Take into temporary custody any firearm or other deadly weapon discovered in plain view or pursuant to consent or other lawful search (Penal Code § 18250).
- (d) Inform the restrained person of any scheduled hearing regarding the order (Penal Code § 18160).
- (e) Transmit the original proof of service form to the issuing court as soon as practicable but within one business day (Penal Code § 18115).
- (f) As soon as practicable, but by the end of his/her shift, submit proof of service to the Records Manager for prompt entry into the California Restraining and Protective Order System (Penal Code § 18115).

The officer should also inform the restrained person that he/she is required, within 24 hours, to surrender to a law enforcement agency any other firearms and ammunition he/she owns or that are in his/her custody or control or sell them to a firearms dealer. This notification should be documented.

All firearms and ammunition collected shall be handled and booked in accordance with the Property and Evidence Policy.

345.4.1 TEMPORARY EMERGENCY GUN VIOLENCE RESTRAINING ORDERS

An officer requesting a temporary emergency gun violence restraining order shall (Penal Code § 18140):

- (a) For oral requests, sign a declaration under penalty of perjury reciting the oral statements provided to the judicial officer and memorialize the order of the court on the form approved by the Judicial Council.
- (b) Serve the order on the restrained person if the person can be reasonably located.
- (c) Forward a copy of the order to the Records Manager for filing with the court and appropriate databases.

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345.5 SEARCH WARRANTS

If a person who has been served with a gun violence restraining order refuses to surrender any firearm or ammunition, the officer should consider whether to seek a search warrant. If a search warrant is to be obtained, the preparation and service of the search warrant shall be done in accordance with the Warrant Service Policy. Additionally, (Penal Code § 1542.5):

- (a) The officer serving the warrant shall take custody of any firearm or ammunition that is controlled, possessed or owned by the person who is the subject of the gun violence restraining order, including any discovered pursuant to the warrant, a consensual search or other lawful search.
- (b) If the location being searched is jointly occupied and the firearm or ammunition is owned by a person other than the restrained person, the firearm or ammunition should not be seized if the following conditions are met:
 - 1. The firearm or ammunition can be stored in a manner that does not allow the restrained person to have control or access.
 - 2. There is no evidence that the owner unlawfully possesses the firearm or ammunition.
- (c) If a locked gun safe belonging to someone other than the subject of a gun violence restraining order is discovered, the officer shall not search the contents of the safe unless the owner consents or there is a valid search warrant for the safe. Any search of the safe must be done in the owner's presence.

345.6 RECORDS MANAGER RESPONSIBILITIES

The Records Manager is responsible for ensuring:

- (a) Proof of service of any gun violence restraining order served by an officer or received from the clerk of the court is entered in the computer database system for protective and restraining orders maintained by the Department of Justice within one business day of service if served by an officer, or within one business day of receipt of proof of service if served by a person other than a law enforcement officer (Penal Code § 18115).
- (b) Temporary orders are entered into the California Restraining and Protective Order System (Penal Code § 18140).
- (c) Copies of temporary orders are filed with the court as soon as practicable, but no later than three court days, after issuance (Penal Code § 18140).
- (d) Copies of receipts of surrendered firearms or ammunition issued by other agencies for gun violence restraining orders issued by the Department are properly maintained (Penal Code § 18120).
- (e) Any relinquishment of firearm rights form received from the court is entered into the California Restraining and Protective Order System within one business day of receipt (Penal Code § 18115).

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345.7 COURT-ORDERED FIREARMS AND AMMUNITION SURRENDERS

Authorized personnel shall accept firearms and ammunition from any individual who is the subject of a gun violence restraining order. The personnel receiving any firearm or ammunition shall:

- (a) Record the individual's name, address and telephone number.
- (b) Record the serial number of the firearm.
- (c) Prepare an incident report and property report.
- (d) Provide a property receipt to the individual who surrendered the firearms and ammunition.
- (e) Package and submit the firearms and ammunition in accordance with the Property and Evidence Policy.

345.8 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 the California Penal Code and the Property and Evidence Policy.

345.9 GUN VIOLENCE RESTRAINING ORDER COORDINATOR

The Crimes Against Persons Sergeant will be appointed 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 personnel, also including procedures for requesting and serving (Penal Code § 18108):
 1. A temporary emergency gun violence restraining order.
 2. An ex parte gun violence restraining order.
 3. A gun violence restraining order issued after notice and hearing.
- (b) Developing and maintaining factors to consider when assessing the need to seek an order, including:
 1. Whether threats have been made, and if so, whether the threats are credible and specific.
 2. Whether the potential victim is within close proximity.
 3. Whether the person has expressed suicidal tendencies.
 4. Whether the person has access to firearms.
 5. The criminal history of the person, in particular any history of criminal violence, including whether the person is currently on parole, probation, or monitored release.
 6. The mental health history of the person, in particular whether the person has any history of mental illness or has ever been detained for being a danger to themselves or others.

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7. Any upcoming holidays, anniversaries, or other dates of significance that may serve as a trigger for the person, such as the death of a family member.
 8. Whether the person has any history of drug or alcohol abuse.
- (c) Developing and maintaining procedures for the receipt and service of orders consistent with the requirements of Penal Code § 18115; Penal Code § 18120; Penal Code § 18135; Penal Code § 18140; and Penal Code § 18160. Procedures should include:
1. Evaluation of an order to determine appropriate service and necessary precautions (see the Warrant Service Policy and the Operations Planning and Deconfliction Policy).
 2. Forwarding orders to the Records Manager for recording in appropriate databases and required notice to the court, as applicable.
 3. Preparing or obtaining a search warrant prior to attempting service of an order, when appropriate (Penal Code § 18108).
 4. Seizure procedures of firearms and ammunition at the time of issuance of a temporary emergency gun violence restraining order.
 5. Verification procedures for the removal of firearms and ammunition from the subject of a gun violence restraining order.
- (d) Coordinating with the Training Bureau Sergeant to provide officers who may be involved in petitioning for or serving orders with training on such orders. Training should include determining when a petition is appropriate, the process for seeking an order, and the service of such orders.
- (e) Reviewing each petition and any associated court documents for an order prepared by personnel, for compliance with this policy, department procedures, and state law.
- (f) Developing and maintaining procedures for personnel 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).

345.10 RENEWAL OF GUN VIOLENCE RESTRAINING ORDERS

The Investigative Services Division 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).

345.11 POLICY AVAILABILITY

The Chief of Police or the authorized designee shall be responsible for making this policy available to the public upon request (Penal Code § 18108).

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345.12 TRAINING

The Training Bureau Sergeant should ensure that members receive periodic training on the requirements of this policy (Penal Code § 18108).

Department Use of Social Media

346.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that any use of social media on behalf of the Department is consistent with the department mission.

This policy does not address all aspects of social media use. Specifically, it does not address:

- Personal use of social media by department members (see the Employee Speech, Expression and Social Networking Policy).
- Use of social media in personnel processes (see the Recruitment and Selection Policy).
- Use of social media as part of a criminal investigation, other than disseminating information to the public on behalf of this department (see the Investigation and Prosecution Policy).

346.1.1 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

346.2 POLICY

The Orange Police Department may use social media as a method of effectively informing the public about department services, issues, investigations and other relevant events.

Department employees shall ensure that the use or access of social media is done in a manner that protects the constitutional rights of all.

346.3 AUTHORIZED USERS

Only employees authorized by the Chief of Police or the authorized designee may utilize social media on behalf of the Department. Authorized employees should use only department-approved equipment during the normal course of duties to post and monitor department-related social media, unless they are specifically authorized to do otherwise by their supervisors.

The Chief of Police may develop specific guidelines identifying the type of content that may be posted. Any content that does not strictly conform to the guidelines should be approved by a supervisor prior to posting.

Requests to post information over department social media by employees who are not authorized to post should be made through the employee's chain of command.

346.4 AUTHORIZED CONTENT

Only content that is appropriate for public release, that supports the department mission and conforms to all department policies regarding the release of information may be posted.

Examples of appropriate content include:

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- (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.

346.4.1 INCIDENT-SPECIFIC USE

In instances of active incidents where speed, accuracy and frequent updates are paramount (e.g., crime alerts, public safety information, traffic issues), the Public Information Officer or the authorized designee will be responsible for the compilation of information to be released, subject to the approval of the Incident Commander.

346.5 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 Orange Police Department or its employees.
- (e) Any information that could compromise the safety and security of department operations, employees 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 employee who becomes aware of content on this department's social media site that he/she believes is unauthorized or inappropriate should promptly report such content to a supervisor. The supervisor will ensure its removal from public view and investigate the cause of the entry.

346.6 MONITORING CONTENT

The Chief of Police will appoint a supervisor to review, at least annually, the use of department social media and report back on, at a minimum, the resources being used, the effectiveness of the content, any unauthorized or inappropriate content and the resolution of any issues.

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346.7 RETENTION OF RECORDS

The Support Services Division Commander should work with the Custodian of Records to establish a method of ensuring that public records generated in the process of social media use are retained in accordance with established records retention schedules. No post or comment shall be deleted unless it is in violation of our terms of use or at the direction of the Chief of Police.

346.8 TRAINING

Authorized employees 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.

Restraint Chair

347.1 PURPOSE AND SCOPE

The purpose of the departmentally approved Restraint Chair is to provide a safe and humane manner in which sworn Orange Police Department personnel control uncooperative arrestees resisting the collection of a blood sample pursuant to California Vehicle Code Section 23612, a lawfully obtained search warrant pursuant to California Penal Code 1524, or exigent circumstances. The restraint chair is intended to help reduce risk of physical harm to the arrestee, medical personnel responsible for collecting the evidence, and the officers involved in the collection of a blood sample. The restraint chair shall only be used for the purposes of blood collection and never be used for an arrestee's passive refusals as a means of punishment.

347.2 AUTHORIZATION

The Watch Commander shall be notified of the arrest and the arrestee's refusal to provide a blood sample. After the arrestee has been given sufficient opportunities to comply voluntarily, the Watch Commander will evaluate the circumstances and may authorize the placement of the arrestee into the Restraint Chair for the purpose of safely obtaining a blood sample. The Watch Commander or his/her designee shall be present when the arrestee is placed into the restraint chair and shall supervise the blood draw. Use of the restraint chair shall be documented and audio/video recorded.

347.3 CONDITIONS FOR USE

The departmentally approved Restraint Chair shall only be used when the following conditions exist:

1. The arrestee is in custody for California Vehicle Code Section 23140, 23152(a), 23152(a), 23153(a) or 23153(b) and has refused to provide a blood sample pursuant to the following:
 - (a) California Vehicle Code 23612 and a lawfully obtained search warrant pursuant to California Penal Code 1524.
2. The arrestee has been given sufficient opportunities to comply voluntarily.
3. Articulate exigent circumstances exist.
4. The Watch Commander has been notified of the above qualifying factors.
5. The Watch Commander shall evaluate whether using the restraint chair is appropriate under the circumstances.
6. The Watch Commander or his/her designee shall be physically present during the use of the restraint chair.
7. Location – The Restraint Chair should be placed in the Sally Port prior to seating the arrestee in the chair.
8. Only supervisors and sworn personnel properly trained in the use of the restraint chair shall be authorized to use it.

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9. Personnel shall document and audio/video record the arrestee placed and secured in the restraint chair, the blood sample obtained from the arrestee and the removal of the arrestee from the restraint chair.
10. The arrestee should be removed from the restraint chair as soon as practical.

347.4 TRAINING

All sworn personnel, lieutenant and below, shall be properly trained on the policies, procedures, and use of the Restraint Chair upon being hired and bi-annually in conjunction with the Court and Temporary Holding training.

Training shall include:

- (a) Restraint Chair policy
- (b) Restraint Chair location for blood draws
- (c) How to properly secure an arrestee in the Restraint Chair
- (d) Documentation and notification

347.5 PROHIBITIONS

The Restraint Chair shall not be used under the following conditions:

- (a) The restraint chair shall not be used on arrestees who are in need of medical attention.
- (b) The restraint chair shall not be used on arrestees who are pregnant.
- (c) The restraint chair shall not be used on arrestees under the age of 18.
- (d) Arrestees shall not be restrained in the restraint chair for any longer than is practical to safely obtain a blood sample.
- (e) The restraint chair shall not be used as any form of discipline or substitute for medical or psychological treatment.
- (f) Arrestees shall not be left unsupervised while secured in the restraint chair.

347.6 DOCUMENTATION

Whenever the Restraint Chair is used the appropriate documentation shall be included in the arresting or other officers' report. Audio/video recordings shall be uploaded into evidence.com.

347.7 WATCH COMMANDER NOTIFICATION

Whenever the Restraint Chair is used, the Watch Commander shall notify the Field Service's Division Commander or his/her designee as soon as practical.

347.8 CONCLUSION FOR USE

Nothing in this section prevents the use of the Restraint Chair as an urgent safety measure to help control combative, self-destructive, or violent arrestees upon the approval of the Watch Commander.

Chapter 4 - Patrol Operations

Patrol Function

400.1 PURPOSE AND SCOPE

The purpose of this policy is to define the patrol function and address intra organizational cooperation and information sharing.

400.2 TERRORISM

It is the goal of the Orange 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. Officer should advise a supervisor as soon as practicable of any activity believed to be terrorism related and should document such incidents with a written report or Field Interview (FI). The supervisor should ensure that all terrorism related reports and FIs are forwarded to the Investigative Services Division Supervisor and to the appropriate investigative agencies in a timely fashion.

400.3 CROWDS, EVENTS AND GATHERINGS

Officers may encounter gatherings of people, including but not limited to, civil demonstrations, civic, social and business events, public displays, parades and sporting events. Officers should monitor such events as time permits in an effort to keep the peace and protect the safety and rights of those present. A patrol supervisor should be notified when it becomes reasonably foreseeable that such an event may require increased monitoring, contact or intervention.

Officers responding to an event or gathering that warrants law enforcement involvement should carefully balance the speech and association rights of those present with applicable public safety concerns before taking enforcement action.

Generally, officers should consider seeking compliance through advisements and warnings for minor violations and should reserve greater enforcement options for more serious violations or when voluntary compliance with the law is not achieved.

Officers are encouraged to contact organizers or responsible persons to seek voluntary compliance that may address relevant public safety/order concerns.

Officers should consider enforcement of applicable state and local laws, such as California Penal Code reference 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.

400.3.1 CAMPUS LIAISON

A college or university in this jurisdiction should designate 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 (refer to the California Education Code). The designated department staff member will work with this liaison regarding relevant issues, scheduled events, training and crowd control.

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Patrol Function

400.4 FUNCTION

Patrol will generally be conducted by uniformed officers in clearly marked law enforcement vehicles in assigned jurisdictional areas of Orange. The function of patrol is to respond to calls for assistance and reports of criminal activity, act as a deterrent to crime, enforce state and local laws, identify community needs, provide support and assistance to the community and respond to emergencies.

Patrol services include, but are not limited to:

- (a) Responding to emergency calls for service.
- (b) Apprehending criminal offenders.
- (c) Providing mutual aid and assistance to other agencies for emergency and law enforcement-related activities.
- (d) Preventing criminal acts, traffic violations and collisions, maintaining public order and discovering hazardous situations or conditions.
- (e) Responding to reports of criminal and non-criminal acts.
- (f) Responding to routine calls for service, such as public assistance or public safety.
- (g) Carrying out crime prevention activities such as residential inspections, business inspections and community presentations.
- (h) Carrying out community oriented policing and problem-solving activities including the application of resources to improve or resolve specific problems or situations and contacting or assisting members of the public in a positive way.
- (i) Directing and controlling traffic.

400.5 POLICY

The Orange 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.

Bias-Based Policing

401.1 PURPOSE AND SCOPE

This policy provides guidance to department employees that affirms the Orange 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).

401.1.1 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).

401.2 POLICY

The Orange 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.

401.3 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.

401.3.1 CALIFORNIA RELIGIOUS FREEDOM ACT

Employees shall not collect information from a person based on religious belief, practice, affiliation, national origin or ethnicity unless permitted under state or federal law (refer to the California Government Code).

Employees shall not assist federal government authorities (refer to the California Government Code):

- (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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401.3.2 RACIAL AND IDENTITY PROFILING ACT (RIPA)

On or before January 1, 2022, the Department is required to begin collecting data on all stops conducted by employees within the department. Commencing on or before April 1, 2023, the Department is required to annually report to the California Attorney General data on all stops, as defined, conducted by the agency's peace officers, and require that data to include specified information, including the time, date, and location of the stop, and the reason for the stop for the preceding calendar year (Government Code 12525.5).

DEFINITIONS:

The following definitions relate to terms used within this policy (Government Code 12525.5):

Peace officer: as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, is limited to members of the California Highway Patrol, a city or county law enforcement agency, and California State or university educational institutions. "Peace officer," as used in this section, does not include probation officers and officers in a custodial setting.

Stop: means any detention by a peace officer of a person, or any peace officer interaction with a person in which the peace officer conducts a search, including a consensual search, of the person's body or property in the person's possession or control.

DATA COLLECTION:

Sworn employees shall complete all applicable data field in the Department's AB 953 RIPA Stop Application for each stop. The reporting shall include, at a minimum, the following information for each stop:

- (1) The time, date, and location of the stop.
- (2) The reason for the stop.
- (3) The result of the stop, such as, no action, warning, citation, property seizure, or arrest.
- (4) If a warning or citation was issued, the warning provided or violation cited.
- (5) If an arrest was made, the offense charged.
- (6) The perceived race or ethnicity, gender, and approximate age of the person stopped, provided that the identification of these characteristics shall be based on the observation and perception of the peace officer making the stop, and the information shall not be requested from the person stopped. For motor vehicle stops, this paragraph only applies to the driver, unless any actions specified under paragraph (7) apply in relation to a passenger, in which case the characteristics specified in this paragraph shall also be reported for them.
- (7) Actions taken by the peace officer during the stop, including, but not limited to, the following:
 - (a) Whether the peace officer asked for consent to search the person, and, if so, whether consent was provided.
 - (b) Whether the peace officer searched the person or any property, and, if so, the basis for the search and the type of contraband or evidence discovered, if any.

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(c) Whether the peace officer seized any property and, if so, the type of property that was seized and the basis for seizing the property.

When two or more reporting agencies are involved in a stop, only the primary agency shall submit a report. The primary agency is the agency with investigative jurisdiction based on local, county, or state law or applicable interagency agreement or memoranda of understanding. If there is uncertainty as to the primary agency, the agencies shall agree on which agency is the primary agency for reporting purposes. If a stop is done in conjunction with a reporting agency and an agency that is not subject to the reporting requirements of this chapter, the reporting agency is required to submit data on the stop, even if it is not the primary agency responsible for the stop.

If more than one peace officer of a reporting agency conducts a stop, only one officer shall collect and report the information required to be reported. The officer with the highest level of engagement with the person stopped shall submit the full report for all data elements, regardless of whether that officer performed the specific action(s) reported.

An officer shall complete all stop reports for stops made during their shift by the end of that shift, unless exigent circumstances preclude doing so. In such circumstances, the data shall be completed as soon as practicable. (11 CCR 999.227)

SUPERVISORS:

Supervisors should ensure that data stop reports are completed by the end of the officer's shift or as soon as practical. Supervisors should ensure that data stop requirements are provided to the Records Manager for required annual reporting to the DOJ.

REPORTING TO THE CALIFORNIA ATTORNEY GENERAL:

The Records Manager in the Records Bureau is the custodian of all data collected. The Records Manager or their authorized designee shall ensure data is collected and reported in accordance with Government Code section 12525.5 and that all data collected is used strictly within the scope of compliance with this policy.

The data provided to the California Attorney General shall not include the name, address, social security number, or other unique personal identifying information of persons stopped, searched, or subjected to a property seizure, for purposes of this section.

Notwithstanding any other law, the data reported shall be available to the public, except for the badge number or other unique identifying information of the peace officer involved, which shall be released to the public only to the extent the release is permissible under state law.

401.4 EMPLOYEE'S RESPONSIBILITIES

Every employee of this department shall perform their 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. Employees should, when reasonable to do so, intervene to prevent any biased-based actions by another employee.

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401.4.1 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.

401.5 SUPERVISOR RESPONSIBILITIES

- (a) Supervisors should discuss any issues with the involved officer and his/her supervisor in a timely manner.
 - 1. Supervisors should document these discussions, in the prescribed manner.
- (b) Supervisors should periodically review MAV recordings, portable audio/video recordings, Mobile Digital Computer (MDC) data and any other available resource used to document contact between officers and the public to ensure compliance with the policy.
 - (a) Supervisors should document these periodic reviews.
 - (b) Recordings or data that capture a potential instance of bias-based policing should be appropriately retained for administrative investigation purposes.
- (c) Supervisors shall initiate investigations of any actual or alleged violations of this policy.
- (d) Supervisors should take prompt and reasonable steps to address any retaliatory action taken against any employee of this department who discloses information concerning bias-based policing.

401.6 ADMINISTRATION

Each year, the Field Services Division Commander should review the efforts of the Department to provide fair and objective policing and submit an annual report, including public concerns and complaints, to the Chief of Police.

The annual report should not contain any identifying information about any specific complaint, member of the public or officers. It should be reviewed by the Chief of Police to identify any changes in training or operations that should be made to improve service.

Supervisors should review the annual report and discuss the results with those they are assigned to supervise.

401.7 TRAINING

Training on fair and objective policing and review of this policy should be conducted as directed by the Training Bureau.

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- (a) All sworn police officers of this department will be scheduled to attend Peace Officer Standards and Training (POST)-approved training on the subject of bias-based policing.
- (b) Pending participation in such POST-approved training and at all times, all employees of this department are encouraged to familiarize themselves with and consider racial and cultural differences among members of this community.
- (c) Each sworn police officer 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 (refer to the California Penal Code).

401.8 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

The Legal Affairs Supervisor shall ensure that all data required by the California Department of Justice (DOJ) regarding complaints of racial bias against officers is collected and provided to the Records Manager for required reporting to the DOJ (refer to the California Penal Code). See the Records Bureau Policy.

Supervisors should ensure that data stop reports are provided to the Records Manager for required annual reporting to the DOJ (refer to the California Government Code) (See Records Bureau Policy).

Briefing Training

402.1 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

402.2 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.

402.3 RETENTION OF BRIEFING TRAINING RECORDS

Briefing training materials and a curriculum or summary shall be forwarded to the Training Bureau Sergeant for inclusion in training records, as appropriate.

Crime and Disaster Scene Integrity

403.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance in handling a major crime or disaster.

403.2 POLICY

It is the policy of the Orange 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.

403.3 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.

403.4 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.

403.5 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

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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.

403.5.1 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.

403.6 EXECUTION OF HEALTH ORDERS

Any sworn officer 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 (refer to the California Health and Safety Code).

Crisis Response Unit

404.1 PURPOSE AND SCOPE

The Crisis Response Unit (CRU) is comprised of three specialized teams: the Crisis Negotiation Team (CNT), the Special Weapons and Tactics Team (SWAT) and Tactical Dispatch Unit (TDU). The unit has been established to provide specialized support in handling critical field operations where intense negotiations and/or special tactical deployment methods beyond the capacity of field officers or investigative units appear to be reasonable. This policy is written to comply with the guidelines established in the POST 2019 SWAT Operational Guidelines and Standardized Training Recommendations (Penal Code § 13514.1).

404.1.1 OPERATIONAL AND ADMINISTRATIVE POLICY

The Policy Manual sections pertaining to the Crisis Response Unit are divided into Administrative and Operational Policy and Procedures. Since situations that necessitate the need for such a police response vary greatly from incident to incident and such events often demand on-the-scene evaluation, the Operational Policy outlined in this manual section serves as a guideline to department personnel allowing for appropriate on scene decision making as required. The Administrative Procedures, however, are more restrictive and few exceptions should be taken.

404.1.2 SWAT TEAM DEFINED

A SWAT team is a designated unit of law enforcement officers that is specifically trained and equipped to work as a coordinated team to resolve critical incidents that are so hazardous, complex, or unusual that they may exceed the capabilities of first responders or investigative units including, but not limited to, hostage taking, barricaded suspects, snipers, terrorist acts and other high-risk incidents. As a matter of department policy, such a unit may also be used to serve high-risk warrants, both search and arrest, where public and officer safety issues reasonably justify the use of such a unit.

404.2 LEVELS OF CAPABILITY/TRAINING

404.2.1 LEVEL I

A level I SWAT team is a basic team capable of providing containment and intervention with critical incidents that exceed the training and resources available to line-level officers. This does not include ad hoc teams of officers that are formed around a specific mission, detail or incident (e.g. active shooter response). Generally 5% of the basic team's on-duty time should be devoted to training.

404.2.2 LEVEL II

A level II, Intermediate level SWAT team is capable of providing containment and intervention. Additionally, these teams possess tactical capabilities above the Level I teams. These teams may or may not work together on a daily basis, but are intended to respond to incidents as a team. At least 5% of their on-duty time should be devoted to training with supplemental training for tactical capabilities above the Level I team.

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404.2.3 LEVEL III

A Level III, Advanced level SWAT team is a SWAT team whose personnel function as a full-time unit. Generally 25% of their on-duty time is devoted to training. Level III teams operate in accordance with contemporary best practices. Such units possess both skills and equipment to utilize tactics beyond the capabilities of Level I and Level II teams.

404.3 POLICY

It shall be the policy of this department to maintain a SWAT team and to provide the equipment, manpower, and training necessary to maintain a SWAT team. The SWAT team should develop sufficient resources to perform three basic operational functions:

- (a) Command and Control
- (b) Containment
- (c) Entry/Apprehension/Rescue

It is understood it is difficult to categorize specific capabilities for critical incidents. Training needs may vary based on the experience level of the team personnel, team administrators and potential incident commanders. Nothing in this policy shall prohibit individual teams from responding to a situation that exceeds their training levels due to the exigency of the circumstances. The preservation of innocent human life is paramount.

404.3.1 POLICY CONSIDERATIONS

A needs assessment should be conducted to determine the type and extent of SWAT missions and operations appropriate to this department. The assessment should consider the team's capabilities and limitations and should be reviewed annually by the SWAT Commander or his/her designee.

404.3.2 ORGANIZATIONAL PROCEDURES

This department shall develop a separate written set of organizational procedures which should address, at minimum, the following:

- (a) Locally identified specific missions the team is capable of performing.
- (b) Team organization and function.
- (c) Personnel selection and retention criteria.
- (d) Training and required competencies.
- (e) Procedures for activation and deployment.
- (f) Command and control issues, including a clearly defined command structure.
- (g) Multi-agency response.
- (h) Out-of-jurisdiction response.
- (i) Specialized functions and supporting resources.

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404.3.3 OPERATIONAL PROCEDURES

This department shall develop a separate written set of operational procedures in accordance with the determination of their level of capability, using sound risk reduction practices. The operational procedures should be patterned after the National Tactical Officers Association Suggested SWAT Best Practices. Because such procedures are specific to CRU members and will outline tactical and officer safety issues, they are not included within this policy. The operational procedures should include, at minimum, the following:

- (a) Designated personnel responsible for developing an operational or tactical plan prior to, and/or during SWAT operations (time permitting).
 - 1. All SWAT team members should have an understanding of operational planning.
 - 2. SWAT team training should consider planning for both spontaneous and planned events.
 - 3. SWAT teams should incorporate medical emergency contingency planning as part of the SWAT operational plan.
- (b) Plans for mission briefings conducted prior to an operation, unless circumstances require immediate deployment.
 - 1. When possible, briefings should include the specialized units and supporting resources.
- (c) Protocols for a sustained operation should be developed which may include relief, rotation of personnel and augmentation of resources.
- (d) When time/circumstances permit, a generic checklist to be worked through prior to initiating a tactical action as a means of conducting a threat assessment to determine the appropriate response and resources necessary, including the use of SWAT.
- (e) The appropriate role for a trained negotiator.
- (f) The appropriate role for the TDU and its members.
- (g) A standard method of determining whether or not a warrant should be regarded as high-risk.
- (h) A method for deciding how best to serve a high-risk warrant with all reasonably foreseeable alternatives being reviewed in accordance with risk/benefit criteria prior to selecting the method of response.
- (i) Post incident scene management including:
 - 1. Documentation of the incident.
 - 2. Transition to investigations and/or other units.
 - 3. Debriefing after every deployment of the SWAT team.
 - (a) After-action team debriefing provides evaluation and analysis of critical incidents and affords the opportunity for individual and team assessments, helps to identify training needs, and reinforces sound risk management practices.

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- (b) Such debriefing should not be conducted until involved officers have had the opportunity to individually complete necessary reports or provide formal statements.
- (c) In order to maintain candor and a meaningful exchange, debriefing will generally not be recorded.
- (d) When appropriate, debriefing should include specialized units and resources.
- (j) Sound risk management analysis.
- (k) Standardization of equipment deployed.

404.4 TRAINING NEEDS ASSESSMENT

The CRU Commander shall conduct an annual SWAT Training needs assessment to ensure that training is conducted within team capabilities, department policy and the training guidelines as established by POST (11 C.C.R. § 1084).

404.4.1 INITIAL TRAINING

SWAT team members and SWAT supervisors/team leaders should not be deployed as an operator until successful completion of the POST-certified Basic SWAT Course or its equivalent.

- (a) To avoid unnecessary or redundant training, previous training completed by members may be considered equivalent when the hours and content (topics) meet or exceed department requirements or POST standardized training recommendations.

404.4.2 UPDATED TRAINING

Both the SWAT, Tactical Dispatch Unit and Crisis Negotiation Teams shall participate in specialized training for their specific functions.

SWAT team operators and SWAT supervisors/team leaders should complete update or refresher training as certified by POST, or its equivalent, every 24 months.

404.4.3 SUPERVISION AND MANAGEMENT TRAINING

Command and executive personnel are encouraged to attend training for managing the CRU function at the organizational level to ensure personnel who provide active oversight at the scene of CRU operations understand the purpose and capabilities of the teams.

Command personnel who may assume incident command responsibilities should attend SWAT or Critical Incident Commander course or its equivalent. SWAT command personnel should attend a POST-certified SWAT commander or tactical commander course, or its equivalent. SWAT supervisors/team leaders should, when possible, attend a POST-certified (or its equivalent) tactical team leader course.

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404.4.3 SWAT ONGOING TRAINING

Training shall be coordinated by the CRU Commander. The CRU Commander may conduct monthly training exercises that include a review and critique of personnel and their performance in the exercise in addition to specialized training. Training shall consist of the following:

- (a) Each SWAT member shall perform a physical fitness test twice each year. A minimum qualifying score must be attained by each team member.
- (b) Any SWAT team member failing to attain the minimum physical fitness qualification score will be notified of the requirement to retest and attain a qualifying score. Within 30 days of the previous physical fitness test date, the member required to qualify shall report to a team supervisor and complete the entire physical fitness test. Failure to qualify after a second attempt may result in dismissal from the team.
- (c) Those members who are on vacation, ill, or are on light duty status with a doctor's note of approval on the test date, shall be responsible for reporting to a team supervisor and taking the test within 30 days of their return to regular duty. Any member, who fails to arrange for and perform the physical fitness test within the 30-day period, shall be considered as having failed to attain a qualifying score for that test period.
- (d) Quarterly, each SWAT team member shall perform the mandatory SWAT handgun qualification course. The qualification course shall consist of the SWAT Basic Drill for the handgun. Failure to qualify will require that officer to seek remedial training from a team range master approved by the CRU Commander. Team members who fail to qualify must retest within 30 days. Failure to qualify within 30 days with or without remedial training may result in dismissal from the team.
- (e) Each SWAT team member shall complete the quarterly SWAT qualification course for any weapon issued to, or used by, the team member during SWAT operations. Failure to qualify will require the team member to seek remedial training from the Firearms Training Staff who has been approved by the CRU commander. Team members who fail to qualify on their weapon may not utilize the weapon on SWAT operations until qualified. Team members who fail to qualify must retest within 30 days. Failure to qualify with weapons within 30 days may result in the team member being removed from the team or permanently disqualified from use of that particular weapon.

404.4.5 TRAINING SAFETY

Use of a designated safety officer should be considered for all tactical training.

404.4.6 SCENARIO BASED TRAINING

CRU should participate in scenario-based training that simulates the tactical operational environment. Such training is an established method of improving performance during an actual deployment.

404.4.7 TRAINING DOCUMENTATION

Individual and team training shall be documented and records maintained by the Training and Personnel. Such documentation shall be maintained in each member's individual training file. A separate agency SWAT training file shall be maintained with documentation and records of all team training.

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404.5 UNIFORMS, EQUIPMENT, AND FIREARMS

404.5.1 UNIFORMS

SWAT teams from this agency should wear uniforms that clearly identify team members as law enforcement officers. It is recognized that certain tactical conditions may require covert movement. Attire may be selected appropriate to the specific mission.

404.5.2 EQUIPMENT

SWAT teams from this agency should be adequately equipped to meet the specific mission(s) identified by the agency.

404.5.3 FIREARMS

Weapons and equipment used by SWAT, the specialized units, and the supporting resources should be agency-issued or approved, including any modifications, additions, or attachments.

404.5.2 OPERATIONAL READINESS INSPECTIONS

The CRU Commander shall appoint a CRU supervisor to perform operational readiness inspections of all unit equipment at least quarterly. The result of the inspection will be forwarded to the CRU Commander in writing. The inspection will include personal equipment issued to members of the unit, operational equipment maintained in the CRU facility and equipment maintained or used in CRU vehicles.

404.6 MANAGEMENT/SUPERVISION OF CRISIS RESPONSE UNIT

The Commander of the CRU shall be selected by the Chief of Police upon recommendation of staff.

404.6.1 PRIMARY UNIT MANAGER

Under the direction of the Chief of Police, through the Field Services Division Commander, the Crisis Response Unit shall be managed by a lieutenant.

404.6.2 TEAM SUPERVISORS

The Crisis Negotiation Team and the Special Weapons and Tactics Team will be supervised by sergeants. The Tactical Dispatch Unit will be supervised by a senior dispatcher.

The team supervisors shall be selected by the Chief of Police upon specific recommendation by staff and the CRU Commander.

The following represent the supervisor responsibilities for the Crisis Response Unit.

- (a) The Negotiation Team supervisor's primary responsibility is to supervise the operations of the Negotiation Team which will include deployment, training, first line participation, and other duties as directed by the CRU Commander.
- (b) The Special Weapons and Tactics Team supervisors' primary responsibility is to supervise the operations of the SWAT Team, which will include deployment, training, first line participation, and other duties as directed by the CRU Commander.

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- (c) The Tactical Dispatch Unit Supervisor's primary responsibility is to act as a liaison between the tactical dispatchers, SWAT and CRU commander.

404.7 CRISIS NEGOTIATION TEAM ADMINISTRATIVE PROCEDURES

The Crisis Negotiation Team has been established to provide skilled verbal communicators who may be utilized to attempt to de-escalate and effect surrender in critical situations where suspects have taken hostages, barricaded themselves, or have suicidal tendencies.

The following procedures serve as directives for the administrative operation of the Crisis Negotiation Team.

404.7.1 SELECTION OF PERSONNEL

Interested sworn personnel, who are off probation, shall submit a memorandum of interest to the Field Services Division Commander or his/her designee. A copy will be forwarded to the CRU Commander and the Crisis Negotiation Team supervisor. Qualified applicants will then be invited to an oral interview. The oral board will consist of the CRU Commander, the Crisis Negotiation Team supervisor, and a third person to be selected by the two. Interested personnel shall be evaluated by the following criteria:

- (a) Recognized competence and ability as evidenced by performance.
- (b) Demonstrated good judgment and understanding of critical role of negotiator and negotiation process.
- (c) Effective communication skills to ensure success as a negotiator.
- (d) Special skills, training, or appropriate education as it pertains to the assignment.
- (e) Commitment to the unit, realizing that the assignment may necessitate unusual working hours, conditions, and training obligations.

The oral board shall submit a list of successful applicants to staff for final selection.

404.7.2 TRAINING OF NEGOTIATORS

Those officers selected as members of the Negotiation Team should attend the Basic Negotiators Course as approved by the Commission on Peace Officer Standards and Training (POST) prior to primary use in an actual crisis situation. Untrained officers may be used in a support or training capacity. Additional training will be coordinated by the team supervisor.

A minimum of one training day per quarter will be required to provide the opportunity for role playing and situational training necessary to maintain proper skills. This will be coordinated by the team supervisor.

Continual evaluation of a team member's performance and efficiency as it relates to the positive operation of the unit shall be conducted by the team supervisor. Performance and efficiency levels, established by the team supervisor, will be met and maintained by all team members. Any member of the Negotiation Team who performs or functions at a level less than satisfactory shall be subject to dismissal from the unit.

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404.8 SWAT TEAM ADMINISTRATIVE PROCEDURES

The following procedures serve as guidelines for the operational deployment of SWAT. It is recognized that all members of SWAT may not be activated for certain situations such as high-risk search warrant service, dignitary/VIP protection, crowd control and riot control. This decision shall be at the discretion of the SWAT commander.

404.8.1 SELECTION OF PERSONNEL

Interested sworn personnel who are off probation shall submit a memorandum of interest to the Field Services Division Commander, a copy of which will be forwarded to the CRU Commander and other SWAT supervisors. Those qualifying applicants will then be invited to participate in the testing process. The order of the tests will be given at the discretion of the CRU Commander. The testing process will consist of an oral board, physical agility, firearm qualification, and team evaluation.

- (a) Oral board: The oral board will consist of personnel selected by the CRU Commander. Applicants will be evaluated by the following criteria:
 - 1. Recognized competence and ability as evidenced by performance;
 - 2. Demonstrated good judgment and understanding of critical role of SWAT member;
 - 3. Special skills, training, or appropriate education as it pertains to this assignment; and,
 - 4. Commitment to the unit, realizing that the additional assignment may necessitate unusual working hours, conditions, and training obligations.
- (b) Physical agility: The physical agility test is designed to determine the physical capabilities of the applicant as it relates to performance of SWAT-related duties. The test and scoring procedure will be established by the CRU Commander. A minimum qualifying score shall be attained by the applicant to be considered for the position.
- (c) Firearm qualification: Candidates will be invited to shoot the qualification course. A minimum qualifying score must be attained to qualify.
- (d) Team evaluation: Current team members will evaluate each candidate on his or her field tactical skills, teamwork, ability to work under stress, communication skills, judgment, and any special skills that could benefit the team.
- (e) A list of successful applicants shall be submitted to staff, by the CRU Commander, for final selection.

404.8.2 TEAM EVALUATION

Continual evaluation of a team member's performance and efficiency as it relates to the positive operation of the unit shall be conducted by the CRU Commander. The performance and efficiency level, as established by the team supervisor, will be met and maintained by all SWAT Team members. Any member of the SWAT Team who performs or functions at a level less than satisfactory shall be subject to dismissal from the team.

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404.9 OPERATION GUIDELINES FOR CRISIS RESPONSE UNIT

The following procedures serve as guidelines for the operational deployment of the Crisis Response Unit. Generally, the Special Weapons and Tactics Team and the Crisis Negotiation Team will be activated together. It is recognized, however, that a tactical team may be used in a situation not requiring the physical presence of the Crisis Negotiation Team such as warrant service operations. This shall be at the discretion of the CRU Commander. Conversely, the Crisis Negotiation Team may be used in a situation not requiring deployment of the Special Weapons and Tactics Team.

404.9.1 ON-SCENE DETERMINATION

The supervisor in charge on the scene of a particular event will assess whether the Crisis Response Unit is to respond to the scene. Upon final determination by the Field Services Division Commander, the Watch Commander or his/her designee, he/she will notify the CRU Commander.

404.9.2 APPROPRIATE SITUATIONS FOR USE OF CRISIS RESPONSE UNIT

The following are examples of incidents which may result in the activation of the Crisis Response Unit:

- (a) Barricaded suspects who refuse an order to surrender.
- (b) Incidents where hostages are taken.
- (c) Cases of suicide threats.
- (d) Arrests of dangerous persons.
- (e) Any situation that could enhance the ability to preserve life, maintain social order, and ensure the protection of property.

404.9.3 OUTSIDE AGENCY REQUESTS

Requests by field personnel for assistance from outside agency crisis units must be approved by the Watch Commander. Deployment of the Orange Police Department Crisis Response Unit in response to requests by other agencies must be authorized by a Division Commander.

404.9.4 MULTI-JURISDICTIONAL SWAT OPERATIONS

The SWAT team, including relevant specialized units and supporting resources, should develop protocols, agreements, MOU's, or working relationships to support multi-jurisdictional or regional responses.

- (a) If it is anticipated that multi-jurisdictional SWAT operations will regularly be conducted; SWAT multi-agency and multi-disciplinary joint training exercises are encouraged.
- (b) Members of the Orange Police Department SWAT team shall operate under the policies, procedures and command of the Orange Police Department when working in a multi-agency situation.

404.9.5 MOBILIZATION OF CRISIS RESPONSE UNIT

The decision to activate the Crisis Response Unit is made by the Chief of Police or their designee. The Field Services Division Commander, after approval from the Chief of Police or their designee,

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shall notify the CRU Commander. The Watch Commander shall then notify the Field CRU Commander. If unavailable, a SWAT team supervisor shall be notified. A current mobilization list shall be maintained in the Watch Commander's office by the CRU Commander. The Watch Commander will then notify the Field Services Division Commander or their designee as soon as practical.

The Watch Commander should advise the CRU Commander with as much of the following information which is available at the time:

- (a) The number of suspects, known weapons and resources.
- (b) If the suspect is in control of hostages.
- (c) If the suspect is barricaded.
- (d) The type of crime involved.
- (e) If the suspect has threatened or attempted suicide.
- (f) The location of the command post and a safe approach to it.
- (g) The extent of any perimeter and the number of officers involved.
- (h) Any other important facts critical to the immediate situation and whether the suspect has refused an order to surrender.

The CRU Commander or supervisor shall then call selected officers to respond.

404.9.6 FIELD UNIT RESPONSIBILITIES

While waiting for the Crisis Response Unit, field personnel should, when practical and sufficient resources exist:

- (a) Designate an initial incident commander.
- (b) Establish an inner and outer perimeter.
- (c) Establish a command post outside of the inner perimeter.
- (d) Establish an arrest/response team. The team actions may include:
 - 1. Securing any subject or suspect who may surrender.
 - 2. Taking action to mitigate a deadly threat or behavior.
- (e) Evacuate any injured persons or citizens in the zone of danger.
- (f) Attempt to establish preliminary communication with the suspect. Once the CRU has arrived, all negotiations should generally be halted to allow the negotiators and SWAT time to set up.
- (g) Be prepared to brief the CRU Commander on the situation.
- (h) Plan for, and stage, anticipated resources.

404.9.7 ON-SCENE COMMAND RESPONSIBILITIES

Upon arrival of the Crisis Response Unit at the scene, the Incident Commander shall brief the CRU Commander and team supervisors about the situation. Upon review, it will be the Incident

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Commander's decision, with input from the CRU Commander, whether to deploy the Crisis Response Unit. Once the Incident Commander authorizes deployment, the CRU Commander will be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the command post operation, outer perimeter security, and support for the Crisis Response Unit. The Incident Commander and the CRU Commander (or their designee) shall maintain communications at all times.

404.9.8 COMMUNICATION WITH CRISIS RESPONSE UNIT PERSONNEL

With the exception of designated command personnel or liaison officer(s), personnel should refrain from any non-emergency contact or interference with any member of the unit during active negotiations. Operations require the utmost in concentration by involved personnel and, as a result, no one should interrupt or communicate with Crisis Team personnel directly. All non-emergency communications shall be channeled through the Negotiation Team Sergeant or their designee.

404.10 TACTICAL DISPATCH

404.10.1 TACTICAL DISPATCH UNIT (TDU) MISSION

Tactical Dispatch Unit (TDU) is a team of communications personnel, specifically selected and trained to support critical incident command staff by identifying, collecting, mapping, disseminating and documenting operational information during the event.

The role of TDU, functioning as a part of the command team, is to support the Incident and Tactical Commanders in the execution of their duties by recording and providing them with accurate and timely documentation of events during critical incidents. Inherent in this responsibility will be the processing and posting of tactical and operational information, including communication procedures, which support the command and control protocol for the conclusion of the critical incident operations.

404.10.2 TACTICAL DISPATCH ORGANIZATION AND RESPONSIBILITIES

The Tactical Dispatch Unit Team (TDU) shall consist of up of four (4) team members, which includes a Team Leader and an Assistant Team Leader.

A minimum of two (2) dispatchers and a Team Leader should respond to normal call-outs. Additional members may be necessary depending on individual incidents. Smaller TDU responses may be requested for specific SWAT search/arrest warrant incidents that do not require a full tactical deployment.

ROLES AND RESPONSIBILITIES

Team Leader: Will act as a liaison between TDU, CNU and the SWAT commander. Will assign roles and responsibilities at each incident.

Primary Dispatcher: Will function as part of the Tactical Incident Command Team and will support with accurate and timely documentation of events during high-risk operations into CAD utilizing the mobile laptops.

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Secondary Dispatcher: Will be responsible for running CLETS, and any Intel relayed by CNU to gather information on suspects or hostages. Will assume radio and the leadership role in the absence of the lead dispatcher.

Information Management Dispatcher: Maintain all informational boards with updated suspect and location information.

The TDU Team shall, in addition to their regular duties, perform the following functions:

- Assume on-scene communications and support as delegated by the Incident and/or CRU Commander.
- Handle communications in and out of the incident, relaying command decisions to the Incident Commander and/or CRU Commander, while maintaining resources and situational status as well as documentation.
- Assist the Incident and/or CRU Commander with radio operations allowing them to focus on the incident.
- As much as feasible, provide up to date information to the Incident and/or CRU Commander and other appropriate CRU Members.
- Use of tactical dispatcher is targeted for mid to large scale incidents such as SWAT, special events and extended operations.
- Work in partnership and communicate effectively with CNU in order to assist in the dissemination of intelligence from information sources such as CLETS, social media and debriefing of hostages and suspects.

404.10.3 SELECTION AND RETENTION OF PERSONNEL

Interested personnel, who are off probation, shall submit a memorandum of interest to their respective Division Commander via their immediate supervisor, a copy of which will be forwarded to the CRU Commander. Those qualified applications will then be invited to participate in the testing process. The testing process will consist of:

- An oral interview with a board of evaluators.

The oral board shall submit a list of successful applicants to the CRU Commander for final selection. The remaining applicants that were not chosen will be placed on an eligibility list that will remain valid for no more that one (1) year.

Tactical Dispatchers serve at the pleasure of the Chief of Police. Interested personnel shall be evaluated by the following criteria:

- Interest in the position
- A positive attitude
- Experience as a dispatcher
- Team-oriented
- Reliable

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- Availability to respond 24 hours a day
- Special skills, training, or appropriate education as it pertains to the assignment.
- Commitment to the unit realizing that the assignment may necessitate unusual working hours, conditions, and training obligations.

404.10.4 TRAINING STANDARDS

TDU Personnel shall attend a POST approved Tactical Dispatcher course, or its equivalent, which includes curriculum regarding tactical dispatch protocols.

TDU will conduct, at minimum, bi-annual training. TDU will train on appropriate subjects related to the mission and needs of the Orange Police Department. All training will be documented and training records will be maintained on file with the Orange Police Department Training Unit.

The training program will include regular updates on legal issues facing tactical dispatch operations. Current case law and legal issues will also be a regular part of training.

Absence from Training

Tactical Dispatch Team trainings are mandatory for all active team members. Any team member who is unable to attend a training session for any reason must notify a TDU Supervisor.

After-Action Reporting

At the conclusion of team trainings, a training after-action report will be completed and it should be forwarded to the CRU Commander within a reasonable time from after the completion of trainings. The after-action report, at a minimum, will include a list of those who attended training and changes/modifications made by the TDU Supervisor or their designee to the monthly lesson plan. An after-action report should also include any recommendations or corrective action(s) taken during the training derived from the training, including equipment and functional issues.

Training Documentation

Individual training shall be documented and records maintained by the Personnel and Training Bureau in the dispatcher's training file.

404.10.5 EQUIPMENT MANAGEMENT AND STANDARDS

The Department will supply TDU Members with at least the following basic equipment:

- Class C or approved TDU uniform, which consists of a collared polo shirt and gray tactical pants.
- Issued radio, headset and pacset holder
- Flashlight and batteries
- Notebooks, pens and department cellular phones
- Laptops

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TDU Members, to whom any item of equipment is issued, are responsible for the care and maintenance of the equipment. Members should conduct monthly check of laptops to ensure they remain fully operational

Inventory Control

If any equipment has been lost or misplaced, the member must report the occurrence to their Team Leader immediately. Equipment lost or damaged during a call-out or training exercise must also be reported immediately so that it may be replaced as soon as possible. The Tactical Dispatch Supervisor designated for equipment will be responsible for repairing or replacing the item. Additionally, equipment will be maintained on the SWAT truck for prompt retrieval.

Team Leader Responsibility

The Team Leader is responsible for issuing and monitoring the condition of all issued equipment. They will maintain a written record of all issued equipment. Additionally, they will be responsible for ensuring the quarterly inspection and annual inventory of all issued equipment in compliance with department policy. The Team Leader will forward an accountability report of all issued equipment to the CRU Commander upon their request.

Ride-Along Policy

405.1 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.

405.1.1 ELIGIBILITY

The Orange Police Department Ride-Along Program is offered to residents, students and those employed within the City. Every attempt will be made to accommodate interested persons however any applicant may be disqualified without cause.

The following factors may be considered in disqualifying an applicant and are not limited to:

- Being under 15 years of age
- Prior criminal history
- Pending criminal action
- Pending lawsuit against the Department
- Denial by any supervisor

405.1.2 AVAILABILITY

The Ride-Along Program is available on most days of the week, with certain exceptions. The ride-along times are one full shift. Exceptions to this schedule may be made as approved by the Chief of Police, Division Commander, or Watch Commander.

405.2 PROCEDURE TO REQUEST A RIDE-ALONG

Generally, ride-along requests will be scheduled by the Training and Personnel. The participant will complete a ride-along waiver form. Information requested will include a valid ID or California driver's license, address, and telephone number. If the participant is under 18 years of age, a parent/guardian must be present to complete the Ride-Along Form.

The Training and Personnel Supervisor will schedule a date, based on availability, at least one week after the date of application. If approved, a copy will be forwarded to the respective Watch Commander as soon as possible for his/her scheduling considerations.

If the ride-along is denied after the request has been made, a representative of the Department will contact the applicant and advise him/her of the denial.

405.2.1 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, Orange Police Volunteers, Chaplains, Reserves, police applicants, and all others with approval of the Watch Commander.

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An effort will be made to ensure that no more than one citizen will participate in a ride-along during any given time period. Normally, no more than one ride-along will be allowed in the officer's vehicle at a given time.

Ride-along requirements for police cadets are covered in the Police Cadets Policy.

405.2.2 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.

405.2.3 PEACE OFFICER RIDE-ALONGS

Off-duty personnel of this department or any other law enforcement agency will not be permitted to ride-along with on-duty personnel.

405.2.4 RIDE-ALONG CRIMINAL HISTORY CHECK

All Ride-along applicants are subject to a criminal history check. The criminal history check may include a local records check and a Department of Justice Automated Criminal History System check through CLETS prior to their approval as a ride-along with a law enforcement officer (provided that the ride-along is not an employee of the Orange Police Department) (CLETS Policies, Practices and Procedures Manual § 1.6.1.F.2.).

405.3 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 Training and Personnel Supervisor 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.

405.4 CONTROL OF RIDE-ALONG

The assigned employee shall maintain control over the ride-along at all times and instruct him/her in the conditions that necessarily limit their participation. These instructions should include:

- (a) The ride-along will follow the directions of the officer
- (b) The ride-along will not become involved in any investigation, handling of evidence, discussions with victims or suspects, or handling any police equipment
- (c) The ride-along may terminate the ride at any time and the officer may return the observer to their home or to the station if the ride-along interferes with the performance of the officer's duties

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- (d) Ride-alongs may be allowed to continue riding during the transportation and booking process provided this does not jeopardize their safety
- (e) Officers will not allow any ride-alongs to be present in any residences or situations that would jeopardize their safety or cause undue stress or embarrassment to a victim or any other citizen
- (f) Under no circumstance shall a civilian ride along be permitted to enter a private residence with an officer without the expressed consent of the resident or other authorized person

405.5 ORANGE POLICE DEPARTMENT EXPLORER POST RIDE-ALONGS

Explorer ride-alongs are permissible after approval of the post advisor. Once the post advisor has approved the Explorer for a ride-along, the following guidelines will be met:

- (a) The Field Services Division Commander or his/her designee will approve all explorer ride-alongs,
- (b) Explorers are allowed to ride one full shift,
- (c) Explorers, who are not at least 18 years-old, will not be allowed to ride after 2400 hours,
- (d) Explorers, who are not at least 18 years-old, will not be allowed to ride after 2200 hours when school is in session the following morning,
- (e) Explorers will wear a uniform, either Class A or B, during the ride-along,
- (f) Explorers must furnish their own equipment during the ride-along.

Hazardous Material Responses

406.1 PURPOSE AND SCOPE

Hazardous materials present a potential harm to employees resulting from their exposure. To comply with the California Code of Regulations, the following is to be the policy of this department.

406.1.1 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.

406.2 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.

Personnel should consider the acronym S.I.N.:

"Safety, Isolation and Notification"

Safety. Do not rush into the scene and become a potential casualty without the proper Personal Protective Equipment (PPE).

Isolate the scene. Deny entry to anyone not equipped to enter and do not allow contaminated or exposed persons to exit without being decontaminated.

Notification. Notify the proper agency via OPD Communications.

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 shipping papers, statements from shipper or from the Emergency Response Guide (ERG) book).
- (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 (refer to the California Health and Safety Code).
- (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 (refer to the California Health and Safety).

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Hazardous Material Responses

406.3 REPORTING EXPOSURE(S)

Department personnel who believe that they have been exposed to a hazardous material shall immediately report the exposure to a supervisor.

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.

406.3.1 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. The exposure shall be treated as would any other on-duty illness or injury. The supervisor will complete a Supervisor Report of Injury and Workers Compensation Form. Both of these forms shall immediately be Faxed to the Risk Manager and then given to the respective division commander. The division commander shall also be given a copy of the Supervisor Log and any other reports pertaining to the incident, including a Potential Claim form, if appropriate.

The supervisor or watch commander should immediately notify the division commander and Chief of Police. They will determine if the City Attorney and/or Risk Manager also need to be notified immediately.

There are instances of potential exposures to a hazardous material that cannot be verified and there is no apparent immediate reaction to the exposure. In these instances, the supervisor shall document the exposure in a Supervisor Log or memorandum and make it to the attention of the appropriate division commander for their review. A copy of the Supervisor Log or memorandum shall be faxed to the Risk Manager and a copy given to the involved employee. The division commander or Risk Manager may direct the employee for further medical examinations.

406.4 ACCIDENT/NEGLIGENT CHEMICAL AND MATERIAL SPILLS - USER SERVICE FEE

- (a) The purpose of this section is to establish policy and procedure on the reporting of chemical and material spills for a service fee disposition. Responsible persons will be charged for all actual city costs for the time involved in rendering assistance to control or eradicate such incidents, beyond a "normal service" response.
- (b) Except for a negligent act, there will be no city charge for personnel or equipment during the first hour of the incident. Beyond the first hour, all personnel, special equipment, vehicles, and service ordered by the police department, necessary to mitigate the emergency, will be computed as to real cost and assessed to the responsible party.
- (c) The supervisor in charge of police involvement at the incident scene will be responsible for:
 - 1. Contacting the Orange Fire Department Incident Commander to ascertain if the occurrence was accidental or involved potentially negligent owner/operator conduct,

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- (a) If the fire department is not at the scene, the police supervisor in charge will make this determination.
- 2. Submit a report to each respective division commander and the department timekeeper, which must include all involved police personnel hours, equipment used, and other services rendered.
 - (a) Obtain responsible party's name, business, addresses, phone numbers, etc., for billing purposes.
 - (b) Ensure that all applicable hours, equipment and services are assessed.
 - (c) Use reasonable and prudent judgment when assessing hours, equipment and services.
- (d) The department timekeeper will be responsible for the following duties:
 - (a) Ascertain from each division commander that all applicable hours and expenses have been submitted,
 - (b) Compute all personnel, equipment, and special service costs on a final report and direct a copy to each division commander. Include the time required to document and record all time submitted by timekeeper,
 - (c) With the approval of the Chief of Police, or his/her designee, submit the costs and expenses to the Finance Department according to pre-established procedures,
 - (d) Maintain a filing system of invoices and monitor the receipt of payments.
- (e) The respective division commander, or their designee, shall be responsible for the review of all reports for completeness, accuracy and proper assessment.

Hostage and Barricade Incidents

407.1 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.

407.1.1 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.

407.2 POLICY

It is the policy of the Orange 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.

407.3 COMMUNICATION

When circumstances permit, initial responding officers should try to establish and maintain lines of communication with a barricaded person or hostage-taker. Officers should attempt to identify any additional subjects, inquire about victims and injuries, seek the release of hostages, gather intelligence information, identify time-sensitive demands or conditions and obtain the suspect's surrender.

When available, department-authorized negotiators should respond to the scene as soon as practicable and assume communication responsibilities. Negotiators are permitted to exercise flexibility in each situation based upon their training, the circumstances presented, suspect actions or demands and the available resources.

407.3.1 EMERGENCY COMMUNICATIONS

Only an officer who has been designated by the District Attorney or Attorney General may use or authorize the use of an electronic amplifying or recording device to eavesdrop on or record,

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or both, oral communication in response to an emergency situation involving a hostage or the barricading of a location, and only when (refer to the California Penal Code):

- (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 the U.S. Code,
- (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 the U.S. Code.
- (d) An application for an order approving the eavesdropping and complying with the requirements of the California Penal Code 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.

407.4 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.

407.4.1 BARRICADE SITUATION

Unless circumstances require otherwise, officers handling a barricade situation should attempt to avoid a forceful confrontation in favor of stabilizing the incident by establishing and maintaining lines of communication while awaiting the arrival of specialized personnel and trained negotiators. During the interim the following options, while not all-inclusive or in any particular order, should be considered:

- (a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.
- (b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.
- (c) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).
- (d) Provide responding emergency personnel with a safe arrival route to the location.

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- (e) Evacuate uninjured persons in the immediate threat area if it is reasonably safe to do so.
- (f) Attempt or obtain a line of communication and gather as much information on the subject as possible, including weapons, other involved parties, additional hazards or injuries.
- (g) Establish an inner and outer perimeter as circumstances require and resources permit to prevent unauthorized access.
- (h) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.
- (i) Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the Public Information Officer (PIO).
- (j) If necessary and available, establish a tactical or exclusive radio frequency for the incident.
- (k) Establish a command post.

407.4.2 HOSTAGE SITUATION

Officers presented with a hostage situation should attempt to avoid a forceful confrontation in favor of controlling the incident in anticipation of the arrival of specialized personnel and trained hostage negotiators. However, it is understood that hostage situations are dynamic and can require that officers react quickly to developing or changing threats. The following options, while not all-inclusive or in any particular order, should be considered:

- (a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.
- (b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.
- (c) Establish a rapid response team in the event it becomes necessary to rapidly enter a building, structure or vehicle, such as when the suspect is using deadly force against any hostages (see the Rapid Response and Deployment Policy).
- (d) Assist hostages or potential hostages to escape if it is reasonably safe to do so. Hostages should be kept separated if practicable pending further interview.
- (e) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).
- (f) Provide responding emergency personnel with a safe arrival route to the location.
- (g) Evacuate uninjured persons in the immediate threat area if it is reasonably safe to do so.
- (h) Coordinate pursuit or surveillance vehicles and control of travel routes.

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- (i) Attempt to obtain a line of communication and gather as much information about the suspect as possible, including any weapons, victims and their injuries, additional hazards, other involved parties and any other relevant intelligence information.
- (j) Establish an inner and outer perimeter as resources and circumstances permit to prevent unauthorized access.
- (k) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.
- (l) Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the PIO.
- (m) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

407.5 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 CRU response if appropriate and apprising the CRU 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).
 - (a) 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. The supervisor must ensure the Department obtains a court order, in accordance with Public Utilities Code section 7908, 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 (refer to the Public Utilities Code).
 - (b) California Penal Code regarding prior to requesting the interruption.

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- (c) 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.
- (d) If six hours is not possible, then the application for the court order shall be made at the first reasonable available opportunity, but no later than 24 hours in accordance with Penal Code.
- (h) Ensure adequate law enforcement coverage for the remainder of the City during the incident. The supervisor should direct non-essential personnel away from the scene unless they have been summoned by the supervisor or the Communications Center.
- (i) Identify a media staging area outside the outer perimeter and have the department Public Information Officer or a designated temporary media representative provide media access in accordance with the News 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.

407.6 CRISIS RESPONSE UNIT RESPONSIBILITIES

The Incident Commander will decide, with input from the SWAT Commander, whether to deploy the SWAT during a hostage or barricade situation. Once the Incident Commander authorizes deployment, the SWAT Commander or the authorized designee will be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the command post operation, outer perimeter security and evacuation, media access and support for SWAT. The Incident Commander and the SWAT Commander or the authorized designee shall maintain communications at all times.

407.7 REPORTING

Unless otherwise relieved by a supervisor or Incident Commander, the handling officer at the scene is responsible for completion and/or coordination of incident reports.

Response to Bomb Calls

408.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to assist personnel of the Orange 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.

408.2 POLICY

It is the policy of the Orange Police Department to place a higher priority on the safety of persons and the public over damage or destruction to public or private property.

408.3 RECEIPT OF BOMB THREAT

Department personnel 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 employee 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.

408.4 GOVERNMENT FACILITY OR PROPERTY

A bomb threat targeting a government facility may require a different response based on the government agency.

408.4.1 ORANGE POLICE DEPARTMENT FACILITY

If the bomb threat is against the Orange 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.

408.4.2 OTHER COUNTY OR MUNICIPAL FACILITY OR PROPERTY

If the bomb threat is against a county or municipal facility within the jurisdiction of the Orange 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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408.4.3 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.

408.5 PRIVATE FACILITY OR PROPERTY

When an employee of this department receives notification of a bomb threat at a location in the City of Orange, the employee 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:
 - (a) No evacuation of personnel and no search for a device.
 - (b) Search for a device without evacuation of personnel.
 - (c) Evacuation of personnel without a search for a device.
 - (d) Evacuation of personnel and a search for a device.

When a suspected bomb/explosive device has been reported, but has not been located and a large number of employees are involved, the evacuation of private property premises shall be at the discretion of a company executive and, in no case, will the assigned officer direct an evacuation.

The employee 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.

408.5.1 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.

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Should the Watch Commander determine that the Department will assist or control such an incident, he/she will determine:

- (a) The appropriate level of assistance.
- (b) The plan for assistance.
- (c) Whether to evacuate and/or search the facility.
- (d) Whether to involve facility staff in the search or evacuation of the building.
 - 1. The person in charge of the facility should be made aware of the possibility of damage to the facility as a result of a search.
 - 2. The safety of all participants is the paramount concern.
- (e) The need for additional resources, including:
 - 1. Notification and response, or standby notice, for fire and emergency medical services.

Even though a facility does not request police assistance to clear the interior of a building, based upon the circumstances and known threat, officers may be sent to the scene to evacuate other areas that could be affected by the type of threat, or for traffic and pedestrian control.

408.6 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.

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- (h) Consider evacuation of buildings and personnel near the device or inside the danger zone and the safest exit route.
- (i) Promptly relay available information to the Watch Commander including:
 - 1. The time of discovery.
 - 2. The exact location of the device.
 - 3. A full description of the device (e.g., size, shape, markings, construction).
 - 4. The anticipated danger zone and perimeter.
 - 5. The areas to be evacuated or cleared.

408.7 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.

408.7.1 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.

408.7.2 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

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- 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

408.7.3 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.

408.7.4 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.

Mental Illness Commitments

409.1 PURPOSE AND SCOPE

This policy provides guidelines for when officers may take a person into custody for a mental health evaluation and treatment (refer to the California Welfare and Institutions Code).

409.2 POLICY

It is the policy of the Orange Police Department to protect the public and individuals through legal and appropriate use of the 72-hour treatment and mental health evaluation commitment process.

409.3 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 (refer to the California Welfare and Institutions Code).

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 (refer to the California Welfare and Institutions Code):

- (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

409.3.1 VOLUNTARY EVALUATION

If an officer encounters an individual who may qualify for a mental health evaluation commitment, he/she may inquire as to whether the person desires to voluntarily be evaluated at an appropriate facility. If the person so desires, the officers should:

- (a) Transport the person to an appropriate facility that is able to conduct the evaluation and admit the person pursuant to a mental health evaluation commitment.
- (b) If at any point the person changes his/her mind regarding voluntary evaluation, officers should proceed with the mental health evaluation commitment, if appropriate.
- (c) Document the circumstances surrounding the individual's desire to pursue voluntary evaluation and/or admission.

409.4 CONSIDERATIONS AND RESPONSIBILITIES

Any officer handling a call involving an individual who may qualify for a mental health evaluation 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.

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- (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 mental health evaluation 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.

409.4.1 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 (refer to the California Welfare and Institutions Code).

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 the California Welfare and Institutions Code, 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 (refer to the California Welfare and Institutions Code).

409.4.2 EMERGENCY MENTAL HEALTH LODGING PROCEDURES PURSUANT TO THE CALIFORNIA WELFARE AND INSTITUTION CODE SECTION

The Orange County Emergency Triage Service (ETS) has assumed responsibility of mental health treatment in the county.

When any person because of a mental disorder is a danger to others, or to him or her self, or gravely disabled, a peace officer may, upon reasonable cause, take the person into custody and place him/her in a state approved facility for 72-hour treatment and evaluation.

409.4.3 INJURED, ILL OR INTOXICATED PERSONS

- (a) If injured or ill (attempt suicide, accident, etc.), the person should be transported to a hospital emergency room for treatment, prior to the California Welfare and Institutions Code lodging.
 - 1. If treatment will require detention for extended period of time at the hospital, the officer shall complete the California Welfare and Institutions Code application form for admission.
 - (a) The officer shall present the application to the charge nurse for acceptance of the California Welfare and Institutions Code commitment for subsequent lodging.

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- (b) The officer shall obtain the signature of the charge nurse and the date and time the person was released to the hospital's custody.
- (b) If the California Welfare and Institutions Code subject Had Been Drinking (HBD), ETS shall be notified of his/her condition prior to transportation to their location.
 - (a) Depending on the subject's level of intoxication, ETS may require medical screening prior to accepting the subject. ETS will not accept the subject if his/her blood alcohol level is .15 or higher.
 - (b) Should the subject's blood alcohol level preclude his/her admission to ETS, officers shall attempt to make arrangements for lodging through a hospital emergency room.

409.4.4 NON-INJURED OR NON-INTOXICATED SUBJECTS

- (a) An alternative to officers initiating 72-hour holds is available through the mental health Evaluation Team (PET). This team is only available Monday-Friday, 0800-1700 hours.
 - 1. If the subject is not in need of medical emergency treatment, officers may request PET to respond. Once PET arrives and concludes their evaluation, they will handle the transportation and commitment.
- (b) If contact with the California Welfare and Institutions Code subject is not during business hours of PET, dispatch will contact emergency triage service (ETS) at (714) 834-6900. Once bed space is confirmed, the officer will transport the subject to the ETS facility at 1030 W. Warner Avenue, Santa Ana.
 - 1. Complete application for emergency admission (refer to the California Welfare and Institutions Code) and describe the objective symptoms/behavior justifying emergency commitment.
 - (a) Except as noted for intoxicated persons as outlined above, it is the policy of ETS to accept any mental health lodging pursuant to California Welfare and Institutions Code from a police officer.
 - (b) The mode of transportation will be dependent upon the subject's condition and circumstances surrounding the incident. Generally, those subjects in need of medical care and those who are violent should be transported via ambulance.
 - 2. The lodging officer may indicate on the California Welfare and Institutions Code lodging form that criminal charges may be filed on the person and that the officer is to be notified if the person is either not detained or is to be released prior to the 72 hour evaluation period.
 - (a) The hospital shall make the above notification via phone to the watch commander prior to the subject's release from treatment.

409.5 TRANSPORTATION

When transporting any individual for a mental health evaluation commitment, the transporting officer should have the Communications Center 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.

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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.

409.6 TRANSFER TO APPROPRIATE FACILITY

Upon arrival at the facility, the officer will escort the individual into a treatment area designated by a facility staff member. If the individual is not seeking treatment voluntarily, the officer should provide the staff member with the written application for a mental health evaluation 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.

409.7 DOCUMENTATION

The officer shall complete an application for a 72-Hour detention for evaluation and treatment, provide it to the facility staff member assigned to that patient and retain a copy of the application for inclusion in the case report.

The application shall include the circumstances for officer involvement; the probable cause to believe the person is, as a result of a mental health disorder, a danger to others or him/herself or gravely disabled; and all information used for the determination of probable cause (refer to the California Welfare and Institutions Code).

The officer should also provide a verbal summary to any evaluating staff member regarding the circumstances leading to the involuntary detention.

409.7.1 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.

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The advisement shall be given in a language the person understands. If the person cannot understand an oral advisement, the information shall be provided in writing (refer to the California Welfare and Institutions Code).

409.8 ORANGE COUNTY CHIEFS OF POLICE AND SHERIFF'S ASSOCIATION PROTOCOL FOR ADULT MENTAL HEALTH EVALUATION COMMITMENTS

On August 2, 2006, Operational and Procedural Protocol #122 was adopted by the Orange County Chiefs of Police and Sheriff's Association. The following information is taken directly from this protocol, entitled "Adult Mental Health Evaluation (refer to the California Welfare and Institutions Code) Commitments to Orange County Designated Mental Health Facilities/Hospitals." The language used from the original document is nearly identical, only the numbers of each section has been changed to coincide with the formatting used by Lexipol.

409.8.1 PURPOSE

To educate and provide a tool for consistency among all Orange County Law Enforcement Agencies and all Orange County designated and non-designated mental health facilities/hospitals in the admittance by peace officers of off-street mental health patients.

Note: **THIS PROTOCOL DOES NOT APPLY TO JUVENILE MENTAL HEALTH PATIENTS.**

409.8.2 AUTHORITY

- (a) California Welfare and Institutions Code, et. seq.
- (b) Adopted by the Orange County Chiefs of Police and Sheriff's Association on August 2, 2006.
- (c) Designation Title 9 §§ 820-821 and the California Welfare and Institutions Code for mental health facilities.

409.8.3 APPLICATION

While the operating protocol and procedures contained herein are generally recommended for use by all Orange County law enforcement agencies, each individual agency retains the discretion to adopt, reject or modify any portion of these guidelines in accordance with existing rules and regulations of that agency.

409.8.4 HISTORY

Peace officers are given authority in the California Welfare and Institutions Code, upon probable cause, to take or cause to be taken, the person into custody and place him or her in a facility designated by the county and approved by the state to accept mental health patients. This person must be a danger to him or herself or others or gravely disabled. The law provides that admittance of such a patient shall not be in excess of 72 hours, unless extended by defined mental health professionals.

409.8.5 STATUTORY

The California Welfare and Institutions Code states that officers admitting a patient into a mental health facility "shall be detained no longer than the time necessary to complete documentation

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of the factual basis of the detention under Welfare and Institutions Code and a safe and orderly transfer of physical custody of the person."

- (a) The California Welfare and Institutions Code states in part that all designated facilities licensed pursuant to these sections will be well equipped to handle potentially violent individuals. These licensed designated facilities must have a security plan that is approved by their hospital administrative staff that includes considerations relating to staffing, security personnel availability, and policy and training related to appropriate responses to violent acts. Designated facilities that have emergency departments need to employ sufficient emergency department security personnel to maintain a safe environment. Law enforcement personnel transporting potentially violent individuals for mental health evaluation and treatment cannot be used in lieu of each facility's security personnel.
- (b) The California Welfare and Institutions Code defines a "Designated Facility" as a mental health facility designated by the County of Orange Health Care Agency and approved by the State Department of Mental Health as a facility for 72-hour mental health treatment and evaluation. A "Non-Designated Facility" is not licensed to treat any mental health condition on an involuntary basis.

409.8.6 PROTOCOL

GENERAL MENTAL HEALTH ADMISSION INFORMATION: Orange County Peace Officers should present adult mental health patients who are or may be detained for a mental health evaluation into the mental health system in the following order:

- (a) Contact Orange County Health Care Agency / Behavioral Health Services Centralized Assessment Teams (CAT) for response to the field. Hours are located in the policy manual regarding Centralized Assessment Teams,
- (b) Additionally, peace officers may take the mental health patient to six Orange County Health Care Clinics throughout the County. This is a separate service from the CAT Teams,
- (c) If CAT is unavailable due to closure, contact ETS and advise ETS that law enforcement is transporting a patient to that location.,
- (d) If ETS is unable to accept the patient, ETS will assist the peace officer and identify the nearest Designated Psychiatric Facility. Those facilities are identified at the conclusion of this protocol.

409.8.7 CENTRALIZED ASSESSMENT TEAMS (CAT)

Orange County Health Care Agency / Behavioral Health Services Centralized Assessment Team(s) (CAT) are available Tuesday through Thursday from 0700-2200 hours and from 0700 hours Friday to 2200 hours Monday. CAT teams are available to respond throughout the county. The county-wide CAT phone number is (866) 830-6011.

- (a) Law enforcement should use a CAT team anytime they need a clinical intervention that may lead to a hospital diversion. CAT personnel will respond to the officer or deputies' location as long as the peace officer remains at the location until it is safe for the CAT personnel to leave, with or without the patient.

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- (b) CAT personnel may respond to the field; however, may not go into a medical facility with the exception of an Emergency Room in both designated and non-designated facilities. CAT personnel will not physically handle a combative patient and rely on law enforcement or hospital security for this function.
- (c) While it is preferred that the CAT team respond into the field, another option is for peace officers to bring adult patients to the six OC/HCA clinics throughout the county. This is a service separate from the field based CAT teams. A list of these clinics and the hours of operation are provided at the end of this policy.

409.8.8 PSYCHIATRIC EVALUATION TEAM (PET TEAM)

College Hospital in Costa Mesa is a Designated Mental Health Facility. This hospital has a Psychiatric Evaluation Team (PET) called the Crisis Response Team (CRT) and it is available 24 hours a day, seven days a week. They are authorized and designated by the county to complete Welfare and Institutions Code psychiatric evaluations in emergency rooms, police departments and at College Hospital Costa Mesa. They can also complete evaluations on medical floors of contracted hospitals, once authorized by the county. Their phone number is (800) 773-8001.

409.8.9 EMERGENCY TREATMENT SERVICES (ETS)

ETS is the Orange County Health Care Agency's "Evaluation and Treatment Services," located at 1030 West Warner Avenue, Santa Ana. The phone number is (714) 834-6913 or 834-6900. ETS is open 24 hours a day, 7 days a week and will accept adult mental health patients absent any attendant medical or intoxicated condition. For mental health patients with these conditions, please see the below sections. For additional information regarding ETS.

409.9 CRIMINAL OFFENSES

Officers investigating an individual who is suspected of committing a minor criminal offense and who is being taken on a 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 psychiatric evaluation 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 mental health evaluation 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 mental health evaluation 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

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individual, department resources (e.g., posting a guard) and other relevant factors in making this decision.

409.10 AVAILABILITY OF MENTAL HEALTH FACILITIES IN ORANGE COUNTY LAW ENFORCEMENT JURISDICTIONS

All Orange County Chiefs of Police and the Orange County Sheriff agree that it is the responsibility of each agency to obtain a current list of Designated Mental Health Facilities from the Orange County Health Care Agency Behavioral Health Sciences at (714) 834-5026. A complete listing of all Designated Facilities in Orange County as of the date of the adoption of this protocol is available at the end of this of this protocol.

409.10.1 CATEGORIES OF DETENTION AND PLACEMENT

All Orange County Chiefs of Police and the Orange County Sheriff agree to the following: When a peace officer has contact with a person subject to detention under the provisions of the California Welfare and Institutions Code, the peace officer should normally follow the outlined procedures.

409.10.2 NON-INJURY

When the person subject to detention under the provisions of Welfare and Institutions Code has no obvious signs of a medical condition requiring immediate medical care, in addition to the mental health issue at hand, OR no obvious signs of alcohol and/or drug use that would prevent admittance into a mental health facility, officers should normally follow the procedure outlined in the California Welfare and Institutions Code as appropriate.

- (a) In the event the officer has questions as to whether the "hold" should be placed on the subject, the officer may call the Centralized Assessment Team (CAT) at (866) 830-6011 or (714) 517-6353, Tuesday through Thursday from 0700-2200 hours, and from 0700 hours Friday to 2200 hours Monday.
- (b) If the CAT responds to the field or provides an evaluation in the clinic, the staff will conduct an assessment as to the possibility of a psychiatric evaluation per the California Welfare and Institutions Code on the subject. If the decision is made by HCA/BHS staff to admit the subject as a psychiatric evaluation per the California Welfare and Institutions Code the staff will make all arrangements as to transportation, emergency room and evaluation by a designated facility.
- (c) **Non-Injury Admittance to Orange County ETS** - ETS is not a medical facility, as it relates to physical ailments. As part of ETS's intake/triage procedure, ETS Staff will ask medical screening questions. The officer should be ready to answer questions related to the detainee such as: age, overall medical appearance, drug/alcohol usage, whether or not the subject was seen by paramedics, any known medical problems, violence potential and what events brought the person to the attention of law enforcement. Upon completion of the medical triage, the ETS staffer will accept or not accept the subject.

409.10.3 INJURED

When an officer contacts a subject whom falls within the provisions of the California Welfare and Institutions Code and the subject has an obvious medical condition and/or injury, the peace officer

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should contact their local fire department or paramedics and have them respond. If the patient refuses medical treatment, each agency reserves the right to proceed consistent with their policy for medical treatment refusals.

- (a) The patient, if not medically cleared in the field, should be transported to the closest local medical facility by the fire department and not by the peace officer. The peace officer should follow the ambulance to the medical facility and once medically cleared, have the patient mentally evaluated and housed, if appropriate.

409.10.4 INJURY ADMITTANCE TO ORANGE COUNTY ETS

If ETS refuses to accept the person due to a medical condition, the peace officer should do the following:

- (a) Conduct an independent assessment to determine if emergency medical personnel should be summoned to the location. This assessment should include consideration of information received from ETS personnel, statements made by the person being held, the officers own observation of the person's condition and any additional information known to the officer that would help him/her to determine whether response by emergency medical assistance is reasonably necessary,
- (b) Notify the respective watch commander or their designee of the circumstances for ETS's refusal to accept the person.
 1. The transporting agency's watch commander or designee should attempt to contact staff at ETS and make appropriate arrangements for transportation of the person to a medical facility for medical treatment, or to another designated mental health facility for admittance for a psychiatric evaluation..
 2. If the person being refused at ETS is transported to a designated facility, the officer will advise the emergency room staff that a hold has already been placed on the person and request acceptance of the person as soon as possible for the orderly transfer of custody.
 3. Combative - Pursuant to California Health and Safety Code, if the subject is violent or potentially violent, the officer will have the hospital staff notified prior to his/her arrival. It is the responsibility of a designated facility to have sufficient security personnel and equipment to handle the violent or uncooperative patient, absent the assistance of the officer. The officer will remain at the facility and assist the facility security and/or medical staff in the initial restraint of the patient.

409.10.5 ORANGE COUNTY HEALTH CARE AGENCY: BEHAVIORAL HEALTH SERVICES AND ADULT MENTAL HEALTH SERVICES

ADULT OUTPATIENT CLINIC LOCATIONS:

- **ANAHEIM** 2035 E. Ball Road, Suite 200, Anaheim, 92806
 - **Phone:** (714) 517-6300 / **FAX:** (714) 517-6306
 - **Serving (Mon-Fri):** Anaheim, Anaheim Hills and Garden Grove
 - **Service Chiefs:** Ian Kemmer and Jennifer Dinicola
- **COSTA MESA** 3115 Redhill Avenue, Costa Mesa, 92626

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- **Phone:** (714) 850-8463 / **FAX:** (714) 850-8492
- **Serving (Mon-Fri):** Balboa, Corona Del Mar, Costa Mesa, Fountain Valley, Irvine, Newport Beach
- **Service Chief:** Jason Austin
- **FULLERTON** 211 W. Commonwealth Avenue, Fullerton, 92832
 - **Phone:** (714) 447-7000 / **FAX:** (714) 447-7003
 - **Serving (Mon-Fri):** Atwood, Brea, Buena Park, Fullerton, La Habra, La Palma, Placentia and Yorba Linda
 - **Service Chief:** Darren Xanthos
- **MISSION VIEJO** 23228 Madero, Mission Viejo, 92691
 - **Phone:** (949) 454-3940 / **FAX:** (949) 770-1953
 - **Serving (Mon-Fri):** Aliso Viejo, La guns Hills, Laguna Niguel (East of Niguel @ Crown Valley Parkway), Lake Forest, Mission Viejo and San Juan Capistrano (East of 5 Fwy.)
 - **Service Chief:** Dawn Smith
- **SANTA ANA** 1200 N. Main Street, Suite 200, Santa Ana, 92701
 - **Phone:** (714) 480-6767 / **FAX:** (714) 565-4362
 - **Serving (Mon-Fri):** El Modena, Lemon Heights, Orange, Santa Ana, Tustin and Villa Park
 - **Service Chiefs:** Karen Hoffman (PACT) and Debbie Hampton
- **WESTMINSTER** 14140 Beach Blvd, Suite 223, Westminster, California 92683
 - **Phone:** (714) 896-7566 / **FAX:** (714) 896-7408
 - **Serving (Mon-Fri):** Cypress, Huntington Beach. Los Alamitos, Midway City, Seal Beach, Stanton, Sunset Beach and Westminster
 - **Service Chief:** Gail Libbee

CENTRALIZED PROGRAM LOCATIONS

- **A82034 PROGRAM** 2035 E. Ball Road, Anaheim, 92805
 - **Phone:** (714) 517-6320 / **FAX:** (714) 517-6306
 - **Service Chief:** Mark Davis
- **ASIAN PACIFIC SERVICES** 1200 N. Main Street, Suite 200, Santa Ana, 92701
 - **Phone:** (714) 480-6767 / **FAX:** (714) 568-4362
 - **Service Chief:** Tuong Nguyen
- **ASIAN PACIFIC SERVICES** 14140 Beach Blvd., Suite 223, Westminster, 92683
 - **Phone:** (714) 896-7566 / **FAX:** (714) 896-7408

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- **Service Chief:** Suzie Dong-Matsuda
- **CENTRALIZED ASSESSMENT TEAM (CAT)**
 - **Phone:** (866) 830-6011
 - **Service Chief:** Greg Masters
- **ETS** 1030 W. Warner Avenue, Santa Ana, 92707
 - **Phone:** (714) 834-6900 / **FAX:** (714) 850-1066
 - **Service Chief:** Dave Ely
- **PROGRAM ASSERTIVE CASE MANAGEMENT (PACT)**
 - **Phone:** (714) 480-6767
 - **Service Chief:** Karen Hoffman

409.11 FIREARMS AND OTHER WEAPONS

Whenever a person is taken into custody for a mental health evaluation commitment, the handling officers should seek to determine if the person owns or has access to any firearm or other deadly weapon defined in the California Welfare and Institute. Officers should consider whether it is appropriate and consistent with current search and seizure law under the circumstances to seize any such firearms or other dangerous weapons (e.g., safekeeping, evidence, consent).

Officers are cautioned that a search warrant may be needed before entering a residence or other place to search, unless lawful, warrantless entry has already been made (e.g., exigent circumstances, consent). A search warrant may also be needed before searching for or seizing weapons

The handling officers shall issue a receipt describing the deadly weapon or any firearm seized, and list any serial number or other identification that is on the firearm. Officers shall advise the person of the procedure for the return of any firearm or other weapon that has been taken into custody (refer to the California Welfare and Institutions Code and see Property and Evidence Policy).

409.11.1 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 Investigative Services Division, which shall be responsible for initiating a petition to the Superior Court for a hearing in accordance with the California Welfare and Institutions Code, 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

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the court clerk any desire for a hearing and that the failure to do so will result in the forfeiture of any confiscated weapon.

409.12 TRAINING

This department will endeavor to provide Peace Officer Standards and Training (POST)-approved advanced officer training on interaction with persons with mental disabilities, mental health evaluation commitments and crisis intervention.

Cite and Release Policy

410.1 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.

410.2 POLICY

It is the policy of the Orange Police Department to release all persons arrested on misdemeanor or other qualifying charges on a citation with certain exceptions (refer to the California Penal Code).

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.

410.3 RELEASE BY CITATION

Except in cases where a reason for non-release as described below exists, adults arrested for a misdemeanor offense, including a private person's arrest, shall be released from custody on a citation (Penal Code § 853.6).

The citing officer shall, at the time the defendant signs the notice to appear, call attention to the time and place for appearance and take any other steps they deem necessary to ensure that the defendant understands their written promise to appear.

410.3.1 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 (refer to the California Penal Code). 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.

410.3.2 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.

410.4 NON-RELEASE

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410.4.1 DISQUALIFYING OFFENSES

An adult arrested on any of the following disqualifying charges shall not be released on citation and shall be transported to the appropriate detention facility or held for court or bail after booking (Penal Code § 1270.1):

- (a) Misdemeanor domestic battery (Penal Code § 243(e)(1))
- (b) Felony domestic battery (Penal Code § 273.5)
- (c) Serious or violent felonies (Penal Code § 1270.1(a)(1))
- (d) Felony intimidation of witnesses and victims (Penal Code § 136.1)
- (e) Violation of a protective order and the arrested person has made threats, used violence, or has gone to the protected person's workplace or residence (Penal Code § 273.6)
- (f) Stalking (Penal Code § 646.9)
- (g) Misdemeanor violations of a protective order relating to domestic violence if there is a reasonable likelihood the offense will continue or the safety of the individuals or property would be endangered (Penal Code § 853.6)

410.4.2 REASONS FOR NON-RELEASE

A person arrested for a misdemeanor shall be released on a citation unless there is a reason for non-release. The Watch Commander may authorize a release on citation regardless of whether a reason for non-release exists when it is determined to be in the best interest of the Department and does not present an unreasonable risk to the community (e.g., release of an intoxicated or ill person to a responsible adult).

Reasons for non-release include (Penal Code § 853.6(i)):

- (a) The person arrested is so intoxicated that they could be a danger to themselves or to others. Release may occur as soon as this condition no longer exists.
- (b) The person arrested requires medical examination or medical care or is otherwise unable to care for their own safety.
- (c) The person is arrested for one or more of the offenses listed in Vehicle Code § 40302, Vehicle Code § 40303, and Vehicle Code § 40305.
- (d) There are one or more outstanding arrest warrants for the person (see Misdemeanor Warrants elsewhere in this policy).
- (e) The person could not provide satisfactory evidence of personal identification.
 - 1. If a person released on citation does not have satisfactory identification in their possession, a right thumbprint or fingerprint should be obtained on the citation form.
- (f) The prosecution of the offense or offenses for which the person was arrested or the prosecution of any other offense or offenses would be jeopardized by the immediate release of the person arrested.

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- (g) There is a reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be imminently endangered by the release of the person arrested.
- (h) The person arrested demands to be taken before a magistrate or has refused to sign the notice to appear.
- (i) There is reason to believe that the person would not appear at the time and place specified in the notice to appear. The basis for this determination shall be specifically documented. Reasons may include:
 - 1. Previous failure to appear is on record
 - 2. The person lacks ties to the area, such as a residence, job, or family
 - 3. Unusual circumstances lead the officer responsible for the release of arrested persons to conclude that the suspect should be held for further investigation
- (j) A previous conviction, citation, or arrest for misdemeanor or felony retail theft from a store in the previous six months.
- (k) There is probable cause to believe that the person arrested is guilty of committing organized retail theft.

When a person is arrested on a misdemeanor offense and is not released by criminal citation, the reason for non-release shall be noted on the booking form. This form shall be submitted to the Watch Commander for approval and included with the case file in the Records Bureau.

410.5 MISDEMEANOR WARRANTS

An adult arrested on a misdemeanor warrant may be released, subject to Watch Commander approval, unless any of the following conditions exist:

- (a) The misdemeanor cited in the warrant involves violence.
- (b) The misdemeanor cited in the warrant involves a firearm.
- (c) The misdemeanor cited in the warrant involves resisting arrest.
- (d) The misdemeanor cited in the warrant involves giving false information to a peace officer.
- (e) The person arrested is a danger to themselves or others due to intoxication or being under the influence of drugs or narcotics.
- (f) The person requires medical examination or medical care or was otherwise unable to care for their own safety.
- (g) The person has other ineligible charges pending against themselves.
- (h) There is reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be immediately endangered by the release of the person.
- (i) The person refuses to sign the notice to appear.
- (j) The person cannot provide satisfactory evidence of personal identification.

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- (k) The warrant of arrest indicates that the person is not eligible to be released on a notice to appear.

Release under this section shall be done in accordance with the provisions of this policy.

410.6 JUVENILE CITATIONS

Completion of criminal citations for juveniles is generally not appropriate with the following exceptions:

- Misdemeanor traffic violations of the Vehicle Code
- Violations of the Orange City codes

All other misdemeanor violations for juveniles shall be documented with a case number and the case should be referred to the Investigative Services Division for further action including diversion.

410.7 REQUESTING CASE NUMBERS

Many cases involving a criminal citation release can be handled without requesting a case number. Traffic situations and local code violations can be documented on the reverse side of the records copy of the citation. Most Penal Code sections will require a case number to document the incident properly in a report. This section does not preclude an officer from requesting a case number if the officer feels the situation should be documented more thoroughly in a case report.

Foreign Diplomatic and Consular Representatives

411.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that personnel of the Orange Police Department extend appropriate privileges and immunities to foreign diplomatic and consular representatives in accordance with international law.

411.2 POLICY

The Orange 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.

411.3 CLAIMS OF IMMUNITY

If an officer comes into contact with a person where law enforcement action may be warranted and the person claims diplomatic or consular privileges and immunities, the officer 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.

411.4 ENFORCEMENT

If the DOS is not immediately available for consultation regarding law enforcement action, officers shall be aware of the following:

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- (a) Generally, all persons with diplomatic and consular privileges and immunities may be issued a citation or notice to appear. However, the person may not be compelled to sign the citation.
- (b) All persons, even those with a valid privilege or immunity, may be reasonably restrained in exigent circumstances for purposes of self-defense, public safety or the prevention of serious criminal acts.
- (c) An impaired foreign diplomatic or consular representative may be prevented from driving a vehicle, even if the person may not be arrested due to privileges and immunities.
 - (a) 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:
 - (a) Diplomatic-level staff of missions to international organizations and recognized family members
 - (b) Diplomatic agents and recognized family members
 - (c) Members of administrative and technical staff of a diplomatic mission and recognized family members
 - (d) Career consular officers, unless the person is the subject of a felony warrant
- (e) The following persons may generally be detained and arrested:
 - (a) International organization staff; however, some senior officers are entitled to the same treatment as diplomatic agents.
 - (b) Support staff of missions to international organizations
 - (c) Diplomatic service staff and consular employees; however, special bilateral agreements may exclude employees of certain foreign countries.
 - (d) Honorary consular officers
 - (e) 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 (refer to the California Penal Code). If the individual wants his/her government notified, the officer shall begin the notification process.

411.5 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.

411.6 DIPLOMATIC IMMUNITY TABLE

Reference table on diplomatic immunity:

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Category	Arrested or Detained	Enter Residence Subject to Ordinary Procedures	Issued Traffic Citation	Subpoenaed as Witness	Prosecuted	Recognized Family Members
Diplomatic Agent	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Member of Admin and Tech Staff	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Service Staff	Yes (note (a))	Yes	Yes	Yes	No for official acts. Yes otherwise (note (a))	No immunity or inviolability (note (a))
Career Consul Officer	Yes if for a felony and pursuant to a warrant (note (a))	Yes (note (d))	Yes	No for official acts Testimony may not be compelled in any case	No for official acts. Yes otherwise (note (a))	No immunity or inviolability
Honorable Consul Officer	Yes	Yes	Yes	No for official acts Yes otherwise.	No for official acts Yes otherwise	No immunity or inviolability
Consulate Employees	Yes (note (a))	Yes	Yes	No for official acts Yes otherwise.	No for official acts. Yes otherwise (note (a))	No immunity or inviolability (note (a))
Int'l Org Staff (note (b))	Yes (note (c))	Yes (note (c))	Yes	Yes (note (c))	No for official acts. Yes otherwise (note (c))	No immunity or inviolability
Diplomatic-Level Staff of Missions to Int'l Org	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Support Staff of Missions to Int'l Orgs	Yes	Yes	Yes	Yes	No for official acts Yes otherwise	No immunity or inviolability

Notes for diplomatic immunity table:

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- (a) This table presents general rules. The employees of certain foreign countries may enjoy higher levels of privileges and immunities on the basis of special bilateral agreements.
- (b) Reasonable constraints, however, may be applied in emergency circumstances involving self-defense, public safety, or in the prevention of serious criminal acts.
- (c) A small number of senior officers are entitled to be treated identically to diplomatic agents.
- (d) Note that consul residences are sometimes located within the official consular premises. In such cases, only the official office space is protected from police entry.

Immigration Violations

412.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to personnel of the Orange Police Department relating to immigration and interacting with federal immigration officials.

412.1.1 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.

412.2 POLICY

It is the policy of the Orange Police Department that all personnel 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.

412.3 VICTIMS AND WITNESSES

To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not automatically lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, personnel shall treat all individuals equally and not in any way that would violate the United States or California constitutions.

412.4 IMMIGRATION INQUIRIES PROHIBITED

Officers shall not inquire into an individual's immigration status for immigration enforcement purposes (refer to the California Government Code).

412.4.1 CIVIL VS. CRIMINAL FEDERAL OFFENSES

An individual who enters into the United States illegally has committed a misdemeanor (refer to the U.S. Code). Generally, an alien who initially made a legal entry into the United States but has remained beyond what is a legal period of time has committed a federal civil offense.

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Reasonable suspicion that a criminal immigration violation has occurred shall not be based on race, color, national origin or any other generalization that would cast suspicion on or stigmatize any person, except to the extent permitted by the United States or California Constitutions. Instead, the totality of circumstances shall be used to determine reasonable suspicion, and shall include factors weighing for and against reasonable suspicion.

Factors that may be considered in determining reasonable suspicion that a criminal immigration violation has occurred may include, but are not limited to:

- (a) An admission that the person entered the United States illegally.
- (b) Reason to suspect that the person possesses immigration documentation that is forged, altered or otherwise indicative that the person is not legally present in the United States.
- (c) While a lack of English proficiency may be considered, it should not be the sole factor in establishing reasonable suspicion. When practicable, reasonable effort should be made to accommodate persons with limited English proficiency.
- (d) Other factors based upon training and experience.

412.4.2 IMMIGRATION CHECKS

Immigration status may be determined through any of the following sources:

- (a) A law enforcement officer who is authorized by the federal government under the U.S. Code to verify or ascertain an alien's immigration status (sometimes referred to as a 287(g) certified officer)
- (b) Immigration and Customs Enforcement (ICE)
- (c) U.S. Customs and Border Protection (CBP)

An officer shall verify from a 287(g) certified officer, ICE or CBP whether a person's presence in the United States relates to a federal civil violation or a criminal violation.

If the officer has facts that establish probable cause to believe that a person already lawfully detained has committed a criminal immigration offense, he/she may continue the detention and may request ICE or CBP to respond to the location to take custody of the detained person. In addition, the officer should notify a supervisor as soon as practicable. No individual who is otherwise ready to be released should continue to be detained only because questions about the individual's status are unresolved.

An officer is encouraged to forgo detentions made solely on the basis of a misdemeanor offense when time limitations, availability of personnel, issues of officer safety, communication capabilities or the potential to obstruct a separate investigation outweigh the need for the detention.

412.4.3 SUPERVISOR RESPONSIBILITIES

When notified that an officer has detained a person and established probable cause to believe the person has committed a criminal immigration offense, the supervisor should:

- (a) Confirm that the detained person's immigration status was properly verified.

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- (b) Ensure that the detained person is taken into custody when appropriate. Take any additional steps necessary that may include, but are not limited to:
 - (a) Transfer to federal authorities.
 - (b) Lawful arrest for a criminal offense or warrant.

412.4.4 CALIFORNIA LAW ENFORCEMENT TELECOMMUNICATIONS SYSTEM (CLETS)

Personnel shall not use information transmitted through CLETS for immigration enforcement purposes except for criminal history information and only when consistent with the California Values Act (refer to the Government Code).

Personnel shall not use the system to investigate immigration violations of 8 USC 1325 (improper entry) if that violation is the only criminal history in an individual's record (refer to the Government Code).

412.4.5 CALIFORNIA DEPARTMENT OF MOTOR VEHICLES

Officers shall not obtain, access, use, or otherwise disclose noncriminal history information maintained by the DMV for immigration enforcement (Vehicle Code § 1808.48).

412.5 DETENTIONS AND ARRESTS

An officer shall not detain any individual, for any length of time, for a civil violation of federal immigration laws or a related civil warrant (Government Code § 7284.6).

An officer who has a reasonable suspicion that an individual already lawfully contacted or detained has committed a criminal violation of 8 USC § 1326(a) (unlawful reentry) that may be subject to an enhancement due to a previous conviction of an aggravated felony under 8 USC § 1326(b) (2), may detain the person for a reasonable period of time to contact federal immigration officials to verify whether the United States Attorney General has granted the individual permission for reentry and whether the violation is subject to enhancement (Government Code § 7284.6). No individual who is otherwise ready to be released should continue to be detained only because questions about the individual's status are unresolved.

If the officer has facts that establish probable cause to believe that a person already lawfully detained has violated 8 USC § 1326(a) and the penalty may be subject to enhancement due to prior conviction for specified aggravated felonies, he/she may arrest the individual for that offense (Government Code § 7284.6).

An officer shall not detain any individual, for any length of time, for any other criminal immigration violation of federal immigration laws (Government Code § 7284.6).

An officer should notify a supervisor as soon as practicable whenever an individual is arrested for violation of 8 USC § 1326(a).

412.5.1 SUPERVISOR RESPONSIBILITIES

When notified that an officer has arrested an individual for violation of the U.S. Code or under authority of a judicial warrant, the supervisor should determine whether it is appropriate to:

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- (a) Transfer the person to federal authorities.
- (b) Transfer the person to jail.

412.6 FEDERAL REQUESTS FOR ASSISTANCE

Absent an urgent issue of officer safety or other emergency circumstances, requests by federal immigration officials for assistance from this department should be directed to a supervisor. The supervisor is responsible for determining whether the requested assistance would be permitted under the California Values Act (refer to the California Government Code).

412.7 INFORMATION SHARING

No employee of this department will prohibit, or in any way restrict, any other employee from doing any of the following regarding the citizenship or immigration status, lawful or unlawful, of any individual (refer to the U.S. Code and the California Government Code):

- (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.

412.7.1 IMMIGRATION DETAINERS

No individual should be held based solely on a federal immigration detainer under the Code of Federal Regulations (refer to the California Government Code).

Notification to a federal authority may be made prior to release of an individual who is the subject of a notification request only if the individual meets one of the following conditions (refer to the California Government Code):

- (a) The individual has been arrested and had a judicial probable cause determination for a serious or violent felony identified in the California Penal Code.
- (b) The individual has been arrested and had a judicial probable cause determination for a felony punishable by time in a state prison.
- (c) The individual has been convicted of an offense as identified in the California Government Code.
- (d) The individual is a current registrant on the California Sex and Arson Registry.
- (e) The individual is identified by the U.S. Department of Homeland Security's Immigration and Customs Enforcement as the subject of an outstanding federal felony arrest warrant.

412.7.2 NOTICE TO INDIVIDUALS

Individuals in custody shall be given a copy of documentation received from U.S. Immigration and Customs Enforcement (ICE) regarding a hold, notification, or transfer request along with

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information as to whether the Orange Police Department intends to comply with the request (refer to the California Government Code).

If the Orange 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 (refer to the California Government Code).

412.7.3 ICE INTERVIEWS

Before any interview regarding civil immigration violations takes place between ICE personnel and an individual in custody, the Orange 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 the California Government Code.

412.7.4 TRANSFERS TO IMMIGRATION AUTHORITIES

Personnel shall not transfer an individual to immigration authorities unless one of the following circumstances exist:

- (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 the California Government Code.
- (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.

412.7.5 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

The Investigative Services Division supervisor shall ensure that data regarding the number of transfers of an individual to immigration authorities, as permitted by the current California Government Code, and the offense that allowed for the transfer is collected and provided to the Records Manager for required reporting to the DOJ (refer to the California Government Code and refer to the Records Bureau Policy).

412.8 U VISA AND T VISA NONIMMIGRANT STATUS

Under certain circumstances, federal law allows temporary immigration benefits, known as a U visa, to victims and witnesses of certain qualifying crimes (refer to the U.S. Code).

Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (refer to the U.S. Code).

Any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the Investigative Services Division supervisor assigned to oversee the handling of any related case. The Investigative Services Division 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.
 - (a) The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website.
 - (b) Form I-918 Supplement B certification shall be completed if the victim qualifies under the California Penal Code (multiple serious offenses). Form I-914 Supplement B certification shall be completed if the victim qualifies under the California Penal Code in reference to 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.

412.8.1 TIME FRAMES FOR COMPLETION

Officers and their supervisors who are assigned to investigate a case of human trafficking as defined by Penal Code § 236.1 shall complete the above process and the documents needed for indicating the individual is a victim for the T visa application within 15 business days of the first encounter with the victim, regardless of whether it is requested by the victim (Penal Code § 236.5).

Officers and their supervisors shall complete the above process and the documents needed certifying victim cooperation for a U visa or T visa application pursuant to Penal Code § 679.10 and Penal Code § 679.11 within 30 days of a request from the victim, victim's family, or authorized representative (as defined in Penal Code § 679.10 and Penal Code § 679.11) related to one of their assigned cases. If the victim is in removal proceedings, the certification shall be processed within seven days of the first business day following the day the request was received.

412.8.2 REPORTING TO LEGISLATURE

The Investigative Services Division supervisor or the authorized designee should ensure that certification requests are reported to the Legislature in January of each year and include the number of certifications signed and the number denied. The report shall comply with the California Government Code and California Penal Code.

412.8.3 POLICE REPORTS

Upon request, an officer or supervisor should provide a victim or authorized representative with a copy of the report filed by the victim within seven days of the request (Penal Code § 679.10).

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412.9 TRAINING

The Training Bureau Sergeant should ensure that all appropriate personnel receive training on immigration issues.

Training should include:

- (a) Identifying civil versus criminal immigration violations.
- (b) Factors that may be considered in determining whether a criminal immigration offense has been committed.
- (c) Prohibitions contained in the California Values Act (refer to the California Government Code).

Corporals' Responsibilities

413.1 PURPOSE AND SCOPE

Corporals shall have multiple roles and responsibilities. They shall include, but not be limited to officer-in-charge roles, Field Training Officers (FTOs) when they meet necessary requirements, and the assigning and inspection of marked units and equipment before being placed into service at the start of each shift. Corporals, when not otherwise assigned, will be responsible for handling the normal duties and functions of uniformed officers assigned to patrol.

413.2 CORPORALS AS THE OFFICER-IN-CHARGE

- (a) During absences of regular supervisors (sergeants and lieutenants), handles field supervision or watch commander responsibilities as required. During these periods, they will have the same responsibility and authority of the regular supervisor. These responsibilities include, but are not limited to, roll-call training, shift briefings, equipment inspections, answer job-related questions, disseminates information, directs and controls major incident scenes, visit scenes of police activity to assist and review police operations.
- (b) Confers with supervisors to assure proper conduct of police operations. Upon direction from higher authority, counsels officers and investigates citizen complaints. Reviews reports prepared by field officers, prepares reports pertaining to supervisory actions or involvement, and handles all responsibilities normally assigned to police officers.
- (c) Corporals may be assigned to investigate incidents involving a potential claim against the city, investigate accidents involving city employees, and complete all necessary reports.

413.2.1 CORPORALS AS FIELD TRAINING OFFICERS

- (a) All corporals should strive to complete the POST requirements of becoming a FTO. As such, corporals may be called upon to be FTOs. At the very least, corporals should make the training and development of all officers one of their primary missions.
- (b) Corporals should develop their training skills through conducting and/or assisting in presentations during patrol briefings, providing in-service training whenever applicable, and the continuous assessment and training of line-level officers.

413.2.2 FIELD ASSIGNMENTS OF CORPORALS

- (a) A corporal is expected to perform all functions normally associated with that of a patrol officer when not otherwise assigned.
- (b) A corporal is expected to set positive examples by promoting department standards, policies, and procedures, and, wherever possible, advance morale and voluntary compliance while maintaining a high degree of proficiency and professionalism.

413.2.3 OTHER ASSIGNMENTS OF CORPORALS

Corporals may be assigned to other duties as directed by supervision.

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413.3 SUMMARY OF THE EXPECTATIONS OF ALL CORPORALS

- (a) Corporals will be viewed as the officer-in-charge in the absence of a sergeant or during periods of special assignments. Corporals are subordinate to all sergeants regardless of the sergeant's assignment.
- (b) Persons assigned to the position for corporal have been selected because of their demonstrated ability and potential to become good supervisors. They should be afforded training opportunities to enhance their supervisory skills.
- (c) Corporals shall be held accountable for their responsibilities as required by this Policy. Upon appointment to the position of corporal, they shall read and sign a copy of this Policy and it shall be placed in their Division File.

Aircraft Accidents

414.1 PURPOSE AND SCOPE

The purpose of this policy is to provide department officers with guidelines for handling aircraft accidents.

This policy does not supersede, and is supplementary to, applicable portions of the Crime and Disaster Scene Integrity, Emergency Management Plan and Hazardous Material Response policies.

414.1.1 DEFINITIONS

Definitions related to this policy include:

Aircraft - Any fixed wing aircraft, rotor craft, balloon, blimp/dirigible or glider that is capable of carrying a person or any unmanned aerial vehicle other than those intended for non-commercial recreational use.

414.2 POLICY

It is the policy of the Orange Police Department to provide an appropriate emergency response to aircraft accidents. This includes emergency medical care and scene management.

414.2.1 WATCH COMMANDER'S RESPONSIBILITIES

- (a) Notify the Chief of Police, division commanders, City Manager, department heads and the PIO in a timely manner.
- (b) Facilitate the use of the mobile field command post.
- (c) If appropriate, activate the EOC.
- (d) If appropriate, divert personnel to the scene of the accident and liaison with neighboring agencies to field calls for service.

414.3 ARRIVAL AT SCENE

Officers or other authorized personnel tasked with initial scene management should establish an inner and outer perimeter to:

- (a) Protect persons and property.
- (b) Prevent any disturbance or further damage to the wreckage or debris, except to preserve life or rescue the injured.
- (c) Preserve ground scars and marks made by the aircraft.
- (d) Manage the admission and access of public safety and medical personnel to the extent necessary to preserve life or to stabilize hazardous materials.
- (e) Maintain a record of persons who enter the accident site.
- (f) Consider implementation of an Incident Command System (ICS).

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414.4 INJURIES AND CASUALTIES

Personnel should address emergency medical issues and provide care as a first priority.

Those tasked with the supervision of the scene should coordinate with the National Transportation Safety Board (NTSB) before the removal of bodies. If that is not possible, the scene supervisor should ensure documentation of what was disturbed, including switch/control positions and instrument/gauge readings.

414.5 NOTIFICATIONS

When an aircraft accident is reported to this department, the responding supervisor shall ensure notification is or has been made to NTSB, the Federal Aviation Administration (FAA), and when applicable, the appropriate branch of the military.

Supervisors shall ensure other notifications are made once an aircraft accident has been reported. The notifications will vary depending on the type of accident, extent of injuries or damage, and the type of aircraft involved. When an aircraft accident has occurred, it is generally necessary to notify the following:

- (a) Fire department
- (b) Appropriate airport tower
- (c) Emergency medical services (EMS)

414.6 CONTROLLING ACCESS AND SCENE AUTHORITY

Prior to NTSB arrival, scene access should be limited to authorized personnel from the:

- (a) FAA.
- (b) Fire department, EMS or other assisting law enforcement agencies.
- (c) Coroner.
- (d) Air Carrier/Operators investigative teams with NTSB approval.
- (e) Appropriate branch of the military, when applicable.
- (f) Other emergency services agencies (e.g., hazardous materials teams, biohazard decontamination teams, fuel recovery specialists, explosive ordnance disposal specialists).

The NTSB has primary responsibility for investigating accidents involving civil aircraft. In the case of a military aircraft accident, the appropriate branch of the military will have primary investigation responsibility.

After the NTSB or military representative arrives on-scene, the efforts of this department will shift to a support role for those agencies.

If NTSB or a military representative determines that an aircraft or accident does not qualify under its jurisdiction, the on-scene department supervisor should ensure the accident is still appropriately investigated and documented.

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414.7 DANGEROUS MATERIALS

Personnel should be aware of potentially dangerous materials that might be present. These may include, but are not limited to:

- (a) Fuel, chemicals, explosives, biological or radioactive materials and bombs or other ordnance.
- (b) Pressure vessels, compressed gas bottles, accumulators and tires.
- (c) Fluids, batteries, flares and igniters.
- (d) Evacuation chutes, ballistic parachute systems and composite materials.

414.8 DOCUMENTATION

All aircraft accidents occurring within the City of Orange shall be documented. At a minimum the documentation should include the date, time and location of the incident; any witness statements, if taken; the names of OPD personnel deployed to assist; other City resources that were utilized; and cross reference information to other investigating agencies. Suspected criminal activity should be documented on the appropriate crime report.

414.8.1 WRECKAGE

When reasonably safe, personnel should:

- (a) Obtain the aircraft registration number (N number) and note the type of aircraft.
- (b) Attempt to ascertain the number of casualties.
- (c) Obtain photographs or video of the overall wreckage, including the cockpit and damage, starting at the initial point of impact, if possible, and any ground scars or marks made by the aircraft.
 - (a) Military aircraft may contain classified equipment and therefore shall not be photographed unless authorized by a military commanding officer (refer to the U.S. Code).
- (d) Secure, if requested by the lead authority, any electronic data or video recorders from the aircraft that became dislodged or cell phones or other recording devices that are part of the wreckage.
- (e) Acquire copies of any recordings from security cameras that may have captured the incident.

414.8.2 WITNESSES

Personnel tasked with contacting witnesses should obtain:

- (a) The location of the witness at the time of his/her observation relative to the accident site.
- (b) A detailed description of what was observed or heard.
- (c) Any photographs or recordings of the accident witnesses may be willing to voluntarily surrender.
- (d) The names of all persons reporting the accident, even if not yet interviewed.

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- (e) Any audio recordings of reports to 9-1-1 regarding the accident and dispatch records.

414.9 MEDIA RELATIONS

The Public Information Officer (PIO) should coordinate a response to the media, including access issues, road closures, detours and any safety information that is pertinent to the surrounding community. Any release of information regarding details of the accident itself should be coordinated with the NTSB or other authority who may have assumed responsibility for the investigation.

Depending on the type of aircraft, the airline or the military may be responsible for family notifications and the release of victims' names. The PIO should coordinate with other involved entities before the release of information.

Field Training Officer Program

415.1 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 Orange 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.

415.2 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.

415.2.1 SELECTION PROCESS

FTOs will be selected based on the following requirements:

- (a) Desire to be an FTO
- (b) It is generally encouraged candidates have a minimum of four years of patrol experience, two of which shall be with this department
- (c) Demonstrated ability as a positive role model
- (d) Participate and pass an internal oral interview selection process
- (e) Evaluation by supervisors and current FTOs
- (f) Possess a POST Basic certificate

415.2.2 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 (refer to California Code of Regulations).

All FTOs must meet any training mandate regarding crisis intervention behavioral health training pursuant to the California Penal Code.

415.3 FIELD TRAINING OFFICER PROGRAM SUPERVISOR

The FTO Program supervisor should be selected by the Field Services 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:

- (a) Assignment of trainees to FTOs
- (b) Conduct FTO meetings

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- (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 (refer to the California Code of Regulations).

415.4 TRAINEE DEFINED

Any entry level or lateral police officer newly appointed to the Orange Police Department who has successfully completed a POST approved Basic Academy.

415.5 REQUIRED TRAINING

Entry level officers shall be required to successfully complete the Field Training Program, consisting of a minimum of 10 weeks.

The training period for a lateral officer may be modified depending on the trainee's demonstrated performance and level of experience, but shall consist of a minimum of eight weeks.

To the extent practicable, entry level and lateral officers should be assigned to a variety of Field Training Officers, shifts and geographical areas during their Field Training Program.

415.6 EVALUATIONS

Evaluations are an important component of the training process and shall be completed as outlined below.

415.6.1 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 Supervisor on a daily basis.
- (b) Review the Daily Trainee Performance Evaluations with the trainee each day.
- (c) 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.

415.6.2 IMMEDIATE SUPERVISOR

The immediate supervisor shall review and approve the Daily Trainee Performance Evaluations and forward them to the Field Training Lieutenant.

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415.6.3 FIELD TRAINING ADMINISTRATOR

The Field Training Lieutenant will review and approve the Weekly Trainee Performance Evaluations submitted by the FTO through his/her FTO Supervisor.

415.6.4 TRAINEE

At the completion of the Field Training Program, the trainee will be interviewed by the FTO Program Supervisor.

415.7 DOCUMENTATION

All documentation of the Field Training Program will be retained in the officer's training files and will consist all Training Performance Evaluations.

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416.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for conducting field interviews (FI) and pat-down searches, and the taking and retention of photographs of persons detained in the field but not arrested. Due to a variety of situations confronting the officer, the decision to FI or photograph a person detained in the field shall be left to the discretion of the involved officer based on the totality of the circumstances available to them at the time of the detention.

416.1.1 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.

416.2 POLICY

The Orange 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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416.3 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 Orange Police Department to strengthen community involvement, community awareness, and problem identification.

416.3.1 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

416.3.2 CONSENSUAL CONTACTS

Consensual contacts occur when an officer contacts an individual and does not create a detention through their words, actions or other means. In other words, a reasonable individual would believe that his/her contact with the officer is voluntary.

Frequent and random casual contacts with consenting individuals are encouraged by the Orange Police Department to strengthen our community involvement, community awareness and problem identification. Nothing in this policy is intended to discourage consensual contacts.

416.3.3 FIELD INTERVIEW CARDS

Field Interview (FI) Cards are a valuable investigative tool for documenting and disseminating information obtained from both field detentions and consensual contacts. FI Cards are a critical resource, which can assist in identifying potential suspects, witnesses and/or victims of crimes. When an officer takes a photograph in conjunction with an FI Card, the officer shall check the Photo Box on the front of the form. All FI Card photographs shall comply with current policy regarding

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Computers and Digital Evidence. Digital photographs taken in relation to an FI Card shall be downloaded into DIMS per the current policy regarding Disposition Of Field Photographs.

Due to a variety of situations confronting an officer, the decision to FI or photograph a person detained in the field shall be left to the discretion of the involved officer based on the totality of the circumstances available to them at the time of the detention.

FI Cards will be processed as follows:

- (a) FI Cards shall be completed and turned in to a supervisor or the watch commander by the end of the officer's shift,
 1. If the officer believes that the FI Card would be of particular assistance to another supervisor or investigator, the officer should make a photo copy of the FI Card and provide it to them.
- (b) After reviewing the FI Card, the supervisor or watch commander shall forward it to the Investigative Services Division as soon as is practicable,
 1. If a supervisor or watch commander believes an FI Card would be of particular assistance to another supervisor or investigator, they should make a photo copy of the FI Card and provide it to them.
- (c) The Investigative Services Division will be responsible for inputting the information contained in the FI Card into RMS and assigning it an FI Card number.

NOTE: An original FI Card should not be retained by anyone until it has been approved by a supervisor and submitted to the Investigative Services Division for input into RMS.

416.4 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.
- (f) Visual indications which suggest that the suspect is carrying a firearm or other weapon.

Whenever practicable, a pat-down search should not be conducted by a lone officer. A cover officer should be positioned to ensure safety and should not be involved in the search.

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416.5 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 person being detained, the officer shall carefully consider, among other things, the factors listed below.

416.5.1 FIELD PHOTOGRAPHS TAKEN WITH CONSENT

Field photographs may be taken when the subject being photographed knowingly and voluntarily gives consent. Officers should document in their reports, FI's, STEP Notifications, citations, etc. the subject being photographed gave consent.

416.5.2 FIELD PHOTOGRAPHS TAKEN WITHOUT CONSENT

Field photographs may be taken without consent only if they are taken during a detention that is based upon reasonable suspicion of criminal activity, and the photograph serves a legitimate law enforcement purpose related to the detention. The officer must be able to articulate facts that reasonably indicate that the subject was involved in or was about to become involved in criminal conduct. The subject should not be ordered to remove or lift any clothing for the purpose of taking a photograph.

If, prior to taking a photograph, the officer's reasonable suspicion of criminal activity has been dispelled, the detention must cease and the photograph should not be taken.

All field photographs and related reports shall be submitted to a supervisor and retained in compliance with this policy.

416.5.3 DISPOSITION OF PHOTOGRAPHS

When a photograph is taken in association with a particular case, the investigator may use such photograph in a photo lineup. Thereafter, the individual photograph should be retained as a part of the case file. All other photographs shall be retained in accordance with the established records retention protocol.

416.5.4 SUPERVISOR RESPONSIBILITIES

While it is recognized that field photographs often become valuable investigative tools, supervisors should monitor such practices in view of the above listed considerations. This is not to imply that supervisor approval is required before each photograph is taken.

Access to, and use of, field photographs shall be strictly limited to law enforcement purposes.

416.6 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 personnel 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.

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2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, officers should attempt to identify the witness prior to his/her departure.
- (b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by Orange Police Department personnel.
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.

416.7 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 respective division commander, 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 to the requesting party a copy of this policy.

416.7.1 REVIEW PROCESS

Upon receipt of such a written request, the Chief of Police or his/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 Orange 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

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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 Orange Police Department policy, the original photograph will be destroyed or returned to the person photographed, if requested. All other associated reports or documents, however, will be retained according to department policy and applicable law.

If the Chief of Police or his/her designee determines that the original legitimate law enforcement interest in retaining a non-arrest FI no longer exists or that the original F/I was not obtained in accordance with established law or Orange 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 Orange 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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417.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that the Orange Police Department appropriately utilizes criminal intelligence systems and temporary information files to support investigations of criminal organizations and enterprises.

417.1.1 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.

417.2 POLICY

The Orange 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.

417.3 CRIMINAL INTELLIGENCE SYSTEMS

No Department personnel 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 the Code of Federal Regulations.

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) Personnel 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.

417.3.1 SYSTEM ENTRIES

It is the designated supervisor's responsibility to approve the entry of any information from a report, field interview (FI), photo or other relevant document into an authorized criminal intelligence system. If entries are made based upon information that is not on file with this department, such as open or public source documents or documents that are on file at another agency, the designated supervisor should ensure copies of those documents are retained by the Records Bureau. Any supporting documentation for an entry shall be retained by the Records Bureau in accordance

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with the established records retention schedule and for at least as long as the entry is maintained in the system.

The designated supervisor should ensure that any documents retained by the Records Bureau are appropriately marked as intelligence information. The Records Manager may not purge such documents without the approval of the designated supervisor.

417.3.2 GANG DATABASES

The Chief of Police may approve participation by the Gang Unit in a shared criminal gang intelligence database, such as CALGANG®. Personnel must obtain the requisite training before accessing any such database (11 CCR 751.6).

It is the Gang Unit supervisor's responsibility to determine whether any report or FI contains information that would qualify for entry into the database. Prior to designating any person as a suspected gang member, associate, or affiliate in a shared gang database; or submitting a document to the Attorney General's office for the purpose of designating a person in a shared gang database; or otherwise identifying the person in a shared gang database, the Gang Unit supervisor shall provide written notice to the person and, if the person is under the age of 18, to his/her parent or guardian of the designation and the basis for the designation, unless providing that notification would compromise an active criminal investigation or compromise the health or safety of a minor. Notice shall also describe the process to contest the designation (Penal Code § 186.34).

The person, an attorney working on their behalf, or their 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 they are under 18 years of age (Penal Code § 186.34).

The person, or their parent or guardian if the person is under 18 years of age, may contest the designation by submitting written documentation, which shall be reviewed by the Gang Unit supervisor. If it is determined that the person is not a suspected gang member, associate, or affiliate, the person shall be removed from the database. The person and the parent or guardian shall be provided written verification of the Department's decision within 30 days of receipt of the written documentation contesting the designation and shall include the reason for a denial when applicable (Penal Code § 186.34).

The Gang Unit supervisor should forward reports or FIs to the Records Bureau after appropriate database entries are made. The supervisor should clearly mark the report/FI as gang intelligence information.

It is the responsibility of the Records Bureau supervisor to retain reports and FIs in compliance with the database rules and any applicable end user agreement.

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Records contained in a shared gang database shall not be disclosed for employment or military screening purposes, and shall not be disclosed for the purpose of enforcing federal immigration law unless required by state or federal statute or regulation (Penal Code § 186.36).

417.4 TEMPORARY INFORMATION FILE

No personnel may create or keep files on individuals that are separate from the approved criminal intelligence system. However, officers may maintain temporary information that is necessary to actively investigate whether a person or group qualifies for entry into the department-approved criminal intelligence system only as provided in this section. Once information qualifies for inclusion, it should be submitted to the supervisor responsible for consideration of criminal intelligence system entries.

417.4.1 FILE CONTENTS

A temporary information file may only contain information and documents that, within one year, will have a reasonable likelihood to meet the criteria for entry into an authorized criminal intelligence system.

Information and documents contained in a temporary information file:

- (a) Must only be included upon documented authorization of the responsible Department supervisor.
- (b) Should not be originals that would ordinarily be retained by the Records Bureau or Property and Evidence, but should be copies of, or references to, retained documents such as copies of reports, FI forms, the Communications Center records or booking forms.
- (c) Shall not include opinions. No person, organization or enterprise shall be labeled as being involved in crime beyond what is already in the document or information.
- (d) May include information collected from publicly available sources or references to documents on file with another government agency. Attribution identifying the source should be retained with the information.

417.4.2 FILE REVIEW AND PURGING

The contents of a temporary information file shall not be retained longer than one year. At the end of one year, the contents must be purged.

The designated supervisor shall periodically review the temporary information files to verify that the contents meet the criteria for retention. Validation and purging of files is the responsibility of the supervisor.

417.5 INFORMATION RECOGNITION

Department Personnel should document facts that suggest an individual, organization or enterprise is involved in criminal activity and should forward that information appropriately. Examples include, but are not limited to:

- (a) Gang indicia associated with a person or residence.

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- (b) Information related to a drug-trafficking operation.
- (c) Vandalism indicating an animus for a particular group.
- (d) Information related to an illegal gambling operation.

Department supervisors who utilize an authorized criminal intelligence system should work with the Training Bureau Sergeant to train officers to identify information that may be particularly relevant for inclusion.

417.6 RELEASE OF INFORMATION

Department personnel 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 personnel 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.

417.7 CRIMINAL STREET GANGS

The Investigative Services Division supervisor should ensure that there are an appropriate number of Department officers 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 the California Penal Code.
 2. Identification of a person as a criminal street gang member and criminal street gang-related crimes.
 3. The California Street Terrorism Enforcement and Prevention Act (refer to the California Penal Code), associated crimes and what defines a criminal street gang (refer to the California Penal Code).
- (b) Coordinate with other agencies in the region regarding criminal street gang-related crimes and information.
- (c) Train other officers to identify gang indicia and investigate criminal street gang-related crimes.

417.8 TRAINING

The Training Bureau Sergeant 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.

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- (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.

417.8.1 SHARED GANG DATABASE TRAINING

The Training Bureau Sergeant should ensure that employees who are authorized users of a shared gang database receive the required training from the California Department of Justice (DOJ) or an instructor certified by the DOJ that includes comprehensive and standardized training on the use of shared gang databases, and any other associated training required by the Department (Penal Code § 186.36; 11 CCR 751.6).

Mobile Digital Computer Use

418.1 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 personnel and the Communications Center.

418.2 USE AND CARE OF THE MDT

- (a) Employees shall not use or install personal computer hardware or software on the MDC, unless receiving prior approval from a supervisor.
- (b) Employees shall not move, alter, connect, disconnect, install, uninstall, or otherwise tamper with the MDC hardware, software, or cabling, unless receiving prior approval from a supervisor.
- (c) Employees shall share in the responsibility to protect the MDC's from physical and environmental damage.

418.3 POLICY

Orange Police Department employees 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.

418.4 PRIVACY EXPECTATION

Employees 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).

418.5 RESTRICTED ACCESS AND USE

MDC use is subject to the Information Technology Use and Protected Information policies.

Employees shall not access the MDC system if they have not received prior authorization and the required training. Employees shall immediately report unauthorized access or use of the MDC by another employee 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 an employee has questions about sending a particular message or accessing a particular database, the employee 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 employee's name or to use the password of another employee to log in to the MDC

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system unless directed to do so by a supervisor. Employees 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.

418.5.1 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.

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.

418.6 DOCUMENTATION OF ACTIVITY

Except as otherwise directed by the Watch Commander or other department-established protocol, all calls for service assigned by a dispatcher should be communicated by voice over the police radio and electronically via the MDC unless security or confidentiality prevents such broadcasting.

MDC and voice transmissions are used to document the member's daily activity. To ensure accuracy:

- (a) All contacts or activity shall be documented at the time of the contact.
- (b) Whenever the activity or contact is initiated by voice, it should be documented by a dispatcher.
- (c) Whenever the activity or contact is not initiated by voice, the member shall document it via the MDC.

418.6.1 STATUS CHANGES

All changes in status (e.g., arrival at scene, meal periods, in service) will be transmitted over the police radio or through the MDC system.

Personnel responding to in-progress calls should advise changes in status over the radio to assist other employees responding to the same incident. Other changes in status can be made on the MDC when the vehicle is not in motion.

418.6.2 EMERGENCY ACTIVATION

If there is an emergency activation and the employee 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 employee. If the location is known, the nearest available officer should respond in accordance with the Officer Response to Calls Policy.

Personnel should ensure a field supervisor and the Watch Commander are notified of the incident without delay.

Officers not responding to the emergency shall refrain from transmitting on the police radio until a no-further-assistance broadcast is made or if they are also handling an emergency.

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418.7 EQUIPMENT CONSIDERATIONS

418.7.1 MALFUNCTIONING MDC

Whenever possible, personnel will not use vehicles with malfunctioning MDCs. Whenever employees must drive a vehicle in which the MDC is not working, they shall notify the Communications Center. It shall be the responsibility of the dispatcher to document all information that will then be transmitted verbally over the police radio.

418.7.2 BOMB CALLS

When investigating reports of possible bombs, personnel 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.

Portable Audio/Video Recorders

419.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of portable audio/video recording devices by employees 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 Orange Police Department facility, authorized undercover operations, wiretaps or eavesdropping (concealed listening devices).

419.2 POLICY

The Orange Police Department may provide employees with access to portable recorders, either audio or video or both, for use during the performance of their duties. The use of recorders is intended to enhance the mission of the Department by accurately capturing contacts between employees of the Department and the public.

419.3 EMPLOYEE PRIVACY EXPECTATION

All recordings made by employees on any department-issued device at any time, and any recording made while acting in an official capacity for this department, regardless of ownership of the device it was made on, shall remain the property of the Department. Employees shall have no expectation of privacy or ownership interest in the content of these recordings.

419.4 EMPLOYEE RESPONSIBILITIES

Prior to going into service, each uniformed employee will be responsible for making sure that he/she is equipped with a portable recorder issued by the Department, and that the recorder is in good working order. If the recorder is not in working order or the employee becomes aware of a malfunction at any time, the employee shall promptly report the failure to his/her supervisor and obtain a functioning device as soon as reasonably practicable. Uniformed employees should wear the recorder in a conspicuous manner or otherwise notify persons that they are being recorded, whenever reasonably practicable.

Any employee assigned to a non-uniformed position may carry an approved portable recorder at any time the employee believes that such a device may be useful. Unless conducting a lawful recording in an authorized undercover capacity, non-uniformed employees should wear the recorder in a conspicuous manner when in use or otherwise notify persons that they are being recorded, whenever reasonably practicable.

When using a portable recorder, the assigned employee shall record his/her name, OPD identification number and the current date and time at the beginning and the end of the shift or other period of use, regardless of whether any activity was recorded. This procedure is not required when the recording device and related software captures the user's unique identification and the date and time of each recording.

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Employees 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 employee deactivated the recording. Employees should include the reason for deactivation.

419.4.1 SUPERVISOR RESPONSIBILITIES

Supervisors should take custody of a portable audio/video recording device as soon as practicable when the device may have captured an incident involving the use of force, an officer-involved shooting or death or other serious incident, and ensure the data is downloaded (refer to the California Penal Code).

419.5 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. Employees should activate the recorder any time the employee 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 an employee would normally notify the Communications Center
- (d) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording

Employees should remain sensitive to the dignity of all individuals being recorded and exercise sound discretion to respect privacy by discontinuing recording whenever it reasonably appears to the employee that such privacy may outweigh any legitimate law enforcement interest in recording. Requests by employees 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 an employee 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.

419.5.1 SURREPTITIOUS USE OF THE PORTABLE RECORDER

Employees of the Department may surreptitiously record any conversation during the course of a criminal investigation in which the employee reasonably believes that such a recording will be lawful and beneficial to the investigation (refer to the California Penal Code).

Employees shall not surreptitiously record another department employee without a court order unless lawfully authorized by the Chief of Police or the authorized designee.

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419.5.2 CESSATION OF RECORDING

Once activated, the portable recorder should remain on continuously until the employee reasonably believes that his/her direct participation in the incident is complete or the situation no longer fits the criteria for activation. Recording may be stopped during significant periods of inactivity such as report writing or other breaks from direct participation in the incident.

Employee shall cease audio recording whenever necessary to ensure conversations are not recorded between a person in custody and the person's attorney, religious advisor or physician, unless there is explicit consent from all parties to the conversation (refer to the California Penal Code).

419.5.3 EXPLOSIVE DEVICE

Many portable recorders, including body-worn cameras and audio/video transmitters, emit radio waves that could trigger an explosive device. Therefore, these devices should not be used where an explosive device may be present.

419.6 PROHIBITED USE OF PORTABLE RECORDERS

Employees are prohibited from using department-issued portable recorders and recording media for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in their official capacity.

Employees are also prohibited from retaining recordings of activities or information obtained while on-duty, whether the recording was created with department-issued or personally owned recorders. Employees shall not duplicate or distribute such recordings, except for authorized legitimate department business purposes. All such recordings shall be retained at the Department.

Employees are prohibited from using personally owned recording devices while on-duty without the express consent of the Watch Commander. Any employee who uses a personally owned recorder for department-related activities shall comply with the provisions of this policy, including retention and release requirements, and should notify the on-duty supervisor of such use as soon as reasonably practicable.

Recordings shall not be used by any employee for the purpose of embarrassment, harassment or ridicule.

419.7 IDENTIFICATION AND PRESERVATION OF RECORDINGS

To assist with identifying and preserving data and recordings, employees should download, tag or mark these in accordance with procedure and document the existence of the recording in any related case report.

An employee should transfer, tag or mark recordings when the employee reasonably believes:

- (a) The recording contains evidence relevant to potential criminal, civil or administrative matters.
- (b) A complainant, victim or witness has requested non-disclosure.

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- (c) A complainant, victim or witness has not requested non-disclosure but the disclosure of the recording may endanger the person.
- (d) Disclosure may be an unreasonable violation of someone's privacy.
- (e) Medical or mental health information is contained.
- (f) Disclosure may compromise an undercover officer or confidential informant.

Any time an employee reasonably believes a recorded contact may be beneficial in a non-criminal matter (e.g., a hostile contact), the employee should promptly notify a supervisor of the existence of the recording.

419.8 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, employees shall not retain personal copies of recordings. Employees 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 employee's performance.

Recorded files may also be reviewed:

- (a) Upon approval by a supervisor, by any employee 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.

419.9 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 (refer to the California Penal Code):

- (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.

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- (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.

419.10 RETENTION OF RECORDINGS

Recordings of the following should be retained for a minimum of two years (refer to the California Penal Code):

- (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 Orange 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 (refer to the California Penal Code).

All other recordings should be retained for a period consistent with the requirements of the organization's records retention schedule but in no event for a period less than 180 days.

Records or logs of access and deletion of recordings should be retained permanently (refer to the California Penal Code).

419.10.1 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.

Medical Marijuana

420.1 PURPOSE AND SCOPE

The purpose of this policy is to provide personnel of this department with guidelines for investigating the acquisition, possession, transportation, delivery, production or use of marijuana under California's medical marijuana laws.

420.1.1 DEFINITIONS

Definitions related to this policy include:

Cardholder - A person issued a current identification card.

Compassionate Use Act (CUA) (refer to the California Health and Safety Code) - 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) (refer to the California Health and Safety Code) - 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 (refer to the California Health and Safety Code).

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) (refer to the California Health and Safety Code).

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420.2 POLICY

It is the policy of the Orange 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 Orange Police Department will exercise discretion to ensure laws are appropriately enforced without unreasonably burdening both those individuals protected under California law and public resources.

420.3 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.

420.3.1 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 (refer to the California Health and Safety Code). 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.

420.3.2 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 (refer to the California Health and Safety Code):

- (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 (refer to the California Health and Safety Code). 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.

420.3.3 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 (refer to the California Health and Safety Code). 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 (refer to the California Health and Safety Code).

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 (refer to the California Health and Safety Code).

420.3.4 ADDITIONAL CONSIDERATIONS

Officers should consider the following when investigating an incident involving marijuana possession, delivery, production or use:

- (a) Because enforcement of medical marijuana laws can be complex, time consuming and call for resources unavailable at the time of initial investigation, officers may consider submitting a report to the prosecutor for review, in lieu of making an arrest. This can be particularly appropriate when:
 1. The suspect has been identified and can be easily located at a later time.
 2. The case would benefit from review by a person with expertise in medical marijuana investigations.
 3. Sufficient evidence, such as photographs or samples, has been lawfully obtained.
 4. Other relevant factors, such as available department resources and time constraints prohibit making an immediate arrest.

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- (b) Whenever the initial investigation reveals an amount of marijuana greater than the statutory amount, officers should consider the following when determining whether the form and amount is reasonably related to the patient's needs:
 - 1. The amount of marijuana recommended by a medical professional to be ingested.
 - 2. The quality of the marijuana.
 - 3. The method of ingestion (e.g., smoking, eating, nebulizer).
 - 4. The timing of the possession in relation to a harvest (patient may be storing marijuana).
 - 5. Whether the marijuana is being cultivated indoors or outdoors, the climate, etc.
- (c) Before proceeding with enforcement related to collective gardens or dispensaries, officers should consider conferring with a supervisor, an applicable state regulatory agency or other member with special knowledge in this area and/or appropriate legal counsel (refer to the California Business and Professions Code). Licensing, zoning and other related issues can be complex. Patients, primary caregivers and cardholders who collectively or cooperatively cultivate marijuana for medical purposes are provided a defense under the MMP (refer to the California Health and Safety Code and the California Business and Professions Code).
- (d) Investigating members should not order a patient to destroy marijuana plants under threat of arrest.

420.3.5 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 (refer to the California Health and Safety Code).
- (b) Marijuana possession in jails or other correctional facilities that prohibit such possession (refer to the California Health and Safety Code).
- (c) Smoking marijuana (refer to the California Health and Safety Code):
 - 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.
- (d) Use of marijuana by a person on probation or parole, or on bail and use is prohibited by the terms of release (refer to the California Health and Safety Code).

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420.3.6 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 (refer to the California Business and Professions Code).

420.4 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.

420.5 PROPERTY AND EVIDENCE SUPERVISOR RESPONSIBILITIES

The Property and Evidence 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 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 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 supervisor may release marijuana to federal law enforcement authorities upon presentation of a valid court order or by a written order of the Investigative Services Division supervisor.

Bicycle Patrol Unit

421.1 PURPOSE AND SCOPE

The Orange Police Department has established the Bicycle Patrol Unit (BPU) for the purpose of enhancing patrol efforts in the community. Bicycle patrol has been shown to be an effective way to increase officer visibility in congested areas and their quiet operation can provide a tactical approach to crimes in progress. The purpose of this policy is to provide guidelines for the safe and effective operation of the patrol bicycle.

421.2 POLICY

Patrol bicycles may be used for regular patrol duty, traffic enforcement, parking control, or special events. The use of the patrol bicycle will emphasize their mobility and visibility to the community.

Bicycles may be deployed to any area at all hours of the day or night, according to Department needs and as staffing levels allow.

Requests for specific deployment of bicycle patrol officers shall be coordinated through the Bicycle Patrol Unit supervisor or the Watch Commander.

421.3 SELECTION OF PERSONNEL

Interested sworn personnel, who are off probation, shall submit an interest memorandum to their appropriate Division Commander. A copy will be forwarded to the BPU supervisor. Qualified applicants will then be invited to an oral interview.

421.3.1 BICYCLE PATROL UNIT SUPERVISOR

The Bicycle Patrol Unit supervisor will be selected from the rank of sergeant by the Field Services Division Commander or his/her designee.

The Bicycle Patrol Unit supervisor shall have responsibility for the following:

- (a) Organizing bicycle patrol training.
- (b) Inspecting and maintaining inventory of patrol bicycles and program equipment.
- (c) Scheduling maintenance and repairs.
- (d) Evaluating performance of bicycle officers.
- (e) Coordinating activities with the Field Services Division.
- (f) Other activities as required to maintain the efficient operation of the Bicycle Patrol Unit.

421.4 TRAINING

Participants in the program must complete an initial Department approved bicycle-training course after acceptance into the program. Thereafter bicycle patrol officers should receive twice yearly in-service training to improve skills and refresh safety, health and operational procedures. The initial training shall minimally include the following:

- Bicycle patrol strategies.

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- Bicycle safety and accident prevention.
- Operational tactics using bicycles.

Bicycle patrol officers will be required to qualify with their duty firearm while wearing bicycle safety equipment including the helmet and riding gloves.

421.5 UNIFORMS AND EQUIPMENT

Officers shall wear the department-approved uniform and safety equipment while operating the department bicycle. Safety equipment includes department-approved helmet, riding gloves, protective eyewear and approved footwear.

The bicycle patrol unit uniform consists of the standard short-sleeve uniform shirt or other department-approved shirt with department badge and patches, and department-approved bicycle patrol pants or shorts.

Optional equipment includes a radio head set and microphone, and jackets in colder weather. Turtleneck shirts or sweaters are permitted when worn under the uniform shirt.

Bicycle patrol officers shall carry the same equipment on the bicycle patrol duty belt as they would on a regular patrol assignment.

Officers will be responsible for obtaining the necessary forms, citation books and other department equipment needed while on bicycle patrol.

421.6 CARE AND USE OF PATROL BICYCLES

Officers will be assigned a specially marked and equipped patrol bicycle, attached gear bag, two batteries and a charger.

Bicycles utilized for uniformed bicycle patrol shall be primarily black or white in with a "POLICE" decal affixed to each side of the crossbar or the bike's saddlebag. Every such bicycle shall be equipped with front and rear reflectors front lights and a siren/horn satisfying the requirements of the California Vehicle Code).

Bicycles utilized for uniformed bicycle patrol shall be equipped with a rear rack and/or saddle bag(s) sufficient to carry all necessary equipment to handle routine patrol calls including report writing, vehicle storage and citations.

Each bicycle gear bag shall include a first aid kit, tire pump, repair tool, tire tube, security lock, equipment information and use manuals. These items are to remain with/on the bicycle at all times.

Each bicycle shall be equipped with a steady or flashing blue warning light that is visible from the front, sides, or rear of the bicycle. (refer to the California Vehicle Code).

Bicycle officers shall conduct an inspection of the bicycle and equipment prior to use to insure proper working order of the equipment. Officers are responsible for the routine care and maintenance of their assigned equipment (e.g., tire pressure, chain lubrication, overall cleaning).

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If a needed repair is beyond the ability of the bicycle officer, a repair work order will be completed and forwarded to the program supervisor for repair by an approved technician.

Each bicycle will have scheduled maintenance twice yearly to be performed by a department approved repair shop/technician.

At the end of a bicycle assignment, the bicycle shall be returned clean and ready for the next tour of duty.

Officers shall not modify the patrol bicycle, remove, modify or add components except with the expressed approval of the bicycle supervisor, or in the event of an emergency.

Vehicle bicycle racks are available should the officer need to transport the patrol bicycle. Due to possible component damage, transportation of the patrol bicycle in a trunk or on a patrol car push-bumper is discouraged.

Bicycles shall be properly secured when not in the officer's immediate presence.

421.7 OFFICER RESPONSIBILITY

Officers must operate the bicycle in compliance with the vehicle code under normal operation. Officers may operate the bicycle without lighting equipment during hours of darkness when such operation reasonably appears necessary for officer safety and tactical considerations. Officers must use caution and care when operating the bicycle without lighting equipment.

Officers are exempt from the rules of the road under the following conditions (refer to the California Vehicle Code):

- (a) In response to an emergency call.
- (b) While engaged in rescue operations.
- (c) In the immediate pursuit of an actual or suspected violator of the law.

Homeless Persons

422.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that personnel understand the needs and rights of the homeless and to establish procedures to guide officers during all contacts with the homeless, whether consensual or for enforcement purposes. The Orange Police Department recognizes that members of the homeless community are often in need of special protection and services. The Orange Police Department will address these needs in balance with the overall mission of this Department. Therefore, officers will consider the following when serving the homeless community.

422.1.1 POLICY

It is the policy of the Orange Police Department to provide law enforcement services to all members of the community, while protecting the rights, dignity and private property of the homeless. Homelessness is not a crime and personnel of this Department will not use homelessness solely as a basis for detention or law enforcement action.

422.2 HOMELESS COMMUNITY LIAISON

The Chief of Police will designate a sworn officer of this Department to act as the Homeless Liaison Officer. The responsibilities of the Homeless Liaison Officer include the following:

- (a) Maintain and make available to all Department employees a list of assistance programs and other resources that are available to the homeless.
- (b) Meet with social services and representatives of other organizations that render assistance to the homeless.
- (c) Be aware and update our Crime Analyst of the areas within and near this jurisdiction that are used as frequent homeless encampments.
- (d) Remain abreast of laws dealing with the removal and/or destruction of the personal property of the homeless. This will include:
 1. Proper posting of notices of trespass and clean-up operations.
 2. Proper retention of property after clean-up, to include procedures for owners to reclaim their property in accordance with the Property and Evidence Policy and other established procedures.
- (e) Be present during any clean-up operation conducted by this Department involving the removal of personal property of the homeless to ensure that the rights of the homeless are not violated.
- (f) Continually update or inform officers of the current legal and social issues relating to the homeless.

422.3 FIELD CONTACTS

Officers are encouraged to contact the homeless for purposes of rendering aid, support and for community-oriented policing purposes. Nothing in this policy is meant to dissuade an officer from taking reasonable enforcement action when facts support a reasonable suspicion of criminal

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activity. However, when encountering a homeless person who has committed a non-violent misdemeanor and continued freedom is not likely to result in a continuation of the offense or a breach of the peace, officers are encouraged to consider long-term solutions to problems that may relate to the homeless, such as shelter referrals and counseling in lieu of physical arrest.

Officers are encouraged to provide homeless persons with resource and assistance information whenever it is reasonably apparent or appropriate.

422.3.1 OTHER CONSIDERATIONS

Homeless members of the community will receive the same level and quality of service provided to other members of the community. The fact that a victim or witness is homeless can, however, require special considerations for a successful investigation and prosecution. Officers should consider the following when handling investigations involving homeless victims, witnesses or suspects:

- (a) Document alternate contact information. This may include obtaining addresses and phone numbers of relatives and friends.
- (b) Document places the homeless person may frequent.
- (c) Provide homeless victims with victim/witness resources when appropriate.
- (d) Obtain statements from all available witnesses in the event that a homeless victim is unavailable for a court appearance.
- (e) Consider whether the person may be a dependent adult or elder, and if so, proceed in accordance with the Senior and Disability Victimization Policy.
- (f) Arrange for transportation for investigation-related matters, such as medical exams and court appearances.
- (g) Consider whether a crime should be reported and submitted for prosecution, even when a homeless victim indicates that they do not desire prosecution.

422.4 PERSONAL PROPERTY

The personal property of homeless persons must not be treated differently than the property of other members of the public. Officers should use reasonable care when handling, collecting and retaining the personal property of homeless persons and should not destroy or discard the personal property of a homeless person.

When a homeless person is arrested or otherwise removed from a public place, officers should make reasonable accommodations to permit the person to lawfully secure their personal property. Otherwise, the personal property should be collected for safekeeping. If the arrestee has more personal property than can reasonably be collected and transported by the officer, a supervisor should be consulted. The property should be photographed and measures should be taken to remove or secure the property. It will be the supervisor's responsibility to coordinate the removal and safekeeping of the property.

Officers should not conduct or assist in clean-up operations of belongings that reasonably appear to be the property of homeless persons without the prior authorization of a supervisor or the

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Department's Homeless Liaison Officer. When practicable, requests by the public for clean-up of a homeless encampment should be referred to the Homeless Liaison Officer.

Officers who encounter unattended encampments, bedding or other personal property in public areas that reasonably appears to belong to a homeless person should not remove or destroy such property and should inform the Department's Homeless Liaison Officer if such property appears to involve a trespass, blight to the community or is the subject of a complaint. It will be the responsibility of the Homeless Liaison Officer to address the matter in a timely fashion.

422.5 MENTAL ILLNESS AND MENTAL IMPAIRMENT

Some homeless persons may suffer from a mental illness or a mental impairment. Officers shall not detain a homeless person under a mental illness commitment unless facts and circumstances warrant such a detention (see the Crisis Intervention Incidents Policy).

When a mental illness hold is not warranted, the contacting officer should provide the homeless person with contact information for mental health assistance as appropriate. In these circumstances, officers may provide transportation to a mental health specialist if requested by the person and approved by a supervisor.

422.6 ECOLOGICAL ISSUES

Sometimes homeless encampments can impact the ecology and natural resources of the community and may involve criminal offenses beyond mere littering. Officers are encouraged to notify other appropriate agencies or departments when a significant impact to the environment has or is likely to occur. Significant impacts to the environment may warrant a crime report, investigation, supporting photographs and supervisor notification.

Automated License Plate Readers (ALPRs)

423.1 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.

423.2 POLICY

The policy of the Orange 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.

423.3 ADMINISTRATION

The ALPR technology, also known as License Plate Recognition (LPR), allows for the automated detection of license plates. It is used by the Orange 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 Administrative Services Division Commander. The Administrative Services Division Commander will assign personnel under his/her command to administer the day-to-day operation of the ALPR equipment and data.

423.3.1 ALPR ADMINISTRATOR

The Administrative Services Division Commander shall be responsible for developing guidelines and procedures to comply with the requirements of the California Civil Code. This includes, but is not limited to (refer to the California Civil Code):

- (a) A description of the job title or other designation of the employees 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 the California Civil Code.
- (e) The title and name of the current designee in overseeing the ALPR operation.
- (f) Working with the Custodian of Records on the retention and destruction of ALPR data.
- (g) Ensuring this policy and related procedures are conspicuously posted on the department's website.

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Automated License Plate Readers (ALPRs)

423.4 ALPR OPERATIONS

Use of an ALPR is restricted to the purposes outlined below. Department personnel shall not use, or allow others to use the equipment or database records for any unauthorized purpose (refer to the California Civil Code).

- (a) An ALPR shall only be used for official law enforcement business.
- (b) An ALPR may be used in conjunction with any routine patrol operation or criminal investigation. Reasonable suspicion or probable cause is not required before using an ALPR.
- (c) While an ALPR may be used to canvass license plates around any crime scene, particular consideration should be given to using ALPR-equipped cars to canvass areas around homicides, shootings and other major incidents. Partial license plates reported during major crimes should be entered into the ALPR system in an attempt to identify suspect vehicles.
- (d) No member of this department shall operate ALPR equipment or access ALPR data without first completing department-approved training.
- (e) No ALPR operator may access department, state or federal data unless otherwise authorized to do so.
- (f) If practicable, the officer should verify an ALPR response through the California Law Enforcement Telecommunications System (CLETS) before taking enforcement action that is based solely on an ALPR alert.

423.5 DATA COLLECTION AND RETENTION

The Administrative Services 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 (refer to the California Government Code) 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.

423.6 ACCOUNTABILITY AND SAFEGAURDS

All data will be closely safeguarded and protected by both procedural and technological means. The Orange Police Department will observe the following safeguards regarding access to and use of stored data (refer to the California Civil Code):

- (a) All non-law enforcement requests for access to stored ALPR data shall be referred to the Records Manager or their designee and processed in accordance with applicable law.

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- (b) 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 (refer to the California Civil Code).
- (c) Persons 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 investigation.
- (d) Such ALPR data may be released to other authorized and verified law enforcement officials and agencies at any time for legitimate law enforcement purposes.
- (e) ALPR system audits should be conducted on a regular basis.

423.7 TRAINING

The Personnel and Training Sergeant should ensure that personnel receive department-approved training for those authorized to use or access the ALPR system (refer to the California Civil Code).

Mobile Audio Video & Body Worn Cameras

424.1 PURPOSE AND SCOPE

The Orange Police Department recognizes that audio and video recordings of contacts between Department employees and the public can provide an objective record of these events. The use of a recording system assists Department employees in the performance of their official police duties by providing a record of enforcement, investigative contacts, as well as contacts related to calls for service. These recordings will ensure evidence is collected for criminal investigations and can assist in the resolution of citizen complaints. This policy provides guidance on the use of Mobile Audio Video (MAV) and Body Worn Cameras (BWC). While recordings from MAV/BWC provide an objective record of these events, it is understood that video recordings captured by MAV/BWC provide a limited perspective and do not necessarily reflect the experience or state of mind of the individual employee(s) during a given incident. The recordings have limitations and may depict events differently than the events recalled by the involved employee(s). Specifically, it is understood that the MAV/BWC may capture information that may not have been heard and/or observed by the involved employee(s). Additionally, it is also understood that the MAV/BWC may not capture information that was heard and/or observed by the employee(s). Accordingly, MAV/BWC video should be considered with all other available evidence, including but not limited to witness statements, officer interviews, and forensic analysis.

424.2 POLICY

It is the policy of this Department to install, use, and maintain MAV systems in designated enforcement vehicles. The Department will maintain and issue BWC equipment for use by designated Field Services Division personnel and other uniformed assignments including the Gang Unit. Employees working in a non-uniformed investigative capacity will have access to check out a BWC from the Watch Commander. Use of the MAV/BWC equipment is mandatory as outlined in this policy. It is recognized that it may not always be practical to activate the MAV/BWC; however, those occurrences should be the exception rather than the rule.

424.3 TRAINING

The Department shall provide training to all employees required to use the MAV/BWC equipment. Training will be coordinated by the Support Services Division and consist of policy review and practical applications to ensure competency in operation of the equipment.

424.4 DEPARTMENT PERSONNEL RESPONSIBILITIES

Prior to going into service, each employee who is equipped with MAV/BWC equipment is responsible for ensuring that the equipment is in proper working order by inspecting and testing the MAV/BWC. Employees shall wear their BWC on their person in a forward facing position above the midline torso to facilitate comprehensive recordings of their contacts and investigations. Absent exigent circumstances, the MAV/BWC user shall record a test sample at the beginning of his/her shift to ensure all equipment is functioning properly. The test recording shall consist of the employee's name, badge number, date, and be categorized as "Function Test / Training Demo."

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The BWC is designed to be powered on and remain on during the entirety of a shift to allow for ease of activation.

The BWC docking stations automatically upload recordings and charge the BWC. Employees are required to upload their cameras in the docking stations at the conclusion of their shift, unless otherwise approved by a supervisor. Motor Officers and Canine Officers are exempt from this requirement; however, they are required to upload their BWC footage on the last day of their assigned work week or at the request of a supervisor.

When an employee determines a BWC is not in proper working order, the employee shall notify a supervisor as soon as practicable to obtain a replacement BWC. If an employee determines a BWC is not capable of lasting an entire shift, the employee shall notify a supervisor as soon as practicable to obtain a replacement BWC. In both instances, the employee shall also notify the BWC Program Coordinator via an email.

At no time will an employee who is issued a BWC go into the field to conduct law enforcement duties, including overtime assignments at special events, without a BWC.

When an employee determines a MAV is not in proper working order, the employee shall notify a supervisor as soon as practicable. The employee shall also complete a Vehicle Repair Request describing the problem with the MAV equipment. At no time will an employee go into the field to conduct law enforcement duties, including overtime assignments at special events, without a functional MAV unless approved by a supervisor.

424.4.1 ADDITIONAL DEPARTMENT PERSONNEL RESPONSIBILITIES

Employees working plain-clothes assignments may utilize a department issued BWC when they believe such a device may be beneficial and in accordance with this policy. All non-uniformed employees who are engaging in pre-planned enforcement activities such as search warrant service, arrest warrant service, or parole/probation searches should utilize a BWC. Employees not wearing a BWC while engaging in preplanned enforcement activities shall have prior approval from a Lieutenant or higher. Field Training Officers who are wearing civilian clothing during a “ghost phase” of training are required to wear a BWC.

424.4.2 SUPERVISOR RESPONSIBILITIES

Supervisors may take custody of a BWC when the device is believed to contain data that a supervisor must ensure is downloaded. These incidents may include, but are not limited to, uses of force causing great bodily injury, officer-involved shootings, traffic collisions, or any other incident resulting in a significant injury to a member of the public or an employee.

424.4.3 IDENTIFYING INFORMATION REQUIRED FOR RECORDINGS

Once a recording is complete, employees shall ensure videos are properly categorized based on the type of incident and tagged with all applicable information (DR number, CAD call number, citation number, etc.). Further detail regarding these categories is contained later in this policy.

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Occasionally, an employee may inadvertently record himself/herself during a situation that unreasonably violates the employee's privacy or sense of dignity. If this occurs, the recording should be categorized as "Accidental," and the employee shall immediately notify the BWC Program Coordinator. Notification shall include the nature of the recording, name of the employee(s) involved in the recording, and the approximate date and time that the recording began. The BWC Coordinator will review the recording, determine if it can be deleted, and notify the affected employee(s) of the outcome. The employee may request the recording be reviewed by a BWC Coordinator or authorized designee of a specific gender. If the recording cannot be deleted due to the content, it will not be publicly released unless disclosure is required by law or order of the court.

424.5 SYSTEM OPERATIONAL STANDARDS

- (a) The MAV/BWC systems shall be configured to record video for 30 seconds prior to a recording activation.
- (b) The MAV/BWC systems shall not be configured to record audio prior to a recording activation.
- (c) The MAV systems shall be configured to automatically activate a recording when vehicle speeds reach 90 miles per hour or above.
- (d) The MAV system shall be configured to automatically activate a recording when a traffic collision or other significant impact is detected.
- (e) The MAV system shall be configured to automatically activate a recording when an overhead emergency solid forward facing red light is turned on.
- (f) The BWC systems shall be configured to automatically activate a recording when the equipment is within approximately 30 feet of a MAV system that was activated within the last 30 seconds.
- (g) The installation, activation, or use of biometric surveillance systems, including facial recognition, in connection with MAV/BWC equipment shall be in compliance with applicable law.

424.5.1 ACTIVATION OF MOBILE AUDIO VIDEO & BODY WORN CAMERAS

All enforcement and investigative contacts by uniformed employees, as well as all contacts specifically related to a call for service shall be recorded. MAV/BWC activation shall begin as soon as practical prior to arriving on scene or initiating enforcement action. The contacts that shall be recorded include, but are not limited to:

- (a) Traffic stops
- (b) Code 3 responses
- (c) Vehicle pursuits
- (d) Foot pursuits
- (e) Arrests
- (f) Suspicious vehicles

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- (g) Burglary / robbery alarm responses
- (h) Vehicle / person / evidence searches
- (i) Physical confrontations, verbal confrontations, or use of force
- (j) Pedestrian checks
- (k) DUI investigations
- (l) Consensual encounters
- (m) Crimes in progress
- (n) Citizen flag downs
- (o) Any self-initiated activity
- (p) Interviews of all parties involved in an incident
- (q) Any other contact that becomes adversarial after the initial contact that would not otherwise require recording
- (r) Transportation of any persons in a police vehicle (this does not pertain to ride-alongs)

Employees should not use the fact that a recording was made as a reason to write a less detailed report.

The rear seat MAV camera shall be activated any time a person is transported in the rear seat of a police vehicle.

Any employee engaged in a support capacity for any activities requiring MAV/BWC activation shall also activate his/her MAV/BWC. At no time is any employee expected to compromise his/her immediate personal safety or the safety of others for the purpose of activating MAV/BWC equipment. Employees may, but are not required to, advise members of the public that a recording is in progress.

In the event an employee is unable to activate his/her MAV/BWC as directed above, he/she shall document the reason why the equipment was not used in the accompanying police report.

If any officer responds to an incident from his/her residence, the officer may reasonably delay activating MAV/BWC recordings to prevent disclosing the location of their home.

424.5.2 DEACTIVATION OF MOBILE AUDIO VIDEO & BODY WORN CAMERAS

Once the MAV/BWC recording is activated, it shall remain recording until the incident has reached a conclusion or the officer is no longer involved.

If an employee believes ending a recording is necessary before an incident has reached a conclusion, the employee shall seek supervisory approval before ending the recording. If supervisor approval is obtained, the employee shall verbally indicate the reason and the name of the approving supervisor prior to ending the recording. The underlying reason shall also be documented in the accompanying police report.

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424.5.3 PERMISSIBLE NON-ACTIVATION

Circumstances when a BWC/MAV recording may not be initiated include, but are not limited to:

- (a) Officer safety would be compromised due to an unexpected or sudden altercation.
- (b) While in the hospital for the sole purpose of waiting for an arrestee to be medically cleared, there is no perceived safety risk to the employee, and no criminal behavior is being observed.
- (c) While the employee is on break, engaged in personal activities, or when the employee is in a location where there is a reasonable expectation of privacy (such as a restroom, locker room, or during briefings / meetings).
- (d) During encounters with undercover officers or confidential informants.
- (e) When employees are handling, reviewing, or discussing an operational plan or conducting undercover surveillance.
- (f) While discussing, developing, planning, or engaging in police/investigative tactics or strategies during a pending investigation.
- (g) During calls where explosive devices may be present.
- (h) Upon the victim's request when conducting sexual assault or child abuse investigations.

If an employee encounters a permissible non-activation situation after he/she has already initiated a recording, the employee should consider utilizing the mute function described in this policy prior to deciding to end the recording.

424.6 PROHIBITED USES

No employee of this department may surreptitiously record a conversation of any other employee of this department except with a court order or when lawfully authorized by the Chief of Police.

Employees, except at the direction of the Body Worn Camera Program Coordinator's Lieutenant, shall not in any manner attempt to modify, alter, erase, or tamper with any portion of the MAV/BWC equipment or any recorded incident. Employees are prohibited from utilizing a department issued MAV/BWC for personal use or during non-work-related activities. Employees are prohibited from making personal copies of recordings created while on-duty or while acting in their official capacity.

424.7 MUTING AUDIO

The MAV/BWC has a mute function, which disables audio recording while video recording continues. Circumstances when a MAV/BWC recording may be muted include, but are not limited to, employees reviewing an operational plan, or discussing, developing, planning, or engaging in police/investigative tactics or strategies during a pending investigation. When an employee believes it is necessary to mute a recording he/she shall verbally indicate the intent and reason to mute the recording. This should also be documented in the accompanying police report. The mute function shall be disengaged as soon contact is reestablished with a member of the public.

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424.8 REVIEW OF BODY WORN CAMERA MEDIA FILES

All recording media, recorded images, and audio recordings are the property of the Orange Police Department. Dissemination outside of the agency is strictly prohibited except to the extent permitted or required by law. Department personnel shall document the reason for reviewing the evidence in the "Notes" section of evidence.com specific to that item. This is not applicable to department personnel reviewing their own evidence. Recordings may be reviewed in any of the following situations:

- (a) By department personnel when preparing reports, statements or conducting criminal investigations.
- (b) By a supervisor investigating a specific act of employee conduct. Supervisors have discretion to show MAV/BWC recordings to a complainant when it relates to their complaint, and to assist in clarifying the complaint, resolving the complaint, or having the complaint withdrawn.
- (c) By a supervisor reviewing or investigating a specific incident involving an employee of this department and for which they can articulate a reason for review.
- (d) To assess proper functioning of MAV/BWC systems.
- (e) A supervisor or an investigator participating in an official department investigation, such as a personnel complaint, a civil claims investigation, an administrative inquiry or criminal investigation may review a specific incident. Any other review not listed herein will require the express approval of the Police Chief or their designee.
- (f) By members of the City Attorney's Office or City Risk Management in connection with litigation or anticipated litigation, or for other official purposes.
- (g) By court personnel through proper process or with permission of the Chief of Police or authorized designee.
- (h) By the media through proper process or with permission of the Chief of Police or authorized designee.
- (i) Upon supervisor approval, to assess possible training value. If an involved employee objects to showing a recording, their objection will be submitted to the Chief of Police or authorized designee to determine if the training value outweighs the employee's objection.
- (j) A Field Training Officer or supervisor may review a specific recorded incident from a probationary employee for the purpose of training or critique.

In no event shall any recording be used or shown for the purpose of ridiculing or embarrassing any employee.

Subject to the provisions of this policy, the Chief of Police or authorized designee has the discretion to prohibit the review of any recordings by Department employees if it is determined to be in the best interest of the Department or the City.

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424.9 AUDITS

The MAV/BWC system may be subject to periodic audit to ensure that the police-related incidents are being recorded and categorized consistent with this policy.

424.10 MEDIA FILE STORAGE, RETENTION, AND RELEASE

Digital evidence captured by MAV/BWC shall be treated as an investigative record and handled pursuant to existing Department policies and procedures. A copy of a recording may only be released to a third party in response to a valid court order or by approval from the Chief of Police or authorized designee. Requests for recordings in civil matters or pursuant to California Public Rights Act will be handled by the Office of Legal Affairs or authorized designee.

Storage and transfer of media files from MAV/BWC recordings shall comply with the following provisions:

- (a) Only employees designated by the BWC Program Coordinator may transfer or copy recordings onto any third party media storage device. These devices include but are not limited to: Compact discs, portable hard drives, memory sticks, thumb-drives, DVD's, or other electronic media devices.
- (b) Only employees designated by the BWC Program Coordinator may produce, reproduce or modify recordings for production in response to a subpoena, Public Records Act request, or other official request.
- (c) All recordings are considered official Department records and shall not be shared with any person not having authorization to access the files as part of his/her official duties, or otherwise authorized by law.
- (d) Digital files may not be deleted by any employee from the recording device or the archival storage media without the authorization of the Chief of Police or authorized designee.
- (e) At the discretion of the Chief of Police, recorded files may be viewed or released outside the organization, if he/she determines it is in the best interest of the Department or the City. When appropriate, involved employees should be notified before viewing or release.
- (f) At the discretion of the Chief of Police or authorized designee, footage may be shared via a link with an allied law enforcement agency investigating an incident.

424.11 BODY WORN CAMERA PROGRAM COORDINATOR

The Department's Body Worn Camera Program Coordinator is the Personnel and Training Sergeant. He/she will be responsible for program oversight including, but not limited to:

- (a) Documenting system malfunctions and equipment failures related to MAV/BWC systems.
- (b) Providing training and support to employees involved with MAV/BWC use.
- (c) Issuing BWC devices.
- (d) Providing the Chief of Police or authorized designee with periodic reports about the use and status of MAV/BWC equipment.

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- (e) Maintaining logs of recording deletions

424.11.1 ASSISTANT TO THE BODY WORN CAMERA COORDINATOR

The assistant to the Body Worn Camera Coordinator shall be responsible for the following duties, but not limited to:

- (a) Processing the daily requests pursuant to a MAV/BWC Discovery Request.
- (b) Assisting with and monitoring the day to day operations of the BWC Program.
- (c) Providing department employees with training and assistance regarding the proper use of MAV/BWC equipment.
- (d) Troubleshooting MAV/BWC equipment errors and failures.

424.12 RECORDING CATEGORIES

All MAV/BWC recordings shall be categorized properly to ensure they are retained for an appropriate amount of time, as indicated in the table below. Occasionally, the proper category for a recording may change as an investigation develops. It shall be the responsibility of the employee assigned to investigate an incident to ensure all MAV/BWC recordings are properly categorized and contain all required information (DR number, CAD call number, citation number, etc.) when a case is dispositioned.

TYPE OF INCIDENT	RETENTION PERIOD
Uncategorized	3 Years
Citizen Contact / No Enforcement / FI	1.5 Years
Report Taken	4 Years
Arrest-Felony	7 Years
Arrest-Misdemeanor/OMC	3 Years
Citizen-Infraction	3 Years
DV Report / DV Arrest	9 years
DUI	7 Years
Gang Related / STEP Card	Indefinitely
Homicide / Sexual Assault / 245	Indefinitely
Traffic Collision	7 Years
Traffic MAIT Investigation	Indefinitely
Use of Force	7 Years
Filed Cases	10 Years-Indefinitely
Restricted	Indefinitely
Admin Interview / Complaint	7 Years
Function Test / Training Demo	1 Year
Accidental	6 Months

**Indefinitely can be defined as long as possible or according to relevant statute of limitations.

Crisis Intervention Incidents

425.1 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.

425.1.1 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.

425.2 POLICY

The Orange 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 employees' interactions with those experiencing a mental health crisis. This is to ensure equitable and safe treatment of all involved.

425.3 SIGNS

Employees 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

Employees should be aware that this list is not exhaustive. The presence or absence of any of these should not be treated as proof of the presence or absence of a mental health issue or crisis.

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425.4 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.

425.5 FIRST RESPONDERS

Safety is a priority for first responders. It is important to recognize that individuals under the influence of alcohol, drugs or both may exhibit symptoms that are similar to those of a person in a mental health crisis. These individuals may still present a serious threat to officers; such a threat should be addressed with reasonable tactics. Nothing in this policy shall be construed to limit an officer's authority to use reasonable force when interacting with a person in crisis.

Officers are reminded that mental health issues, mental health crises and unusual behavior alone are not criminal offenses. Individuals may benefit from treatment as opposed to incarceration.

An officer responding to a call involving a person in crisis should:

- (a) Promptly assess the situation independent of reported information and make a preliminary determination regarding whether a mental health crisis may be a factor.
- (b) Request available backup officers and specialized resources as deemed necessary and, if it is reasonably believed that the person is in a crisis situation, use conflict resolution and de-escalation techniques to stabilize the incident as appropriate.
- (c) If feasible, and without compromising safety, turn off flashing lights, bright lights or sirens.
- (d) Attempt to determine if weapons are present or available.
 - (a) 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 (refer to the California Penal Code).
- (e) Take into account the person's mental and emotional state and potential inability to understand commands or to appreciate the consequences of his/her action or inaction, as perceived by the officer.
- (f) Secure the scene and clear the immediate area as necessary.
- (g) Employ tactics to preserve the safety of all participants.
- (h) Determine the nature of any crime.
- (i) Request a supervisor, as warranted.
- (j) Evaluate any available information that might assist in determining cause or motivation for the person's actions or stated intentions.
- (k) If circumstances reasonably permit, consider and employ alternatives to force.

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425.6 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 personnel 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.

425.7 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.

425.8 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene of any interaction with a person in crisis. Responding supervisors should:

- (a) Attempt to secure appropriate and sufficient resources.

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- (b) Closely monitor any use of force, including the use of restraints, and ensure that those subjected to the use of force are provided with timely access to medical care (see the Handcuffing and Restraints Policy).
- (c) Consider strategic disengagement. Absent an imminent threat to the public and, as circumstances dictate, this may include removing or reducing law enforcement resources or engaging in passive monitoring.
- (d) Ensure that all reports are completed and that incident documentation uses appropriate terminology and language.
- (e) Conduct an after-action tactical and operational debriefing, and prepare an after-action evaluation of the incident to be forwarded to the Division Commander.

Evaluate whether a critical incident stress management debriefing for involved personnel is warranted.

425.9 INCIDENT REPORTING

Personnel 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.

Personnel 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.

425.9.1 DIVERSION

Individuals who are not being arrested should be processed in accordance with the Mental Illness Commitments Policy.

425.10 CIVILIAN INTERACTION WITH PEOPLE IN CRISIS

Civilian personnel may be required to interact with persons in crisis in an administrative capacity, such as dispatching and records request.

- (a) Personnel should treat all individuals equally and with dignity and respect.
- (b) If an employee believes that he/she is interacting with a person in crisis, he/she should proceed patiently and in a calm manner.
- (c) Personnel should be aware and understand that the person may make unusual or bizarre claims or requests.

If a person's behavior makes the employee feel unsafe, if the person is or becomes disruptive or violent, or if the person acts in such a manner as to cause the employee to believe that the person may be harmful to him/herself or others, an officer should be promptly summoned to provide assistance.

425.11 EVALUATION

The Division Commander designated to coordinate the crisis intervention strategy for this department should ensure that a thorough review and analysis of the department response to

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these incidents is conducted annually. The report will not include identifying information pertaining to any involved individuals, officers or incidents and will be submitted to the Chief of Police through the chain of command.

425.12 TRAINING

In coordination with the mental health community and appropriate stakeholders, the Department will develop and provide comprehensive education and training to all department members to enable them to effectively interact with persons in crisis.

This department will endeavor to provide Peace Officer Standards and Training (POST)-approved advanced officer training on interaction with persons with mental disabilities, welfare checks and crisis intervention (refer to the California Penal Code).

Suspicious Activity Reporting

426.1 PURPOSE AND SCOPE

This policy provides guidelines for reporting and investigating suspicious and criminal activity.

426.1.1 DEFINITIONS

Definitions related to this policy include:

Involved party - An individual who has been observed engaging in suspicious activity, as defined in this policy, when no definitive criminal activity can be identified, thus precluding the person's identification as a suspect.

Suspicious activity - Any reported or observed activity that an employee reasonably believes may have a nexus to any criminal act or attempted criminal act, or to foreign or domestic terrorism. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability should not be considered as factors that create suspicion (although these factors may be used as specific suspect descriptions). Examples of suspicious activity may include but are not limited to:

- Suspected pre-operational surveillance or intelligence gathering (e.g., photographing security features, asking questions about sensitive security-related subjects).
- Tests of security measures and response to incidents (e.g., "dry run," creating false alarms, attempts to enter secure areas without authorization).
- Suspicious purchases (e.g., purchasing large quantities of otherwise legal items, such as fertilizer, that could be used to create an explosive or other dangerous device).
- An individual in possession of such things as a hoax explosive or dispersal device, sensitive materials (e.g., passwords, access codes, classified government information), or coded or ciphered literature or correspondence.

Suspicious Activity Report (SAR) - An incident report used to document suspicious activity.

426.2 POLICY

The Orange Police Department recognizes the need to protect the public from criminal conduct and acts of terrorism and shall lawfully collect, maintain and disseminate information regarding suspicious activities, while safeguarding civil liberties and privacy protections.

426.3 RESPONSIBILITIES

The Investigative Services Division Commander and authorized designees will manage SAR activities. Authorized designees should include supervisors who are responsible for department participation in criminal intelligence systems as outlined in the Criminal Organizations Policy.

The responsibilities of the Investigative Services Division Commander include, but are not limited to:

- (a) Remaining familiar with those databases available to the Department that would facilitate the purpose of this policy.

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- (b) Maintaining adequate training in the area of intelligence gathering to ensure no information is being maintained that would violate the law or civil rights of any individual.
- (c) Ensuring a process is available that would allow personnel to report relevant information. The process should be designed to promote efficient and quick reporting, and should not be cumbersome, duplicative or complicated.
- (d) Ensuring that personnel are made aware of the purpose and value of documenting information regarding suspicious activity, as well as the databases and other information resources that are available to the Department.
- (e) Ensuring that SAR information is appropriately disseminated to personnel in accordance with their job responsibilities.
- (f) Coordinating investigative follow-up, if appropriate.
- (g) Coordinating with any appropriate agency or fusion center.
- (h) Ensuring that, as resources are available, the Department conducts outreach that is designed to encourage members of the community to report suspicious activity and that outlines what they should look for and how they should report it (e.g., website, public service announcements).

426.4 REPORTING AND INVESTIGATION

Any department police officer receiving information regarding suspicious activity should take any necessary immediate and appropriate action, including a request for tactical response or immediate notification of specialized entities, when applicable. Any civilian personnel who receives such information should ensure that it is passed on to an officer in a timely manner.

If the suspicious activity is not directly related to a reportable crime, the employee should prepare a SAR and include information about involved parties and the circumstances of the incident. If, during any investigation, an officer becomes aware of suspicious activity that is unrelated to the current investigation, the information should be documented separately in a SAR and not included in the original incident report. The report number of the original incident should be included in the SAR as a cross reference. A SAR should be processed as any other incident report.

426.5 HANDLING INFORMATION

The Records Bureau will forward copies of SARs, in a timely manner, to the following:

- Investigative Services Division supervisor
- Crime Analysis Unit
- Other authorized designees

Civil Disputes

427.1 PURPOSE AND SCOPE

This policy provides police officers of the Orange Police Department with guidance for addressing conflicts between persons when no criminal investigation or enforcement action is warranted (e.g., civil matters), with the goal of minimizing any potential for violence or criminal acts.

The Domestic Violence Policy will address specific legal mandates related to domestic violence court orders. References in this policy to “court orders” apply to any order of a court that does not require arrest or enforcement by the terms of the order or by California law.

427.2 POLICY

The Orange Police Department recognizes that a law enforcement presence at a civil dispute can play an important role in the peace and safety of the community. Subject to available resources, officers of this department will assist at the scene of civil disputes with the primary goal of safeguarding persons and property, preventing criminal activity and maintaining the peace. When handling civil disputes, officers will remain impartial, maintain a calm presence, give consideration to all sides and refrain from giving legal or inappropriate advice.

427.3 GENERAL CONSIDERATIONS

When appropriate, officers handling a civil dispute should encourage the involved parties to seek the assistance of resolution services or take the matter to the civil courts. Officers must not become personally involved in disputes and shall at all times remain impartial.

While not intended to be an exhaustive list, officers should give considerations to the following when handling civil disputes:

- (a) Civil disputes tend to be confrontational and officers should be alert that they can escalate to violence very quickly. De-escalation techniques should be used when appropriate.
- (b) Officers should not dismiss alleged or observed criminal violations as a civil matter and should initiate the appropriate investigation and report when criminal activity is apparent.
- (c) Officers shall not provide legal advice, however, when appropriate, officers should inform the parties when they are at risk of violating criminal laws.
- (d) Officers are reminded that they shall not enter a residence or other non-public location without legal authority including valid consent.
- (e) Officers should not take an unreasonable amount of time assisting in these matters and generally should contact a supervisor if it appears that peacekeeping efforts longer than 30 minutes are warranted.

427.4 COURT ORDERS

Disputes involving court orders can be complex. Where no mandate exists for an officer to make an arrest for a violation of a court order, the matter should be addressed by documenting any apparent

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court order violation in a report. If there appears to be a more immediate need for enforcement action, the investigating officer should consult a supervisor prior to making any arrest.

If a person appears to be violating the terms of a court order but is disputing the validity of the order or its applicability, the investigating officer should document the following:

- (a) The person's knowledge of the court order or whether proof of service exists.
- (b) Any specific reason or rationale the involved person offers for not complying with the terms of the order.

A copy of the court order should be attached to the report when available. The report should be forwarded to the appropriate prosecutor. The report should also be forwarded to the court issuing the order with a notice that the report was also forwarded to the prosecutor for review.

427.4.1 STANDBY REQUESTS

Officers responding to a call for standby assistance to retrieve property should meet the person requesting assistance at a neutral location to discuss the process. The person should be advised that items that are disputed will not be allowed to be removed. The officer may advise the person to seek private legal advice as to the distribution of disputed property.

Officers should accompany the person to the location of the property. Officers should ask if the other party will allow removal of the property or whether the other party would remove the property.

If the other party is uncooperative, the person requesting standby assistance should be instructed to seek private legal advice and obtain a court order to obtain the items. Officers should not order the other party to allow entry or the removal of any items. If there is a restraining or similar order against the person requesting standby assistance, that person should be asked to leave the scene or they may be subject to arrest for violation of the order.

If the other party is not present at the location, the officer will not allow entry into the location or the removal of property from the location.

427.5 VEHICLES AND PERSONAL PROPERTY

Officers may be faced with disputes regarding possession or ownership of vehicles or other personal property. Officers may review documents provided by parties or available databases (e.g., vehicle registration), but should be aware that legal possession of vehicles or personal property can be complex. Generally, officers should not take any enforcement action unless a crime is apparent. The people and the vehicle or personal property involved should be identified and the incident documented.

427.6 REAL PROPERTY

Disputes over possession or occupancy of real property (e.g., land, homes, apartments) should generally be handled through a person seeking a court order.

First Amendment Assemblies

428.1 PURPOSE AND SCOPE

This policy provides guidance for responding to public assemblies or demonstrations.

428.2 POLICY

The Orange 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.

428.3 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 police officers under their commands to ensure that officers' interaction with participants and their response to crowd dynamics is appropriate.

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428.3.1 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.

428.4 UNPLANNED EVENTS

When responding to an unplanned or spontaneous public gathering, the first responding officer should conduct an assessment of conditions, including, but not limited to, the following:

- Location
- Number of participants
- Apparent purpose of the event
- Leadership (whether it is apparent and/or whether it is effective)
- Any initial indicators of unlawful or disruptive activity
- Indicators that lawful use of public facilities, streets or walkways will be impacted
- Ability and/or need to continue monitoring the incident

Initial assessment information should be promptly communicated to the Communications Center, and the assignment of a supervisor should be requested. Additional resources should be requested as appropriate. The responding supervisor shall assume command of the incident until command is expressly assumed by another, and the assumption of command is communicated to the involved officers. A clearly defined command structure that is consistent with the Incident Command System (ICS) should be established as resources are deployed.

428.5 PLANNED EVENT PREPARATION

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

428.5.1 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).

428.5.2 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.

428.5.3 MUTUAL AID AND EXTERNAL RESOURCES

The magnitude and anticipated duration of an event may necessitate interagency cooperation and coordination. The assigned Incident Commander should ensure that any required memorandums of understanding or other agreements are properly executed, and that any anticipated mutual aid is requested and facilitated (see the Outside Agency Assistance Policy).

428.6 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.

428.7 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 conducted energy 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 an employee 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.

428.8 ARRESTS

The Orange 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).

428.9 MEDIA RELATIONS

The Public Information Officer should use all available avenues of communication, including press releases, briefings, press conferences, and social media to maintain open channels of communication with media representatives and the public about the status and progress of the event, taking all opportunities to reassure the public about the professional management of the event (see the Media Relations Policy).

428.9.1 MEDIA ACCESS

If officers close the immediate area surrounding any emergency field command post or any other command post, or establish a police line, or rolling closure at a demonstration, march, protest, or rally where individuals are engaged in a protected activity pursuant to the First Amendment, officers shall comply with the requirements of Penal Code § 409.7 relating to media access (i.e., access to closed areas, obtaining information) (Penal Code § 409.7).

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428.10 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.

428.11 POST EVENT

The Incident Commander should designate personnel to assemble full documentation of the event, to include the following:

- (a) Operational plan
- (b) Any incident logs
- (c) Any assignment logs
- (d) Vehicle, fuel, equipment and supply records
- (e) Incident, arrest, use of force, injury and property damage reports
- (f) Photographs, audio/video recordings, the Communications Center records/tapes
- (g) Media accounts (print and broadcast media)

428.11.1 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.

428.12 TRAINING

Department personnel should receive periodic training regarding this policy, as well as the dynamics of crowd control and incident management (Penal Code § 13514.5). The Department should, when practicable, train with its external and mutual aid partners.

Officers should also receive periodic training on the standards for the use of kinetic energy projectiles and chemical agents for crowd control purposes as identified in Penal Code § 13652.

428.13 USE OF KINETIC ENERGY PROJECTILES AND CHEMICAL AGENTS FOR CROWD CONTROL

Kinetic energy projectiles and chemical agents for crowd control purposes shall only be deployed by officers who have received POST training for crowd control if the use is objectively reasonable

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to defend against a threat to life or serious bodily injury to any individual, including an officer, or to bring an objectively dangerous and unlawful situation safely and effectively under control and in accordance with the following requirements of Penal Code § 13652.

- (a) De-escalation techniques or other alternatives to force have been attempted, when objectively reasonable, and have failed.
- (b) Repeated, audible announcements are made announcing the intent to use kinetic energy projectiles and chemical agents and the type to be used, when objectively reasonable to do so. The announcements shall be made from various locations, if necessary, and delivered in multiple languages, if appropriate.
- (c) Individuals are given an objectively reasonable opportunity to disperse and leave the scene.
- (d) An objectively reasonable effort has been made to identify individuals engaged in violent acts and those who are not, and kinetic energy projectiles or chemical agents are targeted toward those individuals engaged in violent acts. Projectiles shall not be aimed indiscriminately into a crowd or group of individuals.
- (e) Kinetic energy projectiles and chemical agents are used only with the frequency, intensity, and in a manner that is proportional to the threat and objectively reasonable.
- (f) Officers shall minimize the possible incidental impact of their use of kinetic energy projectiles and chemical agents on bystanders, medical personnel, journalists, or other unintended targets.
- (g) An objectively reasonable effort has been made to extract individuals in distress.
- (h) Medical assistance is promptly provided, if properly trained personnel are present, or procured, for injured persons, when it is reasonable and safe to do so.
- (i) Kinetic energy projectiles shall not be aimed at the head, neck, or any other vital organs.
- (j) Kinetic energy projectiles or chemical agents shall not be used solely due to any of the following:
 - 1. A violation of an imposed curfew.
 - 2. A verbal threat.
 - 3. Noncompliance with a law enforcement directive.
- (k) If the chemical agent to be deployed is tear gas, only an Incident Commander at the scene of the assembly, protest, or demonstration may authorize its use.

428.13.1 USE SUMMARY

The Field Services Division Commander or the authorized designee should ensure that a summary of each deployment of kinetic energy projectiles or chemical agents for crowd control purposes is prepared and published on the department website within 60 days of each incident. The time frame may be extended for another 30 days where just cause is demonstrated, but no longer than 90 days from the time of the incident. The summary shall be limited to the information known to the Department at the time of the report and include the information required in Penal Code § 13652.1.

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428.14 ANTI-REPRODUCTIVE RIGHTS CALLS

Officer response to public assemblies or demonstrations relating to anti-reproductive rights should be consistent with this policy (Penal Code § 13778.1).

Public Recording of Law Enforcement Activity

429.1 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 employees of this department. In addition, this policy provides guidelines for situations where the recordings may be evidence.

429.2 POLICY

The Orange Police Department recognizes the right of persons to lawfully record employees of this department who are performing their official duties. Employees 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 personnel performing their official duties.

429.3 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 (refer to the California Penal Code).
- (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.

429.4 OFFICER RESPONSE

Officers should promptly request that a supervisor respond to the scene whenever it appears that anyone recording activities may be interfering with an investigation or it is believed that the recording may be evidence. If practicable, officers should wait for the supervisor to arrive before taking enforcement action or seizing any cameras or recording media.

Whenever practicable, officers or supervisors should give clear and concise warnings to individuals who are conducting themselves in a manner that would cause their recording or behavior to be unlawful. Accompanying the warnings should be clear directions on what an

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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.

429.5 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.

429.6 SEIZING RECORDINGS AS EVIDENCE

Officers should not seize recording devices or media unless (refer to the U.S. Code):

- (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.
 - (a) 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 evidence is to transmit a copy of the recording from a device to a department-owned device.

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Recording devices and media that are seized will be submitted within the guidelines of the Property and Evidence Policy.

Medical Aid and Response

430.1 PURPOSE AND SCOPE

This policy recognizes that sworn personnel often encounter persons who appear to be in need of medical aid and establishes a law enforcement response to such situations.

430.2 POLICY

It is the policy of the Orange Police Department that all officers and other designated personnel be trained to provide emergency medical aid and to facilitate an emergency medical response.

430.3 FIRST RESPONDING OFFICERS RESPONSIBILITIES

Whenever practicable, officers 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 officer can safely do so.

Prior to initiating medical aid, the officer should contact the Communications Center and request response by Emergency Medical Services (EMS) as the officer deems appropriate.

Officers should follow universal precautions when providing medical aid, such as wearing gloves and avoiding contact with bodily fluids, consistent with the Communicable Diseases Policy. Officers should use a barrier or bag device to perform rescue breathing.

When requesting EMS, the officer should provide the Communications Center with information for relay to EMS personnel in order to enable an appropriate response, including:

- (a) The location where EMS is needed.
- (b) The nature of the incident.
- (c) Any known scene hazards.
- (d) Information on the person in need of EMS, such as:
 1. Signs and symptoms as observed by the officer.
 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 extreme agitation or is engaging in violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain.

Officers should stabilize the scene whenever practicable while awaiting the arrival of EMS.

Officers should not direct EMS personnel whether to transport the person for treatment.

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430.4 TRANSPORTING ILL AND INJURED PERSONS

Except in extraordinary cases where alternatives are not reasonably available, personnel 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.

Personnel should not provide emergency escort for medical transport or civilian vehicles.

430.5 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, officers 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 (psychiatric evaluation 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 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.

Officers shall not sign refusal-for-treatment forms or forms accepting financial responsibility for treatment.

430.5.1 SICK OR INJURED ARRESTEE

If an arrestee appears ill or injured, or claims illness or injury, he/she should be medically cleared prior to booking. If the officer has reason to believe the arrestee is feigning injury or illness, the officer should contact a supervisor, who will determine whether medical clearance will be obtained prior to booking.

If the jail or detention facility refuses to accept custody of an arrestee based on medical screening, the officer should note the name of the facility person refusing to accept custody and the reason for refusal, and should notify a supervisor to determine the appropriate action.

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.

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430.6 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.

430.1 AIR AMBULANCE

Generally, when on-scene, EMS personnel will be responsible for determining whether an air ambulance response should be requested. An air ambulance may be appropriate when there are victims with life-threatening injuries or who require specialized treatment (e.g., gunshot wounds, burns, obstetrical cases), and distance or other known delays will affect the EMS response.

The Field Services Division Commander should develop guidelines for air ambulance landings or enter into local operating agreements for the use of air ambulances, as applicable. In creating those guidelines, the Department should identify:

- Responsibility and authority for designating a landing zone and determining the size of the landing zone.
- Responsibility for securing the area and maintaining that security once the landing zone is identified.
- Consideration of the air ambulance provider's minimum standards for proximity to vertical obstructions and surface composition (e.g., dirt, gravel, pavement, concrete, grass).
- Consideration of the air ambulance provider's minimum standards for horizontal clearance from structures, fences, power poles, antennas or roadways.
- Responsibility for notifying the appropriate highway or transportation agencies if a roadway is selected as a landing zone.
- Procedures for ground personnel to communicate with flight personnel during the operation.

One department personnel at the scene should be designated as the air ambulance communications contact. Headlights, spotlights and flashlights should not be aimed upward at the air ambulance. Personnel should direct vehicle and pedestrian traffic away from the landing zone.

Personnel should follow these cautions when near an air ambulance:

- Never approach the aircraft until signaled by the flight crew.
- Always approach the aircraft from the front.
- Avoid the aircraft's tail rotor area.
- Wear eye protection during landing and take-off.
- Do not carry or hold items, such as IV bags, above the head.
- Ensure that no one smokes near the aircraft.

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430.8 AUTOMATED EXTERNAL DEFIBRILLATOR (AED) USE

may use an AED only after receiving appropriate training from an approved public safety first aid and CPR course (refer to the California Code of Regulations).

430.8.1 AED USER RESPONSIBILITY

Personnel who are issued AEDs for use in department vehicles should check the AED at the beginning of the shift to ensure it is properly charged and functioning. Any AED that is not functioning properly will be taken out of service and given to the Training Bureau Sergeant who is responsible for ensuring appropriate maintenance.

Following use of an AED, the device shall be cleaned and/or decontaminated as required. The electrodes and/or pads will be replaced as recommended by the AED manufacturer.

Any who uses an AED should contact the Communications Center as soon as possible and request response by EMS.

430.8.2 AED REPORTING

Any officer using an AED will complete an incident report detailing its use.

430.8.3 AED TRAINING AND MAINTENANCE

The Training Bureau Sergeant should ensure appropriate training and refresher training is provided to personnel authorized to use an AED. A list of authorized personnel and training records shall be made available for inspection by the local EMS agency (LEMSA) or EMS authority upon request (refer to the California Code of Regulations).

The Training Bureau Sergeant is responsible for ensuring AED devices are appropriately maintained and will retain records of all maintenance in accordance with the established records retention schedule (refer to the California Code of Regulations).

430.9 ADMINISTRATION OF OPIOID OVERDOSE MEDICATION

Refer to Policy #431 - 'Naloxone Policy.'

430.10 ADMINISTRATION OF EPINEPHRINE AUTO-INJECTORS

The Field Services Division Commander may authorize the acquisition of epinephrine auto-injectors for use by Department sworn personnel as provided by the California Health and Safety Code. The Training Bureau Sergeant shall create and maintain an operations plan for the storage, maintenance, use and disposal of epinephrine auto-injectors as required by the California Health and Safety Code.

Trained personnel who possess valid certification may administer an epinephrine auto-injector for suspected anaphylaxis (refer to the California Health and Safety Code and the California Code of Regulations).

430.10.1 EPINEPHRINE USER RESPONSIBILITIES

Personnel should handle, store and administer epinephrine auto-injectors consistent with their training and the Department operations plan. Personnel should check the auto-injectors at the

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beginning of their shift to ensure the medication is not expired. Any expired medication should be removed from service in accordance with the Department Operations Plan.

Any personnel who administers an epinephrine auto-injector medication should contact the Communications Center as soon as possible and request response by EMS (refer to the California Health and Safety Code).

430.10.1 EPINEPHRINE AUTO-INJECTOR REPORTING

Any sworn personnel who administers an epinephrine auto-injector should detail its use in an appropriate report.

The Training Bureau Sergeant should ensure that the Records Manager is provided enough information for required reporting to the EMS Authority within 30 days after each use (refer to the California Health and Safety Code).

Records regarding the acquisition and disposition of epinephrine auto-injectors shall be maintained pursuant to the Department established records retention schedule but no less than three years (refer to the California Business and Professions Code).

430.10.1 EPINEPHRINE AUTO-INJECTOR TRAINING

The Training Bureau Sergeant should ensure that sworn personnel authorized to administer epinephrine auto-injectors are provided with initial and refresher training that meets the requirements of the California Health and Safety Code and the California Code of Regulations.

430.11 FIRST AID TRAINING

The Training Bureau Sergeant should ensure officers receive initial first aid training within one year of employment and refresher training every two years thereafter (22 CCR 100016; 22 CCR 100022).

Naloxone Policy

431.1 PURPOSE AND SCOPE

Orange Police Department Personnel are occasionally the first responders to a person who is experiencing or suspected of experiencing an opioid-related overdose. The purpose of this policy is to establish procedures to govern an "Overdose Prevention Program" through the deployment of Naloxone by Orange Police Department Personnel. The objective is to reduce injuries and fatalities resulting from opioid overdoses, in the instance where emergency medical personnel have not yet arrived.

431.2 POLICY

It is the policy of the Orange Police Department that police officers and police jailers shall be trained to administer Naloxone in accordance with mandated training guidelines as determined and established by the Orange County Health Care Agency/Emergency Medical Services (HCA/EMS) pursuant to Health & Safety Code 1797.197 and California Civil Code 1714.22.

- (a) Officers and police jailers who are trained in accordance with mandated training guidelines shall deploy with Naloxone kits in the field. However, the officer and police jailer will retain the discretion to administer or not administer Naloxone to persons experiencing or suspected of experiencing opioid-related overdoses. There is no legal obligation to administer Naloxone.
- (b) Officers or police jailers who administer Naloxone, are protected from civil and criminal liability if they "act with reasonable care" and "in good faith." This is accomplished by administering Naloxone according to established training protocol.
- (c) If an officer or police jailer has a valid reason for not participating in the program, such as religious obligations, the officer or police jailer will be excused with the approval of his/her Division Commander.

431.3 PROGRAM COORDINATOR

The training manager will serve as the Department's Program Coordinator and will work in collaboration with the HCA/EMS. The training manager will be responsible for tracking, storage, maintenance, replacement of Naloxone kits, and reporting to HCA/EMS.

431.4 TRAINING

431.4.1 INITIAL TRAINING

Officers and police jailers may not administer Naloxone without the completion of mandated training as determined and established by the OCHCA/EMS. All officers and police jailers will receive initial training that will include, at a minimum, an overview of California Civil Code 1714.22, patient assessment (signs/symptomology of overdose), universal precautions, rescue breathing, seeking medical attention, and the use of intra-nasal Naloxone. Upon completion of training, officers and police jailers will have their training recorded with the Program Coordinator.

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431.4.2 CONTINUING TRAINING

Officers and police jailers will receive refresher training as deemed appropriate by HCA/EMS.

431.5 NALOXONE DEPLOYMENT

The Orange Police Department will deploy Naloxone kits in patrol vehicles and other areas as deemed appropriate by the Chief of Police or the Chief's designee.

431.6 NALOXONE KITS

Naloxone kits will include two doses of intra-nasal Naloxone. Patrol Officers and police jailers shall verify the Naloxone kit is in their patrol vehicle at the beginning of their shift and will deploy with the kit until the end of watch.

431.6.1 NALOXONE STORAGE

Naloxone kits should be stored out of direct sunlight within patrol vehicles. When practical, patrol vehicles should be parked in shaded areas when the vehicle ignition is off, having disabled the vehicle's climate control.

431.7 NALOXONE USE

Officers and police jailers who have completed mandated Naloxone training as determined and established by the OCHCA/EMS are authorized to administer Naloxone when they reasonably believe someone is experiencing an opioid-related overdose. Personnel will treat the incident as a medical emergency and shall follow these steps when performing this intervention:

- (a) Confirm emergency personnel are responding;
- (b) Maintain universal precautions;
- (c) Perform patient assessment;
- (d) Determine unresponsiveness;
- (e) Update dispatch of potential overdose state;
- (f) Follow Naloxone use protocol;
- (g) Immediately notify responding emergency medical personnel that Naloxone has been administered; and
- (h) Notify the patrol sergeant.

431.8 DOCUMENTATION/NALOXONE REPORTS

Upon completion of the incident, officers and police jailers will document in detail the nature of the incident, the care the patient received and the fact Naloxone was deployed. Officers and police jailers will document the incident in an information report when no other crime has occurred. When documenting a Naloxone deployment, refer to 431.7 - Naloxone Use.

431.8.1 REPORTING RESPONSIBILITY

The patrol sergeant will be responsible to ensure the Naloxone deployment is properly documented and submitted to the training manager in a timely manner.

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431.8.2 OPIOID OVERDOSE MEDICATION RECORD MANAGEMENT

Records regarding acquisition and disposition of opioid overdose medications shall be maintained and retained in accordance with the established records retention schedule and at a minimum of three years from the date the record was created (refer the Business and Professions Code). The Training Bureau Sergeant shall maintain the records.

431.9 MAINTENANCE AND REPLACEMENT

The daily inspection of Naloxone kits will be the responsibility of officers and police jailers who are assigned the kit for field deployment. The maintenance and replacement of Naloxone kits will be the responsibility of the training manager or their designee. Used, lost, or damaged Naloxone kits will be reported to the immediate supervisor and forwarded to the training manager for replacement.

431.9.1 DESTRUCTION OF OPIOID OVERDOSE MEDICATION

The Training Bureau Sergeant shall ensure the destruction of any expired opioid overdose medication (refer to the Business and Professions Code).

Chapter 5 - Traffic Operations

Traffic Function and Responsibility

500.1 PURPOSE AND SCOPE

The ultimate goal of traffic law enforcement is to reduce traffic collisions. This may be achieved through the application of such techniques as geographic/temporal assignment of personnel and equipment and the establishment of preventive patrols to deal with specific categories of unlawful driving behavior. Traffic enforcement techniques are based on accident data, enforcement activity records, traffic volume, and traffic conditions. This department provides enforcement efforts toward violations, not only in proportion to the frequency of their occurrence in accident situations, but also in terms of traffic-related needs.

500.2 TRAFFIC OFFICER DEPLOYMENT

Several factors are considered in the development of deployment schedules for officers of the Orange 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 (refer to the California Vehicle Code). 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, especially in the case of inadvertent violations.

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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 the California Vehicle Code.

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.

Traffic Collision Reporting

501.1 PURPOSE AND SCOPE

The Orange Police Department prepares Traffic Collision Reports in accordance with the California Statewide Integrated Traffic Reporting System Manual (SWITRS) and as a public service makes traffic collision reports available to the community, with some exceptions.

501.2 TRAFFIC COLLISION REPORTING

All Traffic Collision Reports taken by personnel of the Orange Police Department shall be forwarded to the Traffic Bureau for approval and data entry into the Orange Police Department Records Management System. The Traffic Bureau lieutenant will be responsible for monthly and quarterly reports on traffic collision statistics being forwarded to the Field Services Division Commander, California Statewide Integrated Traffic Reporting System and other persons as required.

501.2.1 INSPECTION OR SALE OF TRAFFIC COLLISION REPORTS AND/OR ACCIDENT PHOTOGRAPHS

- (a) Persons, who have a recognized proper interest may be granted permission to inspect or purchase Traffic Collision Reports or photographs. These persons would include:
 1. The driver of any vehicle involved in the collision,
 2. Legal guardians of person(s) involved in the collision,
 3. Parent(s) of a juvenile driver involved in the collision,
 4. A duly authorized representative (i.e. insurance carrier),
 5. Injured person(s) in the traffic accident,
 6. Owners of vehicles or property damaged as a result of the collision,
 7. Person(s) who will likely be incurring civil liability as a result of the traffic accident.
- (b) **Interested parties** - Those persons who wish to inspect or purchase Traffic Collision Reports or photographs shall be properly interviewed to determine their interest in the matter prior to release or sale of reports or photographs.
- (c) **Proper release** - If it is determined that the interested person(s) do not meet the criteria listed in items 1 through 7 in the information above, Records Bureau personnel shall not release any information or permit viewing of any photographs.
- (d) **Special cases** - Certain types of vehicle accidents may be of a controversial nature and may, by their very nature, be prejudicial if released prematurely.
 1. In instances where photographs are requested and the photographs are in the below mentioned areas, the Traffic Bureau lieutenant, his/her designee, or higher authority, will be responsible for approving release of such photographs.
 - (a) All fatalities
 - (b) All felony cases

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- (c) Hit and run accidents
- (d) All other cases where the Traffic Bureau lieutenant or his/her designee places a written hold on the report.
- (e) Method of operations:
 - (a) **No** fatal traffic accidents, major traffic accidents or high profile traffic accidents shall be released without prior permission of the Traffic Bureau lieutenant,
 - (b) **No** report shall be released unless the report has been investigated, reviewed, approved and signed by a Traffic Bureau supervisor or his/her designee,
 - (c) A Traffic Bureau supervisor or his/her designee may authorize the entire report, or any portions thereof, for release or prohibit its release.

501.3 REPORTING SITUATIONS

501.3.1 TRAFFIC COLLISIONS INVOLVING CITY VEHICLES

- (a) Traffic Collision Reports shall be taken when a city-owned vehicle is involved in any traffic collision.
- (b) Whenever there is damage to a city vehicle, a Vehicle Accident / Property Damage Report (OPD Form P-6) shall be completed and forwarded to the appropriate division commander.
- (c) Photographs of the collision scene and vehicle damage shall be taken at the discretion of the traffic investigator or any supervisor.

501.3.2 TRAFFIC COLLISIONS WITH POLICE DEPARTMENT EMPLOYEES

- (a) When an employee of the Orange Police Department, either on-duty or off-duty, is involved in a traffic collision within the city limits of Orange resulting in an injury, DUI, hit and run, or fatality, the Traffic Bureau lieutenant or the watch commander may notify the California Highway Patrol, or any neighboring agency for assistance. If the accident also involves the California Highway Patrol, the Field Services Division Commander or the watch commander may request assistance from a neighboring jurisdiction.
 - 1. It shall be the discretion of the Field Services Division Commander to request outside assistance when the accident involves potential conflicts of interest (i.e. spouses or children of agency employees, members of our city government, etc.).
- (b) Employee responsibilities when they are on-duty and/or in a city vehicle:
 - 1. Notify the police department dispatcher, the on-duty Traffic Bureau sergeant or field supervisor, who will in turn call for someone to investigate the collision,
 - (a) Officers shall not take an initial report involving their own accidents.
 - 2. Unless safety requires it, do not move vehicles until a supervisor arrives,
 - 3. Make no statements to involved parties or witnesses,

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4. Immediately report any collision-related injury or illness to an immediate supervisor.
- (c) Handling officer's responsibilities (Orange Police Department officer):
 - (a) Initiate the investigation, and report all available facts of the accident,
 - (b) Consult with the on-scene supervisor to coordinate all information that has been obtained for the investigation (i.e. photos, evidence, statements, etc.),
 - (c) Submit the Traffic Collision Report to the supervisor, who was at the scene of the accident, for an initial review.
 - (a) If it is not practical to submit the Traffic Collision Report to the on-scene supervisor or if no supervisor responded to the scene of the accident, the report should be submitted to the Traffic Bureau accident investigator.
- (d) Supervisor's responsibilities:
 1. If applicable, arrange medical treatment for the injured employee(s) and complete a Supervisor's Report of Injury,
 2. Advise the employee's supervisor,
 3. Ensure the involved employee completes the Vehicle Accident / Property Damage Report (OPD Form P-6),
 4. Obtain applicable reports,
 - (a) If the incident occurred within the City of Orange, make sure the handling officer completes and submits the reports to you for initial review. If it is not practical for the handling officer to submit the reports to you, the reports should be submitted to the Traffic Bureau accident investigator.
 - (b) If the incident occurred outside the city limits, obtain a copy of all related reports (if available) and/or available case numbers.
 5. Complete the Supervisor's Report: City Property Involved report form (OPD Form A-11),
 - (a) Complete only if the employee is actually operating (in control) of the vehicle.
 - (b) Determine employee's City Property Involved (CPI) driving record via the Chief's Secretary and include this information on the Supervisor's Report: City Property Involved report (OPD Form A-11).
 6. The Supervisor is to make two copies of the Traffic Collision Report or Incident Report, the Vehicle Accident / Property Damage Report (OPD Form P-6) and any other related reports,
 - (a) One complete copy goes to the Chief's office as soon as possible.
 - (b) Retain second copy to go with original Supervisor's Report: City Property Involved report form (OPD Form A-11). Submit these to the respective division commander for his/her review.

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- (c) All other original reports (Vehicle Accident / Property Damage Report (OPD Form P-6) and all Traffic Collision, Incident and/or Arrest Reports) are to be submitted to the Records Bureau for proper disposition and processing.
 - 7. Record damage to vehicle in Vehicle Damage Log,
 - 8. If city liability is at issue, complete a Potential Claim Form and direct it to the City Attorney's Office (refer to the policy manual regarding Potential Claims),
 - 9. The watch commander may also, depending on the circumstances, wish to contact Orange Police Department's legal counsel and ascertain if they wish to respond to the scene.
- (e) When a police officer is involved in any type of traffic accident outside the corporate city limits while on-duty, he/she shall:
- (a) Notify the appropriate police agency to respond and handle the initial report,
 - (b) Notify his/her immediate supervisor, who should respond to the scene,
 - (a) If the immediate supervisor is unavailable, the traffic supervisor, on-duty field sergeant, or watch commander shall respond to the scene, if practicable.
 - (c) If the outside agency will not initiate an original report of a serious accident, the responding supervisor shall ensure that department accident investigators or other designated officer responds to the scene and completes the initial report (within Orange, Riverside or Los Angeles Counties).
- (f) In the event the employee is involved in a serious injury accident, or fatality, all previous applicable sections of this order shall apply in addition to:
- 1. A department Traffic Bureau supervisor shall be notified and respond to the scene, and, in his/her absence,
 - 2. The watch commander or field sergeant shall respond to the scene if a Traffic Bureau supervisor is not available,
 - 3. The watch commander shall ensure that the employee's division commander and the Chief of Police are immediately notified,
 - 4. The watch commander shall be responsible for the assignment of the appropriate personnel to conduct the traffic investigation.
 - (a) EXAMPLES: police department Accident Investigator, a department supervisor, or outside agency.
- (g) Involved division commander responsibilities:
- (a) Review Supervisor's Report: City Property Involved report (OPD Form A-11) and attached copies of related reports,
 - (b) Complete division commander's portion of Form A-11 and forward all documents to the Chief's secretary,

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- (c) If discipline will be recommended, attach Form A-11 and other documents to completed Personal Report, and handle according to existing procedure.
- (h) Records Bureau and Traffic Bureau clerical responsibilities:
 - (a) If the CPI incident is only recorded on a Traffic Collision Report, Records Bureau personnel are to submit the original Traffic Collision Report and the original Vehicle Accident / Property Damage Report (OPD Form P-6) to the Traffic Bureau for appropriate processing,
 - (b) If an Incident Report, Arrest Report or Vehicle Impound Report accompanies the Traffic Collision Report, Records Bureau personnel are to process the reports per existing procedure on a high-priority basis. Upon completion of their processing, all original reports shall be submitted to the Traffic Bureau.
- (i) Responsibility of the Chief's secretary:
 - (a) Maintain departmental CPI records and dispositions for department employees.

501.3.3 TRAFFIC COLLISIONS WITH OTHER CITY EMPLOYEES OR OFFICIALS

The Traffic Bureau Lieutenant or Watch Commander may request assistance from the California Highway Patrol or a neighboring agency for the investigation of any traffic collision involving any City of Orange official or employee, where a serious injury or fatality has occurred. It shall be at the discretion of the Field Services Division Commander to request outside assistance when the accident involves potential conflicts of interest (i.e. spouses or children of city employees, members of our city government, etc.).

501.3.4 TRAFFIC COLLISIONS ON PRIVATE PROPERTY

- (a) In accordance with the SWITRS, Traffic Collision Reports shall not be taken for traffic collisions occurring on private property, unless one or more of the following conditions exist:
 1. Death or injury to any involved person,
 2. A hit and run violation where the driver and/or the vehicle can be identified and the report is made in a timely manner,
 3. A juvenile is involved and the parents cannot be located,
 4. A violation of the Vehicle Code occurred.
- (b) A Traffic Collision Report may be taken at the discretion of any supervisor.

501.3.5 TRAFFIC COLLISIONS ON ROADWAYS OR HIGHWAYS

A Traffic Collision Report shall be taken when a collision occurs on a highway within the jurisdiction of this department and under any of the following circumstances:

- (a) When there is a death or injury to any person involved in the collision,
- (b) Damage to city property is apparent
- (c) An intoxicated driver is involved,

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- (d) The collision involves a hit and run,
 - 1. **Minor Collision Damage** - When the driver and/or the vehicle can be identified and the report is made in a timely manner.
 - (a) If the employee is not certain whether or not a report needs to be taken, he or she should contact a supervisor. If there is not a supervisor available, the employee shall take the Traffic Collision Report.
 - 2. **Major Collision Damage** - When a vehicle sustains major collision damage a Traffic Collision Report shall be taken.
- (e) At the request of another local, state or federal government agency,
- (f) At the request of a parent or guardian if an involved party is a juvenile,
- (g) When a report is requested by any involved driver,
- (h) As directed by a supervisor.

NOTE: If none of the above conditions exist, the involved parties may exchange information at the scene as required by law or may be referred to the front counter at the OPD. A department employee may facilitate the exchange of information by filling out a collision report face page and providing a copy to each involved party. In this case, no report number is necessary; however, the original copy shall be submitted to the Traffic Bureau for filing.

501.4 NOTIFICATION OF TRAFFIC BUREAU SUPERVISION

In the event of a serious injury or fatal traffic collision, the Watch Commander shall notify the Traffic Bureau Lieutenant, or in his/her absence the Traffic Bureau sergeant, to relate the circumstances of the traffic collision and seek assistance from the Traffic Bureau. In the absence of a Traffic Bureau Lieutenant or Traffic Bureau sergeant, the Watch Commander may assign an accident investigator or motor officer to investigate the traffic collision.

501.5 TRAFFIC ACCIDENT REVIEW BOARD

The intent of the Orange Police Department is to reduce traffic accidents involving department personnel, both in number and severity, through discovery of vehicle/equipment problems, training needs, and compliance.

The purpose of the Traffic Accident Review Board is to standardize traffic collision investigations involving police department employees and to create a consistent, impartial hearing to determine responsibility in a traffic collision. The Traffic Accident Review Board shall report its findings to the appropriate division commander.

501.5.1 PROCEDURES FOR THE TRAFFIC ACCIDENT REVIEW BOARD

- (a) The Board will convene on a mutually agreed upon date and time and will review all accidents which occurred within the preceding time period since the last review of employee's traffic collisions. The board shall convene no less than once every three months, unless otherwise directed by the Field Services Division Commander. The Board Chairperson shall be responsible for notifying members of upcoming meetings.

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- (b) The Traffic Accident Review Board shall consist of four supervisors, one police officer/Accident Investigator, and one employee representative of the effected employee's choosing, if so desired. The Field Services Division Commander shall determine the chairperson of the board. The employee representative shall not be involved in the same incident, nor shall the supervisor of the involved employee act as a review board member. The respective division commander shall appoint all members, excluding the chairperson, for a term of one year.
 - 1. Chairperson
 - 2. Field Services Division supervisor
 - 3. Investigative Services Division supervisor
 - 4. Administrative Services Division supervisor
 - 5. Traffic Bureau supervisor
 - 6. Accident Investigator
 - 7. Employee representative (uninvolved in incident and if desired)
- (c) If the employee chooses to have a representative present during the accident review, that representative shall not have any involvement in the traffic collision under review. If any supervisor on the Traffic Accident Review Board has any involvement with the accident under review, the supervisor shall recuse himself/herself from the process. It shall be the determination of the Field Services Division Commander whether another supervisor replaces the recusant during the review process or whether that position will remain vacant for that particular accident review.
- (d) The employee will be notified of the review of the accident in which he/she was involved at least seven days prior to the meeting. The employee need not appear before the Board unless specifically requested to clarify an issue regarding the collision, or unless he/she wishes to do so.

501.5.2 RESPONSIBILITIES OF THE ACCIDENT REVIEW BOARD

- (a) The Board shall review and evaluate the Traffic Collision Report, involved employee written statements, the Accident Investigator's opinions and conclusions, and all other available evidence. They will then make their conclusions as to the following:
 - 1. The degree of responsibility, if any, of the involved employee,
 - 2. Identification of vehicle and/or equipment problems,
 - 3. The need for additional training,
 - 4. Department compliance actions
- (b) The Board, by agreement of at least three members, shall classify the employee's responsibility into one of five classifications listed below:
 - 1. Unable to affix responsibility,
 - 2. Excusable,

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- (a) Aware of the impending hazard, alert to its natural consequences and skillful in minimizing the effect of the accident,
 - (b) Not at fault from the standpoint of exercising ordinary operation skill,
 - (c) Operating during conditions under which the accident was excusable,
 - (d) Legally parked or standing,
 - (e) Excusably deviating from general safety principles due to circumstances.
3. Preventable,
- (a) Not alert or failing to exercise ordinary skill in avoiding the accident,
 - (b) Failing to assess hazards of which he/she should have been aware,
 - (c) Deviating from general safety principles.
4. Failure to anticipate,
- (a) Aware of the impending hazard, but assumed other party would yield,
 - (b) Aware of the impending hazard and could have averted same, but not legally required to do so.
5. Violation of law or policy.
- (a) Acting in violation of a statutory provision or department policy relating to the situation at the time of the accident or immediately prior thereto, even though the other party could have avoided its occurrence by being more alert or skilled.

501.5.3 RECOMMENDATION OF THE ACCIDENT REVIEW BOARD

- (a) After a determination of the employee's responsibility has been reached, the Board shall prepare a recommendation and forward it to the respective division commander, who shall review the recommendation and then forward a recommendation to the Chief of Police. If the Accident Review Board determines that there are potential vehicle and/or equipment problems, training needs, or other department compliance actions required, the Board shall prepare a written memorandum detailing the issues and proposed solutions. The memorandum will be forwarded to the respective division commander of the involved employee.
- (b) The Board will consider several factors if discipline is to be recommended, including:
 - 1. The employee's work-related driving record,
 - 2. The severity or potential severity of the collision,
 - 3. The circumstances under which the vehicle was being operated,
 - 4. Any other pertinent information, which may assist the Board in forming a fair and consistent recommendation.

Tow Company Guidelines and Rotation Tow Listing

502.1 PURPOSE

The purpose of this policy is to establish guidelines, standards and requirements for tow companies contracting with the OPD. The purpose of this policy and the Tow Service Agreement is as follows:

- (a) To ensure that members of the motoring public are protected from unethical or unfair business practices by City of Orange contracted tow companies,
- (b) To provide police tow companies with an equitable system for the distribution of calls,
- (c) To provide police tow companies with clear and concise requirements and standards,
- (d) To ensure consistency in the interpretation, administration and enforcement of the Tow Service Agreement,
- (e) To provide a fair and equitable means to resolve disputes between police tow companies and the Orange Police Department.

NOTE: This policy makes reference to the Tow Service Agreement. The Tow Service Agreement should be referenced for specific language.

502.1.1 POLICY

- (a) Whenever the driver or owner of a vehicle, through the police department, requests a particular club, association or tow service to care for his vehicle, the garage or tow service requested shall be called if that tow service can respond in a reasonable amount of time. If a vehicle is a hazard in the roadway then a rotational tow service may be called to remove the vehicle from the roadway, at the driver's expense. All other requests for police tow services made by police department personnel will be considered a rotation call.
- (b) Whenever a driver does not request a particular garage or tow service, a police tow service shall be called in order from a rotation list. The Communications Center of the OPD shall maintain the rotation list. When more than one vehicle is to be towed from an accident scene, the first towing service on rotation shall have preference to service all vehicles at the accident scene. If they cannot handle the service for all vehicles, the next tow service on the rotation list shall be called.
- (c) A call to a police tow service shall constitute one turn on the list and the police tow service shall be moved to the bottom of the list. This includes when the company fails to answer the phone, is unable to respond or is canceled due to excessive response time. If it is determined that tow service is not needed and is canceled by OPD, up to and including arrival at the scene, there shall be no charges and the tow service will be placed back on top of the list.
 1. If the tow service is canceled by the owner or driver of a vehicle, prior to the police towing service taking possession of the vehicle, there shall be no charges for towing. The tow service shall immediately notify the OPD Communications

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Center and advise them of the cancellation. The tow service will then be placed back on the top of the list.

2. If service, other than towing, has begun and is canceled by the driver or owner of a vehicle, charges owed shall be no more than one-half of the regular towing charge. No lien shall arise from the service unless the tow service has presented a written statement to the vehicle's owner, or their agent, for the signed authorization of services to be performed.
 - (a) The tow service shall not attempt to take possession of the vehicle in order to establish a lien for any non-towing services performed, or begun, and subsequently canceled.
 - (d) The rotation list shall be used when an officer stores or impounds a vehicle.
 - (e) All OPD employees are prohibited from directly or indirectly soliciting services for, or recommending, any tow service. **Exception:** In the event that a big rig tow is requested then a rotational tow service, who maintains such a vehicle, may be called out of rotation.
 - (f) All officers storing or impounding a vehicle shall complete a CHP Form 180 and shall give a copy to the tow driver prior to the vehicle being towed from the scene.
 - (g) Officers authorizing the storage/impounding of a vehicle shall notify the driver or owner of the vehicle (if present) where it is being stored.

502.2 TOWING SERVICES

- (a) All tow services shall equip and maintain their tow trucks in accordance with the provisions set forth in the California Vehicle Code, Title 13 or the California Code of Regulations and the specifications contained in this policy and the Tow Service Agreement.
- (b) The tow service shall provide a business office (billing site) for contract administration purposes and the release of vehicles. This office shall be located within the city limits of Orange and shall be staffed by either the contractor or a person who has the authority to conduct business and make decisions on behalf of the contractor during the hours of 8:00 am to 5:00 pm, Monday through Friday (excluding holidays).
- (c) Tow operators shall comply with the California Vehicle Code in reporting the storage of vehicles over 30 days. The police department shall be furnished a copy of all reports required by the Department of Justice. The copy of said report may be delivered to the police department by regular mail, or in person, to the attention of an OPD Traffic Bureau Tow Truck Administrator.
- (d) The tow service shall provide 24-hour, 7-day-a-week towing service within the city limits of the City of Orange.
- (e) Contracted police tow companies must arrive at the scene within 20 minutes of being called by OPD personnel, except for big rigs whose maximum response time is 45 minutes.
- (f) Towing service is required to have direct two-way communications or an FCC license for a master control dispatching radio. The radio shall be manned at all times.

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- (g) Telephone lines must be sufficient to receive police calls. If the telephone is not answered before ten rings, or if the line is busy, the tow service being called will be bypassed and the next tow service in rotation will be called. Telephone answering services are not allowed, unless all after-hour calls are answered directly by a night dispatcher without a transferring intermediate.
- (h) The towing service shall possess a valid City of Orange Business License.
- (i) Pursuant to the Orange Municipal Code, all tow drivers shall obtain a driver's permit. Tow drivers shall wear the permit in plain view during all service calls within the limits of the City of Orange.
- (j) Since contract tow companies are indirectly associated with the OPD, each contract tow company shall be required to furnish their tow drivers with a distinctive company uniform. Each uniform shall have the firm name, as well as the tow drivers name or I.D. number in a conspicuous place. A detachable nameplate may be worn in place of the embroidered name. No wording, designs, photos, gestures or anything else that could be considered offensive or obscene to the general public shall be displayed on any part of the uniform. Each driver shall have sufficient uniforms so as to maintain a neat, well-groomed and professional appearance at all times. All drivers shall be in uniform before any towing or service operation for the City of Orange begins.
- (k) A towing service shall not respond to an OPD call assigned to another tow service unless requested to do so by the police department.
 - 1. A tow service that comes upon a scene may be requested by an officer to move a vehicle to a safe location or remove debris on the roadway. There will be no charge for this service and the tow rotation will not be affected.
 - 2. Nothing in this section is intended to prevent an assigned contract tow service from requesting assistance when needed at a scene. Assistance shall be limited to specialized equipment not readily available to the contract tow service and only after the contract tow service has arrived and evaluated the scene. In no way does this section allow a contract tow service to send another tow service in its place.
- (l) The towing service shall advise OPD at the time of notification, if they are either unable to respond, or unable to meet the maximum response time. If, after accepting the call, the towing service is unable to respond or will be delayed in responding, the towing service shall immediately notify the police department's Communication Bureau. The towing service will then be moved to the end of the rotation list. At no time will a contract tow service assign an Orange Police Department request for service to another tow service.
- (m) No vehicle stored/impounded at the direction of the OPD shall be released without written approval from the police department (OPD Form A-2 shall be used).
- (n) No vehicle shall be moved or towed where an immobilization device has been affixed by OPD personnel.

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502.3 STORAGE SECURITY RESPONSIBILITY

Tow services must provide adequate secure storage for vehicles and property. Minimum standards shall consist of the following:

- (a) **Open area storage** - The perimeter wall or fence of the storage/impound lot shall be at least 6' high and be made of block, wrought iron or chain link. There shall be a minimum of three strands of barbed wire or razor ribbon around entire fenced area. It shall be installed in such a manner so as to discourage access over the top of the fence or wall. The maximum gap between the bottom of the fence/gate and pavement/ground is 6". The bottom of the fence should be reinforced with 9 gauge or larger wire to discourage access underneath. All doors or gates entering the lot shall be equipped with a locking mechanism or device. Fencing and locking specifications and design shall meet approval of the Planning Department, OPD Crime Prevention Bureau and the City Design Review Board.
- (b) **Inside enclosure** - Shall consist of four walls, a roof, and a door with a locking device for protection from the elements and other forms of contamination. The bottom edge of the enclosed structure shall not be more than 2" above the finished parking surface of the enclosed area. This space must be adequate to contain two full-sized passenger vehicles. If the tow service utilizes a portion of an indoor garage for inside storage, the space designated for the storage of police impounds shall be secured from the public.
- (c) Prior to the utilization of a new storage facility that was not listed on the application for rotation tow listing; the towing service shall obtain the approval of the Chief of Police or his/her designee and furnish the new address 15 days in advance for inspection.
- (d) There shall be adequate lighting to illuminate the entire storage/impound lot, as well as all structures thereon. Outside lighting shall be inspected and receive approval by an OPD Crime Prevention Specialist.
- (e) Adequate open storage space shall be provided to accommodate stored, impounded and disabled vehicles resulting from police calls for tow services. The minimum capacity of such a lot shall be 100 vehicles.
 1. All stored/impounded and disabled vehicles must, as soon as possible from the time of pickup, be put into a fenced and secured storage lot and remain inside a storage lot until released or otherwise disposed of.
- (f) All vehicles impounded for the California Vehicle Code (missing or altered VIN numbers), shall be placed in an area of the impound lot that will allow for the vehicle to be inspected by police personnel. This requirement is necessary for the first ten days of the impound.
- (g) When a vehicle is impounded, the tow service will place the word "Hold" or other similar notation on the windshield of the vehicle along with the date of impound and tow drivers I.D. number.
 1. The responsibility for determining and placing the word "Hold," or other similar notation on the windshield of the vehicle, will be that of the tow truck driver at the time he places the vehicle in storage. The tow truck driver's signature on the CHP Form 180 acknowledges the type of storage or impound marked by the officer.

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- (h) Any damage to the wall and/or fence structures that compromises security shall be repaired within 24 hours to insure proper protection for stored vehicles.
- (i) The tow service shall be held responsible for all vehicles, personal property and vehicle accessories stored within its storage facility. The City of Orange, its officers, agents and employees shall be relieved of all responsibility. It is the responsibility of the driver to confirm the accuracy of damage and property listed on the CHP Form 180 prior to signing it.
- (j) The tow service shall notify the OPD prior to the removal of property from an impounded vehicle and place a receipt in the impounded vehicle. The requirement to notify the police department, prior to the removal of property, may be waived by the Chief of Police or his/her designee if it is determined that proper safeguards and procedures are utilized by the tow service.
 - 1. This requirement may not be waived in cases where a vehicle has been impounded for evidence or investigation. In this case, no property will be moved, tampered with, or removed from the vehicle.
 - 2. The tow service shall release personal property from an impounded vehicle at the request of the vehicle owner or their agent. If such a release is made, the tow service shall notify the police department.
 - (a) Personal property is considered to be items that are not affixed to the vehicle.
- (k) All stored/impounded vehicles shall be stored and released from the tow company's billing site.
- (l) The tow company will release the vehicle to the owner or their agent, without charge, whenever a vehicle is impounded as evidence under the California Vehicle Code and the owner is determined not liable for the towing and storage charges per the California Vehicle Code. In these instances, which will be determined by the police department, the tow company will bill the City of Orange.
- (m) If the police department mistakenly impounds or stores a vehicle, or fails to properly notify the owner, the vehicle will be released to the owner at no charge with the approval of the police department. The tow service will bill the Orange Police Department for 50% of the storage and tow fees. The Orange Police Department will determine if the vehicle was stored/impounded improperly.
- (n) Vehicles that are a hazard to public health and safety, as described in the California Vehicle Code, shall not be released, towed or pushed onto a public street without the express permission of the on-duty watch commander at the OPD. Vehicles with registration expired over six months in violation of the California Vehicle Code, shall not be released, placed upon a public street or towed unless on a flatbed truck. If the vehicle is a hazard and is to be placed on private property by the tow service, at the request of the vehicle owner, the tow service must first obtain written permission from the property owner.
- (o) If, upon release, a vehicle is found to be disabled due to a dead battery, flat tire or other minor mechanical malfunction, the owner of the vehicle shall have the option of having another tow company move the vehicle. At the owner's request, the police tow

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provider may provide tow service and charge the normal applicable fees. At no time, shall the police tow service charge additional storage fees if another tow service is requested to take the vehicle and the vehicle is removed on the day of release.

502.4 TOW TRUCK CLASSIFICATIONS

All equipment specifications for every class of tow truck listed within this section of the manual can be found in the OPD form entitled, "Tow Service Agreement Equipment Specifications." All service, safety and equipment requirements for every class of tow truck listed within this section of the manual can be found in the OPD form entitled, "Tow Truck Inspection Guide." There shall be no deviations.

(a) **Class A** - light duty tow:

1. The tow service shall maintain a minimum of two tow trucks with a manufacturer's gross vehicle weight rating (GVWR) of 10,000 to 19,500 pounds, with wheel lift capability and may have a car carrier,
2. A tow service that has a car carrier may be exempted from the wheel lift capability requirements; however, the car carriers must be additional units to the company's wheel lift tow trucks,
3. Since Class A tow trucks (light duty conventional wheel lifts) handle approximately 90% of the towing and service calls on our highways, this class of truck must be better equipped than Class B, C or D tow trucks,
4. Each Class A tow truck shall be equipped, at a minimum, with the following (as well as the items listed on Attachment A & B),
 - (a) Wheel lift towing equipment with a minimum lift rating of 3,000 pounds. All tow equipment shall include proper safety straps,
 - (b) Boom with a minimum static rating of 5,000 pounds,
 - (c) Winch cable - 8,000 pound rating on the first layer of cable,
 - (d) Winch cable - 100', 3/8-inch diameter, with a working limit of 3,500 pounds,
 - (e) Towing slings rated at 3,000 pounds minimum,
 - (f) Tow chains 5/16" alloy or OEM specs., J/T Hook Assembly,
 - (g) Amber warning lights with front and rear directional flashing capability with an on/off switch in cab (Required on all tow trucks - Amber light bar preferred. Light bar must be affixed to top of cab or securely mounted above cab, where it can be clearly seen in all directions - must comply with height requirements),
 - (h) Power outlets (hot boxes), front and rear mounted, with outlets compatible to 12-volt booster cables with minimum 25' cables,
 - (i) Heavy duty, 60+ AMP battery,

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- (j) Suitable cab lighting,
 - (k) Trailer hitch capable of housing a 1 7/8" ball and 2" ball,
 - (l) One (1) 1 7/8" ball and one (1) 2" ball,
 - (m) Rear work lights,
 - (n) Safety chain D-Ring or eyelet mounted on rear of truck.
5. The tow truck driver shall be required to complete a pre-operation inspection of their tow truck, as well as inventory the required equipment prior to the start of each shift. An inspection/inventory sheet shall be completed prior to the start of each shift. The sheets must be kept on file at the tow company's office and available for inspection by OPD employees, upon request. Any item missing or safety equipment violation must be replaced/repared prior to the start of the shift. It shall be the tow company's responsibility to make sure the inspection is performed and completed,
6. **Note:** this section is required for all classes of tow trucks.
- (b) **Class B** - medium duty, Class C - heavy duty and Class D - super heavy duty:
- (a) The tow service shall maintain at least one tow truck with a manufacturer's gross vehicle weight rating (GVWR) of 19,501 to 33,000 pounds. The truck shall be capable of providing air to the towed vehicle.
 - (a) The tow service may also have a car carrier; however, the car carrier must be an additional unit.
- (c) **Class C** - heavy duty:
- 1. The tow service may maintain at least one, three axle tow truck with a manufacturer's gross vehicle weight rating (GVWR) of at least 33,000 pounds. The truck shall be equipped with air brakes and must be capable of providing air to the towed vehicle,
 - 2. The tow service shall enroll all three axle tow trucks in the California Highway Patrol's Bi-annual Inspection of Terminals (BIT) Program and shall comply with all BIT requirements.
- (d) **Class D** - super heavy duty:
- 1. The tow service may maintain at least one three-axle tow truck with a manufacturer's gross vehicle weight rating (GVWR) of at least 50,000 pounds. The truck shall be equipped with air brakes and must be capable of providing air to the towed vehicle,

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2. The tow service shall enroll all three axle tow trucks in the California Highway Patrol's Bi-annual Inspection of Terminals (BIT) Program and shall comply with all BIT requirements,
 3. To properly and safely tow and service the wide variety of vehicles being operated on the highway, a towing procedure may require the use of auxiliary equipment specifically designed for the purpose. This auxiliary equipment should be used when recommended. A listing of service and auxiliary equipment for each classification can be found in the OPD form entitled, "Tow Service Agreement Equipment Specifications."
- (e) Identification labels and vehicle markings.
1. Each piece of towing equipment shall have a label or I.D. tag permanently affixed to the equipment in a prominent location to identify the manufacturer's serial number, model and rated capacity. Manufacturer's specification pamphlets may serve in lieu of rating plates if the rating plates are illegible or damaged. It is the tow company's responsibility to provide the police department with this information and a copy of same shall be kept in a safe place in the cab of the tow truck.
 2. All controls to operate the tow truck shall be clearly marked to indicate proper operation as well as any special warnings or cautions.
 3. All tow trucks under city contract, shall clearly display in contrasting colors, the name of the tow company, address, phone number, truck number and the words "Official Police Tow," on both sides of the vehicle. The tow service shall be required to keep all markings, title and logos clean and in readable condition.
 4. Assigned truck numbers shall be placed on both sides of the tow truck. The numbers shall be placed above the midpoint in height on the vehicle and shall be of 2" minimum height.
 5. If a tow service terminates its agreement with the city, or is terminated, the tow service shall remove all descriptions from equipment showing any affiliation with the City of Orange and or the OPD.

502.4.1 TOWING OF OVERWEIGHT, OVERSIZE VEHICLES, EQUIPMENT - PERMIT REQUIRED PER THE CURRENT O.M.C.

- (a) It is unlawful for any person, firm, association or corporation to move or operate upon any highway in the City of Orange, any vehicle, combination of vehicles, mobile equipment or load which weighs or measures in excess of the weight, width, height or length permitted by Division 15 of the California Vehicle Code, unless an application has been filed with and a permit issued by the Director of Public Works for the City of Orange.

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- (b) **Tow trucks** - Disabled legal vehicles or legal combination of vehicles may be towed on city highways to the nearest appropriate place of repair, or to the nearest secure storage area that is appropriate for the vehicle or load, whichever is closest and most accessible. It is not the intent of this section to allow these vehicles to be towed to their ultimate destination for convenience, unless that destination meets the above criteria.
- (c) Disabled legal vehicles or combination of vehicles, when connected to a tow truck may exceed legal gross weight (refer to the California Vehicle Code). When one end of a truck or truck tractor of legal weight is elevated by a tow truck, the drive axles of the tow truck and/or the drive axle or axles of the disabled vehicle may exceed legal axle or axle group weight limitations. If any axle or axle group exceeds legal weight, movement is limited to the approved city truck routes or a route approved by the City of Orange Traffic Engineer.
- (d) **Towing permit loads and/or vehicles** - Disabled vehicle or combination of vehicle whose movement is authorized by a transportation permit or any disabled vehicle or combination of vehicle which because of damage has incurred distortion in width or height thereby causing an excess in legal dimensions may only be moved at the direction of a peace officer or an extra legal load permit issued by the City of Orange Department of Public Works.
 - 1. **Note:** All tow companies are required to purchase an annual transportation permit from the Department of Public Works, and shall send a copy of same to the OPD for filing within ten days after receipt of permit. All conditions of the permits must be followed.
- (e) **Possession of permit** - The permit shall be carried in the vehicle to which it refers at all times while the vehicle is being moved within the highway limits and shall be open to inspection by Orange Police Department personnel, any California Vehicle Safety Alliance Officer, authorized agent of the City of Orange, or any other officer or employee charged with the care and protection of such highways per refer to the California Vehicle Code.

502.4.2 TOW TRUCK DRIVERS

- (a) The tow service shall ensure that only qualified and competent tow drivers respond to calls initiated by the OPD. Tow truck drivers shall be sufficiently experienced in the tasks of tow truck operations and proficient with all required equipment to provide safe and proper service. All tow truck operators must be capable of demonstrating their tow operating abilities upon request of any peace officer. Additionally, the drivers will be required to exercise good, sound judgment in carrying out their duties. Any driver found working without being properly trained and qualified will be prohibited from further duty and the tow services contract may be terminated immediately. Tow truck drivers shall be at least 18 years-old and possess the following minimum class driver's license:
 - 1. Class A tow trucks - a valid Class C (3) license or a valid Class A (1) license with a valid medical certificate,
 - 2. Class B tow trucks - a valid Class A (1) license with a valid medical certificate,
 - 3. Class C tow trucks - a valid Class A (1) license with a valid medical certificate,

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4. Class D tow trucks - a valid Class A (1) license with a valid medical certificate.
- (b) The Class A (1) license must be endorsed to allow operation of special vehicle configuration and/or special cargoes. Tow truck drivers shall have the proper class of license and endorsement(s) for vehicle and cargo being transported as shown below:
 1. VEHICLE TYPE OF CARGO - Pulling more than one trailer,
 - (a) Class License - A
 - (b) Endorsement Code - T
 2. VEHICLE TYPE OF CARGO - Transporting passenger for hire,
 - (a) Class License - A or B
 - (b) Endorsement Code - P
 3. VEHICLE TYPE OF CARGO - Tank vehicle,
 - (a) Class License - A or B
 - (b) Endorsement Code - N
 4. VEHICLE TYPE OF CARGO - Hazardous materials,
 - (a) Class License - A, B, or C
 - (b) Endorsement Code - H
 5. VEHICLE TYPE OF CARGO - Tank vehicle with hazardous materials.
 - (a) Class License - A, B, or C
 - (b) Endorsement Code - X
- (c) Whenever tank vehicles, double trailers and hazardous materials carriers are towed or driven, the driver needs to possess the appropriate class of license and endorsement.
- (d) Empty buses can be towed without the passenger transport endorsement, but the tow truck driver must have the passenger transport endorsement if they drive the bus, even without passengers.
- (e) Tow truck drivers may obtain a Class A driver's license which is restricted to towing other vehicles.
 - (a) The actual driving of damaged vehicles or vehicles being serviced requires that the Class A license not be restricted to towing vehicles.
- (f) In order to obtain an unrestricted Class A license, the applicant must pass the driving test in a conventional type Class A vehicle (tractor, and semi-trailer, truck and trailer, etc.).
- (g) Commercial vehicle operators or operators of vehicles requiring a special certificate must possess both the appropriate license and certificate and be in possession of a valid medical card.

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- (h) The towing service and its drivers shall, at all times, keep itself fully informed and comply with all existing and future federal, state, and local laws and ordinances applicable to the towing service.
- (i) The tow service shall maintain a current list of drivers and shall furnish a copy of same to the OPD on, or before, the 10th day of each month. This list shall contain current information on owner(s) and drivers. They will furnish residence address, city, zip code, and phone numbers, date of birth, driver's license number, unit number, tow operator's permit number, date of permit, date of hire, date of current list and any other personnel information that may be requested by the police department. This information shall be supplied on a Towing Service Personnel Report (OPD Form T-77). A tow company representative must sign this form. False and/or misleading information is cause for termination. The list shall be legible and mailed to the police department, not faxed.
- (j) Drivers having a poor driving record and who remain in the employment of the towing service as drivers, when said towing service has knowledge of that driving or should have known, will constitute grounds for suspension or termination of the towing service from the rotation list. This includes drivers leasing equipment of said tow companies.
 - (a) A driving record reflecting more than three citations involving moving violations of the California Vehicle Code within the preceding two years constitutes a poor driving record.
 - (b) A driving record reflecting two convictions for driving while under the influence of intoxicating liquor or narcotic/drugs or both, or one conviction for driving under the influence of an intoxicating liquor or narcotic / drugs or both, while operating a tow truck, within the preceding two years constitutes a poor driving record.
 - (c) The OPD maintains strict drug and alcohol policies. Any tow truck driver found working under the influence of drugs or alcohol will be dismissed immediately or arrested.
- (k) The tow service will maintain a minimum of one driver on-duty at all times. In addition, at least one driver will be on stand-by at all times.
- (l) Operators of tow trucks shall be photographed, fingerprinted and a background investigation check conducted by the OPD. The tow driver shall obtain an operator's permit from the Business License Division of the Finance Department, in accordance with the current Orange Municipal Code. This permit shall be carried at all times while engaged in tow service operations, and shall be presented upon demand of police personnel or a citizen whose vehicle is being serviced or towed.
- (m) Tow drivers shall not enter into a closed roadway or closed accident/crime scene (i.e. cones, flares, barricades, crime scene tape or vehicles blocking roadway) until directed to do so by police personnel at the scene.

502.4.3 GENERAL SPECIFICATIONS

- (a) Equipment limitations:

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1. All towing equipment, recovery equipment, and carrier ratings are based on structural factors only. Actual towing, carrying, and recovery capacity may be limited by the capacity of the chassis and the optional equipment selected.
- (b) Towing limitations:
 1. The criteria to determine the safe towing limits for a truck are,
 - (a) The total weight of the truck, including the lifted load, must fall within the Manufacturer's Gross Vehicle Weight Rating (GVWR) and not exceed either the Front or Rear Axle Weight Ratings (FAWR, RAWR),
 - (b) The truck must meet all applicable state and/or federal standards,
 - (c) For proper steering and braking, the front axle load must be at least 50% of its normal or unladen weight after the load is lifted.
- (c) Recovery equipment rating:
 - (a) The basic performance rating of the recovery equipment is the weight the equipment can lift in a winching mode, when the boom is static at a 30-degree elevation with the load lines vertical and the lifting cables sharing the load equally, measured with a live load (weight or load cell).
 - (a) The structural design of the recovery equipment must have a higher load capacity than the performance rating(s).
 - (b) Winches shall conform to or exceed the specifications set forth by the Society of Automotive Engineers (SAE) Handbook, SAEJ706.
 - (c) All ratings for cable and chain assemblies are for the undamaged assembly condition. All cable and chain assemblies should be the same type, construction and rating as specified by the Original Equipment Manufacturer (OEM) for the equipment.
- (d) Safety chains:
 1. Safety chains shall be rated at no less than the rating specified by the OEM.
- (e) All tow trucks shall display signs on both sides containing the tow company name, one business address and telephone number. The signs shall be permanently affixed and in compliance with the requirements of refer to the California Vehicle Code.

502.5 RATES

- (a) Fees charged for response calls originating from the Orange Police Department shall be reasonable. The fees charged will be contained in the City of Orange Tow Service Agreement.
- (b) The schedule of rates charged by the tow service shall be available in the tow truck and shall be presented upon demand to person(s) for whom the tow services were provided, or their agent, or any OPD officer at the scene.
- (c) The rate for towing shall be computed from portal to portal from the place of business. The time expended for towing shall be charged at a rate not to exceed the hourly rate. There shall be no additional charges for mileage, labor, etcetera. However, vehicles

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being towed out of the city may be charged additional fees (refer to the Tow Service Agreement). The customer will be charged a specified amount per mile from scene of pick-up to destination. Any secondary towing requested by the customer may be negotiated by the tow service in accordance with their private business practices. However, the tow service or their tow truck driver shall inform the customer if there is any difference in the rate for the secondary tow service and provide a general verbal estimate of what the final cost will be.

- (d) When a tow service responds to a police rotation call, whether or not the truck used is of the necessary class or greater to fulfill the duties as requested, the tow service shall only be compensated at the rate established for the lowest class of truck necessary to fulfill the duties required and not at the rate for the truck used to complete same.
- (e) Charges for the towing and storage of combination vehicles is considered excessive when one tow truck tows a truck tractor and a set of semi trailers, and the owner or their agent is charged for three separate tows. This is considered one tow. If a tow truck is sent to the scene of an overturned tractor/trailer rig and another tow truck is needed for clean-up and recovery operations, the tow service will be allowed to collect fees for the additional tow truck at the hourly rate for the class of tow truck and shall be billed in 15 minute increments. If three tow trucks are used (i.e. one tow for the truck tractor and one each for the semi trailers), the tow service will be allowed to collect fees for three separate tows.
 - 1. Charges for storage shall be based on the overall length of the combination of vehicles.

502.5.1 FEES FOR SPECIAL OPERATIONS

- (a) For special operations involving Class B, C, or D tow trucks, the tow service shall submit to the Orange Police Department the proposed fees for vehicle recovery operations and load salvage operations. Fees shall be reasonable and not in excess of those rates charged for similar services provided in response to requests initiated by any other public agency or private person. Charges in excess of one hour shall be charged in 15-minute increments.
- (b) Hourly rates shall be established for the following:
 - 1. Auxiliary equipment (i.e. air bags, converter gear/dolly, additional trailers, etc.),
 - 2. Contracted equipment (i.e. air bags, converter gear/dolly additional trailers, forklifts, scoop loaders, etc.),
 - 3. Hourly rates for contract labor:
 - (a) Personnel in excess of one driver per tow truck,
 - (b) Driver of customer vehicle (in lieu of towing this vehicle).
- (c) The police department shall approve the fees for these types of operations based upon prevailing rates for like services performed by other tow services within the county.
- (d) The tow service shall not participate in any special operations at the request of the police department unless their rates for special operations have been approved by the police department.

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- (a) A "vehicle recovery operation" is an operation involving the process of up-righting an overturned vehicle which would require the use of auxiliary equipment, due to size or location of the vehicle. This will normally be limited to operations requiring a Class B, C, or D tow truck.
- (b) A "load salvage operation" is any operation involving the recovery of a load which has been spilled, or the off-loading and reloading of a load from an overturned vehicle performed in order to up-right the vehicle. This will be limited to operations involving a Class B, C, or D tow truck.
- (e) The total fees charged for after normal business hours (commonly known as a gate fee) release shall be at a flat rate as specified in the Tow Service Agreement, and shall only be allowed if there is no person on-duty at the storage facility for release and a call-back is required.
 - (a) An employee on-duty as a dispatcher or security guard shall be exempt as long as they are performing only their primary job duties.
 - (b) For the purposes of this policy, "normal business hours" shall be 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays.

502.5.2 STORAGE FEES

- (a) Storage fees shall be approved by the Orange Police Department based upon prevailing rates charged by other tow companies for like services within the county.
- (b) The tow service shall display, in plain view at all cashiers stations, a sign as described in the California Civil Code, disclosing all storage fees and charges in force, including the maximum storage rate.
- (c) Vehicles stored 24 hours or less shall be charged for no more than one day storage. Thereafter, each day of storage shall be calculated by calendar day.
- (d) The tow service or any employee, shall accept a valid bank credit card or cash, at the customer's discretion, for payment of towing and/or storage.

502.5.3 FINANCIAL RECORDS

- (a) No contracted tow service or applicant shall be directly involved in the towing related business of any other contracted tow service or applicant within the City of Orange. Directly involved shall mean anything in common between contracted tow companies or applicants with regard to any of the following:
 - 1. Business licenses,
 - 2. Insurance,
 - 3. Tow truck or equipment ownership,
 - 4. Employees.
- (b) Storage facilities owned by a towing service, and shared with another towing service, shall only be approved if the owner/operator charges for the space exclusively on a flat monthly rate rather than a vehicle-by-vehicle basis, or combination thereof.

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- (c) The sale or transfer of controlling interest in a company may terminate the agreement with the City of Orange without cause. Should termination occur, the new owner(s) may apply for rotation tow listing at the discretion of the city, at the beginning of a new contract.

502.5.4 BUSINESS RECORDS

- (a) The tow service shall maintain records of tow services furnished related to the execution of the tow service agreement, including a description of vehicles, nature of service, dates and times, location of calls, total itemized costs of towing and storage, and driver's name. The OPD may inspect all tow company records, without notice, during normal business hours. If requested by a tow service, the police department will furnish them with the computer-generated activity on the Police Rotation Tow List. All requests must be reasonable.
 - 1. Records shall be maintained and available for inspection for a period of two years plus the current term of the City Agreement.
- (b) The tow service shall also maintain business records relating to personnel, insurance, personnel taxes, payroll, applicable Public Utilities Commission (PUC) operating authorities, local operating authorities, Federal Communications Commission (FCC) licensing and non-Orange Police Department requested tows.

502.5.5 INSPECTIONS

- (a) Tow Trucks:
 - 1. Physical inspection indicates that the applicant's tow vehicles comply with all equipment and/or safety requirements of the California Vehicle Code, this policy and the Tow Service Agreement,
 - 2. Such inspection is to be conducted by the department's commercial enforcement officer, a Traffic Bureau supervisor, or his/her designee, on an annual basis. The California Highway Patrol may do this inspection. If so done, the inspection sheet will be forwarded to the Traffic Bureau for their files. If done by department personnel, the Tow Truck Inspection Guide shall be used. Tow trucks found in violation of the Vehicle Code shall be repaired immediately and shall not return to service until approved by the department's commercial enforcement officer, a Traffic Bureau supervisor, or his/her designee.
- (b) Tow Facility:
 - 1. The OPD reserves the right to inspect tow service facilities and/or its equipment at any time. Inspections will, at a minimum, be conducted annually. However, inspections shall be conducted when the city contract expires and the tow service wishes to renew its agreement with the city. A formal report shall be filed on OPD Form T-75,
 - 2. Other city departments, county, state, and federal agencies may be called to assist with any inspection.
- (c) If any deficiencies and/or equipment violations are discovered, the tow service will be so advised in writing. The tow service will be given seven calendar days to rectify the

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deficiency and/or violation. This applies to all facilities or equipment, other than tow trucks, found in violation of the California Vehicle Code and damage to the fence or wall structures as previously noted in the current policy manual..

- (d) Failure to comply with the above requirements shall result in the tow service being suspended from the police department rotation list until the deficiency and/or violation is corrected.
- (e) Refusal to allow any inspection relating to tow trucks, equipment, administrative/billing site, storage facilities or business records, shall be cause for immediate suspension.

502.5.6 REMOVAL AND DISPOSAL OF DEBRIS

On traffic collision calls, each tow service shall clean-up and remove all debris from the collision as required by police personnel at the scene. No vehicle shall be moved, nor shall any debris be swept or picked-up, until the investigating officer or a supervisor has given approval to do so. Once removed, all debris shall be disposed of in a proper manner. In no event shall debris be deposited in the wrecked vehicles, left on the street or on the sidewalk.

- (a) Each tow truck that is approved for police towing shall have two metal trashcans with tightly secured or locking lids. One can will be used for trash and debris and the other shall contain sand or absorbent. Each can shall not have a capacity of less than 5-gallons.
- (b) Hazardous material spills and related debris shall be handled by the Orange Fire Department. Minor oil, diesel and fuel spills will continue to be handled by the tow drivers. All state and federal EPA Guidelines shall be followed.

502.6 COMPLIANCE WITH LAW

- (a) The contractor and their tow truck drivers shall comply with federal, state and local laws and ordinances, which include, but are not limited to, the requirements included in this order.
- (b) Any felony conviction of the contractor or any actions by the contractor that would reflect unfavorably upon the OPD shall be cause for denial of an application or termination of the Tow Service Agreement.
- (c) Any felony conviction of an employee or any actions by the employee that would reflect unfavorably upon the Orange Police Department shall be cause for the removal of the employee from the list of current OPD rotation tow truck drivers.
 - 1. Any contractor or employee charged with a felony crime shall be placed on administrative leave until the case is adjudicated.

502.6.1 COMPLIANCE WITH AGREEMENT AND DEPARTMENTAL ORDER

- (a) The contractor must agree, as a condition of inclusion on the rotation tow list, to comply with the terms and conditions of this policy and the Tow Service Agreement. Furthermore, the contractor must agree that failure by the contractor or their agents to comply with these terms and conditions shall be cause for a written reprimand, suspension or termination. Orange Police Department personnel will investigate alleged violations of this policy or the Tow Service Agreement.

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- (b) In order to remain on the rotation tow list, each contractor shall sign a copy of this policy indicating they have received a copy and have read and understood the rules, regulations and requirements.
 - 1. Said copy shall be placed in the contractor's tow file, in the Traffic Bureau of the OPD.

502.6.2 DISCIPLINARY ACTIONS

- (a) Complaint investigation:
 - 1. The tow company liaison supervisor or his/her designee shall investigate and document all complaints against rotation tow contractors made by the public, OPD employees and allied agencies.
 - (a) The required documentation should include the following information:
 - 1. The identities of the tow service and/or tow driver(s), the complainant and any witnesses,
 - 2. A brief summary of the nature of the complaint,
 - 3. A listing of all pertinent facts,
 - 4. A listing of the conclusions reached as a result of the investigation.
 - (b) The tow service shall be notified of the findings within 30 calendar days following completion of the complaint investigation.
 - (c) If, during the course of an investigation, the contractor severs its relationship with the OPD, the investigation of the complaint will continue until completed.
 - 1. The report and findings will be retained for five years.
 - (d) All records concerning violations of the agreement shall be retained for a period of five years from the date of the violation.
- (b) Disciplinary action:
 - 1. Disciplinary action for violations of this policy, the Tow Service Agreement, or any federal, state or local ordinances may result in a written reprimand, suspension or removal.
- (c) Demerit point system:
 - 1. The tow company liaison supervisor or Tow Review Board may apply administrative sanctions depending on the type of offense and or misconduct. Sanctions shall remain on the contractor's record for the life of the current contract.
- (d) The following demerit point schedule shall be used when applying administrative sanctions.
 - 1. Criminal - misdemeanors
 - (a) Each Violation = 50 demerit points

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2. Vehicle Code - misdemeanors
 - (a) Each Violation = 50 demerit points
3. Vehicle Code - misdemeanor equipment violations
 - (a) Each Violation = 10 demerit points
4. Vehicle Code - infraction
 - (a) Each Violation = 5 demerit points
5. Vehicle Code - critical item equipment violations
 - (a) The following equipment violations are subject to ten (10) demerit points per violation:
 1. Any steering components worn or defective,
 2. Brake lights not working on tow truck or drag lights, when towing a vehicle,
 3. No low-air warning device on the air brake system,
 4. Brake lines or hoses that are worn or defective,
 5. Brakes out of adjustment by 20% or more,
 6. Defects in the frame of the vehicle or in the tow bed of the vehicle,
 7. Any cracks in wheel rims,
 8. Worn or defective winch cable,
 9. Overhead warning lights missing or defective,
 10. Parking brake system defective or not adequate for load or grade,
 11. Winch not properly secured to vehicle (cracks in welds or loose bolts),
 12. Wheel lift assembly defective,
 13. Bed safety locks worn, damaged or missing,
 14. Safety chains worn or damaged,
 15. Front tires worn less than 2/32 of tread,
 16. Air loss (unapplied) 2 PSI per minute for three vehicles or more in combination,
 17. Air loss (applied) 3 PSI per minute single vehicle, 4 PSI per minute for combination of two vehicles, or 6 PSI per minute for three vehicles or more in combination.
6. Criminal felonies - administrative leave until case is adjudicated.
 - (a) If the case results in a conviction, the contractor will immediately be released from the contract.
7. Public service - citizen complaints (sustained)

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- (a) 25 demerit points per violation
- 8. Administrative infractions (refer to the policy manual regarding Tow Company Guidelines and Rotation Tow Listing, and the Tow Service Agreement)
 - (a) 15 demerit points per violation
- (e) The tow service liaison supervisor or Tow Board shall have the authority to increase demerit points based upon the severity of the circumstances or frequency of similar violations.
- (f) Demerit points shall be removed from the tow company's records after one year from date of violation.
- (g) Suspension schedule
 - 1. 100 demerit points = 30 days suspension
 - 2. 150 demerit points = 60 days suspension
 - 3. 200 demerit points = Removal from rotation list
 - (a) Once removed, the tow service will not be allowed to reapply for the rotation tow list for a period of five years from the date of removal.
- (h) A violation of overcharging shall be cause for immediate suspension. The Chief of Police or his/her designee shall determine the period of the suspension. The suspension will remain in effect until the period of suspension is completed and the tow service presents proof that reimbursement has been made to the aggrieved customer(s).
- (i) A violation of the Bi-annual Inspection of Terminals (BIT) Program requirements shall be cause for immediate suspension. The Chief of Police or his/her designee shall determine the period of the suspension. The suspension will remain in effect until the period of suspension is completed and the tow service presents proof of compliance with the BIT requirements.
- (j) Failure of the tow service to reimburse the vehicle or property owner for damage or loss that occurred while the vehicle was in their possession shall result in a suspension. The Chief of Police or his/her designee shall determine the period of suspension. The suspension will remain in effect until the period of suspension is completed and the tow service has presented proof of reimbursement.
- (k) Nothing herein shall be deemed to prohibit the police department from immediately suspending any tow operator/contractor whose conduct, or conduct of their employee(s), is deemed to be a danger to the motoring public, or who has engaged in conduct constituting a gross violation of this policy and/or the City Tow Service Agreement.
- (l) Any violation of this policy by a tow driver or towing service shall be documented on OPD Form T-76 and forwarded to the Traffic Bureau for administrative follow-up. The public shall be given OPD Form T-79 for citizen complaints.
- (m) When a formal complaint is filed with the OPD, the tow company liaison supervisor or his/her designee shall, within ten working days, mail, fax or deliver to the affected

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tow service a copy of OPD Form T-76 or T-79, or a letter informing the owner(s) of the complaint(s).

- (n) The tow service shall respond to the complaint(s) in writing within ten working days upon notification of a complaint. Any and all documents related to the complaint(s) shall be submitted with the tow company's formal response letter.
 - (a) **EXCEPTION:** No documents or notice shall be mailed, faxed or delivered if it is determined that notification will impede or interfere with a police investigation.
- (o) After careful review of the tow service response by the Traffic Bureau sergeant, the police department shall notify the tow service in writing of any proposed disciplinary action. The tow service may request, in writing to the Chief of Police and within seven calendar days of the receipt of the notification, a review by the Towing Review Board.
- (p) The police department shall schedule the review meeting as soon as practicable and in no case beyond seven days from the request for a review.
- (q) If the tow service (operator/contractor) fails to request a review or fails to attend a scheduled review meeting, the proposed sanction(s) will take effect immediately, or as scheduled.

502.6.3 TOWING REVIEW BOARD

- (a) The City of Orange Towing Review Board has been created and empowered to examine misconduct or offenses by contract tow providers.
 - 1. The Board shall consist of a Traffic Bureau lieutenant, a Traffic Bureau sergeant and City of Orange purchasing officer or his/her designee. The investigator may be included, if requested by the Traffic Bureau lieutenant.
 - 2. If legal counsel represents the tow service, the towing service shall inform the Board (OPD or General Services) in writing at least five working days prior to their scheduled hearing. The City Attorney's Office shall be notified and may represent the city during the review process.
- (b) The following shall apply to the conduct of the review meeting:
 - 1. The review is an informal administrative hearing,
 - 2. The reviewing officer should tape record the review meeting and provide a copy of the tape recording to the tow operator or their attorney upon request,
 - (a) Appropriate fees may be charged for the copy of the tape recording.
 - (b) The appellant may tape record the review.
 - 3. The appellant may present testimony of related experts, tow truck association representatives, or other qualified persons,
 - (a) Witnesses shall limit their testimony to the facts of the case being heard.
 - 4. The appellant may present evidence on their behalf,
 - (a) This evidence must relate directly to the facts being considered.

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5. The reviewing officer should utilize the department's investigative report of the case being heard rather than the direct testimony of the department's witnesses,
6. After reviewing the case, the Board shall either sustain, not sustain or unfound the allegation(s) charged,
7. Based on its findings, the Board may concur with the disciplinary action recommended by the Tow Company Liaison Supervisor or may increase or decrease the penalty, or reinstate to the police rotation tow list,
8. The Board's decision shall be presented to the Chief of Police or his/her designee for review. The Chief of Police or his/her designee may concur with the Board's findings, modify the recommended sanctions, or take any other reasonable action necessary to protect the public and uphold the integrity and professional image of the City of Orange and the OPD,
9. The police department shall notify the tow service, in writing, of its decision within seven calendar days of the date of the hearing.

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503.1 PURPOSE AND SCOPE

This policy provides the procedures for towing a vehicle by or at the direction of the Orange Police Department. Nothing in this policy shall require the Department to tow a vehicle.

503.1.1 DEFINITIONS

Stored Vehicle - Is a vehicle removed from public or private property for safekeeping because of an accident, traffic hazard, 72-hour parking violation (Refer to Chapter 524 - 72-Hour Parking Violations), public nuisance, Orange Municipal Code (OMC) violation, or safekeeping because of the arrest of the driver (refer to the California Vehicle Code). Ordinarily, when the police department stores a vehicle on behalf of a citizen, the citizen is responsible for the charges.

Impounded Vehicle - Is a vehicle removed from public or private property for investigation and/or evidence. Instances of impounding entire automobiles as evidence should be rare. Every attempt should be made to avoid impounding vehicles as evidence by completing CSI at the scene.

Impound for Investigation - When a vehicle has been involved in a hit and run accident and the driver has failed to stop or fled the scene of the accident (refer to the California Vehicle Code).

Impound for Evidence - When a vehicle is the subject of a search warrant, or in cases where the vehicle is an instrumentality in a serious crime such as assault with the vehicle (ADW), sexual assaults, kidnapping, homicide, etc. (refer to the California Vehicle Code).

- (a) A decision to hold the vehicle for further investigation should be predicated on a necessity to facilitate a proper investigation (i.e., search warrant, instrumentality of a serious crime, etcetera).
- (b) Officers impounding vehicles as evidence shall obtain prior approval from a supervisor. The vehicle may be taken to an authorized OPD tow service facility if evidence would be destroyed or harmed by weather, etc. Authorized OPD tow service facilities are equipped to provide protection from the elements to preserve the integrity of evidence.
- (c) Officers completing the CHP Form 180 shall check the appropriate box indicating: "HOLD FOR INVESTIGATION." The officer shall also write "Hold for Prints," or "Hold for CSI" across the top of the CHP Form 180.

503.2 STORAGE AND IMPOUNDS

When circumstances permit, for example when towing a vehicle for parking or registration violations, the handling employee should, prior to having the vehicle towed, make a good faith effort to notify the owner of the vehicle that it is subject to removal. This may be accomplished by personal contact, telephone or by leaving a notice attached to the vehicle at least 24 hours prior to removal. If a vehicle presents a hazard, such as being abandoned on the roadway, it may be towed immediately.

The responsibilities of those employees towing, storing or impounding a vehicle are listed below.

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503.2.1 VEHICLE STORAGE REPORT

Department personnel 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 (refer to the California Vehicle Code). A copy of the storage report should be given to the tow truck operator and the original shall be submitted to the Records Bureau as soon as practicable after the vehicle is stored.

503.2.2 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 the Communications Center.

If the owner is incapacitated, or for any reason it is necessary for the Department to assume responsibility for a vehicle involved in a collision, the officer shall request the dispatcher to call the official towing garage for the City of Orange. The officer will then store the vehicle using a CHP Form 180.

503.2.3 STORAGE AT ARREST SCENES

Whenever a person in charge or in control of a vehicle is arrested, it is the policy of this department to provide reasonable safekeeping by storing the arrestee's vehicle subject to the exceptions described below. The vehicle, however, shall be stored whenever it is needed for the furtherance of the investigation or prosecution of the case, or when the community caretaker doctrine would reasonably suggest that the vehicle should be stored (e.g., traffic hazard, high crime area).

The following are examples of situations where consideration should be given to leaving a vehicle at the scene in lieu of storing, provided the vehicle can be lawfully parked and left in a reasonably secured and safe condition:

- Traffic related warrant arrest.
- Situations where the vehicle was not used to further the offense for which the driver was arrested.
- Whenever the licensed owner of the vehicle is present, willing, and able to take control of any vehicle not involved in criminal activity.
- Whenever the vehicle otherwise does not need to be stored and the owner requests that it be left at the scene. In such cases the owner shall be informed that the Department will not be responsible for theft or damages.

503.2.4 IMPOUNDMENT AT SOBRIETY CHECKPOINTS

Whenever a driver is stopped at a sobriety checkpoint and the only violation is that the operator is driving without a valid driver's license, the officer shall make a reasonable attempt to identify the registered owner of the vehicle (refer to the California Vehicle Code). The officer shall release the vehicle to the registered owner if the person is a licensed driver, or to another licensed driver

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authorized by the registered owner, provided the vehicle is claimed prior to the conclusion of the checkpoint operation.

If the vehicle is released at the checkpoint, the officer shall list on his/her copy of the notice to appear the name and driver's license number of the person to whom the vehicle is released.

When a vehicle cannot be released at the checkpoint, it shall be towed (refer to the California Vehicle Code). 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.

503.2.5 DRIVING A NON-CITY VEHICLE

Vehicles which have been towed by or at the direction of the Department should not be driven by police personnel unless it is necessary to move a vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant or to comply with posted signs.

503.2.6 DISPATCHER'S RESPONSIBILITIES

Upon receiving a request for towing, the dispatcher shall promptly telephone the specified authorized towing service. The officer shall be advised when the request has been made and the towing service has been dispatched.

When there is no preferred company requested, the dispatcher shall call the next firm in rotation from the list of approved towing companies and shall make appropriate entries on that form to ensure the following firm is called on the next request.

503.2.7 RECORDS BUREAU RESPONSIBILITY

Records personnel shall promptly enter pertinent data from the completed storage form (CHP Form 180) into the Stolen Vehicle System.

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 first-class mail (refer to the California Vehicle Code). The notice shall include the following (refer to the California Vehicle Code):

- (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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503.3 TOWING SERVICES

The City of Orange 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 from the streets of vehicles obstructing traffic in violation of state or local regulations.

503.3.1 "NO PREFERENCE" TOW SERVICES

- (a) Upon proper application, the department may approve qualified towing services to be called when a citizen needs towing, but has no preference as to which service to call.
- (b) Any complaint alleging a violation of the agreement or other misconduct by a "No Preference" operator shall be referred to the police department for investigation. The department may periodically review the performance of each authorized "No Preference" operator.
- (c) The police department will assist citizens by calling any towing company desired. If the citizen has no preference and requests that an officer call a towing company, one of the authorized firms shall be called in rotation.
- (d) All officers are prohibited from directly or indirectly soliciting for or recommending any garage or tow service.

503.4 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. Personnel conducting inventory searches should be as thorough and accurate as practical in preparing an itemized inventory. These inventory procedures are for the purpose of protecting an owner's property while in police custody, to provide for the safety of officers, and to protect the Department against fraudulent claims of lost, stolen, or damaged property.

503.5 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) which are not considered evidence or contraband.

If a search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft or damage, personnel conducting the search shall take such steps as are reasonably necessary to secure and/or preserve the vehicle or property from such hazards.

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503.6 RELEASE OF VEHICLE

The Department will maintain a listed, 24-hour telephone number to provide information regarding impoundment of vehicles and the right of the registered owner to request a storage hearing. Releases for towed vehicles will be made available during regular, non-emergency business hours (Vehicle Code § 14602.6).

- (a) Vehicles removed pursuant to Vehicle Code § 22850 shall be released after proof of current registration is provided by the owner or the person in control of the vehicle and after all applicable fees are paid (Vehicle Code § 22850.3; Vehicle Code § 22850.5).
- (b) Vehicles removed that require payment of parking fines or proof of valid driver's license shall only be released upon presentation of proof of compliance, proof of payment, completion of affidavit, and payment of applicable fees related to the removal (Vehicle Code § 22651 et seq., Vehicle Code § 22652 et seq., Vehicle Code § 22850.3; Vehicle Code § 22850.5).
- (c) A vehicle removed pursuant to Vehicle Code § 14602.6(a) shall be released to the registered owner or his/her agent with proof of current registration, proof of a valid driver's license, and applicable fees paid prior to the end of the 30-day impoundment period under any of the following circumstances:
 - 1. The vehicle was stolen.
 - 2. If the driver reinstates his/her driver's license or acquires a license and provides proof of proper insurance.
 - 3. Any other circumstance as set forth in Vehicle Code § 14602.6.
 - 4. When there is no remaining community caretaking need to continue impound of the vehicle or the continued impound would not otherwise comply with the Fourth Amendment.
- (d) An autonomous vehicle removed under authority of Vehicle Code § 22651(o)(1)(D) shall be released to the registered owner or person in control of the autonomous vehicle if the requirements of Vehicle Code § 22651(o)(3)(B) are met.

Personnel whose duties include releasing towed vehicles should consult the Vehicle Code under which the vehicle was towed or impounded for any specific requirements prior to release.

Employees who suspect that a vehicle was impounded in error should promptly advise a supervisor. Supervisors should approve, when appropriate, the release of the vehicle without requiring the registered owner or his/her agent to request a hearing, as described in the Vehicle Impound Hearings Policy.

503.7 REMOVAL OF ABANDONED OR INOPERATIVE VEHICLES OR VEHICLE PARTS FROM PUBLIC OR PRIVATE PROPERTY, NOT INCLUDING HIGHWAYS

Abandoned vehicles create a public nuisance, blight the landscape and are potential health and/or safety hazards. California's increasing population has caused an increased use and abandonment of vehicles, a problem of growing concern to citizens and law enforcement. The abandoned vehicle program is implemented to cause the removal of abandoned vehicles and vehicle parts from public and private property.

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Legislative Authority: In 1967, the legislature took action to control the problem of abandoned vehicles and implement a clean-up effort by adding the California Vehicle Code. This law provides the authority for cities and counties to establish a vehicle abatement program, establish procedures for removing vehicles, protect owner's rights, and suggest methods for recovering costs.

California Government Code: The Government Code authorizes cities and counties to establish ordinances providing for the abatement of public nuisances. Such ordinances may apply to vehicles.

California Vehicle Code: The Vehicle Code is more specific. It authorizes a city or county to adopt an ordinance establishing procedures for the abatement and removal, as public nuisances, of abandoned, wrecked, dismantled, or inoperative vehicles or vehicle parts from private or public property not including highways.

Financing by Property Assessment: When public nuisance vehicles are not abandoned and the owners resist abatement of the nuisances, cities and counties may elect to remove the vehicles and recover removal costs by assessing real property as authorized by the California Government Code.

Orange Municipal Code: The City Council does find and determine that the accumulation of storage of abandoned, wrecked, dismantled or inoperative vehicles, or parts thereof, on private or public property, not including highways, is found to create a condition tending to reduce the value of private property, to promote blight and deterioration, to invite plundering, to create fire hazards, to constitute an attractive nuisance creating a hazard to the health and safety of minors, to create a harborage for rodents and insects and to be injurious to the health, safety and general welfare. Therefore, the presence, or part thereof, on private or public property, not including highways, except as expressly permitted in this chapter, is declared to constitute a public nuisance which may be abated as such in accordance with the provisions of this chapter.

503.7.1 ORDINANCE APPLICATIONS FOR THE REMOVAL OF ABANDONED OR INOPERATIVE VEHICLES

- (a) The Abatement Ordinance shall apply to the impounding, removal from or screening from public view on private property, or on public property other than on a street or highway, all of the following:
 - 1. Any and all parts of vehicles,
 - 2. Any abandoned vehicles,
 - 3. All vehicles, which are both wrecked and inoperative,
 - 4. Vehicles, which are both dismantled and inoperative.
- (b) The Abatement Ordinance shall not apply to a vehicle or vehicle parts, which are:
 - 1. Completely enclosed within a building in a lawful manner, where it is not visible from the street or other public or private property,

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2. Enclosed within a solid fence six feet in height and is not plainly visible from the street or public or private property,
3. Enclosed by any other means of screening and is not plainly visible from the street or other public or private property.

503.7.2 PROCEDURES FOR ABATEMENT

- (a) An apparently abandoned public nuisance vehicle may be reported by the public or observed by an police officer, PSO, volunteer or cadet.
- (b) The vehicle and property must be inspected to obtain as much information as available to permit completion of the CHP Form 80c - Report of Vehicle Abatement, including the address or other description of the real property where the vehicle is located. Photographs will be taken by 917A cadets for future reference or for presentation at a hearing.
- (c) Identification of Owners:
 1. If registration information is not available, registered and legal vehicle owners must be identified by submitting the VIN or license plate to a Traffic Bureau clerk to run a complete computer check on the vehicle,
 2. This procedure provides information about the vehicle and insures that the vehicle is not stolen.
- (d) If the vehicle is not stolen, a 917A cadet will prepare OPD Form P-8 with all necessary information and returns the upper half to the Traffic Bureau, making sure the tow date listed is ten days from the date marked. Obtain the exact address where the vehicle is located so Traffic Bureau clerks can obtain a parcel number and name of the property owner from Public Works.
- (e) Personal Contact:
 1. An officer, PSO or cadet, may often contact owners in person,
 2. If the owners concur with the proposed abatement, the officer may proceed with the removal. The signed waiver will be sufficient (CHP Form 80c).
- (f) Notification of Owners by Certified or Registered Mail:
 1. Before a city or county agency removes a vehicle pursuant to the specified ordinance, the owners of the property and the vehicle, if identifiable, must be notified by certified or registered mail of the intent to abate the vehicle. Obtaining a signed waiver of interest from the property owners on CHP Form 80c may satisfy this requirement,
 2. The notice of intent to abate must include a statement of the hearing rights of the owner, including the right to appear in person at a hearing or submit a written statement,
 3. The Traffic Bureau clerk will forward a certified letter to the owner of the vehicle and property owner. All correspondence will be kept with OPD Form P-8 and included in the DR folder if the vehicle is eventually impounded,

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- (a) A copy of the letter and certified receipt will be kept with the upper half portion of OPD Form P-8.
- 4. Ten days must be allowed for response to the notice. If there is no response, a second notice must be mailed. The vehicle may then be removed ten days after mailing the second notice.
- (g) Uncontested Abatement:
 - (a) The assigned traffic clerk shall ensure that when the vehicle owners concur or fail to respond to the required notice, the following steps are taken:
 - (a) Assure that vehicle and property owners have been identified,
 - (b) Assure that required notices of intention to abate have been sent to the identified owners. A signed waiver of interest will comply,
 - (c) Unless the owners have concurred with the abatement and signed a release, assure that the required ten days have elapsed to allow for response to notices,
 - (d) Use form OPD Form V-7, which must be in duplicate. At the top of the form the following must be written, "Vehicle must be crushed or dismantled for parts."
 - (a) Obtain DR number from dispatcher or DR Log
 - (b) Date, time and location
 - (c) Description of vehicle or hulk
 - (d) Name of registered and legal owner, if known
 - (e) Identity of the dismantler or commercial enterprise removing the vehicle
 - (f) Identity of the agency and employee ordering removal
 - (g) Authority for removal (refer to the California Vehicle Code and local ordinance number)
- (h) Contested Abatement:
 - (a) If contact is made with an owner by certified or registered mail, and the owner resists abatement of the vehicle, the circumstance then involves a public nuisance vehicle that is not abandoned. The vehicle cannot be abated until a public hearing is provided to the owner.
 - (a) A public hearing shall be provided if requested by the vehicle or property owners. Such requests may be oral or written and must be made within ten days after the post-marked date of the notice of intention to abate.
 - (b) The governing body of the city or county may act as "hearing officer" or any city or county employee may be designated as a hearing officer. The hearing officer should hear appropriate facts and testimony from the vehicle or property owner and the abatement officer, and then determine

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the disposition of the vehicle in question (Contact with the City Attorney should be made regarding this procedure).

- (c) If the hearing officer determines that the vehicle is a public nuisance and must be removed, costs may be assessed as provided in the California Government Code.
- (i) Abatement by Owner:
 - 1. Occasionally, an owner may want to dispose of his own vehicle when informed of the requirements of the local ordinance. The abatement cadet or clerk should:
 - (a) Allow a reasonable time for disposition of the vehicle,
 - (b) Follow-up to confirm proper abatement.

503.7.3 DISPOSITION OF VEHICLES

- (a) Dismantling or Scrapping:
 - 1. Most vehicles removed pursuant to ordinances drafted in conformance with the California Vehicle Code must not be reconstructed or made operable. They shall be delivered for dismantling, scrapping or other disposition consistent with the permanent elimination of the vehicle or recycling of the materials.
 - (a) The only exceptions to the above disposition are vehicles that qualify for either "horseless carriage" or "historical vehicle" license plates. Such vehicles may be reconstructed or made operable subsequent to removal.
 - (b) For any removed vehicle that qualifies for either "horseless carriage" or "historical vehicle" license plates, a statement of facts may be provided by the local agency to the dismantler upon request. The statement should indicate that the vehicle was abated pursuant to the California Vehicle Code and that required notices were sent. Using this statement, the Department of Motor Vehicles will then process any subsequent application for re-registration of the vehicle. A Traffic Bureau supervisor will write the statement of facts to the dismantler, as requested.
- (b) Notification to Department of Motor Vehicles:
 - (a) Within five days, the agency ordering removal must notify the Department of Motor Vehicles of those identifiable vehicles removed by a dismantler or other commercial enterprise at the agency's direction (DMV Reg. Form 104, "Notice-Removal of Abandoned Vehicle"). The traffic clerk handles notification.
 - (a) Type DMV Form Reg. 104 in triplicate and have a Traffic Bureau supervisor or lieutenant sign it, also in triplicate.
 - (a) Original goes to the Department of Motor Vehicles, at the address in the top left corner.
 - (b) Send one copy to the tow yard that towed the vehicle.
 - (c) Attach the last copy, with all the paperwork and the pink OPD Form B-21, and file in the "Abated Vehicle" file.

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- (c) Once DMV Form Reg. 104 is forwarded, the Department of Motor Vehicles will not issue registration documents and license plates for the vehicle unless it qualifies for "historical vehicle" or "horseless carriage" license plates.
- (d) An unidentifiable hull or vehicle with no available VIN or serial number need not be reported, since no record could be cleared. These vehicles should be reported to OPD Auto Theft. Vehicles that qualify for either "horseless carriage" or "historical vehicle" license plates need not be reported.

503.8 REMOVED, DEFACED, ALTERED, OR DESTROYED MANUFACTURER'S SERIAL OR IDENTIFICATION NUMBER

Per the California Vehicle Code:

- (a) No person shall knowingly buy, sell, offer for sale, receive or have in his possession, any vehicle or component part thereof from which the manufacturer's serial or identification number has been removed, defaced, altered, or destroyed, unless such vehicle or component part has attached thereto an identification number assigned or approved by the CHP/DMV in lieu of the manufacturer's number,
- (b) Whenever such vehicle or component part comes into the custody of a peace officer, it shall be destroyed, sold or otherwise disposed of under the conditions as provided in an order by the court having jurisdiction. Nothing in this section shall; however, preclude the return of such vehicle or parts to the lawful owner thereof following presentation of satisfactory evidence of ownership and assignment of an identification number by the CHP/DMV. This subdivision shall not apply with respect to such a vehicle or component part used as evidence in any criminal action or proceeding,
- (c) This section shall not apply to a scrap metal processor engaged primarily in the acquisition, processing, and shipment of ferrous and nonferrous scrap, and who receives dismantled vehicles from licensed dismantlers, or licensed junk collectors, or licensed junk dealers as scrap metal for the purpose of recycling the dismantled vehicles for their metallic content, the end product of which is the production of material for recycling and remelting purposes for steel mills, foundries, smelters, and refiners.

503.8.1 OFFICER'S RESPONSIBILITY

- (a) Whenever a vehicle or component part with mutilated or removed identification numbers comes into the custody of an officer, it shall be impounded. This action shall be accomplished only with the approval of a supervisor. Whenever the mutilation or removal is obvious, no enforcement document (i.e., citation) will be issued at the time of the observation. The documents required to be completed under these circumstances are CHP Form 180 and OPD Form P-10 (Property Report).
 - 1. As applicable, the initiating officer shall secure items of value as evidence or for safekeeping, prior to impounding the vehicle.
- (b) All vehicles and component part(s), which are seized pursuant to the California Vehicle Code, shall be impounded at an appropriate storage facility dependent upon size and number of items seized.
 - 1. Intact motorcycles, motorcycle frames, or engines, will be stored at a site determined in conjunction with a supervisor and/or property officer.

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2. In all other situations of impound or storage, vehicles shall be removed to one of the authorized police tow facilities.

503.8.2 WATCH COMMANDER'S RESPONSIBILITY

The watch commander shall ensure that all necessary reports are submitted to Records Bureau personnel for proper processing.

503.8.3 DETECTIVE BUREAU'S RESPONSIBILITY

- (a) In those instances where a vehicle or component part is impounded, follow-up investigations, which are initiated, shall be the responsibility of the assigned Auto Theft investigator. During the 60 day period following the impoundment of vehicle(s) or part(s), the Auto Theft investigator shall conduct the necessary follow-up investigation to determine whether or not the vehicle or component part(s) fall within one of the below-listed categories.
- (b) Whenever the results of a follow-up investigation indicate that the vehicle is identified as "not stolen," the following procedure shall apply:
 1. **Manufacturer's Identity Usable** - If the manufacturer's secondary numbers are satisfactory and in usable condition, an un-numbered replacement VIN plate should be used repeating the complete original identification number and attached to the vehicle. Under these circumstances, the individual involved is not referred to DMV and DMV Reg. Form 124 is not required. The Auto Theft Detail will advise the lawful owner of the vehicle to contact the local CHP VIN inspection team for completion and verification of DMV Form 256.
 2. **New Identity Needed** - If, in the opinion of the investigator, circumstances require the assignment of a new identity to a vehicle or component part, the individual involved shall be referred to DMV in order to obtain DMV Reg. Form 124. The vehicle or component part will then be handled in the normal manner and processed by the assigned investigator.
- (c) Whenever the results of a follow-up investigation indicate that the vehicle is identified as "stolen," or "not identified," the following procedure shall be effected:
 1. **Identified--Stolen** - If the vehicle is identified and found to be stolen, an appropriate complaint concerning stolen vehicle(s) or part(s) would be filed in accordance with existing procedures,
 2. **Not Identified or Unsatisfactory Ownership** - If the vehicle or part(s) cannot be identified and the investigator is not satisfied with the proof of ownership that is offered, he or she shall run appropriate tests to help identify the rightful ownership of the vehicle or component(s).
 - (a) The investigator then returns the packet with his original Proof of Personal Service attached to the District Attorney's Office via the Court Liaison Officer.
 3. **Satisfactory Ownership Not Identified** - If the vehicle or part(s) cannot be identified, but due to extenuating circumstances the investigator is satisfied with the right of possession or ownership, the vehicle can be processed and returned

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to the assumed owner. This alternative should be used only in the rarest of situations and with review and approval of the City Attorney's Office.

503.8.4 AUTO THEFT INVESTIGATOR'S RESPONSIBILITY

Ensure that all necessary reports are submitted to the District Attorney's Office for processing and court scheduling.

503.8.5 FINAL DISPOSITION OF VEHICLE(S) OR PART(S)

Released to Owner - If the vehicle(s) or component part(s) are identifiable, they shall be returned to their lawful owner by the Department Property Officer via the assigned case investigator.

Disposition of Property - No Criminal Complaint Issued - If, as a result of a hearing being conducted, the court approves that the questioned property be disposed of, the department's court liaison officer will provide a copy of the signed Order for Disposition to a department property officer, who will make the necessary disposition of the property in accordance with existing regulations governing such disposition.

503.8.6 DOCUMENT SERVICE REQUIREMENTS

Refer to the California Vehicle Code for provisions.

Vehicle Impound Hearings

504.1 PURPOSE AND SCOPE

This policy establishes a procedure for the requirement to provide vehicle storage or impound hearings pursuant to the California Vehicle Code.

504.2 STORED OR IMPOUND HEARING

When a vehicle is stored or impounded by any employee of the Orange Police Department, a hearing will be conducted upon the request of the registered or legal owner of the vehicle or his/her agent (refer to the California Vehicle Code).

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 (refer to the California Vehicle Code).

504.2.1 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 (refer to the California Vehicle Code). The Traffic Lieutenant or his/her designee will generally serve as the hearing officer. The person requesting the hearing may record the hearing at his/her own expense.

The failure of either the registered or legal owner or interested person or his/her agent to request a hearing in a timely manner or to attend a scheduled hearing shall be considered a waiver of and satisfaction of the post-storage hearing requirement (refer to the California Vehicle Code).

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 (refer to the California Vehicle Code).

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 the California Vehicle Code, warranting release of the vehicle. This mitigating circumstance exception is not limited to situations where the owner made a reasonable inquiry as to the licensed status of the driver before lending the vehicle.

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Vehicle Impound Hearings

The legislative intent and this department's policy is to prevent unlicensed driving pursuant to the California Vehicle Code. 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 (refer to the California Vehicle Code).
- (c) If a decision is made that reasonable grounds for storage have not been established or sufficient mitigating circumstances exist, and the vehicle has been released with fees having been paid, the receipt for such fees will be forwarded with a letter to the appropriate Division Commander. The hearing officer will recommend to the appropriate Division Commander that the fees paid by the registered or legal owner of the vehicle in question or their agent be reimbursed by the Department.

Impaired Driving

505.1 PURPOSE AND SCOPE

This policy provides guidance to those department sworn personnel who play a role in the detection and investigation of driving under the influence (DUI).

505.2 POLICY

The Orange 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.

505.3 INVESTIGATIONS

All officers are expected to enforce DUI laws.

The Traffic Lieutenant will develop and maintain, in consultation with the prosecuting attorney, report forms with appropriate checklists to assist investigating officers in documenting relevant information and maximizing efficiency. Any DUI investigation will be documented using these forms. Information that should be documented includes, at a minimum:

- (a) The field sobriety tests (FSTs) administered and the results.
- (b) The officer's observations that indicate impairment on the part of the individual, and the officer's health-related inquiries that may help to identify any serious health concerns (e.g., diabetic shock).
- (c) Sources of additional information (e.g., reporting party, witnesses) and their observations.
- (d) Information about any audio and/or video recording of the individual's driving or subsequent actions.
- (e) The location and time frame of the individual's vehicle operation and how this was determined.
- (f) Any prior related convictions in California or another jurisdiction.

505.4 FIELD TESTS

The Traffic Lieutenant should identify standardized FSTs and any approved alternate tests for officers to use when investigating violations of DUI laws.

505.5 CHEMICAL TESTS

A person implies consent to a chemical test or tests, and to providing the associated chemical sample, under any of the following (Vehicle Code § 23612):

- (a) The person is arrested for driving a vehicle while under the influence, pursuant to Vehicle Code § 23152.
- (b) The person is under 21 years of age and is arrested by an officer having reasonable cause to believe that the person's blood alcohol content is 0.05 or more (Vehicle Code § 23140).

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- (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.

505.5.1 CHOICE OF TESTS

Officers shall respect a viable choice of chemical test made by an arrestee, as provided for by law (e.g., breath will not be acceptable for suspected narcotics influence).

A person arrested for DUI has the choice of whether the test is of the person's blood or breath, and the officer shall advise the person that the person has that choice. If the person arrested either is incapable, or states that the person is incapable, of completing the chosen test, the person shall submit to the remaining test.

If the person chooses to submit to a breath test and there is reasonable cause to believe that the person is under the influence of a drug or the combined influence of alcohol and any drug, the officer may also request that the person submit to a blood test. If the person is incapable of completing a blood test, the person shall submit to and complete a urine test (Vehicle Code § 23612(a)(2)(C)).

505.5.2 BREATH SAMPLES

The Traffic Lieutenant should ensure that all devices used for the collection and analysis of breath samples are properly serviced and tested, and that a record of such service and testing is properly maintained.

Officers obtaining a breath sample should monitor the device for any sign of malfunction. Any anomalies or equipment failures should be noted in the appropriate report and promptly reported to the Traffic Lieutenant.

When the arrested person chooses a breath test, the handling officer shall advise the person that the breath-testing equipment does not retain a sample, and the person may, if desired, provide a blood or urine specimen, which will be retained to facilitate subsequent verification testing (refer to the California Vehicle Code).

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 (refer to the California Vehicle Code).

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505.5.3 BLOOD SAMPLES

Only persons authorized by law to draw blood shall collect blood samples (Vehicle Code § 23158). The blood draw should be witnessed by the assigned officer. No officer, even if properly certified, should perform this task.

Officers should inform an arrestee that if the arrestee chooses to provide a blood sample, a separate sample can be collected for alternate testing. Unless medical personnel object, two samples should be collected and retained as evidence, so long as only one puncture is required.

The blood sample shall be packaged, marked, handled, stored, and transported as required by the testing facility.

If an arrestee cannot submit to a blood draw because the arrestee has a bleeding disorder or has taken medication that inhibits coagulation, the arrestee shall not be required to take a blood test. Such inability to take a blood test should not be considered a refusal. However, that arrestee may be required to complete another available and viable test.

505.5.4 URINE SAMPLES

If a urine test will be performed, the arrestee should be promptly transported to the appropriate testing site. The officer shall follow any directions accompanying the urine evidence collection kit.

Urine samples shall be collected and witnessed by an officer or jail staff member of the same sex as the individual giving the sample. The arrestee should be allowed sufficient privacy to maintain the arrestee's dignity, to the extent possible, while still ensuring the accuracy of the sample (Vehicle Code § 23158(i)).

The sample shall be packaged, marked, handled, stored, and transported as required by the testing facility.

505.5.5 STATUTORY NOTIFICATIONS

Officers requesting that a person submit to chemical testing shall provide the person with the mandatory warning pursuant to the California Vehicle Code.

505.5.6 PRELIMINARY ALCOHOL SCREENING

Officers may use a preliminary alcohol screening (PAS) test to assist in establishing reasonable cause to believe a person is DUI. The officer shall advise the person that the PAS test is being requested to assist in determining whether the person is under the influence of alcohol or drugs, or a combination of the two. Unless the person is under the age of 21, the person shall be advised that the PAS test is voluntary. The officer shall also advise the person that submitting to a PAS test does not satisfy the person's obligation to submit to a chemical test as otherwise required by law (Vehicle Code § 23612).

505.5.7 PRELIMINARY ALCOHOL SCREENING FOR A PERSON UNDER AGE 21

If an officer lawfully detains a person under 21 years of age who is driving a motor vehicle and the officer has reasonable cause to believe that the person has a blood alcohol content of 0.01 or more, the officer shall request that the person take a PAS test to determine the presence of alcohol

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in the person, if a PAS test device is immediately available. If a PAS test device is not immediately available, the officer may request the person to submit to chemical testing of the person's blood, breath, or urine, conducted pursuant to Vehicle Code § 23612 (Vehicle Code § 13388).

If the person refuses to take or fails to complete the PAS test or other chemical test, or if the result of either test reveals a blood alcohol content of 0.01 or more, the officer shall proceed to serve the person with a notice of order of suspension pursuant to this policy (Vehicle Code § 13388).

505.6 REFUSALS

When an arrestee refuses to provide a viable chemical sample, officers should:

- (a) Advise the person of the requirement to provide a sample (refer to the California Vehicle Code).
- (b) Audio- and/or video-record the admonishment when it is practicable.
- (c) Document the refusal in the appropriate report.

Upon refusal to submit to a chemical test as required by law, officers shall personally serve the notice of order of suspension upon the person and take possession of any California state-issued license to operate a motor vehicle that is held by that person (refer to the California Vehicle Code).

505.6.1 BLOOD SAMPLE WITHOUT CONSENT

A blood sample may be obtained from a person who refuses a chemical test when any of the following conditions exist:

- (a) A search warrant has been obtained (Penal Code § 1524).
- (b) The officer can articulate that exigent circumstances exist. Exigency does not exist solely because of the short time period associated with the natural dissipation of alcohol or controlled or prohibited substances in the person's bloodstream. Exigency can be established by the existence of special facts such as a lengthy time delay in obtaining a blood sample due to an accident investigation or medical treatment of the person.

505.6.2 FORCED BLOOD SAMPLE

If an arrestee indicates by word or action that the person will physically resist a blood draw, the officer should request a supervisor to respond.

The responding supervisor should:

- (a) Evaluate whether using force to obtain a blood sample is appropriate under the circumstances.
- (b) Ensure that all attempts to obtain a blood sample through force cease if the person agrees to, and completes a viable form of testing in a timely manner.
- (c) Advise the person of the person's duty to provide a sample (even if this advisement was previously done by another officer) and attempt to persuade the individual to submit to such a sample without physical resistance.

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1. This dialogue should be recorded on audio and/or video if practicable.
- (d) Ensure that the blood sample is taken in a medically approved manner.
- (e) Ensure the forced blood draw is recorded on audio and/or video when practicable.
- (f) Monitor and ensure that the type and level of force applied appears reasonable under the circumstances:
 1. Unless otherwise provided in a warrant, force should generally be limited to handcuffing or similar restraint methods.
 2. In misdemeanor cases, if the arrestee becomes violent or more resistant, no additional force will be used and a refusal should be noted in the report.
 3. In felony cases, force which reasonably appears necessary to overcome the resistance to the blood draw may be permitted.
- (g) Ensure the use of force and methods used to accomplish the collection of the blood sample are documented in the related report.

If a supervisor is unavailable, officers are expected to use sound judgment and perform as a responding supervisor, as set forth above.

505.6.3 STATUTORY NOTIFICATIONS UPON REFUSAL

Upon refusal to submit to a chemical test as required by law, officers shall personally serve the notice of order of suspension upon the arrestee and take possession of any state-issued license to operate a motor vehicle that is held by that individual (refer to the California Vehicle Code).

505.7 RECORDS BUREAU RESPONSIBILITIES

The Records Manager will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney's office.

505.8 ADMINISTRATIVE HEARINGS

The Records Manager will ensure that all appropriate reports and documents related to administrative license suspensions are reviewed and forwarded to DMV.

505.9 TRAINING

The Training Bureau Sergeant should ensure that officers participating in the enforcement of DUI laws receive regular training. Training should include, at minimum, current laws on impaired driving, investigative techniques and rules of evidence pertaining to DUI investigations. The Training Bureau Sergeant should confer with the prosecuting attorney's office and update training topics as needed.

505.10 ARREST AND INVESTIGATION

505.10.1 WARRANTLESS ARREST

In addition to the arrest authority granted to officers pursuant to Penal Code § 836, an officer may make a warrantless arrest of a person that the officer has reasonable cause to believe has been

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driving under the influence of an alcoholic beverage or any drug, or under the combined influence of the same when (Vehicle Code § 40300.5):

- (a) The person is involved in a traffic crash.
- (b) The person is observed in or about a vehicle that is obstructing the roadway.
- (c) The person will not be apprehended unless immediately arrested.
- (d) The person may cause injury to themselves or damage property unless immediately arrested.
- (e) The person may destroy or conceal evidence of a crime unless immediately arrested.

505.10.2 OFFICER RESPONSIBILITIES

The officer serving the arrested person with a notice of an order of suspension shall immediately (Vehicle Code § 23612):

- (a) Forward a copy of the completed notice of suspension or revocation form and any confiscated driver's license to the Department of Motor Vehicles (DMV).
- (b) Forward a sworn report to DMV that contains the required information in Vehicle Code § 13380.
- (c) Forward the results to the appropriate forensic laboratory if the person submitted to a blood or urine test.

Traffic Citations

506.1 PURPOSE AND SCOPE

This policy outlines the responsibility for traffic citations, the procedure for dismissal, correction, and voiding of traffic citations.

506.2 RESPONSIBILITIES

The Traffic Bureau Lieutenant 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.

506.3 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 (refer to the California Vehicle Code).

Any request from a recipient to dismiss a citation shall be referred to the Traffic Bureau Lieutenant. Upon a review of the circumstances involving the issuance of the traffic citation, the Traffic Bureau Lieutenant may request the Field Services 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.

506.4 VOIDING TRAFFIC CITATIONS

Voiding a traffic citation may occur when a traffic citation has not been completed or where it is completed, but not issued. All copies of the citation shall be presented to a supervisor to approve the voiding of the citation. The citation and copies shall then be forwarded to the Traffic Bureau Lieutenant.

506.5 CORRECTION OF TRAFFIC CITATIONS

When a traffic citation is issued and in need of correction, the officer issuing the citation shall submit the citation and a letter requesting a specific correction to his/her immediate supervisor. The citation and letter shall then be forwarded to the Traffic Bureau. The Traffic Bureau shall prepare a letter of correction to the court having jurisdiction and to the recipient of the citation.

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506.6 DISPOSITION OF TRAFFIC CITATIONS

The court and file copies of all traffic citations issued by members of this police department shall be forwarded to the employee's immediate supervisor for review. The citation copies shall then be filed with the Records Bureau.

Upon separation from employment with the Orange Police department, all employees issued traffic citations books shall return all unused citations to the Records Bureau.

506.7 NOTICE OF PARKING VIOLATION APPEAL PROCEDURE

Parking citations may be contested pursuant to the California Vehicle Code.

506.7.1 APPEAL STAGES

The procedure for contesting a parking citation has three different levels; Initial Review, Administrative Hearing and Court Appeal.

Initial Review - The Initial Reviews are conducted by the Traffic Bureau and consists of reviewing the citation and information submitted by the person contesting the citation, who reviews written/ documentary data. Requests for Initial Reviews are made through the processing agency as listed on the parking citation. These requests are informal written statements outlining why the ticket should be dismissed, including copies of documentation relating to the ticket. The request for dismissal must be mailed to the current mailing address provided by our citation processing agency.

Administrative Hearing - If the appellant wishes to pursue the matter beyond an Initial Review, an Administrative Hearing may be conducted in person, or by written application, at the election of the appellant. Independent referees review the administrative file, amendments and/or testimonial material provided by the appellant and may conduct further investigation or follow-up on their own.

Court Appeal - If the appellant wishes to pursue the matter beyond an Administrative Hearing, an appeal may be filed in Orange County Superior Court - Central Justice Center. The requested Court Appeal may be presented in person by the appellant after an application for review.

506.7.2 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 of the California Vehicle Code).
- (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 (refer to the California Vehicle Code).
- (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 the California Vehicle Code. The person requesting the hearing may request one continuance, not to exceed 21 calendar days (refer to the California Vehicle Code).

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- (d) Registered owners of vehicles may transfer responsibility for the violation via timely affidavit of non-liability when the vehicle has been transferred, rented or under certain other circumstances (refer to the California Vehicle Code).

506.7.3 COSTS

- (a) There is no cost for an Initial Review.
- (b) The person requesting the hearing must deposit the full amount of the parking penalty or provide satisfactory proof of their inability to pay, before receiving an Administrative Hearing.
- (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.

506.8 JUVENILE CITATIONS

Completion of traffic citation forms for juveniles may vary slightly from the procedure for adults. The juvenile's age, place of residency, and the type of offense should be considered before issuing the juvenile a citation.

Disabled Vehicles

507.1 PURPOSE AND SCOPE

The California Vehicle Code 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.

507.2 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.

507.3 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.

507.3.1 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.

507.3.2 RELOCATION OF DISABLED VEHICLES

The relocation of disabled vehicles by personnel 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.

507.3.3 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 employee may stay with the disabled motorist or transport him/her to a safe area to await pickup.

507.4 PUBLIC ACCESS TO THIS POLICY

This written policy is available upon request.

72-Hour Parking Violations

508.1 PURPOSE AND SCOPE

This policy provides procedures for the marking, recording, and storage of vehicles parked in violation of the Orange City Ordinance regulating 72-hour parking violations and abandoned vehicles under the authority of the California Vehicle Code.

508.2 MARKING VEHICLES

Vehicles suspected of being in violation of the City of Orange 72-Hour Parking Ordinance shall be marked and noted on the Orange 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.

508.2.1 MARKED VEHICLE FILE

The Traffic Bureau shall be responsible for maintaining a file for all Marked Vehicle Cards.

Parking control officers assigned to the Traffic Bureau shall be responsible for the follow up investigation of all 72-hour parking violations noted on the Marked Vehicle Cards.

508.2.2 VEHICLE STORAGE

Any vehicle in violation shall be stored by the authorized towing service and a vehicle storage report shall be completed by the officer authorizing the storage of the vehicle.

The storage report form shall be submitted to the Records Bureau immediately following the storage of the vehicle. It shall be the responsibility of the Records Bureau to immediately notify the Stolen Vehicle System (SVS) of the Department of Justice in Sacramento (refer to the California Vehicle Code). Notification may also be made to the National Law Enforcement Telecommunications System (NLETS) (refer to the California Vehicle Code).

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 the California Vehicle Code.

508.3 VEHICLE DISPOSAL

If, after 15 days from the notification, the vehicle remains unclaimed and the towing and storage fees have not been paid, and if no request for a post storage hearing has been made, the department may provide the lien holder storing the vehicle with authorization on an approved DMV form to dispose of any vehicle which the lien holder has determined has an estimated value of \$500 or less (refer to the California Vehicle Code).

Bicycle Licensing

509.1 PURPOSE AND SCOPE

To set forth guidelines for bicycle licensing and the collection of applicable fees.

509.1.1 DEFINITION

Bicycle - For the purposes of this policy, means any device upon which a person may ride, which is propelled by human power through a system of belts, chains, or gears having either two or three wheels (one of which is at least 20 inches in diameter) or having a frame size of at least 14 inches, or having four or more wheels (refer to the California Vehicle Code).

509.2 PROCEDURE

509.2.1 BICYCLE LICENSING

A bicycle-licensing Ledger File shall be maintained in the Traffic Bureau for the issuance of bicycle licenses and registration forms.

- (a) A register book shall be used for the accurate accounting of the numbered bicycle licenses.
- (b) The register book shall be kept with the bicycle license numbers assigned.

509.2.2 TRAFFIC BUREAU PERSONNEL RESPONSIBILITY

Traffic personnel will assist persons with the licensing of bicycles. Applicable personnel shall:

- (a) Accurately enter all information on the State Bicycle Registration Form,
 1. Issuing person shall place the license and Renewal number on the License Registration Form.
- (b) Inspect and verify the bicycle frame or I.D. number and place the State Registration Number sticker (bicycle license) on the vertical frame post below the seat of the bicycle,
- (c) In the event no manufacturer's frame number is present on the bicycle, refer the applicant to have one stamped by a bicycle dealer or to check out an engraver from the Records Bureau and etch their driver's license number on the frame of the bicycle.

509.2.3 ACCEPTANCE OF FEES BY RECORDS BUREAU PERSONNEL

- (a) Cost of bicycle license:
 1. \$4.00 for three years (refer to the California Vehicle Code).
- (b) All bicycle licenses will expire on December 31st of the 3rd year after the bicycle was registered.
- (c) Upon receipt of the applicable fee, the person receiving the money shall enter his/her badge number, date, applicant's name, amount of fee, license number, and renewal number in the register book.

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1. NO FIGURE WILL BE ENTERED ON THE LEDGER BOOK UNLESS ACCOMPANIED BY THE SIGNATURE OF THE PERSON ACCEPTING THE FEE MONEY.

(d) A copy of the registration form shall be given to the licensee at the time of licensing.

509.2.4 REGISTRATION OF BICYCLES LICENSED AWAY FROM THE ORANGE POLICE DEPARTMENT

- (a) The same procedure shall apply as outlined above. The Ledger sheet and fee money shall be added to the bicycle registration book. The Ledger sheet shall indicate the location where the licensing took place.
- (b) Bicycle licenses that are checked out by department personnel for outside licensing purposes shall be approved by a Traffic Bureau supervisor.

509.3 REGISTRATION OF BICYCLES RECENTLY SOLD OR TRANSFERRED

Whenever any person sells, trades, or disposes of any bicycle licensed within the City of Orange, he or she shall endorse a copy of the registration slip with his signature and also enter the name, address, and telephone number of the new owner. The new owner shall also endorse the ownership slip and deliver it to the appropriate licensing agency within ten days of the transfer (refer to the California Vehicle Code).

Note: This policy does not refer to the registration of bicycles, which are recently sold or transferred when a retail dealer is involved.

509.3.1 CHANGE OF ADDRESS

Whenever a bicycle licensee changes his place of residence, he or she is required to notify the appropriate licensing agency within ten (10) days of the change of address (refer to the California Vehicle Code).

509.3.2 LOST/STOLEN BICYCLE OWNERSHIP SLIP OR STATE BICYCLE REGISTRATION STICKER (REPLACEMENT FEE)

In the case of a lost or stolen ownership slip or registration sticker, which is reported to the Orange Police Department, the owner may be reissued a new ownership slip or sticker for a fee of \$2.00 (refer to the California Vehicle Code).

509.4 DISPOSITION OF FEES - RECORDS BUREAU RESPONSIBILITY

The Records Bureau manager or his or her designee shall audit and complete the City of Orange Sources of Revenue form (Form S-7), affixing the bicycle license numbers, total number of licenses issued, and total amount of money received on the form.

- (a) After signing the audit form, the person who is auditing shall give the form and money to the Finance Department

Chapter 6 - Investigation Operations

Investigation and Prosecution

600.1 PURPOSE AND SCOPE

The purpose of this policy is to set guidelines and requirements pertaining to the handling and disposition of criminal investigations.

600.2 POLICY

It is the policy of the Orange Police Department to investigate crimes thoroughly and with due diligence, and to evaluate and prepare criminal cases for appropriate clearance or submission to a prosecutor.

600.3 INITIAL INVESTIGATION

600.3.1 OFFICER RESPONSIBILITIES

An officer responsible for an initial investigation shall complete no less than the following:

- (a) Make a preliminary determination of whether a crime has been committed by completing, at a minimum:
 - 1. An initial statement from any witnesses or complainants.
 - 2. A cursory examination for evidence.
- (b) If information indicates a crime has occurred, the officer shall:
 - 1. Preserve the scene and any evidence as required to complete the initial and follow-up investigation.
 - 2. Determine if additional investigative resources (e.g., investigators or scene processing) are necessary and request assistance as required.
 - 3. If assistance is warranted, or if the incident is not routine, notify a supervisor or the Watch Commander.
 - 4. Make reasonable attempts to locate, identify and interview all available victims, complainants, witnesses and suspects.
 - 5. Collect any evidence.
 - 6. Take any appropriate law enforcement action.
 - 7. Complete and submit the appropriate reports and documentation.
- (c) If the preliminary determination is that no crime occurred, determine what other action may be necessary, what other resources may be available, and advise the informant or complainant of this information.

600.3.2 CIVILIAN EMPLOYEE RESPONSIBILITIES

A civilian employee 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.

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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 Investigative Services Division supervisor. Copies of recorded interrogations or interviews may be made in the same or a different format as the original recording, provided the copies are true, accurate and complete and are made only for authorized and legitimate law enforcement purposes.

Recordings should not take the place of a thorough report and investigative interviews. Written statements from suspects should continue to be obtained when applicable.

600.4.2 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.

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- (e) The interrogation would disclose the identity of a confidential informant or would jeopardize the safety of an officer, the individual being interrogated or another individual. Such circumstances shall be documented in a report.
- (f) A recording device fails despite reasonable maintenance and the timely repair or replacement is not feasible.
- (g) The questions are part of a routine processing or booking, and are not an interrogation.
- (h) The suspect is in custody for murder and the interrogation is unrelated to a murder. However, if any information concerning a murder is mentioned during the interrogation, the remainder of the interrogation shall be recorded.

The Department shall maintain an original or an exact copy of the recording until a conviction relating to the interrogation is final and all appeals are exhausted or prosecution is barred by law (Penal Code § 859.5).

600.5 DISCONTINUATION OF INVESTIGATIONS

The investigation of a criminal case or efforts to seek prosecution should only be discontinued if one of the following applies:

- (a) All reasonable investigative efforts have been exhausted, no reasonable belief that the person who committed the crime can be identified, and the incident has been documented appropriately.
- (b) The perpetrator of a misdemeanor has been identified and a warning is the most appropriate disposition.
 - 1. In these cases, the investigator shall document that the person was warned and why prosecution was not sought.
 - 2. Warnings shall not be given for felony offenses or other offenses identified in this policy or by law that require an arrest or submission of a case to a prosecutor.
- (c) The case has been submitted to the appropriate prosecutor but no charges have been filed. Further investigation is not reasonable nor has the prosecutor requested further investigation.
- (d) The case has been submitted to the appropriate prosecutor, charges have been filed, and further investigation is not reasonable, warranted, or requested, and there is no need to take the suspect into custody.
- (e) Suspects have been arrested, there are no other suspects, and further investigation is either not warranted, or requested.
- (f) Investigation has proven that a crime was not committed (see the Sexual Assault Investigations Policy for special considerations in these cases).

The Domestic Violence, Child Abuse Sexual Assault Investigations, and Senior and Disability Victimization policies may also require an arrest or submittal of a case to a prosecutor.

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600.6 COMPUTERS AND DIGITAL EVIDENCE

The collection, preservation, transportation and storage of computers, cell phones and other digital devices may require specialized handling to preserve the value of the related evidence. If it is anticipated that computers or similar equipment will be seized, officers should request that computer forensic examiners assist with seizing computers and related evidence. If a forensic examiner is unavailable, officers should take reasonable steps to prepare for such seizure and use the resources that are available.

600.7 INVESTIGATIVE USE OF SOCIAL MEDIA AND INTERNET SOURCES

Use of social media and any other Internet source to access information for the purpose of criminal investigation shall comply with applicable laws and policies regarding privacy, civil rights and civil liberties. Information gathered via the Internet should only be accessed by personnel while on-duty and for purposes related to the mission of this Department. If personnel encounters information relevant to a criminal investigation while off-duty or while using their own equipment, personnel should note the dates, times and locations of the information and report the discovery to their supervisor as soon as practicable. Personnel or others who have been assigned to do so, should attempt to replicate the finding when on-duty and using Department equipment. Information obtained via the Internet should not be archived or stored in any manner other than Department-established record keeping systems (see the Records Maintenance and Release and the Criminal Organizations policies).

600.7.1 ACCESS RESTRICTIONS

Information that can be accessed from any Department computer, without the need of an account, password, email address, alias or other identifier (unrestricted websites), may be accessed and used for legitimate investigative purposes without supervisory approval.

Accessing information from any Internet source that requires the use or creation of an account, password, email address, alias or other identifier, or the use of nongovernment IP addresses, requires supervisor approval prior to access. The supervisor will review the justification for accessing the information and consult with legal counsel as necessary to identify any policy or legal restrictions. Any such access and the supervisor approval shall be documented in the related investigative report.

Accessing information that requires the use of a third party's account or online identifier requires supervisor approval and the consent of the third party. The consent must be voluntary and shall be documented in the related investigative report.

Information gathered from any Internet source should be evaluated for its validity, authenticity, accuracy and reliability. Corroborative evidence should be sought and documented in the related investigative report.

Any information collected in furtherance of an investigation through an Internet source should be documented in the related report. Documentation should include the source of information and the dates and times that the information was gathered.

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600.7.2 INTERCEPTING ELECTRONIC COMMUNICATION

Intercepting social media communications in real time may be subject to federal and state wiretap laws. Officers should seek legal counsel before any such interception.

600.8 CELLULAR COMMUNICATIONS INTERCEPTION TECHNOLOGY

The Investigative Services Division Commander is responsible for ensuring the following for cellular communications interception technology operations (refer to the California Government Code):

- (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:
 - (a) The purposes for which using cellular communications interception technology and collecting information is authorized.
 - (b) 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.
 - (c) Training requirements necessary for those authorized employees.
 - (d) 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.
 - (e) Process and time period system audits.
 - (f) 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.
 - (g) 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.
 - (h) 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.

Personnel shall only use approved devices and usage shall be in compliance with Department security procedures, the Department's usage and privacy procedures and all applicable laws.

600.9 MODIFICATION OF CHARGES FILED

Personnel 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 detective supervisor's approval. Any authorized request to modify the charges or to recommend dismissal of charges shall be made to the prosecutor.

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600.10 USE OF CERTAIN DNA SAMPLES

Known samples of DNA collected from a victim of a crime or alleged crime, and known reference samples of DNA from any individual that were voluntarily provided for the purpose of exclusion are to be used only for the purpose directly related to the incident being investigated and in compliance with the procedures identified in Penal Code § 679.12.

600.11 ANTI-REPRODUCTIVE RIGHTS CRIMES

Personnel should take a report any time a person living within the jurisdiction of the Orange Police Department reports that the person has been a victim of an anti-reproductive rights crime as defined by Penal Code § 13776 and Penal Code § 423.3. This includes:

- (a) Taking a report, even if the location of the crime is outside the jurisdiction of this department or has not been determined (e.g., online harassment).
- (b) Providing the victim with the appropriate information, as set forth in the Victim and Witness Assistance Policy. Personnel should encourage the person to review the material and should assist with any questions.

A report should also be taken if a person living outside department jurisdiction reports an anti-reproductive rights crime that may have been committed or facilitated within this jurisdiction (e.g., use of a post office box in the [city/county] to facilitate the crime).

Personnel investigating an anti-reproductive rights crime should ensure that the case is referred to the appropriate agency if it is determined that this department should not be the investigating agency. The victim should be advised that the case is being transferred to the agency of jurisdiction. The appropriate entries should be made into any databases that have been authorized for department use and are specific to this type of investigation.

The Investigative Services Division supervisor should provide the Records Manager with enough information regarding the number of calls for assistance and number of arrests to meet the reporting requirements to the California Department of Justice as required by Penal Code § 13777. See the Records Bureau Policy for additional guidance.

Narcotic and Vice Special Investigation Funds

601.1 PURPOSE AND SCOPE

To establish a procedure for the proper use and maintenance of the Narcotics and Vice Unit "buy funds" and "flash funds."

Special Investigations Buy Funds - exist to permit detectives access to monies needed for narcotic and vice investigations. Specifically, it provides for the purchase of controlled substances and funds field investigations.

Special Investigations Flash Funds - exist to allow investigators the ability to utilize larger amounts of cash in furtherance of narcotic and vice investigations.

601.2 OBTAINING FUNDS FROM ASSET FORFEITURE ACCOUNT

- (a) When the account falls below \$500, the Vice and Narcotics Unit supervisor will draft a memorandum to the Finance Department, through the Chief of Police, requesting additional funds be drawn from the asset forfeiture account.
- (b) When requesting additional monies, the supervisor should consider obtaining enough monies to establish a balance of \$3,000.
- (c) The Finance Department will draft a check drawn from the asset forfeiture account, which will be cashed by the supervisor or his/her designee.

601.2.1 SECURITY OF THE SPECIAL INVESTIGATIONS BUY FUNDS

- (a) Special Investigations Buy Funds will be secured in the Special Investigations Safe, which will be retained in the Narcotics and Vice Unit Sergeant's Office. The safe will be locked at all times, other than when funds are being obtained, or when the supervisor is balancing the appropriate ledger.
- (b) The safe is secured with a combination lock. The combination for the safe will be retained by the unit supervisor and the respective division commander.
- (c) The combination of the safe shall not be released to any other person; unless there exists an immediate need to access Special Investigations Buy Funds and neither the unit supervisor nor division commander are available.

601.2.2 PROCEDURE FOR OBTAINING AND TRACKING FUNDS

- (a) All requests for the use of Special Investigations Buy Funds shall be approved by the unit supervisor, the division commander, or his/her designee.
- (b) The employee requesting Special Investigations Buy Funds will fill-out the Petty Cash Log, which will contain the date, DR#, location, activity, case agent, amount taken, amount used and the case agent's initials. The Petty Cash Log will be maintained by the unit supervisor, who will obtain the requested funds from the safe. The

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supervisor will remove the funds and check that the Petty Cash Log reflects the amount withdrawn.

- (c) If none of the funds withdrawn are expended, the supervisor will return the cash to the safe and complete the "Amount Used" section on the Petty Cash Log.

601.2.3 PROCEDURE FOR RECORDING THE USE OF SPECIAL INVESTIGATION BUY FUNDS

- (a) When Special Investigations Buy Funds are expended, the detective shall fill out an Expenditure of Secret Service Funds form (OPD Form N-8).
- (b) This form will be turned in to the unit supervisor upon the detective's return from the field, or as soon as practical. Form N-8 shall contain the date funds were expended, a DR number, the location where funds were spent and a brief narrative explaining the circumstances of the expenditure. The form shall also contain the amount of cash expended and the controlled substance that was obtained by the detective. Prior to submitting the form, the detective shall sign his/her name in the appropriate area.
- (c) The unit supervisor shall verify that the information contained on Form N-8 is accurate and sign in the appropriate space (below the employee's signature).
- (d) The unit supervisor shall place Form N-8 in the cash box, where it will be retained until the records are reconciled at the end of the month.

601.3 SUPERVISOR'S RESPONSIBILITY IN ACCOUNTING FOR THE EXPENDITURE OF FUNDS

- (a) The unit supervisor shall be responsible for recording the status of both the Special Investigations Buy Funds and Flash Funds to ensure that the correct balance is maintained.
- (b) The balance of each fund shall be maintained in a separate ledger. The supervisor shall balance the accounts at the end of each month.
- (c) The unit supervisor shall transfer the information contained on N-8 Forms to the account ledger. The ledger contains space for the date of the expenditure, nature of the investigation and amount spent. When all entries have been completed for the month, the unit supervisor shall ensure that the balance remaining in the cash box reflects the total listed for the reconciled line in the ledger.
- (d) Any discrepancies in the account total shall be rechecked for accuracy and if the account fails to balance, the division commander shall immediately be notified.

601.4 PROCEDURE FOR RETAINING SECRET SERVICE FUND (OPD FORM N-8) SLIPS

At the end of each month, all OPD N-8 Forms will be transferred to the file, which is retained in the Narcotic and Vice Unit Office. These forms shall be maintained for a period of five years, at which time they will be destroyed.

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601.5 PROCEDURE FOR THE USE OF THE SPECIAL INVESTIGATIONS FLASH FUND

- (a) The Special Investigations Flash Fund of \$25,000 is maintained in the Narcotics and Vice Unit Sergeant's Office.
- (b) All requests for the use of the Special Investigations Flash Fund shall be approved by the division commander.
- (c) No funds shall be expended from the Special Investigations Flash Fund without approval of the Chief of Police and the division commander. If expenditure from the fund is approved, all of the procedures within this policy for obtaining, tracking, accounting for the special investigation funds and the retention of N-8 Forms shall apply.

601.5.1 SECURITY OF THE SPECIAL INVESTIGATIONS FLASH FUND

- (a) The Special Investigations Flash Fund shall be secured in a safe separate from the Special Investigations Buy Funds. The flash fund will be secured in the Special Investigations Flash Fund Safe, which is maintained in the Narcotics and Vice Unit Sergeant's Office. The safe will be locked at all times, other than when the flash fund is being accessed, or when the supervisor is balancing the appropriate books.
- (b) The Special Investigations Flash Funds Safe is secured with a combination lock. The combination for the flash fund safe will be retained by the unit supervisor and the respective division commander. The combination for the Special Investigations Flash Funds Safe shall be different than the Special Investigations Buy Funds Safe.
- (c) The combination of the flash fund safe shall not be released to any other person; unless there exists an immediate need to access the Special Investigations Flash Fund and neither the unit supervisor nor the division commander are available and only when approved by the chief of police.

Sexual Assault Investigations

602.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the investigation of sexual assaults. These guidelines will address some of the unique aspects of such cases and the effects that these crimes have on the victims.

Mandatory notifications requirements are addressed in the Child Abuse and Senior and Disability Victimization policies.

602.1.1 DEFINITIONS

Definitions related to this policy include:

Sexual assault - Any crime or attempted crime of a sexual nature, to include, but not limited to, offenses defined in the California Penal Code.

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 Orange Police Department that its officers, 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. Retain form N-8 in the Administrative Analysis Office for 5 years.

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 Investigative Services Division supervisor should weigh the risk of alerting the suspect to the investigation with the need to protect the victim and the public, and to prevent more crimes.

602.6 TRAINING

Subject to available resources, periodic training will be provided to:

- (a) Personnel who are first responders. Training should include:
 - 1. Initial response to sexual assaults.
 - 2. Legal issues.
 - 3. Victim advocacy.
 - 4. Victim's response to trauma.
- (b) Qualified investigators who should receive advanced training on additional topics. Advanced training should include:
 - 1. Interviewing sexual assault victims.
 - 2. SART.
 - 3. Medical and legal aspects of sexual assault investigations.
 - 4. Serial crimes investigations.
 - 5. Use of community and other federal and state investigative resources, such as the Violent Criminal Apprehension Program (ViCAP).
 - 6. Techniques for communicating with victims to minimize trauma.

602.7 VICTIM INTERVIEWS

The primary considerations in sexual assault investigations, which begin with the initial call to the Communications Center, should be the health and safety of the victim, the preservation of evidence, and preliminary interviews to determine if a crime has been committed and to attempt to identify the suspect.

Whenever possible, personnel of SART should be included in the initial victim interviews. An in-depth follow-up interview should not be conducted until after the medical and forensic examinations are completed and the personal needs of the victim have been met (e.g., change of clothes, bathing). The follow-up interview may be delayed to the following day based upon the

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circumstances. Whenever practicable, the follow-up interview should be conducted by a qualified investigator.

No opinion of whether the case is unfounded shall be included in the report.

Victims shall not be asked or required to take a polygraph examination (refer to the U.S. Code and California Penal Code).

Victims should be apprised of applicable victim's rights provisions, as outlined in the Victim and Witness Assistance Policy.

602.7.1 VICTIM RIGHTS

Whenever there is an alleged sexual assault, the assigned officer shall accomplish the following:

- (a) Prior to the commencement of the initial interview, advise the victim in writing of the right to have a victim advocate and a support person of the victim's choosing present at any interview or contact by law enforcement, about any other rights of a sexual assault victim pursuant to the sexual assault victim card described in Penal Code § 680.2, and the right to have a person of the same or opposite gender present in the room during any interview with a law enforcement official unless no such person is reasonably available (Penal Code § 679.04).
- (b) If the victim is transported to a hospital for any medical evidentiary or physical examination, the officer shall immediately cause the local rape victim counseling center to be notified (Penal Code § 264.2).
 1. The officer shall not discourage a victim from receiving a medical evidentiary or physical examination (Penal Code § 679.04).
 2. A support person may be excluded from the examination by the officer or the medical provider if the support person's presence would be detrimental to the purpose of the examination (Penal Code § 264.2).

602.7.2 VICTIM CONFIDENTIALITY

Officers investigating or receiving a report of an alleged sex offense shall inform the victim, or the victim's parent or guardian if the victim is a minor, that his/her name will become a matter of public record unless the victim requests that his/her name not be made public. The reporting officer shall document in his/her report that the victim was properly informed and shall include any related response made by the victim, or if a minor, any response made by the victim's parent or guardian (refer to the California Penal Code).

Except as authorized by law, personnel of this department shall not publicly disclose the name of any victim of a sex crime who has exercised his/her right to confidentiality (refer to the California Penal Code).

602.8 COLLECTION AND TESTING OF BIOLOGICAL EVIDENCE

Whenever possible, a SART member should be involved in the collection of forensic evidence from the victim.

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When the facts of the case indicate that collection of biological evidence is warranted, it should be collected regardless of how much time has elapsed since the reported assault.

If a drug-facilitated sexual assault is suspected, urine and blood samples should be collected from the victim as soon as practicable.

Subject to requirements set forth in this policy, biological evidence from all sexual assault cases, including cases where the suspect is known by the victim, should be submitted for testing.

Victims who choose not to assist with an investigation, do not desire that the matter be investigated or wish to remain anonymous may still consent to the collection of evidence under their control. In these circumstances, the evidence should be collected and stored appropriately.

602.8.1 COLLECTION AND TESTING REQUIREMENTS

Personnel 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 the California Penal Code. Generally, sexual assault kits should be submitted to the crime lab within 20 days after being booked into evidence (refer to the California Penal Code).

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 sexual assault kit evidence has been created in the California Department of Justice (DOJ) SAFE-T database within 120 days of collection and should further ensure that the results of any such test have been timely entered into and checked against both the DOJ Cal-DNA database and the Combined DNA Index System (CODIS) (refer to the California Penal Code).

If the assigned officer determines that a 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 (refer to the California Penal Code).

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 (refer to the California Penal Code).

Additional guidance regarding evidence retention and destruction is found in the Property and Evidence Policy.

602.8.2 DNA TEST RESULTS

A SART member should be consulted regarding the best way to deliver biological testing results to a victim so as to minimize victim trauma, especially in cases where there has been a significant delay in getting biological testing results (e.g., delays in testing the evidence or delayed DNA databank hits). Personnel should make reasonable efforts to assist the victim by providing

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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, personnel investigating sexual assault cases shall inform the victim of the status of the DNA testing of any evidence from the victim's case (Penal Code § 680).
 1. Although such information may be communicated orally, the assigned officer should thereafter follow-up with and retain a copy of confirmation by either written or electronic mail.
 2. Absent a written request, no member of this department is required to, but may, communicate with the victim or the victim's authorized designee regarding the status of any DNA testing.
- (b) Sexual assault victims shall further have the following rights (Penal Code § 680):
 1. To be informed if a DNA profile of the assailant was obtained from the testing of the SAFE kit or other crime scene evidence from their case.
 2. To be informed if there is a confirmed match between the DNA profile of the assailant developed from the evidence and a DNA profile contained in the DOJ Convicted Offender DNA Database, providing that disclosure would not impede or compromise an ongoing investigation.
 3. To be informed if the DNA profile of the assailant developed from the evidence has been entered into the DOJ Databank or the federal Department of Justice or Federal Bureau of Investigation CODIS database of case evidence.
 4. To access the DOJ SAFE-T database portal consistent with Penal Code § 680.3(e) for information involving their own forensic kit and the status of the kit.
- (c) Provided that the sexual assault victim or the victim's authorized designee has kept the assigned officer informed with regard to current address, telephone number, and email address (if available), any victim or the victim's authorized designee shall, upon request, be advised of any known significant changes regarding the victim's case (Penal Code § 680).
 1. Although such information may be communicated orally, the assigned officer should thereafter follow-up with and retain a copy of confirmation by either written or electronic mail.
 2. No officer shall be required or expected to release any information which might impede or compromise any ongoing investigation.

602.8.3 STANDARDIZED SEXUAL ASSAULT FORENSIC MEDICAL EVIDENCE KIT

The Property and Evidence supervisor should make California standardized sexual assault forensic medical evidence (SAFE) kits available to personnel who may investigate sexual assault cases. Personnel investigating a sexual assault should use these SAFE kits when appropriate and follow related usage guidelines issued by the California Clinical Forensic Medical Training Center (Penal Code § 13823.14).

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602.8.4 COLLECTION OF DNA REFERENCE SAMPLES

Reference samples of DNA collected directly from a victim of sexual assault, and reference samples of DNA collected from any individual that were voluntarily provided for the purpose of exclusion, shall be protected as provided in Penal Code § 679.12 (Penal Code § 680).

602.9 DISPOSITION OF CASES

If the assigned investigator has reason to believe the case is without merit, the case may be classified as unfounded only upon review and approval of the Investigative Services Division supervisor.

Classification of a sexual assault case as unfounded requires the Investigative Services Division 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.

Asset Forfeiture

603.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure, forfeiture and liquidation of property associated with designated offenses.

603.1.1 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 Orange Police Department seizes property for forfeiture or when the Orange 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 personnel 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 (refer to the California Health and Safety Code):
 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 the California Health and Safety Codes (drug houses) when the property was not used as a family residence or for other lawful purposes, or property owned by two or more persons, one of whom had no knowledge of its unlawful use.
 5. The expenses of seizing, eradicating, destroying or taking remedial action with respect to any controlled substance or its precursors upon conviction for the unlawful manufacture or cultivation of any controlled substance or its precursors.
- (b) Property related to criminal profiteering (may include gang crimes), to include (refer to the California Penal Code):

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1. Any property interest, whether tangible or intangible, acquired through a pattern of criminal profiteering activity.
2. All proceeds acquired through a pattern of criminal profiteering activity, including all things of value that may have been received in exchange for the proceeds immediately derived from the pattern of criminal profiteering activity.

Seizure - The act of law enforcement officials taking property, cash or assets that have been used in connection with or acquired by specified illegal activities.

603.1.2 POLICY

It shall be the policy of this department that its officers shall comply with the California Health and Safety Code and the California District Attorneys Association Asset Seizure and Forfeiture Manual when handling asset seizure and forfeiture matters.

603.1.3 OVERVIEW

Forfeiture is the taking by the government of property, which is illegally used or obtained, without compensating the owner. California law provides that certain kinds of property may be forfeited under specified circumstances. The circumstances differ for each type of property, but in general, property may be subject to forfeiture if it is used to "facilitate" drug trafficking or if it is "proceeds traceable" to drug trafficking. Facilitation means involved or used to make drug trafficking easier, while proceeds refers to monies or things acquired directly from illegal drug transactions or which can be traced back to drug transactions.

In all contested forfeiture actions, someone must be convicted in an underlying or related criminal action of a California drug trafficking offense. There are no grounds for forfeiture without a criminal conviction, unless there is a disclaimer or in cases of cash in excess of \$25,000.

603.2 POLICY

The Orange 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 Orange 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.

603.2.1 SPECIAL GUIDELINES APPLICABLE TO AUTOMOBILES

(a) Currency:

1. Currency, negotiable instruments and securities are most commonly subject to seizure and forfeiture proceedings. If currency is used or intended to be used to facilitate drug dealing, if it is exchanged or intended to be exchanged in a drug transaction, or if it can be traced back to a drug transaction or enterprise, it is subject to forfeiture.

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- (b) Vehicles, boats and airplanes:
 - 1. Vehicles, boats and airplanes are subject to forfeiture if they are used as an instrument to facilitate the sale or possession for sale of controlled substances, with the following minimum weight requirements,
 - (a) 14.25 grams (half ounce) or more of a substance containing heroin or cocaine base,
 - (b) 57 grams (two ounces) or more of a substance containing cocaine, methamphetamine,
 - (c) 10 pounds of marijuana (dry weight), peyote or psilocybin mushrooms,
 - (d) **Note:** Only 28.5 grams (one ounce) of "pure" powder cocaine or methamphetamine is required, but as a practical matter it is highly unlikely the seized substance will be 100% "pure."
 - 2. Vehicles, boats and airplanes are also subject to forfeiture if they can be traced back to an exchange for a controlled substance. This applies to vehicles, boats or airplanes that are exchanged for drugs or purchased with the proceeds of a drug transaction. Changing the character of the property or commingling drug proceeds with legitimate property does not affect the ability to forfeit, but it can have an impact on the amount of evidence that is required to proceed in the civil matter.
- (c) Real estate:
 - (a) Real property may be forfeited under the exchange or proceeds traceable to an exchange theory. However, property which is used as a family residence or for other lawful purposes, or which is owned by two or more persons, one of whom had no knowledge of its unlawful use, shall not be subject to forfeiture,
 - (b) Real property subject to forfeiture may not be seized, absent exigent circumstances, without notice to the interested parties and a hearing to determine that seizure is necessary to preserve the property pending the outcome of the proceedings.

603.3 ASSET SEIZURE

Property may be seized for forfeiture as provided in this policy.

603.3.1 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 (refer to the California Health and Safety Code):
 - 1. The property subject to forfeiture is legally seized incident to an arrest.

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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 (refer to the California Penal Code).

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.

603.3.2 PROPERTY NOT SUBJECT TO SEIZURE

The following property should not be seized for forfeiture:

- (a) Cash and Property falling below the minimum threshold set by the prosecutorial agency should not be seized.
- (b) Real property is not subject to seizure, absent exigent circumstances, without a court order (refer to the California Health and Safety Code).
- (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 (refer to the California Health and Safety Code).
- (d) Vehicles, boats or airplanes owned by an "innocent owner," such as a common carrier with no knowledge of the suspected offense (refer to the California Health and Safety Code).
- (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 (refer to the California Health and Safety Code).

603.4 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) The officer should book the seized property or cash and notify the Special Investigation Sergeant of the arrest.

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The officer will book seized property as evidence with the notation in the comment section of the property form, "Seized Subject to Forfeiture." Property seized subject to forfeiture should be booked on a separate property form. No other evidence from the case should be booked on this form.

Photographs should be taken of items seized, particularly cash, jewelry and other valuable items.

Officers who suspect property may be subject to seizure but are not able to seize the property (e.g., the property is located elsewhere, the whereabouts of the property is unknown, it is real estate, bank accounts, non-tangible assets) should document and forward the information in the appropriate report to the forfeiture reviewer.

603.4.1 FEDERAL ASSET FORFEITURES

- (a) All state and local agencies, which request a federal adoption, must submit a Request for Adoption of State or Local Seizure form. Adoption requests must be made to the Drug Enforcement Agency (DEA) within 30 days from the date of initial seizure.
- (b) If the state is proceeding with criminal prosecution, you will be required to provide the case number and name of the Deputy District Attorney assigned to the case. A letter from the County District Attorney, on their official letterhead addressed to the DEA Sacramento, declining to proceed against forfeiture of the asset is required and if the asset was seized pursuant to a search warrant, a Release Order, signed by a magistrate, must accompany the Letter of Declination.
- (c) The DEA will not accept custody of an asset until the request for adoption has been approved. Adopted assets must be placed into Federal custody within ten days of the approval date. All currency seizures shall be converted into cashiers check, made payable to the U.S. Marshals Service and submitted to the DEA. The U.S. Marshals Service will make arrangements to take custody of all other assets, such as vehicles.
- (d) A U.S. DAG-71 form must be submitted in order to receive a share of the forfeited asset and must arrive at the DEA within 60 days of adoption (not seizure date).
- (e) Federal guidelines and state law differ regarding asset seizure and forfeiture. The DEA or United States Attorney's Office should be consulted when considering a federal adoption to ensure thresholds are satisfied

603.5 MAINTAINING SEIZED PROPERTY

The Property and Evidence Supervisor is responsible for ensuring compliance with the following:

- (a) All property received for forfeiture is reasonably secured and properly stored to prevent waste and preserve its condition.
- (b) All property received for forfeiture is checked to determine if the property has been stolen.
- (c) All property received for forfeiture is retained in the same manner as evidence until forfeiture is finalized or the property is returned to the claimant or the person with an ownership interest.

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- (d) Property received for forfeiture is not used unless the forfeiture action has been completed.

603.6 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 the California Health and Safety Code and California Penal Code 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 the California Health and Safety Code.
- (e) Ensuring that responsibilities, including the designation of a fiscal agent, are clearly established whenever multiple agencies are cooperating in a forfeiture case.
- (f) Ensuring that seizure forms are available and appropriate for department use. These should include notice forms, a receipt form and a checklist that provides relevant guidance to officers. The forms should be available in languages appropriate for the region and should contain spaces for:
 - 1. Names and contact information for all relevant persons and law enforcement officers involved.
 - 2. Information as to how ownership or other property interests may have been determined (e.g., verbal claims of ownership, titles, public records).
 - 3. A space for the signature of the person from whom cash or property is being seized.
 - 4. A tear-off portion or copy, which should be given to the person from whom cash or property is being seized, that includes the legal authority for the seizure, information regarding the process to contest the seizure and a detailed description of the items seized.
- (g) Ensuring that officers who may be involved in asset forfeiture receive training in the proper use of the seizure forms and the forfeiture process. The training should be developed in consultation with the appropriate legal counsel and may be accomplished through traditional classroom education, electronic media, Daily Training Bulletins (DTBs) or Department Directives. The training should cover this policy and address any relevant statutory changes and court decisions.
- (h) Reviewing each asset forfeiture case to ensure that:

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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 (refer to the California Health and Safety Code).
 4. Property is promptly released to those entitled to its return (refer to the California Health and Safety Code).
 5. All changes to forfeiture status are forwarded to any supervisor who initiates a forfeiture case.
 6. Any cash received is deposited with the fiscal agent.
 7. Assistance with the resolution of ownership claims and the release of property to those entitled is provided.
 8. Current minimum forfeiture thresholds are communicated appropriately to officers.
 9. This policy and any related policies are periodically reviewed and updated to reflect current federal and state statutes and case law.
- (i) Ensuring that a written plan that enables the Chief of Police to address any extended absence of the forfeiture reviewer, thereby ensuring that contact information for other law enforcement officers and attorneys who may assist in these matters is available.
 - (j) Ensuring that the process of selling or adding forfeited property to the department's regular inventory is in accordance with all applicable laws and consistent with the department's use and disposition of similar property.
 - (k) Keeping a manual that details the statutory grounds for forfeitures and department procedures related to asset forfeiture, including procedures for prompt notice to interest holders, the expeditious release of seized property, where appropriate, and the prompt resolution of claims of innocent ownership (refer to the California Health and Safety Code).
 - (l) Providing copies of seized business records to the person or business from whom such records were seized, when requested (refer to the California Health and Safety Code).
 - (m) Notifying the California Franchise Tax Board when there is reasonable cause to believe that the value of seized property exceeds \$5,000.00 (refer to the California Health and Safety Code).

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 (refer to the California Health and Safety Code).

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603.7 DISPOSITION OF FORFEITED PROPERTY

Forfeited funds distributed under the California Health and Safety Code 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 (refer to the California Health and Safety Code).

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 (refer to the California Health and Safety Code).

603.7.1 RECEIVING EQUITABLE SHARES

When participating in a joint investigation with a federal agency, the Orange 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 the California Health and Safety Code 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.

603.8 CLAIM INVESTIGATIONS

An investigation shall be made as to any claimant of a vehicle, boat or airplane whose right, title, interest or lien is on the record in the Department of Motor Vehicles or in an appropriate federal agency. If investigation reveals that any person, other than the registered owner, is the legal owner, and that ownership did not arise subsequent to the date and time of arrest or notification of the forfeiture proceedings or seizure of the vehicle, boat or airplane, notice shall be made to the legal owner at his/her address appearing on the records of the Department of Motor Vehicles or the appropriate federal agency (refer to the California Health and Safety Code).

Informants

604.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use of informants.

604.1.1 POLICY

It shall be the policy of this department that police officers shall only use a cooperating individual with the prior approval of a division commander or his/her designee. Officers shall adhere to the rules and regulations for informants use as set forth in this policy.

604.1.2 DEFINITIONS

Cooperating Individual - is any person who knowingly provides information to law enforcement related to another's criminal activity, whose motivations for doing so are other than that of an uninvolved witness, victim, or private citizen primarily acting through a sense of civic responsibility. As a general rule, a CI expects some benefit or consideration for himself, herself, or another person in exchange for his/her cooperation.

Defendant Cooperating Individual - is generally one who has been arrested and/or may be prosecuted in a criminal matter, including probation and/or parole violations. A defendant CI provides information in hope of receiving a benefit or consideration on his/her pending criminal matter.

In-Custody Cooperating Individual - is an inmate who provides information or testifies about matters another defendant told him/her while both are in custody. The California Penal Code govern their use.

Paid Cooperating Individual - is an individual who receives compensation from law enforcement in return for information regarding criminal activity.

Citizen Cooperating Individual - is a person who cooperates with law enforcement out of a sense of civic responsibility, without requesting any form of compensation.

Investigative Officer- means the law enforcement officer or officers who are directly working with the CI. The investigating officer shall comply with the rules and regulations set forth in this policy.

OCCII Coordinator - is the Deputy District Attorney (DDA) who maintains a file on the CI, and coordinates communication between the law enforcement agency and the DDA responsible for prosecuting the CI. (OCCII Orange County Cooperating Individual Index)

Responsible Deputy District Attorney - includes the DDA handling the CI's case or an Assistant District Attorney in charge of the unit responsible for the prosecution of the CI or any cases he/she generated.

Benefit - includes any consideration or advantage a CI receives in exchange for information and/or participation in a criminal investigation. A benefit or consideration may include:

- (a) **Financial** - payment of any kind, such as room and board, payment of debts, cash,

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- (b) Custody - leniency in arrest or booking, such as receiving an O.R. release,
- (c) Charging - leniency shown in the filing of charges and enhancements, including non-filing of charges,
- (d) Delays - continuances in arraignments, preliminary hearings, pre-trials and sentencing,
- (e) Disposition - dismissal or reduction in charges, custody time, probation terms and length, favorable input by the DDA and/or investigating officer at sentencing,
- (f) Immunity - exempt from prosecution,
- (g) Intervention - favorable action with other governmental agencies, such as DMV, INS, IRS, or employers.

604.1.3 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 Orange Police Department for law enforcement purposes. This also includes a person agreeing to supply information to the Orange Police Department for a benefit (e.g., a quid pro quo in the form of a reduced criminal penalty, money).

604.2 SUPERVISOR RESPONSIBILITIES

- (a) The division commander (or designee) and the unit supervisor of the officer handling the CI shall approve of using the CI prior to any active participation or cooperation.
- (b) The division commander (or designee) and the supervisor of the unit using the CI shall monitor the case(s) in which the subject is cooperating to ensure that the handling officer and CI are in compliance with the rules and regulations set forth in this policy.
- (c) The division commander (or designee) and the supervisor of the unit working with the CI shall approve all letters for consideration sent to the OCCII coordinator.
- (d) The Special Investigative Unit shall maintain the police department's files for all CIs.

604.3 POLICY

The Orange 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.

604.4 USE OF INFORMANTS

604.4.1 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.

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Personnel of this department should not guarantee absolute safety or confidentiality to an informant.

604.4.2 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 (refer to the California Penal Code)
- (d) The Chief of Police or the authorized designee

604.4.3 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.

604.5 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 Investigations Unit- SIU 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 Orange Police Department, and that they shall not represent themselves as such.
- (d) The relationship between department officers and informants shall always be ethical and professional.
 - (a) Officers shall not become intimately involved with an informant.
 - (b) Social contact shall be avoided unless it is necessary to conduct an official investigation, and only with prior approval of the Special Investigations Unit- SIU supervisor.
 - (c) Officers shall neither solicit nor accept gratuities or engage in any private business transaction with an informant.

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- (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 Investigations Unit-SIU supervisor.
 - (a) 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, a voucher shall be completed in advance, itemizing the expenses.
- (h) Since the decision rests with the appropriate prosecutor, officers shall not promise that the informant will receive any form of leniency or immunity from criminal prosecution.

604.5.1 UNSUITABLE INFORMANTS

The suitability of any informant should be considered before engaging him/her in any way in a covert or other investigative process. Officers who become aware that an informant may be 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 officer. 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.

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604.6 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 officers or the reliability of the informant.

Informant files shall be maintained in a secure area within the Special Investigations Unit- SIU. The Special Investigations Unit- SIU 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 Investigations Unit- SIU supervisor or their authorized designees.

The Investigative Services 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 Investigations Unit- SIU 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.

604.6.1 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

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604.7 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 Investigations Unit- SIU supervisor will discuss the above factors with the Investigative Services Division Commander and recommend the type and level of payment subject to approval by the Chief of Police.

604.7.1 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 Investigations Unit-SIU buy/expense fund.
 1. The Special Investigations Unit- SIU supervisor shall sign the voucher for cash payouts from the buy/expense fund.
- (b) Payments exceeding \$500 shall be made by issuance of a check, payable to the officer who will be delivering the payment.
 - (a) The check shall list the case numbers related to and supporting the payment.
 - (b) A written statement of the informant's involvement in the case shall be placed in the informant's file.
 - (c) The statement shall be signed by the informant verifying the statement as a true summary of his/her actions in the case.
 - (d) Authorization signatures from the Chief of Police and the City Manager are required for disbursement of the funds.
- (c) To complete the payment process for any amount, the officer delivering the payment shall complete a cash transfer form.
 1. The cash transfer form shall include the following:
 - (a) Date
 - (b) Payment amount
 - (c) Orange Police Department case number
 - (d) A statement that the informant is receiving funds in payment for information voluntarily rendered.

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2. The cash transfer form shall be signed by the informant.
3. The cash transfer form will be kept in the informant's file.

604.7.2 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 (refer to the Code of Federal Regulations). 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 (refer to the Code of Federal Regulations), then IRS Form 1099 should not be issued.

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.

604.7.3 AUDIT OF PAYMENTS

The Special Investigations Unit- SIU 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 six months, 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.

Pawn Slips

605.1 PURPOSE AND SCOPE

To establish departmental procedure for processing pawn slips.

605.2 PROCEDURE

The handling of suspected lost or stolen property located at a pawnbroker, secondhand dealer or coin dealer shall follow the procedures outlined in the California Business and Professions Code, et sec. Whenever any peace officer has probable cause to believe that property, except coins, monetized bullion, or "commercial grade ingots" as defined in the California Business and Professions Code, is in the possession of a pawnbroker, secondhand dealer, or coin dealer [hereafter referred to as a pawnbroker] is stolen, the peace officer may place a hold on the property for a period not to exceed 90 days. When a peace officer places a hold on the property, the peace officer shall give the pawnbroker, a written notice at the time the hold is placed, describing the item or items to be held. During that period, the pawnbroker shall not release or dispose of the property, except pursuant to a court order or upon receipt of a written authorization signed by any peace officer who is a member of the law enforcement agency of which the peace officer placing the hold on the property is a member.

Whenever property that is in the possession of a pawnbroker, whether or not the property has been placed on hold, is required by a peace officer in a criminal investigation, the pawnbroker, upon reasonable notice, shall produce the property at reasonable times and places or may deliver the property to the peace officer upon the request of any peace officer.

NOTE: Nothing in this Policy Manual shall be construed to alter the authority of a peace officer to seize property pursuant to any other provision of statutory or case law.

605.2.1 RESPONSIBILITY OF THE PAWN DETAIL INVESTIGATOR(S)

- (a) It shall be the responsibility of the Property Crimes sergeant, or their designee, to receive and distribute all pawn slips.
 1. Local pawn slips (OPD Form P-24) shall be distributed by the Pawn Detail investigator(s) as follows:
 - (a) **Original (white) copy** - Directed to the Property Crimes sergeant or their designee for computer entry on serialized property and then is to be returned to Investigative Services Division secretary for filing by the name of the party pawning the property.
 - (b) **Pink copy** - To Pawn Slip File in the Investigative Services Division; filed by the date the property was pawned and/or the date the 90 day hold expires.
 - (c) **Yellow copy** - If the property was pawned outside the City of Orange, the yellow copy will be mailed by the Investigative Services Division secretary to the police department wherein the pawner resides.

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- (b) Whenever a law enforcement agency has knowledge that property in the possession of a pawnbroker has been reported as lost or stolen, the law enforcement agency shall notify, in writing, the person who reported the property as lost or stolen of the following:
 - (a) The name, address and telephone number of the pawnbroker, who is known to possess the property or has reported acquisition of the property,
 - (a) If the person who reported the property lost or stolen does not choose to participate in the prosecution of an identified alleged thief that person shall pay the pawnbroker the "out-of-pocket" expenses paid in the acquisition of the property in return for the surrender of the property.
 - (b) A copy of the notice, with the address of the person who reported the property as lost or stolen deleted, will be mailed to the pawnbroker in possession of the property.
- (c) When property that is in the possession of a pawnbroker is subject to a hold as provided above, and the property is no longer required for the purpose of a criminal investigation, the law enforcement agency that placed the hold on the property shall release the hold on the property. When the law enforcement agency has knowledge that the property has been reported lost or stolen, the law enforcement agency shall then make notification to the person who reported the property as lost or stolen pursuant as described above.
- (d) When property that is in the possession of a pawnbroker is subject to a hold as provided above, and the property is no longer required for the purpose of a criminal investigation, the law enforcement agency that placed the hold on the property shall release the hold on the property. When the law enforcement agency has knowledge that the property has been reported lost or stolen, the law enforcement agency shall then make notification to the person who reported the property as lost or stolen.
- (e) If a pledgor seeks to redeem property that is subject to a hold, the pawnbroker shall advise the pledger of the name of the peace officer who placed the hold on the property and the name of the law enforcement agency of which the officer is a member. If the property is not required to be held pursuant to a criminal prosecution the hold shall be released.

605.2.2 RESPONSIBILITY OF RECORDS BUREAU PERSONNEL

- (a) NCIC Checks
 - 1. It shall be the responsibility of the Property Crimes sergeant, or their designee, to enter all serialized property, from all local pawnshops, into NCIC.
 - 2. All serialized or identifiable property shall be queried via NCIC.
- (b) NCIC "Hits" on Pawned Property
 - 1. Records Bureau personnel shall notify the Property Crimes sergeant, or their designee, of any NCIC "hits" on pawned property as soon as practicable.

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Pawn Slips

605.3 PAWN SLIP HOLDS

- (a) All pawn slip holds should be marked and filed by the date received and/or the date that constitutes the end of the 90 day hold on the property.
- (b) It shall be the responsibility of the Property Crimes investigator to notify the pawnshop owner, in writing, of any police hold(s) placed on any pawned property in OPD's custody.
- (c) It shall be the responsibility of the Property Crimes investigator requesting the police hold to make a disposition on the property within 90 days by one of the following means:
 - 1. "Known" Stolen Property
 - (a) Depending upon the severity of the crime, the investigator may confiscate the property and hold it for evidence and court disposition.
 - (b) In cases where a complaint was obtained, or denied, and ownership of the confiscated property is in question, then the property should be retained by the pawnbroker and held pending a court disposition.
 - (c) In cases where a complaint is issued and later dismissed, the property will be held by the pawnbroker pending its disposition through court.
 - 2. "Suspected" Stolen Property
 - (a) Place a hold on the suspected stolen property and make a positive identification as soon as practicable, but no later than 90 days.
 - (b) If no identification can be made, the property reverts back to the pawn owner upon release of the hold, or after 90 days and no identification has been made.

Eyewitness Identification

606.1 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when personnel of this department employ eyewitness identification techniques (refer to California Penal Code 859.7).

606.1.1 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 - Means the administrator of an eyewitness identification procedure does not know the identity of the suspect.

606.2 POLICY

The Orange 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.

606.3 INTERPRETIVE SERVICES

Personnel should make a reasonable effort to arrange for an interpreter before proceeding with eyewitness identification if communication with a witness is impeded due to language or hearing barriers.

Before the interpreter is permitted to discuss any matter with the witness, the investigating personnel 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.

606.4 EYEWITNESS IDENTIFICATION PROCESS AND FORM

The Investigative Services Division supervisor shall be responsible for the development and maintenance of an eyewitness identification process for use by personnel when they are conducting eyewitness identifications.

The process should include appropriate forms or reports that provide (Penal Code § 859.7):

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- (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) 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.

606.5 EYEWITNESS IDENTIFICATION

Personnel 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.

Personnel should avoid mentioning that:

- The individual was apprehended near the crime scene.
- The evidence points to the individual as the suspect.
- Other witnesses have identified or failed to identify the individual as the suspect.

In order to avoid undue influence, witnesses should view suspects or a lineup individually and outside the presence of other witnesses. Witnesses should be instructed to avoid discussing details of the incident or of the identification process with other witnesses.

Whenever feasible, the eyewitness identification procedure should be audio and/or video recorded and the recording should be retained according to current evidence procedures.

606.6 DOCUMENTATION

A thorough description of the eyewitness process and the result of any eyewitness identification should be documented in the case report.

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If a photographic lineup is utilized, a copy of the photographic lineup presented to the witness should be included in the case report. In addition, the order in which the photographs were presented to the witness should be documented in the case report.

606.6.1 DOCUMENTATION RELATED TO RECORDINGS

Handling personnel shall document the reason that a video recording or any other recording of an identification was not obtained (Penal Code § 859.7).

606.6.2 DOCUMENTATION RELATED TO BLIND ADMINISTRATION

If a presentation of a lineup is not conducted using blind administration, the handling member shall document the reason (Penal Code § 859.7).

606.7 PHOTOGRAPHIC LINEUP AND LIVE LINEUP CONSIDERATIONS

When practicable, personnel presenting the lineup should not be involved in the investigation of the case or know the identity of the suspect. In no case should personnel 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).

Personnel 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, investigating personnel should contact the appropriate prosecuting attorney before proceeding.

606.7.1 OTHER SAFEGUARDS

Witnesses should be asked for suspect descriptions as close in time to the incident as possible and before conducting an eyewitness identification. No information concerning a suspect should be given prior to obtaining a statement from the witness describing how certain he/she is of the identification or non-identification. Personnel should not say anything to a witness that may validate or invalidate an eyewitness' identification. In photographic lineups, writings or information concerning any previous arrest of a suspect shall not be visible to the witness (Penal Code § 859.7).

606.8 FIELD IDENTIFICATION CONSIDERATIONS

Field identifications, also known as field elimination show-ups or one-on-one identifications, may be helpful in certain cases, where exigent circumstances make it impracticable to conduct a photo or live lineup identifications. A field elimination or show-up identification should not be used when

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independent probable cause exists to arrest a suspect. In such cases a live or photo lineup is the preferred course of action if eyewitness identification is contemplated.

When initiating a field identification, the investigating personnel 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:
 - (a) The length of time the witness observed the suspect.
 - (b) The distance between the witness and the suspect.
 - (c) Whether the witness could view the suspect's face.
 - (d) The quality of the lighting when the suspect was observed by the witness.
 - (e) Whether there were distracting noises or activity during the observation.
 - (f) Any other circumstances affecting the witness's opportunity to observe the suspect.
 - (g) 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, the investigating personnel 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.

Sex, Narcotic and Arson Offender Registrants

607.1 PURPOSE AND SCOPE

To establish registration procedures for the following:

- (a) Sex Offender "registrant" per the California Penal Code.
- (b) Narcotic Offender "registrants" per the California Health and Safety Code.
- (c) Arson "registrant" per the California Penal Code.

607.2 PROCEDURE FOR SEX OFFENDER REGISTRANTS (GOLD FORM)

- (a) Registrants may register on dates and times determined by the Investigative Services Division.
- (b) When a person comes to the OPD to register as a sex offender (refer to the California Penal Code), the Department of Justice form CJIS 8102s shall be filled out by the registrant. If it is the registrant's first time to register with the Orange Police Department the registrant shall fill out in addition to the 8102s and 8047s form. A signature and right thumb print shall be on all pages of either form. The original 8047s form will be mailed to the DOJ with a copy for the O.P.D. file.
- (c) The Police LEA (Law Enforcement Administrator) to CSAR will check the completed form for accuracy and required information and update the information in CSAR. A printed copy of the face page in CSAR showing it has been updated will be included with the form. The form must have a verification stamp with initials and date of CSAR entry on it.
- (d) If the registrant has a prior O.P.D. DR number and is fulfilling their annual or 30 day transient update, that same case number will be used for further updates. If no prior DR number has been assigned, then a new DR number will be issued to document the registration and reused for further updates.
- (e) The registrant shall then be photographed and fingerprinted by the assigned Police LEA.
 - 1. Photographs needed to be taken are from front face view with the O.P.D. information board, front face view without the board and all tattoos. The information board shall include the type of registration, DR number, registrant's name and DOB.
 - 2. Fingerprints will be done through "LIVSCAN" or on the D.O.J. BC11-5 card. If using the fingerprint card the original card must be mailed to D.O.J. attention CSAR. A copy of the card placed in the registrant's O.P.D. file.
 - 3. The photograph must be entered into CSAR.
 - 4. **NOTE:** If a "Fingerprint Card" is already on file then no additional prints are required.
- (f) The assigned Police LEA shall complete two registration receipts for the annual registrants. One registration receipt form will be marked "Temporary" and given to the

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registrant at the time they update. The other receipt will be marked "Permanent" and mailed to the registrant's address listed on the 8102s form.

- (g) the 8102s form and a copy of the 8047 form are given to the police Records Bureau to be processed and entered in to the RMS system including the photo of the registrant.
- (h) The Police LEA assigned to the registrants shall monitor the status of all offenders for any violations. If an offender is out of compliance the Police LEA is responsible to prepare the court package to be submitted to the District Attorney's Office for filing. The Police LEA may make arrangements and prepare needed paperwork for annual compliance checks on residential registrants.

607.3 NARCOTICS OFFENDER REGISTRANT

- (a) Registrants may register on dates and times determined by the Investigative Services Division.
- (b) When a person comes to the O.P.D. to register as a narcotic offender (refer to the California Health and Safety Code) the registrant will complete the D.O.J. form CJIS 8102N (green form).
- (c) The Police LEA assigned to the registrants will check the form for accuracy.
- (d) The registrant shall then be photographed and fingerprinted in the same process stated above in policy subsection 607.2 (e).
- (e) If the registrant does not already have a DR number assigned to their case a new DR number will be issued to their case.
- (f) A receipt titled HS 11590 or ARSON will be filled out and issued to the registrant. If the registrant is living at a residence, they will be given a receipt marked "Temporary" at the time of registration. A second receipt marked "Permanent" will be mailed to the address listed on the 8102N form.
- (g) The completed form is given to records to be processed and entered in to the RMS system. The NARCOTIC OFFENDER information does not get entered in to CSAR.

607.4 ARSON OFFENDER REGISTRANT

- (a) Registrants may register on Mondays and Wednesdays from 0800 to 1030 hours. Excluding holidays. No appointment needed.
- (b) When the person comes to OPD to register as an Arson Offender (refer to the California Penal Code) the registrant will complete the CJIS DOJ form 8102A (gray form).
- (c) The Police LEA assigned to the registrants will check the form for accuracy. If the registrant does not already have an assigned DR number one will be assigned.
- (d) The registrant shall then be photographed and fingerprinted in the same process stated above in policy subsection 607.2 (e). The Police LEA employee shall upload the photograph in to CSAR.
- (e) A receipt titled ARSON or HS 11590 will be filled out and issued to the registrant. If the registrant is living at a residence, they will be given a receipt marked "Temporary"

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at the time of registration. A second receipt marked "Permanent" will be mailed to the address listed on the 8102A form. The registrant shall be provided with an instruction slip with DOJ requirements.

- (f) If the ARSON OFFENDER is transient they must return every 90 days to update their information. The assigned LEA Police employee will update the information in to CSAR.

Brady Material Disclosure

608.1 PURPOSE AND SCOPE

This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called “*Brady* information”) to a prosecuting attorney.

608.1.1 DEFINITIONS

Definitions related to this policy include:

Brady information -Information known or possessed by the Orange Police Department that is both favorable and material to the current prosecution or defense of a criminal defendant.

608.2 POLICY

The Orange Police Department will conduct fair and impartial criminal investigations and will provide the prosecution with both incriminating and exculpatory evidence, as well as information that may adversely affect the credibility of a witness. In addition to reporting all evidence of guilt, the Orange Police Department will assist the prosecution by complying with its obligation to disclose information that is both favorable and material to the defense. The Department will identify and disclose to the prosecution potentially exculpatory information, as provided in this policy.

608.3 DISCLOSURE OF INVESTIGATIVE INFORMATION

Officers must include in their investigative reports adequate investigative information and reference to all material evidence and facts that are reasonably believed to be either incriminating or exculpatory to any individual in the case. If an officer learns of potentially incriminating or exculpatory information any time after submission of a case, the officer or the handling investigator must prepare and submit a supplemental report documenting such information as soon as practicable. Supplemental reports shall be promptly processed and transmitted to the prosecutor’s office.

If information is believed to be privileged or confidential (e.g., confidential informant or attorney-client information, attorney work product), the officer should discuss the matter with a supervisor and/or prosecutor to determine the appropriate manner in which to proceed.

Evidence or facts are considered material if there is a reasonable probability that they would affect the outcome of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or even judicial review. If an officer is unsure whether evidence or facts are material, the officer should address the issue with a supervisor.

Supervisors who are uncertain about whether evidence or facts are material should address the issue in a written memo to an appropriate prosecutor. A copy of the memo should be retained in the Department case file.

608.4 DISCLOSURE OF PERSONNEL INFORMATION

Whenever it is determined that *Brady* information is located in the personnel file of an employee of this department who is a material witness in a criminal case, the following procedure shall apply:

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- (a) In the event that a *Pitchess* motion has not already been filed by the criminal defendant or other party pursuant to the California Evidence Code, the prosecuting attorney shall be notified of the potential presence of *Brady* information in the officer's personnel file.
- (b) The prosecuting attorney should then be requested to file a *Pitchess* motion in order to initiate an in camera review by the court.
- (c) Any employee who is the subject of such a motion shall be notified in writing that a motion has been filed.
- (d) The Custodian of Records shall accompany all relevant files during any in camera inspection and address any issues or questions raised by the court in determining whether any information contained in the files is both material and favorable to the criminal defendant.
- (e) If the court determines that there is relevant *Brady* information contained in the files, only that information ordered released will be copied and released to the parties filing the motion.
 - 1. Prior to the release of any information pursuant to this process, the Custodian of Records should request a protective order from the court limiting the use of such information to the involved case and requiring the return of all copies upon completion of the case.

608.5 INVESTIGATING BRADY ISSUES

If the Department receives information from any source that an officer may have issues of credibility, dishonesty or has been engaged in an act of moral turpitude or criminal conduct, the information shall be investigated and processed in accordance with the Personnel Complaints Policy.

608.6 TRAINING

Department personnel should receive periodic training on the requirements of this policy.

Unmanned Aerial System (UAS) Operations

609.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of an unmanned aerial system (UAS) and for the storage, retrieval and dissemination of images and data captured by the UAS.

609.1.1 DEFINITIONS

Definitions related to this policy include:

Unmanned Aerial System (UAS) - An unmanned aircraft of any type that is capable of sustaining directed flight, whether preprogrammed or remotely controlled (commonly referred to as an unmanned aerial vehicle (UAV)), and all of the supporting or attached systems designed for gathering information through imaging, recording or any other means.

(a) Certificate of Authorization (COA): Given by the Federal Aviation Administration (FAA) granting permission to fly the UAS within specific boundaries and perimeters.

(b) Observer: An officer of the Orange Police Department who is trained and authorized to maintain visual observation of the UAS while in flight.

(c) Operator: An officer of the Orange Police Department who is trained, certified and authorized to control a UAS during flight.

(d) Unmanned Aerial System (UAS): Consists of the small, unmanned aircraft weighing less than 55 lbs., the command system, a secure control link and other safety and support systems for operation of the UAS.

(e) Unmanned Aerial Vehicle (UAV): A small, unmanned aircraft weighing less than 55 lbs.

609.2 POLICY

Unmanned aerial systems may be utilized to enhance the department's mission of protecting lives and property when other means and resources are not available or are less effective. Any use of a UAS will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations.

609.3 PRIVACY

The use of the UAS potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers shall adhere to FAA altitude regulations and shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure). Operators and observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy. Reasonable precautions can include, for example, deactivating or turning imaging devices away from such areas or persons during UAS operations.

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609.4 USE OF UAS

Only authorized operators who have completed the required training shall be permitted to operate the UAS.

Use of vision enhancement technology (e.g., thermal and other imaging equipment not generally available to the public) is permissible in viewing areas only where there is no protectable privacy interest or when in compliance with a search warrant or court order. In all other instances, legal counsel should be consulted.

The supervisor on scene shall make the request for the deployment of the UAS under the following circumstances:

- (a) Public safety and life preservation missions, including, barricaded suspects, hostage situations, active shooters, apprehension of armed and dangerous fleeing suspects, and high-risk search warrants;
- (b) Mass casualty events;
- (c) Lost or missing persons;
- (d) Rescue events;
- (e) Disaster response and recovery;
- (f) Suspected explosive devices;
- (g) Fire suppression or investigation;
- (h) Hazardous material releases;
- (i) Post-incident crime scene preservation and documentation;
- (J) Pursuant to a search warrant;
- (k) Special Events;
- (l) When there is probable cause to believe that the UAS will record images of a place, thing, condition, or event, and that those images tend to show a felony has been committed, or tends to show that a particular person has committed a felony.
- (m) Anytime a UAS would enhance public safety, improve operational safety, incident stabilization or incident mitigation as determined by the authorizing person;
- (n) Anti-UAV operations when a person is operating a UAV in a manner which impedes emergency personnel who, in the course of their duties, are coping with an emergency (California State Law prohibits this activity, refer to California Penal Code);
- (o) Training missions;
- (p) In support of the Orange Police Department when the underlying mission meets the uses outlined in this policy; and
- (q) Mutual Aid support when the underlying mission meets the uses outlined in this policy.

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609.4.1 CALLOUT PROCEDURE

(a) The Watch Commander shall make a request for qualified UAS Team personnel to respond and deploy the UAS. The UAS Team Supervisors who will coordinate the call-out details with team members.

(b) The UAS Team personnel will handle all UAS operations, notifications and all necessary preflight guidelines as specified in the UAS Operations Guidelines.

609.5 ROLES AND RESPONSIBILITIES

The roles and responsibilities for UAS Program members are as follows:

(a) Program Coordinator-Orange Police Department Sergeant or Lieutenant who manages the UAS Program and ensures the program operates in accordance with all Federal, State and Local laws, and within department policy and guidelines. In addition, the Program Coordinator will:

1. Maintain all training flight and maintenance records for each operator and observer, as well as individual airframes.
2. Ensure operators and observers stay current with their training and certifications.
3. Maintain contact with the FAA and familiarity with the pertinent FAA regulations.
4. Evaluate airframes based on mission needs.
5. Remain up to date with current UAS case law, best practices, and industry standards.
6. Develop and maintain the UAS Operational Guidelines Manual.

(b) Operator-the operator's role is to safely operate the UAS in accordance with all applicable law and policy.

1. The operator may reject a flight based on personnel safety or violation of FAA regulations.
2. The operator shall be responsive to requests and input from the observer in order to accomplish the safe and effective deployment of the UAS.
3. Operators are responsible for mission documentation and updating the flight log.

(c) Observer-the Observer's role is to assist in the safe and effective operation of the UAS. The observer shall:

1. Assist the operator in avoiding obstacles
2. Operate any attachments to the UAS
3. Remain alert for safety issues surrounding the operator and observer
4. Handle radio communications.

609.6 PROGRAM COORDINATOR

The Chief of Police will appoint a program coordinator who will be responsible for the management of the UAS program. The program coordinator will ensure that policies and procedures conform to current laws, regulations and best practices and will have the following additional responsibilities:

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- Coordinating the FAA Certificate of Waiver or Authorization (COA) application process and ensuring that the COA is current.
- Ensuring that all authorized operators and required observers have completed all required FAA and department-approved training in the operation, applicable laws, policies and procedures regarding use of the UAS.
- Developing uniform protocol for submission and evaluation of requests to deploy a UAS, including urgent requests made during ongoing or emerging incidents. Deployment of a UAS shall require written authorization of the Chief of Police or the authorized designee, depending on the type of mission.
- Developing protocol for conducting criminal investigations involving a UAS, including documentation of time spent monitoring a subject.
- Implementing a system for public notification of UAS deployment.
- Developing an operational protocol governing the deployment and operation of a UAS including, but not limited to, safety oversight, use of visual observers, establishment of lost link procedures and secure communication with air traffic control facilities.
- Developing a protocol for fully documenting all missions.
- Developing a UAS inspection, maintenance and record-keeping protocol to ensure continuing airworthiness of a UAS, up to and including its overhaul or life limits.
- Developing protocols to ensure that all data intended to be used as evidence are accessed, maintained, stored and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements. Electronic trails, including encryption, authenticity certificates and date and time stamping, shall be used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.
- Developing protocols that ensure retention and purge periods are maintained in accordance with established records retention schedules.
- Facilitating law enforcement access to images and data captured by the UAS.
- Recommending program enhancements, particularly regarding safety and information security.
- Ensuring that established protocols are followed by monitoring and providing periodic reports on the program to the Chief of Police.

609.7 PROHIBITED USE

The UAS video surveillance equipment shall not be used:

- To conduct random surveillance activities.
- To target a person based solely on actual or perceived characteristics, such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.
- To harass, intimidate, or discriminate against any individual or group.

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- To conduct personal business of any type.

The UAS shall not be weaponized.

609.8 EVIDENCE COLLECTION AND RETENTION

(a) Following a UAS operation, an Orange Police Department case agent or officer shall meet with the UAS operator to collect the UAS video(s). The video(s) recorded will be uploaded into the approved digital evidence management system or transferred to DVD and booked in to Orange Police Department Property.

(b) Data collected by the UAS shall be retained as provided in the established Police Department records retention schedule, or retained as evidence of a crime.

(c) Unauthorized use, duplication, and/or distribution of UAS videos are prohibited. Personnel shall not make copies of any UAS videos for their personal use and are prohibited from using a recording device such as a personal camera or any secondary video camera to capture UAS videos. All recorded media, images and audio are the property of the Orange Police Department and shall not be copied, released or disseminated in any form or manner outside the parameters of this policy without consent of the Chief of Police, Program Coordinator or designee.

(d) Departmental request for a UAS video, including requests from the District Attorney's Office or City Attorney's Office, shall be forwarded as a written request via e-mail, to the Property Unit, with sufficient information to locate the UAS video.

(e) Non-Departmental Requests for a UAS video shall be accepted and processed in accordance with Federal, State, and local laws, and departmental policy (discovery, media inquiries, subpoenas, Public Records Act requests etc.).

1. When practical, Department personnel will be advised prior to any release of UAS video under the California Public Records Act (CPRA).

(f) Request for Deletion or Accidental Recording

1. In the event of an accidental activation and recording of the UAS camera system, the recording employee may request that the UAS video is deleted by submitting an e-mail request to the Program Coordinator with sufficient information to locate the UAS video. The Program Coordinator shall review the video, approve or deny the deletion request, and forward to the System Administrator for action if applicable.
2. Videos made during authorized department training will be viewed and/or retained for training purposes and then may be retained or deleted with the authorization of a lieutenant. Retained files will be stored in approved training files or the digital management system.

(g) Copying Procedures

1. A copy of the UAS video can be requested in accordance with the provisions of this policy.

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2. Property Officers will be responsible for handling evidence request for DVD copies and online sharing of videos produced by the UAS camera system for court and other approved request by the Chief of Police or his/her designee.

(h) A UAS video may be utilized as a training tool for individuals, specific units, and the department as a whole. A recommendation to utilize a UAS video for such purpose may come from any source outlined below:

1. A person recommending utilization of a UAS video for training purposes shall submit the recommendation through the UAS Program Coordinator.
2. The UAS Program Coordinator approving the utilization of a UAS video for training will send an e-mail to Property requesting a copy of the video is placed in the UAS Training file on the Supervisors' P drive. The file will hold all training videos. Videos may not be moved to other files, copied or sent beyond this file.
3. If an involved officer or employee objects to the showing of a UAS video, his/her objection will be submitted to their supervisor to determine if the employee's objections outweigh the training value. The Patrol Division Commander or Chief of Police shall review the recommendation and determine how best to utilize the UAS and the benefit of utilizing the video versus other means (e.g., departmental policy, Training Bulletin, Officer Safety Bulletin, briefing or other training).

609.9 RETENTION OF UAS DATA

Data collected by the UAS shall be retained as provided in the established records retention schedule.

Operations Planning and Deconfliction

610.1 PURPOSE AND SCOPE

This policy provides guidelines for planning, deconfliction and execution of high-risk operations.

610.1.1 DEFINITIONS

Definitions related to this policy include:

High-risk operations - Operations, including service of search and arrest warrants and sting operations, that are likely to present higher risks than are commonly faced by officers on a daily basis, including suspected fortified locations, reasonable risk of violence or confrontation with multiple persons, or reason to suspect that persons anticipate the operation.

610.2 POLICY

It is the policy of the Orange Police Department to properly plan and carry out high-risk operations, including participation in a regional deconfliction system, in order to provide coordination, enhance the safety of personnel and the public, decrease the risk of compromising investigations and prevent duplicating efforts.

610.3 OPERATIONS DIRECTOR

The appropriate Commander will designate of this department to be the operations director.

The operations director will develop and maintain a risk assessment form to assess, plan and coordinate operations. This form should provide a process to identify high-risk operations.

The operations director will review risk assessment forms with involved supervisors to determine whether a particular incident qualifies as a high-risk operation. The director will also have the responsibility for coordinating operations that are categorized as high risk.

610.4 RISK ASSESSMENT

610.4.1 RISK ASSESSMENT FORM PREPARATION

Officers assigned as operational leads for any operation that may qualify as a high-risk operation shall complete a risk assessment form.

When preparing the form, the officer should query all relevant and reasonably available intelligence resources for information about the subject of investigation, others who may be present and the involved location. These sources may include regional intelligence and criminal justice databases, target deconfliction systems, firearm records, commercial databases and property records. Where appropriate, the officer should also submit information to these resources.

The officer should gather available information that includes, but is not limited to:

- (a) Photographs, including aerial photographs, if available, of the involved location, neighboring yards and obstacles.
- (b) Maps of the location.

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- (c) Diagrams of any property and the interior of any buildings that are involved.
- (d) Historical information about the subject of investigation (e.g., history of weapon possession or use, known mental illness, known drug use, threats against police, gang affiliation, criminal history).
- (e) Historical information about others who may be present at the location (e.g., other criminals, innocent third parties, dependent adults, children, animals).
- (f) Obstacles associated with the location (e.g., fortification, booby traps, reinforced doors/windows, surveillance measures, number and type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces, availability of keys/door combinations).
- (g) Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service).
- (h) Other available options that may minimize the risk to officers and others (e.g., making an off-site arrest or detention of the subject of investigation).

610.4.2 RISK ASSESSMENT REVIEW

Officers will present the risk assessment form and other relevant documents (such as copies of search warrants and affidavits and arrest warrants) to their supervisor and the operations director.

The supervisor and operations director shall confer and determine the level of risk. Supervisors should take reasonable actions if there is a change in circumstances that elevates the risks associated with the operation.

610.4.3 HIGH-RISK OPERATIONS

If the operations director, after consultation with the involved supervisor, determines that the operation is high risk, the operations director should:

- (a) Determine what resources will be needed at the location, and contact and/or place on standby any of the following appropriate and available resources:
 - (a) (SWAT)
 - (b) Additional personnel
 - (c) Outside agency assistance
 - (d) Special equipment
 - (e) Medical personnel
 - (f) Persons trained in negotiation
 - (g) Additional surveillance
 - (h) Canines
 - (i) Property and Evidence or analytical personnel to assist with cataloguing seizures

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- (j) Forensic specialists
- (k) Specialized mapping for larger or complex locations
- (b) Contact the appropriate department personnel or other agencies as warranted to begin preparation.
- (c) Ensure that all legal documents such as search warrants are complete and have any modifications reasonably necessary to support the operation.
- (d) Coordinate the actual operation.

610.5 DECONFLICTION

Deconfliction systems are designed to identify persons and locations associated with investigations or law enforcement operations and alert participating agencies when others are planning or conducting operations in close proximity or time or are investigating the same individuals, groups or locations.

The officer who is the operations lead shall ensure the subject of investigation and operations information have been entered in an applicable deconfliction system to determine if there is reported conflicting activity. This should occur as early in the process as practicable, but no later than two hours prior to the commencement of the operation. The officer should also enter relevant updated information when it is received.

If any conflict is discovered, the supervisor will contact the involved jurisdiction and resolve the potential conflict before proceeding.

610.6 OPERATIONS PLAN

The operations director should ensure that a written operations plan is developed for all high-risk operations. Plans should also be considered for other operations that would benefit from having a formal plan.

The plan should address such issues as:

- (a) Operation goals, objectives, and strategies.
- (b) Operation location and people:
 1. The subject of investigation (e.g., history of weapon possession/use, known mental illness issues, known drug use, threats against police, gang affiliation, criminal history)
 2. The location (e.g., fortification, booby traps, reinforced doors/windows, surveillance cameras and/or lookouts, number/type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces, availability of keys/door combinations), including aerial photos, if available, and maps of neighboring yards and obstacles, diagrams and other visual aids

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3. Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service)
 4. Identification of other people who may be present in or around the operation, such as other criminal suspects, innocent third parties, and children
- (c) Information from the risk assessment form by attaching a completed copy in the operational plan.
1. The volume or complexity of the information may indicate that the plan includes a synopsis of the information contained on the risk assessment form to ensure clarity and highlighting of critical information.
- (d) Participants and their roles.
1. An adequate number of uniformed officers should be included in the operation team to provide reasonable notice of a legitimate law enforcement operation.
 2. How all participants will be identified as law enforcement.
- (e) Whether deconfliction submissions are current and all involved individuals, groups, and locations have been deconflicted to the extent reasonably practicable.
- (f) Identification of all communications channels and call-signs.
- (g) Use of force issues.
- (h) Contingencies for handling medical emergencies (e.g., services available at the location, closest hospital, closest trauma center).
- (i) Plans for detaining people who are not under arrest.
- (j) Contingencies for handling children, dependent adults, animals, and other people who might be at the location in accordance with the Child Abuse, Senior and Disability Victimization, Child and Dependent Adult Safety, and Animal Control policies.
- (k) Communications plan.
- (l) Responsibilities for writing, collecting, reviewing, and approving reports.

610.6.1 OPERATIONS PLAN RETENTION

Since the operations plan contains intelligence information and descriptions of law enforcement tactics, it shall not be filed with the report. The operations plan shall be stored separately and retained in accordance with the established records retention schedule.

610.7 OPERATIONS BRIEFING

A briefing should be held prior to the commencement of any high-risk operation to allow all participants to understand the operation, see and identify each other, identify roles and responsibilities and ask questions or seek clarification as needed. Anyone who is not present at the briefing should not respond to the operation location without specific supervisory approval.

- (a) The briefing should include a verbal review of plan elements, using visual aids, to enhance the participants' understanding of the operations plan.

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- (b) All participants should be provided a copy of the operations plan and search warrant, if applicable. Participating personnel should be directed to read the search warrant and initial a copy that is retained with the operation plan. Any items to be seized should be identified at the briefing.
- (c) The operations director shall ensure that all participants are visually identifiable as law enforcement officers.
 - (a) Exceptions may be made by the operations director for officers who are conducting surveillance or working under cover. However, those officers exempt from visual identification should be able to transition to a visible law enforcement indicator at the time of enforcement actions, such as entries or arrests, if necessary.
- (d) The briefing should include details of the communications plan.
 1. It is the responsibility of the operations director to ensure that the Communications Center is notified of the time and location of the operation, and to provide a copy of the operation plan prior to officers arriving at the location.
 2. If the radio channel needs to be monitored by the Communications Center, the dispatcher assigned to monitor the operation should attend the briefing, if practicable, but at a minimum should receive a copy of the operation plan.
 3. The briefing should include a communications check to ensure that all participants are able to communicate with the available equipment on the designated radio channel.

610.8 SWAT NEGOTIATION PARTICIPATION

If the operations director determines that SWAT participation is appropriate, the director and the SWAT supervisor shall work together to develop a written plan. The SWAT supervisor shall assume operational control until all persons at the scene are appropriately detained and it is safe to begin a search. When this occurs, the SWAT supervisor shall transfer control of the scene to the handling supervisor. This transfer should be communicated to the officers present.

610.9 MEDIA ACCESS

No advance information regarding planned operations shall be released without the approval of the Chief of Police. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy.

610.10 OPERATIONS DEBRIEFING

High-risk operations should be debriefed as soon as reasonably practicable. The debriefing should include as many participants as possible. This debrief may be separate from any SWAT debriefing.

610.11 TRAINING

The Training Bureau Sergeant should ensure officers and SWAT team members who participate in operations subject to this policy should receive periodic training including, but not limited to, topics such as legal issues, deconfliction practices, operations planning concepts and reporting requirements.

Facial Recognition

611.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of Facial Recognition software by the Orange Police Department.

The Orange Police Department considers the results, if any, of a facial recognition search to be advisory in nature as an investigative lead only. Facial recognition search results are not considered positive identification of a subject and do not, on their own, establish probable cause without further investigation. Any possible connection or involvement of the subject(s) to the investigation must be determined through further investigative methods.

611.1.1 DEFINITIONS

Facial Recognition software compares patterns within the field of computer vision. Such approaches do not rely upon intrinsic models of what a face is, how it should appear, or what it may represent. In other words, the matching is not based on biological or anatomical models of what a face-or the features that make up a face-look like. The patterns used in facial recognition algorithms do not correlate to obvious anatomical features such as the eyes, nose or mouth in a one-to-one manner although they are affected by these features.

Candidate Images are the possible results of a facial recognition search. When facial recognition software compares a probe image against the images contained in a repository, the result is a list of most likely candidate images that were determined by the software to be sufficiently similar to or most likely candidate images that were determined by the software to be sufficiently similar to or most likely resemble the probe image to warrant further analysis. A candidate image is an investigative lead only and does not establish probable cause to obtain and arrest warrant without further investigation.

Facial Recognition Software/Technology are third party software that uses specific proprietary algorithms to compare facial features from one specific picture - a probe image - to many others (one-to-many) that are stored in an image repository to determine most likely candidates for further investigation.

Investigative Lead is any information which could potentially aid in the successful resolution of an investigation, but does not imply positive identification of a subject or that the subject is guilty of a criminal act.

One-to-Many Face Image Comparison is the process whereby a probe image from one subject is compared with the features of reference images contained in an image repository, generally resulting in a list of most likely candidate images.

Unsolved Image File is a lawfully obtained probe image of an unknown suspect may be added by authorized law enforcement users to an unsolved image file pursuant to an authorized criminal investigation and if a search has produced to candidates and the subject remains unknown.

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Images in an unsolved image file are periodically compared with the known images in an image repository.

Valid Law Enforcement Purpose for facial recognition is to be used for information/intelligence gathering, development, or collection, use, retention, or sharing that furthers the authorized functions and activities of a law enforcement agency, which may include the prevention of crime, ensuring the safety, while adhering to law and agency policy designed to protect the public.

611.2 POLICY

Facial recognition technology involves the ability to examine and compare distinguishing characteristics of a human face through the use of biometric algorithms contained within a software application. This technology can be a valuable investigative tool to detect and prevent criminal activity, reduce an imminent threat to health or safety, and help in the identification persons unable to identify themselves or deceases persons. The Orange Police Department has established access and use of a facial recognition software system to support investigative efforts. The software will be treated as any other investigative lead and should never be used as a sole guarantee or for probable cause to arrest.

This policy will provide the Orange Police Department personnel with guidelines and principles for the collection, access, use, dissemination, retention, and purging of images and related information applicable to the implementation of a facial recognition program. This policy will ensure that all facial recognition uses are consistent with authorized purposes while not violating the privacy, civil rights, and civil liberties of individuals. This facial recognition policy assists the Orange Police Department and its personnel in:

- Increasing public safety and improving security.
- Minimizing the threat and risk of injury to the public.
- Minimizing the threat and risk of physical injury or financial liability to law enforcement and other responsible for public protection, safety, or health.
- Minimizing the potential risks to individual privacy, civil rights, civil liberties, and other legally protected interests.
- Protecting the integrity of criminal investigatory and justice systems processes.
- Minimizing the threat and risk of damage to real or personal property.
- Fostering trust by strengthening transparency, oversight, and accountability.
- Making the most effective use of public resources.

611.3 USE OF FACIAL RECOGNITION

All deployments of the facial recognition system are for official use only and are law enforcement sensitive. The provisions of this policy are provided to support the following authorized uses of facial recognition information:

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- A reasonable suspicion that an identifiable individual has committed a criminal offense or is involved in or planning criminal conduct or planning criminal conduct or activity that presents a threat to any individual or the community.
- An active or ongoing criminal investigation.
- To mitigate an imminent threat to health or safety of the community.
- To assist in the identification of a person who lacks the capacity or is otherwise unable to identify themselves (such as an incapacitated, deceased, or otherwise at-risk person).
- To investigate and/or corroborate tips and leads.
- For a person who an officer reasonably believes is concealing his or her true identity and has a reasonable suspicion the individual has committed a misdemeanor or felony crime other than concealing his or her identity.
- For persons who lack the capacity or are otherwise unable to identify themselves and who are a danger to themselves or others.

611.4 FACIAL RECOGNITION ACCESS

Authorized access to a facial recognition system will be granted only to personnel whose positions and job duties require such access and who have successfully completed the required training. Personnel will be provided individual usernames and passwords to the facial recognition system that are not transferrable, must not be shared, and must be kept confidential.

611.4.1 PROHIBITED USES

The Orange Police Department will prohibit access to and use of the facial recognition system, including dissemination of facial recognition search results, for the following purposes:

- Non-law enforcement (including but not limited to personal purposes).
- Any purpose that violates the U.S. Constitution or laws of the United States, including the protections of the First, Fourth, and Fourteenth Amendments.
- Prohibiting or deterring lawful individual exercise of other rights, such as freedom of association, implied by and secured by the U.S. Constitution or any other constitutionally protected right or attribute.
- Any other access, use, disclosure, or retention that would violate applicable law, regulation, or policy.

The Orange Police Department will not connect the facial recognition system to any interface that connect with body worn or other officer camera footage as defined in California Penal Code 832.19.

611.4.2 USER AUDITS

The Orange Police Department's Records Bureau will maintain an audit report of requested, accessed, searched, or disseminated automated facial recognition information. At minimum, the audit report should include the name of the user, the case number, and the reason for access.

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611.5 FACIAL RECOGNITION ADMINISTRATOR

Primary responsibility for the operation of the Orange Police Department's facial recognition program and system, operations, and the coordination of personnel; the receiving, seeking, retention, evaluation, data quality, use, purging, sharing, disclosure, or dissemination of information: and the management is assigned to the Investigative Services Division Captain or their designee.

The Investigative Services Division Captain or his designee will be responsible for the following responsibilities:

- Managing the facial recognition program to ensure compliance with applicable laws, regulations, standards, and policy.
- Acting as the authorizing official for individual access to facial recognition information.
- Ensuring that user accounts and authorities granted to personnel are maintained to a current and secure "need-to-know" status.
- Ensuring that random audits of user compliance with system requirements and the entity's facial recognition policy and applicable law are conducted and documented.
- Ensuring and documenting that personnel meet all prerequisites stated in this policy prior to being authorized to use the facial recognition system.

611.6 FACIAL RECOGNITION SERVICES

The Orange Police Department will contract with facial recognition software service companies to provide software and system development services for the department's facial recognition system.

The Orange Police Department will perform facial recognition searches utilizing mug-shot images, also known as booking photos. The booking photos are lawfully obtained from known offenders when they are arrested and booked by law enforcement.

The Orange Police Department will contract only with commercial facial recognition companies that provide assurances that their methods for collecting, receiving, accessing, disseminating, retaining, and purging facial recognition information, comply with applicable local, state, tribal, territorial, and federal laws, statutes, regulations, and policies and that these methods are not based on unfair or deceptive information collection practices.

611.7 INVESTIGATIVE LEADS

The Orange Police Department considers the results, if any, of a facial recognition search to be advisory in nature as an investigative lead only. Facial recognition search results are not considered positive identification of a subject and do not, on their own, establish probable cause without further investigation. Any possible connection or involvement of the subject(s) to the investigation must be determined through further investigative methods.

Investigative leads will need to be vetted with supervisory oversight. Personnel will need to establish their own probable cause before making an arrest. In any case where facial recognition software was used as an investigative lead, the employee's supervisor will review the case in

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order to ensure the facial recognition was used as an investigative lead and not solely to establish probable cause for an arrest.

611.8 TRAINING

Before access to the facial recognition system is authorized, personnel must receive familiarization training and acknowledge the applicable policies and procedures. Personnel will receive department approved training for those authorized to use or access the facial recognition software system.

Chapter 7 - Equipment

Department Owned and Personal Property

700.1 PURPOSE AND SCOPE

Department employees are expected to properly care for department property assigned or entrusted to them. Employees may also suffer occasional loss or damage to personal or department property while performing their assigned duty. Certain procedures are required depending on the loss and ownership of the item.

700.2 CARE OF DEPARTMENTAL PROPERTY

Employees shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of department property assigned or entrusted to them. An employee's intentional or negligent abuse or misuse of department property may lead to discipline.

- (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

- (a) Claims for reimbursement for damage or loss of personal property must be submitted to the employee's immediate supervisor as soon as practical. The supervisor may require a separate written report of the loss or damage.
- (b) The supervisor shall direct the employee to write a memo, which will include how the item was lost or broken, to the appropriate division commander.
- (c) Upon review by staff and a finding that no misconduct or negligence was involved, repair or replacement may be recommended by the division commander, who will then forward the claim through the Chief of Police to the Finance Department.
- (d) The department will not replace or repair overly expensive items (jewelry, exotic equipment, etc.) that are not reasonably required as a part of work, unless authorized by the Chief of Police.
- (e) Reimbursement will only be provided if the loss or damage occurs during the course and scope of work.

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- (f) Reimbursement will not be provided if the loss or damage is a result of the employee's own carelessness or inattention (i.e. driving away with property set on the hood of the car, sitting on glasses that were left on the seat of a chair, etc.).
- (g) Employees are strongly encouraged not to wear expensive items such as jewelry or watches to work, especially if the employee's work involves physical labor that further exposes these items to being broken or lost.
- (h) When personal property is lost or damaged in conjunction with a Workers' Compensation claim, then an itemization of the lost and/or damaged property should accompany the claim.
 - 1. Workers' Compensation will reimburse for lost and/or stolen property in these types of situations.

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 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 of Orange, the City of Orange employee present or the Orange employee responsible for the property shall make a verbal report to their immediate supervisor as soon as possible. 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.

Personal Communication Devices

701.1 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 micro blogging, emailing, using video or camera features, playing games and accessing sites or services on the Internet.

701.2 POLICY

The Orange Police Department allows employees 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, employees 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 employee's PCD records to civil or criminal discovery or disclosure under applicable public records laws.

Employees who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory personnel.

701.3 PRIVACY EXPECTATION

Employees 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).

701.3.1 CALIFORNIA ELECTRONIC COMMUNICATIONS PRIVACY ACT (CALECPA)

No employee is authorized to be the sole possessor of a department-issued PCD. Department-issued PCDs can be retrieved, reassigned, accessed or used by any employee as directed by a supervisor without notice. Employee 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 Cal ECPA (refer to the California Penal Code).

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701.4 DEPARTMENT-ISSUED PCD

Depending on an employees' 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 performance. 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.

701.5 PERSONALLY OWNED PCD

Employees 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 employee's expense.
- (d) The device should not be used for work-related purposes except in exigent circumstances (e.g., unavailability of radio communications). Employees 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.
 - (a) Employees 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) All work-related documents, emails, photographs, recordings or other public records created or received on an employee's personally owned PCD should be transferred to the Orange Police Department and deleted from the member's PCD as soon as reasonably practicable but no later than the end of the employee's shift.

701.6 USE OF PCD

The following protocols shall apply to all PCDs that are carried while on-duty or used to conduct department business:

- (a) A PCD may not be used for personal purposes if it interferes or impedes with primary duty or duties.
- (b) Employees 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.

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- (c) Employees are prohibited from taking pictures, audio or video recordings or making copies of any such picture or recording media unless it is directly related to official department business. Disclosure of any such information to any third party through any means, without the express authorization of the Chief of Police or the authorized designee, may result in discipline.
- (d) Employees shall not access social networking sites unless it is in the course of duty.
- (e) Using PCDs to harass, threaten, coerce or otherwise engage in inappropriate conduct with any third party is prohibited. Any employee having knowledge of such conduct shall promptly notify a supervisor.

701.7 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include, but are not limited to:

- (a) Ensuring that employees under their command are provided appropriate training on the use of PCDs consistent with this policy.
- (b) Monitoring, to the extent practicable, PCD use in the workplace and taking prompt corrective action if an employee is observed or reported to be improperly using a PCD.
 - (a) An investigation into improper conduct should be promptly initiated when circumstances warrant.
 - (b) Before conducting any administrative search of an employee's personally owned device, supervisors should consult with the Chief of Police or the authorized designee.

701.8 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.

Employees 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 (refer to the California Vehicle Code). Hands-free use should be restricted to business-related calls or calls of an urgent nature.

701.9 OFFICIAL USE

Employees are reminded that PCDs are not secure devices and conversations may be intercepted or overheard. Caution should be exercised while utilizing PCDs to ensure that sensitive information is not inadvertently transmitted. As soon as reasonably possible, employees shall conduct sensitive or private communications on a land-based or other department communications network.

Vehicle Maintenance

702.1 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.

702.2 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.

702.2.1 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.

702.2.2 SEVERE USE

Vehicles operated under severe-use conditions, which include operations for which the vehicle is not designed or that exceed the manufacturer's parameters, should be removed from service and subjected to a safety inspection as soon as practicable. Such conditions may include rough roadway or off-road driving, hard or extended braking, pursuits or prolonged high-speed operation.

702.2.3 REMOVAL OF WEAPONS

All firearms, weapons and control devices shall be removed from a vehicle and properly secured in the department armory prior to the vehicle being released for maintenance, service or repair.

702.3 VEHICLE EQUIPMENT

Certain items shall be maintained in all department vehicles for emergency purposes and to perform routine duties.

702.4 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.

702.5 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.

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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.

702.6 CIVILIAN EMPLOYEE USE

Civilian employees using marked vehicles shall ensure all weapons are removed from vehicles before going into service. Civilian employees shall also prominently display the “out of service” placards or light bar covers at all times. Civilian employees shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

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703.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a system of accountability to ensure department vehicles are used appropriately. This policy provides guidelines for on- and off-duty use of department vehicles and shall not be construed to create or imply any contractual obligation by the City of Orange to provide assigned take-home vehicles.

This policy does not pertain to vehicles assigned to members of the command staff. Command staff vehicles are governed by the City Vehicle Use Policy and agreements with the City Manager.

703.2 POLICY

The Orange Police Department provides vehicles for department-related business and may assign patrol and unmarked vehicles based on a determination of operational efficiency, economic impact to the Department, requirements for tactical deployments and other considerations.

703.3 USE OF VEHICLES

703.3.1 SHIFT ASSIGNED VEHICLES

The Watch Commander shall ensure a copy of the vehicle assignment log indicating employee names and vehicle numbers is completed for each shift and retained in accordance with the established records retention schedule. If an employee exchanges vehicles during his/her shift, the new vehicle number shall be documented on the vehicle assignment log.

703.3.2 OTHER USE OF VEHICLES

Employees utilizing a vehicle for any purpose other than their normally assigned duties or normal vehicle assignment (e.g., transportation to training, community event) shall first notify the Watch Commander. A notation will be made on the shift assignment roster indicating the employee's name and vehicle number.

This subsection does not apply to those who are assigned to vehicle transportation duties to and from the maintenance yard or carwash.

703.3.3 INSPECTIONS

Employees shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of their shifts. Any previously unreported damage, mechanical problems, unauthorized contents or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

The interior of any vehicle that has been used to transport any person other than an employee of this department should be inspected prior to placing another person in the vehicle and again after the person is removed. This is to ensure that unauthorized or personal items have not been left in the vehicle.

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When transporting any suspect, prisoner or arrestee, the transporting police officer shall search all areas of the vehicle that are accessible by the person before and after that person is transported.

All department vehicles are subject to inspection and/or search at any time by a supervisor without notice and without cause. No employee assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

703.3.4 SECURITY AND UNATTENDED VEHICLES

Unattended vehicles should be locked and secured at all times. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging). Officers who exit a vehicle rapidly in an emergency situation or to engage in a foot pursuit must carefully balance the need to exit the vehicle quickly with the need to secure the vehicle.

Employees shall ensure all weapons are secured while the vehicle is unattended.

703.3.5 MOBILE DIGITAL TERMINAL (MDT)

Employees assigned to vehicles equipped with a Mobile Digital Computer (MDC) shall log onto the MDC with the required information when going on-duty. If the vehicle is not equipped with a working MDC, the employee shall notify the Communications Center. Use of the MDC is governed by the Mobile Digital Computer Use Policy.

703.3.6 VEHICLE LOCATION SYSTEM

Patrol and other vehicles, at the discretion of the Chief of Police, may be equipped with a system designed to track the vehicle's location. While the system may provide vehicle location and other information, employees are not relieved of their responsibility to use required communication practices to report their location and status.

Employees shall not make any unauthorized modifications to the system. At the start of each shift, employees shall verify that the system is on and report any malfunctions to their supervisor. If an employee finds that the system is not functioning properly at any time during the shift, he/she should exchange the vehicle for one with a working system, if available.

System data may be accessed by supervisors at any time. However, access to historical data by other than supervisors will require Division Commander approval.

All data captured by the system shall be retained in accordance with the established records retention schedule.

703.3.7 KEYS

Employees approved to operate marked patrol vehicles should be issued a copy of the key as part of their initial equipment distribution. who are assigned a specific vehicle should be issued keys for that vehicle.

Employees shall not duplicate keys. The loss of a key shall be promptly reported in writing through the employee's chain of command.

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703.3.8 AUTHORIZED PASSENGERS

Employees operating department vehicles shall not permit persons other than City personnel or persons required to be conveyed in the performance of duty, or as otherwise authorized, to ride as passengers in the vehicle, except as stated in the Ride-Along Policy.

703.3.9 ALCOHOL AND DRUGS

Employees who have consumed alcoholic beverages, cannabis, marijuana, THC-related products, illegal drugs or prescription medications causing impairment are prohibited from operating any department vehicle unless it is required by the duty assignment (e.g., task force, undercover work). Regardless of assignment, employees may not violate state law regarding vehicle operation while intoxicated. Violation of this section could lead to disciplinary action up to and including termination.

703.3.10 PARKING

Except when responding to an emergency or when urgent department-related business requires otherwise, employees driving department vehicles should obey all parking regulations at all times.

Department vehicles should be parked in assigned stalls. Employees shall not park privately owned vehicles in stalls assigned to department vehicles or in other areas of the parking lot that are not so designated unless authorized by a supervisor. Privately owned motorcycles shall be parked in designated areas.

703.3.11 ACCESSORIES AND/OR MODIFICATIONS

There shall be no modifications, additions or removal of any equipment or accessories without written permission from the assigned vehicle from the Division Commander.

703.3.12 NON SWORN EMPLOYEE USE

Civilian Employees using marked emergency vehicles shall ensure that all weapons have been removed before going into service. Any weapons left in an emergency vehicle shall be removed by sworn personnel. Civilian Employees shall prominently display the "out of service" placards or light bar covers at all times. Civilian Employees shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

703.4 INDIVIDUAL EMPLOYEE ASSIGNMENT TO VEHICLES

Department vehicles may be assigned to an individual employee at the discretion of the Chief of Police. Vehicles may be assigned for on-duty and/or take-home use. Assigned vehicles may be changed at any time. Permission to take home a vehicle may be withdrawn at any time.

The assignment of vehicles may be suspended when the employee is unable to perform his/her regular assignment.

703.4.1 ON-DUTY USE

Vehicle assignments shall be based on the nature of the employee's duties, job description and essential functions, and employment or appointment status. Vehicles may be reassigned or

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utilized by other department employees at the discretion of the Chief of Police or the authorized designee.

703.4.2 UNSCHEDULED TAKE-HOME USE

Circumstances may arise where department vehicles must be used by an employee to commute to and from a work assignment. Employees may take home department vehicles only with prior approval of a supervisor and shall meet the following criteria:

- (a) The circumstances are unplanned and were created by the needs of the department.
- (b) Other reasonable transportation options are not available.
- (c) The employee lives within a reasonable distance (generally not to exceed a 60-minute drive time) of the Orange City limits.
- (d) Off-street parking will be available at the employee's residence.
- (e) Vehicles will be locked when not attended.
- (f) All firearms, weapons and control devices will be removed from the interior of the vehicle and properly secured in the residence when the vehicle is not attended, unless the vehicle is parked in a locked garage.

703.4.3 ASSIGNED VEHICLES

Assignment of take-home vehicles shall be based on the location of the employee's residence, the nature of the employee's duties, job description and essential functions, and employment or appointment status. Residence in the City of Orange is a prime consideration for assignment of a take-home vehicle. Employees who reside outside the City of Orange may be required to secure the vehicle at a designated location or the Department at the discretion of the Chief of Police.

Employees are cautioned that under federal and local tax rules, personal use of a City vehicle may create an income tax liability for the employee. Questions regarding tax rules should be directed to the employee's tax adviser.

Criteria for use of take-home vehicles include the following:

- (a) Vehicles shall only be used for work-related purposes and shall not be used for personal errands or transports, unless special circumstances exist and the Chief of Police or a Division Commander gives authorization.
- (b) Vehicles may be used to transport the employee to and from the employees residence for work-related purposes.
- (c) Vehicles will not be used when off-duty except:
 - (a) In circumstances when an employee has been placed on call by the Chief of Police or Division Commanders and there is a high probability that the employee will be called back to duty.
 - (b) When the employee is performing a work-related function during what normally would be an off-duty period, including vehicle maintenance or travelling to or from a work-related activity or function.

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- (c) When the employee has received permission from the Chief of Police or Division Commanders.
- (d) When the vehicle is being used by the Chief of Police, Division Commanders or employees who are in on-call administrative positions.
- (e) When the vehicle is being used by on-call investigators.
- (d) While operating the vehicle, authorized personnel will carry and have accessible their duty firearms and be prepared to perform any function they would be expected to perform while on-duty.
- (e) The two-way communications radio, MDC and global positioning satellite device, if equipped, must be on and set to an audible volume when the vehicle is in operation.
- (f) Unattended vehicles are to be locked and secured at all times.
 - 1. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging).
 - 2. All weapons shall be secured while the vehicle is unattended.
 - 3. All department identification, portable radios and equipment should be secured.
- (g) Vehicles are to be parked off-street at the employee's residence unless prior arrangements have been made with the Chief of Police or the authorized designee. If the vehicle is not secured inside a locked garage, all firearms and kinetic impact weapons shall be removed and properly secured in the residence (see the Firearms Policy regarding safe storage of firearms at home).
- (h) Vehicles are to be secured at the employee's residence or the appropriate department facility, at the discretion of the Department when a member will be away (e.g., on vacation) for periods exceeding one week.
 - (a) If the vehicle remains at the residence of the employee, the Department shall have access to the vehicle.
 - (b) If the employee is unable to provide access to the vehicle, it shall be parked at the Department.
- (i) The employee is responsible for the care and maintenance of the vehicle.

703.4.4 ENFORCEMENT ACTIONS

When driving a take-home vehicle to and from work outside of the jurisdiction of the Orange Police Department or while off-duty, an officer shall not initiate enforcement actions except in those circumstances where a potential threat to life or serious property damage exists (refer to current policies).

Officers may render public assistance when it is deemed prudent (e.g., to a stranded motorist).

Officers driving take-home vehicles shall be armed, appropriately attired and carry their department-issued identification. Officers should also ensure that department radio communication capabilities are maintained to the extent feasible.

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703.4.5 MAINTENANCE

Employees are responsible for the cleanliness (exterior and interior) and overall maintenance of their assigned vehicles. Cleaning and maintenance supplies will be provided by the Department. Failure to adhere to these requirements may result in discipline and loss of vehicle assignment. The following should be performed as outlined below:

- (a) Employees shall make daily inspections of their assigned vehicles for service/maintenance requirements and damage.
- (b) It is the employee's responsibility to ensure that his/her assigned vehicle is maintained according to the established service and maintenance schedule.
- (c) All scheduled vehicle maintenance and car washes shall be performed as necessary at a facility approved by the department supervisor in charge of vehicle maintenance.
- (d) The Department shall be notified of problems with the vehicle and approve any major repairs before they are performed.
- (e) When leaving the vehicle at the maintenance facility, the employee will complete a vehicle repair card explaining the service or repair, and leave it on the seat or dash.
- (f) All weapons shall be removed from any vehicle left for maintenance.
- (g) Supervisors shall make, at a minimum, monthly inspections of vehicles assigned to employees under their command to ensure the vehicles are being maintained in accordance with this policy.

703.5 UNMARKED VEHICLES

Vehicles are assigned to various divisions and their use is restricted to the respective division and the assigned employee, unless otherwise approved by a division supervisor. Any employee operating an unmarked vehicle shall record vehicle usage on the sign-out log maintained in the division for that purpose. Any use of unmarked vehicles by those who are not assigned to the division to which the vehicle is assigned shall also record the use with the Watch Commander on the shift assignment roster.

703.6 ARMORED RESCUE VEHICLE

The purpose of this policy is to provide direction for the usage, training and storage of the Armored Rescue Vehicle.

703.6.1 THE ARMORED RESCUE VEHICLE

Armored Rescue Vehicle - The Armored Rescue Vehicle or ARV may be used for the following types of incidents; high risk search warrants, armed barricaded suspects in a structure or vehicle, armed suspects in an open area (large field, parking lot, etc.), SWAT call-outs, assisting an outside jurisdiction, downed person(s) rescues where a person(s) have been shot and is in need of rescue to get medical attention when the suspect(s) still poses a threat, evacuations from an active area where a threat of gun fire still exist, terrorist incident, mobile field force deployments for riot situations, for any event where the ARV would be deemed necessary to assist police officers and the public at risk, or SWAT and Mobile Field Force training.

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The Armored Rescue Vehicle should not be deployed during non-violent demonstrations, including for crowd control and crowd management, unless there are objective facts demonstrating a risk of injury or death to police officers and/or the public. The ARV may be staged at predesignated locations, away from protest sites, to allow for timely response. The ARV may be used in cases of declared unlawful assembly, and after a lawful dispersal order, where persons are engaged in criminal behavior that presents an objective risk of injury or death.

703.6.2 AUTHORIZATION REQUIRED FOR ARMORED RESCUE VEHICLE

The use of the Armored Rescue Vehicle shall be authorized by the Watch Commander. The Division Commander shall be notified as soon as practical. The Division Commander or his/her designee shall notify the Chief of Police as soon as practical. Access should only be allowed to sworn personnel with certified training in driving the ARV. At least two on-duty police officers should deploy with the ARV when practical.

703.6.3 ARMORED RESCUE VEHICLE OPERATION TRAINING

Periodic briefings and training shall be conducted on the operation and deployment of the Armored Rescue Vehicle. Sworn personnel shall have a valid class "C" California Driver's License and completion of certified training in driving the ARV.

703.6.4 USE OF THE ARMORED RESCUE VEHICLE BY OUTSIDE AGENCIES

The use of the Armored Rescue Vehicle by outside agencies for emergency purposes shall be a Division Commander or his/her designee's decision. The Division Commander or his/her designee shall notify the Chief of Police as soon as practical. At least two on-duty Orange Police Department Officers should deploy with the ARV to assist outside agency requests. The ARV shall only be deployed in accordance with Orange Police Department policies when assisting outside agencies.

703.6.5 DOCUMENTATION OF ARMORED RESCUE VEHICLE USE

Following each deployment of the Armored Rescue Vehicle during a field operation, it will be the discretion of the Watch Commander or his/her designee to complete a report and forward it to the Division Commander.

703.6.6 ARMORED RESCUE VEHICLE'S STORAGE AND MAINTENANCE

After each deployment, the Armored Rescue Vehicle will be parked in its designated parking location and returned to operational-ready condition (fueled, electronics turned off, doors and windows secured and plugged into an electronic source - trickle charger). The ARV should be started weekly and tires inflated to the recommended pressure. Keys to the ARV will be returned and maintained in the Watch Commander's Office. Any damage or repairs will be documented in the vehicle damage log located in the Watch Commander's Office.

Maintenance of the ARV is the responsibility of the department's fleet manager.

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703.7 DAMAGE, ABUSE AND MISUSE

When any department vehicle is involved in a traffic collision or otherwise incurs damage, the involved employee shall promptly notify a supervisor. Any traffic collision report shall be filed with the agency having jurisdiction (refer to current policy).

Damage to any department vehicle that was not caused by a traffic collision shall be immediately reported during the shift in which the damage was discovered, documented in memorandum format and forwarded to the Watch Commander. An administrative investigation should be initiated to determine if there has been any vehicle abuse or misuse.

703.7.1 VEHICLE DAMAGE LOG

- (a) The log shall be kept and maintained in the Watch Commander's Office.
- (b) Each vehicle shall have a separate page (designated by unit number) for damage description. Each page has the following entry requirements:
 - 1. Date and time reported,
 - 2. A DR #, if a traffic accident report is taken,
 - 3. Person reporting damage,
 - 4. Last driver of the vehicle,
 - 5. Supervisor who was advised of the damage,
 - 6. Description of the damage,
 - 7. Attached to each page will be a six view vehicle drawing depicting the damage location(s). After completing this document, then place it in the section corresponding to the damaged vehicle.

703.7.2 EMPLOYEE'S RESPONSIBILITIES

- (a) Beginning a tour of duty:
 - 1. Each vehicle shall be inspected for any visible damage to the interior and exterior,
 - (a) This inspection shall be completed prior to going in-service, but if this is not possible, then as soon as practical.
 - (b) If damage is found, check the Vehicle Damage Log to determine if it has already been reported.
 - (c) If it is determined that the damage has not been reported, then bring it to the attention of a shift supervisor, so he/she witness the damage.
 - (d) Note exterior damage on Damage Log and view drawing.
 - (e) Note interior damage on Damage Log.
 - (f) If any significant damage is found, complete a Vehicle Accident / Property Damage Report and submit it to your supervisor.

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- (g) If the damage is indicative of a traffic accident, then a Vehicle Collision Report must be taken, along with a Supervisor's Report of City Property Involved Report.

703.7.3 SUPERVISOR'S RESPONSIBILITIES

- (a) Shift supervisors shall conduct periodic inspections to ascertain that officers are properly inspecting the vehicles and that all city equipment is serviceable.
- (b) Any misuse of city equipment and/or any other deficiency that comes to the attention of a supervisor shall be brought to the attention of his/her supervisor for proper disposition.
- (c) Supervisors shall ensure that all damage to vehicles, misuse of equipment, and/or any other deficiency is documented, logged and the proper reports submitted.

703.8 TOLL ROAD USAGE

Law enforcement vehicles are not routinely exempted from incurring toll road charges.

To avoid unnecessary toll road charges, all employees operating department vehicles on a toll road shall adhere to the following:

- (a) Employees operating department vehicles for any reason other than in response to an emergency shall pay the appropriate toll charge or utilize the appropriate toll way transponder. Employees may submit a request for reimbursement from the City for any toll fees incurred in the course of official business.
- (b) Employees passing through a toll plaza or booth during a response to an emergency shall notify, in writing, the appropriate Division Commander within five working days explaining the circumstances.

703.9 ATTIRE AND APPEARANCE

When operating any department vehicle while off-duty, employees may dress in a manner appropriate for their intended activity. Whenever in view of or in contact with the public, attire and appearance, regardless of the activity, should be suitable to reflect positively upon the Department.

Personal Protective Equipment

704.1 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.

704.1.1 DEFINITIONS

Definitions related to this policy include:

Personal protective equipment (PPE) - Equipment that protects a person from serious workplace injuries or illnesses resulting from contact with chemical, radiological, physical, electrical, mechanical or other workplace hazards.

Respiratory PPE - Any device that is worn by the user to protect from exposure to atmospheres where there is smoke, low levels of oxygen, high levels of carbon monoxide, or the presence of toxic gases or other respiratory hazards. For purposes of this policy, respiratory PPE does not include particulate-filtering masks such as N95 or N100 masks.

704.2 POLICY

The Orange Police Department endeavors to protect personnel by supplying certain PPE to personnel as provided in this policy.

704.3 OFFICER RESPONSIBILITIES

Officers are required to use PPE as provided in this policy and pursuant to their training.

Officers 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 officer 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.

704.4 HEARING PROTECTION

Approved hearing protection shall be used by personnel during firearms training.

Hearing protection shall meet or exceed the requirements provided in the California Code of Regulations.

704.5 EYE PROTECTION

Approved eye protection, including side protection, shall be used by personnel during firearms training. Eye protection for personnel who wear prescription lenses shall incorporate the prescription (e.g., eye protection that can be worn over prescription lenses). Personnel shall ensure their eye protection does not interfere with the fit of their hearing protection.

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The Firearms Training Staff shall ensure eye protection meets or exceeds the requirements provided in the California Code of Regulations.

704.6 HEAD AND BODY PROTECTION

Officers who make arrests or control crowds should be provided ballistic head protection with an attachable face shield.

704.7 RESPIRATORY PROTECTION

The Support Services Division Commander is responsible for ensuring a respiratory protection plan is developed and maintained by a trained and qualified personnel. The plan shall include procedures for (refer to the California Code of Regulations):

- (a) Selecting appropriate respiratory PPE based on hazards and risks associated with functions or positions.
- (b) Fit testing, including identification of personnel 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.

704.7.1 RESPIRATORY PROTECTION USE

Designated personnel may be issued respiratory PPE based on the personnel'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 personnel 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 reevaluate the continued effectiveness of the respirator and direct the member to leave the respirator use area when the scene commander reasonably believes (refer to the California Code of Regulations):

- (a) It is necessary for personnel to wash his/her face and the respirator facepiece to prevent eye or skin irritation associated with respirator use.

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- (b) The personnel detects vapor or gas breakthrough, or there is a change in breathing resistance or leakage of the face piece.
- (c) The member needs to replace the respirator, filter, cartridge or canister.

704.7.2 PERSONNEL RESPONSIBILITIES FOR RESPIRATORY PROTECTION

Personnel shall not use self-contained breathing apparatus (SCBA), full-face respirators or cartridge respirators unless they have completed training requirements for the equipment.

Personnel exposed to environments that are reasonably known to be harmful due to gases, smoke or vapors shall use respiratory PPE.

Personnel using respiratory PPE shall (refer to the California Code of Regulations):

- (a) Ensure that they have no facial hair between the sealing surface of the face piece and the face that could interfere with the seal or the valve function. Personnel also shall ensure that they have no other condition that will interfere with the face-to-face piece seal or the valve function.
- (b) Not wear corrective glasses, goggles or other PPE that interferes with the seal of the face piece 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 face piece and ensure that the respirator is replaced or repaired before returning to the affected area.

704.7.3 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. Personnel must identify and use the correct cartridge based on the circumstances (refer to the California Code of Regulations).

A scene commander may order the use of gas masks in situations where the use of a SCBA is not necessary. These incidents may include areas where tear gas has or will be used or where a vegetation fire is burning. Gas masks shall not be used if there is a potential for an oxygen-deficient atmosphere.

Personnel 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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704.7.4 RESPIRATOR FIT TESTING

No personnel shall be issued respiratory PPE until a proper fit testing has been completed by a designated personnel or contractor (refer to the California Code of Regulations).

After initial testing, fit testing for respiratory PPE shall be repeated (refer to the California Code of Regulations):

- (a) At least once every 12 months.
- (b) Whenever there are changes in the type of SCBA or face piece 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 face piece seal).

All respirator fit testing shall be conducted in negative-pressure mode.

704.7.5 RESPIRATORY MEDICAL EVALUATION QUESTIONNAIRE

No personnel shall be issued respiratory protection that forms a complete seal around the face until (refer to the California Code of Regulations):

- (a) Personnel 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) Personnel has completed any physical examination recommended by the reviewing physician or health care professional.

704.8 RECORDS

The Training Bureau Sergeant 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.
 - (a) 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 the California Code of Regulations.

704.9 TRAINING

Personnel should be trained in the respiratory and other hazards to which they may be potentially exposed during routine and emergency situations.

All personnel 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 (refer to the California Code of Regulations).

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Personnel issued respiratory PPE shall attend annual training on the proper use of respiratory protection devices (refer to the California Code of Regulations).

Cash Handling, Security and Management

705.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure department personnel handle cash appropriately in the performance of their duties.

This policy does not address cash-handling issues specific to the Property and Evidence and Informants policies.

705.2 POLICY

It is the policy of the Orange Police Department to properly handle and document cash transactions and to maintain accurate records of cash transactions in order to protect the integrity of department operations and ensure the public trust.

705.3 PETTY CASH FUNDS

The Chief of Police shall designate an employee as the custodian responsible for maintaining and managing the petty cash fund.

The Department requires completion of an Affidavit form at the time of establishing a petty cash fund or when changing custodians of these funds. The custodian shall keep all petty cash funds in a locked safe at all times.

Petty cash funds are to be used for purchases not to exceed \$75 and shall not be used to purchase items that can be purchased using an existing purchase order or for items that are in inventory at the City's warehouse. For items exceeding \$75, payment authorization is required. The Finance Director or his/her designee must approve any amount in excess of the \$75 limit.

705.4 PETTY CASH TRANSACTIONS

The custodian shall document all transactions in ink on the designated Petty Cash Form (Stock #817). Each person participating in the transaction shall sign, attesting to the accuracy of the entry. Transactions should include the filing of an appropriate receipt or invoice, transactions not documented by a receipt or invoice require a Missing Receipts Form.

705.5 PETTY CASH AUDITS

The custodian shall perform a monthly audit requiring the custodian and at least one Command Staff member, selected by the Chief of Police, review the transactions and verify the accuracy of the accounting. The custodian and the participating employee shall sign or otherwise validate the Petty Cash Reimbursement Request Form attesting to the accuracy of all documentation of fund accounting. Petty cash funds must reconcile to ensure that the petty cash on hand, plus the petty cash slips negotiated, total to the allocated petty cash amount. A discrepancy in the audit requires documentation by those performing the audit and an immediate reporting of the discrepancy to the Chief of Police. Requests for reimbursement of petty cash must be submitted to Accounts Payable and be accompanied by the individual petty cash slips as well as a summary listing of the individual requests. Reimbursement will be made in cash to the authorized Department representative.

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Cash Handling, Security and Management

Transference of fund management to another employee shall require a separate petty cash audit and involve a Command Staff member.

705.6 ROUTINE CASH HANDLING

Those who handle cash as part of their property or Special Investigations Unit- SIU supervisor duties shall discharge those duties in accordance with the Property and Evidence and Informants policies.

Employees who routinely accept payment for department services shall discharge those duties in accordance with the procedures established for those tasks.

705.7 OTHER CASH HANDLING

Personnel of the Department who, within the course of their duties, are in possession of cash that is not their property or that is outside their defined cash-handling responsibilities shall, as soon as practicable, verify the amount, summon another employee to verify their accounting, and process the cash for safekeeping or as evidence or found property, in accordance with the Property and Evidence Policy.

Cash in excess of \$1,000 requires immediate notification of a supervisor, special handling, verification and accounting by the supervisor. Each employee involved in this process shall complete an appropriate report or record entry.

Military Equipment

706.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the approval, acquisition, and reporting requirements of military equipment (Government Code § 7070; Government Code § 7071; Government Code § 7072).

706.1.1 DEFINITIONS

Definitions related to this policy include (Government Code § 7070):

Governing body – The elected or appointed body that oversees the Department.

Military equipment – Includes but is not limited to the following:

- (1) Unmanned, remotely piloted, powered aerial or ground vehicles.
- (2) Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers.
- (3) High mobility multipurpose wheeled vehicles (HMMWV), two-and-one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached.
- (4) Tracked armored vehicles that provide ballistic protection to their occupants.
- (5) Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
- (6) Weaponized aircraft, vessels, or vehicles of any kind.
- (7) Battering rams, slugs, and breaching apparatuses that are explosive in nature. This does not include a handheld, one-person ram.
- (8) Firearms of .50 caliber or greater. However, standard issue shotguns are specifically excluded..
- (9) Ammunition of .50 caliber or greater. However, standard issued shotgun ammunition is specifically excluded.
- (10) Specialized firearms and ammunition of less than .50 caliber, including firearms and accessories identified as assault weapons in Penal Code § 30510 and Penal Code § 30515, with the exception of standard-issue firearms.
- (11) Any firearm or firearm accessory that is designed to launch explosive projectiles.
- (12) Noise-flash diversionary devices and explosive breaching tools; Munitions containing tear gas or OC, excluding standard, service-issued handheld pepper spray.
- (13) TASER® Shockwave, microwave weapons, water cannons, and long-range acoustic devices (LRADs).
- (14) Kinetic energy weapons and munitions.

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(15) Any other equipment as determined by a governing body or a state agency to require additional oversight.

*Equipment and/or accessories that do not launch explosives, such as lighting, handles, scopes and slings, are not applicable to this policy

706.2 POLICY

It is the policy of the Orange Police Department that members of this department comply with the provisions of Government Code § 7071 with respect to military equipment.

706.3 MILITARY EQUIPMENT COORDINATOR

The Chief of Police should designate an employee of this department to act as the military equipment coordinator. The responsibilities of the military equipment coordinator include but are not limited to:

- (a) Acting as liaison to the governing body for matters related to the requirements of this policy.
- (b) Identifying department equipment that qualifies as military equipment in the current possession of the Department, or the equipment the Department intends to acquire that requires approval by the governing body.
- (c) Conducting an inventory of all military equipment at least annually.
- (d) Collaborating with any allied agency that may use military equipment within the jurisdiction of Orange Police Department (Government Code § 7071).
- (e) Preparing for, scheduling, and coordinating the annual community engagement meeting to include:
 1. Publicizing the details of the meeting.
 2. Preparing for public questions regarding the department's funding, acquisition, and use of equipment.
- (f) Preparing the annual military equipment report for submission to the Chief of Police and ensuring that the report is made available on the department website (Government Code § 7072).
- (g) Establishing the procedure for a person to register a complaint or concern, or how that person may submit a question about the use of a type of military equipment, and how the Department will respond in a timely manner.

706.4 MILITARY EQUIPMENT INVENTORY

The following constitutes a list of qualifying equipment for the Department:

[See attachment: Military Equipment Inventory - 2024 PDF.pdf](#)

706.5 APPROVAL

The Chief of Police or the authorized designee shall obtain approval from the governing body by way of an ordinance adopting the military equipment policy. As part of the approval process, the Chief of Police or the authorized designee shall ensure the proposed military equipment policy is

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submitted to the governing body and is available on the department website at least 30 days prior to any public hearing concerning the military equipment at issue (Government Code § 7071). The military equipment policy must be approved by the governing body prior to engaging in any of the following (Government Code § 7071):

- (a) Requesting military equipment made available pursuant to 10 USC § 2576a.
- (b) Seeking funds for military equipment, including but not limited to applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.
- (c) Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.
- (d) Collaborating with another law enforcement agency in the deployment or other use of military equipment within the jurisdiction of this department.
- (e) Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing body.
- (f) Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of military equipment.
- (g) Acquiring military equipment through any means not provided above.

706.6 EXIGENT CIRCUMSTANCES

In exigent circumstances and with the approval of the Chief of Police or their designee, the department may acquire, borrow and/or use military equipment that is not included in the Military Equipment Use Policy. If the department acquires, borrows, and/or used military equipment in exigent circumstances, in accordance with this section, it must take all of the following actions:

- Provide written notice of that acquisition nor use to the City Council within 30 days following the commencement of the exigent circumstances, unless such information is confidential or privileged under local, state or federal law.
- If it is anticipated that the use will continue beyond the exigent circumstances, the department will submit a proposed amendment to the Military Equipment Use Policy to the City Council within 90 days following the borrowing, acquisition, and/or use, and receive approval, as applicable, from the City Council.
- Include the military equipment in the department's next annual Military Equipment Report.

706.6.1 COORDINATION WITH OTHER JURISDICTIONS

Military equipment used by any employee of this department shall be approved for use and in accordance with this department policy. Military equipment used by other jurisdictions that are providing mutual aid to this department shall comply with their respective military equipment use policies in rendering mutual aid should not be used by any other law enforcement agency or personnel in this jurisdiction unless the military equipment is approved for use in accordance with this policy.

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706.7 ANNUAL REPORT

Upon approval of a military equipment policy, the Chief of Police or the authorized designee should submit a military equipment report to the governing body for each type of military equipment approved within one year of approval, and annually thereafter for as long as the military equipment is available for use (Government Code § 7072).

The Chief of Police or the authorized designee should also make each annual military equipment report publicly available on the department website for as long as the military equipment is available for use. The report shall include all information required by Government Code § 7072 for the preceding calendar year for each type of military equipment in department inventory.

706.8 COMMUNITY ENGAGEMENT

Within 30 days of submitting and publicly releasing the annual report, the Department shall hold at least one well-publicized and conveniently located community engagement meeting, at which the Department should discuss the report and respond to public questions regarding the funding, acquisition, or use of military equipment. The procedures by which members of the public may register complaints or concerns or submit questions about the use of each specific type of military equipment are governed by department policy: Personnel Complaints.

Chapter 8 - Support Services

Police Communications Bureau

800.1 PURPOSE AND SCOPE

This policy establishes guidelines for the basic functions of the Communications Center. It addresses the immediate information needs of the Department in the course of its normal daily activities and during emergencies.

800.2 POLICY

It is the policy of the Orange 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 the Police Communications Bureau and department personnel in the field.

800.3 POLICE COMMUNICATIONS BUREAU SECURITY

The communications function is vital and central to all emergency service operations. The safety and security of Police Communications Bureau, its personnel and its equipment must be a high priority. Special security procedures should be established in a separate operations manual for Police Communications Bureau.

Access to Police Communications Bureau shall be limited to Police Communications Bureau members, the Watch Commander, command staff and department personnel with a specific business-related purpose.

800.4 RESPONSIBILITIES

800.4.1 POLICE COMMUNICATIONS MANAGER

The Chief of Police shall appoint and delegate certain responsibilities to a Police Communications Manager. The Police Communications Manager is directly responsible to the Field Services Division Commander or the authorized designee.

The responsibilities of the Police Communications Manager include, but are not limited to:

- (a) Overseeing the efficient and effective operation of the Police Communications Bureau in coordination with other supervisors.
- (b) Plans, manages, and oversees the daily functions, operations, and activities of the Police Communications Bureau.
- (c) Determines and sets procedures for internal processes and personnel issues within the Communications Bureau, in accordance with Orange P.D. policy.
- (d) Participates in the development and implementation of goals, objectives, policies and priorities for the Communications Bureau; recommends and administers policies and procedures.
- (e) Participates in the development, administration and oversight of the Communications Bureau's budget.

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- (f) Develops and standardizes procedures and methods to improve and continuously monitor the efficiency and effectiveness of assigned programs, service delivery methods, and procedures.
- (g) Participates in the selection of, trains, motivates, and evaluates assigned personnel; provides or coordinates staff training; works with employees on performance issues; implements discipline procedures.
- (h) Oversees the maintenance of radio, telephone, and computerized dispatch systems, including 911, telephone, and radio recording systems.
- (i) Oversees and participates in assembling and compiling information for a variety of departmental, State mandates, and statistical reports. Provides highly complex staff assistance to an assigned Police Captain; prepares staff reports and other necessary correspondence.
- (j) Attends and participates in professional group meetings; stays abreast of new trends and innovations in the field of Police Communications services; researches emerging products and enhancements, and their applicability to City and Department needs.
- (k) Monitors changes in regulations and technology that may affect operations; implements policy and procedural changes after approval.
- (l) Receives, investigates and responds to difficult and sensitive problems and inquiries in a professional manner; identifies and reports findings, and takes necessary corrective action.
- (m) Handling internal and external inquiries regarding services provided, and accepting personnel complaints in accordance with the Personnel Complaints Policy.

800.4.2 ADDITIONAL PROCEDURES

The Communications Supervisor should establish procedures for:

- (a) Recording all telephone and radio communications and playback issues.
- (b) Storage and retention of recordings.
- (c) Security of audio recordings (e.g., passwords, limited access, authorized reviewers, preservation of recordings past normal retention standards).
- (d) Availability of current information for dispatchers (e.g., Watch Commander contact, rosters, member tracking methods, member contact, maps, emergency providers, tactical dispatch plans).
- (e) Assignment of field personnel and safety check intervals.
- (f) Emergency Medical Dispatch (EMD) instructions.
- (g) Procurement of external services (e.g., fire suppression, ambulances, aircraft, tow trucks, taxis).
- (h) Protection of essential equipment (e.g., surge protectors, gaseous fire suppression systems, uninterruptible power systems, generators).
- (i) Protection of radio transmission lines, antennas and power sources for the Communications Center (e.g., security cameras, fences).

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- (j) Handling misdirected, silent and hang-up calls.
- (k) Handling private security alarms, if applicable.
- (l) Radio interoperability issues.

800.4.3 POLICE DISPATCH SHIFT SUPERVISOR

Police Dispatch Shift Supervisors report to the Police Communications Manager. The responsibilities of the Police Dispatch Shift Supervisor include, but are limited to:

- (a) Plans, organizes, assigns, supervises, and reviews the work of staff for an assigned shift in the Police Communications Bureau, which is responsible for all police call-taking and dispatching services.
- (b) Participates in the development and implementation of goals, objectives, policies, and priorities for assigned services and programs; identifies resource needs; recommends and implements policies and procedures, including standard operating procedures for an assigned shift.
- (c) Evaluates employee performance, counsels employees, and effectively recommends initial disciplinary action; assists in selection and promotion.
- (d) Trains staff in work procedures and in the operation and use of equipment; implements procedures and standards.
- (e) Monitors operations and activities of assigned staff; recommends improvements and modifications, and prepares various reports on operations and activities.
- (f) Scheduling and maintaining dispatcher time records.
- (g) Supervising, training, and evaluating dispatchers.
- (h) Ensuring the radio and telephone recording system is operational.
- (i) Oversees and participates in preparation of court quality tapes and documentation; assists in gathering of recorded tapes and computer data for Internal Affairs during related investigations.
- (j) Provides staff assistance to the Police Communications Manager; prepares and presents staff reports and other necessary correspondence; ensures the proper documentation of activities.
- (k) In conjunction an cooperation with the Police Communications Manager, maintaining and updating the Police Communications Bureau procedures manual; ensuring dispatcher compliance with established policies and procedures.
- (l) Supervises the use of communications equipment; ensures that equipment is properly operated, maintained, and secured when not in use; oversees and schedules the service, repair, and replacement of equipment as needed.

800.4.4 DISPATCHERS

Police Dispatchers report to the Police Dispatch Shift Supervisors. The responsibilities of the Police Dispatcher include, but are not limited to the following:

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- (a) Receiving, handling and determining priority of all incoming and transmitted communications, including:
 1. Emergency 9-1-1 lines.
 2. Business telephone lines.
 3. Internal telephone lines.
 4. Watch Commander's telephone line, when the Watch Commander is busy or otherwise unavailable.
 5. Telecommunications Device for the Deaf (TDD) / Text Telephone (TTY) equipment.
 6. Text-To-911 systems.
 7. Radio communications with department personnel in the field, and support resources (allied law enforcement units, city municipal employees, etc.)
 8. Other electronic sources of information (e.g., alarm or computer tracking systems, camera/video surveillance, etc.).
- (b) Dispatching public safety emergency units in accordance with established procedures and policies, using a Computer-Aided Dispatch (CAD) system.
- (c) Documenting the field activities of department members and support resources, using a Computer-Aided Dispatch (CAD) system.
- (d) Inquiry and entry of information through the Computer-Aided Dispatch (CAD), department and other law enforcement database systems (CLETS, DMV, NCIC, etc.).
- (e) Monitoring department video surveillance systems.
- (f) Maintaining the current status of personnel in the field, their locations, and the nature of calls for service.
- (g) Notifying the Watch Commander or field supervisor of emergency activity, including, but not limited to:
 1. Vehicle Pursuits.
 2. Foot Pursuits.

800.5 CALL HANDLING

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 five key questions:

- Where?
- What?
- When?

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- Who?
- Weapons?

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 dispatcher should immediately connect the LEP caller with an authorized interpreter or interpretation service provider via a three-party conference call.

While it is understood and acceptable that dispatchers sometimes have to be direct and assertive with difficult callers, they should be courteous, patient, and respectful when dealing with the public. Dispatchers shall be courteous and respectful when interacting with other department members.

800.5.1 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 personnel and affected individuals.

Emergency calls should be dispatched immediately. The Watch Commander shall be notified of pending emergency calls for service when department personnel are unavailable for dispatch.

800.5.2 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.

800.6 RADIO COMMUNICATIONS

The police radio system is for official use only, to be used by dispatchers to communicate with department personnel 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) Personnel acknowledging the dispatcher with their radio identification call signs and current location.
- (b) Dispatchers acknowledging and responding promptly to all radio transmissions.
- (c) Personnel keeping the dispatcher advised of their status and location.

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- (d) Personnel and dispatcher acknowledgements shall be concise and without further comment unless additional information is needed.

The Police Dispatch Shift Supervisor, or Police Communications Manager 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.

800.6.1 FEDERAL COMMUNICATIONS COMMISSION COMPLIANCE

Orange Police Department radio operations shall be conducted in accordance with Federal Communications Commission (FCC) procedures and requirements.

800.6.2 RADIO IDENTIFICATION

Radio call signs are assigned to department personnel based on factors such as duty assignment, uniformed patrol assignment and/or personnel identification number. Dispatchers shall identify themselves on the radio with the appropriate station name or number, and identify the department personnel or by his/her call sign. Personnel 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 personnel. Personnel initiating communication with other law enforcement or support agencies shall use their entire radio call sign, which includes the department station name or number.

800.7 DOCUMENTATION

It shall be the responsibility of the Police Communications Bureau 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 personnel 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 personnel assigned as primary and backup.
- Time of dispatch.
- Time of the responding personnel's arrival.
- Time of personnel's return to service.
- Disposition or status of reported incident.

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800.8 CONFIDENTIALITY

Information that becomes available through the Police Communications Bureau may be confidential or sensitive in nature. All personnel of the Communications Center shall treat information that becomes known to them as confidential and release that information in accordance with the Protected Information Policy.

Automated data, such as Department of Motor Vehicle records, warrants, criminal history information, records of internal police files or medical information, shall only be made available to authorized law enforcement personnel.

800.9 TRAINING AND CERTIFICATION

Dispatchers shall receive training consistent with minimum standards established by POST (refer to the California Penal Code).

Property and Evidence

801.1 PURPOSE AND SCOPE

This policy provides for the proper collection, storage, and security of evidence and other property. Additionally, this policy provides for the protection of the chain of evidence and those employees authorized to remove and/or destroy property.

801.2 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., the California Welfare and Institutions Code - mentally ill persons)

Found property - Includes property found by an employee or citizen that has no apparent evidentiary value and where the owner cannot be readily identified or contacted.

801.2.1 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 a Property Report 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. A Property Report form must be completed to document the release of property not booked and the owner shall sign the form acknowledging receipt of the item(s).

NOTE: All evidence listed on the Property Report form shall be booked into the Evidence/Property Booking Room. No evidence shall be kept in the officer's possession without prior approval of the watch commander or appropriate supervisor. In such cases, DO NOT indicate that property delineated on the Property Report was booked into the Evidence/Property Booking Room. Property that is not booked into the Evidence/Property Booking Room in a timely manner shall be explained in either the narrative section of the Property Report, Incident Report, or Supplemental Report.

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Property and Evidence

801.2.2 POLICE EMPLOYEE RESPONSIBILITY IN THE COLLECTION OF EVIDENCE AND/OR PROPERTY

- (a) Department employees responsible for securing, collecting or "booking" property which comes into their possession as found, safekeeping, or as evidence shall cause all such property to be properly recorded.
 - 1. Property (other than contraband and/or evidence of a crime) that is taken from the person of an arrestee requires a receipt be completed.
 - (a) As required by the California Penal Code; whenever an officer takes property from the person of one arrested, and retains it for some reason, a receipt must be completed at that time and distributed as follows:
 - 1. **White** - With original report, with copies to Court Liaison for filing with the court,
 - 2. **Yellow** - To representative receiving arrestee (i.e. O.C. Jail, Juvenile Hall, mental health, etc.),
 - 3. **Pink** - to the arrested person.
 - 2. Evidence seized where CSI is not conducted:
 - (a) The arresting officer is responsible for the appropriate search, proper collection and ultimate booking of any property or evidence seized.
 - 3. Evidence seized where CSI is assigned or conducted:
 - (a) The evidence or property that is not collected by the arresting officer becomes the responsibility of the assigned CSI personnel,
 - (b) Personnel conducting CSI shall thoroughly search vehicles and appropriate areas, and remove any contraband or evidence that the arresting officer may have overlooked in his/her original search. Any valuable property (i.e. jewels, furs, currency, etc.) shall also be collected and entered into the appropriate storage locker for "safekeeping."
- (b) All property shall be conspicuously tagged and stored within an "authorized evidence storage area."
- (c) All property shall be "booked" into an authorized evidence storage area prior to the end of watch or normal "tour-of-duty."
 - 1. To provide for uniformity of packaging, departmentally approved paper evidence containers (i.e. envelopes, sacks, etc.) should be used.
- (d) Analysis of suspected controlled substances.
 - 1. All seized narcotics/drugs are analyzed soon after receipt into evidence storage areas by Crime Lab investigators or an appropriate agency.
 - 2. Any specialized handling, processing, (i.e. prints, lab photos), or analysis requirements shall be noted on the "Evidence Examination Request" (OPD Form E-7) and the form shall be submitted with the original report.

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- (e) In instances where the size of the property would preclude it from being booked into an authorized evidence storage area, the on-duty watch commander shall determine a suitable location for temporary storage of the property.

801.2.3 EXCEPTIONAL PROPERTY HANDLING

Certain property items require a separate process. The following items shall be processed in the described manner:

- (a) **Bodily Fluids** such as blood or semen stains shall be air dried prior to booking,
 - 1. Clothes that contain blood or bodily fluids will be hung in the Misonix Evidence Drying Cabinet, located in the Bulk Property Room.
 - 2. The Misonix Evidence Drying Cabinet should be checked for cleanliness and potential contaminants prior to the placing of evidence for drying.
 - 3. Attach proper tags and Property Reports to the rack adjacent to the evidence.
 - 4. The officer who places the evidence into the Misonix Evidence Drying Cabinet is responsible for insuring that it is properly removed and booked into evidence.
- (b) **Rape Kits** are to remain sealed and placed in the appropriate storage,
 - 1. Blood is to be placed in the refrigerator located in the Bulk Property Room.
 - 2. The remaining portion of the Rape Kit will be placed in the freezer in the Bulk Property Room, along with the Property Reports and Evidence tags.
- (c) **Money** shall be counted and placed in a white Cash Worksheet envelope separate from other evidence,
 - 1. If the amount of money exceeds \$100 then a second officer or a supervisor shall also count the money.
 - 2. The money shall be placed in a white Cash Worksheet envelope and booked into the Evidence/Property Booking Room.
 - (a) All those who counted the money shall initial the sealed envelope.
 - 3. The Property Officer will deposit the money at the City Finance Department.
 - 4. If, for any reason, the money should be held as evidence and not turned over to the Finance Department, the officer must note this on the Property Report.
- (d) **License Plates** found not to be stolen or connected with a known crime, should be released directly to the Property Officer, or placed in the designated container for return to the Department of Motor Vehicles. No formal property booking process is required,
- (e) **Bicycles and Bicycle Frames** require a property record,
 - (a) Property tags will be securely attached to each bicycle or bicycle frame.

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- (b) The property may be released directly to the Property Officer, or placed in the bicycle storage area until a Property Officer can log the property.
- (f) **Chemicals** used in narcotics labs, or other clandestine operations, shall be released to other authorized agencies, such as Haz-Mat, Bureau of Narcotics Enforcement, Department of Justice or other qualified disposal companies,
 - (a) Check with the watch commander if there are any questions regarding the handling of chemicals.
 - (b) Unknown chemicals shall be left at the scene and a chemical identification expert called to the scene prior to removal.
- (g) **Flammable Liquids** shall be processed in accordance with Orange Fire Department guidelines and shall not be booked into the Orange Police Department's Evidence/Property Booking Room,
- (h) **City Property**, unless connected to a known criminal case, should be released directly to the appropriate city department. No formal booking is required.
 - (a) In cases where no responsible person can be located, the property should be booked for safekeeping in the normal manner.

801.2.4 DANGEROUS WEAPONS - HANDLING AND PACKAGING

- (a) Any time a firearm or other weapon is found, the potential for evidentiary value cannot be overlooked. If a firearm or other weapon is to be sent to the Forensic Services Technician (FST) for examination, the following procedure will protect latent prints or trace evidence.
 1. The particular circumstances will dictate whether a weapon will be packaged and sent to the FST or merely booked into Property for further disposition. Some examples wherein weapons would be sent to the FST are:
 - (a) Homicide Investigations,
 - (b) Assault with a deadly weapon investigation,
 - (c) Gang-related investigation where weapons, especially firearms, may have been used in a homicide, drive-by shooting, or other violence,
 - (d) A CCW arrest (refer to the California Penal Code),
 - (e) Apparent suicides where later examination of the weapon is required to verify the facts of the investigation.
 2. The above guidelines cannot cover every situation; however, if in doubt, contact a supervisor.
- (b) Evidence collection boxes specifically designed to hold pistols, rifles and knives, along with a supply of tie-downs and envelopes, are maintained in the Evidence/Property Booking Room.

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- (c) When it is determined a weapon is to be sent to the FST for further examination, the following guidelines will be followed:
 - (a) Unless absolutely necessary, DO NOT unload the weapon or alter its condition in any way,
 - (a) Always use latex type gloves when handling any weapon in order to protect latent prints and DNA evidence.
 - (b) Never pick-up a weapon by placing a pencil or other object in the end of the barrel. Using the thumb and index finger on the rough portion of the grips, or a string placed through the trigger guard are two methods of handling a gun while still maintaining the integrity of any trace evidence or latent fingerprints.
 - (b) Using the tie-downs, secure the weapon inside the box in such a way as to protect the firing mechanism from accidental discharge,
 - (a) Mark on the outside top portion of the box that the weapon is loaded.
 - (c) Place an Evidence Tag with identifying information inside the box,
 - (d) DO NOT seal the box, but rather place it along with the Property Report form, inside one of the bins in the Evidence/Property Booking Room,
 - (a) **Property officers and the FST shall always assume that all boxed firearms are loaded and treat them accordingly.**
 - (e) The property officer, upon observing a packaged weapon, shall have the FST come to the Evidence/Property Booking Room, sign the Property Report form and take possession of the packaged weapon until testing is complete,
 - (f) The FST, upon completing the testing process, shall return the weapon, unloaded, to the property officer in one of the following two manners,
 - (a) If evidence was obtained that should not be further disturbed, the weapon should remain packaged with cartridges placed in a separate envelope and tied-down inside the box with the Property Tag securely affixed to the outside of the box.
 - (b) If no evidence was obtained, or it is not necessary to keep the weapon packaged, tie the Property Tag, along with any cartridges, to the weapon.
- (d) When it has been determined there is no need for a weapon to be sent to the FST for further examination, the following guidelines will be followed:
 1. **Firearms** shall be completely unloaded and tagged in one of the following manners,
 - (a) **Rifles:** Place loose cartridges in an envelope and secure it, along with magazines and the Property Tag, to the trigger guard or other appropriate location.
 - (b) **Revolvers:** Place loose cartridges in an envelope and secure it, along with the Property Tag, to the revolver by leaving the cylinder open and placing a tie-down through the length of the barrel.

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- (c) **Semi-Automatics or Automatics:** Place the magazine and loose cartridges in an envelope and secure it, along with the Property Tag, to the semi-automatic or automatic by locking the slide open and placing a tie-own through the ejection port and out the handle.
- 2. **Other Weapons** shall have a Property Tag secured in an appropriate location.
 - (a) DO NOT place the weapon in any container or seal it in any bag or envelope. Place it with the Property Report form inside one of the bins in the Evidence/Property Booking Room.

801.2.5 PERISHABLE GOODS - BUSINESS COMMODITIES - FIELD PROCEDURES

Items secured as evidence, which are either perishable items and/or minor consumer sales items, may be released to lawful owners in the field subsequent to the following guidelines. Typical items in these categories may include fresh meat, food products, clothing, cosmetics, etcetera (i.e. items taken resulting in petty theft citations shall be photographed and released to the owner at the scene).

- (a) Where circumstances indicate, legal owners should be advised to maintain possession and control of the property until court disposition (excepting perishables).
- (b) When a supervisor is unavailable and a question arises as to the advisability of releasing certain evidence in the field, the officer shall secure and formally book the property.
- (c) All items (of evidentiary value) subject to field release shall be processed as follows:
 - 1. Attach DR numbers and identifying information of the case in a visible location upon the property,
 - 2. Secure ample color photographs of property for court presentation purposes (i.e. comparative size, color, texture, identifying numbers, sales tags, etc.),
 - 3. List property secured as evidence on a Property Report form and have the receiving party complete the "Release data" section on the Property Report,
 - 4. Submit CSI photographs and the Property Report form with the original report,
 - 5. Specifically note in the original crime report that the property involved was secured, identified, photographed and released to the lawful owner(s) at the scene.

801.2.6 EXPLOSIVES / FIREWORKS

- (a) Officers who encounter an explosive device shall immediately notify a supervisor and/or watch commander.
 - 1. The Orange County Sheriff's Department Bomb Squad will be called to handle situations involving explosive devices and all such devices will be released to them for disposal.

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- (b) Explosives that are known or suspected to be armed or live, other than fixed ammunition, should not be retained in the police department.
- (c) All fireworks, road flares, or fuses that are considered safe will be placed in the barrel on the north side of the building and then transported to the fire department on a regular basis by a property officer.

801.2.7 NARCOTICS AND DANGEROUS DRUGS

- (a) If size allows, evidence must be heat sealed in plastic bags and initialed on the sealed portion.
 - 1. Plastic bags and sealer are located in the Property Booking Room.
- (b) Drugs and narcotics shall be weighed prior to being placed into department sealed plastic bags and the weight for each item will be noted on the Property Report form.
- (c) The weight of drugs and narcotics is to include the baggies or bindles they are packaged in. The total approximate weight of drugs, baggies and/or bindle will be listed on the Property Report form.
- (d) If there are multiple suspects arrested and each suspect has drugs, narcotics and/or paraphernalia, the illegal items from each suspect shall be packaged separately and listed on a separate Property Report form.
- (e) If different types of drugs and/or narcotics are seized, each type of drugs and/or narcotics will be packaged separately.
 - 1. Refer to the current policy manual for additional information regarding the booking of narcotics.
- (f) Drugs and/or narcotics shall be packaged separately from paraphernalia.
 - 1. Paraphernalia is defined by the California Health & Safety Code..
- (g) All needles and syringes shall be placed into evidence tubes prior to booking into the Evidence/Property Booking Room.
 - 1. Refer to the current policy manual for additional information regarding the booking of needles and syringes.

801.3 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.

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801.3.1 PROPERTY BOOKING PROCEDURE

All property must be booked prior to the employee going off-duty unless otherwise approved by a supervisor. Employees booking property shall observe the following guidelines:

- (a) Complete the property form describing each item of property separately, listing all serial numbers, owner's name, finder's name, and other identifying information or markings.
- (b) Mark each item of evidence with the booking employee's initials and the date booked using the appropriate method so as not to deface or damage the value of the property.
- (c) Complete an evidence/property tag and attach it to each package or envelope in which the property is stored.
- (d) Place the case number in the upper right hand corner of the bag.
- (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.

801.3.2 EXPLOSIVES

Officers who encounter a suspected explosive device shall promptly notify their immediate supervisor or the Watch Commander. The bomb squad will be called to handle explosive-related incidents and will be responsible for the handling, storage, sampling and disposal of all suspected explosives.

Explosives will not be retained in the police facility. Only fireworks that are considered stable and safe and road flares or similar signaling devices may be booked into property. All such items shall be stored in proper containers and in an area designated for the storage of flammable materials. The Property Officer is responsible for transporting to the Fire Department, on a regular basis, any fireworks or signaling devices that are not retained as evidence.

801.3.3 RELINQUISHED FIREARMS

Individuals who relinquish firearms pursuant to the provisions of the California Penal Code shall be issued a receipt that describes the firearm, the serial number or other identification of the firearm at the time of relinquishment (refer to the California Penal Code).

Relinquished firearms shall be retained for 30 days, after which time they may be destroyed, retained, sold or otherwise transferred, unless (refer to the California Penal Code):

- (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.

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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 the California Penal Code.

The Property Officer shall ensure the Records Manager is notified of the relinquished firearm for purposes of updating the Automated Firearms System and the disposition of the firearm for purposes of notifying the California Department of Justice (DOJ) (See the Records Bureau Policy).

801.4 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 the California Health and Safety Code
- (e) Fireworks
- (f) Contraband

801.4.1 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.

801.4.2 PACKAGING NARCOTICS

The officer seizing narcotics and dangerous drugs shall retain such property in his/her possession until it is properly weighed, packaged, tagged, and placed in the designated narcotics locker, accompanied by two copies of the property record. Prior to packaging and if the quantity allows, a presumptive test should be made on all suspected narcotics. If conducted, the results of this test shall be included in the officer's report.

Narcotics and dangerous drugs shall be packaged in an envelope of appropriate size available in the report room. The booking officer shall initial the sealed envelope and the initials covered with cellophane tape. Narcotics and dangerous drugs shall not be packaged with other property.

A completed property tag shall be attached to the outside of the container. The chain of evidence shall be recorded on the back of this tag.

801.5 RECORDING OF PROPERTY

The Property Officer receiving custody of evidence or property shall record his/her signature, the date and time the property was received and where the property will be stored on the property control card.

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A property number shall be obtained for each item or group of items. This number shall be recorded on the property tag and the property control card.

Any changes in the location of property held by the Orange Police Department shall be noted in the property logbook.

801.5.1 PROPERTY OFFICER RESPONSIBILITIES

- (a) Receiving property:
 - 1. Receives property from officer of the department either,
 - (a) Directly from the officer (with accompanying forms), or
 - (b) Directly from an authorized evidence storage area.
 - 2. Prior to booking property, the property officer shall ensure that the appropriate report number is conspicuously "tagged" to the property prior to further processing the property,
 - 3. The property officer shall enter the required information on the Property Room Log,
 - 4. Store property in areas specifically designated for placement,
 - 5. Maintains an adequate and current file system that will provide prompt access to all property and evidence under the control of the property officer.
- (b) Releasing property:
 - (a) Only the property officer, or his/her specific designee, may release property. "Designee" may include the following personnel,
 - (a) Crime Lab personnel, in the extended absence of the property officer,
 - (b) The on-duty watch commander, after normal business hours and on weekends, where the property owner is not available during normal business hours and prior arrangements for property release have been approved by the property officer.
 - (b) As expressly "authorized for release" by the case investigator, or higher authority, the property officer may release the designated property after obtaining proper signatures in the "Release Data" section of the Property Report and the required time periods have been satisfied,
 - (c) All such property released which was initially received as "stolen" or "embezzled" shall be photographed prior to release,
 - (a) All photographs shall have the case number noted upon the photograph, which shall be retained in the original case file.
 - (b) Property classified as "stolen" or "embezzled," where the lawful owners cannot be located, may not be auctioned prior to the expiration of six months from the date of conviction or the date that the property came into the possession of the department, whichever is later.

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- (d) Each time any evidence is released to an authorized city employee, the property officer will,
 - (a) Enter "check-out" date required on the Property Report,
 - (b) Upon return of evidence, complete return data on the Property Report.
- (e) Found bicycles, which have been held for a period of 90 days and the owner is not identified and/or fails to claim the property, will be disposed of,
- (f) To whom property may be released - Property qualified to be released shall only be released to the owner or a person from whom custody of the property was originally obtained,
 - (a) In approved cases, property may be released to an agent with proper authorization and identification.
- (g) Any person seeking the release of suspected contraband shall be advised that property can only be released as a result of a written opinion of the City Attorney or a valid court order,
 - (a) In above cases, the person to receive the property shall be specifically named by the City Attorney's written opinion or the court order.
- (h) Release of property held by a court - Any person inquiring about property which has been removed from the Orange Police Department to court and received and retained in evidence shall,
 - (a) In a misdemeanor case, be referred to the clerk of the court in which the trial was held,
 - (b) In a felony case, if the defendant was held to answer to the Superior Court, be referred to the County Clerk, Central Court,
 - (c) In a felony case, if the defendant was not held to answer, be referred to the clerk of the court in which the preliminary hearing was held.

801.6 PROPERTY CONTROL

Each time the Property Officer receives property or releases property to another person, he/she shall enter this information on the property control card. Officers desiring property for court shall contact the Property Officer at least one day prior to the court day.

801.6.1 RESPONSIBILITY OF OTHER PERSONNEL

Every time property is released or received, an appropriate entry on the evidence package shall be completed to maintain the chain of evidence. No property or evidence is to be released without first receiving written authorization from a supervisor or detective.

Request for analysis for items other than narcotics or drugs shall be completed on the appropriate forms and submitted to the Property Officer. This request may be filled out any time after booking of the property or evidence.

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801.6.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY

The transporting employee will check the evidence out of property, indicating the date and time on the property control card and the request for laboratory analysis.

The Property Officer releasing the evidence must complete the required information on the property control card and the evidence. The lab forms will be transported with the property to the examining laboratory. Upon delivering the item involved, the officer will record the delivery time on both copies, and indicate the locker in which the item was placed or the employee to whom it was delivered. The original copy of the lab form will remain with the evidence and the copy will be returned to the Records Bureau for filing with the case.

801.6.3 STATUS OF PROPERTY

Each employee receiving property will make the appropriate entry to document the chain of evidence. Temporary release of property to officers for investigative purposes, or for court, shall be noted on the property control card, stating the date, time and to whom released.

The Property Officer shall obtain the signature of the person to whom property is released, and the reason for release. Any employee receiving property shall be responsible for such property until it is properly returned to property or properly released to another authorized person or entity.

The return of the property should be recorded on the property control card, indicating date, time, and the person who returned the property.

801.6.4 AUTHORITY TO RELEASE PROPERTY

The Investigative Services Division shall authorize the disposition or release of all evidence and property coming into the care and custody of the Department.

801.6.5 RELEASE OF PROPERTY

All reasonable attempts shall be made to identify the rightful owner of found property or evidence not needed for an investigation.

Release of property shall be made upon receipt of an authorized release form, listing the name and address of the person to whom the property is to be released. The release authorization shall be signed by the authorizing supervisor or detective and must conform to the items listed on the property form or must specify the specific item(s) to be released. Release of all property shall be documented on the property form.

With the exception of firearms and other property specifically regulated by statute, found property and property held for safekeeping shall be held for a minimum of 90 days. During such period, property personnel shall attempt to contact the rightful owner by telephone and/or mail when sufficient identifying information is available. Property not held for any other purpose and not claimed within 90 days after notification (or receipt, if notification is not feasible) may be auctioned to the highest bidder at a properly published public auction. If such property is not sold at auction or otherwise lawfully claimed, it may thereafter be destroyed (refer to the Civil Code). The final disposition of all such property shall be fully documented in related reports.

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A Property Officer shall release the property upon proper identification being presented by the owner for which an authorized release has been received. A signature of the person receiving the property shall be recorded on the original property form. After release of all property entered on the property control card, the card shall be forwarded to the Records 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. Upon release, the proper entry shall be documented in the Property Log.

Under no circumstances shall any firearm be returned to any individual unless and until such person presents valid identification and written notification from the California Department of Justice that conforms to the provisions of the California Penal Code.

The Property and Evidence 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 or other deadly weapon longer than 180 days after notice has been provided to the owner that such firearm or other deadly weapon is available for return. At the expiration of such period, the firearm or other deadly weapon may be processed for disposal in accordance with applicable law (refer to the California Penal Code).

801.6.6 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 (refer to the Code of Civil Procedure).

801.6.7 CONTROL OF NARCOTICS AND DANGEROUS DRUGS

The Investigative Services Division will be responsible for the storage, control and destruction of all narcotics and dangerous drugs coming into the custody of this department, including paraphernalia as described in the California Health and Safety Code.

801.6.8 RELEASE OF FIREARM IN DOMESTIC VIOLENCE MATTERS

Within five days of the expiration of a restraining order issued in a domestic violence matter that required the relinquishment of a firearm or ammunition, the Property Officer shall return the weapon or ammunition to the owner if the requirements of Penal Code § 33850 and Penal Code § 33855 are met, unless the firearm or ammunition is determined to be stolen, evidence in a criminal investigation, or the individual is otherwise prohibited from possessing a firearm (Family Code § 6389(g); Penal Code § 33855).

801.6.9 RELEASE OF PROPERTY BOOKED AS "FOUND"

If the lawful owner is not identified, or fails to claim the property, it shall be disposed of as provided below.

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- (a) The Civil Code provides that any person who finds property of unknown ownership and valued at \$100 or more, shall turn the property over to the police or sheriff's department having jurisdiction where the property was found. The police or sheriff's department will notify the owner, if known.
- (b) If the value of the property is \$250 or more and no owner is located within 90 days, title to the property vests in the finder, following publication of notice outlined in the Civil Code..
- (c) If the value of the found property is less than \$250 and no owner is located within 90 days, title shall vest in the finder without any requirement of publication per the Civil Code.
- (d) This does not apply to property found or saved by public employees in the course of their employment.

801.6.10 RELEASE OF FIREARMS AND WEAPONS IN MENTAL ILLNESS MATTERS

Firearms and other deadly weapons confiscated from an individual detained for an evaluation by a mental health professional or subject to the provisions of the Welfare and Institutions Code shall be released or disposed of as follows:

- (a) If a petition for a hearing regarding the return of has been initiated pursuant to the Welfare and Institutions Code, 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 the Penal Code.
- (b) If no petition has been initiated pursuant to the Welfare and Institutions Code 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 the Penal Code.
- (c) Unless the person contacts the Department to facilitate the sale or transfer of the firearm to a licensed dealer pursuant to the Penal Code, firearms not returned should be sold, transferred, destroyed or retained as provided in the Welfare and Institutions Code.

801.6.11 NON-ADJUDICATED CASES - PROPERTY NOT INTRODUCED IN COURT AS EVIDENCE

- (a) Property classified as evidence may subsequently be "authorized for release" by the case investigator under the following conditions:
 - 1. Conditions specifically noted by the case investigator on Form P-13 (Property Disposition form).
- (b) Property designated as "releasable" that has not been claimed by the owner within three months (90 days) may be disposed of after completion of the following steps:

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1. The property officer shall direct OPD Form P-39 (Advisement to Owner-Property Claim) to the owner and the person whose custody the property was taken from, via regular mail to the last known address,
2. If, within thirty (30) days, the lawful owner is unidentified or fails to claim the property, it shall be disposed of as provided by law (unclaimed property),
 - (a) If the property has not been determined as stolen/embezzled, it must be released to the person from whose custody originally taken, and further proof of ownership is not required.
3. When the property officer is notified that more than one claim of property ownership is involved, the case may be directed to the City Attorney's Office for resolution and/or disposition.

801.6.12 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 the California Penal Code.

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 (refer to the California Penal Code).

If a person other than the restrained person claims title to the firearms or ammunition surrendered pursuant to the California Penal Code and the Orange Police Department determines him/her to be the lawful owner, the firearms or ammunition shall be returned in accordance with the requirements of the California Penal Code.

Firearms and ammunition that are not claimed are subject to the requirements of the California Penal Code.

801.6.13 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.

801.7 DISPOSITION OF PROPERTY

All property not held for evidence in a pending criminal investigation or proceeding, and held for six months or longer where the owner has not been located or fails to claim the property, may be disposed of in compliance with existing laws upon receipt of proper authorization for disposal. The Property Officer shall request a disposition or status on all property which has been held in excess of 120 days, and for which no disposition has been received from a supervisor or detective.

801.7.1 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:

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- Weapons declared by law to be nuisances (refer to the California Penal Code)
- Animals, birds, and related equipment that have been ordered forfeited by the court (refer to the California Penal Code)
- Counterfeiting equipment (refer to the California Penal Code)
- Gaming devices (refer to the California Penal Code)
- Obscene matter ordered to be destroyed by the court (refer to the California Penal Code)
- Altered vehicles or component parts (refer to the California Vehicle Code)
- Narcotics (refer to the California Health and Safety Code)
- Unclaimed, stolen or embezzled property (refer to the California Penal Code)
- Destructive devices (refer to the California Penal Code)
- Sexual assault evidence (refer to the California Penal Code)

801.7.2 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 (refer to the California Government Code). 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 (refer to the California Government Code).

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 (refer to the California Government Code).

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.

801.7.3 RETENTION OF BIOLOGICAL EVIDENCE

The Property and Evidence 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 Investigative Services Division supervisor

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Biological evidence shall be retained for either a minimum period that has been established by law (refer to the California Penal Code) or that has been established by the Property and Evidence 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 Investigative Services 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 the California Penal Code. Even after expiration of an applicable statute of limitations, the Investigative Services Division supervisor should be consulted and the sexual assault victim shall be notified at least 60 days prior to the disposal (refer to the California Penal Code). Reasons for not analyzing biological evidence shall be documented in writing (refer to the California Penal Code).

801.7.4 DISPOSITION OF FIREARMS/CERTIFICATION OF RETENTION PROCEDURES

(a) Procedure:

1. If a weapon is to be retained by the OPD, the court liaison officer shall obtain copies of the complete report of how the weapon came into the custody of the department.
 - (a) This information shall be attached to a "Certificate of Retention" (OPD Form C-34) and presented to a judge of the Central Orange County Judicial District or the District Attorney of the County for jurisdiction.
 - (b) The original copy of the certification is then filed in the case file, the second copy is maintained by the property officer who shall ensure proper city tagging and completion of necessary forms prior to release of the weapon.

801.7.5 COURT ORDERS - "SUBPOENA DUCES TECUM"

- (a) Valid court orders for the release of property from a case which has been adjudicated shall be honored.
- (b) Any question arising as to the legality, accuracy, or validity of any court order or subpoena received shall be directed to a division commander or the Chief of Police for resolution or disposition prior to the release of any property.

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801.7.6 REQUESTS FOR RETENTION OF PROPERTY UNDER CONTROL OF THE POLICE DEPARTMENT PROPERTY OFFICER

- (a) Under authority of the Code of Civil Procedure and/or the California Penal Code and/or other applicable laws or provisions, certain specified properties may be retained "for a public use" pursuant to existing legal requirement for property disposition and departmental authorization.
- (b) The city department requesting retention of any property must complete OPD Form R-40, "Request for Retention of Property Under Control of the Police Department" and secure the appropriate signature of the Chief of Police for other city departments, and the Investigative Services Division Commander authorizing the retention. Requests for retention of firearms or other dangerous weapons or explosives are not releasable items pursuant to this section.
- (c) The police department property officer shall ensure that OPD Form R-40 is complete prior to property release and distribution of form.

801.8 INSPECTIONS OF THE EVIDENCE ROOM

- (a) On a monthly basis, the supervisor of the evidence custodian shall make an inspection of the evidence storage facilities and practices to ensure adherence to appropriate policies and procedures.
- (b) Unannounced inspections of evidence storage areas shall be conducted annually as directed by the Chief of Police.
- (c) An annual audit of evidence held by the Department shall be conducted by a Division Commander (as appointed by the Chief of Police) not routinely or directly connected with evidence control.
- (d) Whenever a change is made in personnel who have access to the evidence room, an inventory of all evidence/property shall be made by an individual not associated to the property room or function to ensure that records are correct and all evidence property is accounted for.

Records Bureau

802.1 PURPOSE AND SCOPE

This policy establishes the guidelines for the operational functions of the Orange Police Department Records Bureau. The policy addresses department file access and internal requests for case reports.

802.2 POLICY

It is the policy of the Orange Police Department to maintain department records securely, professionally, and efficiently.

802.3 DETERMINATION OF FACTUAL INNOCENCE

In any case where a person has been arrested by officers of the Orange Police Department and no accusatory pleading has been filed, the person arrested may petition the Department to destroy the related arrest records. Petitions should be forwarded to the Administrative Services Supervisor. The Administrative Services Supervisor should promptly contact the prosecuting attorney and request a written opinion as to whether the petitioner is factually innocent of the charges (refer to the California Penal Code). Factual innocence means the accused person did not commit the crime.

Upon receipt of a written opinion from the prosecuting attorney affirming factual innocence, the Administrative Services Supervisor should forward the petition to the Investigative Services Division Supervisor and the City Attorney for review. After such review and consultation with the City Attorney, the Investigative Services Division Supervisor and the Administrative Services Supervisor shall decide whether a finding of factual innocence is appropriate.

Upon determination that a finding of factual innocence is appropriate, the Administrative Services Supervisor shall ensure that the arrest record and petition are sealed for later destruction and the required notifications are made to the California DOJ and other law enforcement agencies (refer to the California Penal Code).

The Administrative Services Supervisor should respond to a petition with the Department's decision within 45 days of receipt. Responses should include only the decision of the Department, not an explanation of the analysis leading to the decision.

802.4 ARREST WITHOUT FILING OF ACCUSATORY PLEADING

The Field Services Division Commander should ensure a process is in place for when an individual is arrested and released and no accusatory pleading is filed so that the following occurs (refer to the California Penal Code):

- (a) The individual is issued a certificate describing the action as a detention.
- (b) All references to an arrest are deleted from the arrest records of the Department and the record reflects only a detention.
- (c) The California DOJ is notified.

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Records Bureau

802.5 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 personnel 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.

802.6 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 personnel shall first obtain authorization from the Records Manager. 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.

802.7 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.

Restoration of Firearm Serial Numbers

803.1 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 the 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 the California Penal Code.

803.2 PROCEDURE

Any firearm coming into the possession of the Orange Police Department as evidence, found property, etc., where the serial numbers have been removed or obliterated will be processed in the following manner:

803.2.1 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 tabular 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 the department's armorer 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.

803.2.2 PROPERTY BOOKING PROCEDURE

Any personnel taking possession of a firearm with removed/obliterated serial numbers shall book the firearm into property following standard procedures. Personnel booking the firearm shall indicate on the Property Report form that serial numbers have been removed or obliterated.

803.2.3 OFFICER RESPONSIBILITY

The Property Officer receiving a firearm when the serial numbers have been removed or obliterated shall maintain the chain of evidence and arrange for the firearm to be transported to a qualified crime lab for examination and analysis.

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803.2.4 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 information may appear on the lab request form, or Property Report, depending on the type of evidence.

803.2.5 FIREARM TRACE

After the serial number has been restored (or partially restored) by the criminalist laboratory, the Property Officer 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.

803.3 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.

Records Maintenance and Release

804.1 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.

804.2 POLICY

The Orange Police Department is committed to providing public access to records in a manner that is consistent with the California Public Records Act (Government Code § 7920.000 et seq.).

804.3 CUSTODIAN OF RECORDS RESPONSIBILITIES

The Chief of Police shall designate a Custodian of Records. The responsibilities of the Custodian of Records include but are not limited to:

- (a) Managing the records management system for the Department, including the retention, archiving, release, and destruction of department public records.
- (b) Maintaining and updating the department records retention schedule including:
 1. Identifying the minimum length of time the Department must keep records.
 2. Identifying the department division responsible for the original record.
- (c) Establishing rules regarding the inspection and copying of department public records as reasonably necessary for the protection of such records (Government Code § 7922.525; Government Code § 7922.530).
- (d) Identifying records or portions of records that are confidential under state or federal law and not open for inspection or copying.
- (e) Establishing rules regarding the processing of subpoenas for the production of records.
- (f) Ensuring a current schedule of fees for public records as allowed by law is available (Government Code § 7922.530).
- (g) Determining how the department's website may be used to post public records in accordance with Government Code § 7922.545.
- (h) Ensuring that all department current standards, policies, practices, operating procedures, and education and training materials are posted on the department website in accordance with Penal Code § 13650.
- (i) Ensuring that public records posted on the Department website meet the requirements of Government Code § 7922.680 including but not limited to posting in an open format where a record may be retrieved, downloaded, indexed, and searched by a commonly used internet search application.
- (j) Ensuring that a list and description, when applicable, of enterprise systems (as defined by Government Code § 7922.700) is publicly available upon request and posted in a prominent location on the Department's website (Government Code § 7922.710; Government Code § 7922.720).

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804.4 PROCESSING REQUESTS FOR PUBLIC RECORDS

Any Department personnel who receives a request for any record shall route the request to the Custodian of Records or the authorized designee.

804.4.1 REQUESTS FOR RECORDS

Any member of the public, including the media and elected officials, may access unrestricted records of this department, during regular business hours by submitting a written and signed request that reasonably describes each record sought and paying any associated fees (Government Code § 7922.530).

The processing of requests for any record is subject to the following (Government Code § 7922.530; Government Code § 7922.535):

- (a) The Department is not required to create records that do not exist.
- (b) Victims of an incident or their authorized representative shall not be required to show proof of legal presence in the United States to obtain department records or information. If identification is required, a current driver's license or identification card issued by any state in the United States, a current passport issued by the United States or a foreign government with which the United States has a diplomatic relationship or current Matricula Consular card is acceptable (Government Code § 7923.655).
- (c) Either the requested record or the reason for non-disclosure will be provided promptly, but no later than 10 days from the date of request, unless unusual circumstances preclude doing so. If more time is needed, an extension of up to 14 additional days may be authorized by the Custodian of Records or the authorized designee. If an extension is authorized, the Department shall provide the requester written notice that includes the reason for the extension and the anticipated date of the response.
 - 1. When the request does not reasonably describe the records sought, the Custodian of Records shall assist the requester in making the request focused and effective in a way to identify the records or information that would be responsive to the request including providing assistance for overcoming any practical basis for denying access to the records or information. The Custodian of Records shall also assist in describing the information technology and physical location in which the record exists (Government Code § 7922.600).
 - 2. If the record requested is available on the department website, the requester may be directed to the location on the website where the record is posted. If the requester is unable to access or reproduce the record, a copy of the record shall be promptly provided.
- (d) Upon request, a record shall be provided in an electronic format utilized by the Department. Records shall not be provided only in electronic format unless specifically requested (Government Code § 7922.570; Government Code § 7922.580).
- (e) When a record contains material with release restrictions and material that is not subject to release restrictions, the restricted material shall be redacted and the unrestricted material released.

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1. A copy of the redacted release should be maintained in the case file for proof of what was actually released and as a place to document the reasons for the redactions. If the record is audio or video, a copy of the redacted audio/video release should be maintained in the department-approved media storage system and a notation should be made in the case file to document the release and the reasons for the redacted portions.
- (f) If a record request is denied in whole or part, the requester shall be provided a written response that includes the statutory exemption for withholding the record or facts that the public interest served by nondisclosure outweighs the interest served by disclosure. The written response shall also include the names, titles, or positions of each person responsible for the denial (Government Code § 7922.000; Government Code § 7922.540).

804.5 RELEASE RESTRICTIONS

Examples of release restrictions include:

- (a) Personal identifying information, including an individual's photograph; Social Security and driver identification numbers; name, address, and telephone number; and medical or disability information that is contained in any driver license record, motor vehicle record, or any department record, including traffic collision reports, are restricted except as authorized by the Department, and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721; 18 USC § 2722).
- (b) Social Security numbers (Government Code § 7922.200).
- (c) Personnel records, medical records, and similar records that would involve an unwarranted invasion of personal privacy except as allowed by law (Government Code § 7927.700; Penal Code § 832.7; Penal Code § 832.8; Evidence Code § 1043 et seq.).
 1. Peace officer personnel records that are deemed confidential shall not be made public or otherwise released to unauthorized individuals or entities absent a valid court order.
 2. The identity of any officer subject to any criminal or administrative investigation shall not be released without the consent of the involved officer, prior approval of the Chief of Police, or as required by law.
- (d) Victim information that may be protected by statutes, including victims of certain crimes who have requested that their identifying information be kept confidential, victims who are minors, and victims of certain offenses (e.g., sex crimes or human trafficking (Penal Code § 293)). Addresses and telephone numbers of a victim or a witness shall not be disclosed to any arrested person or to any person who may be a defendant in a criminal action unless it is required by law (Government Code § 7923.615; Penal Code § 841.5).
 1. Victims of certain offenses (e.g., domestic violence, sexual assault, stalking, human trafficking, elder and dependent adult abuse) or their representatives shall be provided, upon request and without charge, one copy of all incident

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- report face sheets, one copy of all incident reports, or both, pursuant to the requirements and time frames of Family Code § 6228.
2. Victims of sexual assault, upon written request, shall be provided a free copy of the initial crime report regardless of whether the report has been closed. Personal identifying information may be redacted (Penal Code § 680.2(b)).
- (e) Video or audio recordings created during the commission or investigation of the crime of rape, incest, sexual assault, domestic violence, or child abuse that depicts the face, intimate body part, or voice of a victim of the incident except as provided by Government Code § 7923.750.
- (f) Information involving confidential informants, intelligence information, information that would endanger the safety of any person involved, or information that would endanger the successful completion of the investigation or a related investigation. This includes analysis and conclusions of investigating officers (Evidence Code § 1041; Government Code § 7923.605).
1. Absent a statutory exemption to the contrary or other lawful reason to deem information from reports confidential, information from unrestricted agency reports shall be made public as outlined in Government Code § 7923.605.
- (g) Local criminal history information including but not limited to arrest history and disposition, and fingerprints shall only be subject to release to those agencies and individuals set forth in Penal Code § 13300.
1. All requests from criminal defendants and their authorized representatives (including attorneys) shall be referred to the District Attorney, the 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 § 7923.800).
- (k) Traffic collision reports (and related supplemental reports) shall be considered confidential and subject to release only to the California Highway Patrol, Department of Motor Vehicles (DMV), other law enforcement agencies, and those individuals and their authorized representatives set forth in Vehicle Code § 20012.
- (l) Any record created exclusively in anticipation of potential litigation involving this department (Government Code § 7927.200).
- (m) Any memorandum from legal counsel until the pending litigation has been adjudicated or otherwise settled (Government Code § 7927.205).

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- (n) Records relating to the security of the department's electronic technology systems (Government Code § 7929.210).
- (o) A record of a complaint, or the investigations, findings, or dispositions of that complaint if the complaint is frivolous, as defined by Code of Civil Procedure § 128.5, or if the complaint is unfounded (Penal Code § 832.7 (b)(9)).
- (p) Any other record not addressed in this policy shall not be subject to release where such record is exempt or prohibited from disclosure pursuant to state or federal law, including but not limited to provisions of the Evidence Code relating to privilege (Government Code § 7927.705).
- (q) Information connected with juvenile court proceedings or the detention or custody of a juvenile. Federal officials may be required to obtain a court order to obtain certain juvenile information (Welfare and Institutions Code § 827.9; Welfare and Institutions Code § 827.95; Welfare and Institutions Code § 831).

804.6 SUBPOENAS AND DISCOVERY REQUESTS

Any employee 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.

804.7 RELEASED RECORDS TO BE MARKED

Each page of any written record released pursuant to this policy should be stamped in a colored ink or otherwise marked to indicate the Department name and to whom the record was released.

Each audio/video recording released should include the Department name and to whom the record was released.

804.8 SEALING OF CRIMINAL RECORDS

The Orange Police Department will seal criminal records upon court ordered sealing. All record's sealing so ordered shall become the responsibility of the Records Manager.

- (a) Upon receipt of a bona fide court order to seal a criminal record, the records manager or his/her designee shall:
 - 1. Complete the necessary requirements as described in the worksheet "Order to Seal Record,"
 - 2. Complete the compliance section of the court order.

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- (a) Mail a copy of the court order with a letter acknowledging completion of sealing to the Department of Justice, CII.
- (b) Mail the disposition letter to the court that has ordered the sealing.

804.9 SEALED RECORD ORDERS

Sealed record orders received by the Department shall be reviewed for appropriate action by the Records Manager. The Records Manager 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, personnel shall respond to any inquiry as though the record did not exist (refer to the California Penal Code and California Welfare and Institutions Code).

When an arrest record is sealed pursuant to the California Penal Code, the Records Manager shall ensure that the required notations on local summary criminal history information and police investigative reports are made. Sealed records may be disclosed or used as authorized by the California Penal Code.

804.9.1 SEALED JUVENILE ARREST RECORDS

Upon receiving notice from a probation department to seal juvenile arrest records pursuant to Welfare and Institutions Code § 786.5, the Records Manager should ensure that the records are sealed within 60 days of that notice and that the probation department is notified once the records have been sealed (Welfare and Institutions Code § 786.5).

804.10 SECURITY BREACHES

The Records Manager shall ensure notice is given anytime there is a reasonable belief an unauthorized person has acquired either unencrypted personal identifying information or encrypted personal information along with the encryption key or security credential stored in any Department information system (Civil Code § 1798.29).

Notice shall be given as soon as reasonably practicable to all individuals whose information may have been acquired. The notification may be delayed if the Department determines that notification will impede a criminal investigation or any measures necessary to determine the scope of the breach and restore the reasonable integrity of the data system.

For the purposes of this requirement, personal identifying information includes an individual's first name or first initial and last name in combination with any one or more of the following (Civil Code § 1798.29):

- (a) Social Security number
 - 1. Driver license number, California identification card number, tax identification number, passport number, military identification number, or other unique identification number issued on a government document commonly used to verify the identity of a specific individual
 - 2. Account number or credit or debit card number, in combination with any required security code, access code or password that would permit access to an individual's financial account

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3. Medical information
 4. Health insurance information
 5. Information or data collected by Automated License Plate Reader (ALPR) technology
 6. Unique biometric data
 7. Genetic data
- (b) A username or email address, in combination with a password or security question and answer that permits access to an online account

804.10.1 FORM OF NOTICE

- (a) The notice shall be written in plain language, be consistent with the format provided in the Civil Code and include, to the extent possible, the following:
- (a) The date of the notice.
 - (b) Name and contact information for the Orange Police Department.
 - (c) A list of the types of personal information that were or are reasonably believed to have been acquired.
 - (d) The estimated date or date range within which the security breach occurred.
 - (e) Whether the notification was delayed as a result of a law enforcement investigation.
 - (f) A general description of the security breach.
 - (g) The toll-free telephone numbers and addresses of the major credit reporting agencies, if the breach exposed a Social Security number or a driver license or California identification card number.
- (b) The notice may also include information about what the Orange Police Department has done to protect individuals whose information has been breached and may include information on steps that the person whose information has been breached may take to protect him/herself (refer to the Civil Code).
- (c) When a breach involves an online account, and only a username or email address in combination with either a password or security question and answer that would permit access to an online account, and no other personal information has been breached (refer to the Civil Code):
- (a) Notification may be provided electronically or in another form directing the person to promptly change either his/her password or security question and answer, as applicable, or to take other appropriate steps to protect the online account with the Department in addition to any other online accounts for which the person uses the same username or email address and password or security question and answer.
 - (b) When the breach involves an email address that was furnished by the Orange Police Department, notification of the breach should not be sent to that email

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address but should instead be made by another appropriate medium as prescribed by the Civil Code.

804.10.2 MANNER OF NOTICE

- (a) Notice may be provided by one of the following methods (refer to the Civil Code):
 - (a) Written notice.
 - (b) Electronic notice if the notice provided is consistent with the provisions regarding electronic records and signatures set forth in the U.S. Code.
 - (c) Substitute notice if the cost of providing notice would exceed \$250,000, the number of individuals exceeds 500,000 or the Department does not have sufficient contact information. Substitute notice shall consist of all of the following:
 - (a) Email notice when the Department has an email address for the subject person.
 - (b) Conspicuous posting of the notice on the Department's webpage for a minimum of 30 days.
 - (d) Notification to major statewide media and the California Information Security Office within the California Department of Technology.
- (b) If a single breach requires the Department to notify more than 500 California residents, the Department shall electronically submit a sample copy of the notification, excluding any personally identifiable information, to the Attorney General.

804.11 RELEASE OF AUDIO OR VIDEO RECORDINGS RELATED TO CRITICAL INCIDENTS

Video and audio recordings related to critical incidents shall be released upon a proper public record request and subject to delayed release, redaction, and other release restrictions as provided by law (Government Code § 7923.625).

For purposes of this section, a video or audio recording relates to a critical incident if it depicts an incident involving the discharge of a firearm at a person by an officer, or depicts an incident in which the use of force by an officer against a person resulted in death or in great bodily injury (as defined by Penal Code § 243(f)(4)) (Government Code § 7923.625).

The Custodian of Records should work as appropriate with the Chief of Police or the Legal Affairs Office 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.

804.11.1 DELAY OF RELEASE

Disclosure of critical incident recordings during active criminal or administrative investigations may be delayed as follows if disclosure would substantially interfere with the investigation, such as by endangering the safety of a witness or a confidential source:

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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 § 7923.625).

804.11.2 NOTICE OF DELAY OF RELEASE

When there is justification to delay disclosure of a recording, the Custodian of Records shall provide written notice to the requester as follows (Government Code § 7923.625):

- (a) During the initial 45 days, the Custodian of Records shall provide the requester with written notice of the specific basis for the determination that disclosure would substantially interfere with the investigation. The notice shall also include the estimated date for the disclosure.
- (a) 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.

804.11.3 REDACTION

If the Custodian of Records, in consultation with the Chief of Police or the authorized designee, determines that specific portions of the recording may violate the reasonable expectation of privacy of a person depicted in the recording, the Department should use redaction technology to redact portions of recordings made available for release. The redaction should not interfere with the viewer's ability to fully, completely, and accurately comprehend the events captured in the recording, and the recording should not otherwise be edited or altered (Government Code § 7923.625).

If any portions of a recording are withheld to protect the reasonable expectation of privacy of a person depicted in the recording, the Custodian of Records shall provide in writing to the requester the specific basis for the expectation of privacy and the public interest served (Government Code § 7923.625).

804.11.4 RECORDINGS WITHHELD FROM PUBLIC DISCLOSURE

If the reasonable expectation of privacy of a person depicted in the recording cannot adequately be protected through redaction, and that interest outweighs the public interest in disclosure, the

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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 § 7923.625):

- (a) The person in the recording whose privacy is to be protected, or the person's authorized representative.
- (b) If the person is a minor, the parent or legal guardian of the person whose privacy is to be protected.
- (c) If the person whose privacy is to be protected is deceased, an heir, beneficiary, designated immediate family member, or authorized legal representative of the deceased person whose privacy is to be protected.

If the Department determines that this disclosure would substantially interfere with an active criminal or administrative investigation, the Custodian of Records shall provide the requester with written notice of the specific basis for the determination and the estimated date of disclosure (Government Code § 7923.625).

The Department may continue to delay release of the recording from the public for 45 days with extensions as provided in this policy (Government Code § 7923.625).

Protected Information

805.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the access, transmission, release and security of protected information by personnel of the Orange 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.

805.1.1 DEFINITIONS

Definitions related to this policy include:

Protected information - Any information or data that is collected, stored or accessed by personnel of the Orange 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.

805.2 POLICY

Personnel of the Orange 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.

805.3 RESPONSIBILITIES

The Chief of Police shall select an employee of the Department to coordinate the use of protected information.

The responsibilities of this position include, but are not limited to:

- (a) Ensuring personnel compliance with this policy and with requirements applicable to protected information, including requirements for the National Crime Information Center (NCIC) system, National Law Enforcement Telecommunications System (NLETS), Department of Motor Vehicle (DMV) records and California Law Enforcement Telecommunications System (CLETS).
- (b) Developing, disseminating and maintaining procedures that adopt or comply with the U.S. Department of Justice's current Criminal Justice Information Services (CJIS) Security Policy.
- (c) Developing, disseminating and maintaining any other procedures necessary to comply with any other requirements for the access, use, dissemination, release and security of protected information.
- (d) Developing procedures to ensure training and certification requirements are met.
- (e) Resolving specific questions that arise regarding authorized recipients of protected information.
- (f) Ensuring security practices and procedures are in place to comply with requirements applicable to protected information.

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805.4 ACCESS TO PROTECTED INFORMATION

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Orange Police Department policy or training. Only those employees who have completed applicable training and met any applicable requirements, such as a background check, may access protected information, and only when the employee 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 an employee to administrative action pursuant to the Personnel Complaints Policy and/or criminal prosecution.

805.4.1 PENALTIES FOR MISUSE OF RECORDS

It is a misdemeanor to furnish, buy, receive or possess Department of Justice criminal history information without authorization by law (refer to the California Penal Code).

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 (refer to the California Code of Regulations).

805.5 RELEASE OR DISSEMINATION OF PROTECTED INFORMATION

Protected information may be released only to authorized recipients who have both a right to know and a need to know.

Personnel who are asked to release protected information that should not be released should refer the requesting person to a supervisor or to the Records Manager for information regarding a formal request.

Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by the Department may generally be shared with authorized persons from other law enforcement agencies who are assisting in the investigation or conducting a related investigation. Any such information should be released through the Records 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 personnel 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 personnel or the public is at risk.

Nothing in this policy is intended to prohibit broadcasting warrant information.

805.5.1 REVIEW OF CRIMINAL OFFENDER RECORD

Individuals requesting to review their own California criminal history information shall be referred to the Department of Justice (refer to the California Penal Code).

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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 the California Penal Code.

805.5.2 TRANSMISSION GUIDELINES

Protected information, such as restricted Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), should not be transmitted via unencrypted radio. When circumstances reasonably indicate that the immediate safety of officers, other department members, or the public is at risk, only summary information may be transmitted.

In cases where the transmission of protected information, such as Personally Identifiable Information, is necessary to accomplish a legitimate law enforcement purpose, and utilization of an encrypted radio channel is infeasible, a MDC or department-issued cellular telephone should be utilized when practicable. If neither are available, unencrypted radio transmissions shall be subject to the following:

- Elements of protected information should be broken up into multiple transmissions, to minimally separate an individual's combined last name and any identifying number associated with the individual, from either first name or first initial.
- Additional information regarding the individual, including date of birth, home address, or physical descriptors, should be relayed in separate transmissions.

Nothing in this policy is intended to prohibit broadcasting warrant information.

805.6 SECURITY OF PROTECTED INFORMATION

The Chief of Police will select an employee of the Department to oversee the security of protected information.

The responsibilities of this position include, but are not limited to:

- (a) Developing and maintaining security practices, procedures and training.
- (b) Ensuring federal and state compliance with the CJIS Security Policy and the requirements of any state or local criminal history records systems.
- (c) Establishing procedures to provide for the preparation, prevention, detection, analysis and containment of security incidents including computer attacks.
- (d) Tracking, documenting and reporting all breach of security incidents to the Chief of Police and appropriate authorities.

805.6.1 PERSONNEL RESPONSIBILITIES

Personnel 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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805.7 TRAINING

All personnel authorized to access or release protected information shall complete a training program that complies with any protected information system requirements and identifies authorized access and use of protected information, as well as its proper handling and dissemination.

Computers and Digital Evidence

806.1 PURPOSE AND SCOPE

This policy establishes procedures for the seizure and storage of computers, personal communications devices (PCDs) digital cameras, digital recorders and other electronic devices that are capable of storing digital information; and for the preservation and storage of digital evidence. This policy also covers the seizure of cryptocurrencies. All evidence seized and/or processed pursuant to this policy shall be done so in compliance with clearly established Fourth Amendment and search and seizure provisions.

806.1.1 POLICY

There are ever improving advances in the technologies of photography, audio and recordings that are available to Orange Police Officers. As such, officers need to be aware that if they opt to record any source of information during the course and scope of their employment, these recordings become the property of the police department and are subject to the policies and procedures of this Policy Manual.

- (a) All photographs, or audio recordings taken at a crime scene or other incident become evidence and should be downloaded into the Digital Imaging Software System (DIMS) whenever possible and then referred to in the narrative section of the Incident Report or Arrest Report.
 - 1. In the event that DIMS is not compatible with the recorded media or is not working properly, the photographs, or audio recordings shall be listed on a Property Report and booked into evidence.
- (b) All photographs, video or audio recordings taken at a crime scene or incident shall not be copied, transmitted or transferred without the prior approval of a CSI officer, forensic specialist, or supervisor.
- (c) All employees are prohibited from taking any photographs, video or audio recordings at the scene of a crime or other incident for personal purposes.
- (d) When possible, the taking of any photographs, video or audio recordings at the scene of a crime or other incident shall be done by a CSI officer, forensic specialist, or supervisor.
 - 1. Employees are permitted to take photographs, video or audio recordings at the scene of a crime or other incident if the scene and/or evidence is deteriorating or being changed from their original condition.
 - 2. If an employee opts to take any photographs, video or audio recordings under such circumstances, the employee shall notify the CSI officer, forensic specialist, supervisor or the employee who has been assigned this task.
 - (a) The employee may be required to write a report describing the photographs, video or audio recordings and why they opted to take this course of action.

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- (e) All photographs associated with Field Interview Cards or field detainees must follow the procedures outlined in the current policy manual regarding Detentions and Photographing Detainees, and in particular with Disposition of Field Photographs.

806.2 SEIZING COMPUTERS AND RELATED EVIDENCE

Computer equipment requires specialized training and handling to preserve its value as evidence. Officers should be aware of the potential to destroy information through careless or improper handling, and utilize the most knowledgeable available resources. When seizing a computer and accessories the following steps should be taken:

- (a) Do not overlook the possibility of the presence of physical evidence on and around the hardware relevant to the particular investigation such as fingerprints, biological or trace evidence, and/or documents,
- (b) If the computer is off, do not turn it on,
- (c) If the computer is on, do not shut it down normally and do not click on anything or examine any files,
 1. Photograph the screen, if possible, and note any programs or windows that appear to be open and running.
 2. Disconnect the power cable from the back of the computer box or if a portable notebook style, disconnect any power cable from the case and remove the battery.
 3. If feasible, possess legal authority, a computer forensic examiner should obtain a live memory acquisition.
- (d) Label each item with case number and item number,
- (e) Handle and transport the computer and storage media (e.g., tape, discs, memory cards, flash memory, external drives) with care so that potential evidence is not lost,
- (f) Place all computer items in the Property Room. Do not store computers where normal room temperature and humidity is not maintained,
- (g) At minimum, officers should document the following in related reports,
 1. Where the computer was located and whether or not it was in operation,
 2. Who was using it at the time,
 3. Who claimed ownership,
 4. If it can be determined, how it was being used.
 5. Any passwords or login information that were obtained.
- (h) In most cases when a computer is involved in criminal acts and is in the possession of the suspect, the computer itself and all storage devices (hard drives, tape drives, and disk drives) should be seized along with all media. Accessories (monitors, mouse, scanner and keyboard) should not be seized unless as a precursor to forfeiture.
- (i) Attempt to lawfully obtain any passwords or login information for the seized devices.
- (j) Passwords shall be communicated to detectives verses put in the initial report.

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806.2.1 BUSINESS OR NETWORKED COMPUTERS

If the computer belongs to a business or is part of a network, it may not be feasible to seize the entire computer. Cases involving networks require specialized handling. Officers should contact a certified computer forensic examiner for instructions or a response to the scene. It may be possible to perform an on-site inspection, or to image the hard drive only of the involved computer. This should only be done by someone specifically trained in processing computers for evidence.

806.2.2 FORENSIC EXAMINATION OF COMPUTERS

If an examination of the contents of the computer's hard drive, or floppy disks, compact discs, or any other storage media is required, forward the following items to a computer forensic examiner:

- (a) Copy of report(s) involving the computer, including the Evidence/Property sheet,
- (b) Copy of a consent to search form signed by the computer owner or the person in possession of the computer, or a copy of a search warrant authorizing the search of the computer hard drive for evidence relating to investigation,
- (c) A listing of the items to search for such as photographs, financial records, e-mail, documents etc.,
- (d) An exact duplicate of the hard drive or disk will be made using a forensic computer and a forensic software program by someone trained in the examination of computer storage devices for evidence.

806.3 SEIZING DIGITAL STORAGE MEDIA

Digital storage media, to include hard discs, floppy discs, CDs, DVDs, tapes, memory cards, or flash memory devices should be seized and stored in a manner that will protect them from damage.

- (a) If the media has a write-protection tab or switch, it should be activated.
- (b) Do not review, access or open digital files prior to submission. If the information is needed for immediate investigation, request a qualified computer technician to copy the contents to an appropriate form of storage media.
- (c) Many kinds of storage media can be erased or damaged by magnetic fields. Keep all media away from magnetic devices, electric motors, radio transmitters or other sources of magnetic fields.
- (d) Do not leave storage media where they would be subject to excessive heat such as in a parked vehicle on a hot day.
- (e) Use plastic cases designed to protect the media, or other protective packaging, to prevent damage.

806.3.1 SEIZING PERSONAL DIGITAL ASSISTANTS (PCD'S)

Personal communication devices such as a cell phone, Personal Digital Assistant (PDA) or other hand-held device connected to any communication network must be handled with care to preserve evidence that may be on the device including messages, stored data and/or images.

- (a) Officers should be careful in attempting to access, review or search the contents of such devices prior to examination by a forensic expert. Officers should weigh the

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seriousness of the offense with the immediacy of the need to access any information storage devices. Unsent messages can be lost, data can be inadvertently deleted and incoming messages can override stored messages.

- (b) Do not turn the device on or off, or if possible place device in airplane mode. The device should be placed in a solid metal container such as a paint can or in an electrical evidence bag, which are designed to prevent the device from sending or receiving information from its host network. If an electrical evidence bag is unavailable and device cannot be placed in airplane mode, removal of the SIM card will disable wireless network activity. Book the SIM card with device.
- (c) When seizing the devices, also seize the charging units and keep them plugged in to the chargers until they can be examined. If the batteries go dead all the data may be lost.
- (d) Every effort should be made to lawfully obtain the passcode/password to devices.

806.4 SEIZING PCDS

The policies and procedures presented here have been developed as a guide to personnel on the proper application of digital imaging technology for law enforcement purposes. The following procedures fall within the framework of the Federal Bureau of Investigations Scientific Working Group in Imaging Technologies' (SWGIT) guidelines.

All digital image evidence shall be processed through, stored and disseminated by the OPD Forensic Lab.

806.4.1 INTENDED PURPOSE OF DIGITAL IMAGES

Digital photography and digital imaging technologies are to be used by the OPD for the following purposes:

- (a) The capture of images for the OPD historical documentation, training, use in publications and other publicity related situations that are outside the scope of law enforcement purposes,
- (b) The documentation of crime scenes, using a digital camera, in order to create a visual record of evidence found, and the overall conditions at the scene of crimes,
- (c) The capture and storage of latent fingerprints, trace evidence and other objects of an evidentiary nature, for comparison or analysis purposes.

806.4.2 HISTORICAL DOCUMENTATION, TRAINING AND PUBLIC RELATIONS - DIGITAL CAMERA INTENDED PURPOSE: NON-EVIDENTIARY ACTIVITIES

Digital images captured for the aforementioned reasons are not subject to legal and procedural requirements imposed upon evidentiary imagery. Historical, training and public relations type photos will be assigned event numbers and archived in the same manner as crime scene photographs.

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806.4.3 CRIME SCENE DOCUMENTATION - DIGITAL CAMERA INTENDED PURPOSE: TO VISUALLY DOCUMENT CRIME SCENES

Images captured with a digital camera are original images and equivalent to a negative in film based photography. All crime scene images captured with a digital camera must be handled as film. Digital images shall not be deleted in the field.

806.4.4 LATENT FINGERPRINTS AND OTHER TRACE EVIDENCE INTENDED PURPOSE: ANALYSIS

Fingerprints and other trace evidence will be photographed in an uncompressed file format or other TIFF or RAW. Photographs of the crime scene, showing where a fingerprint or other trace evidence was found, are only supplemental images taken for analytical purposes and do not call for the more stringent capture requirements for analysis.

806.4.5 DIGITAL CAMERA MINIMUM SPECIFICATIONS

Any camera purchased for the OPD's use must be compatible with the current Windows systems supported by the Orange Police IT Department and approved by the Forensic Science Supervisor.

806.5 DIGITAL EVIDENCE RECORDED BY OFFICERS

Officers handling and submitting recorded and digitally stored evidence from digital cameras and audio or video recorders will comply with these procedures to ensure the integrity and admissibility of such evidence. Please refer to the current policy manual regarding Use of Audio Recorders, regarding the responsibilities of officers when booking digital or cassette audio recordings.

If an employee needs to review digital recordings that have already been submitted as evidence, the employee shall submit a Digital Evidence Request form to Records. If the request is approved, a copy of the digital evidence will be provided on a CD, DVD, USB storage device, or other physical media storage. The copy of the digital evidence shall be returned to Records as soon as practicable after the employee has finished reviewing the recording.

806.5.1 COLLECTION OF DIGITAL EVIDENCE

Once evidence is recorded it shall not be erased, deleted or altered in any way prior to submission. All photographs taken will be preserved regardless of quality, composition or relevance.

806.5.2 DOWNLOADING OF DIGITAL FILES

Digital information such as video or audio files recorded on devices using internal memory must be downloaded to storage media (refer to policy manual for procedures to manage Digital Imaging Software System (DIMS)). Files should not be opened or reviewed prior to downloading and storage.

806.6 SEIZURE OF CRYPTOCURRENCY

It is the policy of the Orange Police Department to seize virtual currencies and cryptocurrencies in a forensically sound manner. Controls will be used to ensure properly conducted seizures and protect against the appearance of improperly conducted seizures.

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806.6.1 CRYPTOCURRENCY RELATED DEFINITIONS

Blockchain: A digital ledger in which transactions made in a cryptocurrency are recorded chronologically and publicly.

Cold Storage Wallet: A cryptocurrency wallet that is kept offline on a hard disc drive, electronic storage media, a bearer instrument, or in a paper hard copy.

Cryptocurrency: A decentralized medium of exchange, which is based on an online public ledger and that operates like a currency in some environments, but does not have all the attributes of real currency. Examples of cryptocurrency include, but are not limited to, Bitcoin, Bitcoin Cash, Dash, Litecoin, Ripple, ZCash, and Ethereum.

Department Approved Storage Device: CD, DVD, USB Flashdrive, etc.

Exchange: An exchange is a digital marketplace where traders can buy and sell cryptocurrency using different fiat currencies or altcoins. For example, a Bitcoin currency exchange is an online platform that acts as an intermediary between buyers and sellers of the cryptocurrency.

Hot Storage Wallet: A cryptocurrency wallet that is online and connected in some way to the internet.

Private Key: A sophisticated form of cryptography that allows a user to access their account.

Public Key: A cryptographic code that allows a user to receive cryptocurrencies into their account.

Re-Image: Re-install the operating system in such a manner that data files, program files, and metadata from the previous operating system cannot be accessed or recovered.

Seizing Officer: Sworn officer of the Orange Police Department responsible for the seizure of cryptocurrency. This officer is also responsible for maintaining chain-of-custody. The Seizing Officer will have sufficient knowledge, skills, and abilities to perform the seizure in a forensically sound matter.

Wallet: A software program in which one or more private keys are stored, a bearer instrument in which one or more private keys are stored; or a paper hard copy on which one or more private keys are written.

Witnessing Officer: Sworn officer of the Orange Police Department responsible for observing the seizure and storage of seized cryptocurrency. The witnessing officer will have sufficient knowledge, skills, and abilities to fully understand the seizure process and safeguards being employed.

806.6.2 BOOKING PROCEDURES

- A. When cryptocurrency is subject to seizure and is in a hot storage wallet, and the exchange will comply with a seizure order issued by a judicial authority, such order will be served on the exchange by the seizing officer.
- B. When cryptocurrency is subject to seizure and is either in a hot storage wallet, when the exchange will not comply with a seizure order issued by judicial authority, or when

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exigency exists that is not feasible to serve a seizure order on the exchange, or when cryptocurrency is in a cold storage wallet the following seizure process will be utilized:

1. The seizing officer will utilize a computer owned by the Department to create a cold storage wallet or Department Approved Storage Device. This process will be observed at all times by the witnessing officer.
2. The seizing officer will take a screen capture, photograph, or otherwise document the amount of cryptocurrency subject to seizure. This process will be observed at all times by the witnessing officer.
3. The seizing officer will use the private key for the cryptocurrency subject to seizure to transfer a nominal quantity to the wallet controlled by the Department. This process will be observed at all times by the witnessing officer.
4. The seizing officer will take a screen capture, photograph, or otherwise document the amount of cryptocurrency transferred for purpose of ensuring the exchange was successfully accomplished from the wallet subject to seizure to the wallet controlled by the Department. This process will be observed at all times by the witnessing officer.
5. The seizing officer will use the private key for the cryptocurrency subject to seizure to transfer the remaining balance of cryptocurrency to the wallet controlled by the Department in a Department Approved Storage Device. This process will be observed at all times by the witnessing officer.
6. The seizing officer will take a screen capture, photograph, or otherwise document the amount of cryptocurrency transferred for purpose of seizure and housed in the wallet controlled by the Department. This process will be observed at all times by the witnessing officer.
7. In instances in which more than one private key exists in the same wallet subject to seizure, the same wallet controlled by the Department can be utilized. A new wallet or Department Approved Storage Device controlled by the Department will be created for each wallet subject to seizure (e.g. if the same subject has hot storage accounts with difference exchanges, a new wallet or Department Approved Storage Device controlled by the Department will be created and used for each wallet subject to seizure).
8. When possible, the seizing officer will use the blockchain to confirm that the exchange was successfully accomplished from the wallet subject to seizure to the wallet controlled by the Department. The seizing officer will take a screen capture, photograph, or otherwise document the blockchain ledger exchange. This process will be observed at all times by the witnessing officer.
9. The seizing officer will place a copy of the cold storage wallet controlled by the Department in a Department Approved Storage Device. This process will be observed at all times by the witnessing officer.
10. The seizing officer will make a paper hard copy of the cold storage wallet or Department Approved Storage Device controlled by the Department. This process will be observed at all times by the witnessing officer.

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11. The Department Approved Storage Device, and the paper hard copy that each contain the identical cold storage wallet will each be packaged following the normal Department Policy and practice for packaging this type seized property.
 12. Both the seizing officer and the witnessing officer will affix their signature, date, time, and other pertinent information to both the Department Approved Storage Device, and paper hard copy following the normal Department Policy and practice for seizing property.
 13. The Department Approved Storage Device, and the paper hard copy that each contain the identical cold storage wallet will each be submitted for storage following the normal policy and practice of the Department for storage of seized property.
 14. The computer used to facilitate the seizure shall be re-imaged immediately following the seizure. This process will be observed at all times by the witnessing officer.
- C. The seized cryptocurrency will not be converted to United States Currency until a forfeiture order is issued. This is consistent with existing policy and practice when seizing other items that can fluctuate in value (e.g. precious metals, houses, negotiable instruments, vehicles, works of art, and foreign currencies).

Jeanne Clery Campus Security Act

807.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines to ensure this department fulfills its obligation in complying with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) as well as applicable California Education Code requirements.

807.2 POLICY

The Orange Police Department encourages accurate and prompt reporting of all crimes and takes all such reports seriously (refer to the U.S. Code). Reports will be accepted in any manner, including in person or in writing, at any Orange Police Department facility. Reports will be accepted anonymously, by phone or via email or on the institution's website.

It is the policy of the Orange Police Department to comply with the Clery Act. Compliance with the Clery Act requires a joint effort between the Orange Police Department and the administration of the institution.

Supervisors assigned areas of responsibility in the following policy sections are expected to be familiar with the subsections of the U.S. Code and the Code of Federal Regulations that are relevant to their responsibilities.

807.3 POLICY, PROCEDURE AND PROGRAM DEVELOPMENT

The Chief of Police will:

- (a) Ensure that the Orange Police Department establishes procedures for immediate emergency response and evacuation, including the use of electronic and cellular communication and testing of these procedures (refer to the U.S. Code).
- (b) Enter into written agreements as appropriate with local law enforcement agencies to (refer to the California Education Code):
 1. Identify roles in the investigation of alleged criminal offenses on campus (refer to the U.S. Code).
 - (a) This includes identification of the responsibilities for sexual assault, hate crimes and Part 1 violent crime investigations (e.g., willful homicide, forcible rape, robbery or aggravated assault as defined in the FBI's Uniform Crime Reporting (UCR) Handbook), and establishing the specific geographical boundaries of each agency's responsibility, including maps as necessary (refer to the California Education Code).
 2. Assist in the monitoring and reporting of criminal activity at off-campus student organizations that are recognized by the institution and engaged in by students attending the institution, including student organizations with off-campus housing facilities (refer to the U.S. Code).
 3. Ensure coordination of emergency response and evacuation procedures, including procedures to immediately notify the campus community upon the

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confirmation of a significant emergency or dangerous situation (refer to the U.S. Code).

4. Notify the Orange Police Department of criminal offenses reported to local law enforcement agencies to assist the institution in meeting its reporting requirements under the Clery Act (refer to the U.S. Code).
 5. Notify the Orange Police Department of criminal offenses reported to local law enforcement agencies to assist in making information available to the campus community in a timely manner and to aid in the prevention of similar crimes. Such disseminated information shall withhold the names of victims as confidential (refer to the U.S. Code).
- (c) Appoint a designee to develop programs that are designed to inform students and employees about campus security procedures and practices, and to encourage students and employees to be responsible for their own security and the security of others (refer to the U.S. Code).
- (d) Appoint a designee to develop programs to inform students and employees about the prevention of crime (refer to the U.S. Code).
- (e) Appoint a designee to develop educational programs to promote the awareness of rape, acquaintance rape, domestic violence, dating violence, sexual assault and stalking, and what to do if an offense occurs, including but not limited to, who should be contacted, the importance of preserving evidence and to whom the alleged offense should be reported (refer to the U.S. Code). The designee shall also develop written materials to be distributed to reporting persons that explains the rights and options provided for under the U.S. Code.
- (f) Appoint a designee to make the appropriate notifications to institution staff regarding missing person investigations in order to ensure that the institution complies with the requirements of the Code of Federal Regulations.

807.3.1 ADDITIONAL REQUIREMENTS

The Chief of Police or the authorized designee will also (refer to the California Education Code):

- (a) Assist the institution with the development of policies and procedures relating to sexual assault, domestic violence, dating violence and stalking involving a student whether it occurred on- or off-campus including:
1. The differences between standards of proof and defenses in criminal investigations and administrative or disciplinary matters.
 2. Victim-centered protocols including privacy protection, responses to reports, interviews, investigations, required notifications and participation by victim advocates and other supporting individuals.
- (b) Assist, as appropriate, with trauma-informed training for campus personnel involved in investigating and adjudicating sexual assault, domestic violence, dating violence and stalking cases.

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- (c) Assist, as appropriate, in the development of the institution's comprehensive prevention and outreach programs addressing sexual violence, domestic violence, dating violence, and stalking.
- (d) Ensure that any reported Part 1 violent crime, sexual assault or hate crime described in the California Penal Code (whether it occurred on- or off-campus), is reported as soon as practicable to any local law enforcement agency with investigation responsibilities pursuant to a written agreement with the Orange Police Department or the institution (refer to the California Education Code).
 - (a) The identification of the victim shall be withheld, unless the victim consents to being identified after being informed of the right to have his/her personally identifying information withheld. If the victim does not consent to being identified, then the alleged assailant shall not be identified unless the institution determines that the alleged assailant represents a serious or ongoing threat to the safety of the students, employees or the institution, and the immediate assistance of the Orange Police Department is necessary to contact or detain the assailant (refer to the California Education Code).
 - (b) If the institution discloses the identity of the alleged assailant to the Orange Police Department, the institution must immediately inform the victim of that disclosure (refer to the California Education Code).

807.4 RECORDS COLLECTION AND RETENTION

The Records Manager is responsible for maintaining Orange Police Department statistics and making reasonable good-faith efforts to obtain statistics from other law enforcement agencies as necessary to allow the institution to comply with its reporting requirements under the Clery Act (refer the U.S. Code). The statistics shall be compiled as follows:

- (a) Statistics concerning the occurrence of the following criminal offenses reported to this department or to local police agencies that occurred on campus, in or on non-campus buildings or property, and on public property including streets, sidewalks and parking facilities within the campus or immediately adjacent to and accessible from the campus (refer to the U.S. Code and California Federal Regulations):
 1. Murder
 2. Sex offenses, forcible or non-forcible
 3. Robbery
 4. Aggravated assault
 5. Burglary
 6. Motor vehicle theft
 7. Manslaughter
 8. Arson
 9. Arrests or persons referred for campus disciplinary action for liquor law violations, drug-related violations and weapons possession

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10. Dating violence, domestic violence and stalking
 - (b) Statistics concerning the crimes described in the section above, theft, simple assault, intimidation, destruction, damage or vandalism of property, and other crimes involving bodily injury to any person where the victim was intentionally selected because of his/her actual or perceived race, sex, religion, gender, gender identity, sexual orientation, ethnicity or disability. These statistics should be collected and reported according to the category of prejudice (refer to the U.S. Code and California Federal Regulations).
 - (c) The statistics shall be compiled using the definitions in the FBI's UCR system and modifications made pursuant to the Hate Crime Statistics Act (refer to the U.S. Code and California Federal Regulations). For the offenses of domestic violence, dating violence and stalking, such statistics shall be compiled in accordance with the definitions used in the Violence Against Women Act (refer to the U.S. Code and California Federal Regulations). The statistics will be categorized separately as offenses that occur in the following places (refer to the U.S. Code and California Federal Regulations):
 1. On campus.
 2. In or on a non-campus building or property.
 3. On public property.
 4. In dormitories or other on-campus, residential or student facilities.
 - (d) Statistics will be included by the calendar year in which the crime was reported to the Orange Police Department (refer to the California Federal Regulations).
 - (e) Stalking offenses will include a statistic for each year in which the stalking conduct is reported and will be recorded as occurring either at the first location where the stalking occurred or the location where the victim became aware of the conduct (refer to the California Federal Regulations).
 - (f) Statistics will include the three most recent calendar years (refer to the U.S. Code and California Federal Regulations).
 - (g) The statistics shall not identify victims of crimes or persons accused of crimes (refer to the U.S. Code).

807.4.1 CRIME LOG

The Records Manager is responsible for ensuring a daily crime log is created and maintained as follows (refer to the U.S. Code and California Federal Regulations):

- (a) The daily crime log will record all crimes reported to the Orange Police Department, including the nature, date, time and general location of each crime, and the disposition, if known.
- (b) All log entries shall be made within two business days of the initial report being made to the Department.
- (c) If new information about an entry becomes available, then the new information shall be recorded in the log not later than two business days after the information becomes available to the police department or security department.

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- (d) The daily crime log for the most recent 60-day period shall be open to the public for inspection at all times during normal business hours. Any portion of the log that is older than 60 days must be made available within two business days of a request for public inspection. Information in the log is not required to be disclosed when:
1. Disclosure of the information is prohibited by law.
 2. Disclosure would jeopardize the confidentiality of the victim.
 3. There is clear and convincing evidence that the release of such information would jeopardize an ongoing criminal investigation or the safety of an individual, may cause a suspect to flee or evade detection, or could result in the destruction of evidence. In any of these cases, the information may be withheld until that damage is no longer likely to occur from the release of such information.

807.4.2 COMPILING RECORDS FOR DISCLOSURE REQUIREMENTS

The Records Manager is also responsible for compiling the following to allow the institution to comply with its disclosure requirements under the California Education Code:

- (a) All occurrences reported to the Orange Police Department and all arrests for crimes that are committed on campus that involve violence, hate violence, theft, destruction of property, illegal drugs, or alcohol intoxication.
- (b) All occurrences of noncriminal acts of hate violence reported to the Orange Police Department for which a written report is prepared.

807.5 INFORMATION DISSEMINATION

It is the responsibility of the Administrative Services Division Commander to ensure that the required Clery Act disclosures are properly forwarded to campus administration and community members in accordance with institution procedures. This includes:

- (a) Procedures for providing emergency notification of crimes or other incidents and evacuations that might represent an imminent threat to the safety of students or employees (refer to the U.S. Code and California Federal Regulations).
- (b) Procedures for notifying the campus community about crimes considered to be a threat to other students and employees in order to aid in the prevention of similar crimes. Such disseminated information shall withhold the names of victims as confidential (refer to the U.S. Code).
- (c) Information necessary for the institution to prepare its annual security report (refer to the U.S. Code and California Federal Regulations). This report will include, but is not limited to:
 1. Crime statistics and the policies for preparing the crime statistics.
 2. Crime and emergency reporting procedures, including the responses to such reports.
 3. Policies concerning security of and access to campus facilities.
 4. Crime, dating violence, domestic violence, sexual assault and stalking awareness and prevention programs, including

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Jeanne Clery Campus Security Act

- (a) Procedures victims should follow.
 - (b) Procedures for protecting the confidentiality of victims and other necessary parties.
5. Enforcement policies related to alcohol and illegal drugs.
6. Locations where the campus community can obtain information about registered sex offenders.
7. Emergency response and evacuation procedures.
8. Missing student notification procedures.
9. Information addressing the jurisdiction and authority of campus security including any working relationships and agreements between campus security personnel and both state and local law enforcement agencies.

Chapter 9 - Custody

Temporary Custody of Adults

900.1 PURPOSE AND SCOPE

This policy provides guidelines to address the health and safety of adults taken into temporary custody by police officers of the Orange Police Department for processing prior to being released or transferred to a housing or other type of facility.

Temporary custody of juveniles is addressed in the Temporary Custody of Juveniles Policy. Juveniles will not be permitted where adults in custody are being held.

Custodial searches are addressed in the Custodial Searches Policy.

900.1.1 DEFINITIONS

Definitions related to this policy include:

Holding cell/cell - Any locked enclosure for the custody of an adult or any other enclosure that prevents the occupants from being directly visually monitored at all times by an officer or police jailer of the Department.

Safety checks - Direct, visual observation by an officer or police jailer of this department performed at random intervals, within time frames prescribed in this policy, to provide for the health and welfare of adults in temporary custody.

Temporary custody - The time period an adult is in custody at the Orange Police Department prior to being released or transported to a housing or other type of facility.

900.2 POLICY

The Orange Police Department is committed to releasing adults from temporary custody as soon as reasonably practicable, and to keeping adults safe while in temporary custody at the Department. Adults should be in temporary custody only for as long as reasonably necessary for investigation, processing, transfer or release.

900.3 GENERAL CRITERIA AND SUPERVISION

No adult should be in temporary custody for longer than six hours.

900.3.1 SUPERVISION IN TEMPORARY CUSTODY

A department police officer or police jailer capable of supervising shall be present at all times when an individual is held in temporary custody. The police officer or police jailer responsible for supervising should not have other duties that could unreasonably conflict with his/her supervision. Any individual in custody must be able to summon the supervising police officer or police jailer if needed. If the person in custody is deaf or hard of hearing or cannot speak, accommodations shall be made to provide this ability (refer to the California Code of Regulations).

At least one female department police officer or police jailer should be present when a female adult is in temporary custody. In the event that none is readily available, the female in custody

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should be transported to another facility or released pursuant to another lawful process (refer to the California Code of Regulations).

Absent exigent circumstances, such as a medical emergency or a violent subject, police officers or police jailers should not enter the cell of a person of the opposite sex unless a police officer or police jailer of the same sex as the person in custody is present (the California Penal Code).

No individual in custody shall be permitted to supervise, control or exert any authority over other individuals in custody.

900.3.2 STAFFING PLAN

The Chief of Police or the authorized designee shall ensure a staffing plan is prepared and maintained, indicating assigned personnel and their duties. The plan should ensure that at least one police officer or police jailer who meets the training standards established by the Board of State and Community Corrections (BSCC) for general fire- and life-safety and is trained in fire- and life-safety procedures relating specifically to the facility is on-duty at all times (15 CCR 1028).

The staffing plan shall be available for biennial review by BSCC staff. The review and recommendations of the BSCC biennial review shall be forwarded to the City, as required by 15 CCR 1027.

900.3.3 ENTRY RESTRICTIONS

Entry into any location where a person is held in custody should be restricted to:

- (a) Authorized personnel entering for official business purposes.
- (b) Emergency medical personnel when necessary.
- (c) Any other person authorized by the Watch Commander.

When practicable, more than one police officer or police jailer should be present for entry into a location where a person is held in custody for security purposes and to witness interactions.

900.4 PERSONAL PROPERTY

The personal property of an individual in temporary custody should be removed, inventoried and processed as provided in the Custodial Searches Policy, unless the individual requests a different disposition. For example, an individual may request property (i.e., cash, car or house keys, medications) be released to another person. A request for the release of property to another person must be made in writing. Release of the property requires the recipient's signature on the appropriate form.

Upon release of an individual from temporary custody, his/her items of personal property shall be compared with the inventory, and he/she shall sign a receipt for the property's return. If the individual is transferred to another facility or court, the police officer or police jailer transporting the individual is required to obtain the receiving person's signature as notice of receipt. The Department shall maintain a copy of the property receipt.

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The Watch Commander shall be notified whenever an individual alleges that there is a shortage or discrepancy regarding his/her property. The Watch Commander shall attempt to prove or disprove the claim.

900.5 HOLDING CELLS

A thorough inspection of a cell shall be conducted before placing an individual into the cell to ensure there are no weapons or contraband and that the cell is clean and sanitary. An inspection also should be conducted when he/she is released. Any damage noted to the cell should be photographed and documented.

The following requirements shall apply:

- (a) The individual shall be searched (see the Custodial Searches Policy), and anything that could create a security or suicide risk, such as contraband, hazardous items, belts, shoes or shoelaces and jackets, shall be removed.
- (b) The individual shall constantly be monitored by an audio/video system during the entire custody.
- (c) The individual shall have constant auditory access to police officers or police jailers.
- (d) The individual's initial placement into and removal from a locked enclosure shall be logged.
- (e) Safety checks by officers or police jailers shall occur no less than every 60 minutes for temporary detention cells and no less than every 30 minutes for detoxification cells:
 - (a) Safety checks should be at varying times.
 - (b) All safety checks shall be logged.
 - (c) The safety check should involve questioning the individual as to his/her well-being.
 - (d) Individuals who are sleeping or apparently sleeping should be awakened.
 - (e) Requests or concerns of the individual should be logged.

900.6 SUICIDE ATTEMPT, DEATH OR SERIOUS INJURY

The Field Services Division Commander will ensure procedures are in place to address any suicide attempt, death or serious injury of any individual in temporary custody at the Orange Police Department. The procedures should include the following:

- (a) Immediate request for emergency medical assistance if appropriate.
- (b) Immediate notification of the Watch Commander, Chief of Police and Investigative Services Division Commander.
- (c) Notification of the spouse, next of kin or other appropriate person.
- (d) Notification of the appropriate prosecutor.
- (e) Notification of the City Attorney.
- (f) Notification of the Coroner.

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- (g) Evidence preservation.
- (h) In-custody death reviews (refer to the California Code of Regulations).
- (i) Notification to the Attorney General within 10 days of any death in custody including any reasonably known facts concerning the death (refer to the California Government Code).

900.7 RELEASE AND/OR TRANSFER

When an individual is released or transferred from custody, the police officer or police jailer releasing the individual should ensure the following:

- (a) All proper reports, forms and logs have been completed prior to release.
- (b) A check has been made to ensure that the individual is not reported as missing and does not have outstanding warrants.
- (c) It has been confirmed that the correct individual is being released or transported.
- (d) All property, except evidence, contraband or dangerous weapons, has been returned to, or sent with, the individual.
- (e) All pertinent documentation accompanies the individual being transported to another facility (e.g., copies of booking forms, medical records, an itemized list of his/her property, warrant copies).
- (f) The individual is not permitted in any nonpublic areas of the Orange Police Department unless escorted by a police officer or police jailer of the Department.
- (g) Any known threat or danger the individual may pose (e.g., escape risk, suicide potential, medical condition) is documented, and the documentation transported with the individual if he/she is being sent to another facility.
 - (a) The police officer or police jailer transporting the individual shall ensure such risks are communicated to intake personnel at the other facility.
- (h) Generally, persons of the opposite sex, or adults and juveniles, should not be transported in the same vehicle unless they are physically separated by a solid barrier. If segregating individuals is not practicable, police officers or police jailers should be alert to inappropriate physical or verbal contact and take appropriate action as necessary.
- (i) Transfers between facilities or other entities, such as a hospital, should be accomplished with a custodial escort of the same sex as the person being transferred to assist with his/her personal needs as reasonable.

900.7.1 FORM REQUEST FOR PETITION TO SEAL RECORDS

Upon request, a detained arrestee released from custody shall be provided with the appropriate Judicial Council forms to petition the court to have the arrest and related records sealed (Penal Code § 851.91).

The Department shall display the required signage that complies with Penal Code § 851.91 advising an arrestee of the right to obtain the Judicial Council forms.

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900.8 ASSIGNED ADMINISTRATOR

The Field Services Division Commander will ensure any reasonably necessary supplemental procedures are in place to address the following issues (15 CCR 1029):

- (a) General security
- (b) Key control
- (c) Sanitation and maintenance
- (d) Emergency medical treatment (15 CCR 1200)
- (e) Escapes
- (f) Evacuation plans
- (g) Fire- and life-safety, including a fire suppression pre-plan as required by 15 CCR 1032
- (h) Disaster plans (e.g., natural disasters)
- (i) Building and safety code compliance
- (j) Civil and other disturbances including hostage situations
- (k) Periodic testing of emergency equipment
- (l) Emergency suspension of Title 15 regulations and notice to the BSCC as required in 15 CCR 1012
- (m) Inspections and operations reviews
- (n) Any other applicable requirements under 15 CCR 1029

Annual review and evaluation of security measures including internal and external security measures, sanitation, safety, and maintenance (15 CCR 1280).

These supplemental procedures shall be reviewed and updated no less than every two years and shall be available to all police officers and police jailers (15 CCR 1029).

900.9 TRAINING

Department sworn personnel and police jailers should be trained and familiar with this policy and any supplemental procedures.

Department sworn personnel and police jailers are responsible for supervising adults in temporary custody shall complete the Corrections Officer Core Course or eight hours of specialized training within six months of assignment. Such training shall include but not be limited to the following (15 CCR 1024):

- (a) Applicable minimum jail standards
- (b) Jail operations liability
- (c) Separation of incarcerated persons
- (d) Emergency procedures and planning, fire safety, and life safety
- (e) Suicide prevention

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- (f) De-escalation
- (g) Juvenile procedures
- (h) Racial bias
- (i) Mental illness

Eight hours of refresher training shall be completed every two years (15 CCR 1024).

The Training Bureau Sergeant shall maintain records of all such training in the employee's training file.

Custodial Searches

901.1 PURPOSE AND SCOPE

This policy provides guidance regarding searches of individuals in custody. Such searches are necessary to eliminate the introduction of contraband, intoxicants or weapons into the Orange Police Department facility. Such items can pose a serious risk to the safety and security of department employees, individuals in custody, contractors and the public.

Nothing in this policy is intended to prohibit the otherwise lawful collection of evidence from an individual in custody.

901.1.1 DEFINITIONS

Definitions related to this policy include:

Custody search - An in-custody search of an individual and of his/her property, shoes and clothing, including pockets, cuffs and folds on the clothing, to remove all weapons, dangerous items and contraband.

Physical body cavity search - A search that includes a visual inspection and may include a physical intrusion into a body cavity. Body cavity means the stomach or rectal cavity of an individual, and the vagina of a female person.

Strip search - A search that requires an individual to remove or rearrange some or all of his/her clothing to permit a visual inspection of the underclothing, breasts, buttocks, anus or outer genitalia. This includes monitoring an individual who is changing clothes, where his/her underclothing, buttocks, genitalia or female breasts are visible.

901.2 POLICY

All searches shall be conducted with concern for safety, dignity, courtesy, respect for privacy and hygiene, and in compliance with policy and law to protect the rights of those who are subject to any search.

Searches shall not be used for intimidation, harassment, punishment or retaliation.

901.3 FIELD AND TRANSPORTATION SEARCHES

An officer or police jailer should conduct a custody search of an individual immediately after his/her arrest, when receiving an individual from the custody of another, and before transporting a person who is in custody in any department vehicle.

Whenever practicable, a custody search should be conducted by an officer or police jailer of the same sex as the person being searched. If an officer or police jailer of the same sex is not reasonably available, a witnessing officer or police jailer should be present during the search.

901.4 SEARCHES AT ORANGE POLICE DEPARTMENT FACILITIES

Custody searches shall be conducted on all individuals in custody, upon entry to the Orange Police Department facilities. Except in exigent circumstances, the search should be conducted by an

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officer or police jailer of the same sex as the individual being searched. If an officer or police jailer of the same sex is not available, a witnessing officer or police jailer must be present during the search.

Custody searches should also be conducted any time an individual in custody enters or re-enters a secure area, or any time it is reasonably believed that a search is necessary to maintain the safety and security of the facility.

901.4.1 PROPERTY

Police officers and police jailers shall take reasonable care in handling the property of an individual in custody to avoid discrepancies or losses. Property retained for safekeeping shall be kept in a secure location until the individual is released or transferred.

Some property may not be accepted by a facility or agency that is taking custody of an individual from this department, such as weapons or large items. These items should be retained for safekeeping in accordance with the Property and Evidence Policy.

All property shall be inventoried by objective description (this does not include an estimated value). The individual from whom it was taken shall be required to sign the completed inventory. If the individual's signature cannot be obtained, the inventory shall be witnessed by another officer or police jailer. The inventory should include the case number, date, time, officer's or police jailers Orange Police Department identification number and information regarding how and when the property may be released.

901.4.2 VERIFICATION OF MONEY

All money shall be counted in front of the individual from whom it was received. If the amount of money exceeds \$100 then a second officer, police jailer or a supervisor shall also count the money. When possible, the individual shall initial the dollar amount on the inventory. Additionally, all money should be placed in a separate envelope and sealed. Negotiable checks or other instruments and foreign currency should also be sealed in an envelope with the amount indicated but not added to the cash total. All envelopes should clearly indicate the contents on the front. The officer or police jailer sealing it should place his/her initials across the sealed flap. Should any money be withdrawn or added, the officer or police jailer making such change shall enter the amount below the original entry and initial it. The amount of money in the envelope should always be totaled and written on the outside of the envelope.

901.5 STRIP SEARCHES

No individual in temporary custody at any Orange Police Department facility shall be subjected to a strip search unless there is reasonable suspicion based upon specific and articulable facts to believe the individual has a health condition requiring immediate medical attention or is concealing a weapon or contraband. Factors to be considered in determining reasonable suspicion include, but are not limited to:

- (a) The detection of an object during a custody search that may be a weapon or contraband and cannot be safely retrieved without a strip search.

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- (b) Circumstances of a current arrest that specifically indicate the individual may be concealing a weapon or contraband.
 - 1. A felony arrest charge or being under the influence of a controlled substance should not suffice as reasonable suspicion absent other facts.
- (c) Custody history (e.g., past possession of contraband while in custody, assaults on department personnel, escape attempts).
- (d) The individual's actions or demeanor.
- (e) Criminal history (i.e., level of experience in a custody setting).

No transgender or intersex individual shall be searched or examined for the sole purpose of determining the individual's genital status. If the individual's genital status is unknown, it may be determined during conversations with the person, by reviewing medical records, or as a result of a broader medical examination conducted in private by a medical practitioner (refer to the California Code of Regulations).

901.5.1 STRIP SEARCH PROCEDURES

Strip searches at Orange Police Department facilities shall be conducted as follows (refer to the California Code of Regulations and California Penal Code):

- (a) Written authorization from the Watch Commander shall be obtained prior to the strip search.
- (b) All police officers or police jailers involved with the strip search shall be of the same sex as the individual being searched, unless the search is conducted by a medical practitioner.
- (c) All strip searches shall be conducted in a professional manner under sanitary conditions and in a secure area of privacy so that it cannot be observed by those not participating in the search. The search shall not be reproduced through a visual or sound recording.
- (d) Whenever possible, a second officer or police jailer of the same sex should also be present during the search, for security and as a witness to the finding of evidence.
- (e) Officers or police jailers conducting a strip search shall not touch the breasts, buttocks or genitalia of the individual being searched.
- (f) The primary officer or police jailer conducting the search shall prepare a written report to include:
 - 1. The facts that led to the decision to perform a strip search.
 - 2. The reasons less intrusive methods of searching were not used or were insufficient.
 - 3. The written authorization for the search, obtained from the Watch Commander.
 - 4. The name of the individual who was searched.
 - 5. The name and sex of the officer or police jailer who conducted the search.
 - 6. The name, sex and role of any person present during the search.

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7. The time and date of the search.
 8. The place at which the search was conducted.
 9. A list of the items, if any, that were recovered.
 10. The facts upon which the officer or police jailer based his/her belief that the individual was concealing a weapon or contraband.
- (g) No officer or police jailer should view an individual's private underclothing, buttocks, genitalia or female breasts while that individual is showering, performing bodily functions or changing clothes, unless he/she otherwise qualifies for a strip search. However, if serious hygiene or health issues make it reasonably necessary to assist the individual with a shower or a change of clothes, a supervisor should be contacted to ensure reasonable steps are taken to obtain the individual's consent and/or otherwise protect his/her privacy and dignity.
- (h) If the individual has been arrested for a misdemeanor or infraction offense, the written authorization from the Watch Commander shall include specific and articulable facts and circumstances upon which the reasonable suspicion determination for the search was made.
- (i) A copy of the written authorization shall be retained and made available upon request to the individual or the individual's authorized representative. A record of the time, date, place of the search, the name and sex of the person conducting the search, and a statement of the results of the search shall also be retained and made available upon request to the individual or the individual's authorized representative.

901.5.2 SPECIAL CIRCUMSTANCE FIELD STRIP SEARCHES

A strip search may be conducted in the field only with Watch Commander authorization and only in exceptional circumstances, such as when:

- (a) There is probable cause to believe that the individual is concealing a weapon or other dangerous item that cannot be recovered by a more limited search.
- (b) There is probable cause to believe that the individual is concealing controlled substances or evidence that cannot be recovered by a more limited search, and there is no reasonable alternative to ensure the individual cannot destroy or ingest the substance during transportation.

These special-circumstance field strip searches shall only be authorized and conducted under the same restrictions as the strip search procedures in this policy, except that the Watch Commander authorization does not need to be in writing.

901.6 PHYSICAL BODY CAVITY SEARCH

Physical body cavity searches shall be subject to the following (the California Penal Code):

- (a) No individual shall be subjected to a physical body cavity search without written approval of the Watch Commander and only upon a search warrant. A copy of any search warrant and the results of the physical body cavity search shall be included with the related reports and made available, upon request, to the individual or authorized representative (except for those portions of the warrant ordered sealed by a court).

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- (b) Only a physician, nurse practitioner, registered nurse, licensed vocational nurse or Emergency Medical Technician Level II licensed to practice in California may conduct a physical body cavity search.
- (c) Except for the physician or licensed medical personnel conducting the search, persons present must be of the same sex as the individual being searched. Only the necessary department officers or police jailers needed to maintain the safety and security of the medical personnel shall be present.
- (d) Privacy requirements, including restricted touching of body parts and sanitary condition requirements, are the same as required for a strip search.
- (e) All such searches shall be documented, including:
 - 1. The facts that led to the decision to perform a physical body cavity search of the individual.
 - 2. The reasons less intrusive methods of searching were not used or were insufficient.
 - 3. The Watch Commander's approval.
 - 4. A copy of the search warrant.
 - 5. The time, date and location of the search.
 - 6. The medical personnel present.
 - 7. The names, sex and roles of any department members present.
 - 8. Any contraband or weapons discovered by the search.
- (f) Copies of the written authorization and search warrant shall be retained and shall be provided to the individual who was searched or other authorized representative upon request. A record of the time, date, place of the search, the name and sex of the person conducting the search and a statement of the results of the search shall also be retained and made available upon request to the individual or the individual's authorized representative.

901.7 TRAINING

The Training Bureau Sergeant shall ensure sworn personnel and police jailers have training that includes (refer to the California Code of Regulations):

- (a) Conducting searches of cross-gender individuals.
- (b) Conducting searches of transgender and intersex individuals.
- (c) Conducting searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

901.8 BODY SCANNER SEARCH

If a body scanner is available, a body scan search should be performed on all inmates/arrestees upon entering the secure booking area of the facility. Police officers and police jailers (refer to the California Penal Code):

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- (a) Within sight of the visual display of a body scanner that is depicting the body during a scan shall be of the same sex as the person being scanned, except for physicians or licensed medical personnel.
- (b) Should ask female inmates if they are pregnant prior to a body scan and should not knowingly use a body scanner on a woman who is pregnant.

Prison Rape Elimination

902.1 PURPOSE AND SCOPE

This policy provides guidance for complying with the Prison Rape Elimination Act of 2003 (PREA) and the implementing regulation that establishes standards (PREA Rule) to prevent, detect and respond to sexual abuse, harassment and retaliation against detainees or prisoners in the Orange Police Department Temporary Holding Facilities (refer to the California Federal Regulations).

902.1.1 DEFINITIONS

Definitions related to this policy include:

Intersex - A person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development (refer to the California Federal Regulations).

Sexual abuse - Any of the following acts, if the detainee does not consent, is coerced into such act by overt or implied threats of violence or is unable to consent or refuse:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva or anus
- Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object or other instrument
- Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh or the buttocks of another person, excluding contact incidental to a physical altercation (refer to the California Federal Regulations)

Sexual abuse also includes abuse by any personnel, contractor or volunteer as follows, with or without consent of the detainee, prisoner or resident:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva or anus
- Contact between the mouth and any body part where the personnel, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire
- Penetration of the anal or genital opening, however slight, by a hand, finger, object or other instrument, that is unrelated to official duties, or where the personnel, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire
- Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh or the buttocks, that is unrelated to official duties, or where the personnel, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire
- Any attempt, threat or request by any personnel, contractor or volunteer to engage in the activities described above

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- Any display by personnel, contractor or volunteer of his/her uncovered genitalia, buttocks or breast in the presence of a detainee, prisoner or resident
- Voyeurism by any personnel, contractor or volunteer (refer to the California Federal Regulations)

Sexual harassment - Repeated and unwelcome sexual advances; requests for sexual favors; verbal comments, gestures or actions of a derogatory or offensive sexual nature by one detainee, prisoner or resident that are directed toward another; repeated verbal comments or gestures of a sexual nature to a detainee, prisoner or resident by any personnel, contractor or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures (refer to the California Federal Regulations).

Transgender - A person whose gender identity (i.e., internal sense of feeling male or female) is different from the person's assigned sex at birth (refer to the California Federal Regulations).

902.2 POLICY

The Orange Police Department has zero tolerance toward all forms of sexual abuse and sexual harassment (refer to the California Federal Regulations). The Department will not tolerate retaliation against any person who reports sexual abuse or sexual harassment or who cooperates with a sexual abuse or sexual harassment investigation.

The Orange Police Department will take immediate action to protect detainees and prisoners who are reasonably believed to be subject to a substantial risk of imminent sexual abuse (refer to the California Federal Regulations).

902.3 PREA COORDINATOR

The Chief of Police shall appoint an upper-level manager with sufficient time and authority to develop, implement and oversee department efforts to comply with PREA standards in the Orange Police Department Temporary Holding Facilities (refer to the California Federal Regulations). The PREA Coordinator's responsibilities shall include:

- (a) Developing and maintaining procedures to comply with the PREA Rule.
- (b) Ensuring that any contract for the confinement of detainees or prisoners includes the requirement to adopt and comply with applicable PREA and the PREA Rule, including the obligation to provide incident-based and aggregated data, as required in the California Federal Regulations.
- (c) Developing a staffing plan to provide adequate levels of staffing and video monitoring, where applicable, in order to protect detainees and prisoners from sexual abuse (refer to the California Federal Regulations). This includes documenting deviations and the reasons for deviations from the staffing plan, as well as reviewing the staffing plan a minimum of once per year.
- (d) Developing methods for staff to privately report sexual abuse and sexual harassment of detainees and prisoners (refer to the California Federal Regulations).

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- (e) Developing a written plan to coordinate response among staff first responders, medical and mental health practitioners, investigators and department leadership to an incident of sexual abuse (refer to the California Federal Regulations).
- (f) Ensuring a protocol is developed for investigating allegations of sexual abuse in the Temporary Holding Facility. The protocol shall include (refer to the California Federal Regulations):
 1. Evidence collection practices that maximize the potential for obtaining usable physical evidence based on the most recent edition of the U.S. Department of Justice's (DOJ) Office on Violence Against Women publication, "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents" or a similarly comprehensive and authoritative protocol.
 2. A process to ensure a criminal or administrative investigation is completed on all allegations of sexual abuse or sexual harassment.
 3. A process to document all referrals to other law enforcement agencies.
 4. Access to forensic medical examinations, without financial cost, for all victims of sexual abuse where appropriate. Such examinations shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible. If SAFEs or SANEs cannot be made available, the examination can be performed by other qualified medical practitioners. The efforts to provide SAFEs or SANEs shall be documented.
 5. In accordance with security needs, provisions to permit, to the extent available, detainee and prisoner access to victim advocacy services if the detainee or prisoner is transported for a forensic examination to an outside hospital that offers such services.
- (g) Ensuring that detainees and prisoners with limited English proficiency and disabilities have an equal opportunity to understand and benefit from efforts to prevent, detect and respond to sexual abuse and sexual harassment. This includes, as appropriate, access to interpreters and written materials in formats or through methods that provide effective communication to those with disabilities (e.g., limited reading skills, intellectual, hearing or vision disabilities) (refer to the California Federal Regulations).
 1. The agency shall not rely on other detainees or prisoners for assistance except in limited circumstances where an extended delay in obtaining an interpreter could compromise the detainee's or prisoner's safety, the performance of first-response duties under this policy, or the investigation of a prisoner's allegations of sexual abuse, harassment or retaliation.
- (h) Publishing on the department's website:
 1. Information on how to report sexual abuse and sexual harassment on behalf of a detainee or prisoner (refer to the California Federal Regulations).
 2. A protocol describing the responsibilities of the Department and any other investigating agency that will be responsible for conducting sexual abuse or sexual harassment investigations (refer to the California Federal Regulations).

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- (i) Establishing a process that includes the use of a standardized form and set of definitions to ensure accurate, uniform data is collected for every allegation of sexual abuse at facilities under this agency's direct control (refer to the California Federal Regulations).
 - 1. The data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence, conducted by DOJ, or any subsequent form developed by DOJ and designated for lockups.
 - 2. The data shall be aggregated at least annually.
- (j) Ensuring audits are conducted pursuant to the California Federal Regulations for all Temporary Holding Facilities used to house detainees or prisoners overnight (refer to the California Federal Regulations).
- (k) Ensuring contractors or others who work in the Temporary Holding Facility are informed of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment (refer to the California Federal Regulations).
- (l) Ensuring that information for uninvolved inmates, family, community members, and other interested third parties to report sexual abuse or sexual harassment is publicly posted at the facility (refer to California Code of Regulations).

902.4 REPORTING SEXUAL ABUSE AND HARASSMENT

Detainees or prisoners may make reports verbally, in writing, privately or anonymously of any of the following (refer to the California Federal Regulations):

- Sexual abuse
- Sexual harassment
- Retaliation by other detainees or prisoners or staff for reporting sexual abuse or sexual harassment
- Staff neglect or violation of responsibilities that may have contributed to sexual abuse or sexual harassment

During intake the Department shall notify all detainees and prisoners of the zero-tolerance policy regarding sexual abuse and sexual harassment, and of at least one way to report abuse or harassment to a public or private entity that is not part of the Department and that is able to receive and immediately forward detainee or prisoner reports of sexual abuse and sexual harassment to agency officials. This allows the detainee or prisoner to remain anonymous (refer to the California Federal Regulations).

902.4.1 SWORN PERSONNEL RESPONSIBILITIES

Police officers shall accept reports from detainees, prisoners and third parties and shall promptly document all reports (refer to the California Federal Regulations).

All officers shall report immediately to the Watch Commander any knowledge, suspicion or information regarding:

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- (a) An incident of sexual abuse or sexual harassment that occurs in the Temporary Holding Facility.
- (b) Retaliation against detainees or the member who reports any such incident.
- (c) Any neglect or violation of responsibilities on the part of any officer that may have contributed to an incident or retaliation (refer to the California Federal Regulations).

No officer shall reveal any information related to a sexual abuse report to anyone other than to the extent necessary to make treatment and investigation decisions.

902.4.2 WATCH COMMANDER RESPONSIBILITIES

The Watch Commander shall report to the department's designated investigators all allegations of sexual abuse, harassment, retaliation, neglect or violations leading to sexual abuse, harassment or retaliation. This includes third-party and anonymous reports (refer to the California Federal Regulations).

If the alleged victim is under the age of 18 or considered a vulnerable adult, the Watch Commander shall also report the allegation as required under mandatory reporting laws and department policy.

Upon receiving an allegation that a detainee or prisoner was sexually abused while confined at another facility, the Watch Commander shall notify the head of the facility or the appropriate office of the agency where the alleged abuse occurred. The notification shall be made as soon as possible but no later than 72 hours after receiving the allegation. The Watch Commander shall document such notification (refer to the California Federal Regulations).

If an alleged detainee or prisoner victim is transferred from the Temporary Holding Facility to a jail, prison or medical facility, the Department shall, as permitted by law, inform the receiving facility of the incident and the prisoner's potential need for medical or social services, unless the prisoner requests otherwise (refer to the California Federal Regulations).

902.5 INVESTIGATIONS

The Department shall promptly, thoroughly and objectively investigate all allegations, including third-party and anonymous reports, of sexual abuse or sexual harassment. Only investigators who have received department-approved special training shall conduct sexual abuse investigations (refer to the California Federal Regulations).

902.5.1 FIRST RESPONDERS

The first officer to respond to a report of sexual abuse or sexual assault shall (refer to the California Federal Regulations):

- (a) Separate the parties.
- (b) Establish a crime scene to preserve and protect any evidence. Identify and secure witnesses until steps can be taken to collect any evidence.
- (c) If the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim not take any actions that could destroy

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physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating.

- (d) If the abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating.

If the first responder is not an officer the responder shall request that the alleged victim not take any actions that could destroy physical evidence and should then notify a law enforcement staff member (refer to the California Federal Regulations).

902.5.2 INVESTIGATOR RESPONSIBILITIES

Investigators shall (refer to the California Federal Regulations):

- (a) Gather and preserve direct and circumstantial evidence, including any available physical and biological evidence and any available electronic monitoring data.
- (b) Interview alleged victims, suspects and witnesses.
- (c) Review any prior complaints and reports of sexual abuse involving the suspect.
- (d) Conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.
- (e) Assess the credibility of the alleged victim, suspect or witness on an individual basis and not by the person's status as a detainee or an officer of the Orange Police Department.
- (f) Document in written reports a description of physical, testimonial, documentary and other evidence, the reasoning behind any credibility assessments, and investigative facts and findings.
- (g) Refer allegations of conduct that may be criminal to the District Attorney for possible prosecution, including any time there is probable cause to believe a detainee or prisoner sexually abused another detainee or prisoner in the Temporary Holding Facility (refer to the California Federal Regulations).
- (h) Cooperate with outside investigators and remain informed about the progress of any outside investigation.

902.5.3 ADMINISTRATIVE INVESTIGATIONS

Administrative investigations shall include an effort to determine whether staff actions or failures to act contributed to the abuse. The departure of the alleged abuser or victim from the employment or control of this department shall not be used as a basis for terminating an investigation (refer to the California Federal Regulations).

902.5.4 SEXUAL ASSAULT AND SEXUAL ABUSE VICTIMS

No detainee or prisoner who alleges sexual abuse shall be required to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation (refer to the California Federal Regulations).

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Detainee or prisoner victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment. Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident (refer to the California Federal Regulations).

902.5.5 CONCLUSIONS AND FINDINGS

All completed investigations shall be forwarded to the Chief of Police, or if the allegations may reasonably involve the Chief of Police, to the City Manager. The Chief of Police or City Manager shall review the investigation and determine whether any allegations of sexual abuse or sexual harassment have been substantiated by a preponderance of the evidence (refer to the California Federal Regulations).

All employees shall be subject to disciplinary sanctions up to and including termination for violating this policy. Termination shall be the presumptive disciplinary sanction for department employees who have engaged in sexual abuse. All discipline shall be commensurate with the nature and circumstances of the acts committed, the employee's disciplinary history and the sanctions imposed for comparable offenses by other employees with similar histories (refer to the California Federal Regulations).

All terminations for violations of this policy, or resignations by personnel who would have been terminated if not for their resignation, shall be criminally investigated unless the activity was clearly not criminal and reported to any relevant licensing body (refer to the California Federal Regulations).

Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with detainees or prisoners and reported to any relevant licensing bodies (refer to the California Federal Regulations). The Chief of Police shall take appropriate remedial measures and consider whether to prohibit further contact with detainees or prisoners by a contractor or volunteer.

902.6 RETALIATION PROHIBITED

All detainees, prisoners and employees who report sexual abuse or sexual harassment or who cooperate with sexual abuse or sexual harassment investigations shall be protected from retaliation (refer to the California Federal Regulations). If any other individual who cooperates with an investigation expresses a fear of retaliation, appropriate measures shall be taken to protect that individual.

The Watch Commander or the authorized designee shall employ multiple protection measures, such as housing changes or transfers for detainee or prisoner victims or abusers, removal of alleged abusers from contact with victims, and emotional support services for detainees, prisoners or employees who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.

The Watch Commander or the authorized designee shall identify a supervisor to monitor the conduct and treatment of detainees, prisoners or employees who have reported sexual abuse and of detainees or prisoners who were reported to have suffered sexual abuse. The supervisor shall

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act promptly to remedy any such retaliation. In the case of detainees or prisoners, such monitoring shall also include periodic status checks.

902.7 REVIEWS AND AUDITS

902.7.1 INCIDENT REVIEWS

An incident review shall be conducted at the conclusion of every sexual abuse investigation, unless the allegation has been determined to be unfounded. The review should occur within 30 days of the conclusion of the investigation. The review team shall include upper-level management officials and seek input from line supervisors and investigators (refer to the California Federal Regulations).

The review shall (refer to the California Federal Regulations):

- (a) Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect or respond to sexual abuse.
- (b) Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender or intersex identification, status or perceived status; gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility.
- (c) Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse.
- (d) Assess the adequacy of staffing levels in that area during different shifts.
- (e) Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff.

The review team shall prepare a report of its findings, including any determinations made pursuant to this section and any recommendations for improvement. The report shall be submitted to the Chief of Police and the PREA Coordinator. The Chief of Police or the authorized designee shall implement the recommendations for improvement or shall document the reasons for not doing so (refer to the California Federal Regulations).

902.7.2 DATA REVIEWS

The facility shall conduct an annual review of collected and aggregated incident-based sexual abuse data. The review should include, as needed, data from incident-based documents, including reports, investigation files and sexual abuse incident reviews (refer to the California Federal Regulations).

The purpose of these reviews is to assess and improve the effectiveness of sexual abuse prevention, detection and response policies, practices and training. An annual report shall be prepared that includes (refer to the California Federal Regulations):

- (a) Identification of any potential problem areas.
- (b) Identification of any corrective actions taken.
- (c) Recommendations for any additional corrective actions.

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- (d) A comparison of the current year's data and corrective actions with those from prior years.
- (e) An assessment of the department's progress in addressing sexual abuse.

The report shall be approved by the Chief of Police and made readily available to the public through the department website or, if it does not have one, through other means. Material may be redacted from the reports when publication would present a clear and specific threat to the safety and security of the Temporary Holding Facility. However, the nature of the redacted material shall be indicated.

All aggregated sexual abuse data from Orange Police Department facilities and private facilities with which it contracts shall be made readily available to the public at least annually through the department website or, if it does not have one, through other means. Before making aggregated sexual abuse data publicly available, all personal identifiers shall be removed (refer to the California Federal Regulations).

902.8 RECORDS

The Department shall retain all written reports from administrative and criminal investigations pursuant to this policy for as long as the alleged abuser is held or employed by the Department, plus five years (refer to the California Federal Regulations).

All other data collected pursuant to this policy shall be securely retained for at least 10 years after the date of the initial collection unless federal, state or local law requires otherwise (refer to the California Federal Regulations).

902.9 TRAINING

All employees, volunteers and contractors who may have contact with detainees or prisoners shall receive department-approved training on the prevention and detection of sexual abuse and sexual harassment within this facility. The Training Bureau Sergeant shall be responsible for developing and administering this training as appropriate, covering at a minimum (refer to the California Federal Regulations):

- The Department's zero-tolerance policy and the right of detainees and prisoners to be free from sexual abuse and sexual harassment, and from retaliation for reporting sexual abuse or harassment.
- The dynamics of sexual abuse and harassment in confinement settings, including which detainees and prisoners are most vulnerable.
- The right of detainees, prisoners and employees to be free from sexual abuse and sexual harassment, and from retaliation for reporting sexual abuse or harassment.
- Detecting and responding to signs of threatened and actual abuse.
- Communicating effectively and professionally with all detainees and prisoners.
- Compliance with relevant laws related to mandatory reporting of sexual abuse to outside authorities.

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Investigators assigned to sexual abuse investigations shall also receive training in conducting such investigations in confinement settings. Training should include (refer to the California Federal Regulations):

- Techniques for interviewing sexual abuse victims.
- Proper use of *Miranda* and *Garrity* warnings.
- Sexual abuse evidence collection in confinement settings.
- Criteria and evidence required to substantiate a case for administrative action or prosecution referral.

The Training Bureau Sergeant shall maintain documentation that employees, volunteers, contractors and investigators have completed required training and that they understand the training. This understanding shall be documented through individual signature or electronic verification.

All current employees and volunteers who may have contact with detainees or prisoners shall be trained within one year of the effective date of the PREA standards. The agency shall provide annual refresher information to all such employees and volunteers to ensure that they understand the current sexual abuse and sexual harassment policies and procedures.

Police Jailer

903.1 PURPOSE AND SCOPE

The Orange Police Department has established the position of civilian Police Jailer for the purpose of performing a variety of non-sworn duties in support of the processes for the admission and release of persons in custody at the Orange Police Department's Temporary Holding Facility (THF).

903.2 POLICY

In accordance with this policy, and the Orange Police Department's Booking and Detention Manual, Police Jailers will ensure the general well-being and health of everyone who enters the facility. Police Jailers will be responsible for persons in custody, including admission and release, preparing necessary forms and reports, fingerprinting, photographing, transporting to county jail or medical facilities, and safeguarding property entrusted to their care. Police Jailers will perform a variety of general support duties related to the areas of responsibility and/or in support of the Orange Police Department. Additionally, Police Jailers will ensure compliance with Federal, State and local laws, codes, regulations and department policies and procedures, including security ordinances.

903.3 DUTIES OF POLICE JAILER

Police Jailers shall have the responsibility for the following:

- (a) Interpret, apply, explain, and ensure compliance with complex Federal, State, and local laws, codes, regulations, and departmental policies and procedures, including security ordinances.
- (b) Enforce custodial facility regulations and maintain custody, control and safekeeping of arrestees detained in the department's THF
- (c) Perform searches, take inventory of and book the arrestee's property.
- (d) Complete necessary booking paperwork, release forms and related reports.
- (e) Fingerprint and photograph arrestees.
- (f) Assist with administration of blood and/or breath tests
- (g) Transport arrestees to jail or medical facilities
- (h) Inspect and oversee maintenance and cleanliness of the THF and sally ports.
- (i) Stock, inventory and order necessary supplies.
- (j) May testify in court, as necessary.
- (k) Perform community-based law enforcement duties and assist police officers in program functions assigned, including, but not limited to, community events and similar activities.
- (l) May perform a variety of non-sworn duties as needed to assist each Division within the Orange Police Department in support of law enforcement duties.

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- (m) Perform other duties as assigned.

903.4 TREATMENT OF ARRESTEES

Standards of conduct and performance of Orange Police Department personnel and Police Jailers shall, at all times, be consistent with the provisions of the Department Policy Manual. All persons brought into the THF are not to be abused either physically or verbally. Such actions will not be tolerated. All persons will be treated with respect. One of the Police Jailer's primary responsibilities is to ensure the general health and wellness of anyone and everyone who enters the THF.

- (a) Police Jailers and department personnel shall immediately contact the Watch Commander in the event an arrestee meets the criteria established in the Orange Police Department's Booking and Detention Manual related to required notification.
- (b) Police Jailers are not expected to be subject to physical abuse by any arrestee. Police Jailers are to obtain the assistance of a police officer or the Watch Commander before dealing with obviously hostile or combative arrestees.
- (c) Police Jailers are accountable to the provisions of the Department Policy Manual. Such related policies include, but are not limited to:
- #202 - Training Policy
 - #300 - Use of Force
 - #301 - Handcuffing and Restraints
 - #302 - Control Devices and Techniques
 - #309 - Potential Claims - Format for City Liability Investigations
 - #312 - Search and Seizure
 - #313 - Temporary Custody of Juveniles
 - #335 - Communications with Persons with Disabilities (#335.15 prisoners)
 - #337 - Orange Police Department Fingerprint System
 - #338 - Biological Samples
 - #348 - Restraint Chair
 - #410 - Cite and Release Policy
 - #411 - Foreign Diplomatic and Consular Representatives
 - #412 - Immigration Violations
 - #424 - Mobile Audio Video and Body Worn Cameras
 - #430 - Medical Aid and Response
 - #431 - Naloxone Policy
 - #703 - Vehicle Use (#703.3.3 transporting suspect/prisoner)
 - #705 - Cash Handling, Security and Management
 - #801 - Property and Evidence

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- #900 - Temporary Custody of Adults
- #901 - Custodial Searches
- #902 - Prison Rape Elimination
- #903 - Police Jailers (draft policy)
- #1010 - Communicable Diseases

903.5 SUPERVISION OF POLICE JAILERS

Police Jailers are assigned to the Field Services Division. Police Jailers will be immediately supervised by an on-duty field supervisor and the on-duty Watch Commander. It shall be the overall responsibility of the sergeant assigned to the THF to manage the Police Jailers program.

903.6 TRAINING

Police Jailers shall be required to stay current on training and certification. Upon hire, Police Jailers must possess and maintain the Standards and Training for Corrections Officer Course (Title 15 Core Course) certificate. Jailers shall possess and maintain an American Red Cross First Aid/CPR/AED certificate. Police Jailers shall participate and complete the department's P.O.S.T. certified Arrest and Control Advanced Officer Training.

Sworn personnel and Police Jailers responsible for supervising adults in temporary custody shall complete the Corrections Officer Core Course or eight hours of specialized training within six months of assignment. Such training shall include, but is not limited to the following:

- (a) Applicable minimum jail standards
- (b) Jail operations liability
- (c) Inmate segregation
- (d) Emergency procedures and planning, fire safety, and life safety.
- (e) Suicide prevention

Eight hours of refresher training shall be completed once every two years per the California Code of Regulations.

903.6.1 TRAINING PROGRAM

Trainee Jailers will be assigned to an approved, sworn Field Training Officer (FTO) and will complete a training period, with satisfactory performance in all functional areas.

- (a) At the end of each shift, the assigned FTO shall complete a daily evaluation report and review it with the trainee, noting areas of performance and discussing areas in need of improvement. The Jailer Trainer and trainee must both sign the evaluations.
- (b) Signed completed daily evaluations will be submitted to the sergeant overseeing the THF when completed for review of any areas of concern.
- (c) The sergeant(s) overseeing the THF and FTO Program shall meet with the FTO on a bi-weekly basis to discuss performance issues and program content. Any issues

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should be brought to the attention of the lieutenant(s) overseeing the THF and FTO Program.

- (d) Those areas of performance needing improvement shall also be reviewed in detail and resolved.
- (e) After the Jailer Trainee successfully completes the training program, the trainee will receive monthly evaluations for the duration of their probationary period.
- (f) The Jailer Trainer should review the final training evaluation with the trainee prior to forwarding it to the THF and FTO Supervisors.

903.7 UNIFORMS AND EQUIPMENT

Police Jailers shall wear the department approved uniform and equipment. This will consist of the following:

- (a) Dark gray (charcoal), long sleeve and short sleeve BDU shirts
- (b) Metallic name plate on right chest will consist of employee's first initial and last name
- (c) Metallic badge on left chest
- (d) Black BDU pants
- (e) Approved black jacket
- (f) Black patrol type boots
- (g) Black basket weave Sam Brown belt and dress belt
- (h) Police radio and belt clip or holder
- (i) Two pairs of handcuffs and basket weave handcuff case(s)
- (j) OC Spray canister and basket weave OC Spray holster
- (k) Flashlight

Chapter 10 - Personnel

Recruitment and Selection

1000.1 PURPOSE AND SCOPE

This policy provides a framework for employee recruiting efforts and identifying job-related standards for the selection process. This policy supplements the rules that govern employment practices for the Orange Police Department and that are promulgated and maintained by the Human Resources and Employee Relations Department.

1000.2 POLICY

In accordance with applicable federal, state, and local law, the Orange Police Department provides equal opportunities for applicants and employees regardless of actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law. The Department does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law.

The Department will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

1000.3 RECRUITMENT

The Support Services Division Commander should employ a comprehensive recruitment and selection strategy to recruit and select employees from a qualified and diverse pool of candidates.

The strategy should include:

- (a) Identification of racially and culturally diverse target markets.
- (b) Use of marketing strategies to target diverse applicant pools.
- (c) Expanded use of technology and maintenance of a strong internet presence. This may include an interactive department website and the use of department-managed social networking sites, if resources permit.
- (d) Expanded outreach through partnerships with media, community groups, citizen academies, local colleges, universities, and the military.
- (e) Consideration of shared or collaborative regional testing processes.

The Support Services Division Commander shall avoid advertising, recruiting and screening practices that tend to stereotype, focus on homogeneous applicant pools or screen applicants in a discriminatory manner.

The Department should strive to facilitate and expedite the screening and testing process, and should periodically inform each candidate of his/her status in the recruiting process.

1000.4 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

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should employ a comprehensive screening, background investigation, and selection process that assesses cognitive and physical abilities and includes review and verification of the following:

- (a) A comprehensive application for employment (including previous employment, references, current and prior addresses, education, military record)
 - 1. The personnel records of any applicant with prior peace officer experience in this state shall be requested from the appropriate law enforcement agency and reviewed prior to extending an offer of employment (Penal Code § 832.12).
 - 2. This includes review of prior law enforcement employment information maintained by POST (Penal Code § 13510.9).
- (b) Driving record
- (c) Reference checks
- (d) Employment eligibility, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents consistent with Labor Code § 1019.1. This required documentation should not be requested until a candidate is hired. This does not prohibit obtaining documents required for other purposes.
- (e) Information obtained from public internet sites
- (f) Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.)
- (g) Local, state, and federal criminal history record checks
- (h) Lie detector test (when legally permissible) (Labor Code § 432.2)
- (i) Medical and psychological examination (may only be given after a conditional offer of employment)
 - 1. The Medical Suitability Declaration (POST form 2-363) provided by the evaluating physician shall be maintained in the candidate's background investigation file (11 CCR 1954).
 - 2. The Psychological Suitability Declaration (POST form 2-364) provided by the evaluator shall be maintained in the candidate's background investigation file (11 CCR 1955).
- (j) Review board or selection committee assessment

1000.5 BACKGROUND INVESTIGATION

Every candidate shall undergo a thorough background investigation to verify their 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 Orange Police Department (refer to the California Code of Regulations).

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 (refer to the California Code of Regulations).

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1000.5.1 NOTICES

Background investigators shall ensure that investigations are conducted and notices provided in accordance with the requirements of the FCRA and the California Investigative Consumer Reporting Agencies Act (refer to the U.S. Code and the Civil Code).

1000.5.2 STATE NOTICES

If information disclosed in a candidate's criminal offender record information (CORI) is the basis for an adverse employment decision, a copy of the CORI shall be provided to the applicant (refer to the California Penal Code).

1000.5.3 REVIEW OF SOCIAL MEDIA SITES

All peace officer candidates shall be subject to a social media search for statements, postings, and/or endorsements made by the candidate that are relevant to suitability for peace officer employment, including bias-relevant information consistent with the requirements of 11 CCR 1955(d)(3) and any public expression of hate made in an online forum, as defined in Penal Code § 13680(g) (11 CCR 1953(e)(12)).

Due to the potential for accessing unsubstantiated, private, or protected information, the Support Services Division Commander shall not require candidates to provide passwords, account information, or access to password-protected social media accounts (Labor Code § 980).

The Support Services Division Commander should consider utilizing the services of an appropriately trained and experienced third party to conduct open source, internet-based searches, and/or review information from social media sites to ensure that:

- (a) The legal rights of candidates are protected.
- (b) Material and information to be considered are verified, accurate, and validated.
- (c) The Department fully complies with applicable privacy protections and local, state, and federal law.

Regardless of whether a third party is used, the Support Services Division Commander should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

1000.5.4 DOCUMENTING AND REPORTING

The background investigator shall summarize the results of the background investigation in a narrative report that includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment. The report shall include sections that summarize relevant Background Investigation Dimensions and include any findings of behaviors, traits, and/or attributes relevant to bias per the Bias Assessment Framework as described in the POST Background Investigation Manual. The report shall identify the data sources reviewed for the findings, regardless of weight given. The report shall include narrative information in the format described in 11 CCR 1953(g)(1). The report shall also include whether the candidate has engaged or is engaging in membership in a hate group, participation in hate group activity, or advocacy or public expressions of hate, pursuant to Penal Code § 13680 et seq. (11 CCR 1953).

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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 including relevant documentation of bias-related findings and documentation obtained through the social media search shall be included in the candidate's background investigation file (11 CCR 1953).

The background investigator shall document proof of verification of qualification for peace officer appointment on the Verification of Qualification for Peace Officer Appointment form and forward to the Support Services Division Commander for final review and submission to POST (11 CCR 1953).

The background investigation file shall be made available during POST compliance inspections (11 CCR 1953).

1000.5.5 RECORDS RETENTION

The background report and all supporting documentation shall be maintained according to the established records retention schedule and at a minimum as follows (Government Code § 12946; 11 CCR 1953):

- (a) Reports and documentation for candidates hired by the Department shall be retained for the entire term of employment and a for a minimum of four years after separation from the Department.
- (b) Reports and documentation for candidates not hired by the Department for a minimum of four years.

1000.5.6 BACKGROUND INVESTIGATION UPDATE

A background investigation update may, at the discretion of the Chief of Police, be conducted in lieu of a complete new background investigation on a peace officer candidate who is reappointed within 180 days of voluntary separation from the Orange Police Department, or is transferred to a different department within the City as provided in the California Code of Regulations.

1000.5.7 INVESTIGATOR TRAINING

Background investigators shall complete POST-certified background investigation training prior to conducting investigations (11 CCR 1953; 11 CCR 1959).

1000.6 DISQUALIFICATION GUIDELINES

As a general rule, performance indicators and candidate information and records shall be evaluated by considering the candidate as a whole, and taking into consideration the following:

- Age at the time the behavior occurred
- Passage of time
- Patterns of past behavior
- Severity of behavior
- Probable consequences if past behavior is repeated or made public

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- Likelihood of recurrence
- Relevance of past behavior to public safety employment
- Aggravating and mitigating factors
- Other relevant considerations

A candidate's qualifications will be assessed on a case-by-case basis, using a totality-of-the-circumstances framework.

1000.7 EMPLOYMENT STANDARDS

All candidates shall meet the minimum standards required by state law (Government Code § 1029; Government Code § 1031; Penal Code § 13510.1; 11 CCR 1950 et seq.). Candidates will be evaluated based on merit, ability, competence, and experience, in accordance with the high standards of integrity and ethics valued by the Department and the community. The California Commission on Peace Officer Standards and Training (POST) developed a Job Dimensions list, which is used as a professional standard in background investigations.

Validated, job-related, and nondiscriminatory employment standards shall be established for each job classification and shall minimally identify the training, abilities, knowledge, and skills required to perform the position's essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation. The Human Resources and Employee Relations Department should maintain validated standards for all positions.

1000.7.1 STANDARDS FOR OFFICERS

Candidates shall meet the minimum standards established by POST or required by state law (Government Code § 1029; Government Code § 1031; 11 CCR 1950 et seq.):

- (a) Free of any felony convictions
- (b) Be legally authorized to work in the United States under federal law
- (c) At least 21 years of age except as provided by Government Code § 1031.4
- (d) Fingerprinted for local, state, and national fingerprint check
- (e) Good moral character as determined by a thorough background investigation (11 CCR 1953)
- (f) High school graduate, passed the GED or other high school equivalency test, or obtained a two-year, four-year, or advanced degree from an accredited or approved institution
- (g) Free from any physical, emotional, or mental condition, including bias against race or ethnicity, gender, nationality, religion, disability, or sexual orientation which might adversely affect the exercise of police powers (11 CCR 1954; 11 CCR 1955)
- (h) Free of hate group memberships, participation in hate group activities, or advocacy of public expressions of hate within the previous seven years, and since 18 years of age, as determined by a background investigation (Penal Code § 13681)

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- (i) Candidates must also satisfy the POST selection requirements, including (11 CCR 1950 et seq.):
 - 1. Reading and writing ability assessment (11 CCR 1951)
 - 2. Oral interview to determine suitability for law enforcement service (11 CCR 1952)
- (j) POST certification that has not been revoked, denied, or voluntarily surrendered pursuant to Penal Code § 13510.8(f)
- (k) Not identified in the National Decertification Index of the International Association of Directors of Law Enforcement Standards and Training or similar federal government database that reflects revoked certification for misconduct or reflects misconduct that would result in a revoked certification in California.

In addition to the above minimum POST required standards, candidates may be subjected to additional standards established by the Department (Penal Code § 13510(d)).

1000.7.2 STANDARDS FOR DISPATCHERS

Candidates shall satisfy the POST selection requirements, including (refer to the California Code of Regulations):

- (a) A verbal, reasoning, memory and perceptual abilities assessment (refer to the California Code of Regulations)
- (b) An oral communication assessment (refer to the California Code of Regulations)
- (c) A medical evaluation (refer to the California Code of Regulations)

Additionally, all dispatcher candidates shall pass a psychological evaluation, a polygraph, and received a home visit from a background investigator.

Evaluation of Employees

1001.1 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.

1001.2 POLICY

The Orange 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.

1001.3 EVALUATION PROCESS

Evaluation reports will cover a specific period of time and should be based on documented performance during that period. Evaluation reports will be completed by each employee's immediate supervisor. Other supervisors directly familiar with the employee's performance during the rating period should be consulted by the immediate supervisor for their input.

All sworn and civilian supervisory personnel shall attend an approved supervisory course that includes training on the completion of performance evaluations within one year of the supervisory appointment.

Each supervisor should discuss the tasks of the position, standards of performance expected and the evaluation criteria with each employee at the beginning of the rating period. Supervisors should document this discussion in the prescribed manner.

Assessment of an employee's job performance is an ongoing process. Continued coaching and feedback provides supervisors and employees with opportunities to correct performance issues as they arise.

Non-probationary employees demonstrating substandard performance shall be notified in writing of such performance as soon as possible in order to have an opportunity to remediate the issues. Such notification should occur at the earliest opportunity, with the goal being a minimum of 90 days written notice prior to the end of the evaluation period.

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.

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1001.3.1 RESERVE OFFICER EVALUATIONS

Reserve officer evaluations are covered under the Reserve Officers Policy.

1001.3.2 RESERVE OFFICER EVALUATIONS

Reserve officer evaluations are covered under the current policy.

1001.3.3 DEFINITIONS

Ratee - The employee whose performance is being evaluated.

Rater - All employees who supervise other employees or other supervisors.

Reviewer - Managers and supervisors who are responsible for the review of employee evaluations.

1001.3.4 USES OF PERFORMANCE EVALUATIONS

Performance evaluations can be used to:

- (a) Keep employees informed of what is expected of them and how well they are performing,
- (b) Recognize and reward good work,
- (c) Recognize and remedy weaknesses in employee performance,
- (d) Identify employees who should be given specific types of training,
- (e) Provide a continuing record of an employee's performance history,
- (f) Serve as a guide to promotion, transfers, demotion, dismissals and other personnel actions,
- (g) Help determine whether an employee will receive a merit increase,
- (h) Check on the accuracy of job descriptions and classification,
- (i) Check on the effectiveness of recruitment and examination procedures,
- (j) Set goals for future performance.

1001.3.5 PERFORMANCE EVALUATION "POINTERS"

- DO rate the employee's performance, not his/her personality
- DO rate the employee in comparison to performance standards
- DO consider the employee's performance during the entire rating period and not just their most recent performance
- DO be specific in all aspects of performance evaluations
- DO tell the employee exactly how to correct substandard performance
- DO rate each evaluation factor individually
- DO set goals of attainment for the next rating period
- DO fill-out the forms so that it makes sense on its face

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- DON'T attempt to make a mathematical formula out of the performance evaluation form
- DON'T fall victim to the "halo effect," "leniency," "central tendency," "partiality" or "association error"
 - **Halo Effect** - The evaluator tends to base overall judgments or evaluations on selected pieces of information rather than all available relevant information. The employee is rated overall well above standard, when in fact they are performing well above standard in only a few categories. This tendency can also be seen in rating employees overall well below standard based upon substandard performance in a few categories.
 - **Leniency** - The evaluator tends to rate employees higher than their actual performance.
 - **Central Tendency** - The evaluator rates employees as average, when in fact the employee is working well above or well below standards.
 - **Partiality** - The evaluator rates the employees based upon the level of their relationship with them rather than their actual performance.
 - **Association Factor** - The evaluator finds it difficult to differentiate between categories because they overlap semantically for them.
- DON'T rate employee's performance against that of other specific employees
- DON'T place overemphasis on one incident during the rating period
- DON'T permit the performance evaluation system to preclude frequent informal feedback with the employee about his/hers performance
- DON'T give an employee a satisfactory evaluation if you are in any way dissatisfied with their overall performance

1001.4 FULL TIME PROBATIONARY PERSONNEL

Civilian personnel are on probation for 12 months before being eligible for certification as permanent employees. An evaluation is completed monthly for all full-time civilian personnel during the probationary period.

Sworn personnel are on probation for 18 months before being eligible for certification as permanent employees. Probationary officers are evaluated daily, weekly and monthly during the probationary period.

1001.4.1 WRITING THE EVALUATION AND LEVELS OF REVIEW

- (a) The annual Employee Performance Evaluation Report form is to be completed by the immediate supervisor of the employee being evaluated.
- (b) The supervisor assigned to complete the evaluation should first meet with the officer and discuss his/her performance during the evaluation period.

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1. The supervisor should also discuss goals for the officer that would improve performance and/or develop the officer for special assignment, promotion, etc. These goals should be included in the narrative of the evaluation.
- (c) The supervisor should discuss and assess the employee's knowledge and understanding of the items included within the pre-verification form. All pre verification forms must be approved by the division commander of the employee.
 1. The supervisor shall ascertain the level of the employee's knowledge as it relates to departmental orders pertaining to relationships between employees, the jail manual, pursuit driving, sexual harassment, use of deadly force, Code 3 driving, use of a TASER device and use of force.
 2. The discussion shall also include case law as it pertains to all of these subjects and that of forced entry and, search and seizure.
 - (a) A copy of this pre-verification questionnaire can be found on the "P" drive of department computers.
- (d) The supervisor may solicit the employee to write a self-evaluation of their performance in narrative form. The employee is not obligated to write a self-evaluation. The self-evaluation should include areas that the employee believes they have excelled in and those that they could improve upon. The employee should also list any schools, training or other accomplishments that are not included within their Division File.
- (e) The supervisor should solicit input from other supervisors, and also the Legal Affairs Office for potential discipline that may have occurred.
- (f) The supervisor will complete the evaluation, sign it and submit it to their immediate supervisor or lieutenant for review.
- (g) Upon review and approval of the lieutenant, the lieutenant should sign the evaluation and return it to the sergeant.
- (h) The sergeant should then obtain any additional signatures from other sergeants, who had input in the evaluation and agree with its contents.
- (i) The evaluation is then submitted to the respective division commander for their review, approval and signature.
- (j) The evaluation is next submitted to the Chief of Police for his/her review, approval and signature.
- (k) Once the evaluation has been approved by the chain of command it will be returned to the sergeant who authored it. The sergeant will meet with the employee and have them read and sign it.
- (l) If the employee does not agree with any of the contents of the evaluation, he/she has the option of writing a memorandum to the division commander addressing their concerns. This memorandum must be submitted within 30 days of receiving the evaluation and will be attached to the evaluation (the letter then becomes part of the evaluation itself), and both documents shall be placed in the Division and Department Files of the employee.

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1001.4.2 COMPLETE THE "CHECK-BOX EVALUATION" - SECTIONS 1, 2, AND 3

These sections are provided to assist the supervisor in measuring the employee's performance based on uniform standards related to duty requirements.

- (a) Each of the following sub-factors may be rated as Strong (+); Competent, Needs Improvement (-), or Not Observed.
- (b) All employees shall be rated in "Duty Performance" and "Leadership Capabilities," per Sections 1 and 2 on page one of the evaluation form. If a supervisor is being evaluated then Section 3, for "Supervisory Personnel Only," is also to be completed.
 - 1. **Corporals** - As corporals are initially appointed as "lead" officers, capable as effective training officers and considered more capable in comparison to all other officers assigned to the Field Services Division, Section 3 is also to be completed for corporals. The rater should complete this section on any other department employee, who also serves in "lead" role or assignment.

1001.4.3 DUTY PERFORMANCE - SECTION 1

In each of the below sub-factors, the evaluator is given a general description of the work aspect to be measured. Basic summaries of the various performance characteristics giving rise to strong, competent or needs improvement evaluations are given as a guide to the evaluator in determining the appropriate rating for the employee.

- (a) **Responsiveness to Instruction** - Reaction to knowledge, information, direction and training. Does the employee follow instructions? Does he/she adhere to verbal and written orders and policies?
- (b) **Judgment and Common Sense** - Sound, practical judgment that is independent of specialized knowledge or training: ordinary good sense; ability to think clearly and arrive at logical conclusions. Does the employee carefully and correctly consider a course of action before he/she embarks on it?
- (c) **Quality of Public Contacts** - Quality of relationships with citizens contacted in the course of the employee's official duties. Does the employee project an image of impartiality and fairness in his contacts with the public? Is the employee respected in the area of his/her assignment? All of these factors combine to create what is considered "professional conduct." Is the employee "professional" in his/her public contacts? Does the employee exhibit concern, empathy and compassion for the community that he/she serves? Does he/she endeavor to minimize the risk of misunderstanding during citizen contacts? Does the employee's performance generate positive feelings toward the police department in the community? Does the employee develop and encourage positive support for community relations? Does he/she show respect for diverse cultural aspects of the community? Does he/she show consideration for individual differences (i.e., language, age, race, culture, intelligence, etc.)?
- (d) **Dress and Grooming** - Conformance with department uniform inspection standards, courtroom attire, hair standards, etc. Do the employee's personal grooming habits reflect favorably upon the department?

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- (e) **Use of Available Resources** - Imaginative, effective and economical use of all reasonable measures and approaches likely to assist in solving a problem at hand. Employs community resources, automated systems, tactical plans, analytical data, specialized expertise, deployment adjustments, air support, etc., when appropriate. Is the employee aware of the resources available and potentially available? Does the employee utilize them to increase productivity and effectiveness?
- (f) **Teamwork** - Working in a cooperative effort with other employees; striving to coordinate work activities with others to attain common goals. Is the employee well thought of and respected by those with whom he/she works? Does the employee place attainment of department objectives above personal interest; working willingly with others in a harmonious effort to attain them?
- (g) **Performance Under Stress** - Reaction to stressful situations. How the employee reacts in emergencies, deteriorating field situations or when under extreme emotional or verbal attacks from hostile citizens or suspects. Is the employee willing to take command and responsibility for control of situations? Is the employee capable of coordinating activities of others during stressful situations? Is the employee able to remain calm and make responsible judgments and decisions under these conditions?
- (h) **Reliability** - The state or quality of being dependable; trustworthy. Can the employee be relied upon to perform assigned duties using proper procedures and with the department's interest as the primary concern?
- (i) **Safety Skills** - Knowledge of officer safety techniques. Does the employee utilize defensive driving techniques, authorized patrol tactics, and does the employee apply safety procedures in both routine and emergency activities?
- (j) **Initiative** - Readiness and ability to originate new ideas and methods to resolve problem situations, which are out of the ordinary. Does the employee initiate activity, based on observations of incidents or events that might not require response, but which might lead to apprehension of suspects, recovery of property or solution of a problem?
- (k) **Work Quality** - The degree of excellence in the performance of ones duties. Does the employee produce the desired results; consistently submitting clear, concise and timely reports?
- (l) **Productivity** - Refers to an employee's accomplishments in meeting work objectives. This can include meeting due dates, reducing crime, improving filing or conviction rates or improving traffic conditions. The ability to attain organizational goals and to achieve the objectives of the assignment. A "Strong" performance is when the employee understands the goals established for those in the employee's assignment and works successfully toward achievement of those goals. A "Competent" performance is when the employee generally understands organizational goals for employees in the assigned position, but does not always direct his or her efforts toward achievement of those goals. A "Needs Improvement" performance would be when the employee usually lacks understanding of organizational goals and thus directs little effort toward them.
- (m) **Communication Skills** - The ability to communicate effectively in both written and verbal modes. Does the employee articulate facts and circumstances in

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clear and concise words with the public, underlings and with other members of the department? In judging communications skills, the evaluator considers spelling, grammar, punctuation, etcetera in writing skills, and basic public speaking skills in verbal communications.

- (n) **Ability to Organize - To be capable of formulating a unified plan, or course of action, to achieve a specific result. Is the employee capable of coordinating the efforts of other employees at the scene of a complex incident requiring unified action? Does the employee reflect organized thinking in written reports as well as personal actions?**
- (o) **Care and Use of Department Equipment - Safe and proper use, and maintenance of department equipment and facilities. Does the employee treat department property with care, ensuring against loss or damage by an awareness of and compliance with department policies regarding city property?**
- (p) **Thoroughness - Covering every pertinent facet of some activity. Completeness; marked by close attention to accuracy and detail. Is the employee thorough in the completion of assigned duties; i.e., field investigations, required follow-up, report writing, etc.?**

1001.4.4 LEADERSHIP CAPABILITIES - SECTION 2

- (a) **Acceptance of Responsibility** - Willingness to assume additional duties and obligations. Is the employee willing to accept responsibility for the success or failure of a department program? A "Strong" performance is indicated when the employee is consistently willing to accept responsibility for the completion of such programs, frequently seeking new challenges. A "Competent" performance is when the employee generally will accept responsibility for such programs, but does not generally volunteer; is sometimes reluctant to accept them, but will when directed to do so. An employee "Needs Improvement" when they avoid responsibility for such programs, are reluctant to assume obligations and will sometimes resist new duty assignments.
- (b) **Demonstration of Command Presence** - The ability to take control of a situation by the use of voice and body commands; exhibits confidence when making decisions; acts as a stabilizing influence while maintaining a positive bearing when handling any given situation. Do others follow this employee's direction and commands? A "Strong" performance is when the employee's authority and ability to direct are consistently recognized and respected by those around him/her. A "Competent" performance is when the employee's authority is generally respected, but directions given are not always accepted without resentment or resistance. A "Needs Improvement" would be indicative of when an employee's authority is sometimes resented and the commands or directions given by the employee are frequently resisted and/or ignored.
- (c) **Contacts with Subordinates** - Effectiveness in dealing with employees of lower rank, position and authority. Does this employee deal with subordinates sufficiently, fairly and equally, or is the employee weak, overly assertive, or partial with these contacts? Do subordinates respect this employee because of leadership ability and do they seek advice from the employee when confronted with problems?

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- (d) **Adaptability** - The ability to accept change without difficulty or resistance. Capable of mastering obstacles encountered in implementing new procedures or techniques. A "Strong" performance in this dimension would be when the employee readily adapts to changed circumstances, concentrating on the development of new techniques to facilitate completion of assigned tasks rather than resisting the changes themselves. A "Competent" performance is when the employee accepts change and handles new assignments without active resistance. However, the employee does not use personal initiative to ensure the success of a new program. A "Needs Improvement" would be seen in an employee, who resists change, often accepts new assignments or responsibility grudgingly and makes little personal effort to ensure smooth transition to the new program, or its eventual successful completion.
- (e) **Demonstration of Loyalty** - Understands the obligation to uphold the principles and ideals of the profession and the department by example and action, and fulfills that obligation. A "Strong" rating would be indicative of an employee, who can be depended upon to represent the policies and objectives of the department. A "Competent" employee generally acknowledges the policies and objectives of the department. An employee who "Needs Improvement" is frequently derisive of policies and objectives of the department.
- (f) **Effect on Morale** - To instill in others a moral or mental attitude necessary for courage, discipline, confidence, enthusiasm or a willingness to endure hardship for the good of the department. A rating of "Strong" in this dimension would refer to the employee who consistently sets a personal example, instills high morale in fellow employees and inspires subordinates and peers to achieve their very best. A "Competent" person generally sets a good example for others to follow and instills good morale in co-workers. Someone who "Needs Improvement" seldom establishes a positive atmosphere or example, which might generate good morale. They may also act in ways detrimental to the morale of co-workers and/or is self-centered.
- (g) **Planning Skills** - The ability to formulate a plan of action or procedure and to do so with careful consideration for the possible effects of that plan. Does the employee plan activities or just begin operating in a situation without a specific plan or course of action? When the employee is not committed to a primary task by specific assignment, does the employee direct his/her activities toward the attainment of pre-determined goals? Does the employee achieve results and solutions based on effective planning? To receive a rating of "Strong," the employee should consistently and carefully consider the available options and plans before initiating action. The employee should also follow accepted procedures in pre planning for expected events and coordinate plans with other involved units. To attain a rating of "Competent" the employee should generally plan a course of conduct based on available information. A Rating of "Needs Improvement" is when the employee occasionally acts impulsively, without consideration for the effect of that conduct on others. He/she would seldom recognize the need for pre planning and coordination with other involved units.

1001.4.5 SUPERVISORY PERSONNEL ONLY - SECTION 3

- (a) **Effectively Delegates** - Uses the principle of delegation effectively to train and develop subordinates. Does the employee properly control and follow-up delegated responsibilities? Do subordinates show improvement in their performance as a result

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of proper delegation and follow-up? For a rating of "Strong," the employee would consistently make proper and effective use of the principles of delegation, both in field situations and in management responsibilities. For a rating of "Competent" the employee should generally delegate duties and responsibility in a satisfactory manner. A rating of "Needs Improvement" would be given to the employee, who seldom effectively delegates to others. The employee would often delegate only those duties or responsibilities onerous to oneself, without regard for the abilities or training needs of those to whom the task is delegated.

- (b) **Training of Subordinates** - Influences subordinates in positive ways. Recognizes training deficiencies and institutes proper and effective remedial measures to overcome them. Shares experiences and training with others to improve their value to the department. In a rating of "Strong" the employee recognizes training needs and actively works to fill them. They consistently seek ways to improve production through training methods, which are often self-developed. A "Competent" rating is for someone, who recognizes training needs or deficiencies, and will notify others of such needs. They sometimes suggest training programs to overcome other employee's deficiencies. Someone who "Needs Improvement" will sometimes take notice of other's training needs, but will seldom make personal suggestions to improve the employee's efficiency.
- (c) **Evaluation of Subordinates** - Effective use of department evaluation procedures to improve the performance of employees under the command or supervision of the employee being evaluated. Does the employee use the Performance Evaluation Report, department procedures and positive management tools to bring about desired changes in the work habits of his subordinates? Does the employee carefully consider the interests of the department and the subordinate when completing the Performance Evaluation Report? Does the employee understand and fairly apply the standards contained in the Performance Evaluation Guidelines when evaluating subordinates? Does the employee fairly, accurately and impartially represent others during Special Assignment and/or Promotional Panels?
- (d) **Committed to Affirmation Action Goals** - Understands and contributes to the attainment of the department's Affirmative Action Goals. Does the employee disseminate current information on the program to peers and subordinates? Has the employee ensured that subordinates are fully informed regarding Affirmative Action directives and regulations, and that information on the programs is readily available in the work unit? Does the employee ensure that the actions of subordinates are consistent with Affirmative Action objectives and also sets an example by his/her personal actions? Does the employee demonstrate an awareness of and respect for the sex, race, religion, sexual orientation, marital status, cultural differences, etcetera, of co-workers and the public?

1001.4.6 THE "NARRATIVE EVALUATION" - SECTION 4

This section is the most important part of an Employee Performance Evaluation Report. As a supervisor, one can best identify the employee's strengths and weaknesses when not limited to check-the-box categories, which may not adequately cover these strengths and weaknesses. Use this space to tell why the employee was evaluated as "Needs Improvement" or "Strong" (- or +)

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in any of the sub-factors listed in Sections 1, 2, or 3. This section can be used to identify the exceptional employee and identify factors that make his/her performance above "proficient."

Tell the employee what is necessary to improve the evaluation in these categories for future performance evaluations. Here, the supervisor is not restricted to mechanical descriptions, but can make an evaluation that is truly relevant to just the employee being considered.

- (a) What to include in the narrative section:
 - 1. Describe significant accomplishments outside of the normal duties of the employee. Identify specific failings or particular observations of substandard performance,
 - 2. Document any facts, which support a rating of "Strong" or "Needs Improvement" in Sections 1, 2 or 3,
 - 3. Suggest methods for improving duty performance or acquiring needed skills,
 - 4. Describe any interviews with the employee wherein the employee's duty performance or leadership capabilities were discussed and the results of such interviews,
 - 5. Describe any goals, schools to attend, improvements in behavior, etc., that need to be completed during the next rating period.
- (b) Any time an employee's overall value is determined as "Needs Improvement," or "Unsatisfactory" in Section 10, then a narrative explanation for this determination must appear in Section 4 (Narrative Evaluation).
- (c) Any time an employee has only been evaluated as "Strong" and/or "Competent" in either Sections 1, 2 or 3 and whose overall value is determined as "Needs Improvement," or "Unsatisfactory" in Section 10, then a narrative explanation for this discrepancy must appear in Section 4 (Narrative Evaluation).
 - 1. EXAMPLE: "This employee performs the duties of a certain assignment in a "Competent" manner, but is unable or unwilling to apply himself/herself equally well in other assignments."
- (d) What to avoid in the narrative section:
 - 1. Personality labels,
 - 2. Hearsay information or rumors. All comments shall be based on personal observations,
 - 3. References to, or consideration of, statements made or incidents described on prior evaluation reports,
 - (a) This does not preclude mentioning whether the employee has achieved the goals that were stated in the prior evaluation.
 - (b) This does not preclude mentioning improvement or failure to improve in a dimension that was an issue in the previous evaluation.
 - 4. Per the policy manual, supervisors shall discuss the facts and issues within an "Unfavorable Supervisor Log" in the Narrative section of the evaluation without

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making any reference to the employee ever having received an Unfavorable Supervisor Log.

1001.4.7 THE OBJECTIVES PORTION - SECTION 5

- (a) This section is optional; however, any performance areas which are noted as substandard or require improvement shall be addressed in the Objectives section, or in the Narrative section.
- (b) Three important elements must be present in each objective:
 - 1. **It must be specific** - You must be able to "quantify" the objective,
 - (a) Examples:
 - 1. Correct style - The officer will not be the subject of any sustained citizen complaints during the entire upcoming rating period.
 - 2. Incorrect style - The officer will develop a more courteous and understanding attitude in dealing with the public during the upcoming rating period.
 - 2. **It must be measurable** - You must be able to put some measurement criteria to the stated goals to ensure they are met,
 - 3. **It must be time-framed** - You must enter a date by which you expect the goal or objective to be accomplished or attained.

1001.5 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.

1001.5.1 RATINGS

When completing the Employee Performance Evaluation, the rater will place a check mark in the column that best describes the employee's performance. The definition of each rating category is as follows:

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Outstanding - Is actual performance well beyond that required for the position. It is exceptional performance, definitely superior or extraordinary.

Exceeds Standards - Represents performance that is better than expected of a fully competent employee. It is superior to what is expected, but is not of such rare nature to warrant outstanding.

Meets Standards - Is the performance of a fully competent employee. It means satisfactory performance that meets the standards required of the position.

Needs Improvement - Is a level of performance less than that expected of a fully competent employee and less than standards required of the position. A needs improvement rating must be thoroughly discussed with the employee.

Unsatisfactory - Performance is inferior to the standards required of the position. It is very inadequate or undesirable performance that cannot be tolerated.

Space for written comments is provided at the end of the evaluation in the rater comments section. This section allows the rater to document the employee's strengths, weaknesses, and suggestions for improvement. Any rating under any job dimension marked unsatisfactory or outstanding shall be substantiated in the rater comments section.

1001.5.2 THE NUMBER OF ITEMS INVOLVING THE EMPLOYEE DURING THE EVALUATION PERIOD - SECTION 7

Section seven of the evaluation is self-explanatory.

1001.5.3 AMOUNT OF SICK LEAVE USAGE - SECTION 8

The police department's time keeper will provide the information for this section. Employees who do not use any sick leave during the evaluation's time period can be recognized in the Duty Performance section listing of "Reliability." Sick leave usage for paternity leave, Family Leave Act and other authorized uses should be referenced in the Narrative section of the evaluation. If the sick leave usage is below the departmental standard or extensive leave usage was required due to an isolated or major injury, illness or operation, no further comments are required. Evaluators should be aware of the implications of medical privacy laws and legally authorized sick time when discussing employee sick leave usage.

The only time sick leave usage should be discussed in the Narrative Section of the evaluation is if this privilege has been abused by the employee. Examples of this would be when the employee has used more than their allotted sick time and/or their sick days coincide with regular days off, vacations, planned days off, etc.

1001.5.4 RECOMMENDATION FOR PROBATIONARY EMPLOYEES, ONLY - SECTION 9

Section nine of the evaluation is self-explanatory.

1001.5.5 THE OVERALL EMPLOYEE VALUE PORTION - SECTION 10

In this section the supervisor is required to assign an overall value of either "Proficient," "Unsatisfactory," or "Needs Improvement" to the individual being evaluated.

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In determining the overall assessment to be assigned to the employee, the supervisor shall consider the employee's overall value and level of competence in their present assignment. The supervisor should determine the employee's level of proficiency in meeting their assigned duties and job description. This consideration is based upon the entire contents of the employee's evaluation. When determining the overall value to assign an employee, the evaluator should consider the employee's experience, training and performance during the entire evaluation time period. How has the employee performed in comparison to other employees with similar experience and background, who are assigned to the same or similar positions within the agency?

- (a) **Proficient:** This rating means that the employee has the necessary experience, expertise and qualifications for the position, and that he/she is fully performing the duties of such position without deviation from regulating policies and procedures. The employee has the requisite skills and knowledge to perform the assigned tasks and applies them to the best of their ability.
- (b) **Needs Improvement:** This rating means that the employee's performance does not consistently meet one or more of the essential job standards and/or performance expectations of the position. A problem exists in their performance or behavior, which requires remedial action. The area of improvement must be quantifiable and measurable.
 - 1. The rater must address the issue(s) that need improvement in the narrative section of the evaluation.
 - 2. The rater must articulate the corrective action (i.e., training, counseling, education, increased productivity, etc.) that is designed to improve the performance of the employee in order to attain an overall rating of "Proficient."
 - 3. The corrective action shall be incorporated in the Objectives portion (Section 5), and/or the narrative of the performance evaluation.
- (c) **Unsatisfactory:** This overall rating must be fully supported in both the check box and narrative sections of the performance evaluation.
 - 1. To justify such an evaluation it must be clearly established that the employee has failed to meet the minimum requirements of the position. Specific areas of failure must be described in relationship to identifiable standard requirements of the employee's assigned duties. Warnings given to the employee in the past regarding substandard performance shall be documented in detail, along with the specifics of training and/or remedial counseling provided the employee to assist in improving performance. Documentation of these facts must include dates, times, places and names of those who participated in verbal or written reprimands, notification of substandard performance, notice to correct deficiencies or remedial training and/or counseling.
 - 2. Whenever an employee receives an overall evaluation of "Unsatisfactory," the employee's division commander shall consider the factors resulting in such an evaluation and determine whether the circumstances warrant a recommendation to withhold merit pay, termination, or other appropriate action.

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- (a) If the appropriate recommendation is further remediation, training, etc., the course of action designed to improve the performance of the employee shall be outlined in the narrative (Section 4) and/or objective portion (Section 5) of the evaluation.

1001.5.6 SECTIONS 11 THROUGH 16

Sections 11 through 16 are self-explanatory.

1001.6 EVALUATION INTERVIEW

When the supervisor has completed the preliminary evaluation, arrangements shall be made for a private discussion of the evaluation with the employee.

1001.6.1 EVALUATION DISTRIBUTION

The original Employee Performance Evaluation Report 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 of the Employee Performance Evaluation Report will be given to the employee, a copy will be placed in their Division File and a copy will be forwarded to the City Personnel Department.

1001.7 PROBATIONARY EMPLOYEE EVALUATION - INITIAL HIRE

All initial hire employees and lateral transfer peace officers are on probation for one year from date of initial hire or rehire. Non-lateral recruit peace officers are on probation from the date of hire and for one year from the successful completion of the recruit academy.

- (a) Initial hire peace officers shall be evaluated daily on the "trainee" evaluation form (OPD Form T-27) during their assignment with a Field Training Officer (FTO).
- (b) Once approved for release from the FTO program, the probationary employee's immediate supervisor will complete monthly narrative evaluations until completion of the probationary status and assignment to "regular" status.
 - 1. Monthly performance evaluations will be reviewed and approved by a lieutenant, prior to being presented to the probationary officer.
 - 2. If the probationary employee is having significant difficulties, the division commander (prior to it being presented to the officer) shall also approve the monthly performance evaluation.
- (c) After the monthly evaluation has been approved, the supervisor shall present it to the officer.
 - 1. The officer shall sign the evaluation to verify he/she has read and understands its contents.
- (d) If the division commander has not already approved the evaluation, it shall be sent to him/her for review.
- (e) If the division commander has previously approved the signed evaluation, it shall be delivered to the division secretary to be filed in the Division File of the employee.

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1001.7.1 UNSUCCESSFUL COMPLETION OF THE INITIAL HIRE PROBATIONARY PERIOD

- (a) At any time a supervisor determines that the probationary employee's job-related performance is not meeting departmental standards and the employee is not demonstrating the ability to perform the duties and/or requirements of the class, the supervisor may recommend action, including termination to the division commander.
 - 1. The division commander shall forward all documentation supporting termination of a probationary employee to the Chief of Police.
- (b) Employees, who do not satisfy the standards of the classification during the probationary period, shall be so notified in writing.

1001.8 REVIEW OF THE PERFORMANCE EVALUATION SYSTEM

The department's employee performance evaluation system will be continually reviewed by managers and supervisors. Recommendations for improvement to the employee performance evaluation system will be reported to the respective division commander for forwarding to the Chief of Police.

Performance Improvement Plans

1002.1 PURPOSE AND SCOPE

The policy of the Orange Police Department is that all employees are expected to perform in a competent manner in accordance with the policies and procedures of the City of Orange and the police department.

During the course of an employee's career, there may exist a time when their performance is unsatisfactory or needs improvement. If normal efforts to improve performance do not cause an improvement in performance, the more formal step of a Performance Improvement Plan (PIP) may be considered. Performance Improvement Plans assist the employee in bringing their performance up to satisfactory standards. A PIP is intended to be a training process. It is a tool to help the employee improve their skills in the organization, using internal and external resources.

1002.2 INITIAL SUPERVISORY CORRECTIONS

When minor policy infractions and/or performance deficiencies are noted for the first time, verbal counseling is the preferred method for corrective action.

When repeated policy infractions and/or performance deficiencies are noted, formal-counseling sessions should be initiated. Such counseling sessions should be documented on a Supervisor Log or memorandum.

- (a) The counseling session should address each policy infraction and/or performance deficiency, which has been identified and the expected corrective action by the employee for each one.
- (b) The documentation of the counseling session should list each policy infraction and/or performance deficiency along with the expected corrective action.
- (c) Should counseling fail to correct the performance deficiency and/or ensure compliance with policy; a Performance Improvement Program may be implemented.

1002.3 ESTABLISHMENT OF A PERFORMANCE IMPROVEMENT PLAN

In furtherance of the PIP, the department establishes this procedure whereby substandard and/or unacceptable performance can be identified and an appropriate program of corrective action can be established.

To accomplish this objective, this procedural is developed upon the following key criteria:

- (a) Identification of the substandard and/or unacceptable performance or behavior,
 1. The unacceptable and/or substandard performance or behavior must be measurable and articulable.
- (b) Communication of the deficiencies to the employee,
- (c) Formal documentation of the deficiency and the expected change(s), and
- (d) Development of the document, which specifies an action plan,

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- (e) Language in the document that failure to successfully complete the program will result in a reduction in pay, demotion, or termination.

1002.4 PERFORMANCE IMPROVEMENT PLAN OVERVIEW

- (a) The supervisor will prepare a draft of the PIP.
- (b) The supervisor will forward the draft of the PIP to his/her supervisor for review.
 - 1. The draft of the PIP will be forwarded through the chain-of-command to the Chief of Police for final review and approval.
 - 2. The Chief of Police will determine whether or not a supervisor will discuss the draft of the PIP with the employee prior to its finalization.
- (c) The supervisor will discuss the finalized PIP with the employee and have him/her sign the original document.
- (d) The supervisor shall follow the structured guidelines within the supervisory assistance section of the PIP and conduct any follow-up counseling or progress reports as specified in the document.
 - 1. If training is stipulated, the supervisor shall ensure that the training is provided in a timely manner.
 - 2. The employee shall meet with a supervisor as reasonably necessary.
 - (a) If the supervisor is unable to meet with the employee during the week then the meeting should occur at the next available opportunity.
 - 3. A supervisor or their designee shall write an evaluation of the employee's progress no less than once per week.
 - (a) If an evaluation is not completed within the stipulated time frame then an evaluation shall be written as soon as practical.
- (e) A supervisor will complete the final progress report and forward the completed file to the respective division commander for review.
- (f) The division commander will forward the entire PIP package to the Chief of Police for review and approval.
 - (a) Should punitive action be necessary, such action will be implemented in accordance with the current policy regarding the disciplinary process.

1002.4.1 PERFORMANCE IMPROVEMENT PLAN FORMAT

- (a) **Heading** - A standard memorandum heading shall be used:
 - 1. To: (Name of the affected employee),
 - 2. From: (Name of the employee's supervisor),
 - 3. Subject: FAILURE TO MEET PERFORMANCE STANDARDS
 - 4. Date: (date of report).
- (b) **Performance Standards and How the Employee Failed to Meet Them**

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1. List each performance standard in which the employee is deficient.
 - (a) Example: "An employee shall be punctual in reporting for duty at the time and place specified by his supervisor." Cite the specific Policy Manual section(s) that the employee has violated or failed to meet.
 2. List specifically and with detail each occasion where the employee failed to meet the listed standard.
 3. Repeat this process for each standard the employee will be required to show improvement and/or attain.
- (c) **How the Employee can Improve Their Performance**
- (a) This section is a summary of the positive and/or productive behavior the supervisor expects the employee to exhibit in order to be regarded as an acceptable employee.
- (d) **Supervisory Assistance and Guidance**
- (a) The supervisor sets a review schedule where the supervisor will review the progress of the employee with him/her.
 - (a) Such reviews shall meet as reasonably necessary.
 - (b) Each review with the employee shall be documented in a memorandum, which will be sent by the supervisor through the chain of command to the respective division commander.
 - (b) The supervisor may direct the employee to obtain training and/or counseling when appropriate.
- (e) **Time Frame and Consequences**
1. The supervisor will stipulate the duration of the Performance Improvement Plan.
 - (a) Normally, a Performance Improvement Plan will be 90 days in length. The minimum specified time for such a program is 60 days and the maximum time is 120 days.
 - (b) Should the employee progress at an accelerated rate, the Performance Improvement Plan may be shortened from the specified time.
 - (f) The consequences of failing to satisfactorily complete the PIP must be clearly stated. In most situations, the consequence will be termination for failure to meet the specified performance standards within the allotted time. When appropriate, demotion and reduction in pay may be administered.

1002.4.2 INITIAL INTERVIEW WITH THE EMPLOYEE ASSIGNED A PIP

- (a) The supervisor will address each performance deficiency identified in the PIP along with the expected corrective behavior.
- (b) The supervisor should emphasize to the employee the intent of the department to assist the employee in improving their work product and/or behavior to meet the standards of the PIP.

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- (c) The supervisor should encourage the employee's input and take appropriate notes concerning the employee's viewpoints.
 - 1. This information may be incorporated into any subsequent written reviews by the supervisor concerning the PIP.
- (d) The supervisor will advise the employee of the review process and the schedule for the review sessions.
- (e) The supervisor will inform the employee of any outside training and/or counseling that is required as part of the PIP.
- (f) The supervisor will inform the employee of the consequences that may result in the event the employee fails to satisfactorily complete the PIP.

1002.4.3 FOLLOW-UP COUNSELING AND/OR PROGRESS REPORTS

- (a) During the duration of the PIP, a supervisor will meet in counseling sessions with the employee as specified in the PIP.
 - 1. If a scheduled counseling session is missed, a supervisor will meet with the employee at the next available opportunity.
- (b) A supervisor will review the employee's progress as it relates to each identified performance deficiency. Appropriate feedback and reinforcement should be given to the employee, whether or not the employee is improving.
- (c) Each counseling session will be documented in a memorandum directed to the respective division commander, through the chain of command.
 - 1. The division commander shall forward a copy of all reports regarding the PIP to the Chief of Police.
 - 2. The division commander shall inform the Chief of Police of any significant incidents regarding the PIP in a timely manner.
- (d) The supervisor assigned to oversee the employee's PIP will be responsible for ensuring that any designated counseling sessions or periodic evaluation reports are completed and documented as directed.

1002.4.4 FINAL REPORT FOR A PIP

- (a) At the end of the PIP, the supervisor shall prepare a final report regarding the employee's progress in the PIP.
 - 1. If the employee successfully completes the PIP, the final report should reinforce the employee's improved performance and encourage continued acceptable performance.
 - (a) If the employee successfully completes the PIP and the PIP is not part of any formal disciplinary process, all documentation of the PIP will be provided to the employee for their review and initials prior to it being placed into the employee's Division File.
 - 1. The PIP will remain in the Division File for a period of not less than three years and until it has been documented in the employee's

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evaluation. This three year time element is based upon Federal EEOC Codes. After this point in time, the PIP documents will be removed from the Division File and either returned to the employee or destroyed.

- (b) If the employee successfully completes the PIP and the PIP is part of any formal disciplinary process, all of the documentation of the PIP becomes part of that disciplinary paperwork and is subject to the guidelines established in the current policy regarding the disciplinary process.
2. In the event the employee does not successfully complete the PIP, the Final Report should:
- (a) Specify those standards the employee failed to achieve and how he/she failed to do so,
 - (b) State that the supervisor is recommending that the penalty contained in the PIP as a consequence for non-improvement, be implemented, and
 - (c) Contain a detailed account of the employee's comments regarding the final report.
- (b) The Final Report, along with all follow-up reports and other related documentation will be forwarded via the chain-of-command to the Chief of Police for review and appropriate action.

Special Assignments, Transfers and Promotions

1003.1 PURPOSE AND SCOPE

The purpose of this policy is to establish department policy on qualifications for "List Consideration" and set forth the selection procedure for "Special Assignment" positions. It will also list the procedure for selection to "Non-Special Assignments" and the required and desirable qualifications for promotion within the ranks of the Orange Police Department.

1003.1.1 GENERAL REQUIREMENTS

The following conditions will be used in evaluating employees for promotion and transfer:

- (a) Present a professional, neat appearance.
- (b) Maintain a physical condition which aids in their performance.
- (c) Demonstrate 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
 - 6. Initiative
 - 7. Adaptability and flexibility
 - 8. Ability to conform to organizational goals and objectives in a positive manner.

1003.2 SPECIAL ASSIGNMENT PROCESS - GENERAL INFORMATION

- (a) From time to time, employees may be assigned to special assignments. There is no period of probation required and no permanency or seniority may be obtained in a special assignment. All special assignments to the positions of motor officer, detective, canine officer and corporal shall be made or revoked at the discretion of the Chief of Police.
- (b) Normally, a memorandum will be issued on an annual basis by the Support Services Division Commander announcing the screening and selection process. Once a "List of Consideration" is established, it will normally be good for one year, unless exhausted, canceled, or merged with another current List of Consideration.
- (c) Qualifications and any other selection criteria are subject to change as directed or required under federal or state law, or other applicable regulatory laws or resolutions.

1003.2.1 MINIMUM QUALIFICATIONS FOR SPECIAL ASSIGNMENT

- (a) Applicants must have completed three years total sworn police experience.
 - 1. Exception: Applicants who will meet this requirement within six months from date of the announcement will be allowed to apply; however, may not be appointed

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to any special assignment until completion of the required three years of sworn police experience.

- (b) Applicants must have two years of continuous service with the OPD.
- (c) Applicants must not be on any form of probationary status or formal performance improvement program.

1003.2.2 TESTING PROCEDURE FOR SPECIAL ASSIGNMENT

- (a) The special assignment process will consist of two procedures; each will count for 50% of the applicant's final score.
 - 1. Rating established by the Special Assignment Appraisal Conference.
 - (a) Each candidate will be rated in the ten dimensions listed under § 1003.2.4.
 - (b) The rating will be a percentile score of 60-69% = Fail, 70-79% = Band III, 80-89% = Band II, and 90-100% = Band I.
 - (c) For each dimension that is rated, one of the highest and lowest scores shall be eliminated from the final calculation.
 - (d) Any candidate that receives an average score below 70% in any single dimension shall be eliminated from continuing in the process.
 - 2. The respective division commander for each Special Assignment shall establish an Oral Board Panel. The division commander will determine the make-up of the Oral Board Panel and the questions they will present to prospective candidates. The Oral Board Panel will conduct an interview and/or oral test with of each of the candidates that successfully completed the Special Assignment Appraisal Conference.
 - (a) The Oral Board Panel will assign a score to each candidate and place each candidate in Band I (90% or higher), Band II (80-89%) or Band III (70-79%).
- (b) The scores from the Special Assignment Appraisal Conference and Oral Board Panel shall be added together and the candidate will be placed in Band I (90% or higher), Band II (80-89%) or Band III (70-79%).
 - (a) If a candidate's final score is below 70%, then that applicant shall not be listed within any Band and shall not be eligible for consideration for special assignment.

1003.2.3 APPLICATION PROCEDURE FOR SPECIAL ASSIGNMENT CANDIDATES

- (a) Police officers, who meet the minimum qualifications, may direct a Special Assignment Application form (refer to the current OPD Form) to their immediate supervisor; completing a separate application for each position sought.
 - 1. Please keep in mind when completing the Special Assignment Application that the categories on the application are designed to establish the applicant's qualifications for the position being sought. If additional space is needed, please limit it to one page of supporting documentation per category.

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- (b) Along with each Special Assignment Application, the applicant will submit copies of their last two Performance Evaluations, and a resume of no more than two pages in length.

1003.2.4 GENERAL EVALUATION CRITERIA FOR SPECIAL ASSIGNMENT

The following criteria will be used in evaluating an employee of the Orange Police Department for appointment and/or transfer to a special assignment.

- (a) The level that a candidate demonstrates proficiency, aptitude, skill and/or competency in the following categories:
 1. Work habits,
 2. Application of laws and procedures,
 3. Interpersonal skills,
 4. Training others,
 5. Productivity,
 6. Writing,
 7. Investigations,
 8. Sound judgment and decision making,
 9. Leadership,
 10. Initiative.

The Support Services Division shall maintain a copy of the dimensions and evaluation criteria to score these dimensions.

The Chief of Police shall have the discretion to change or modify any of the testing procedures for special assignments.

1003.2.5 SUPERVISOR'S RESPONSIBILITY - INITIAL APPLICATION SUBMITTAL REVIEW

- (a) Ensure the minimum qualifications have been met.
- (b) The immediate supervisor completes page two of the application. It is the responsibility of the supervisor to research, comment on and review each of the dimensions listed on page two of the application form. The supervisor should ensure when completing the dimensions that they provide enough detail to accurately depict the applicant's qualifications.
 1. The applicant will not be scored at this point in the process.
- (c) The application will be reviewed and approved by the supervisor's lieutenant prior to submitting it to the respective division commander.
- (d) The division commander will review and approve the completed application. The division commander shall also determine whether the applicant will be classified as being "endorsed" or "not endorsed" for further consideration in the process.

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- (e) The supervisor should then meet with the applicant and discuss the "endorsed" or "not endorsed" status. After the discussion, the applicant will sign the completed form and it will be forwarded to the Support Services Division for processing.
 - 1. If the applicant is "not endorsed" by the division commander they are removed from consideration by the Special Assignment Appraisal Conference.

1003.2.6 SPECIAL ASSIGNMENT APPRAISAL CONFERENCE

- (a) A Special Assignment Appraisal Conference shall be scheduled for all sergeants and lieutenants to attend. Attendance is mandatory for all sergeants and lieutenants unless specifically excused by the Chief of Police or his/her designee. Attendance by captains is discretionary.
- (b) During the Special Assignment Appraisal Conference, the applicant's immediate supervisor will present the applicant to the conference attendee's, depicting his/her qualifications for the special assignment for which they applied.
 - 1. The presenter at the Special Assignment Appraisal Conference will not give a numeric score for any of the dimensions, but can recommend a Band for scoring the candidate.
 - 2. The presenter is reminded that they are to accurately present the candidate and are not there to sponsor or champion someone.
- (c) Ratings are completed in consideration of the specified position and the relative importance of each critical element to that position.
- (d) The completed rating sheets shall be submitted to representatives of the Human Resources and Employee Relations Department for calculating the final score for each candidate.

1003.2.7 APPLICANT REVIEW PROCESS FOR SPECIAL ASSIGNMENT

- (a) A Review Board will be established by the Support Services Division Commander, or his/her designee, to review the ratings and comments from the Special Assignment Appraisal Conference and Oral Board Panel(s) with each candidate.
- (b) After the "List of Consideration" has been published, an applicant has five (5) days to bring any matter in dispute arising from the selection process, in writing, to their respective division commander. The written communication should contain:
 - 1. Specific issues or points of contention,
 - 2. Any additional facts for consideration.

1003.2.8 APPOINTMENT PROCESS FOR SPECIAL ASSIGNMENT

- (a) The concerned division commander may conduct interviews with applicants on the List of Consideration whom he is considering for recommendation to appointment.
- (b) The division commander shall then confer with the Chief of Police or his/her designee, concerning the eligible applicants. The Chief of Police will make a special assignment selection following this conference.

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1003.2.9 SPECIAL ASSIGNMENT STATUS

- (a) Sworn personnel in any special assignment position (motor officer, detective, canine officer and corporal) may request a transfer to any other special assignment position. The officer must already be on an active "List of Consideration" for the other assignment or must wait until the next process is initiated.
- (b) The policy and procedures for all positions may be waived for temporary assignments, emergency situations or for training.

1003.3 SPECIAL ASSIGNMENTS AND NON-SPECIAL ASSIGNMENTS

The following positions are considered Special Assignments:

- (a) Corporal
- (b) Detective
- (c) Traffic Motorcycle Officer
- (d) K-9 Handler

The following positions are considered Non-Special Assignments:

- (a) Special Investigations Unit
- (b) Field Training Officer
- (c) School Resource Officer
- (d) Gang Investigator
- (e) Bike Team Officer
- (f) DUI Team Officer
- (g) Narcotics Investigator (RNSP)
- (h) Background Investigator
- (i) H.E.A.R.T. Team
- (j) Training Manager

1003.3.1 SELECTION PROCESS FOR TRANSFER TO A NON-SPECIAL ASSIGNMENT

Non-Special Assignment positions will not be part of the Special Assignment process. Non-Special Assignment positions will be filled at the discretion of the respective division commander and the Chief of Police. Moreover, it shall be the decision of the division commander and Chief of Police as to the process and selection of individuals to these assignments.

1003.4 PROMOTIONAL REQUIREMENTS

Requirements and information regarding any promotional process are available at the Orange Human Resources and Employee Relations Department.

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1003.4.1 EDUCATION REQUIREMENTS FOR PROMOTIONAL EXAMINATIONS

Law enforcement has been striving for professionalism. One measurement of this is an educational standard. The standard will be applied to eligibility for promotional testing. We feel this is a fair system that covers all segments of the department.

1003.4.2 STANDARD REQUIREMENTS FOR SERGEANT

- (a) Three years sworn service in California law enforcement
- (b) A minimum of one year sworn service with the Orange Police Department
- (c) Must not be on any form of probationary status
- (d) AA degree or 60 units from an accredited college or university is highly desirable

1003.4.3 STANDARD REQUIREMENTS FOR LIEUTENANT

A candidate for promotion to the position of lieutenant must meet the minimum requirements listed under Path 1, or Path 2.

- (a) Path 1:
 - 1. Must not be on any form of probationary status,
 - 2. Minimum of two years of service as a sergeant with the Orange Police Department,
 - 3. AA degree or 60 college semester units,
 - 4. Possess a POST Intermediate Certificate,
 - 5. Possess the POST Supervisory Certificate.
- (b) Path 2:
 - 1. Must not be on any form of probationary status,
 - 2. Minimum of one year of service as a sergeant with the Orange Police Department,
 - 3. Possess a BA or BS degree from an accredited college or university,
 - 4. Possess a POST Intermediate Certificate,
 - 5. Satisfactory completion of the POST Supervisory Course.

1003.4.4 STANDARD REQUIREMENTS FOR CAPTAIN

A candidate for promotion to the position of captain must meet the minimum requirements listed under Path 1, or Path 2.

- (a) Path 1:
 - 1. Must not be on any form of probationary status,
 - 2. Minimum of two years service as a lieutenant with the Orange Police Department,
 - 3. AA degree or 60 college semester units,

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4. Possess the POST Advanced Certificate,
 5. Possess the POST Management Certificate.
- (b) Path 2:
1. Must not be on any form of probationary status,
 2. Minimum of one year of service as a lieutenant with the Orange Police Department,
 3. Possess a BA or BS degree from an accredited college or university,
 4. Possess a POST Advanced Certificate,
 5. Satisfactory completion of the POST Management Course.

Merit Pay Procedures For Certain Part-Time, Non-Sworn Employees

1004.1 PURPOSE AND SCOPE

The purpose of this policy is the establishment of merit pay procedures for certain part-time, civilian employees.

1004.1.1 DEFINITION

For purposes of this policy, part-time, non-sworn employees include police cadets, parking control officers 1, and designated police clerks.

1004.2 PROCEDURES

- (a) In compliance with established City of Orange Human Resources and Employee Relations Department rules, newly hired civilian, part-time employees will normally be hired at "Step A" of the current salary scale for the assigned position. The Chief of Police has the discretion to hire civilian, part-time employees at "Step B," "C," or "D" if applicable, depending upon the employee's qualifications.
- (b) Non-sworn, part-time employees will be eligible for a merit Step increase to the next Step when they meet the requirements listed under Path 1 or Path 2.
 - 1. Path 1:
 - (a) One continuous year of employment and the completion of a minimum of 2,080 hours worked,
 - (b) Satisfactory job performance, which has been documented in the employee's annual evaluation along with a supervisor's recommendation for a merit increase to the next Step,
 - (c) The evaluation, recommending a Step increase in wages, must be read and approved by the Chief of Police prior to its presentation to the employee.
 - 2. Path 2:
 - (a) Regardless of the time in service, the employee has been recognized by supervision for exceptional performance in their assigned duties,
 - (b) The employee's exceptional performance is documented in an evaluation, which also recommends a merit increase to the next available Step,
 - (c) The evaluation, recommending a merit step increase in wages, must be read and approved by the Chief of Police prior to its presentation to the employee.

1004.3 TIMELINESS OF EVALUATIONS

- (a) Timeliness of evaluations is critical to insure prompt merit pay increases and employee feedback.

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Merit Pay Procedures For Certain Part-Time, Non-Sworn Employees

1. The respective administrative assistant shall keep track of the hours worked by part-time employees. The administrative assistant is responsible for notifying the part-time employee's supervisor when an evaluation has to become due.
 2. The Traffic Bureau secretary shall be responsible for maintaining the hire dates of parking control aides, and for notifying the Traffic Bureau sergeant when an employee's evaluation is due.
 3. The records manager shall be responsible for maintaining and monitoring hire dates for part-time Records Bureau clerks and for insuring the completion of evaluations.
- (b) Should the part-time employee's supervisor determine that an employee's job performance does not warrant a merit step increase at the time of the annual evaluation, the employee shall be re-evaluated after 90 days.

Peer Support and Assistance Program

1005.1 PURPOSE AND SCOPE

The Orange 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 assist other City Department 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.

1005.1.1 DEFINITION

The Peer Support Program was created to offer assistance and appropriate support resources to employees with personal or professional problems negatively affecting 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 employees 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 well being of employees out with illnesses / IOD's and provide support where desired and needed.

1005.2 MISSION STATEMENT

The role of the Orange Police Department Peer Support Team is to be available to listen, support, refer, and assist employees and family members during stressful, or difficult periods in their lives.

1005.2.1 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 police station, including the briefing room, report writing room, and the Records Bureau with team member contact information included.

1005.2.2 POLICY

The Peer Support Team is intended to be a resource available to the Department in the event of a critical incident or crisis situation. Peer Support Personnel will be available to:

- (a) Listen to another employee's feelings after a critical incident or crisis situation;
- (b) Facilitate or assist supervisors in diffusing critical incidents;

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- (c) Respond to an employee's request for peer support or assistance;
- (d) Conduct 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 (FTO Program).

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/her designee.

In addition, Peer Support Personnel may be utilized to support the community in critical incident situations. Examples would be school shootings, natural disasters, etc.

1005.2.3 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 Team 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 the Chief of Police or his/her designee.

1005.2.4 DEBRIEFING/DEFUSING

Debriefings and defusing will be conducted by Peer Support Personnel as soon as practical after a critical incident. Debriefings should occur within 24-72 hours after a critical incident and will be conducted by qualified personnel. Attendance at debriefings is highly recommended for all employees involved in the critical incident.

A defusing immediately follows the critical event and generally lasts no longer than one hour. It gives all parties 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

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Peer Support and Assistance Program

their thoughts are normal. Peer Support Team Members may be present to give assistance and support. A defusing may eliminate the need for a formal debriefing or it may enhance the formal debriefing process. The Peer Support Coordinator and Program Advisor will decide on the need for a formal debriefing.

One certified CISM mental health professional and two to three Peer Support Team Members are required to conduct a debriefing. A Chaplain is optional but is highly recommended. The debriefing may last two to four hours.

1005.3 CONFIDENTIALITY

The acceptance and success of the Orange 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 guideline 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 Chief of Police or his/her designee.

1005.3.1 TEAM STRUCTURE

The Peer Support Program will fall under the Field Services Division for budget and accountability purposes.

Program Coordinators - The Program Coordinator(s) should be the rank of Sergeant or higher. The Program Coordinators shall be responsible for the Peer Support Program budget and coordination of the Peer Support Team.

Program Advisor - The Program Advisor will be a licensed Forensics Psychologist with exceptional experience dealing with police and/or first responder issues. His/her duties shall consist of:

- (a) Assist in training and selection of Peer Support Team Members;
- (b) Provide continued training in the techniques of Peer counseling;
- (c) Provide guidance at debriefings.

Peer Support Team Members - Peer Support Team Members shall be selected from the Department personnel at large.

1005.4 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:

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- (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 program activities;
- (g) Attend quarterly meetings;
- (h) Agrees to be contacted and if necessary, respond any hour to assist an employee in need.

1005.5 PAY AND COMPENSATION

When members of the Peer Support Team are notified to respond or attend a debriefing, the following pay and compensation policies will be in effect. Whenever possible, overtime will be pre-approved 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 submit an overtime slip to their immediate supervisor after the slip has been verified by the Program Coordinator(s) or their designee; all overtime will be preapproved by the Program Coordinator(s);
- (c) The pay/compensation will be the same as the guidelines set forth in the applicable Memorandum of Understanding for the Team Member;
- (d) There is no pay/compensation for being on the call-out roster;
- (e) Selection of members on the Peer Support Team is not considered a special assignment as set forth in Department Policy;
- (f) Members of the Peer Support Team are considered "At Will" and can be removed by the Program Coordinator(s).

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.

1005.6 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;

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- (e) Problem-solving skills;
- (f) Relationship termination;
- (g) General assessment skills;

The suggested minimum training is:

- (a) 24 Hour Basic Peer Support Course;
- (b) Basic Critical Incident Stress Management (CISM) course;
- (c) National Organizational of Victim Assistance (NOVA) Basic Crisis Response Training;
- (d) Any additional training as deemed necessary by the Chief of Police, Program Coordinator(s) or Program Advisor(s).

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.

Anti-Retaliation

1006.1 PURPOSE AND SCOPE

This policy prohibits retaliation against employees who identify workplace issues, such as fraud, waste, abuse of authority, gross mismanagement or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety or well-being of employees.

This policy does not prohibit actions taken for nondiscriminatory or non-retaliatory reasons, such as discipline for cause.

These guidelines are intended to supplement and not limit employees' access to other applicable remedies. Nothing in this policy shall diminish the rights or remedies of an employee pursuant to any applicable federal law, provision of the U.S. Constitution, law, ordinance or memorandum of understanding.

1006.2 POLICY

The Orange Police Department has a zero tolerance for retaliation and is committed to taking reasonable steps to protect from retaliation employees who, in good faith, engage in permitted behavior or who report or participate in the reporting or investigation of workplace issues. All complaints of retaliation will be taken seriously and will be promptly and appropriately investigated.

1006.3 RETALIATION PROHIBITED

No employee may retaliate against any person for engaging in lawful or otherwise permitted behavior; for opposing a practice believed to be unlawful, unethical, discriminatory or retaliatory; for reporting or making a complaint under this policy; or for participating in any investigation related to a complaint under this or any other policy.

Retaliation includes any adverse action or conduct, including but not limited to:

- Refusing to hire or denying a promotion.
- Extending the probationary period.
- Unjustified reassignment of duties or change of work schedule.
- Real or implied threats or other forms of intimidation to dissuade the reporting of wrongdoing or filing of a complaint, or as a consequence of having reported or participated in protected activity.
- Taking unwarranted disciplinary action.
- Spreading rumors about the person filing the complaint or about the alleged wrongdoing.
- Shunning or unreasonably avoiding a person because he/she has engaged in protected activity.

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Anti-Retaliation

1006.3.1 RETALIATION PROHIBITED FOR REPORTING VIOLATIONS

An officer shall not be retaliated against for reporting a suspected violation of a law or regulation of another officer to a supervisor or other person in the Department who has the authority to investigate the violation (Government Code § 7286(b)).

1006.4 COMPLAINTS OF RETALIATION

Any employee who feels he/she has been retaliated against in violation of this policy should promptly report the matter to any supervisor, Command Staff member, Chief of Police or the City Director of Human Resources and Employee Relations.

Employees shall act in good faith, not engage in unwarranted reporting of trivial or minor deviations or transgressions, and make reasonable efforts to verify facts before making any complaint in order to avoid baseless allegations. Employees shall not report or state an intention to report information or an allegation knowing it to be false, with willful or reckless disregard for the truth or falsity of the information or otherwise act in bad faith.

Investigations are generally more effective when the identity of the reporting employee is known, thereby allowing investigators to obtain additional information from the reporting employee. However, complaints may be made anonymously. All reasonable efforts shall be made to protect the reporting employee's identity. However, confidential information may be disclosed to the extent required by law or to the degree necessary to conduct an adequate investigation and make a determination regarding a complaint. In some situations, the investigative process may not be complete unless the source of the information and a statement by the employee is part of the investigative process.

1006.5 SUPERVISOR RESPONSIBILITIES

Supervisors are expected to remain familiar with this policy and ensure that employees under their command are aware of its provisions.

The responsibilities of supervisors include, but are not limited to:

- (a) Ensuring complaints of retaliation are investigated as provided in the Personnel Complaints Policy.
- (b) Receiving all complaints in a fair and impartial manner.
- (c) Documenting the complaint and any steps taken to resolve the problem.
- (d) Acknowledging receipt of the complaint, notifying the Chief of Police via the chain of command and explaining to the employee how the complaint will be handled.
- (e) Taking appropriate and reasonable steps to mitigate any further violations of this policy.
- (f) Monitoring the work environment to ensure that any employee making a complaint is not subjected to further retaliation.
- (g) Periodic follow-up with the complainant to ensure that retaliation is not continuing.
- (h) Not interfering with or denying the right of an employee to make any complaint.

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- (i) Taking reasonable steps to accommodate requests for assignment or schedule changes made by an employee who may be the target of retaliation if it would likely mitigate the potential for further violations of this policy.

1006.6 COMMAND STAFF RESPONSIBILITIES

The Chief of Police should communicate to all supervisors the prohibition against retaliation.

Command staff shall treat all complaints as serious matters and shall ensure that prompt actions take place, including but not limited to:

- (a) Communicating to all employees the prohibition against retaliation.
- (b) The timely review of complaint investigations.
- (c) Remediation of any inappropriate conduct or condition and instituting measures to eliminate or minimize the likelihood of recurrence.
- (d) The timely communication of the outcome to the complainant.

1006.7 WHISTLE-BLOWING

California law protects employees who (refer to the California Labor Code and California Government Code):

- (a) Report a violation of a state or federal statute or regulation to a government or law enforcement agency, including the employee's supervisor or any other employee with the authority to investigate the reported violation.
- (b) Provide information or testify before a public body if the employee has reasonable cause to believe a violation of law occurred.
- (c) Refuse to participate in an activity that would result in a violation of a state or federal statute or regulation.
- (d) File a complaint with a local agency about gross mismanagement or a significant waste of funds, abuse of authority or a substantial and specific danger to public health or safety. Employees shall exhaust all available administrative remedies prior to filing a formal complaint.
- (e) Are family members who have engaged in any protected acts described above.

Employees are encouraged to report any legal violations through the chain of command (refer to the California Labor Code).

Employees who believe they have been the subject of retaliation for engaging in such protected behaviors should promptly report it to a supervisor. Supervisors should refer the complaint to the Legal Affairs Office for investigation pursuant to the Personnel Complaints Policy.

1006.7.1 DISPLAY OF WHISTLE-BLOWER LAWS

The Department shall display a notice to employees regarding their rights and responsibilities under the whistle-blower laws, including the whistle-blower hotline maintained by the Office of the Attorney General (refer to the California Labor Code).

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1006.8 RECORDS RETENTION AND RELEASE

The Records Manager shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

1006.9 TRAINING

The policy should be reviewed with each new employee.

All employees should receive periodic refresher training on the requirements of this policy.

Reporting of Employee Convictions

1007.1 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.

1007.2 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) (refer to the U.S. Code and California Penal Code).

All officers 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.

1007.3 OTHER CRIMINAL CONVICTIONS AND COURT ORDERS

Government Code § 1029 prohibits any person convicted of a felony from being a peace officer in the State of California. This prohibition applies regardless of whether the guilt was established by way of a verdict, guilty, or nolo contendere plea.

Convictions of certain violations of the Vehicle Code and other provisions of law may also place restrictions on an employee's ability to fully perform the duties of the job.

Outstanding warrants as provided in Penal Code § 29805 also place restrictions on a member's ability to possess a firearm.

Moreover, while legal restrictions may or may not be imposed by statute or by the courts upon conviction of any criminal offense, criminal conduct by members of this department may be inherently in conflict with law enforcement duties and the public trust.

1007.4 REPORTING PROCEDURE

All employees 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 employees and all retired officers with an identification card issued by the Department shall further promptly notify their immediate supervisor (or the Chief of Police in the case of retired officers) in writing if the employee or retiree becomes the subject of a domestic violence restraining order or similar court order or becomes the subject of an outstanding warrant.

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Any employee whose criminal conviction unduly restricts or prohibits that employee from fully and properly performing his/her duties may be disciplined including, but not limited to, being placed on administrative leave, reassignment and/or termination. Any effort to remove such disqualification or restriction shall remain entirely the responsibility of the officer on his/her own time and expense.

Any employee failing to provide prompt written notice pursuant to this policy shall be subject to discipline.

1007.5 PROCEDURE FOR RELIEF

Pursuant to Penal Code § 29855, a peace officer may petition the court for permission to carry a firearm following a conviction under state law. Federal law, however, does not provide for any such similar judicial relief and the granting of a state court petition under Penal Code § 29855 will not relieve one of the restrictions imposed by federal law. Therefore, relief for any employee falling under the restrictions imposed by federal law may only be obtained by expungement of the conviction. Employees shall seek relief from firearm restrictions on their own time and through their own resources.

Pursuant to Family Code § 6389(h), an individual may petition the court for an exemption to any restraining order, which would thereafter permit the individual to carry a firearm or ammunition as a part of the individual's employment. Relief from any domestic violence or other restriction shall also be pursued through the employee's own resources and on the employee's own time.

Pending satisfactory proof of relief from any legal restriction imposed on an employee's duties, the employee may be placed on administrative leave, reassigned, or disciplined. The Department may, but is not required to return an employee to any assignment, reinstate any employee, or reverse any pending or imposed discipline upon presentation of satisfactory proof of relief from any legal restriction set forth in this policy.

1007.5.1 NOTIFICATION REQUIREMENTS

The Legal Affairs Supervisor shall submit within 10 days of final disposition a notice to the Commission on Peace Officer Standards and Training (POST) of a conviction or Government Code § 1029 reason that disqualifies any current peace officer employed by this department or any former peace officer if this department was responsible for the investigation (11 CCR 1003).

The Legal Affairs Supervisor shall submit within 10 days a notice to POST of any appointment, termination, reinstatement, name change, or status change regarding any peace officer, reserve peace officer, public safety dispatcher, and records supervisor employed by this department (11 CCR 1003).

Drug- and Alcohol-Free Workplace

1008.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs, cannabis, marijuana, THC-related products and alcoholic beverages in the workplace (41 USC § 8103).

1008.2 POLICY

It is the policy of this department to provide a drug- and alcohol-free workplace for all personnel.

1008.3 GENERAL GUIDELINES

Alcohol and drug use in the workplace or on department time can endanger the health and safety of department personnel and the public. Such use shall not be tolerated (refer to the U.S. Code).

Employees who have consumed an amount of an alcoholic beverage, cannabis, marijuana, THC-related products, or taken any medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for duty. Affected employees shall notify the Watch Commander or appropriate supervisor as soon as the employee is aware that they will not be able to report to work. If the employee is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the employee is adversely affected while on-duty, they shall be immediately removed and released from work (see Work Restrictions in this policy).

1008.3.1 USE OF MEDICATIONS

Employees should avoid using any medications, alcoholic beverages, cannabis, marijuana, or THC-related products that will impair their ability to safely and completely perform their duties. Any employee who is medically required or has a need to take any such medication shall report that need to their immediate supervisor prior to commencing any on-duty status.

No employee shall be permitted to work or drive a vehicle owned or leased by the Department while using any medication, cannabis, marijuana, or THC-related products that has the potential to impair their abilities, without a written release from their physician.

1008.3.2 MEDICAL CANNABIS

Possession, use, or being under the influence of medical cannabis, marijuana, or any THC-related products on-duty is prohibited and may lead to disciplinary action.

1008.4 EMPLOYEE RESPONSIBILITIES

Employees shall report for work in an appropriate mental and physical condition. Employees are prohibited from purchasing, manufacturing, distributing, dispensing, possessing or using controlled substances, cannabis, marijuana, THC-related or alcohol on department premises or on department time (refer to the U.S. Code). The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

Employees 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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Employees shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow employee poses a risk to the health and safety of the employee or others due to drug or alcohol use.

Employees 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 (refer to the U.S. Code).

1008.5 EMPLOYEE ASSISTANCE PROGRAM

There may be available a voluntary employee assistance program to assist those who wish to seek help for alcohol and drug problems (41 USC § 8103). Insurance coverage that provides treatment for drug and alcohol abuse also may be available. Employees should contact the Human Resources and Employee Relations Department, their insurance providers or the employee assistance program for additional information. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

1008.6 EMPLOYEE DRUG TESTING

The OPD has a legal responsibility and a moral obligation to ensure a safe work environment and a paramount interest in protecting the public by ensuring that its employees have the physical stamina and the emotional stability to perform their assigned duties.

There is overwhelming evidence that the use of illegal drugs, drug dependence and abuse of prescription drugs seriously impair any employee's performance. The illegal possession, or use of controlled substances is a crime and clearly unacceptable for any person employed by a law enforcement agency. There is tremendous potential for corruption associated with drug use by police employees.

Therefore, the OPD has adopted the following policy for employee drug testing.

1008.6.1 DEFINITIONS FOR THE EMPLOYEE DRUG TESTING POLICY

Drug test- The compulsory production and submission of urine by an employee, in accordance with departmental procedures, for chemical analysis to detect the presence or absence of controlled substances.

Reasonable suspicion- That quantity of factual information which can be articulated, which is more than mere speculation, but less than probable cause and can lead a reasonable person to arrive at the conclusion set forth.

Test Group A - Employees who are required to submit to drug testing on a regular basis.

Test Group B - Employees who are subject to random drug testing based on a sampling technique that ensures each and every employee has an equal probability of being selected each time a test is ordered.

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1008.6.2 DRUG TESTING POLICY

- (a) No department employee shall use or possess any narcotic or dangerous drug unless prescribed by a medical doctor.
- (b) Employees shall notify their immediate supervisor when required to use prescription medication, which has the potential to impair job performance.
- (c) All department employees are subject to either random or mandatory urinalysis to detect the presence of controlled substances, as specified in the current policy.
- (d) Failure to comply with the provisions of this policy will result in disciplinary action.

1008.6.3 APPLICABILITY OF THE DRUG TESTING POLICY

- (a) Any department employee may be ordered to take a drug test upon documented reasonable suspicion that the employee is, or has been, using drugs.
- (b) Employees in the following classifications shall be assigned to Test Group A and shall be subject to unannounced mandatory periodic drug tests: The Chief of Police shall determine the frequency and timing of such tests.
 - 1. Personnel with direct responsibilities for drug testing.
 - 2. Personnel assigned to the Narcotics Unit.
 - 3. Personnel on initial probationary status.
 - 4. Personnel whose primary duties include the preservation, retention or disposal of narcotic evidence (e.g., civilian property officers).
 - 5. **NOTE:** Personnel in Test Group A shall be provided written notification that their position entails such testing.
- (c) Employees in the following classifications shall be assigned to Test Group B and shall be subject to unannounced mandatory random drug testing: The Chief of Police shall determine the frequency and timing of such tests.
 - 1. All other department personnel.

1008.6.4 DRUG TESTING - NOTIFICATION

- (a) Upon notification of administration of a drug test, personnel shall have four (4) hours to produce a urine sample in a quantity adequate for laboratory analysis.
- (b) Qualified personnel shall carry out drug testing procedures with sensitivity for the dignity of the tested employee, while at the same time ensuring the integrity of the process and the sample obtained. Samples whose production is not directly observed by testing personnel will be obtained using appropriate procedures such as those outlined in the current policy.

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1008.6.5 DRUG TESTING - METHODOLOGY

- (a) The laboratory selected to conduct the analysis shall be experienced in urine drug screening and shall participate in accreditation or certification programs conducted by a recognized professional group, such as the National Institute of Drug Abuse (NIDA) or The College of American Pathologists (CAP).
- (b) The range of controlled substances tested for, will include:
 - 1. Morphine,
 - 2. Barbiturates,
 - 3. Codeine,
 - 4. Methadone,
 - 5. Cocaine,
 - 6. Propoxyphene,
 - 7. Amphetamines,
 - 8. Meperidine,
 - 9. THC-related products or psychoactive cannabis,
 - 10. Benzodiazepines,
 - 11. Phencyclidine,
 - 12. Steroids,
 - 13. Alcohol.

1008.6.6 DRUG TESTING - SCREENING PROCESS

All testing shall consist of an initial screening test and, if necessary, a second confirmatory test. Both tests shall use appropriate and professionally accepted technology.

- (a) The urine sample shall first be tested using an initial drug screening procedure. An initial test that indicates the presence of a controlled substance will not be considered a positive test and there shall not be any notification of the concerned department. Initial test levels indicating the presence of a controlled substance shall be in accordance with NIDA guidelines. (see the current policy)
- (b) If an initial test indicates the presence of a controlled substance, the sample will undergo a second confirmatory test. The second test will be conducted using different testing technology than the initial test.
- (c) The confirmatory test shall be considered positive when concentrations of controlled substances at or above NIDA guideline levels are found (see the current policy). Notification of a positive confirmatory test shall be provided to the Chief of Police or their designee.
- (d) In the event of a positive confirmatory test result, the concerned employee will be given the opportunity to have a portion of the same sample tested at his/her own expense. The testing may only be done at a laboratory selected from a pre-approved

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list of qualified laboratories. The department will submit the sample to the selected laboratory in accordance with established procedures.

1008.6.7 DRUG TESTING - OBSERVED SAMPLE COLLECTION PROCEDURES

The sample collection procedures are as follows:

- (a) The facility's testing area shall be private and secure,
- (b) The testing personnel shall be of the same sex as the employee being tested,
- (c) The sample shall be taken under direct observation,
 - 1. A sample provided under direct observation by testing personnel provides optimum safeguards for the integrity of the process.
- (d) The sample container shall be numbered and cross-referenced by the employee's name,
- (e) Testing personnel must positively identify the employee providing the sample,
- (f) Testing personnel shall search the area in which the sample is to be produced and document it as free of potential contaminants,
- (g) The employee tested may be required to disrobe before entering the area in which the sample is to be produced. In that case, a light robe shall be provided,
- (h) Any urinal or toilet shall be filled with blue-colored water and water taps sealed,
- (i) After obtaining the sample, it shall be tested for appropriate temperature and the actual temperature recorded,
- (j) The sample container must be immediately sealed, appropriately labeled and the container number re-checked to ensure it is referenced to the employee providing the sample,
- (k) The sample shall be stored in a secure refrigerated area until delivery to the contracting laboratory,
- (l) Employees may provide two samples at the same time in the event of disputes over identification or chain of custody. Both samples shall be provided under the above criteria. The extra sample should be retained in frozen storage.

1008.6.8 NIDA CONTROLLED SUBSTANCE GUIDELINES

- (a) **Initial screening** - Samples indicating concentrations of controlled substances at, or above the following levels shall be forwarded for confirmatory screening:
 - 1. Morphine 300 ng/ml,
 - 2. Codeine 300 ng/ml,
 - 3. Cocaine 300 ng/ml,
 - 4. Amphetamine 1000 ng/ml,
 - 5. THC-related products or psychoactive cannabis 100 ng/ml.

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- (b) **Confirmatory screening** - Confirmatory test levels of controlled substances at, or above the following levels shall be considered a positive test for that substance:
1. Morphine 300 ng/ml,
 2. Codeine 300 ng/ml,
 3. Cocaine 150 ng/ml,
 4. Amphetamine 500 ng/ml,
 5. THC-related products or psychoactive cannabis 15 ng/ml.
- (c) If testing of additional drugs above the recommended five (listed above) is desired, the testing levels listed below are recommended by NIDA.
1. **Initial screening** - Samples indicating concentrations of controlled substances at, or above the following levels shall be forwarded for confirmatory screening:
 - (a) Phencyclidine 25 ng/ml,
 - (b) Alcohol 0.01 ng/ml,
 - (c) Barbiturates 500 ng/ml,
 - (d) Methadone 500 ng/ml,
 - (e) Propoxyphene 1000 ng/ml,
 - (f) Meperidine 1000 ng/ml,
 - (g) Benzodiazepines 500 ng/ml,
 - (h) Steroids (unknown amount).
 2. **Confirmatory screening** - Confirmatory test levels of controlled substances at, or above the following levels shall be considered a positive test for that substance:
 - (a) Phencyclidine 25 ng/ml,
 - (b) Alcohol 0.01%,
 - (c) Barbiturates 500 ng/ml,
 - (d) Methadone 50 ng/ml,
 - (e) Propoxyphene 50 ng/ml,
 - (f) Meperidine 50 ng/ml,
 - (g) Benzodiazepines 50 ng/ml,
 - (h) Steroids (unknown amount).

1008.7 WORK RESTRICTIONS

If an employee informs a supervisor that he/she has consumed any alcoholic beverages, cannabis, marijuana, THC-related products, drugs or medication that could interfere with a safe and efficient job performance, the employee may be required to obtain clearance from his/her physician before continuing to work.

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If the supervisor reasonably believes, based on objective facts, that an employee is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the employee from continuing work and shall ensure that he/she is safely transported away from the Department.

1008.8 SCREENING TESTS

A supervisor may require an employee to submit to a screening under any of the following circumstances:

- (a) The supervisor reasonably believes, based upon objective facts, that the employee is under the influence of alcohol or drugs that are impairing the employee's ability to perform duties safely and efficiently.
- (b) The employee discharges a firearm in the performance of the employee's duties (excluding training or authorized euthanizing of an animal).
- (c) The employee discharges a firearm issued by the Department while off-duty, resulting in injury, death, or substantial property damage.
- (d) The employee drives a motor vehicle in the performance of the employee's duties and becomes involved in an incident that results in bodily injury, death, or substantial damage to property.

1008.8.1 SUPERVISOR RESPONSIBILITIES

The supervisor shall prepare a written record documenting the specific facts that led to the decision to require the test, and shall inform the employee in writing of the following:

1. The test will be given to detect either alcohol or drugs, or both.
2. The result of the test is not admissible in any criminal proceeding against the employee.
3. The employee may refuse the test, but refusal may result in dismissal or other disciplinary action.

1008.8.2 DISCIPLINE

An employee may be subject to disciplinary action if he/she:

- (a) Fails or refuses to submit to a screening test as requested.
- (b) After taking a screening test that indicates the presence of a controlled substance, cannabis, marijuana, THC-related products fails to provide proof, within 72 hours after being requested, that he/she took the controlled substance as directed, pursuant to a current and lawful prescription issued in his/her name.
- (c) Attempts to alter or substitute any specimen.
- (d) Violates any provisions of this policy.

Laws, Policies, Rules and Regulations

- (a) The Department forbids its employees to use any controlled substances, narcotics, or hallucinogens except as provided in the Exception and Discrimination sections below. The Department forbids violation of federal statute, state law or local ordinance.

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Employees that violate any rules, regulations or policies of the Department may be subject to disciplinary action up to and including discharge, subject to the grievance appeal process and/or Discrimination section below. In addition to disciplinary action and whenever appropriate, including those instances where the drug identified in the urine tests was prescribed, the Department will consider rehabilitation, counseling, or treatment programs when such alternatives would benefit both the Department and the employee. Some programs may require regular drug testing covering a reasonable time period specified by the director of the treatment program.

- (b) Failure to comply with the provisions of the drug-testing program may result in appropriate disciplinary action.

Exception

- (a) An employee may use a controlled substance or narcotic if done so pursuant to a prescription by a licensed physician for an illness or injury, if such use is in accordance with the terms of the prescription.

Discrimination

- (a) The department will not discriminate against an employee in hiring, termination, or any term or condition of employment, or otherwise penalize an employee based upon:
 1. an employee's use of cannabis, marijuana or THC-related products during nonworking hours and away from the workplace; or
 2. A drug screening test that has found the employee to have non-psychoactive cannabis metabolites in their hair, blood, urine, or other bodily fluids.
- (b) Notwithstanding (a), above, employees shall comply with any requirements related to legally mandated drug testing, federal security clearances or any other licenses and/or certifications which are required to perform their job duties.

Possession of Firearm

- (a) Employees whose classification is authorized to carry a firearm may be disciplined where unlawful use of a controlled substance, cannabis, marijuana or THC-related products legally limits their ability to possess a firearm.

Federal and State Laws and Regulations

Employees are required to follow all federal and state laws and regulations including laws or regulations where the use of controlled substances, including cannabis, marijuana or THC-related products, might limit an employee's ability to lawfully possess a firearm (refer to 18 USC 922(g)(3)) or maintain federal clearances, licenses and/or certification required to perform their job duties.

1008.9 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 an employee, the Department will take appropriate disciplinary action, up to and including dismissal, and/or requiring the employee to satisfactorily participate in a drug abuse assistance or rehabilitation program (refer to the U.S. Code).

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1008.10 CONFIDENTIALITY

The Department recognizes the confidentiality and privacy due to its employees. Disclosure of any information relating to substance abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the employee involved or pursuant to lawful process.

The written results of any screening tests and all documents generated by the employee assistance program are considered confidential medical records and shall be maintained in the employee's confidential medical file in accordance with the Personnel Records Policy.

Sick Leave

1009.1 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's Personnel Manual or applicable collective bargaining agreement.

This policy is not intended to cover all types of sick or other leaves. For example, employees may be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (FMLA) (29 USC § 2601 et seq.), the California Family Rights Act, leave for victims of crime or abuse, or for organ or bone marrow donor procedures (29 CFR 825; Government Code § 12945.2; Labor Code § 230.1; Labor Code § 1510).

1009.2 POLICY

It is the policy of the Orange Police Department to provide eligible employees with a sick leave benefit.

1009.3 USE OF SICK LEAVE

Sick leave is intended to be used for qualified absences. Sick leave is not considered vacation. Abuse of sick leave may result in discipline, denial of sick leave benefits, or both.

Employees on sick leave shall not engage in other employment or self-employment or participate in any sport, hobby, recreational activity or other activity that may impede recovery from the injury or illness (see Outside Employment Policy).

Qualified appointments should be scheduled during an employee's non-working hours when it is reasonable to do so.

1009.3.1 NOTIFICATION

All personnel should notify the Watch Commander or appropriate supervisor as soon as they are aware that they will not be able to report to work and no less than one hour before the start of their scheduled shifts. If, due to an emergency, an employee is unable to contact the supervisor, every effort should be made to have a representative for the employee contact the supervisor (refer to the California Labor Code).

When the necessity to be absent from work is foreseeable, such as planned medical appointments or treatments, the employee shall, whenever possible and practicable, provide the Department with no less than 30 days' notice of the impending absence (refer to the California Labor Code).

Upon return to work, employees are responsible for ensuring their time off was appropriately accounted for, and for completing and submitting the required documentation describing the type of time off used and the specific amount of time taken.

1009.4 EXTENDED ABSENCE

Employees 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

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return to work. Employees 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.

1009.5 PROCEDURE FOR REQUESTING LEAVE

In order to ensure the correct handling and entry of employee leave time into city records, and to ensure advance supervisory approval of employee leave time, the following procedures will be followed.

1009.5.1 EMPLOYEE RESPONSIBILITY FOR REQUESTING LEAVE

- (a) Complete the Request for Leave form on the InTime Portal indicating the type of leave requested, dates and time of leave, and an explanation, if necessary.
- (b) Leave time must be approved by a supervisor in advance of taking such leave.

1009.5.2 DIVISION COMMANDER RESPONSIBILITIES

- (a) Ensure that the appropriate supervisor reviews and approves all requests for leave.
 - 1. Unapproved requests shall be returned to the employee in a timely manner, with an explanation for the denial for time-off.
- (b) If applicable, ensure that a supervisor has recorded the approved leave in the computer schedule.

1009.6 REQUIRED NOTICES

The Director of Human Resources and Employee Relations shall ensure:

- (a) Written notice of the amount of paid sick leave available is provided to employees as provided in Labor Code § 246.
- (b) A poster is displayed in a conspicuous place for employees to review that contains information on paid sick leave as provided in Labor Code § 247.

1009.7 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 Human Resources and Employee Relations Department as appropriate.
- (c) Addressing absences and sick leave use in the employee's performance evaluation when excessive or unusual use has:
 - (a) Negatively affected the employee's performance or ability to complete assigned duties.

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- (b) Negatively affected department operations.
- (d) When appropriate, counseling employees regarding excessive absences and/or inappropriate use of sick leave.
- (e) Referring eligible employees to an available employee assistance program when appropriate.

Communicable Diseases

1010.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of department personnel contracting and/or spreading communicable diseases.

1010.1.1 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 an employee's position at the Orange Police Department. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred.)

1010.2 POLICY

The Orange Police Department is committed to providing a safe work environment for its employees. Employees should be aware that they are ultimately responsible for their own health and safety.

1010.3 EXPOSURE CONTROL OFFICER

The Chief of Police will assign a person as the Exposure Control Officer (ECO). The ECO shall develop an exposure control plan that includes:

- (a) Exposure-prevention and decontamination procedures.
- (b) Procedures for when and how to obtain medical attention in the event of an exposure or suspected exposure.
- (c) The provision that department members will have no-cost access to the appropriate personal protective equipment (PPE) (e.g., gloves, face masks, eye protection, pocket masks) for each member's position and risk of exposure.
- (d) Evaluation of persons in custody for any exposure risk and measures to separate them (15 CCR 1051; 15 CCR 1207).
- (e) Compliance with all relevant laws or regulations related to communicable diseases, including:
 1. Responding to requests and notifications regarding exposures covered under the Ryan White law (42 USC § 300ff-133; 42 USC § 300ff-136).
 2. Bloodborne pathogen mandates including (8 CCR 5193):

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- (a) Sharps injury log.
- (b) Needleless systems and sharps injury protection.
- 3. Airborne transmissible disease mandates including (8 CCR 5199):
 - (a) Engineering and work practice controls related to airborne transmissible diseases.
 - (b) Distribution of appropriate personal protective equipment to minimize exposure to airborne disease.
- 4. Promptly notifying the county health officer regarding member exposures (Penal Code § 7510).
- 5. Establishing procedures to ensure that employees request exposure notification from health facilities when transporting a person that may have a communicable disease and that the employee is notified of any exposure as required by Health and Safety Code § 1797.188.
- 6. Informing employees 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 employees to fulfill the role when not available. The designated officer shall ensure that the name, title, and telephone number of the designated officer is posted on the Department website (Health and Safety Code § 1797.188).
- (g) Coordination with the Human Resources and Employee Relations Department to provide required notices to employees regarding COVID-19 exposures (Labor Code § 6409.6).

The ECO should also act as the liaison with the Division of Occupational Safety and Health (Cal/ OSHA) and may request voluntary compliance inspections. The ECO shall annually review and update the exposure control plan and review implementation of the plan (8 CCR 5193).

1010.4 EXPOSURE PREVENTION AND MITIGATION

1010.4.1 GENERAL PRECAUTIONS

All personnel 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 (refer to the California Code of Regulations):

- (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.

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- (c) Washing hands immediately or as soon as feasible after removal of gloves or other PPE.
- (d) Treating all human blood and bodily fluids/tissue as if it is known to be infectious for a communicable disease.
- (e) Using an appropriate barrier device when providing CPR.
- (f) Using a face mask or shield if it is reasonable to anticipate an exposure to an airborne transmissible disease.
- (g) Decontaminating non-disposable equipment (e.g., flashlight, control devices, clothing and portable radio) as soon as possible if the equipment is a potential source of exposure.
 - 1. Clothing that has been contaminated by blood or other potentially infectious materials shall be removed immediately or as soon as feasible and stored/decontaminated appropriately.
- (h) Handling all sharps and items that cut or puncture (e.g., needles, broken glass, razors, knives) cautiously and using puncture-resistant containers for their storage and/or transportation.
- (i) Avoiding eating, drinking, smoking, applying cosmetics or lip balm, or handling contact lenses where there is a reasonable likelihood of exposure.
- (j) Disposing of biohazardous waste appropriately or labeling biohazardous material properly when it is stored.

1010.4.2 IMMUNIZATIONS

Employees who could be exposed to HBV due to their positions may receive the HBV vaccine and any routine booster at no cost (refer to the California Code of Regulations).

1010.5 POST EXPOSURE

1010.5.1 INITIAL POST-EXPOSURE STEPS

Personnel who experience an exposure or suspected exposure shall:

- (a) Begin decontamination procedures immediately (e.g., wash hands and any other skin with soap and water, flush mucous membranes with water).
- (b) Obtain medical attention as appropriate.
- (c) Notify a supervisor as soon as practicable.

1010.5.2 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 (refer to the California Code of Regulations):

- (a) Name and Social Security number of the employee exposed
- (b) Date and time of the incident

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- (c) Location of the incident
- (d) Potentially infectious materials involved and the source of exposure (e.g., identification of the person who may have been the source)
- (e) Work being done during exposure
- (f) How the incident occurred or was caused
- (g) PPE in use at the time of the incident
- (h) Actions taken post-event (e.g., clean-up, notifications)

The supervisor shall advise the employee that disclosing the identity and/or infectious status of a source to the public or to anyone who is not involved in the follow-up process is prohibited. The supervisor should complete the incident documentation in conjunction with other reporting requirements that may apply (see the Occupational Disease and Work-Related Injury Reporting Policy).

1010.5.3 MEDICAL CONSULTATION, EVALUATION AND TREATMENT

Department personnel shall have the opportunity to have a confidential medical evaluation immediately after an exposure and follow-up evaluations as necessary (refer to the California Code of Regulations).

The ECO should request a written opinion/evaluation from the treating medical professional that contains only the following information:

- (a) Whether the employee has been informed of the results of the evaluation.
- (b) Whether the employee 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.

1010.5.4 COUNSELING

The Department shall provide the employee, and his/her family if necessary, the opportunity for counseling and consultation regarding the exposure (refer to the California Code of Regulations).

1010.5.5 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 employee or when it is otherwise appropriate (refer to the California Code of Regulations). 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 employee's supervisor to ensure testing is sought.

Source testing may be achieved by:

- (a) Obtaining consent from the individual.

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- (b) Complying with the statutory scheme of the California Health and Safety Code. This includes seeking consent from the person who was the source of the exposure and seeking a court order if consent is not given.
- (c) Testing the exposed employee 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 (refer to the California Health and Safety Code).
- (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 (refer to the California Penal Code).
- (e) Under certain circumstances, a court may issue a search warrant for the purpose of HIV testing a person when the exposed employee qualifies as a crime victim (refer to the California Penal Code).

Since there is the potential for overlap between the different manners in which source testing may occur, the ECO is responsible for coordinating the testing to prevent unnecessary or duplicate testing.

The ECO should seek the consent of the individual for testing and consult the City Attorney to discuss other options when no statute exists for compelling the source of an exposure to undergo testing if he/she refuses.

1010.6 CONFIDENTIALITY OF REPORTS

Medical information shall remain in confidential files 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.

1010.7 TRAINING

All personnel shall participate in training regarding communicable diseases commensurate with the requirements of their position. The training (refer to the California Code of Regulations):

- (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 employee is assigned new tasks or procedures affecting his/her potential exposure to communicable disease.
- (c) Should provide guidance on what constitutes an exposure, what steps can be taken to avoid an exposure and what steps should be taken if a suspected exposure occurs.

Smoking and Tobacco Use

1011.1 PURPOSE AND SCOPE

This policy establishes limitations on smoking and the use of tobacco products by employees and others while on-duty or while in Orange 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.

1011.2 POLICY

The Orange 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 employees. Therefore smoking and tobacco use is prohibited by employees and visitors in all department facilities, buildings and vehicles, and as is further outlined in this policy (refer to the California Government Code and California Labor Code).

1011.3 SMOKING AND TOBACCO USE

Smoking and tobacco use by employees is prohibited anytime employees are in public view representing the Orange 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.

1011.4 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 (refer to the California Government Code).

1011.4.1 NOTICE

The Chief of Police or the authorized designee should ensure that proper signage is posted at each entrance to the Department facility (refer to the California Labor Code).

Personnel Complaints

1012.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of employees of the Orange Police Department. This policy shall not apply to any questioning, counseling, instruction, informal verbal admonishment or other routine or unplanned contact of an employee in the normal course of duty, by a supervisor or any other employee, nor shall this policy apply to a criminal investigation.

1012.2 POLICY

The Orange Police Department takes seriously all complaints regarding the service provided by the Department and the conduct of its personnel.

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.

1012.2.1 FALSE COMPLAINT ADMONITION

Every person making a complaint in person shall be instructed to carefully read and sign the admonitions on the Personnel Complaint Form addressing consequences of filing a false complaint pursuant to the California Penal Code and Civil Code.

If the person refuses to sign the admonition, the supervisor should indicate "refused to sign" and initial the appropriate signature block. A refusal to sign shall not, by itself, be considered grounds for rejecting a complaint, but may be taken into consideration when determining the manner in which the matter should be handled.

If the complaint is received by telephone, the receiving supervisor should read the admonitions to the complainant and sign the signature block with a notation of the date and time read. If the complainant later appears in person, a second form should be completed and signed by the individual

1012.3 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.

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1012.3.1 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 employee.

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 employee or referred to the Legal Affairs Office, depending on the seriousness and complexity of the investigation.

Incomplete - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the assigned supervisor or the Legal Affairs Office, such matters may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

1012.3.2 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 employee 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.

1012.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

1012.4.1 COMPLAINT FORMS

Personnel complaint forms will be maintained in the police facility and be accessible to the public through the Watch Commander's office.

Personnel complaint forms in languages other than English may also be provided, as determined necessary or practicable.

1012.4.2 ACCEPTANCE

All complaints will be courteously accepted by any department employee 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 employees 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.

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Although not required, complainants should be encouraged to file complaints in person so that proper identification, signatures, photographs, or physical evidence may be obtained as necessary.

A complainant shall be provided with a copy of the complaining party's statement at the time it is filed with the Department (Penal Code § 832.7).

1012.4.3 AVAILABILITY OF WRITTEN PROCEDURES

The Department shall make available to the public a written description of the investigation procedures for complaints (refer to the California Penal Code).

1012.4.4 HATE COMPLAINTS AGAINST PEACE OFFICERS

Internal complaints or complaints from the public shall be accepted and investigated in accordance with this policy where it is alleged that an officer has in the previous seven years, and since 18 years of age, engaged in membership in a hate group, participated in a hate group activity, or advocated any public expression of hate (Penal Code § 13682).

1012.5 DOCUMENTATION

Supervisors shall ensure that all formal complaints are properly documented. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

All formal complaints should also be documented in a log that records and tracks complaints. The log shall include the nature of the complaint and the actions taken to address the complaint. On an annual basis, the Department should audit the log.

1012.5.1 OPD EMPLOYEE DETAINED FOR A CRIMINAL OFFENSE BY OUTSIDE AGENCY

- (a) **City of Orange Police Officer** - If the employee is a City of Orange Police Officer, also refer to the procedures in the current policy regarding allegations of criminal conduct. In addition, the following guidelines shall apply:
1. The following notifications shall be made;
 - (a) The watch commander,
 - (b) The involved employee's division commander,
 - (c) The Chief of Police,
 - (d) The Field Services Division Commander.
 2. If an internal investigation is authorized, the Chief of Police or his/her designee will advise the concerned employees of the outside agency that the impending investigation by the Orange Police Department will be for administrative purposes only,
 3. A police supervisor shall respond to the scene and conduct an initial inquiry into the facts of the incident,
 - (a) Once the initial facts of the incident have been established, the supervisor shall notify the watch commander as soon as practical.

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- (b) The supervisor on-scene should limit the scope of their investigation to an administrative investigation or review. If an interview of the employee occurs, AB 301 guidelines (as outlined in the current policy regarding administrative investigation of a complaint) shall apply in gathering the initial facts for a potential administrative investigation.
 - 4. If the outside agency has requested the Orange Police Employee to submit to a chemical or breath test and the employee has refused to submit to the request, an order to submit to the test, for the purposes of an administrative investigation only, shall be given by the first available supervisor. Also refer to the current policy regarding administrative searches,
 - 5. All evidence obtained solely as a result of the personnel investigation is confidential and shall not be disclosed to employees of the outside agency conducting the criminal investigation or to any other unauthorized persons.
- (b) **Non-sworn Orange Police Department Employees** - When so advised by an outside public agency, the Orange Police watch commander shall make the following notifications:
- (a) The employee's division commander,
 - (b) The Chief of Police.
 - (a) In consultation with the division commander, the Chief of Police or his/her designee will determine the extent of any further department involvement.

1012.5.2 CITY EMPLOYEE INVOLVED IN TRAFFIC COLLISION, DETAINED, OR SUSPECTED OF COMMITTING A CRIME WITHIN THE CITY

- (a) When an employee is involved in a traffic accident while driving a city vehicle, or is detained or arrested for a felony or misdemeanor offense committed in the city, the following notifications shall be made (also refer to the current policy manual regarding major incident notifications and traffic collision reporting):
 - 1. The watch commander,
 - 2. The Field Services Division Commander,
 - 3. The Chief of Police.
 - (a) Only the Chief of Police or his/her designee is authorized to make notification to the City Manager and/or the employee's department head.
- (b) A police supervisor shall respond to the scene and conduct an initial inquiry into the facts of the incident and oversee the investigation.
 - (a) Once the initial facts of the incident have been established, the supervisor shall notify the watch commander as soon as practical.
 - (b) The scope of the criminal investigation shall be the same as that for a private person detained under similar circumstances.
 - (c) If the incident involves a traffic accident, please refer to the current policies.

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- (c) When any police department employee is notified or becomes aware of an impending investigation of a criminal offense committed by a city employee, the department employee shall notify their division commander as soon as practical.
 - (a) The division commander shall notify the Chief of Police.
 - (b) Only the Chief of Police or his/her designee shall be authorized to notify the City Manager and/or the employee's department head.
 - (c) The Investigative Services Division Commander or his/her designee shall oversee any investigative action, and if appropriate, the seeking of a criminal complaint.
 - (a) The Investigative Services Division Commander shall keep the Chief of Police informed as to the investigation, significant events associated with the investigation and the intent to seek a criminal complaint against the city employee.

1012.5.3 OUTSIDE AGENCY PERSONNEL DETAINED OR SUSPECTED OF CRIMINAL CONDUCT

- (a) Any law enforcement agency is authorized to release information to another law enforcement agency concerning the arrest or detention of a peace officer or employee, 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 (refer to the California Labor Code). An independent administrative investigation shall be conducted based upon the allegations in the report in accordance with department policy.
- (b) If a peace officer or employee from an outside agency is arrested or detained by officers from the Orange Police Department, the watch commander shall be notified as soon as practical.
 - 1. The watch commander shall immediately notify the division commander of the OPD officers who have either detained or arrested the peace officer or employee from an outside agency.
 - 2. The division commander shall immediately notify the Chief of Police or his/her designee.
 - (a) In consultation with the division commander, the Chief of Police or his/her designee will decide when and how any notification is made to the peace officer's or employee's agency.

1012.6 ADMINISTRATIVE INVESTIGATIONS

Allegations of misconduct will be administratively investigated as follows.

1012.6.1 SUPERVISOR RESPONSIBILITIES

The primary responsibility for the investigation of a personnel complaint shall be determined by the Chief of Police or the authorized designee.

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A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

The responsibilities of supervisors include but are not limited to:

- (a) Ensuring that upon receiving or initiating any formal complaint, a complaint form is completed.
 - (a) The original complaint form will be directed to the Watch Commander of the accused employee, via the chain of command, who will take appropriate action and/or determine who will have responsibility for the investigation.
 - (b) In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to the employee's Division Commander or the Chief of Police, who will initiate appropriate action.
- (b) Responding to all complainants in a courteous and professional manner.
- (c) Resolving those personnel complaints that can be resolved immediately.
 - 1. Follow-up contact with the complainant should be made within 24 hours of the Department receiving the complaint.
 - 2. If the matter is resolved and no further action is required, the supervisor will note the resolution on a complaint form and forward the form to the Watch Commander.
- (d) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Watch Commander and the Chief of Police are notified via the chain of command as soon as practicable.
- (e) Promptly contacting the Human Resources and Employee Relations Department and the Watch Commander for direction regarding their roles in addressing a complaint that relates to sexual, racial, ethnic or other forms of prohibited harassment or discrimination.
- (f) Forwarding unresolved personnel complaints to the Watch Commander, who will determine whether to contact the complainant or assign the complaint for investigation.
- (g) Informing the complainant of the investigator's name and the complaint number within three days after assignment.
- (h) Investigating a complaint as follows:
 - 1. Making reasonable efforts to obtain names, addresses and telephone numbers of witnesses.
 - 2. When appropriate, ensuring immediate medical attention is provided and photographs of alleged injuries and accessible uninjured areas are taken.
- (i) Ensuring that the procedural rights of the accused employee are followed (Government Code § 3303 et seq.).
- (j) Ensuring interviews of the complainant are generally conducted during reasonable hours.

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1012.6.2 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 employees. 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 employee.

Sustained - A final determination by an investigating agency, commission, board, hearing officer, or arbitrator, as applicable, following an investigation and opportunity for an administrative appeal pursuant to Government Code § 3304 and Government Code § 3304.5 that the actions of an officer or employee were found to violate law or department policy (Penal Code § 832.8).

If an investigation discloses misconduct or improper job performance that was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

1012.6.3 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.

1012.6.4 NOTICE TO COMPLAINANT OF INVESTIGATION STATUS

The employee conducting the investigation should provide the complainant with periodic updates on the status of the investigation, as appropriate.

1012.7 ADMINISTRATIVE SEARCHES

Assigned lockers, storage spaces and other areas, including desks, offices and vehicles, may be searched as part of an administrative investigation upon a reasonable suspicion of misconduct.

Such areas may also be searched any time by a supervisor for non-investigative purposes, such as obtaining a needed report, radio or other document or equipment.

Lockers and storage spaces may only be administratively searched in the 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 (refer to the California Government Code).

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1012.7.1 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

1012.8 ADMINISTRATIVE LEAVE

When a complaint of misconduct is of a serious nature, or when circumstances indicate that allowing the accused to continue to work would adversely affect the mission of the Department, the Chief of Police or the authorized designee may temporarily assign an accused employee to administrative leave. Any employee placed on administrative leave:

- (a) May be required to relinquish any department badge, identification, assigned weapons and any other department equipment.
- (b) Shall be required to continue to comply with all policies and lawful orders of a supervisor.
- (c) May be temporarily reassigned to a different shift, generally a normal business-hours shift, during the investigation. The employee may be required to remain available for contact at all times during such shift, and will report as ordered.

1012.9 CRIMINAL INVESTIGATION

Where an employee 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 an employee is accused of criminal conduct. The Chief of Police may request a criminal investigation by an outside law enforcement agency.

An employee accused of criminal conduct shall be advised of his/her constitutional rights (refer to the California Government Code). The employee should not be administratively ordered to provide any information in the criminal investigation.

The Orange Police Department may release information concerning the arrest or detention of any employee, including an officer, that has not led to a conviction. No disciplinary action should be taken until an independent administrative investigation is conducted.

1012.10 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES

Upon completion of a formal investigation, an investigation report should be forwarded to the Chief of Police through the chain of command. Each level of command should review the report and include their comments in writing before forwarding the report. The Chief of Police may accept or modify any classification or recommendation for disciplinary action.

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1012.10.1 DIVISION COMMANDER RESPONSIBILITIES

Upon receipt of any completed personnel investigation, the Division Commander of the involved employee shall review the entire investigative file, the employee's personnel file and any other relevant materials.

The Division Commander may make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed.

Prior to forwarding recommendations to the Chief of Police, the Division Commander may return the entire investigation to the assigned 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 an employee's existing personnel file need not be provided and may be incorporated by reference.

1012.10.2 CHIEF OF POLICE RESPONSIBILITIES

Upon receipt of any written recommendation for disciplinary action, the Chief of Police shall review the recommendation and all accompanying materials. The Chief of Police may modify any recommendation and/or may return the file to the Division Commander for further investigation or action.

Once the Chief of Police is satisfied that no further investigation or action is required by staff, the Chief of Police shall determine the amount of discipline, if any, that should be imposed. In the event disciplinary action is proposed, the Chief of Police shall provide the employee 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 (refer to the California Government Code). The Chief of Police shall also provide the employee with:

- (a) Access to all of the materials considered by the Chief of Police in recommending the proposed discipline.
- (b) An opportunity to respond orally or in writing to the Chief of Police within ten days of receiving the notice.
 - (a) 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.
 - (b) If the employee elects to respond orally, the presentation may be recorded by the Department. Upon request, the employee shall be provided with a copy of the recording.

Once the employee has completed his/her response or if the employee has elected to waive any such response, the Chief of Police shall consider all information received in regard to the recommended discipline. The Chief of Police shall render a timely written decision to the employee 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.

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1012.10.3 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)).

1012.10.4 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)).

1012.11 PRE-DISCIPLINE EMPLOYEE RESPONSE

The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the Chief of Police after having had an opportunity to review the supporting materials and prior to imposition of any recommended discipline. The employee shall consider the following:

- (a) The response is not intended to be an adversarial or formal hearing.
- (b) Although the employee may be represented by an uninvolved representative or legal counsel, the response is not designed to accommodate the presentation of testimony or witnesses.
- (c) The employee may suggest that further investigation could be conducted or the employee may offer any additional information or mitigating factors for the Chief of Police to consider.
- (d) In the event that the Chief of Police elects to cause further investigation to be conducted, the employee shall be provided with the results prior to the imposition of any discipline.
- (e) The employee may thereafter have the opportunity to further respond orally or in writing to the Chief of Police on the limited issues of information raised in any subsequent materials.

1012.12 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

In the event that an employee tenders a written resignation or notice of retirement prior to the imposition of discipline, it shall be noted in the file. The tender of a resignation or retirement by itself shall not serve as grounds for the termination of any pending investigation or discipline (Penal Code § 13510.8).

1012.13 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 the California Government Code..

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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 (refer to the California Government Code).

1012.14 PROBATIONARY EMPLOYEES

At-will and probationary employees and those employees other than non-probationary employees may be released from employment for non-disciplinary reasons (e.g., failure to meet standards) without adherence to the procedures set forth in this policy or any right to appeal. However, any probationary officer subjected to an investigation into allegations of misconduct shall be entitled to those procedural rights, as applicable, set forth in the POBR (refer to the California Government Code).

At-will, probationary employees and those other than non-probationary employees subjected to discipline or termination as a result of allegations of misconduct shall not be deemed to have acquired a property interest in their position, but shall be given the opportunity to appear before the Chief of Police or authorized designee for a non-evidentiary hearing for the sole purpose of attempting to clear their name or liberty interest. There shall be no further opportunity for appeal beyond the liberty interest hearing and the decision of the Chief of Police shall be final.

1012.15 RETENTION OF PERSONNEL INVESTIGATION FILES

All personnel complaints shall be maintained in accordance with the established records retention schedule and as described in the Personnel Records Policy.

1012.16 REQUIRED REPORTING TO POST

The Chief of Police or the authorized designee shall notify POST on the appropriate POST form within 10 days of certain officer personnel events, including but not limited to (Penal Code § 13510.9):

- (a) Termination or separation from employment or appointment. Separation from employment or appointment includes any involuntary termination, resignation, or retirement.
 - 1. A POST affidavit-of-separation form shall be executed and maintained by the Department and submitted to POST as required by Penal Code § 13510.9 and 11 CCR 1003.
- (b) Events that could affect an officer's POST certification, such as:
 - 1. Complaints, charges, or allegations of serious misconduct (as defined by Penal Code § 13510.8).
 - 2. Findings of civilian review boards.
 - 3. Final dispositions of any investigations.

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4. Civil judgments or court findings based on conduct, or settlement of a civil claim against an officer or the Orange Police Department based on allegations of conduct by an officer.

The Chief of Police or the authorized designee shall be responsible for providing POST access to or duplication of investigation documentation (e.g., physical or documentary evidence, witness statements, analysis, conclusions) within the applicable timeframe provided in Penal Code § 13510.9.

1012.16.1 NOTIFICATIONS TO POST FOR SERIOUS MISCONDUCT

The Chief of Police or the authorized designee shall report allegations of serious misconduct by an officer to POST and the report shall include the following (11 CCR 1207):

- (a) Name of the Department
- (b) Administrative case number
- (c) Name, current address, and phone number of the complainant, if available
- (d) Name, POST ID, current address, and phone number of the involved officer
- (e) A summary of the alleged misconduct including:
 1. A narrative of the allegations
 2. Date and time of incidents
 3. Location of occurrence
 4. Any witness information, if available
 5. Summary of arrest or indictment of involved officer
- (f) A change in employment status of the involved officer (e.g., administrative leave, suspension, termination)
- (g) Name and contact information of the assigned investigator

The Chief of Police or the authorized designee shall provide updates of the investigation to POST every 90 days until the final disposition in the method designated by POST (11 CCR 1207).

Upon completion of the investigation, the Chief of Police or the authorized designee shall submit to POST the final disposition of the investigation as well as investigation materials and the officer's service record as provided by 11 CCR 1207.

1012.16.2 ADDITIONAL NOTIFICATIONS TO POST FOR SERIOUS MISCONDUCT

Additional notification shall be made to POST (11 CCR 1207):

- (a) If the imposed disciplinary action is pending appeal or other review through an administrative or judicial proceeding:
 1. The Department shall provide the name of the body conducting the proceeding.
 2. The status of the proceeding, if known.
- (b) If criminal charges are pending:

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1. The name of the court having jurisdiction over the criminal charges against the officer.
2. The status of the criminal case, if known.

Seat Belts

1013.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of seat belts and child restraints. This policy will apply to all personnel operating or riding in department vehicles (refer to the California Vehicle Code).

1013.1.1 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 the Code of Federal Regulations.

1013.2 WEARING OF SAFETY RESTRAINTS

All employees shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased or rented by this department while on- or off-duty, or in any privately owned vehicle while on-duty. The employee driving such a vehicle shall ensure that all other occupants, including non-employees, are also properly restrained.

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 personnel or the public. Employees must be prepared to justify any deviation from this requirement.

1013.3 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 an approved seatbelt device which can be supplemented with a prisoner restraint system. 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.

1013.4 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.

Employees who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

1013.5 POLICY

It is the policy of the Orange Police Department that employees use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle collision.

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1013.6 TRANSPORTING CHILDREN

Children under the age of 8 shall be transported in compliance with California's child restraint system requirements (refer to the California Vehicle Code).

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 (refer to the California Vehicle Code).

1013.7 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.

1013.8 VEHICLE AIRBAGS

In all vehicles equipped with airbag restraint systems, the system will not be tampered with or deactivated, except when transporting children as written elsewhere in this policy. All equipment installed in vehicles equipped with airbags will be installed as per the vehicle manufacturer specifications to avoid the danger of interfering with the effective deployment of the airbag device.

Body Armor

1014.1 PURPOSE AND SCOPE

The purpose of this policy is to provide law enforcement officers with guidelines for the proper use of body armor.

1014.2 POLICY

It is the policy of the Orange 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.

1014.2.1 EXCEPTIONS TO THE REQUIRED WEARING OF BODY ARMOR

Body armor vests are not required to be worn when in uniform at ceremonial events (i.e. Rotary meetings, police academy graduations, award banquets, etc.), or when assigned to a position within the station.

1014.3 ISSUANCE OF BODY ARMOR

The Support Services supervisor shall ensure that body armor is issued to all officers when the officer begins service at the Orange Police Department and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

The Support Services supervisor shall establish a body armor replacement schedule and ensure that replacement body armor is issued pursuant to the schedule or whenever the body armor becomes worn or damaged to the point that its effectiveness or functionality has been compromised.

1014.3.1 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.

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1014.3.2 INSPECTIONS OF BODY ARMOR

Supervisors should ensure that body armor is worn and maintained in accordance with this policy through routine observation and periodic documented inspections. Annual inspections of body armor should be conducted by an authorized designee for fit, cleanliness, and signs of damage, abuse and wear.

1014.3.3 CARE AND MAINTENANCE OF SOFT BODY ARMOR

Soft body armor should never be stored for any period of time in an area where environmental conditions (e.g., temperature, light, humidity) are not reasonably controlled (e.g., normal ambient room temperature/humidity conditions), such as in automobiles or automobile trunks.

Soft body armor should be cared for and cleaned pursuant to the manufacturer's care instructions provided with the soft body armor. The instructions can be found on labels located on the external surface of each ballistic panel. The carrier should also have a label that contains care instructions. Failure to follow these instructions may damage the ballistic performance capabilities of the armor. If care instructions for the soft body armor cannot be located, contact the manufacturer to request care instructions.

Soft body armor should not be exposed to any cleaning agents or methods not specifically recommended by the manufacturer, as noted on the armor panel label.

Soft body armor should be replaced in accordance with the manufacturer's recommended replacement schedule.

1014.4 EXTERNAL BODY ARMOR FOR UNIFORMED PERSONNEL (ALSO EXPLAINED IN POLICY #1025 - UNIFORM REGULATIONS)

External body armor is approved to wear for uniformed personnel. Only department approved external body armor vests can be worn. The use of the external body armor is subject to the following:

- (a) External body armor uniforms:
 1. Approved Class B (short or long sleeve) shirts for uniformed personnel.
 2. The external body armor vests shall not be worn with Class A uniforms.
- (b) Front insignias:
 1. Metallic badge and metallic name plate.
 2. Metallic name plate with first initial-period, last name and in all capital letters. If an employee's first initial and last name(s) are too long to fit the name plate, then only use the employee's last name(s).

The number and type of external body armor vest pouches is determined by the department. The external body armor vest pouches should not restrict the mobility of the wearer and/or present a hazard or danger. The external body armor vest shall be kept clean, operable and present a professional uniform appearance. The Chief of Police will have the authority to regulate and make changes as necessary to this policy

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1014.5 ARMORER RESPONSIBILITIES

The Firearms Training Staff should:

- (a) Monitor technological advances in the body armor industry for any appropriate changes to Department approved body armor.
- (b) Assess weapons and ammunition currently in use and the suitability of approved body armor to protect against those threats.
- (c) Provide training that educates officers about the safety benefits of wearing body armor.

Personnel Records

1015.1 PURPOSE AND SCOPE

This policy governs maintenance and access to personnel records. Personnel records include any file maintained under an individual employee's name.

1015.2 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 (refer to the California Penal Code).

1015.3 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 employee should be permanently retained.
- (b) Election of employee benefits.
- (c) Personnel action reports reflecting assignments, promotions, and other changes in employment/appointment status. These should be permanently retained.
- (d) Original performance evaluations. These should be permanently retained.
- (e) Discipline records, including copies of sustained personnel complaints (see the Personnel Complaints Policy).
 - 1. Disciplinary action resulting from sustained internally initiated complaints or observation of misconduct shall be maintained pursuant to the established records retention schedule and at least four years (Government Code § 12946).
 - 2. Disciplinary action resulting from a sustained civilian's complaint involving misconduct shall be maintained pursuant to the established records retention schedule and at least 15 years (Penal Code § 832.5).
 - 3. A civilian's complaint involving misconduct that was not sustained shall be maintained pursuant to the established records retention schedule and at least five years (Penal Code § 832.5).
- (f) Adverse comments such as supervisor notes or memos may be retained in the department file after the employee has had the opportunity to read and initial the comment (Government Code § 3305).
 - (a) Once an employee has had an opportunity to read and initial any adverse comment, the employee shall be given the opportunity to respond in writing to the adverse comment within 30 days (Government Code § 3306).
 - (b) Any employee response shall be attached to and retained with the original adverse comment (Government Code § 3306).

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- (c) If an employee 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 employee should sign or initial the noted refusal. Such a refusal, however, shall not be deemed insubordination, nor shall it prohibit the entry of the adverse comment into the employee'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.

1015.4 DIVISION FILE

Division files may be separately maintained internally by an employee'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 the California Government Code.

1015.5 TRAINING FILE

An individual training file shall be maintained by the Training Bureau Sergeant for each employee. 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 employee is responsible for providing the Training Bureau Sergeant or immediate supervisor with evidence of completed training/education in a timely manner.
- (b) The Training Bureau Sergeant or supervisor shall ensure that copies of such training records are placed in the employee's training file.

1015.6 INTERNAL AFFAIRS FILE

Internal affairs files shall be maintained under the exclusive control of the Legal Affairs Office 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 Legal Affairs Office supervisor.

These files shall contain the complete investigation of all formal complaints of employee misconduct, regardless of disposition (Penal Code § 832.12). Investigations of complaints that result in the following findings shall not be placed in the employee's file but will be maintained in the internal affairs file:

- (a) Not sustained
- (b) Unfounded
- (c) Exonerated

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Investigation files arising out of sustained civilian's complaints involving misconduct shall be maintained pursuant to the established records retention schedule and for a period of at least 15 years. Investigations that resulted in other than a sustained finding may not be used by the Department to adversely affect an employee's career (Penal Code § 832.5).

Investigation files arising out of internally generated complaints shall be maintained pursuant to the established records retention schedule and for at least four years (Government Code § 12946).

Investigation files arising out of a civilian complaint involving misconduct that was not sustained shall be maintained pursuant to the established records retention schedule and for at least five years (Penal Code § 832.5).

1015.7 MEDICAL FILE

A medical file shall be maintained separately from all other personnel records and shall contain all documents relating to the employee's medical condition and history, including but not limited to:

- (a) Materials relating to a medical leave of absence, including leave under the Family and Medical Leave Act (FMLA).
- (b) Documents relating to workers' compensation claims or the receipt of short- or long-term disability benefits.
- (c) Fitness-for-duty examinations, psychological and physical examinations, follow-up inquiries and related documents.
- (d) Medical release forms, doctor's slips and attendance records that reveal an employee's medical condition.
- (e) Any other documents or materials that reveal the employee's medical history or medical condition, including past, present or future anticipated mental, psychological or physical limitations.

1015.8 SECURITY

Personnel records should be maintained in a secured location and locked either in a cabinet or access-controlled room. Personnel records maintained in an electronic format should have adequate password protection.

Personnel records are subject to disclosure only as provided in this policy, the Records Maintenance and Release Policy or according to applicable discovery procedures.

Nothing in this policy is intended to preclude review of personnel records by the City Manager, City Attorney or other attorneys or representatives of the City in connection with official business.

1015.8.1 REQUESTS FOR DISCLOSURE

Any employee 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 employee as soon as practicable that such a request has been made (Evidence Code § 1043).

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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 an employee's personnel records shall be logged in the corresponding file.

1015.8.2 RELEASE OF PERSONNEL INFORMATION

Personnel records shall not be disclosed except as allowed by law (Penal Code § 832.7; Evidence Code § 1043) (See also Records Maintenance and Release Policy).

Any person who maliciously, and with the intent to obstruct justice or the due administration of the laws, publishes, disseminates, or otherwise discloses the residence address or telephone number of any employee 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 employee who is the subject of the investigation (or the employee's representative) publicly makes a statement that is published in the media and that the employee (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).

1015.8.3 RELEASE OF LAW ENFORCEMENT GANG INFORMATION

Information relating to the termination of an officer from this department for participation in a law enforcement gang shall be disclosed to another law enforcement agency that is conducting a pre-employment background investigation except where specifically prohibited by law (Penal Code § 13670).

1015.8.4 RELEASE OF PEACE OFFICER RECORDS RELATING TO HATE COMPLAINTS

Records relating to an officer for an investigation of a hate complaint described in Penal Code § 13682 with a sustained finding that the officer engaged in membership in a hate group, participated in a hate group activity, or advocacy of public expressions of hate are not confidential and shall be made available for public inspection through a public records request (Penal Code § 13683).

Records disclosed may be redacted as provided in Penal Code § 13683.

1015.9 EMPLOYEE ACCESS TO HIS/HER OWN PERSONNEL RECORDS

Any employee may request access to their own personnel records during the normal business hours of those responsible for maintaining such files. Any employee seeking the removal of any item from their 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 employee with a written explanation of why the contested item will not be removed. If the contested item is not removed from the file, the employee's request and the written response from the Department shall be retained with the contested item in the employee's corresponding personnel record (refer to the California Government Code).

Employees may be restricted from accessing files containing any of the following information:

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- (a) An ongoing internal affairs investigation to the extent that it could jeopardize or compromise the investigation pending final disposition or notice to the employee of the intent to discipline.
- (b) Confidential portions of internal affairs files that have not been sustained against the employee.
- (c) Criminal investigations involving the employee.
- (d) Letters of reference concerning employment/appointment, licensing or issuance of permits regarding the employee.
- (e) Any portion of a test document, except the cumulative total test score for either a section of the test document or for the entire test document.
- (f) Materials used by the Department for staff management planning, including judgments or recommendations concerning future salary increases and other wage treatments, management bonus plans, promotions and job assignments or other comments or ratings used for department planning purposes.
- (g) Information of a personal nature about a person other than the employee 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 employee that may be discovered in a judicial proceeding.

1015.10 RETENTION AND PURGING

Unless provided otherwise in this policy, personnel records shall be maintained in accordance with the established records retention schedule.

- (a) During the preparation of each employee's performance evaluation, all personnel complaints and disciplinary actions should be reviewed to determine the relevancy, if any, to progressive discipline, training and career development. Each supervisor responsible for completing the employee's performance evaluation should determine whether any prior sustained disciplinary file should be retained beyond the required period for reasons other than pending litigation or other ongoing legal proceedings.
- (b) If a supervisor determines that records of prior discipline should be retained beyond the required period, approval for such retention should be obtained through the chain of command from the Chief of Police.
- (c) If, in the opinion of the Chief of Police, a personnel complaint or disciplinary action maintained beyond the required retention period is no longer relevant, all records of such matter may be destroyed in accordance with the established records retention schedule.

1015.11 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 or employees shall be released pursuant to a proper request under the Public Records Act and subject to redaction and delayed release as provided by law.

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The Custodian of Records should work as appropriate with the Chief of Police or the Legal Affairs Office supervisor in determining what records may qualify for disclosure when a request for records is received and if the requested record is subject to redaction or delay from disclosure.

For purposes of this section, a record includes (Penal Code § 832.7(b)(3):

- All investigation reports.
- Photographic, audio, and video evidence.
- Transcripts or recordings of interviews.
- Autopsy reports.
- All materials compiled and presented for review to the District Attorney or to any person or body charged with determining whether to file criminal charges against an officer or employee in connection with an incident, whether the officer's or employee's action was consistent with law and department policy for purposes of discipline or administrative action, or what discipline to impose or corrective action to take.
- Documents setting forth findings or recommending findings.
- Copies of disciplinary records relating to the incident, including any letters of intent to impose discipline, any documents reflecting modifications of discipline due to the *Skelly* or grievance process, and letters indicating final imposition of discipline or other documentation reflecting implementation of corrective action.

Unless a record or information is confidential or qualifies for delayed disclosure as provided by Penal Code § 832.7(b)(8) or other law, the following records (hereinafter qualifying records) shall be made available for public inspection no later than 45 days from the date of a request (Penal Code § 832.7(b)(1)):

- (a) Records relating to the report, investigation, or findings of:
 1. The discharge of a firearm at another person by an officer.
 2. The use of force against a person resulting in death or in great bodily injury (as defined by Penal Code § 243(f)(4)) by an officer.
 3. A sustained finding involving a complaint that alleges unreasonable or excessive force.
 4. A sustained finding that an officer or employee failed to intervene against another officer using force that is clearly unreasonable or excessive.
- (b) Records relating to an incident where a sustained finding was made by the Department or oversight agency regarding:
 1. An officer or employee engaged in sexual assault of a member of the public (as defined by Penal Code § 832.7(b)).
 2. Dishonesty of an officer or employee relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another officer or employee, including but not limited to any false

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statements, filing false reports, destruction, falsifying, or concealing of evidence, or perjury.

3. An officer or employee engaged in conduct including but not limited to verbal statements, writings, online posts, recordings, and gestures involving prejudice or discrimination against a person on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status.
4. An officer made an unlawful arrest or conducted an unlawful search.

Qualifying records will be made available regardless of whether the officer or employee resigns before the Department or an oversight agency concludes its investigation (Penal Code § 832.7(b)(3)).

A record from a separate and prior investigation or assessment of a separate incident shall not be released unless it is independently subject to disclosure (Penal Code § 832.7(b)(4)).

When an investigation involves multiple officers or employees, the Department shall not release information about allegations of misconduct or the analysis or disposition of an investigation of an officer or employee unless it relates to a sustained finding of a qualified allegation as provided by Penal Code § 832.7(b)(5). However, factual information about the action of the officer or employee during an incident or the statements of an officer or employee shall be released if the statements are relevant to a finding of the qualified allegation against another officer or employee that is subject to release (Penal Code § 832.7(b)(5)).

1015.11.1 REDACTION

The Custodian of Records, in consultation with the Chief of Police or authorized designee, shall redact the following portions of qualifying records made available for release (Penal Code § 832.7(b)(6)):

- (a) Personal data or information (e.g., home address, telephone number, identities of family members) other than the names and work-related information of officers or employees
- (b) Information that would compromise the anonymity of whistle blowers, complainants, victims, and witnesses
- (c) Confidential medical, financial, or other information where disclosure is prohibited by federal law or would cause an unwarranted invasion of personal privacy that clearly outweighs the strong public interest in records about possible misconduct and use of force
- (d) Where there is a specific, articulable, and particularized reason to believe that disclosure of the record would pose a significant danger to the physical safety of the officer, employee or another person

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Additionally, a record may be redacted, including redacting personal identifying information, where, on the facts of the particular case, the public interest served by not disclosing the information clearly outweighs the public interest served by disclosing it (Penal Code § 832.7(b)(7)).

1015.11.2 DELAY OF RELEASE

Unless otherwise directed by the Chief of Police, the Custodian of Records should consult with a supervisor familiar with the underlying investigation to determine whether to delay disclosure of qualifying records due to any of the following conditions (Penal Code § 832.7):

- (a) Active criminal investigations
 - 1. Disclosure may be delayed 60 days from the date the misconduct or use of force occurred or until the District Attorney determines whether to file criminal charges, whichever occurs sooner.
 - 2. After the initial 60 days, delay of disclosure may be continued if the disclosure could reasonably be expected to interfere with a criminal enforcement proceeding against an officer or against someone other than an officer who engaged in misconduct or used the force.
- (b) Filed criminal charges
 - 1. When charges are filed related to an incident in which misconduct occurred or force was used, disclosure may be delayed until a verdict on those charges is returned at trial or, if a plea of guilty or no contest is entered, the time to withdraw the plea has passed.
- (c) Administrative investigations
 - 1. Disclosure may be delayed until:
 - (a) There is a determination from the investigation whether the misconduct or use of force violated law or department policy, but no longer than 180 days after the date of the department's discovery of the misconduct or use of force or allegation of misconduct or use of force

1015.11.3 NOTICE OF DELAY OF RECORDS

When there is justification for delay of disclosure of qualifying records, the Custodian of Records shall provide written notice of the reason for any delay to a requester as follows (Penal Code § 832.7):

- (a) Provide the specific basis for the determination that the interest in delaying disclosure clearly outweighs the public interest in disclosure. The notice shall also include the estimated date for the disclosure of the withheld information.
- (b) When delay is continued beyond the initial 60 days because of criminal enforcement proceedings against anyone, at 180-day intervals provide the specific basis that disclosure could reasonably be expected to interfere with a criminal enforcement proceeding and the estimated date for disclosure.
 - 1. Information withheld shall be disclosed when the specific basis for withholding the information is resolved, the investigation or proceeding is no longer active, or

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no later than 18 months after the date of the incident, whichever occurs sooner, unless:

- (a) When the criminal proceeding is against someone other than an officer and there are extraordinary circumstances to warrant a continued delay due to the ongoing criminal investigation or proceeding, then the Department must show by clear and convincing evidence that the interest in preventing prejudice to the active and ongoing criminal investigation or proceeding outweighs the public interest for prompt disclosure of records about misconduct or use of force by officers.

In cases where an action to compel disclosure is brought pursuant to Government Code § 7923.000, the Department may justify delay by filing an application to seal the basis for withholding if disclosure of the written basis itself would impact a privilege or compromise a pending investigation (Penal Code § 832.7(b)(8)).

Commendations and Awards

1016.1 PURPOSE AND SCOPE

This policy provides general guidelines for recognizing commendable or meritorious acts of employees of the Orange Police Department and individuals from the community.

1016.1.1 POLICY

It shall be the policy of this department to recognize heroic action, meritorious service, significant and career achievements under the provisions of this order. In order to attain the maximum benefit of the awards policy, it is essential that supervision, line and non-sworn personnel understand its importance and ensure that significant acts are promptly and properly recognized and reported.

1016.2 POLICY

It is the policy of the Orange Police Department to recognize and acknowledge exceptional individual or group achievements, performance, proficiency, heroism and service of its employees and individuals from the community through commendations and awards.

1016.2.1 REVIEW OF RECOMMENDATION FOR DEPARTMENT AWARD

The Chief of Police will review, in conjunction with the captains, all recommendations and determine if acts merit an award of a Departmental Medal, and in which classification the award shall be made.

1016.3 COMMENDATIONS

Commendations for employees of the Department or for individuals from the community may be initiated by any department employee or by any person from the community.

1016.3.1 CORRESPONDING LETTER OF COMMENDATION

Whenever an employee is awarded a medal, an appropriate Department Commendation will be written and signed by the Chief of Police or his/her designee. A copy of the Department Commendation will be maintained in the employee's permanent file.

1016.3.2 PRESENTATION OF AWARDS AND COMMENDATIONS

Presentations of all awards and commendations will be made at the discretion of the Chief of Police.

1016.4 CITIZEN NOTICE OF APPRECIATION

A citizen letter of appreciation, phone call, or commendation in person will be documented in a Supervisor Log entry. The supervisor receiving the citizen commendation, or the supervisor of the employee being recognized, may request that an additional level of recognition be considered. Such requests shall be made through the chain of command.

1016.6 RECOGNITION OF CITIZEN FOR COMMUNITY SERVICE

Many occasions arise where the efforts of a citizen result in the apprehension of criminals, the prevention of bodily injury, the saving of a life or protection of property.

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In order to recognize those citizens, who become involved in the furtherance and/or promotion of a secure and safe environment, the following steps may be initiated:

- (a) A letter of appreciation signed by the Chief of Police will be sent to those concerned citizens, or
- (b) At the Chief's discretion, citizens deserving of recognition may be recognized by Council Resolution.

1016.6 CRITERIA

A meritorious or commendable act may include, but is not limited to:

- Superior handling of a difficult situation.
- Conspicuous bravery or outstanding performance.
- Any action or performance that is above and beyond typical duties.

1016.6.1 DEPARTMENT EMPLOYMENT DOCUMENTATION

Employees of the Department should document meritorious or commendable acts. The documentation should contain:

- (a) Identifying information:
 - (a) For employees of the Department - name, division and assignment at the date and time of the meritorious or commendable act
 - (b) For individuals from the community - name, address, telephone number
- (b) A brief account of the meritorious or commendable act with report numbers, as appropriate.
- (c) The signature of the employee submitting the documentation.

1016.6.2 COMMUNITY EMPLOYEE DOCUMENTATION

Documentation of a meritorious or commendable act submitted by a person from the community should be accepted in any form. However, written documentation is preferred. Department employees accepting the documentation should attempt to obtain detailed information regarding the matter, including:

- (a) Identifying information:
 - (a) For employees of the Department - name, division and assignment at the date and time of the meritorious or commendable act
 - (b) For individuals from the community - name, address, telephone number
- (b) A brief account of the meritorious or commendable act with report numbers, as appropriate.
- (c) The signature of the person submitting the documentation.

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1016.6.3 PROCESSING DOCUMENTATION

Documentation regarding the meritorious or commendable act of an employee of the Department should be forwarded to the appropriate Division Commander for his/her review. The Division Commander should sign and forward the documentation to the Chief of Police for his/her review.

The Chief of Police or the authorized designee will present the commendation to the department employee for his/her signature. The documentation will then be returned to the Support Services secretary for entry into the employee's personnel file.

Documentation regarding the meritorious or commendable act of an individual from the community should be forwarded to the Support Services Division Commander. The documentation will be signed by the Division Commander and forwarded to the Chief of Police for his/her review. An appropriate venue or ceremony to acknowledge the individual's actions should be arranged. Documentation of the commendation shall be maintained in a file designated for such records.

1016.7 AWARDS

Awards may be bestowed upon employees of the Department and individuals from the community. These awards include:

- Award of Merit.
- Award of Valor.
- Lifesaving Award.
- Meritorious Conduct.

Criteria for each award and the selection, presentation and display of any award are determined by the Chief of Police.

Fitness for Duty

1017.1 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 (refer to the California Government Code).

1017.2 EMPLOYEE RESPONSIBILITIES

- (a) It shall be the responsibility of each employee of this department to maintain good physical condition sufficient to safely and properly perform essential duties of their position.
- (b) Each employee 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.

1017.3 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.

1017.3.1 ADMINISTRATIVE LEAVE

An employee placed on administrative leave may be subject to the following guidelines:

- (a) An employee placed on administrative leave may be required by a supervisor to relinquish any badge, departmental identification, assigned weapon(s), keycard, keys and any other departmental equipment,

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- (b) An employee placed on administrative leave may be ordered to refrain from taking any action as a departmental employee or in an official capacity. The employee shall be required to continue to comply with all policies and lawful orders of a supervisor,
- (c) An employee under investigation may be temporarily reassigned to a different shift (generally normal business hours) during the pendency of the investigation and the employee may be required to remain available for contact at all times during such shift and report as ordered,
- (d) At such time as any employee placed on administrative leave is returned to full and regular duty, the employee shall be returned their badges, identification card and other equipment.

1017.4 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.

1017.5 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.

1017.6 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 Human Resources and Employee Relations Department 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 (refer to the Civil Code).

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- (c) In order to facilitate the examination of any employee, the Department will provide all appropriate documents and available information to assist in the evaluation and/or treatment.
- (d) All reports and evaluations submitted by the treating physician or therapist shall be part of the employee's confidential personnel file.
- (e) Any employee ordered to receive a fitness for duty examination shall comply with the terms of the order and cooperate fully with the examining physician or therapist regarding any clinical interview, tests administered or other procedures as directed. Any failure to comply with such an order and any failure to cooperate with the 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.

1017.7 APPEALS

An employee who is separated from paid employment or receives a reduction in salary resulting from a fitness for duty examination shall be entitled to an administrative appeal as outlined in the Personnel Complaints Policy.

Meal Periods and Breaks

1018.1 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.

1018.1.1 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 the Communications Center prior to taking a meal period. Uniformed officers shall take their breaks within the City of Orange limits unless on assignment outside of the city or receiving prior approval from a supervisor.

The time spent for the meal period shall not exceed the authorized time allowed.

1018.1.2 15 MINUTE BREAKS

Each employee is entitled to a 15 minute break, near the mid point, 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 unless receiving prior approval from a supervisor. This would not prohibit them from taking a break outside the facility if on official business.

Field officers will take their breaks, subject to call and shall monitor their radios.

Lactation Break Policy

1019.1 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 (refer to the U.S. Code and the California Labor Code).

1019.2 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 (refer to the U.S. Code and the California Labor Code).

1019.3 LACTATION BREAK TIME

A rest period should be permitted each time the employee has the need to express breast milk (refer to the U.S. Code). 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 (refer to the California Labor Code).

Employees desiring to take a lactation break shall notify the Communications Center or a supervisor prior to taking such a break. Such breaks may be reasonably delayed if they would seriously disrupt department operations (refer to the California Labor Code).

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

1019.4 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 (refer to the U.S. Code and California Labor Code).

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.

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Authorized lactation breaks for employees assigned to the field may be taken at the nearest appropriate private area.

1019.5 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.

1019.5.1 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).

Payroll Record Procedures

1020.1 PURPOSE AND SCOPE

Payroll records are submitted to Support Services on a bi-weekly basis for the payment of wages.

1020.1.1 RESPONSIBILITY FOR COMPLETION OF PAYROLL RECORDS

Employees are responsible for the accurate and timely submission of payroll records for the payment of wages.

1020.1.2 TIME REQUIREMENTS

All employees are paid on a bi-weekly basis usually on Friday with certain exceptions such as holidays. Electronic time cards shall be completed and submitted to the Support Services Division no later than midnight on the last Saturday of the pay period, unless specified otherwise.

1020.2 EMPLOYEE RESPONSIBILITY

- (a) To record all hours worked on city approved electronic time cards.
- (b) To record all hours of time off, indicating the benefit used.
- (c) To complete and submit the electronic timecard accurately and in a timely manner.

1020.2.1 TIMEKEEPER RESPONSIBILITY

- (a) To maintain an attendance record of all employee hours worked, including overtime and time off.
- (b) Verify all hours worked, and/or leave time taken, into the payroll computer system.
- (c) Enter all overtime hours.
- (d) Payroll records shall be submitted to the Finance Department no later than Monday morning after the end of the pay period, unless specified otherwise.

1020.2.2 DIVISION COMMANDER RESPONSIBILITY

- (a) Ensure that employees complete the electronic time cards accurately and in a timely manner.
- (b) Ensure that employees taking time-off promptly complete the "Request for Leave," Form L-12.
- (c) Ensure that supervisors promptly forward authorized overtime slips to the timekeeper.
- (d) Sign for the approval of payroll printout at the end of each pay period.

Overtime Compensation Requests

1021.1 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.

1021.1.1 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, however, the employee may not exceed 480 hours of compensatory time.

1021.1.2 LIMITATIONS ON HOURS WORKED

Absent emergency operations employees should not work more than:

- (a) 15 hours in one day (24 hour period), or
- (b) 30 hours in any two day (48 hour) period, or
- (c) 85 hours in any seven day (168 hour) period.

Except in very limited circumstances employees should have a minimum of ten 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 employee 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.

1021.2 REQUEST FOR OVERTIME COMPENSATION

Employees shall submit all overtime compensation requests to their immediate supervisors as soon as practicable for verification and forwarding to the Support Services Division.

Failure to submit a request for overtime compensation in a timely manner may result in discipline.

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1021.2.1 EMPLOYEES RESPONSIBILITY

Employees shall complete the requests immediately after working the overtime and turn them in to their immediate supervisor or the Watch Commander. Employees submitting overtime slips for on-call pay when off duty shall submit slips to the Watch Commander the first day after returning for work.

1021.2.2 SUPERVISORS RESPONSIBILITY

The supervisor who verifies the overtime earned shall verify that the overtime was worked before approving the request.

After the entry has been made on the employee's time card, the overtime payment request form is forwarded to the Watch Commander for final approval.

1021.2.3 WATCH COMMANDER'S RESPONSIBILITY

Watch Commander's, after approving payment, will then forward the form to the Timekeeper for posting.

1021.3 ACCOUNTING FOR OVERTIME WORKED

Employees are to record the actual time worked in an overtime status. In some cases, the Memorandum of Understanding provides that a minimum number of hours will be paid, (e.g., two hours for Court, four hours for outside overtime). The supervisor will enter the actual time worked.

1021.3.1 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:

<u>TIME WORKED</u>	<u>INDICATE ON CARD</u>
1 to 15 minutes	.25
16 to 30 minutes	.50
31 to 45 minutes	.75
46 to 60 minutes	1 hour

1021.3.2 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 slip.

Outside Employment

1022.1 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.

1022.1.1 DEFINITIONS

Outside Employment - Any employee of this department who receives wages, compensation or other consideration of value from another employer, organization or individual (including military reserve duty) 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 employee 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.

1022.2 OBTAINING APPROVAL

No employee 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 (refer to the California Penal Code).

1022.2.1 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).

1022.2.2 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

1022.3 PROHIBITED OUTSIDE EMPLOYMENT

Consistent with the provisions of the California Government Code, 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 an employee of this department
- (c) Involves the performance of an act in other than the employee's capacity as an employee 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

1022.3.1 OUTSIDE SECURITY AND PEACE OFFICER EMPLOYMENT

Consistent with the provisions of the California Penal Code, and because it would further create a potential conflict of interest, no member of this department may engage in any outside or

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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.

1022.3.2 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.

1022.3.3 SPECIAL RESTRICTIONS

Except for emergency situations or with prior authorization from the division commander, undercover officers or officers assigned to covert operations shall not be eligible to work overtime or other assignments in a uniformed or other capacity which might reasonably disclose the officer's law enforcement status.

1022.4 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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1022.4.1 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 (refer to the California Government Code). 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.

1022.5 CHANGES IN OUTSIDE EMPLOYMENT STATUS

Employees shall 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.

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.

1022.6 OUTSIDE EMPLOYMENT WHILE ON DISABILITY

Department employees 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 employee'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 employee, 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 employee.
- (c) The employee's failure to make timely notice of their intentions to their supervisor.

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When the disabled employee returns to full duty with the Orange Police Department, a request (in writing) may be made to the Chief of Police to restore the permit.

Occupational Disease and Work-Related Injury Reporting

1023.1 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.

1023.1.1 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.).

1023.2 POLICY

The Orange Police Department will address occupational diseases and work-related injuries appropriately, and will comply with applicable state workers' compensation requirements (refer to the California Labor Code).

1023.2.1 INCIDENTS INVOLVING EMPLOYEES WITH SERIOUS INJURY, DEATH, OR POTENTIAL CRISIS SITUATIONS

The respective division commander should remain informed of crisis situations involving their divisional personnel, which may require intervention. Situations of this type might include an employee who is on extended leave due to a serious injury, employee who has recently had a death in their immediate family, employee who has lost their home as a result of a natural disaster, etc.

1023.3 RESPONSIBILITIES

1023.3.1 EMPLOYEE RESPONSIBILITIES

Any employee 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.

1023.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor learning of any occupational disease or work-related injury should ensure the employee receives medical care as appropriate.

Supervisors shall ensure that required documents regarding workers' compensation are completed and forwarded promptly. Any related Citywide disease- or injury-reporting protocol shall also be followed.

Supervisors shall determine whether the Major Incident Notification and Illness and Injury Prevention policies apply and take additional action as required.

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1023.3.3 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 Support Services Division Commander to ensure any required Division of Occupational Health and Safety Administration (Cal/OSHA) reporting is made as required in the illness and injury prevention plan identified in the Illness and Injury Prevention Policy.

1023.3.4 CHIEF OF POLICE RESPONSIBILITIES

The Chief of Police shall review and forward copies of the report to the Human Resources and Employee Relations Department. Copies of the report and related documents retained by the Department shall be filed in the member's confidential medical file.

1023.4 OTHER DISEASE OR INJURY

Diseases and injuries caused or occurring on-duty that do not qualify for workers' compensation reporting shall be documented on the designated report of injury form, which shall be signed by a supervisor. A copy of the completed form shall be forwarded to the appropriate Division Commander through the chain of command and a copy sent to the Support Services Division Commander.

Unless the injury is extremely minor, this report shall be signed by the affected employee, indicating that he/she desired no medical attention at the time of the report. By signing, the employee does not preclude his/her ability to later seek medical attention.

1023.5 SETTLEMENT OFFERS

When a member sustains an occupational disease or work-related injury that is caused by another person and is subsequently contacted by that person, his/her agent, insurance company or attorney and offered a settlement, the member shall take no action other than to submit a written report of this contact to his/her supervisor as soon as possible.

1023.5.1 NO SETTLEMENT WITHOUT PRIOR APPROVAL

No less than 10 days prior to accepting and finalizing the settlement of any third-party claim arising out of or related to an occupational disease or work-related injury, the employee shall provide the Chief of Police with written notice of the proposed terms of such settlement. In no case shall the employee accept a settlement without first providing written notice to the Chief of Police. The purpose of such notice is to permit the City to determine whether the offered settlement will affect any claim the City may have regarding payment for damage to equipment or reimbursement for wages against the person who caused the disease or injury, and to protect the City's right of subrogation, while ensuring that the employee's right to receive compensation is not affected.

Personal Appearance Standards

1024.1 PURPOSE AND SCOPE

In order to project uniformity and neutrality toward the public and employees of the department, personnel shall maintain their personal hygiene and appearance to project a professional image appropriate for this department and for their assignment.

1024.2 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.

1024.2.1 HAIR

- (a) Hairstyles of all employees shall be neat in appearance.
- (b) Personal grooming shall be in good taste and fashion within the general policy as established by the Chief of Police.

1024.2.2 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.

1024.2.3 SIDEBURNS

Sideburns shall not extend below the bottom of the outer ear opening (the top of the earlobes) and shall be trimmed and neat.

1024.2.4 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.

1024.2.5 FINGERNAILS

Fingernails extending beyond the tip of the finger can pose a safety hazard to officers or others. For this reason, fingernails of all uniformed personnel shall be trimmed so that no point of the nail extends beyond the tip of the finger.

1024.2.6 JEWELRY

- (a) Jewelry, if worn around the neck, shall not be visible above the shirt collar.
- (b) Uniform field personnel and PSOs not assigned to station-duty shall not wear earrings.
 - 1. All other females may wear one pair of earrings subject to the discretion of the division commander.
- (c) Earrings shall not be worn by uniformed sworn personnel, detectives or special assignment personnel without permission of the Chief of Police or his/her designee.

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- (d) Only one ring may be worn on each hand of the employee while on-duty.

1024.3 TATTOOS AND BODY ART

At no time will tattoos, body art, branding or scars (intentionally placed in any design) be visible while on duty; provided, however, that any employee with an existing tattoo below the elbow as of January 1997, shall not be subject to this prohibition with respect to such existing tattoo. Any modification of such existing tattoo below the elbow shall be subject to all provisions of this policy. Tattoos acquired after January 1997 that exceed beyond the bottom of a short sleeve patrol uniform shirt shall be covered with the use of an athletic sleeve. Athletic sleeves can not extend more than one inch below the elbow to cover the tattoo. If a tattoo extends more than one inch below the elbow, a long sleeve patrol uniform shirt must be worn. Athletic sleeves must be solid black or navy blue in color.

Any tattoo, brand, or mutilation on the head, neck, scalp, face, legs or hands must be cover by way of a uniform or business attire while on-duty. Detectives conducting plainclothes investigations may wear clothing that allows for the display of tattoos only during the course of said investigations. Those officers assigned to a specialty unit requiring a short sleeve shirt (Gang Unit, Bike Team, H.E.A.R.T. Team, etc.) are to wear an athletic sleeve.

At no time while on-duty or representing the Department in any official capacity shall inappropriate tattoos or body art be visible. Tattoos, brands, or mutilations that are "inappropriate," may include, but is not limited to marks that exhibit or advocate discrimination against gender, race, religion, ethnicity, or national origin; gang, supremacist, or extremist group affiliation; drug use; or sexually explicit acts, or obscene material.

1024.4 BODY PIERCING OR ALTERATION

Body piercing or alteration to any area of the body visible in any authorized uniform or attire that is a deviation from normal anatomical features and which is not medically required is prohibited. Such body alteration includes, but is not limited to:

- (a) Tongue splitting,
- (b) Piercings,
 - 1. Employees shall not display, nor have visible, any item of jewelry pierced through any part of the body (i.e. nose rings, tongue studs, eyebrow rings or studs, etc.).
- (c) The complete or transdermal implantation of any material other than hair replacement,
- (d) Facial implants,
- (e) Abnormal shaping of the ears, eyes, nose or teeth,
- (f) Branding or scarification.

1024.5 EXEMPTIONS

Employees 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). An employee with an exemption may be ineligible for an assignment if the individual

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accommodation presents a security or safety risk. The Chief of Police should be advised any time a request for such an accommodation is denied or when an employee with a cultural or other exemption is denied an assignment based on a safety or security risk.

Uniform Regulations

1025.1 PURPOSE AND SCOPE

The uniform policy of the Orange Police Department is established to ensure that uniformed officers will be readily identifiable to the public through the proper use and wearing of department uniforms. Employees should also refer to the following associated policies:

Department Owned and Personal Property

Body Armor

Personal Appearance Standards

The Uniform and Equipment Specifications manual is maintained and periodically updated by the Chief of Police or his/her designee. That manual should be consulted regarding authorized equipment and uniform specifications.

The Orange 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.

1025.2 WEARING AND CONDITION OF UNIFORM AND EQUIPMENT

Police employees wear the uniform to be identified as the law enforcement authority in society. The uniform also serves an equally important purpose to identify the wearer as a source of assistance in an emergency, crisis, or other time of need.

- (a) Uniform and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat, clean, and appear professionally pressed.
- (b) All peace officers of this Department shall possess and maintain at all times, a serviceable uniform and the necessary equipment to perform uniformed field duty.
- (c) Personnel shall wear only the uniform specified for their rank and assignment (Penal Code § 13655).
- (d) The uniform is to be worn in compliance with the specifications set forth in the Department's uniform specifications that are maintained separately from this policy.
- (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.

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- (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, class ring, or other ring of tasteful design. A maximum of one ring/set may be worn on each hand
 - 3. Medical alert bracelet

1025.2.1 DEPARTMENT ISSUED IDENTIFICATION

The Department issues each employee an official Department identification card bearing the employee's name, identifying information and photo likeness. All employees shall be in possession of their Department issued identification card at all times while on duty or when carrying a concealed weapon.

- (a) Whenever on duty or acting in an official capacity representing the Department, employees shall display their Department issued identification in a courteous manner to any person upon request and as soon as practical.
- (b) Officers working specialized assignments may be excused from the possession and display requirements when directed by their Division Commander.

1025.3 UNIFORM CLASSES

1025.3.1 CLASS A UNIFORM

The Class A uniform is to be worn on special occasions such as funerals, graduations, ceremonies, or as directed. The Class A uniform is required for all sworn personnel. The Class A uniform includes the standard issue uniform with:

- (a) Long sleeve shirt with tie
- (b) Polished shoes

Boots with pointed toes are not permitted.

1025.3.2 CLASS B UNIFORM

All officers will possess and maintain a serviceable Class B uniform at all times.

The Class B uniform will consist of the same garments and equipment as the Class A uniform with the following exceptions:

- (a) The long or short sleeve shirt may be worn with the collar open. No tie is required
- (b) A white, navy blue or black crew neck t-shirt must be worn with the uniform
- (c) All shirt buttons must remain buttoned except for the last button at the neck
- (d) Shoes for the Class B uniform may be as described in the Class A uniform

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- (e) Approved all black unpolished shoes may be worn
- (f) Boots with pointed toes are not permitted

1025.3.3 CLASS C UNIFORM

The Class C uniform may be established to allow field personnel cooler clothing during the summer months or special duty. The Chief of Police will establish the regulations and conditions for wearing the Class C Uniform and the specifications for the Class C Uniform.

1025.3.4 SPECIALIZED UNIT UNIFORMS

The Chief of Police may authorize special uniforms to be worn by officers in specialized units such as Canine Team, SWAT, Bicycle Patrol, Motor Officers and other specialized assignments.

1025.3.5 FOUL WEATHER GEAR

The Uniform and Equipment Specifications lists the authorized uniform jacket, rain gear, baseball cap and beanie cap. The Chief of Police or their designee may authorize the use of inclement weather uniforms that can be used during rain or extreme cold or hot temperatures. The hat or beanie shall be worn with the words "Orange Police" facing forward and visible.

1025.3.6 OUTER UNIFORM GARMENTS

- (a) Department approved black jacket.
 - 1. When a jacket is worn, the issued cloth badge patch or issued department badge shall be affixed to the outer garment. Additionally, the officer's embroidered name tag (first initial and last name) shall be affixed above the right pocket.
 - 2. Non-sworn personnel will wear their department issued badge on the outside of the jacket attached through the eyelets.
- (b) Navy blue dress jackets are optional for supervisors. Supervisors and Motor Officers may wear navy blue dress jackets upon the direction of the respective Division Commander, or for specific designated special functions or events where formal uniform is appropriate (i.e., funerals, graduations, etc.). A long sleeve shirt with black uniform tie is required when navy blue dress jacket is worn by supervisors and royal blue turtleneck sweater for motor officers.
 - 1. Captains and Chief of Police may wear a blue jacket with white shirt when wearing Class A attire.
- (c) The respective Division Commanders may designate special individual uniform regulations to accommodate any condition or special assignment, including medical and/or similar restrictions placed on an officer.

1025.3.7 EXTERNAL BODY ARMOR FOR UNIFORMED PERSONNEL (ALSO EXPLAINED IN THE BODY ARMOR POLICY)

External body armor is approved to wear for uniformed personnel. Only department approved external body armor vests can be worn. The use of the external body armor is subject to the following:

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- (a) External body armor uniforms:
 - 1. Approved Class B (short or long sleeve) shirts for uniformed personnel.
 - 2. The external body armor vests shall not be worn with Class A uniforms.
- (b) Front insignias:
 - 1. Metallic badge and metallic name plate.
 - 2. Metallic name plate with first initial-period, last name and in all capital letters. If an employee's first initial and last name(s) are too long to fit the name plate, then only use the employee's last name(s).

The number and type of external body armor vest pouches is determined by the Department. The external body armor vest pouches should not restrict the mobility of the wearer and/or present a hazard or danger. The external body armor vest shall be kept clean, operable and present a professional uniform appearance. The Chief of Police will have the authority to regulate and make changes as necessary to this policy

1025.3.8 RESERVE OFFICER UNIFORM

The reserve officer's uniform will be the same as for the regular officer. All uniform regulations and specifications contained within this Policy Manual shall apply equally to reserve officers.

1025.4 INSIGNIA AND PATCHES

- (a) Shoulder Patches - The authorized shoulder patch supplied by the Department shall be machine stitched to the sleeves of all uniform shirts and jackets, three-quarters of an inch below the shoulder seam of the shirt and be bisected by the crease in the sleeve.
- (b) Service stripes, stars, etc. - Service stripes and other indicators for length of service may be worn on long sleeved shirts and jackets. They are to be machine stitched onto the uniform. The bottom of the service stripe shall be sewn the width of one and one-half inches above the cuff seam with the rear of the service stripes sewn on the dress of the sleeve. The stripes are to be worn on the left sleeve only.
- (c) The regulation nameplate, or an authorized sewn on cloth nameplate, shall be worn at all times while in uniform. The nameplate shall display the employee's first initial and last name. If an employee's first initial and last name(s) are too long to fit on the nameplate, then use the last name(s). If the employee desires other than the legal first name, the employee must receive approval from the Chief of Police. The nameplate shall be worn and placed above the right pocket located in the middle, bisected by the pressed shirt seam, with equal distance from both sides of the nameplate to the outer edge of the pocket.
- (d) When a jacket is worn, the nameplate or an authorized sewn on cloth nameplate shall be affixed to the jacket in the same manner as the uniform.
- (e) Assignment Insignias - Assignment insignias, (SWAT, FTO, etc.) may be worn as designated by the Chief of Police.

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- (f) Badge - The department issued badge, or an authorized sewn on cloth replica, must be worn and visible at all times while in uniform.
- (g) Rank Insignia - The designated insignia indicating the employee's rank must be worn at all times while in uniform. The Chief of Police may authorize exceptions.

1025.4.1 AUTHORIZED ORNAMENTS ON UNIFORMS

- (a) Service pin
 1. May be worn centered on the top portion of the right pocket flap
- (b) Military service ribbons and Department issued special award ribbons
 1. May be worn, as in the above section for service pins, for formal dress or special events when in Class A uniform
- (c) Department issue special assignment recognition pins (i.e., SWAT, FTO, CSI, etc.)
 1. SWAT eagle pin may be worn centered above the nametag on the top portion of the right pocket flap.
 2. FTO and CSI pins may be worn in conjunction, on the top portion of the right pocket flap.
 3. Motor Academy pin, in conjunction with a motor uniform, may be worn on the top portion of the right pocket flap.
- (d) American flag pin (optional)
 1. Flag pins shall be worn centered on the top portion of the left pocket flap.
 2. When wearing an American flag pin, no other flag or ribbon shall be placed above or next to it.
- (e) Department issue Medal of Valor, Medal of Courage, Medal of Merit, and Medal of Distinction pins
 1. Department issue Medal of Valor pins may be worn centered on the top portion of the left pocket flap. In the event more than one pin is possessed by an officer, they are to be worn centered, side-by-side.
 2. Employees who achieve eligibility and are assigned to a detail not requiring the use of a uniform, may wear the pin on the lapel of a jacket or sweater.
 - (a) In the event that both pins are possessed, they are to be worn centered, side-by-side.

1025.4.2 MOURNING BADGE

Uniformed employees shall wear a black mourning band across the uniform badge whenever a law enforcement officer is killed in the line of duty, as directed by the Chief of Police. The mourning band should be removed after the funeral for the officer.

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1025.5 CIVILIAN ATTIRE

There are assignments within the Department that do not require the wearing of a uniform because recognition and authority are not essential to their function. There are also assignments in which the wearing of civilian attire is necessary.

- (a) All employees shall wear clothing that fits properly, is clean and free of stains, and not damaged or excessively worn.
- (b) All male administrative, investigative and support personnel who elect to wear civilian clothing to work shall wear button style shirts with a collar, slacks or suits that are moderate in style.
- (c) All female administrative, investigative, and support personnel who elect to wear civilian clothes to work shall wear dresses, slacks, shirts, blouses, or suits which are moderate in style.
- (d) The following items shall not be worn on duty:
 - 1. T-shirt alone
 - 2. Open toed sandals or thongs
 - 3. Swimsuit, tube tops, or halter-tops
 - 4. Spandex type pants or see-through clothing
 - 5. Distasteful printed slogans, buttons or pins
- (e) Variations from this order are allowed at the discretion of the Chief of Police or designee when the employee's assignment or current task is not conducive to the wearing of such clothing.
- (f) No item of civilian attire may be worn on duty that would adversely affect the reputation of the Orange Police Department or the morale of the employees.

1025.6 POLITICAL ACTIVITIES, ENDORSEMENTS, AND ADVERTISEMENTS

Unless specifically authorized by the Chief of Police, Orange Police Department employees may not wear any part of the uniform, be photographed wearing any part of the uniform, utilize a Department badge, patch or other official insignia, or cause to be posted, published, or displayed, the image of another employee, or identify themselves as an employee of the Orange 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.

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1025.7 OPTIONAL EQUIPMENT - MAINTENANCE, AND REPLACEMENT

- (a) Any of the items listed in the Uniform and Equipment Specifications as optional shall be purchased totally at the expense of the employee. No part of the purchase cost shall be offset by the Department for the cost of providing the Department issued item.
- (b) Maintenance of optional items shall be the financial responsibility of the purchasing employee. For example, repairs due to normal wear and tear.
- (c) Replacement of items listed in this order as optional shall be done as follows:
 - 1. When the item is no longer functional because of normal wear and tear, the employee bears the full cost of replacement.
 - 2. When the item is no longer functional because of damage in the course of the employee's duties, it shall be replaced following the procedures for the replacement of damaged personal property (see the Department Owned and Personal Property Policy).

1025.7.1 RETIREE BADGES

The Chief of Police may issue identification in the form of a badge, insignia, emblem, device, label, certificate, card or writing that clearly states the person has honorably retired from the Orange Police Department. This identification is separate and distinct from the identification authorized by the California Penal Code and referenced in the Retired Officer CCW Endorsement Policy in this manual.

A badge issued to an honorably retired peace officer that is not affixed to a plaque or other memento will have the words "Honorably Retired" clearly visible on its face. A retiree shall be instructed that any such badge will remain the property of the Orange Police Department and will be revoked in the event of misuse or abuse (refer to the California Penal Code).

1025.8 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES

Orange Police Department employees may not wear any uniform item, accessory or attachment unless specifically authorized in the Uniform and Equipment Specifications or by the Chief of Police or designee.

Orange Police Department employees may not use or carry any safety item, tool or other piece of equipment unless specifically authorized in the Uniform and Equipment Specifications or by the Chief of Police or designee.

Police Cadets

1026.1 PURPOSE AND SCOPE

Cadets work under direct supervision, perform a variety of routine and progressively more advanced tasks in an apprenticeship program in preparation for a career in law enforcement.

1026.2 EDUCATION REQUIREMENTS

Cadets and Cadet Applicants must be high school seniors or enrolled in an accredited two-year or four-year college or university. All students must have/maintain a minimum 2.0 Grade Point Average (GPA), and if in college, must be a full-time student and maintain a minimum 12 units per semester or 12 units per quarter to be considered for and continue employment in the Cadet position. Any deviation from full-time student status and reduced course work due to an unforeseen student hardship may be considered with the approval of the Support Services Captain.

1026.3 TRAINING BUREAU SERGEANT

The Training Bureau Sergeant will serve as the Program Coordinator. This sergeant will be responsible for tracking the educational and job performance of cadets as well as making their individual assignments throughout the Department. He/she will also monitor the training provided for all cadets and review all decisions affecting job assignments, status for compensation, school attendance and performance evaluations.

1026.3.1 PROGRAM ADVISORS

The Training Sergeant may select individual officers to serve as advisors for the Cadet Program. These officers will serve as mentors for each cadet. Cadets will bring special requests, concerns, and suggestions to their program advisor for advice or direction before contacting the training sergeant. One advisor may be designated as the training sergeant's assistant to lead scheduled meetings and training sessions involving the cadets. Multiple cadets may be assigned to each program advisor. Program advisors are not intended to circumvent the established chain of command. Any issues that may be a concern of the individual's supervisor should be referred back to the training sergeant.

1026.4 ORIENTATION AND TRAINING

Newly hired cadets will receive an orientation of the organization and facilities before reporting to their first assignment. On-the-job training will be conducted in compliance with the Cadet Training Manual. Training sessions will be scheduled as needed to train cadets for as many assignments as possible. In addition to job-specific training, information will be offered to prepare cadets to compete successfully in the police officer selection process, as well as the academy training. All training will focus on improving job performance, as well as preparation to become police officers. These meetings will also offer an opportunity to receive continuous feedback regarding progress of the program.

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1026.5 CADET UNIFORMS

Each cadet will be provided two uniforms meeting the specifications described in the Uniform Manual for civilian employees.

1026.6 ROTATION OF ASSIGNMENTS

Rotating job assignments should occur on a regular basis to enhance the career development for each cadet. Department needs and concerns will take precedence over individual considerations with the final decision resting with the training manager.

In general, senior cadets will be assigned to positions requiring more technical skill or responsibility, as well as serving to train cadets for new assignments or those newly hired.

1026.7 RIDE-ALONG PROCEDURES

All cadets are authorized to participate in the Ride-Along Program as approved by their immediate supervisor and the appropriate Watch Commander. Applicable waivers must be signed in advance of the ride-along. Cadets shall wear their uniform while participating on a ride-along.

1026.8 PERFORMANCE EVALUATIONS

Cadets will be evaluated on a yearly basis to assess their current job performance and their potential as police officers.

Nepotism and Conflicting Relationships

1027.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure equal opportunity and effective employment practices by avoiding actual or perceived favoritism, discrimination or actual or potential conflicts of interest by or between employees of this department. These employment practices include: recruiting, testing, hiring, compensation, assignment, use of facilities, access to training opportunities, supervision, performance appraisal, discipline and workplace safety and security.

1027.1.1 DEFINITIONS

Business relationship - Serving as an employee, independent contractor, compensated consultant, owner, board member, shareholder, or investor in an outside business, company, partnership, corporation, venture or other transaction, where the Department employee's annual interest, compensation, investment or obligation is greater than \$250.

Conflict of interest - Any actual, perceived or potential conflict of interest in which it reasonably appears that a department employee's action, inaction or decisions are or may be influenced by the employee's personal or business relationship.

Nepotism - The practice of showing favoritism to relatives over others in appointment, employment, promotion or advancement by any public official in a position to influence these personnel decisions.

Personal relationship - Includes marriage, cohabitation, dating or any other intimate relationship beyond mere friendship.

Public official - A supervisor, officer or employee vested with authority by law, rule or regulation or to whom authority has been delegated.

Relative - An employee's parent, stepparent, spouse, domestic partner, significant other, child (natural, adopted or step), sibling or grandparent.

Subordinate - An employee who is subject to the temporary or ongoing direct or indirect authority of a supervisor.

Supervisor - An employee who has temporary or ongoing direct or indirect authority over the actions, decisions, evaluation and/or performance of a subordinate employee.

1027.2 RESTRICTED DUTIES AND ASSIGNMENTS

The Department will not prohibit all personal or business relationships between employees. However, in order to avoid nepotism or other inappropriate conflicts, the following reasonable restrictions shall apply (refer to the California Government Code):

- (a) Employees are prohibited from directly supervising, occupying a position in the line of supervision or being directly supervised by any other employee who is a relative or with whom they are involved in a personal or business relationship.

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1. If circumstances require that such a supervisor/subordinate relationship exist temporarily, the supervisor shall make every reasonable effort to defer matters pertaining to the involved employee to an uninvolved supervisor.
2. When personnel and circumstances permit, the Department will attempt to make every reasonable effort to avoid placing employees in such supervisor/subordinate situations. The Department, however, reserves the right to transfer or reassign any employee to another position within the same classification in order to avoid conflicts with any provision of this policy.
 - (b) Employees are prohibited from participating in, contributing to or recommending promotions, assignments, performance evaluations, transfers or other personnel decisions affecting an employee who is a relative or with whom they are involved in a personal or business relationship.
 - (c) Whenever possible, FTOs and other trainers will not be assigned to train relatives. FTOs and other trainers are prohibited from entering into or maintaining personal or business relationships with any employee they are assigned to train until such time as the training has been successfully completed and the employee is off probation.
 - (d) To avoid actual or perceived conflicts of interest, employees of this department shall refrain from developing or maintaining personal or financial relationships with victims, witnesses or other individuals during the course of or as a direct result of any official contact.
 - (e) Except as required in the performance of official duties or, in the case of immediate relatives, employees shall not develop or maintain personal or financial relationships with any individual they know or reasonably should know is under criminal investigation, is a convicted felon, parolee, fugitive or registered sex offender or who engages in serious violations of state or federal laws.

1027.2.1 EMPLOYEE RESPONSIBILITY

Prior to entering into any personal or business relationship or other circumstance which the employee knows or reasonably should know could create a conflict of interest or other violation of this policy, the employee shall promptly notify his/her uninvolved, next highest level of supervisor.

Whenever any employee is placed in circumstances that would require the employee to take enforcement action or provide official information or services to any relative or individual with whom the employee is involved in a personal or business relationship, the employee shall promptly notify his/her uninvolved, immediate supervisor. In the event that no uninvolved supervisor is immediately available, the employee shall promptly notify dispatch to have another uninvolved employee either relieve the involved employee or minimally remain present to witness the action.

1027.2.2 SUPERVISOR'S RESPONSIBILITY

Upon being notified of, or otherwise becoming aware of any circumstance that could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable steps to promptly mitigate or avoid such violations whenever possible. Supervisors shall also promptly notify the Chief of Police of such actual or potential violations through the chain of command.

Department Badges

1028.1 PURPOSE AND SCOPE

The Orange Police Department badges and uniform patches as well as the likeness of these items and the name of the Orange Police Department are property of the department and their use shall be restricted as set forth in this policy.

1028.2 POLICY

The uniform badge shall be issued to department employees 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 employees while on-duty or otherwise acting in an official or authorized capacity.

1028.2.1 FLAT BADGE

Sworn officers, with the written approval of the Administrative Services Division Commander, may request a flat badge capable of being carried in a wallet. The use of the flat badge is subject to all the same provisions of departmental policy as the uniform badge.

- (a) Should the flat badge become lost, damaged, or otherwise removed from the officer's control, he/she shall make the proper notifications as outlined in the Department Owned and Personal Property Policy.
- (b) An honorably retired officer may keep his/her flat badge upon retirement.
- (c) The purchase, carrying or display of a flat badge is not authorized for non-sworn personnel.

1028.2.2 CIVILIAN PERSONNEL

Badges and departmental identification cards issued to non-sworn personnel shall be clearly marked to reflect the position of the assigned employee (e.g. Parking Control, Dispatcher).

- (a) Non-sworn personnel shall not display any department badge except as a part of his/her uniform and while on duty, or otherwise acting in an official and authorized capacity.
- (b) Non-sworn personnel shall not display any department badge or represent him/herself, on or off duty, in such a manner which would cause a reasonable person to believe that he/she is a sworn peace officer.

1028.3 UNAUTHORIZED USE

Except as required for on-duty use by current employees, no badge designed for carry or display in a wallet, badge case or similar holder shall be issued to anyone other than a current or honorably retired peace officer.

Department badges are issued to all sworn employees and civilian uniformed employees for official use only. The department badge, shoulder patch or the likeness thereof, or the department name

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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.

1028.3.1 BASIC REQUIREMENTS FOR A FLAT BADGE

- (a) The employee requesting authorization to be issued a department-owned flat badge must have sworn employee status.
- (b) The employee must obtain written approval (in memorandum form) from the Administrative Services Division Commander. The approved memorandum will be submitted to and maintained by the Personnel and Training sergeant.
- (c) Upon completion of the above requirements, the Personnel and Training sergeant will issue a flat badge and case. A copy of the approved authorization will be maintained in the Training File of the employee. The issuance of a flat badge will be noted in the Badge Control Log and the employee's Equipment Log.
- (d) The officer may return their flat badge to the Personnel and Training sergeant at their own discretion. The officer must promptly relinquish their flat badge to the department when permission to possess the flat badge is withdrawn by the Chief of Police or his/her designee, or when the officer separates from service with the department.

1028.3.2 RESPONSIBILITIES OF THE PERSONNEL AND TRAINING SERGEANT

- (a) Record the issuance of a flat badge in the Badge Control Log and Employee's Equipment Log.
- (b) Secure any returned flat badge from the employee upon their separation from the department, voluntary relinquishment, and/or at the direction of the Chief of Police or his/her designee.

1028.3.3 BASIS FOR REFUSAL OF FLAT BADGE ISSUANCE

- (a) Failure to obtain approval of the Administrative Services Division Commander, as required.
- (b) Failure to meet service requirement and employment status.
- (c) Discipline, or any other job related reason, as determined by the Chief of Police.

1028.4 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

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representation of the association and not the Orange 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.

1028.4.1 EMPLOYEE RECOGNITION GUIDELINES

When a police department employee, in good standing, voluntarily separates from employment with the City of Orange, the Chief of Police or his designee may use the following guidelines for recognition of that person. The decision to grant any recognition by the Chief is solely discretionary.

TENURE AT THE OPD	EMPLOYEE RECOGNITION
5 to 14 Years	Letter of Appreciation from Chief of Police
15 to 19 Years	Letter of Appreciation from Chief of Police Dept. Plaque with Service Dates and Patch
20 or more Years	Letter of Appreciation from Chief of Police Dept. Plaque with Service Dates and Patch Shadow Box with Employee's Badge

- (a) The Administrative Services Division Commander or his/her designee shall notify the Chief of Police upon learning of an employee's pending separation from service.
- (b) The Administrative Services Division Commander or his/her designee shall be responsible for obtaining the item(s) of recognition (listed above) that have been approved by the Chief of Police.
- (c) At the discretion of the Chief of Police or his/her designee, the Administrative Services Division Commander may also request a City Council Proclamation or City Council Resolution for any retiring employee.

1028.4.2 ISSUANCE OF A "RETIREMENT" BADGE

Any retiring police officer may request a "Retired" police officer badge. All such requests must be made in writing to the Chief of Police. Any medically retired police officer shall automatically meet the tenure requirements to receive a retirement badge.

- (a) Retirement badges will be issued to retiring employees at the discretion of the Chief of Police.
- (b) A record of the issued retirement badge will be noted in the Badge Control Log with a similar notation in the retiring employee's Personnel File.
 1. CCW privileges will also be noted in the Personnel File.
- (c) The retirement badge will be flat, with the bottom panel reading "Retired" in place of the employee identification number.

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- (d) For retirements other than medical in nature, the following guidelines shall be used:
 - 1. The police department will pay for the badge if the police officer has served no less than five years with the City of Orange Police Department and, in addition, has served in the capacity of a sworn California police officer a total of 20 years or more, counting the service at the Orange Police Department.
 - 2. An officer who has less than 20 years of service as a sworn California police officer will be required to pay for the retirement badge.
 - 3. The department will pay for a retirement badge if the employee has no less than 20 years of employment with the Orange Police Department.
 - 4. The Chief of Police shall have the discretion to waive fees for a retirement badge on a case-by-case basis.

1028.4.3 RETIREMENT BADGES, SERVICE AWARDS AND SHADOW BOXES

- (a) Service Awards, including the presentation of a retiring employee's badge, mounted on a plaque or other arrangement, must be authorized by the Chief of Police.
- (b) The information on retirement badges presented as service awards will also be noted in the Badge Control Log and the employee's Personnel File.
- (c) On occasion, honorably retiring police officers may be presented with a shadow box from the Chief of Police. The contents of a shadow box will be restricted to the items outlined within this policy.
 - 1. The Department will donate \$200.00 toward the cost of a shadow box. Appropriate items such as badges, service awards, special assignment pins, prior indicators of rank (e.g. sergeant chevrons, lieutenant bars, etc.), OPD patches, SWAT patches, rockers, the portion of a long-sleeve uniform shirt with stars indicating years of service, name tags, identification cards, etcetera, may be included.
 - 2. Employees may desire to add other items to their shadow box.
 - (a) Optional equipment shall be paid for by the employee, at the cost of replacement.
 - (b) Optional equipment may include department owned handcuffs, shoulder boards, hat badge, and badges for each rank or assignment attained by the employee or other appropriate items.

Temporary Modified-Duty Assignments

1029.1 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.

1029.2 POLICY

Subject to operational considerations, the Orange 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.

1029.3 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 (refer to the California Government Code) shall be treated equally, without regard to any preference for a work-related injury.

No position in the Orange 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 six month period.

1029.4 PROCEDURE

Employees may request a temporary modified-duty assignment for short-term injuries or illnesses.

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Employees seeking a temporary modified-duty assignment should submit a written request to their Division Commanders or the authorized designees. The request should, as applicable, include a certification from the treating medical professional containing:

- (a) An assessment of the nature and probable duration of the illness or injury.
- (b) The prognosis for recovery.
- (c) The nature and scope of limitations and/or work restrictions.
- (d) A statement regarding any required workplace accommodations, mobility aids or medical devices.
- (e) A statement that the employee can safely perform the duties of the temporary modified-duty assignment.

The Division Commander will make a recommendation through the chain of command to the Chief of Police regarding temporary modified-duty assignments that may be available based on the needs of the Department and the limitations of the employee. The Chief of Police or the authorized designee shall confer with the Human Resources and Employee Relations Department or the City Attorney as appropriate.

Requests for a temporary modified-duty assignment of 20 hours or less per week may be approved and facilitated by the Watch Commander or Division Commander, with notice to the Chief of Police.

1029.5 ACCOUNTABILITY

Written notification of assignments, work schedules and any restrictions should be provided to employees assigned to temporary modified-duty assignments and their supervisors. Those assignments and schedules may be adjusted to accommodate department operations and the employee's medical appointments, as mutually agreed upon with the Division Commander.

1029.5.1 EMPLOYEE RESPONSIBILITIES

The responsibilities of employees assigned to temporary modified duty shall include, but not be limited to:

- (a) Communicating and coordinating any required medical and physical therapy appointments in advance with their supervisors.
- (b) Promptly notifying their supervisors of any change in restrictions or limitations after each appointment with their treating medical professionals.
- (c) Communicating a status update to their supervisors no less than once every 30 days while assigned to temporary modified duty.
- (d) Submitting a written status report to the Division Commander that contains a status update and anticipated date of return to full-duty when a temporary modified-duty assignment extends beyond 60 days.

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Temporary Modified-Duty Assignments

1029.5.2 SUPERVISOR RESPONSIBILITIES

The employee's immediate supervisor shall monitor and manage the work schedule of those assigned to temporary modified duty.

The responsibilities of supervisors shall include, but not be limited to:

- (a) Periodically apprising the Division Commander of the status and performance of employees assigned to temporary modified duty.
- (b) Notifying the Division Commander and ensuring that the required documentation facilitating a return to full duty is received from the employee.
- (c) Ensuring that employees returning to full duty have completed any required training and certification.

1029.6 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.

1029.7 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.

1029.7.1 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.

1029.8 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.

1029.9 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.

Employee Speech, Expression and Social Networking

1030.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with employee use of social networking sites and to provide guidelines for the regulation and balancing of employee speech and expression with the needs of the Department.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech or expression that is protected or privileged under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example, this policy does not limit an employee from speaking as a private citizen, including acting as an authorized employee 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.

1030.1.1 APPLICABILITY

This policy applies to all forms of communication including but not limited to film, video, print media, public or private speech, use of all internet services, including the World Wide Web, e-mail, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, video, and other file-sharing sites.

1030.2 POLICY

Public employees occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of this department. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that employees of this department be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the Orange Police Department will carefully balance the individual employee's rights against the Department's needs and interests when exercising a reasonable degree of control over its employees' speech and expression.

1030.3 SAFETY

Employees should consider carefully the implications of their speech or any other form of expression when using the Internet. Speech and expression that may negatively affect the safety of the Orange Police Department employees, such as posting personal information in a public forum, can result in compromising an employee's home address or family ties. Employees should therefore not disseminate or post any information on any forum or medium that could reasonably be anticipated to compromise the safety of any employee, an employee's family or associates. Examples of the type of information that could reasonably be expected to compromise safety include:

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- Disclosing a photograph and name or address of an officer who is working undercover.
- Disclosing the address of a fellow officer or employee.
- Otherwise disclosing where another officer can be located off-duty.

1030.4 PROHIBITED SPEECH, EXPRESSION AND CONDUCT

To meet the department's safety, performance and public-trust needs, the following are prohibited unless the speech is otherwise protected (for example, an employee speaking as a private citizen, including acting as an authorized employee of a recognized bargaining unit or officer associations, on a matter of public concern):

- (a) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation or professionalism of the Orange Police Department or its employees.
- (b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the Orange Police Department and tends to compromise or damage the mission, function, reputation or professionalism of the Orange Police Department or its employees. Examples may include:
 1. Statements that indicate disregard for the law or the state or U.S. Constitution.
 2. Expression that demonstrates support for criminal activity.
 3. Participating in sexually explicit photographs or videos for compensation or distribution.
- (c) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the employee as a witness. For example, posting statements or expressions to a website that glorify or endorse dishonesty, unlawful discrimination or illegal behavior.
- (d) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the employees of the Department. For example, a statement on a blog that provides specific details as to how and when prisoner transportations are made could reasonably be foreseen as potentially jeopardizing employees by informing criminals of details that could facilitate an escape or attempted escape.
- (e) Speech or expression that is contrary to the canons of the Law Enforcement Code of Ethics as adopted by the Orange Police Department.
- (f) Use or disclosure, through whatever means, of any information, photograph, video or other recording obtained or accessible as a result of employment with the Department for financial or personal gain, or any disclosure of such materials without the express authorization of the Chief of Police or the authorized designee.
- (g) Posting, transmitting or disseminating any photographs, video or audio recordings, likenesses or images of department logos, emblems, uniforms, badges, patches, marked vehicles, equipment or other material that specifically identifies the Orange Police Department on any personal or social networking or other website or web page, without the express authorization of the Chief of Police.

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- (h) Accessing websites for non-authorized purposes, or use of any personal communication device, game device or media device, whether personally or department-owned, for personal purposes while on-duty, except in the following circumstances:
 - 1. When brief personal communication may be warranted by the circumstances (e.g., inform family of extended hours).
 - 2. During authorized breaks such usage should be limited as much as practicable to areas out of sight and sound of the public and shall not be disruptive to the work environment.

Employees must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the employee (e.g., social or personal website).

1030.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

While employees are not restricted from engaging in the following activities as private citizens or as authorized employees of a recognized bargaining unit or officer associations, employees may not represent the Orange Police Department or identify themselves in any way that could be reasonably perceived as representing the Orange Police Department in order to do any of the following, unless specifically authorized by the Chief of Police (refer to the California Government Code):

- (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 Orange 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 employees 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 (refer to the U.S. Code).

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1030.5 PRIVACY EXPECTATION

Employees forfeit any expectation of privacy with regard to e-mails, texts, or anything published or maintained through file-sharing software or any internet site (e.g., Facebook) that is accessed, transmitted, received, or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

The Department shall not require an employee to disclose a personal user name or password for accessing personal social media or to open a personal social website; however, the Department may request access when it is reasonably believed to be relevant to the investigation of allegations of work-related misconduct (Labor Code § 980).

1030.6 CONSIDERATIONS

In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the Chief of Police or authorized designee should consider include:

- (a) Whether the speech or conduct would negatively affect the efficiency of delivering public services.
- (b) Whether the speech or conduct would be contrary to the good order of the Department or the efficiency or morale of its employees.
- (c) Whether the speech or conduct would reflect unfavorably upon the Department.
- (d) Whether the speech or conduct would negatively affect the employee's appearance of impartiality in the performance of his/her duties.
- (e) Whether similar speech or conduct has been previously authorized.
- (f) Whether the speech or conduct may be protected and outweighs any interest of the Department.

1030.7 TRAINING

Subject to available resources, the Department should provide training regarding employee speech and the use of social networking to all employees of the Department.

Illness and Injury Prevention

1031.1 PURPOSE AND SCOPE

The purpose of this policy is to establish an ongoing and effective plan to reduce the incidence of illness and injury for employees of the Orange Police Department, in accordance with the requirements of the California Code of Regulations.

This policy specifically applies to illness and injury that results in lost time or that requires medical treatment beyond first aid. Although this policy provides the essential guidelines for a plan that reduces illness and injury, it may be supplemented by procedures outside the Policy Manual.

This policy does not supersede, but supplements any related Citywide safety efforts.

1031.2 POLICY

The Orange Police Department is committed to providing a safe environment for its employees and visitors and to minimizing the incidence of work-related illness and injuries. The Department will establish and maintain an Illness and Injury Prevention program and will provide tools, training and safeguards designed to reduce the potential for accidents, illness and injuries. It is the intent of the Department to comply with all laws and regulations related to occupational safety.

1031.3 ILLNESS AND INJURY PREVENTION PLAN

The Administrative Services Division Commander is responsible for developing an illness and injury prevention plan that shall include:

- (a) Workplace safety and health training programs.
- (b) Regularly scheduled safety meetings.
- (c) Posted or distributed safety information.
- (d) A system for employees to anonymously inform management about workplace hazards.
- (e) Establishment of a safety and health committee that will:
 - (a) Meet regularly.
 - (b) Prepare a written record of safety and health committee meetings.
 - (c) Review the results of periodic scheduled inspections.
 - (d) Review investigations of accidents and exposures.
 - (e) Make suggestions to command staff for the prevention of future incidents.
 - (f) Review investigations of alleged hazardous conditions.
 - (g) Submit recommendations to assist in the evaluation of employee safety suggestions.
 - (h) Assess the effectiveness of efforts made by the Department to meet relevant standards.

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- (f) Establishment of a process to ensure serious illnesses or injuries and death are reported as required by the Division of Occupational Safety and Health Administration (Cal/OSHA) (refer to the California Code of Regulations).

1031.4 ADMINISTRATIVE SERVICES DIVISION COMMANDER RESPONSIBILITIES

The responsibilities of the Administrative Services Division Commander include but are not limited to:

- (a) Managing and implementing a plan to reduce the incidence of employee illness and injury.
- (b) Ensuring that a system of communication is in place that facilitates a continuous flow of safety and health information between supervisors and members. This system shall include:
 - (a) New employee orientation that includes a discussion of safety and health policies and procedures.
 - (b) Regular employee review of the illness and injury prevention plan.
 - (c) Access to the illness and injury prevention plan to employees or their representatives as set forth in 8 CCR 3203.
- (c) Ensuring that all safety and health policies and procedures are clearly communicated and understood by all employees.
- (d) Taking reasonable steps to ensure that all employees comply with safety rules in order to maintain a safe work environment. This includes but is not limited to:
 - (a) Informing employees of the illness and injury prevention guidelines.
 - (b) Recognizing employees who perform safe work practices.
 - (c) Ensuring that the employee evaluation process includes employee safety performance.
 - (d) Ensuring department compliance to meet standards regarding the following:
 - (a) Respiratory protection (8 CCR 5144)
 - (b) Bloodborne pathogens (8 CCR 5193)
 - (c) Aerosol transmissible diseases (8 CCR 5199)
 - (d) Heat illness (8 CCR 3395)
 - (e) Emergency Action Plan (8 CCR 3220)
 - (f) Fire Prevention Plan (8 CCR 3221)
 - (g) Hazards associated with wildfire smoke (8 CCR 5141.1)
- (e) Making available the Identified Hazards and Correction Record form to document inspections, unsafe conditions or work practices, and actions taken to correct unsafe conditions and work practices.
- (f) Making available the Investigation/Corrective Action Report to document individual incidents or accidents.

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- (g) Making available a form to document the safety and health training of each employee. This form will include the employee's name or other identifier, training dates, type of training, and training providers.
- (h) Conducting and documenting a regular review of the illness and injury prevention plan.

1031.5 SUPERVISOR RESPONSIBILITIES

Supervisor responsibilities include, but are not limited to:

- (a) Ensuring employee compliance with illness and injury prevention guidelines and answering questions from employees about this policy.
- (b) Training, counseling, instructing or making informal verbal admonishments any time safety performance is deficient. Supervisors may also initiate discipline when it is reasonable and appropriate under the Standards of Conduct Policy.
- (c) Establishing and maintaining communication with employees on health and safety issues. This is essential for an injury-free, productive workplace.
- (d) Completing required forms and reports relating to illness and injury prevention; such forms and reports shall be submitted to the Administrative Services Division Commander.
- (e) Notifying the Administrative Services Division Commander when:
 - (a) New substances, processes, procedures or equipment that present potential new hazards are introduced into the work environment.
 - (b) New, previously unidentified hazards are recognized.
 - (c) Occupational illnesses and injuries occur.
 - (d) New and/or permanent or intermittent employees are hired or reassigned to processes, operations or tasks for which a hazard evaluation has not been previously conducted.
 - (e) Workplace conditions warrant an inspection.

1031.6 HAZARDS

All employees should report and/or take reasonable steps to correct unsafe or unhealthy work conditions, practices or procedures in a timely manner. Employees should make their reports to a supervisor (as a general rule, their own supervisors).

Supervisors should make reasonable efforts to correct unsafe or unhealthy work conditions in a timely manner, based on the severity of the hazard. These hazards should be corrected when observed or discovered, when it is reasonable to do so. When a hazard exists that cannot be immediately abated without endangering employees or property, supervisors should protect or remove all exposed employees from the area or item, except those necessary to correct the existing condition.

Employees who are necessary to correct the hazardous condition shall be provided with the necessary protection.

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All significant actions taken and dates they are completed shall be documented on an Identified Hazards and Correction Record form. This form should be forwarded to the Administrative Services Division Commander via the chain of command.

The Administrative Services Division Commander will take appropriate action to ensure the illness and injury prevention plan addresses potential hazards upon such notification.

1031.7 INSPECTIONS

Safety inspections are crucial to a safe work environment. These inspections identify and evaluate workplace hazards and permit mitigation of those hazards. A hazard assessment checklist should be used for documentation and to ensure a thorough assessment of the work environment.

The Administrative Services Division Commander shall ensure that the appropriate documentation is completed for each inspection.

1031.7.1 EQUIPMENT

Employees are charged with daily vehicle inspections of their assigned vehicles and of their personal protective equipment (PPE) prior to working in the field. Employees shall complete the Identified Hazards and Correction Record form if an unsafe condition cannot be immediately corrected. Employees should forward this form to their supervisors.

1031.8 INVESTIGATIONS

Any employee sustaining any work-related illness or injury, as well as any employee who is involved in any accident or hazardous substance exposure while on-duty shall report such event as soon as practicable to a supervisor. Employees observing or learning of a potentially hazardous condition are to promptly report the condition to their immediate supervisors.

A supervisor receiving such a report should personally investigate the incident or ensure that an investigation is conducted. Investigative procedures for workplace accidents and hazardous substance exposures should include:

- (a) A visit to the accident scene as soon as possible.
- (b) An interview of the injured employee and witnesses.
- (c) An examination of the workplace for factors associated with the accident/exposure.
- (d) Determination of the cause of the accident/exposure.
- (e) Corrective action to prevent the accident/exposure from reoccurring.
- (f) Documentation of the findings and corrective actions taken.
- (g) Completion of an Investigation/Corrective Action Report form.
- (h) Completion of an Identified Hazards and Correction Record form.

Additionally, the supervisor should proceed with the steps to report an on-duty injury, as required under the Occupational Disease and Work-Related Injury Reporting Policy, in conjunction with this investigation to avoid duplication and ensure timely reporting.

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1031.9 TRAINING

The Administrative Services Division Commander should work with the Training Bureau Sergeant to provide all employees, including supervisors, with training on general and job-specific workplace safety and health practices. Training shall be provided:

- (a) To supervisors to familiarize them with the safety and health hazards to which employees under their immediate direction and control may be exposed.
- (b) To all employees with respect to hazards specific to each employee's job assignment.
- (c) To all employees given new job assignments for which training has not previously been provided.
- (d) Whenever new substances, processes, procedures or equipment are introduced to the workplace and represent a new hazard.
- (e) Whenever the Department is made aware of a new or previously unrecognized hazard.

1031.9.1 TRAINING TOPICS

The Training Bureau Sergeant shall ensure that training includes:

- (a) Reporting unsafe conditions, work practices and injuries, and informing a supervisor when additional instruction is needed.
- (b) Use of appropriate clothing, including gloves and footwear.
- (c) Use of respiratory equipment.
- (d) Availability of toilet, hand-washing and drinking-water facilities.
- (e) Provisions for medical services and first aid.
- (f) Handling of blood borne pathogens and other biological hazards.
- (g) Prevention of heat and cold stress.
- (h) Identification and handling of hazardous materials, including chemical hazards to which personnel could be exposed, and review of resources for identifying and mitigating hazards (e.g., hazard labels, Safety Data Sheets (SDS)).
- (i) Mitigation of physical hazards, such as heat and cold stress, noise, and ionizing and non-ionizing radiation.
- (j) Identification and mitigation of ergonomic hazards, including working on ladders or in a stooped posture for prolonged periods.
- (k) Back exercises/stretchers and proper lifting techniques.
- (l) Avoidance of slips and falls.
- (m) Good housekeeping and fire prevention.
- (n) Other job-specific safety concerns.

1031.10 RECORDS

Records and training documentation relating to illness and injury prevention will be maintained in accordance with the established records retention schedule.

Line-of-Duty Deaths

1032.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to employees of the Orange Police Department in the event of the death of an employee occurring in the line of duty and to direct the Department in providing proper support for the employee's survivors.

The Chief of Police may also apply some or all of this policy in situations where employees are injured in the line of duty and the injuries are life-threatening.

1032.1.1 DEFINITIONS

Definitions related to this policy include:

Line-of-duty death - The death of sworn personnel during the course of performing law enforcement-related functions while on- or off-duty, or a civilian employee during the course of performing their assigned duties.

Survivors - Immediate family members of the deceased employee, 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 employee and whether the individual was previously designated by the deceased employee.

1032.2 POLICY

It is the policy of the Orange Police Department to make appropriate notifications and to provide assistance and support to survivors and coworkers of an employee 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.

1032.3 INITIAL ACTIONS BY COMMAND STAFF

- (a) Upon learning of a line-of-duty death, the deceased employee's supervisor should provide all reasonably available information to the Watch Commander and the Communications Center.
 - (a) Communication of information concerning the employee and the incident should be restricted to secure networks to avoid interception by the media or others (see the Public Information Officer section of this policy).
- (b) The Watch Commander should ensure that notifications are made in accordance with the Officer-Involved Shootings and Deaths and Major Incident Notification policies as applicable.
- (c) If the employee has been transported to the hospital, the Watch Commander or the designee should respond to the hospital to assume temporary responsibilities as the Hospital Liaison.

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- (d) The Chief of Police or the authorized designee should assign employees to handle survivor notifications and assign employee 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).

1032.4 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 employee's emergency contact information and make accommodations to respect the employee'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 employee's wishes.

The Chief of Police, Watch Commander or the authorized designee should select at least two employees to conduct notification of survivors, one of which may be the Department Chaplain.

Notifying employees 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 employee. 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 employees 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 employees 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. Employees shall not inform the workplace supervisor of the purpose of their visit other than to indicate that it is a family emergency.
- (g) Offer to call other survivors, friends or clergy to support the survivors and to avoid leaving survivors alone after notification.
- (h) Assist the survivors with meeting childcare or other immediate needs.

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- (i) Provide other assistance to survivors and take reasonable measures to accommodate their needs, wishes and desires. Care should be taken not to make promises or commitments to survivors that cannot be met.
- (j) Inform the survivors of the name and phone number of the Survivor Support Liaison (see the Survivor Support Liaison section of this policy), if known, and the Department Liaison.
- (k) Provide their contact information to the survivors before departing.
- (l) Document the survivor's names and contact information, as well as the time and location of notification. This information should be forwarded to the Department Liaison.
- (m) Inform the Chief of Police or the authorized designee once survivor notifications have been made so that other Orange Police Department employees may be apprised that survivor notifications are complete.

1032.4.1 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 employee 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 employee's survivors, but will not obligate the Department to pay travel expenses without the authorization of the Chief of Police.

1032.5 NOTIFYING POLICE DEPARTMENT EMPLOYEES

Employees specifically designated by the Chief of Police are responsible for notifying department employees 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 employees on-duty at the time of the incident. Employees reporting for subsequent shifts within a short amount of time should be notified in person at the beginning of their shift. Employees reporting for duty from their residence should be instructed to contact their supervisor as soon as practicable. Those employees who are working later shifts or are on days off should be notified by phone as soon as practicable.

Employees having a close bond with the deceased employee should be notified of the incident in person. Supervisors should consider assistance (e.g., peer support group, modifying work schedules, approving sick leave) for employees who are especially affected by the incident.

Supervisors should direct employees not to disclose any information outside the Department regarding the deceased employees or the incident.

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1032.6 LIAISONS AND COORDINATORS

The Chief of Police or the authorized designee should select employees 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) Critical Incident Stress Management (CISM) 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.

Employees 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.

1032.6.1 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 employee's survivors and the Department. The Department Liaison reports directly to the Chief of Police. The Department Liaison's responsibilities include, but are not limited to:

- (a) Directing the other liaisons and coordinators in fulfilling survivors' needs and requests. Consideration should be given to organizing the effort using the National Incident Management System (NIMS).
- (b) Establishing contact with survivors within 24 hours of the incident and providing them contact information.
- (c) Advising survivors of the other liaison and coordinator positions and their roles and responsibilities.
- (d) Identifying locations that will accommodate a law enforcement funeral and presenting the options to the appropriate survivors, who will select the location.
- (e) Coordinating all official law enforcement notifications and arrangements.
- (f) Making necessary contacts for authorization to display flags at half-mast.
- (g) Ensuring that department employees are reminded of appropriate information—sharing restrictions regarding the release of information that could undermine future legal proceedings.
- (h) Coordinating security checks of the employee's residence as necessary and reasonable.

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- (i) Serving as a liaison with visiting law enforcement agencies during memorial and funeral services.

1032.6.2 HOSPITAL LIAISON

The Hospital Liaison should work with hospital personnel to:

- (a) Arrange for appropriate and separate waiting areas for:
 - (a) The survivors and others whose presence is requested by the survivors.
 - (b) Department employees and friends of the deceased employee.
 - (c) 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 employee's survivors or Orange Police Department employee (except for employees who may be guarding the suspect).
- (c) Ensure that survivors receive timely updates regarding the employee before information is released to others.
- (d) Arrange for survivors to have private time with the employee, if requested.
 - (a) The Hospital Liaison or hospital personnel may need to explain the condition of the employee to the survivors to prepare them accordingly.
 - (b) 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 employee'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 employee's equipment and other items that may be of evidentiary value.
- Documenting his/her actions at the conclusion of his/her duties.

1032.6.3 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 employee 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 employee's Division Commander. The following should be considered when selecting the Survivor Support Liaison:

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- The liaison should be an individual the survivors know and with whom they are comfortable working.
- If the survivors have no preference, the selection may be made from names recommended by the deceased employee's supervisor and/or coworkers. The deceased employee's partner or close friends may not be the best selections for this assignment because the emotional connection to the employee 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 employee's personal effects from the Department and the hospital to the survivors. The following should be considered when returning the personal effects:
 - (a) Items should not be delivered to the survivors until they are ready to receive the items.
 - (b) Items not retained as evidence should be delivered in a clean, unmarked box.
 - (c) 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).
 - (d) 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 employee'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 CISM coordinator to ensure that survivors have access to available counseling services.
- (h) Coordinating with the department's Public Information Officer (PIO) to brief the survivors on pending press releases related to the incident and to assist the survivors with media relations in accordance with their wishes (see the Public Information Officer section of this policy).
- (i) Briefing survivors on investigative processes related to the line-of-duty death, such as criminal, internal and administrative investigations.

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- (j) Informing survivors of any related criminal proceedings and accompanying them to such proceedings.
- (k) Introducing survivors to prosecutors, victim's assistance personnel and other involved personnel as appropriate.
- (l) Maintaining long-term contact with survivors and taking measures to sustain a supportive relationship (e.g., follow-up visits, phone calls, cards on special occasions, special support during holidays).
- (m) Inviting survivors to department activities, memorial services or other functions as appropriate.

Survivor Support Liaisons providing services after an incident resulting in multiple employees 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 employees 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.

1032.6.4 CRITICAL INCIDENT STRESS MANAGEMENT COORDINATOR

The CISM coordinator should work with the Chief of Police or the authorized designee, liaisons, coordinators and other resources to make CISM and counseling services available to employee's and survivors who are impacted by a line-of-duty death. The responsibilities of the CISM coordinator include, but are not limited to:

- (a) Identifying employees who are likely to be significantly affected by the incident and may have an increased need for CISM and counseling services, including:
 - (a) Employees involved in the incident.
 - (b) Employees who witnessed the incident.
 - (c) Employees who worked closely with the deceased employee but were not involved in the incident.
- (b) Ensuring that employees who were involved in or witnessed the incident are relieved of department responsibilities until they can receive CISM support as appropriate and possible.
- (c) Ensuring that CISM and counseling resources (e.g., peer support, debriefing, grief counselors) are available to employees 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 CISM and counseling services and assisting with arrangements as needed.

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- (e) Following up with employees and the Survivor Support Liaison in the months following the incident to determine if additional CISM or counseling services are needed.

1032.6.5 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.

1032.6.6 MUTUAL AID COORDINATOR

The mutual aid coordinator should work with the Department Liaison and the Funeral Liaison to request and coordinate any assistance from outside law enforcement agencies needed for, but not limited to:

- (a) Traffic control during the deceased member's funeral.
- (b) Area coverage so that as many Orange 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.

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1032.6.7 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.
 - (a) Education benefits (refer to the California Code of Regulations Education Code)
 - (b) Health benefits (refer to the California Code of Regulations Labor Code)
 - (c) Worker's compensation death benefit (refer to the California Code of Regulations Labor Code)
- (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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1032.6.8 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 employee's survivors.
- (d) Providing accounting and cost information as needed.

1032.7 PUBLIC INFORMATION OFFICER

In the event of a line-of-duty death, the department's PIO should be the department's contact point for the media. As such, the PIO should coordinate with the Department Liaison to:

- (a) Collect and maintain the most current incident information and determine what information should be released.
- (b) Ensure that department employees are instructed to direct any media inquiries to the PIO.
- (c) Prepare necessary press releases.
 - (a) Ensure coordination with other entities having media roles (e.g., outside agencies involved in the investigation or incident).
 - (b) Ensure that important public information is disseminated, such as information on how the public can show support for the Department and deceased employee'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 employee'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 employees, 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 employees should be withheld until the employee's survivors have been notified. If the media has obtained identifying information for the deceased employee 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.

1032.8 PEER SUPPORT TEAM

The Department Peer Support Team is a valuable "in-house" resource to support members during times of professional and/or personal crisis.

At the direction of the Chief of Police or his designee, the Peer Support Team Coordinator will select and have respond, appropriate team members based on the needs of members. The Peer Support Team Coordinator may also call the Regional Peer Support Manager and request assistance for teams from outside agencies.

See Peer Support and Assistance Program Policy for roles and responsibilities of the peer support team members.

1032.9 DEPARTMENT CHAPLAIN

The Department chaplain may serve a significant role in line-of-duty deaths. His/her duties may include, but are not limited to:

- 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 employees 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.

1032.10 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 employee should not have any investigative responsibilities because such relationships may impair the objectivity required for an impartial investigation of the incident.

Involved department employees should be kept informed of the progress of the investigations and provide investigators with any information that may be pertinent to the investigations.

Orange Police Department

Orange PD Policy Manual

Orange PD Policy Manual

Line-of-Duty Deaths

1032.11 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.

1032.12 NON-LINE-OF-DUTY DEATH

The Chief of Police may authorize certain support services for the death of an employee not occurring in the line of duty.

Attachments

Hate Crime Checklist.pdf

HATE CRIME CHECKLIST

Page _____ of _____

VICTIM	<p style="text-align: center;"><u>Victim Type:</u></p> <p><input type="checkbox"/> Individual Legal name (Last, First): _____ Other Names used (AKA): _____</p> <p><input type="checkbox"/> School, business or organization Name: _____ Type: _____ <i>(e.g., non-profit, private, public school)</i> Address: _____</p> <p><input type="checkbox"/> Faith-based organization Name: _____ Faith: _____ Address: _____</p>	<p style="text-align: center;"><u>Target of Crime (Check all that apply):</u></p> <p><input type="checkbox"/> Person <input type="checkbox"/> Private property <input type="checkbox"/> Public property</p> <p><input type="checkbox"/> Other _____</p> <p style="text-align: center;"><u>Nature of Crime (Check all that apply):</u></p> <p><input type="checkbox"/> Bodily injury <input type="checkbox"/> Threat of violence</p> <p><input type="checkbox"/> Property damage</p> <p><input type="checkbox"/> Other crime: _____</p> <p>Property damage - estimated value _____</p>
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BIAS	<p style="text-align: center;"><u>Type of Bias</u> (Check all characteristics that apply):</p> <p><input type="checkbox"/> Disability</p> <p><input type="checkbox"/> Gender</p> <p><input type="checkbox"/> Gender identity/expression</p> <p><input type="checkbox"/> Sexual orientation</p> <p><input type="checkbox"/> Race</p> <p><input type="checkbox"/> Ethnicity</p> <p><input type="checkbox"/> Nationality</p> <p><input type="checkbox"/> Religion</p> <p><input type="checkbox"/> Significant day of offense <i>(e.g., 9/11, holy days)</i></p> <p><input type="checkbox"/> Other: _____</p> <p>Specify disability (be specific): _____ _____</p>	<p style="text-align: center;"><u>Actual or Perceived Bias – Victim’s Statement:</u></p> <p><input type="checkbox"/> Actual bias [Victim actually has the indicated characteristic(s)].</p> <p><input type="checkbox"/> Perceived bias [Suspect believed victim had the indicated characteristic(s)]. <i>If perceived, explain the circumstances in narrative portion of Report.</i></p> <p style="text-align: center;"><u>Reason for Bias:</u></p> <p>Do you feel you were targeted based on one of these characteristics? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Explain in narrative portion of Report.</i></p> <p>Do you know what motivated the suspect to commit this crime? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Explain in narrative portion of Report.</i></p> <p>Do you feel you were targeted because you associated yourself with an individual or a group? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Explain in narrative portion of Report.</i></p> <p>Are there indicators the suspect is affiliated with a Hate Group (i.e., literature/tattoos)? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Describe in narrative portion of Report.</i></p> <p>Are there Indicators the suspect is affiliated with a criminal street gang? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Describe in narrative portion of Report.</i></p>
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	<p style="text-align: center;"><u>Bias Indicators (Check all that apply):</u></p> <p><input type="checkbox"/> Hate speech <input type="checkbox"/> Acts/gestures <input type="checkbox"/> Property damage <input type="checkbox"/> Symbol used</p> <p><input type="checkbox"/> Written/electronic communication <input type="checkbox"/> Graffiti/spray paint <input type="checkbox"/> Other: _____</p> <p><i>Describe with exact detail in narrative portion of Report.</i></p>
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HISTORY	<p style="text-align: center;"><u>Relationship Between Suspect & Victim:</u></p> <p>Suspect known to victim? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Nature of relationship: _____</p> <p>Length of relationship: _____</p> <p><i>If Yes, describe in narrative portion of Report</i></p>	<p><input type="checkbox"/> Prior reported incidents with suspect? Total # _____</p> <p><input type="checkbox"/> Prior unreported incidents with suspect? Total # _____</p> <p>Restraining orders? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><i>If Yes, describe in narrative portion of Report</i></p> <p>Type of order: _____ Order/Case# _____</p>
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WEAPONS	<p>Weapon(s) used during incident? <input type="checkbox"/> Yes <input type="checkbox"/> No Type: _____</p> <p>Weapon(s) booked as evidence? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Automated Firearms System (AFS) Inquiry attached to Report? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>
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HATE CRIME CHECKLIST

Page ____ of ____

EVIDENCE	Witnesses present during incident? <input type="checkbox"/> Yes <input type="checkbox"/> No	Statements taken? <input type="checkbox"/> Yes <input type="checkbox"/> No
	Evidence collected? <input type="checkbox"/> Yes <input type="checkbox"/> No	Recordings: <input type="checkbox"/> Video <input type="checkbox"/> Audio <input type="checkbox"/> Booked
	Photos taken? <input type="checkbox"/> Yes <input type="checkbox"/> No	Suspect identified: <input type="checkbox"/> Field ID <input type="checkbox"/> By photo
	Total # of photos: _____ D#: _____ Taken by: _____ Serial #: _____	<input type="checkbox"/> Known to victim

OBSERVATIONS	<u>VICTIM</u>	<u>SUSPECT</u>
	<input type="checkbox"/> Tattoos <input type="checkbox"/> Shaking <input type="checkbox"/> Unresponsive <input type="checkbox"/> Crying <input type="checkbox"/> Scared <input type="checkbox"/> Angry <input type="checkbox"/> Fearful <input type="checkbox"/> Calm <input type="checkbox"/> Agitated <input type="checkbox"/> Nervous <input type="checkbox"/> Threatening <input type="checkbox"/> Apologetic <input type="checkbox"/> Other observations: _____	<input type="checkbox"/> Tattoos <input type="checkbox"/> Shaking <input type="checkbox"/> Unresponsive <input type="checkbox"/> Crying <input type="checkbox"/> Scared <input type="checkbox"/> Angry <input type="checkbox"/> Fearful <input type="checkbox"/> Calm <input type="checkbox"/> Agitated <input type="checkbox"/> Nervous <input type="checkbox"/> Threatening <input type="checkbox"/> Apologetic <input type="checkbox"/> Other observations: _____

ADDITIONAL QUESTIONS (Explain all boxes marked "Yes" in narrative portion of report):

Has suspect ever threatened you?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Has suspect ever harmed you?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Does suspect possess or have access to a firearm?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Are you afraid for your safety?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Do you have any other information that may be helpful?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

Resources offered at scene: Yes No Type: _____

MEDICAL	<u>Victim</u>	<u>Suspect</u>	Paramedics at scene? <input type="checkbox"/> Yes <input type="checkbox"/> No Unit # _____ Name(s)/ID #: _____ Hospital: _____ Jail Dispensary: _____ Physician/Doctor: _____ Patient #: _____
	<input type="checkbox"/>	<input type="checkbox"/>	Declined medical treatment
	<input type="checkbox"/>	<input type="checkbox"/>	Will seek own medical treatment
	<input type="checkbox"/>	<input type="checkbox"/>	Received medical treatment
Authorization to Release Medical Information, Form 05.03.00, signed? <input type="checkbox"/> Yes <input type="checkbox"/> No			

Officer (Name/Rank)	Date
Officer (Name/Rank)	Date
Supervisor Approving (Name/Rank)	Date

Supplemental Hate Crime Report.pdf

Hate incident (No Crime Committed)

Hate Crime (422.6 PC, 51.7 CC, 52.1 CC)

VICTIM

VICTIM TYPE

Individual

Legal name (Last, First):

Date of Birth	Age	Sex	Race

School, business or organization

Name: _____

Type: _____
 (e.g., non-profit, private, public school)

Faith-based organization

Name: _____

Faith: _____

Other

Name: _____

Type: _____

Address: _____

Date and time of incident:

Location of incident:

Date and time of report:

Location of report:

Agency Case #:

NATURE OF CALL FOR SERVICE (check all that apply)

Crime against persons

Crime against property

Gang activity

Other _____

BIAS

TYPE OF BIAS

(Check all characteristics that apply)

Disability

Gender

Gender identity/expression

Sexual orientation

Race

Ethnicity

Nationality

Religion

Significant day of offense

(e.g., 9/11, holy days)

Association with a person or group with one or more of these characteristics (actual or perceived)

Other: _____

ACTUAL OR PERCEIVED BIAS – VICTIM’S STATEMENT

Actual bias [Victim has the indicated characteristic(s)].

Perceived bias [Suspect believed victim had the indicated characteristic(s)].

REASON FOR BIAS:

Do you feel you were targeted based on one of these characteristics?

Yes No

Do you know what motivated the suspect to commit this crime?

Yes No

Do you feel you were targeted because you associated yourself with an individual or a group?

Yes No

Are there indicators the suspect is affiliated with a Hate Group (i.e., literature/tattoos)?

Yes No

Are there Indicators the suspect is affiliated with a criminal street gang?

Yes No

BIAS INDICATORS (CHECK ALL THAT APPLY):

Hate speech

Acts/gestures

Property damage

Symbol used

Written/electronic communication

Graffiti/spray paint

Other: _____

HISTORY

SUSPECT INFORMATION				RELATIONSHIP BETWEEN SUSPECT & VICTIM			
Legal name (Last, First): _____				Suspect known to victim: <input type="checkbox"/> Yes <input type="checkbox"/> No			
Other Names used (AKA): _____				Nature of relationship: _____			
Date of Birth	Age	Sex	Race	Length of relationship: _____			
				<input type="checkbox"/> Prior reported incidents with suspect: <i>Total #</i> _____			
Relationship to Victim: _____				Prior unreported incidents with suspect: <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown			

WEAPONS/FORCE

Weapon(s) used during incident? Yes No Type: _____

Force used during incident? Yes No Type: _____

EVIDENCE

Witnesses present during incident? Yes No Statements taken? Yes No

Evidence collected? <input type="checkbox"/> Yes <input type="checkbox"/> No	Recordings: <input type="checkbox"/> Video <input type="checkbox"/> Audio <input type="checkbox"/> Booked	
Photos taken? <input type="checkbox"/> Yes <input type="checkbox"/> No	Suspect identified: <input type="checkbox"/> Field ID <input type="checkbox"/> By photo/video <input type="checkbox"/> Known	

RESOURCES

Resources offered at scene: Yes No

Marsy's Law Handout Hate Crimes Brochure Other: _____

MEDICAL

Victim	Suspect	
<input type="checkbox"/>	<input type="checkbox"/>	Declined medical treatment
<input type="checkbox"/>	<input type="checkbox"/>	Will seek own medical treatment
<input type="checkbox"/>	<input type="checkbox"/>	Received medical treatment
<input type="checkbox"/>	<input type="checkbox"/>	Injuries observed

Completed by	Date
Name/Title/ID number	

2023 AB 481 Military Equipment policy document.pdf

2023 AB 481 – Military Equipment

Equipment Type: Unmanned Aerial System (UAS); CA Gov't Code §7070(c)(1)	
Description: DJI Mavic 2 Enterprise Dual; Quad propellers; FAA Flight number	
Quantity: 1	Lifespan: 3-5 years
Capabilities: 24mm camera with ½.3" 12MP sensor and FLIR thermal imaging sensor. Together they can capture up to UHD 4k resolution video at 30 fps, or thermal imaging images and temperature data. Speeds of up to 44.7mph and up to 31 minutes of flight time	
Manufacturer's Description: Flagship consumer drone with built in FLIR capabilities	
Purpose/Authorized Uses: Utilized to enhance the department's mission of protecting lives and property when other means and resources are not available or are less effective	
Fiscal Impacts: \$4,622.00 inventory	
Legal/Procedural Rules Governing Use: Governed by FAA; All applicable State, Federal and Local laws governing police Search & Seizure	
Training Required: Part 107 FAA Certificate; Authorized department quarterly training	
Compliance Mechanisms: Department Policy – Unmanned Aerial Systems (UAV) Operations	

Equipment Type: Unmanned Aerial System (UAS); CA Gov't Code §7070(c)(1)	
Description: DJI Mavic 2 Pro; Quad propeller; FAA Flight number	
Quantity: 2	Lifespan: 3-5 years
Capabilities: 970 grams; Flight time up to 30 minutes	
Manufacturer's Description: To make a drone that exists where engineering, technology, and the needs of the aerial photographer converge. A drone that embodies all of DJI's advanced, signature technologies, and is able to redefine what is possible for the world of aerial photography	
Purpose/Authorized Uses: Utilized to enhance the department's mission of protecting lives and property when other means and resources are not available or are less effective	
Fiscal Impacts: \$2,392 each; \$4,784 inventory	
Legal/Procedural Rules Governing Use: Governed by FAA; All applicable State, Federal and Local laws governing police Search & Seizure	
Training Required: Part 107 FAA Certificate; Authorized department quarterly training	
Compliance Mechanisms: Department Policy – Unmanned Aerial Systems (UAV) Operations	

Equipment Type: Unmanned Aerial System (UAS) ;CA Gov't Code §7070(c)(1)	
Description: DJI Phantom 4 Pro; Quad propeller; FAA Flight number	
Quantity: 2	Lifespan: 3-5 years
Capabilities: 30 minute flight time; 4k video; 5 direction obstacle sensing; up to 42 miles per hour; 1338 grams	
Manufacturer's Description: An updated camera is equipped with a 1-inch 20-megapixel sensor capable of shooting 4K/60fps video and Burst Mode stills at 14 fps. The adoption of titanium alloy and magnesium alloy construction increases the rigidity of the airframe and reduces weight, making the Phantom 4 Pro similar in weight to the Phantom 4. The Flight Autonomy system adds dual rear vision sensors and infrared sensing systems for a total of 5-direction of obstacle sensing and 4-direction of obstacle avoidance	
Purpose/Authorized Uses: Utilized to enhance the department's mission of protecting lives and property when other means and resources are not available or are less effective	
Fiscal Impacts: \$2,807.00 each; \$5,614 inventory	
Legal/Procedural Rules Governing Use: Governed by FAA; All applicable State, Federal and Local laws governing police Search & Seizure	
Training Required: Part 107 FAA Certificate; Authorized department quarterly training	
Compliance Mechanisms: Department Policy – Unmanned Aerial Systems (UAV) Operations	

Equipment Type: Unmanned Aerial System (UAS); CA Gov't Code §7070(c)(1)	
Description: Mini 2; Quad propellers; FAA Flight number	
Quantity: 1	Lifespan: 3-5 years
Capabilities: 249 grams; Flight time 31 minute; 4k video resolution; Speeds of up to 36mph	
Manufacturer's Description: Small, lightweight consumer drone	
Purpose/Authorized Uses: Utilized to enhance the department's mission of protecting lives and property when other means and resources are not available or are less effective	
Fiscal Impacts: \$499.00 inventory	
Legal/Procedural Rules Governing Use: Governed by FAA; All applicable State, Federal and Local laws governing police Search & Seizure	
Training Required: Part 107 FAA Certificate; Authorized department quarterly training	
Compliance Mechanisms: Department Policy – Unmanned Aerial Systems (UAV) Operations	

Equipment Type: Unmanned Aerial System (UAS); CA Gov't Code §7070(c)(1)	
Description: Mini 3; Quad propellers; FAA Flight number	
Quantity: 1	Lifespan: 3-5 years
Capabilities: 248 grams; Flight time 38 minute; 4k video resolution; Speeds of up to 36mph	
Manufacturer's Description: Small, lightweight consumer drone	
Purpose/Authorized Uses: Utilized to enhance the department's mission of protecting lives and property when other means and resources are not available or are less effective	
Fiscal Impacts: \$699.00 inventory	
Legal/Procedural Rules Governing Use: Governed by FAA; All applicable State, Federal and Local laws governing police Search & Seizure	
Training Required: Part 107 FAA Certificate; Authorized department quarterly training	
Compliance Mechanisms: Department Policy – Unmanned Aerial Systems (UAV) Operations	

Equipment Type: Unmanned Aerial System (UAS); CA Gov't Code §7070(c)(1)	
Description: Matrice 30T; Quad propellers; FAA Flight number	
Quantity: 1	Lifespan: 3-5 years
Capabilities: The Matrice 30T has a 48-megapixel camera; 5x-16x optical zoom; 5k/30 fps video resolution; 41 minute max flight time; Speeds of up to 45 mph; 3770 grams.	
Manufacturer's Description: The DJI Matrice 30t is designed for first responder use in harsh conditions. It is a powerful yet portable drone made for public safety. With over 41 minutes of flight time with an integrated camera, the 30T is small and mobile while still providing the image resolution needed for public safety tasks.	
Purpose/Authorized Uses: Utilized to enhance the department's mission of protecting lives and property when other means and resources are not available or are less effective	
Fiscal Impacts: \$13,999.00 inventory	
Legal/Procedural Rules Governing Use: Governed by FAA; All applicable State, Federal and Local laws governing police Search & Seizure	
Training Required: Part 107 FAA Certificate; Authorized department quarterly training	
Compliance Mechanisms: Department Policy – Unmanned Aerial Systems (UAV) Operations	

Equipment Type: Wheeled Vehicle that has a breaching or entry apparatus attached; CA Gov't Code §7070(c)(3)	
Description: Lenco BearCat G2 (Armored Rescue Vehicle); Black armored, wheel vehicle; White reflective agency name; red/blue lights; siren / PA system; Removable hydraulic boom/ram	
Quantity: 1	Lifespan: 25 years

Capabilities: The Lenco BearCat is an armored tactical response & rescue vehicle produced on the Ford F-550 commercial truck chassis platform

Specifications:

- Cruising speed: 75 MPH/ Max speed 90 MPH
- Stop distance with full load: 50 MPH -128'
- Engine 6.7L V8 Turbo Diesel
- 450 horsepower & 935 lb-ft torque
- Operating range approx. 200 miles (4-6 mpg).
- Weight: approx. 17,550 lbs
- 40 gallon fuel tank
- Operating range approximately 200 miles
- Fuel tank protected by 1.4" steel
- Tires equipped with run flats
- 98 ½ inches wide (8.2 feet)
- 106 inches tall (8.8 feet)

Ballistic Capabilities:

- All 6 sides armored with Mil-Spec steel armor
- Testing has defeated (10) rounds from .50 CAL ball ammo at 0 degrees
- Armor provides multi-hit protection from .30 cal rounds including windows

Manufacturer's Description: Enhances the safety of Police, EMS, Tactical Response Teams, EOD units and Firefighters. The vehicle is capable of providing enhanced personal protection and survivability in threatening environments including but not limited to Natural Disasters, Riot Control, Barricaded Suspects, Search and Rescue and Hostage Situations. The Lenco BearCat is four-wheel drive and will operate in most weather and terrain conditions. The vehicle features Ballistic Armor, weapon ports, a top mounted rotating turret with adjustable height stand, and an array of specific electrical and mechanical options to meet the user's specific needs

Purpose/Authorized Uses: ARV may be used for the following types of incidents; high risk search warrants, armed barricaded suspects in a structure or vehicle, armed suspects in an open area (large field, parking lot, etc.), SWAT call-outs, assisting an outside jurisdiction, downed person(s) rescues where a person(s) have been shot and is in need of rescue to get medical attention when the suspect(s) still poses a threat, evacuations from an active area where a threat of gun fire still exist, terrorist incident, mobile field force deployments for riot situations, for any event where the ARV would be deemed necessary to assist police officers and the public at risk, or SWAT and Mobile Field Force training

Fiscal Impacts: \$266,069 initial cost; \$1,750 annual maintenance

Legal/Procedural Rules Governing Use: Authorized by the Watch Commander

Training Required: Initial training by Lenco provided to training cadre; Initial training provided by LASD Special Enforcement Bureau; Agency authorized orientation and annual training

Compliance Mechanisms: Department Policy – Vehicle Use

Equipment Type: Command and Control Vehicle; CA Gov't Code §7070(c)(5)

Description: 2002 Mattman Specialty Vehicle; Freightliner MT55 Command Coach; Black and white box truck clearly marked with reflective Agency name; red/blue lights; siren / PA system

Quantity: 1

Lifespan: 25 years

Capabilities: Incident Command vehicle; Dispatch center; conference room; transportation of equipment to be used at on scene of mobile command

Manufacturer's Description: The Freightliner MT-55 is a true heavy-duty delivery or emergency response vehicle. The MT-55's heavy-duty chassis offers a gross vehicle weight rating between 20,000 and 30,000 pounds and can accept freight up to 1,500 cubic feet.

Purpose/Authorized Uses: To provide a means of transportation for equipment and to be used on scene as the Incident Commander/Swat Commander command and control vehicle
Fiscal Impacts: \$362,538.00 initial cost; \$3,000 annual maintenance
Legal/Procedural Rules Governing Use: Authorized by the Incident Commander / Watch Commander
Training Required: Agency authorized orientation; yearly agency training
Compliance Mechanisms: Operational use under the review of the Incident Commander or Watch Commander

Equipment Type: Command and Control Vehicle; CA Gov't Code §7070(c)(5)	
Description: 2003 Mattman Specialty Vehicle; Workhorse P30042 SWAT Equipment Truck; Black and white box truck clearly marked with reflective Agency name; red/blue lights; siren / PA system	
Quantity: 1	Lifespan: 25 years
Capabilities: Provides a tactical command post location that can assist with the response to critical incidents; contains designated areas for equipment storage and crisis negotiation operations	
Manufacturer's Description: Step-van used for a variety of purposes	
Purpose/Authorized Uses: Designated as tactical command post during S.W.A.T. activations	
Fiscal Impacts: \$150,000 Initial cost; \$1,300 annual maintenance	
Legal/Procedural Rules Governing Use: Department Policy – Crisis Response Unit	
Training Required: Agency authorized orientation; yearly agency training	
Compliance Mechanisms: Department Policy – Crisis Response Unit	

Equipment Type: Explosive Breaching Tools; CA Gov't Code §7070(c)(7)	
Description: Remington 870 Wingmaster breaching shotgun; a specially converted shotgun designed to fire a specialty round to defeat or destroy deadbolts, hinges and locks	
Quantity: 2	Lifespan: round and use dependent
Capabilities: Range is 6 inches or less	
Manufacturer's Description: A specially converted 12 gauge shotgun that fires a specialty breaching round	
Purpose/Authorized Uses: Used to force entry into a structure by disabling the door lock mechanisms, doorknobs, hinges, dead bolts, safety chains and pad locks on both wooden or hollow core doors; Shotgun is used to rapidly destroy a deadbolt, hinge or lock while reducing the danger to people behind or around the targeted door; S.W.A.T. equipment subject to Department Policy – Crisis Response Unit	
Fiscal Impacts: \$765.77 each; \$1,531.54 inventory	
Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police Search & Seizure; S.W.A.T. equipment subject to Department Policy – Crisis Response Unit	
Training Required: POST approved Tactical Breaching for trainers; 16 hours "Breaching Course"; Agency authorized orientation course; annual refresher	
Compliance Mechanisms: Department Policy – Crisis Response Unit	

Equipment Type: Explosive Breaching Ammunition; CA Gov't Code §7070(c)(7)	
Description: Royal Arms, TESAR-1, Orange CAP 275 Grain Copper Frangible Breaching Round	
Quantity: 45; Ideal inventory - 25	Lifespan: N/A
Capabilities: When deployed, can defeat door lock mechanisms, door knobs, hinges, dead bolts, safety chains and pad locks on both wooden or hollow core doors	
Manufacturer's Description: Orange Cap 2-3/4" 275 Grain Compressed Copper Frangible 12 Gauge Shotgun Slug	
Slug Material: Copper Powder	
Velocity: 1,750 Ft p/sec -18" Barrel	

Use: For Wood Doors, Solid & Hollow
Defeats: Solid Wood Doors, Locks & Hinges
Purpose/Authorized Uses: Used to force entry into a structure by disabling the door lock mechanisms, doorknobs, hinges, dead bolts, safety chains and pad locks on both wooden or hollow core doors; used to rapidly destroy a deadbolt, hinge or lock while reducing the danger to people behind or around the targeted door; S.W.A.T. equipment subject to Department Policy – Crisis Response Unit
Fiscal Impacts: \$4.50 per round; \$112.50 to maintain ideal inventory
Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police Search & Seizure; S.W.A.T. equipment subject to Department Policy – Crisis Response Unit
Training Required: POST approved Tactical Breaching for trainers; Agency authorized orientation course; annual refresher
Compliance Mechanisms: Department Policy – Crisis Response Unit

Equipment Type: Explosive Breaching Ammunition; CA Gov't Code §7070(c)(7)	
Description: Royal Arms FTR-P1 Training Ammunition (Poly Shot)	
Quantity: 45; Ideal inventory - 50	Lifespan: N/A
Capabilities: Ideal for training on breaching locking mechanisms on solid and hollow core doors	
Manufacturer's Description: Royal Arms Frangible Training Breaching Ammunition offers a low-cost round for Tactical Teams to practice with, without the heavy recoil of Breaching Rounds so you can shoot these all day long. This load is designed for pump shotguns and will not function Semi Auto. It has enough power to effectively breach training doors, yet has 1/3 the recoil and payload. The round is non-toxic and has no metal projectiles and is loaded with #4 polyethylene shot	
Purpose/Authorized Uses: Used to train on how to force entry into a structure by disabling the door lock mechanisms, doorknobs, hinges, dead bolts, safety chains and pad locks on both wooden or hollow core doors; Used to force entry into a structure by disabling the door lock mechanisms, door knobs, hinges, dead bolts, safety chains and pad locks on both wooden or hollow core doors; S.W.A.T. equipment subject to Department Policy – Crisis Response Unit	
Fiscal Impacts: \$2.00 per round; \$100.00 to maintain ideal inventory	
Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police Search & Seizure; S.W.A.T. equipment subject to Department Policy – Crisis Response Unit	
Training Required: POST approved Tactical Breaching for trainers; Agency authorized orientation course; annual refresher	
Compliance Mechanisms: Department Policy – Crisis Response Unit	

Equipment Type: Firearms of less than .50 caliber; CA Gov't Code §7070(c)(10)	
Description: Colt LE M4 AR 15 16.1 556 30 RD	
Quantity: 167	Lifespan: Round and use dependent
Capabilities: Operational range 1 mile	
Manufacturer's Description: To be used as precision weapon to address a threat with more precision and/or at greater distance than a handgun, if present and feasible	
Purpose/Authorized Uses: 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: <ul style="list-style-type: none"> • Situations where the officer reasonably anticipates an armed encounter • When an officer is faced with a situation that may require accurate and effective fire at long range • Situations where an officer reasonably expects the need to meet or exceed a suspect's firepower • When an officer reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage 	

<ul style="list-style-type: none"> • When an officer reasonably believes that a suspect may be wearing body armor • When authorized or requested by a supervisor • When needed to euthanize an animal
Fiscal Impacts: \$1,088.10 each; \$181,714.33 inventory
Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police use of force; Department Policy – Use of Force
Training Required: P.O.S.T. approved 16-hour class; Quarterly qualifications
Compliance Mechanisms: Department Policy - Firearms

Equipment Type: Firearms of less than .50 caliber; CA Gov't Code §7070(c)(10)	
Description: Stiller TAC 30, Grayboe Ridgeback, Timney Model 510 Trigger, .308 Caliber	
Quantity: 3	Lifespan: Round and use dependent
Capabilities: The Stiller Tac 30 Rifle is a custom built rifle made by Jim Gruning with Gruning Precision. The rifles fire with extreme precision at different distances. They have custom heavy barrels which are shorter than any other common hunting/ long distance rifle which allows for tactical applications. Gruning precision supplies multiple law enforcement agencies across the United States with custom rifles. Jim Gruning also completes thorough inspections of each rifle on a yearly basis for free	
Manufacturer's Description: Specialties include customizing the bolt action rifle, M1A, AR15, and AR10 style rifles. Gruning manufactures a complete line of durable products, including scope rings, bases, and mounts	
Purpose/Authorized Uses: Used as a long-range precision weapon system capable of delivering accurately placed shots on target through a greater magnification at longer ranges	
Fiscal Impacts: \$5,715.00 each; \$17,145.00 inventory	
Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police use of force; Department Policy – Use of Force	
Training Required: Basic S.W.A.T. School; Basic Sniper School	
Compliance Mechanisms: Department Policy – Firearms; Crisis Response Unit	

Equipment Type: Firearms of less than .50 caliber; CA Gov't Code §7070(c)(10)	
Description: Remington 700 Police LTR .308 bolt Action	
Quantity: 2	Lifespan: Round and use dependent
Capabilities: The Remington 700 Police LTR is one of the most popular police sniper rifles used. It is known for its accuracy, durability and reliability. The department's Remington 700 has been modified with a Gruning precision heavy barrel and Timney trigger system. The custom heavy barrels is shorter than any other common hunting/ long distance rifle which allows for tactical applications.	
Manufacturer's Description: Specialties include customizing the bolt action rifle, M1A, AR15, and AR10 style rifles. Remington manufactures a complete line of durable products, including scope rings, bases, and mounts	
Purpose/Authorized Uses: Used as a long-range precision weapon system capable of delivering accurately placed shots on target through a greater magnification at longer ranges.	
Fiscal Impacts: \$814.14 each; \$1,628.28 inventory	
Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police use of force; Department Policy – Use of Force	
Training Required: Basic S.W.A.T. School; Basic Sniper School	
Compliance Mechanisms: Department Policy – Firearms; Crisis Response Unit	

Equipment Type: Ammunition of less than .50 caliber; CA Gov't Code §7070(c)(10)
Description: Winchester Q3131, Full Metal Jacket 5.56MM, 55 Grain Training Ammunition; 1000 rounds/case

Quantity: 25,000 rounds; ideal inventory – 96,000 rounds	Lifespan: N/A
Capabilities: 3240 fps; 1282 ft-lbs	
Manufacturer's Description: Winchester USA Centerfire Rifle Ammunition is the ideal choice for training or extended sessions at the range providing great performance at a value price. Winchester Q3131A features a 55 grain full metal jacket bullet in a fully reloadable boxer primed brass case. This is some of the most sought after and hard to find ammo going. It is Winchester's version of the legendary XM-193 load	
Purpose/Authorized Uses: Used for training environments as ammunition for rifles	
Fiscal Impacts: \$0.38 per round; \$37,900.80 to maintain ideal inventory	
Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police use of force; Department Policy – Use of Force	
Training Required: P.O.S.T. approved 16-hour class; Quarterly qualifications	
Compliance Mechanisms: Department Policy – Firearms; Use of Force	

Equipment Type: Ammunition of less than .50 caliber; CA Gov't Code §7070(c)(10)	
Description: Winchester RA223R, Ranger, Pointed Soft Point .223 REM, 55 grain Duty Ammunition; 1000 rounds/case	
Quantity: 3,000; ideal inventory – 6,000	Lifespan: N/A
Capabilities: 3240 fps; 1282 ft-lbs	
Manufacturer's Description: This Winchester Ranger 223 Remington ammo features a 55 Grain Pointed Soft Point bullet. Winchester Ranger is the highest quality hollow point ammunition money can buy. This Winchester Ranger .223 55 grain Power Point Soft Point is intended for Law Enforcement use, Ranger is Winchesters Highest Quality. This Winchester Ranger 223 Remington is new ammo not Police Department surplus. This Winchester Ranger 223 Remington has a muzzle velocity of 3240 feet per second and a muzzle energy of 1262 foot pounds. Winchester Ranger ammo is reloadable, features brass cases and Boxer primers. This ammunition is non-corrosive	
Purpose/Authorized Uses: Used as duty round for rifle	
Fiscal Impacts: \$0.51 per round; \$3,231.90 to maintain ideal inventory	
Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police use of force; Department Policy – Use of Force	
Training Required: P.O.S.T. approved 16-hour class; Quarterly qualifications	
Compliance Mechanisms: Department Policy – Firearms; Use of Force	

Equipment Type: Ammunition of less than .50 caliber; CA Gov't Code §7070(c)(10)	
Description: Hornady 80725, .308 WIN Tactical Application Police (TAP), 168 Grain, ELD Match TAP Precision; 200 rounds per case	
Quantity: 1,400; ideal inventory – 3,000	Lifespan: N/A
Capabilities: This ammunition is used by a wide range of police agencies in the US. It is known for its accuracy, stopping power and rarely over penetrates. It can be used in multiple SWAT applications including but not limited to, short range engagements, long range engagements, barricaded subjects, barrier shooting and hostage rescue shots; 2700 fps	
Manufacturer's Description: Hornady® 308 WIN TAP 168 gr. ELD® MATCH TAP PRECISION® ammunition was designed as an improvement on the 168 gr. A-MAX TAP PRECISION® load by incorporating the new ELD® Match bullet. The 168 gr. ELD® Match bullet with Heat Shield® tip delivers the excellent terminal performance TAP Precision® is known for, but features a resilient, heat resistant polymer tip that improves the ballistic coefficient, resulting in higher impact velocities, less drop, less wind drift, and more energy on target.	
Purpose/Authorized Uses: Used as duty round for rifle.	

Fiscal Impacts: \$1.25 each; \$3,937.50 to maintain ideal inventory
Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police use of force; Department Policy – Use of Force
Training Required: Basic Sniper School; monthly training and qualification
Compliance Mechanisms: Department Policy – Firearms; Use of Force, Crisis Response Unit

Equipment Type: “Flashbang” grenade; CA Gov’t Code §7070(c)(12)	
Description: Defense Technology 8922 Low Roll II Non-Reloadable Distraction Device	
Quantity: Discontinued; 0 in inventory	Lifespan: 5 years
Capabilities: Diversionary devices are categorized as a low order explosive that deflagrate rather than detonate. Their burn rate is measured in feet per second vs. miles per second (high order explosive). Initiation of the device is through a thermal process, which generates a sudden and rapid escape of gases from the device resulting in a brilliant light and loud noise. This deflagration may disorient and confuse a person by causing “sensory overload” for a few seconds and provide a tactical advantage for SWAT teams	
Manufacturer’s Description: The Low Roll II™ Non-Reloadable Distraction Device® utilizes an M201A1 type fuze with Hex design steel body. This compact version of the 8933 Low Roll body is the newest version of the original reusable non-bursting canister that limits movement and rolling once deployed. The compact Distraction Device unit fits safely in your hand and packs all the power of the full size 12-Gram Distraction Device unit. This steel body is designed to reduce rolling, fit in tactical pouches easily and deliver the safest and most effective stimuli in the industry. The compact Distraction Device unit should only be deployed in areas that have been visually observed to be clear of potential hazards	
Purpose/Authorized Uses: Used as distraction light and sound device during tactical operation	
Fiscal Impacts: Discontinued; \$349.16 inventory	
Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police use of force; Department Policy – Use of Force; Crisis Response Unit	
Training Required: 16-hour Diversionary Device Instructor School; Agency authorized orientation course; annual refresher	
Compliance Mechanisms: Department Policy – Crisis Response Unit	

Equipment Type: “Flashbang” grenade; CA Gov’t Code §7070(c)(12)	
Description: Defense Technology 8922NRSC, Low Roll II Non-Reloadable Distraction Device with Safety Clip	
Quantity: 15; ideal inventory - 20	Lifespan: 5 years
Capabilities: Diversionary devices are categorized as a low order explosive that deflagrate rather than detonate. Their burn rate is measured in feet per second vs. miles per second (high order explosive). Initiation of the device is through a thermal process, which generates a sudden and rapid escape of gases from the device resulting in a brilliant light and loud noise. This deflagration may disorient and confuse a person by causing “sensory overload” for a few seconds and provide a tactical advantage for SWAT teams.	
Manufacturer’s Description: The Low Roll II™ Non-Reloadable Distraction Device® utilizes an M201A1 type fuze with Hex design steel body. This compact version of the 8933 Low Roll body is the newest version of the original reusable non-bursting canister that limits movement and rolling once deployed. The compact Distraction Device unit fits safely in your hand and packs all the power of the full size 12-Gram Distraction Device unit. This steel body is designed to reduce rolling, fit in tactical pouches easily and deliver the safest and most effective stimuli in the industry. The compact Distraction Device unit should only be deployed in areas that have been visually observed to be clear of potential hazards.	
Purpose/Authorized Uses: Used as distraction light and sound device during tactical operation	
Fiscal Impacts: \$52.63 each; \$1,052.60 to maintain ideal inventory	

Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police use of force; Department Policy – Use of Force; Crisis Response Unit
Training Required: 16-hour POST approved Diversionary Device Instructor School; Agency authorized orientation course; annual refresher
Compliance Mechanisms: Department Policy – Crisis Response Unit

Equipment Type: Tear Gas; CA Gov’t Code §7070(c)(12)	
Description: Defense Technology 1072; Spede Heat CS Continuous Discharge Chemical Grenade	
Quantity: 5; ideal inventory 5	Lifespan: 5 years
Capabilities: Ideal use is for crowd control or other outdoor uses	
Manufacturer’s Description: The Spede-Heat™ Grenade is a high volume, continuous discharge grenade available in OC, CN or CS. In the OC, CN and CS configurations, pelletized chemical agent is discharged through four (4) gas ports located on top of the canister, three (3) on the side, and one (1) on the bottom. Designed specifically for outdoor use in crowd control situations, the SpedeHeat™ Grenade is built on the old style larger canister. It is a high volume continuous burn device that expels its payload in approximately 20 - 40 seconds from a single source. The longer burn time may allow for throwback by individuals wearing burn protection such as a welder’s mitt. The canisters may be protected from advancing individuals with the use of less lethal impact munitions. The device should be deployed utilizing wind advantage. It should NOT be deployed onto rooftops, in crawl spaces, or indoors due to its fire-producing capability. Hand throw or launch. Launching of grenades will provide deploying officers additional stand-off distances. Affords very good coverage for large outdoor areas.	
Purpose/Authorized Uses: Used in tactical situations to gain compliance	
Fiscal Impacts: \$29.50 each; \$147.50 to maintain ideal inventory	
Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police use of force; Department Policy – Use of Force; Crisis Response Unit	
Training Required: 40-hour POST Approved Chemical Agent Instructor School; Agency authorized orientation course; annual refresher	
Compliance Mechanisms: Department Policy – Control Devices and Techniques; Crisis Response Unit	

Equipment Type: Tear Gas; CA Gov’t Code §7070(c)(12)	
Description: Defense Technology 1016 Pocket Tactical CS Grenade	
Quantity: 5; ideal inventory 5	Lifespan: 5 years
Capabilities: Due to its smaller size, the operator can carry it on their person. It can be used to contain smoke or other chemical agents	
Manufacturer’s Description: The Pocket Tactical Grenade is a quick burning, reduced volume, continuous discharge grenade available in OC, CN, CS, and Saf-Smoke™. Pelletized chemical agent or smoke is discharged through one (1) gas port located on the bottom of the canister. The Pocket Tactical Grenade is a small, lightweight, easily carried device that provides a medium volume of chemical agent or smoke for certain situations. It was designed with the tactical team in mind for distraction, concealment, rescue, or signaling. The pocket grenade is not specifically intended as a crowd management device; however, it can be used in chemical configurations in conjunction with larger smoke canisters to “piggy back” chemical agent into a predominately smoke environment. This device should be deployed utilizing wind advantage	
Purpose/Authorized Uses: Used in tactical situations to gain compliance	
Fiscal Impacts: \$20 each; \$100 to maintain ideal inventory	
Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police use of force; Department Policy – Use of Force; Crisis Response Unit	
Training Required: 40-hour POST Approved Chemical Agent Instructor School; Agency authorized orientation course; annual refresher	
Compliance Mechanisms: Department Policy – Control Devices and Techniques; Crisis Response Unit	

Equipment Type: Tear Gas; CA Gov't Code §7070(c)(12)	
Description: Defense Technology Flameless Tri-Chamber CS, Model 1032	
Quantity: 10; ideal inventory - 10	Lifespan: 5 years
Capabilities: Capable of being used for crowd control and barricaded subjects	
Manufacturer's Description: The Tri-Chamber Flameless Grenade is designed for indoor use. This grenade's pyrotechnic contents are burned within an internal can that is one of three in this design. The internal combustion allows the chemical-laden smoke to be released through three (3) ports on the outer canister side while safely containing any of the fire-producing properties within the two internal canisters. The fuse is shrouded to further protect surrounding materials from the possibility of fire. The Tri-Chamber Flameless Grenade can be used in crowd control as well as tactical deployment situations by Law Enforcement and Corrections but was designed with the barricade situation in mind. Its applications in tactical situations are primarily to detect and/or dislodge barricaded subjects. The purpose of the Tri-Chamber Flameless Grenade is to minimize the risks to all parties through pain compliance, temporary discomfort, and/or incapacitation of potentially violent or dangerous subjects. The Tri-Chamber Flameless Grenade provides the option of delivering a pyrotechnic chemical device indoors, maximizing the chemicals' effectiveness via heat and vaporization, while minimizing or negating the chance of fire to the structure. The actual smoke and chemical content is minimal enough that oxygen displacement concerns and LCT is rarely reached. It is a viable option when chemical-laden powders or liquids are ineffective or inappropriate for the situation. As with all pyrotechnic carriers, contamination will be greater than that experienced with powders or liquids	
Purpose/Authorized Uses: Used in tactical situations to gain compliance	
Fiscal Impacts: \$31.23 each; \$312.30 to maintain ideal inventory	
Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police use of force; Department Policy – Use of Force; Crisis Response Unit	
Training Required: 40-hour POST Approved Chemical Agent Instructor School; Agency authorized orientation course; annual refresher	
Compliance Mechanisms: Department Policy – Control Devices and Techniques; Crisis Response Unit	

Equipment Type: Tear Gas; CA Gov't Code §7070(c)(14)	
Description: Defense Technology Ferret 40mm CS Powder, Model # 2292	
Quantity: 0; ideal inventory -25	Lifespan: 5 years
Capabilities: Designed to disperse non-flammable chemical agent creating temporary discomfort through pain compliance; used at a distance and launched from 40mm device	
Manufacturer's Description: The Ferret® 40mm Round is a frangible projectile filled with chemical agent. It is designed to deliver chemical agents in barricade situations from a 40mm launcher. Spin stabilization from barrel rifling affords maximum stand-off distance and accuracy for safety. The Ferret® 40mm Round is non-burning and suitable for indoor use. Used primarily by tactical teams, it is designed to penetrate barriers, such as windows, hollow core doors, wallboard and thin plywood. Upon impacting the barrier, the nose cone ruptures and instantaneously delivers a small chemical payload inside of a structure or vehicle. In a tactical deployment situation, the Ferret® 40mm is primarily used to dislodge barricaded subjects from very small, confined areas. Its purpose is to minimize the risks to all parties through pain compliance, temporary discomfort and/or incapacitation of potentially violent or dangerous subjects. The Ferret® 40mm Round is available with either liquid or powder carriers for the agent. Once delivered, powder carriers tend to keep the agent airborne longer than liquid carriers and may have more effect. Liquid carriers contain red dye to aid in shot placement. Shot placement and trajectory considerations should be based on hardness of the barrier. However, accuracy is dependent on the operator and the condition of the launcher. Velocity and barricade penetration results will vary between launchers, temperature conditioning and impact angle	
Purpose/Authorized Uses: Used in tactical situations to gain compliance	
Fiscal Impacts: \$24.28 each; \$607.00 to maintain ideal inventory	

Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police use of force; Department Policy – Use of Force; Crisis Response Unit	
Training Required: 40-hour POST Approved Chemical Agent Instructor School; Agency authorized orientation course; annual refresher	
Compliance Mechanisms: Department Policy – Control Devices and Techniques; Crisis Response Unit	

Equipment Type: Projectile Launch Platform ; CA Gov't Code §7070(c)(14)	
Description: Lewis Machine & Tool, Model 40 MTS; 40 MM Launcher	
Quantity: 12	Lifespan: Use and round dependent
Capabilities: Used to gain compliance; able to fire sponge rounds and chemical agent ferret rounds	
Manufacturer's Description: The 40LMTS is a tactical 40mm single shot launcher that features an expandable stock and an adjustable Integrated Front Grip (IFG) with a light rail. The Ambidextrous Lateral Sling Mount (LSM) and QD mounting systems allow both a single and two point sling attachment. The 40LMTS will fire standard 40mm Less Lethal ammunition, up to 4.8 inches in cartridge length. This weapon is NOT designed to fire 40mm High Velocity HE ammunition. The Picatinny Rail Mounting System will accept a wide array of enhanced optics/sighting systems	
Purpose/Authorized Uses: Used to gain compliance as less lethal control device and deliver chemical agents when necessary	
Fiscal Impacts: \$855.55 each; \$8555.50 to maintain ideal inventory	
Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police use of force; Department Policy – Use of Force; Crisis Response Unit; Control Devices and Techniques	
Training Required: 40-hour POST Approved Chemical Agent Instructor School; Agency authorized orientation course; annual refresher	
Compliance Mechanisms: Department Policy – Control Devices and Techniques; Crisis Response Unit	

Equipment Type: Projectile Launch Platform ; CA Gov't Code §7070(c)(14)	
Description: Defense Technology Model 1425 40 MM Launcher	
Quantity: 14	Lifespan: Use and round dependent
Capabilities: Used to gain compliance; able to fire sponge rounds and chemical agent ferret rounds	
Manufacturer's Description: The 40LMTS is a tactical 40mm single shot launcher that features an expandable stock and an adjustable Integrated Front Grip (IFG) with a light rail. The Ambidextrous Lateral Sling Mount (LSM) and QD mounting systems allow both a single and two point sling attachment. The 40LMTS will fire standard 40mm Less Lethal ammunition, up to 4.8 inches in cartridge length. This weapon is NOT designed to fire 40mm High Velocity HE ammunition. The Picatinny Rail Mounting System will accept a wide array of enhanced optics/sighting systems	
Purpose/Authorized Uses: Used to gain compliance as less lethal control device and deliver chemical agents when necessary	
Fiscal Impacts: \$855.55 each; \$11,977.70 to maintain ideal inventory	
Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police use of force; Department Policy – Use of Force; Crisis Response Unit; Control Devices and Techniques	
Training Required: 40-hour POST Approved Chemical Agent Instructor School; Agency authorized orientation course; annual refresher	
Compliance Mechanisms: Department Policy – Control Devices and Techniques; Crisis Response Unit	

Equipment Type: Projectile Launch Platform ; CA Gov't Code §7070(c)(14)	
Description: Penn Arms PGL65-40 Multi-Launcher	
Quantity: 1	Lifespan: Use and round dependent
Capabilities: Used to gain compliance; able to fire sponge rounds and chemical agent ferret rounds	
Manufacturer's Description: PENN ARMS has set the standard for less-lethal launchers world wide for over 20 years. Our patented designs are small, lightweight, and operationally versatile. Constructed	

out of the highest grade of materials to a high standard of quality, PENN ARMS is Dedicated To Your Mission®
Purpose/Authorized Uses: Used to gain compliance as less lethal control device and deliver chemical agents when necessary
Fiscal Impacts: \$3,300 inventory
Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police use of force; Department Policy – Use of Force; Crisis Response Unit; Control Devices and Techniques
Training Required: 40-hour POST Approved Chemical Agent Instructor School; Agency authorized orientation course; annual refresher
Compliance Mechanisms: Department Policy – Control Devices and Techniques; Crisis Response Unit

Equipment Type: Projectile Munition; CA Gov't Code §7070(c)(14)	
Description: Defense Technology 6325 40mm Smokeless Exact Impact Sponge	
Quantity: 145; ideal inventory - 450	Lifespan: 5 years
Capabilities: launched from a 40mm launcher to gain compliance as less lethal control device	
Manufacturer's Description: The 40mm eXact iMpac TM Sponge Round has evolved from the design of the 40mm XM1006 projectile, developed by the US Army Research Laboratory. This lightweight, high-speed projectile incorporates a plastic body and a foam (sponge) nose which is spin stabilized via the incorporated rifling collar and the 40mm launcher's rifled barrel. The round utilizes smokeless powder as the propellant and has velocities that are extremely consistent. The 40mm eXact iMpac TM Sponge Round is a "point-of-aim, point-of-impact" direct fire round that is most commonly used by tactical teams in situations where maximum deliverable energy is desired for the incapacitation of an aggressive, non-compliant subject. In many municipalities, these are being selected for both tactical call outs and as an available option for patrol. The 40mm eXact iMpac TM Sponge Round is intended for direct fire deployment. The operator should be adequately trained in the use of Less Lethal Impact Munitions and have a thorough understanding of the round and considerations for selecting shot placement such as level of threat, target distance, size and clothing. The 40mm eXact iMpac TM Sponge Round will prove most successful for incapacitation when used within its optimal energy range of approximately 5 – 40 meters, although it may used in situations from 1.5 – 50 meters. The optimal zone offers the necessary energy and accuracy to target the large muscle groups of the buttocks, thigh, and even the knees of the subject. These areas provide sufficient pain stimulus, while greatly reducing serious or life-threatening injuries. The 40mm eXact iMpac TM Sponge Round can also be deployed in crowd control situations to protect the riot line, cover or enhance chemical munitions, or targeting specific agitators and organizers of the crowd. When used in this fashion, it is primarily both a psychological deterrent and physiological distraction serving as a pain compliance device to either get the crowd or subject moving or keeping them at a designated distance	
Purpose/Authorized Uses: Used to gain compliance and break windows on vehicle and structures	
Fiscal Impacts: \$19.16 per round;/ \$8622.00 to maintain ideal inventory	
Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police use of force; Department Policy – Use of Force; Crisis Response Unit; Control Devices and Techniques	
Training Required: Agency authorized orientation course; annual refresher	
Compliance Mechanisms: Department Policy – Control Devices and Techniques	

Equipment Type: Projectile Launch Platform; CA Gov't Code §7070(c)(14)	
Description: PepperBall, Full Tactical Carbine (FTC) Launcher	
Quantity: 2	Lifespan: Round and use dependent
Capabilities: Launches small less lethal inert or chemical agent rounds to gain compliance	
Manufacturer's Description: FTC is a high-capacity, semi-automatic launcher that is perfect for crowd management and mobile field force operations. Reliable and accurate, it features a hopper that can hold up to 180 rounds and a flexible air source configuration	
Purpose/Authorized Uses: Less lethal control device used to gain compliance	

Fiscal Impacts: \$360 each; \$720 inventory
Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police use of force; Department Policy – Use of Force; Crisis Response Unit; Control Devices and Techniques
Training Required: 16-hour PepperBall Instructor / Armorer Certification Course; Agency authorized orientation course; annual refresher
Compliance Mechanisms: Department Policy – Control Devices and Techniques

Equipment Type: Projectile Launch Platform; CA Gov't Code §7070(c)(14)	
Description: Tippman, Model 68 Carbine projectile launcher	
Quantity: 4	Lifespan: Round and use dependent
Capabilities: Launches small less lethal inert or chemical agent rounds to gain compliance	
Manufacturer's Description: Original maker bought by PepperBall	
Purpose/Authorized Uses: Less lethal control device used to gain compliance	
Fiscal Impacts: \$499.50 each; \$1,998 inventory	
Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police use of force; Department Policy – Use of Force; Crisis Response Unit; Control Devices and Techniques	
Training Required: 16-hour PepperBall Instructor / Armorer Certification Course; Agency authorized orientation course; annual refresher	
Compliance Mechanisms: Department Policy – Control Devices and Techniques	

Equipment Type: Projectile Launch Platform; CA Gov't Code §7070(c)(14)	
Description: Mission Less Lethal, M2100, MLR Full Auto Carbine Launcher	
Quantity: 2	Lifespan: Round and use dependent
Capabilities: Launches small less lethal inert or chemical agent rounds to gain compliance	
Manufacturer's Description: Technical Specs Item: PepperBall Launcher; Type: Full Auto Launcher; Approx. No. of Shots: 200; Overall Height: (In.) 21 in; Container Size: 135.2 oz.; Spray Line Length (Ft.) 60 to 160; Color: Black/Orange	
Purpose/Authorized Uses: Less lethal control device used to gain compliance	
Fiscal Impacts: \$599.20 each; \$1,198.40 inventory	
Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police use of force; Department Policy – Use of Force; Crisis Response Unit; Control Devices and Techniques	
Training Required: 16-hour PepperBall Instructor / Armorer Certification Course; Agency authorized orientation course; annual refresher	
Compliance Mechanisms: Department Policy – Control Devices and Techniques	

Equipment Type: Projectile Munition; CA Gov't Code §7070(c)(14)	
Description: Mission Less Lethal M1120500 Pepper Projectiles (OC2 (1% OC and 4% PAVA)	
Quantity: Discontinued; 4,250 inventory	Lifespan: 3 years
Capabilities: able to be launched and used to gain compliance through chemical agent irritation	
Manufacturer's Description: Mission Less Lethal is a supplier of less-lethal pepper round launchers for nearly 20 years. our products are widely used by thousands of Federal, State, Local, International police, military, and private security agencies.	
Purpose/Authorized Uses: Less lethal control munition used to gain compliance	
Fiscal Impacts: \$1.33 per round; \$5,652.50 inventory	
Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police use of force; Department Policy – Use of Force; Crisis Response Unit; Control Devices and Techniques	
Training Required: 16-hour PepperBall Instructor / Armorer Certification Course; Agency authorized orientation course; annual refresher	
Compliance Mechanisms: Department Policy – Control Devices and Techniques	

Equipment Type: Projectile Munition; CA Gov't Code §7070(c)(14)	
Description: PepperBall LiveX Projectiles (5% PAVA)	
Quantity: 600; 2,200 ideal inventory	Lifespan: 3 years
Capabilities: able to be launched and used to gain compliance through chemical agent irritation	
Manufacturer's Description: Our most potent and powerful concentration of PAVA pepper powder. At 5% PAVA, a LIVE-X™ round contains double the amount of PAVA chemical agent of a regular PepperBall® LIVE SD™ round. PAVA is based on one of the hottest of the six capsaicinoids found in pepper plants. PepperBall products contain only safe, pure, non-oil based PAVA and are non-flammable. Ingredient consistency ensures each projectile operates with quality and effectiveness	
Purpose/Authorized Uses: Less lethal control munition used to gain compliance	
Fiscal Impacts: \$2.14 per round; \$4,708.00 to maintain ideal inventory	
Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police use of force; Department Policy – Use of Force; Crisis Response Unit; Control Devices and Techniques	
Training Required: 16-hour PepperBall Instructor / Armorer Certification Course; Agency authorized orientation course; annual refresher	
Compliance Mechanisms: Department Policy – Control Devices and Techniques	

Equipment Type: Projectile Munition; CA Gov't Code §7070(c)(14)	
Description: PepperBall Live Projectiles (2% PAVA)	
Quantity: Discontinued; 1,875 inventory	Lifespan: 3 years
Capabilities: Able to be launched and used to gain compliance through chemical agent irritation	
Manufacturer's Description: The live PepperBall® round contains 2.0% PAVA. It is effective for direct impact and area saturation when there is no line of sight. PAVA is based on one of the hottest of the six capsaicinoids found in pepper plants. PepperBall products contain only safe, pure, non-oil based PAVA and are non-flammable. Ingredient consistency ensures each projectile operates with quality and effectiveness	
Purpose/Authorized Uses: Less lethal control munition used to gain compliance	
Fiscal Impacts: \$1.63 per round; \$3,048.75 inventory	
Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police use of force; Department Policy – Use of Force; Crisis Response Unit; Control Devices and Techniques	
Training Required: 16-hour PepperBall Instructor / Armorer Certification Course; Agency authorized orientation course; annual refresher	
Compliance Mechanisms: Department Policy – Control Devices and Techniques	

Equipment Type: Projectile Munition; CA Gov't Code §7070(c)(14)	
Description: PepperBall Inert Projectiles (No irritant)	
Quantity: 1000; ideal inventory - 1,000	Lifespan: 3 years
Capabilities: Able to be launched and used to gain compliance through pain of impact	
Manufacturer's Description: Containing a harmless, scented powder, this projectile is best suited for practice or direct impact when chemical exposure is not desired	
Purpose/Authorized Uses: Less lethal control munition used to gain compliance	
Fiscal Impacts: \$0.57 per round; \$570.00 to maintain ideal inventory	
Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police use of force; Department Policy – Use of Force; Crisis Response Unit; Control Devices and Techniques	
Training Required: 16-hour PepperBall Instructor / Armorer Certification Course; Agency authorized orientation course; annual refresher	
Compliance Mechanisms: Department Policy – Control Devices and Techniques	

Equipment Type: Specialty Impact Munition (SIM) Weapon; CA Gov't Code §7070(c)(14)	
Description: Smith & Wesson Model 5906 – 9mm – SIMUNTION PISTOL	
Quantity: 9	Lifespan: Use and round dependent
Capabilities: Provides realistic training with actual weight and look of real pistol using non-lethal munitions	
Manufacturer's Description: N/A	
Purpose/Authorized Uses: Training scenarios	
Fiscal Impacts: \$0; converted old pistol	
Legal/Procedural Rules Governing Use: Department Policy - Training	
Training Required: 24-hour Simunition FX Scenario Instructor and Safety Certification Course for Instructors and Facilitators; Agency authorized orientation course; annual refresher	
Compliance Mechanisms: Department Policy - Training	

Equipment Type: Specialty Impact Munition (SIM) Weapon; CA Gov't Code §7070(c)(14)	
Description: Glock 17 – 9mm – SIMUNTION PISTOL	
Quantity: 7	Lifespan: Use and round dependent
Capabilities: Provides realistic training with actual weight and look of real pistol using non-lethal munitions	
Manufacturer's Description: N/A	
Purpose/Authorized Uses: Training scenarios	
Fiscal Impacts: \$0; converted old pistol	
Legal/Procedural Rules Governing Use: Department Policy - Training	
Training Required: 24-hour Simunition FX Scenario Instructor and Safety Certification Course for Instructors and Facilitators; Agency authorized orientation course; annual refresher	
Compliance Mechanisms: Department Policy - Training	

Equipment Type: Specialty Impact Munition (SIM) Weapon; CA Gov't Code §7070(c)(14)	
Description: Glock 22; .40 Caliber SIMUNTION PISTOL	
Quantity: 3	Lifespan: Use and round dependent
Capabilities: Provides realistic training with actual weight and look of real pistol using non-lethal munitions	
Manufacturer's Description: N/A	
Purpose/Authorized Uses: Training scenarios	
Fiscal Impacts: \$0; converted old pistol	
Legal/Procedural Rules Governing Use: Department Policy - Training	
Training Required: 24-hour Simunition FX Scenario Instructor and Safety Certification Course for Instructors and Facilitators; Agency authorized orientation course; annual refresher	
Compliance Mechanisms: Department Policy - Training	

Equipment Type: Specialty Impact Munition (SIM) Weapon; CA Gov't Code §7070(c)(14)	
Description: Force on Force M4/M16 Conversion Bolt Kit	
Quantity: 20	Lifespan: Use and round dependent
Capabilities: Provides realistic training by allowing operator to use their actual rifle with a bolt that is used for non-lethal munitions.	
Manufacturer's Description:	
<ul style="list-style-type: none"> • Designed to fire Force on Force 5.56mm marker rounds • Doesn't interfere with on-gun accessories • Prevents firing of lethal ammunition 	
Purpose/Authorized Uses: Training scenarios	

Fiscal Impacts: \$329.99 each; \$6,599.80 inventory
Legal/Procedural Rules Governing Use: Department Policy – Training; Crisis Response Unit
Training Required: 24-hour Simunition FX Scenario Instructor and Safety Certification Course for Instructors and Facilitators; Agency authorized orientation course; annual refresher
Compliance Mechanisms: Department Policy - Training

Equipment Type: Specialty Impact Munition (SIM) Weapon; CA Gov't Code §7070(c)(14)	
Description: Simunition FX Original Marking Cartridge – 9mm	
Quantity: 1000	Lifespan: 3 years
Capabilities: Used in SIM weapons to provide realistic training	
Manufacturer's Description: The FX® marking cartridges, which come in six colors, are at the core of the FX® Training System known as "the world's most realistic close-range combat training system". The patented, reduced-energy, non-lethal cartridges leave a detergent-based, water-soluble color-marking compound. The visible impacts allow accurate assessment of simulated lethality. The cartridges are available in .38 cal. and 9mm and feature tactical accuracy up to 25 feet (7.6 meters). The 5.56mm is tactically accurate with ball cartridges to 100 feet (30 meters). No special ballistic facilities are required. They meet the need for a force-on-force and man-to-man training system that is realistic, effective, inexpensive, adaptable and fully portable	
Purpose/Authorized Uses: Training scenarios	
Fiscal Impacts: \$0.51 each; \$253 / case of 500	
Legal/Procedural Rules Governing Use: Department Policy – Training; Crisis Response Unit	
Training Required: 24-hour Simunition FX Scenario Instructor and Safety Certification Course for Instructors and Facilitators; Agency authorized orientation course; annual refresher	
Compliance Mechanisms: Department Policy - Training	

Equipment Type: Specialty Impact Munition (SIM) Weapon; CA Gov't Code §7070(c)(14)	
Description: Simunition FX Original Marking Cartridge – .223	
Quantity: 300	Lifespan: 3 years
Capabilities: Used in SIM weapons to provide realistic training	
Manufacturer's Description: The FX® marking cartridges, which come in six colors, are at the core of the FX® Training System known as "the world's most realistic close-range combat training system". The patented, reduced-energy, non-lethal cartridges leave a detergent-based, water-soluble color-marking compound. The visible impacts allow accurate assessment of simulated lethality. The cartridges are available in .38 cal. and 9mm and feature tactical accuracy up to 25 feet (7.6 meters). The 5.56mm is tactically accurate with ball cartridges to 100 feet (30 meters). No special ballistic facilities are required. They meet the need for a force-on-force and man-to-man training system that is realistic, effective, inexpensive, adaptable and fully portable	
Purpose/Authorized Uses: Training scenarios	
Fiscal Impacts: \$0.51 each; \$253 / case of 500	
Legal/Procedural Rules Governing Use: Department Policy – Training; Crisis Response Unit	
Training Required: 24-hour Simunition FX Scenario Instructor and Safety Certification Course for Instructors and Facilitators; Agency authorized orientation course; annual refresher	
Compliance Mechanisms: Department Policy - Training	

**Commission on Peace Officer Standards and
Training Hate Crimes Model Policy 2019.pdf**



POST HATE CRIMES MODEL POLICY



COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

2019

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FOREWORD

Hate Crimes (i.e. crimes motivated by bias) convey a message of terror and exclusion, not just to the immediate victims but to entire communities. They often target victims who are least able to defend themselves. They cause trauma that is more extreme and longer lasting than similar crimes committed for other motivations. They can spark retaliatory crimes, escalating the cycle of crime and violence. If not addressed professionally and thoroughly they may undermine public confidence in law enforcement.

The 2018 California State Auditor's Report, titled "Hate Crimes in California," found that California law enforcement has not taken adequate action to identify, report, and respond to hate crimes. The report found that agencies did not properly identify some hate crimes, and underreported or misreported hate crimes as well. The report also noted that hate crimes are on the rise in California, increasing in both 2015 and 2016.

California Penal Code (CPC) 422.87 added new language and requirements to any newly created or updated agency hate crimes policy. Effective January 1, 2019, any local law enforcement agency that updates an existing hate crimes policy, or adopts a new one, shall include the content of the model policy framework provided in this document as well as any revisions or additions to the model policy in the future.

These guidelines are the primary elements that law enforcement executives are now required to incorporate into their hate crimes policy if an agency creates a new hate crimes policy or updates an existing one. The guidelines are designed for department-wide application and are intended to reflect a values-driven "top-down" process. They are intended to assist with the development and delivery of training and ensure proper identification, investigation, and reporting of hate crimes within each agency's jurisdiction.

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POLICY GUIDELINES

GUIDELINE #1

Develop the foundation for the agency's hate crimes policy.

The law enforcement executive is responsible for providing leadership, communicating organizational values to the department and the community, paying attention to hate crime trends and current events that could trigger hate incidents and/or hate crimes in the community, and providing education and training to establish the foundation for the agency's hate crimes policy. Employees' ability to respond appropriately to hate crimes and hate incidents is maximized when the executive effectively establishes and communicates the foundational values of the organization.

GUIDELINE #2

Develop a hate crimes policy for the agency.

- I. An agency's hate crimes policy shall include the statutory definition of a hate crime, and its policy and programs should minimally include the following:
 - A. Response
 - B. Training
 - C. Planning and Prevention
 - D. Reporting

The law enforcement executive is responsible for the initial development of the policy and should be actively involved in its implementation. See the appendix for the exemplar "Message from the Agency Chief Executive".

GUIDELINE #3

Develop expertise to identify and investigate hate crimes.

The law enforcement executive is responsible for ensuring that the agency possesses expertise to identify and investigate hate crimes, as well as ensuring compliance with state and federal

reporting and public information requirements. Agencies should assign identified personnel to appropriate training to develop expertise and knowledge to investigate hate crimes.

Hate crimes are low-frequency events with high-risk consequences for the agency and community. Agencies shall provide a checklist to first responders to provide direction for the investigation of all hate crimes as mandated by CPC 422.87.

GUIDELINE #4

Develop and implement cooperative hate crimes plans with other law enforcement agencies.

- I. Coordinate cooperative efforts among regional, state, federal, and tribal law enforcement agencies to share information and training, and develop strategies to prevent hate crime activity.
- II. Develop and/or participate in law enforcement intelligence networks to enhance the agency's ability to anticipate potential hate crime targets. This interaction should include sharing intelligence information with other jurisdictions and cooperative investigations, arrests, and prosecutions if appropriate.

GUIDELINE #5

Develop and implement cooperative hate crime plans with the community and related governmental and non-governmental organizations, as appropriate.

- I. Collaborate with the community, including human relations/civil rights organizations, advocacy groups, service organizations, neighborhood associations, religious institutions, local schools and colleges, to do the following:
 - Develop a network to build rapport with community groups

-
- Develop a protocol for response to hate crimes
 - Obtain witness and victim cooperation
 - Provide support services to victims
 - Collect demographic information about specific communities
 - Identify hate crime trends based upon current events and activity (hate crimes and/or hate incidents)
 - Identify periods of increased vulnerability based on significant dates and events for affected communities
- II. Law enforcement should identify and seek out cultural diversity training and information from/about specific communities within its jurisdiction (immigrant, Muslim, Arab, LGBTQ, Black or African American, Jewish, Sikh, disability, etc.) to strengthen agency awareness.

GUIDELINE #6

Conduct an annual assessment of the agency's hate crimes policy and its ongoing implementation.

The assessment should include:

- I. A review to ensure compliance with the POST Hate Crimes Model Policy and California law.
- II. A review and analysis of the agency's data collection, policy, and annual mandated reporting of hate crimes.
- III. A review and updating of the agency's hate crimes brochure to ensure compliance with CPC 422.92.
- IV. A review of any existing or available data or reports, including the annual California Attorney General's report on hate crimes, in preparation for, and response to, future hate crime trends.

- V. Annual outreach to the community including human relations/civil rights organizations, advocacy groups, service organizations, neighborhood associations, religious institutions, local schools, and colleges assessing the agency's responsiveness to hate crimes.

MINIMUM LEGAL REQUIREMENTS FOR AN AGENCY'S HATE CRIMES POLICY

CPC 13519.6, effective January 1, 2005, minimally requires:

1. A message from the law enforcement agency's chief executive officer to the agency's officers and staff concerning the importance of hate crime laws and the agency's commitment to enforcement.
2. The definition of "hate crime" in Penal Code section 422.55.
3. References to hate crime statutes including Penal Code section 422.6.
4. A title-by-title specific protocol that agency personnel are required to follow, including, but not limited to, the following:
 - a. Preventing and preparing for likely hate crimes by, among other things, establishing contact with persons and communities who are likely targets, and forming and cooperating with community hate crime prevention and response networks.
 - b. Responding to reports of hate crimes, including reports of hate crimes committed under the color of authority.
 - c. Accessing assistance, by, among other things, activating the Department of Justice hate crimes rapid response protocol when necessary.
 - d. Providing victim assistance and follow-up, including community follow-up.
 - e. Reporting

CPC 422.87, effective January 1, 2019, states and minimally requires:

Each local law enforcement agency may adopt a hate crimes policy. Any local law enforcement agency that updates an existing hate crimes policy or adopts a new one shall include, but not limited to, the following:

1. The definitions in Penal Code sections 422.55 and 422.56.
2. The content of the model policy framework that the Commission on Peace Officer Standards and Training developed pursuant to Section 13519.6 (above) and any content that the commission may revise or add in the future, including any policy, definitions, response and reporting responsibilities, training resources, and planning and prevention methods.
3. Information regarding bias motivation
 - a. For the purposes of this paragraph, "bias motivation" is a preexisting negative attitude toward actual or perceived characteristics referenced in Section 422.55. Depending on the circumstances of each case, bias motivation may include, but is not limited to, hatred, animosity, resentment, revulsion, contempt, unreasonable fear, paranoia, callousness, thrill-seeking, desire for social dominance, desire for social bonding with those of one's "own kind," or a perception of the vulnerability of the victim due to the victim being perceived as being weak, worthless, or fair game because of a protected characteristic, including, but not limited to, disability or gender.
 - i. In recognizing suspected disability-bias hate crimes, the policy shall advise officers to consider whether there is any indication that the perpetrator was motivated by hostility or other bias, occasioned by factors such as, but not limited to, dislike of persons who arouse

fear or guilt, a perception that persons with disabilities are inferior and therefore “deserving victims,” a fear of persons whose visible traits are perceived as being disturbing to others, or resentment of those who need, demand, or receive alternative educational, physical, or social accommodations.

- ii. In recognizing suspected disability-bias hate crimes, the policy also shall advise officers to consider whether there is any indication that the perpetrator perceived the victim to be vulnerable and, if so, if this perception is grounded, in whole or in part, in anti-disability bias. This includes, but is not limited to, if a perpetrator targets a person with a particular perceived disability while avoiding other vulnerable-appearing persons such as inebriated persons or persons with perceived disabilities different than those of the victim, those circumstances could be evidence that the perpetrator’s motivations included bias against persons with the perceived disability of the victim and that the crime must be reported as a suspected hate crime and not a mere crime of opportunity.
- b. Information regarding the general underreporting of hate crimes and the more extreme underreporting of anti-disability and anti-gender hate crimes *and a plan for the agency to remedy this underreporting* (emphasis added).
- c. A protocol for reporting suspected hate crimes to the Department of Justice pursuant to Penal Code section 13023.
- d. A checklist of first responder responsibilities, including, but not limited to, being sensitive to effects of the crime on the victim, determining whether any additional resources are needed on the scene to assist the victim or whether to refer the victim to appropriate community and legal services, and giving the victims and any interested persons the agency’s hate crimes brochure, as required by Section 422.92.
- e. A specific procedure for transmitting and periodically retransmitting the policy and any related orders to all officers, including a simple and immediate way for officers to access the policy in the field when needed.
- f. The title or titles of the officer or officers responsible for assuring that the department has a hate crime brochure as required by Section 422.92 and ensuring that all officers are trained to distribute the brochure to all suspected hate crime victims and all other interested persons.
- g. A requirement that all officers be familiar with the policy and carry out the policy at all times unless directed by the chief, sheriff, director, or other chief executive of the law enforcement agency or other command-level officer to whom the chief executive officer formally delegates this responsibility.
- h. Any local law enforcement agency that updates an existing hate crimes policy or adopts a new hate crimes policy may include any of the provisions of a model hate crime policy and other relevant documents developed by the International Association of Chiefs of Police that are relevant to California and consistent with this chapter.

MODEL POLICY FRAMEWORK

Purpose

This model policy framework is designed to assist in identifying and handling crimes motivated by hate or other bias toward individuals and groups with legally defined protected characteristics, to define appropriate steps for assisting victims, and to provide a guide to conducting related investigations. It outlines the general policy framework for prevention, response, accessing assistance, victim assistance and follow up, and reporting as related to law enforcement's role in handling hate crimes. It also serves as a declaration that hate crimes are taken seriously and demonstrates how law enforcement agencies may best use its resources to investigate and solve an offense, in addition to building community trust and increasing police legitimacy.

Policy

It is the policy of this agency to safeguard the rights of all individuals irrespective of their disability, gender, nationality, race or ethnicity, religion, sexual orientation, and/or association with a person or group with one or more of these actual or perceived characteristics. Any acts or threats of violence, property damage, harassment, intimidation, or other crimes motivated by hate or bias should be viewed very seriously and given high priority.

This agency will employ necessary resources and vigorous law enforcement action to identify and arrest hate crime perpetrators. Also, recognizing the particular fears and distress typically suffered by victims, the potential for reprisal and escalation of violence, and the far-reaching negative consequences of these crimes on the community, this agency should attend to the security and related concerns of the immediate victims and their families as feasible.

The agency policy shall include a requirement that all officers be familiar with the policy and carry out the policy at all times unless directed by the chief, sheriff, director, or other chief executive of the law enforcement agency or other command-level officer to whom the chief executive officer formally delegates this responsibility.

The agency policy shall provide a specific procedure for transmitting and periodically retransmitting the policy and any related orders to all officers, including a simple and immediate way for officers to access the policy in the field when needed.

Response, Victim Assistance and Follow-up

Initial response

First responding officers should know the role of all department personnel as they relate to the agency's investigation of hate crimes and/or incidents. Responding officers should evaluate the need for additional assistance, and working with supervision and/or investigations, access needed assistance if applicable. Responding officers should ensure the crime scene is properly protected, preserved and processed.

At the scene of a suspected hate or bias crimes, officers should take preliminary actions deemed necessary, to include, but not limited to, the following:

1. Use agency checklist (per CPC 422.87) to assist in the investigation of any hate crime (see appendix, page 21, for exemplar checklist based on the Los Angeles Police Department Hate Crimes Supplemental Report with the agency's permission).

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2. Stabilize the victim(s) and request medical attention when necessary.
 3. Ensure the safety of victims, witnesses, and perpetrators.
 - a. Issue a Temporary Restraining Order (if applicable).
 4. Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.
 5. Ensure that the crime scene is properly protected, preserved, and processed and that all physical evidence of the incident is removed as soon as possible after the offense is documented. If evidence of an inflammatory nature cannot be physically removed, the property owner should be contacted to ensure that it is removed or covered up as soon as possible. Agency personnel should follow-up to ensure that this is accomplished in a timely manner.
 6. Collect and photograph physical evidence or indicators of hate crimes such as:
 - a. Hate literature.
 - b. Spray paint cans.
 - c. Threatening letters.
 - d. Symbols used by hate groups.
 7. Identify criminal evidence on the victim.
 8. Request the assistance of translators or interpreters when needed to establish effective communication with witnesses, victims, or others as appropriate.
 9. Conduct a preliminary investigation and record pertinent information including, but not limited to:
 - a. Identity of suspected perpetrator(s).
 - b. Identity of witnesses, including those no longer at the scene.
 - c. The offer of victim confidentiality per Government Code (GC) 5264.
 - d. Prior occurrences, in this area or with this victim.
 - e. Statements made by suspects; exact wording is critical.
 - f. The victim's protected characteristics and determine if bias was a motivation "in whole or in part"¹ in the commission of the crime.
 1. "Bias motivation" is a preexisting negative attitude toward actual or perceived characteristics referenced in Section 422.55. Depending on the circumstances of each case, bias motivation may include, but is not limited to, hatred, animosity, resentment, revulsion, contempt, unreasonable fear, paranoia, callousness, thrill-seeking, desire for social dominance, desire for social bonding with those of one's "own kind," or a perception of the vulnerability of the victim due to the victim being perceived as being weak, worthless, or fair game because of a protected characteristic, including, but not limited to, disability or gender.
 - (a) In recognizing suspected disability-bias hate crimes, the policy shall advise officers to consider whether there is any indication that the perpetrator was motivated by hostility or other bias, occasioned by factors such as, but not limited to, dislike of persons

¹See Appendix, page 15, for definition

who arouse fear or guilt, a perception that persons with disabilities are inferior and therefore “deserving victims,” a fear of persons whose visible traits are perceived as being disturbing to others, or resentment of those who need, demand, or receive alternative educational, physical, or social accommodations.

(b) In recognizing suspected disability-bias hate crimes, the policy also shall advise officers to consider whether there is any indication that the perpetrator perceived the victim to be vulnerable and, if so, if this perception is grounded, in whole or in part, in anti-disability bias. This includes, but is not limited to, if a perpetrator targets a person with a particular perceived disability while avoiding other vulnerable-appearing persons such as inebriated persons or persons with perceived disabilities different than those of the victim, those circumstances could be evidence that the perpetrator’s motivations included bias against persons with the perceived disability of the victim and that the crime must be reported as a suspected hate crime and not a mere crime of opportunity.

10. Adhere to CPC 422.93, which protects hate crime victims and witnesses from being reported to federal immigration authorities if they have not committed any crime under state law.
11. Provide information regarding immigration remedies available to victims of crime. (U-Visa, T-Visa, S-Visa, etc.).
12. Provide the agency’s Hate Crimes Brochure (per CPC 422.92) if asked, if necessary or per policy (if applicable).
13. Utilize proper techniques for interviewing people with disabilities and being aware of and providing appropriate accommodations (such as ADA standards, Braille, visuals, translators for the deaf or hard of hearing, etc.).
14. Report any suspected multi-mission extremist crimes to the agency Terrorism Liaison Officer (TLO), or assigned designee, and direct the TLO/ designee to send the data to the Joint Regional Information Exchange System.

Investigation

Investigators at the scene of or while performing follow-up investigation on a suspected hate or bias crimes (or hate incident if agency policy requires it) should take all actions deemed necessary, including, but not limited to, the following:

1. Consider typologies of perpetrators of hate crimes and incidents, including but not limited to thrill, reactive/defensive, and mission (hard core).
2. Utilize investigative techniques and methods to handle hate crimes or hate incidents in a professional manner.
3. Utilize proper techniques for interviewing people with disabilities and being aware of and providing appropriate accommodations (such as ADA standards, Braille, visuals, translators for the deaf or hard of hearing, etc.).
4. Fully investigate any report of hate crime committed under the color of authority per CPC 422.6 and CPC 13519.6.

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5. Collect and photograph physical evidence or indicators of hate crimes such as:
 - a. Hate literature.
 - b. Spray paint cans.
 - c. Threatening letters.
 - d. Symbols used by hate groups.
 - e. Desecration of religious symbols, objects, or buildings.
 6. Request the assistance of translators or interpreters when needed to establish effective communication.
 7. Conduct a preliminary investigation and record information regarding:
 - a. Identity of suspected perpetrator(s).
 - b. Identity of witnesses, including those no longer at the scene.
 - c. Offer of victim confidentiality per GC 5264.
 - d. Prior occurrences, in this area or with this victim.
 - e. Statements made by suspects; exact wording is critical.
 - f. Document the victim's protected characteristics.
 8. Provide victim assistance and follow-up.
 9. Canvass the area for additional witnesses.
 10. Examine suspect's social media activity for potential evidence of bias motivation.
 11. Coordinate the investigation with agency, state, and regional intelligence operations. These sources can provide the investigating officer with an analysis of any patterns, organized hate groups, and suspects potentially involved in the offense.
 12. Coordinate the investigation with the crime scene investigation unit (if applicable) or other units of the agency.
 13. Determine if the incident should be classified as a hate crime.
 14. Take steps to ensure appropriate assistance is provided to hate crime victim(s), including the following measures:
 - a. Contact the victim periodically to determine whether he/she is receiving adequate and appropriate assistance.
 - b. Provide ongoing information to the victim about the status of the criminal investigation.
 - c. Provide the victim and any other interested person the brochure on hate crimes per CPC 422.92 and information on any local advocacy groups (if asked).
 15. Report any suspected multi-mission extremist crimes to the agency TLO, or assigned designee, and direct the TLO or designee to send the data to the Joint Regional Information Exchange System.
 16. Coordinate with other law enforcement agencies in the area to assess patterns of hate crimes and/or hate incidents (if directed by policy), and determine if organized hate groups are involved.

Supervision

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

1. Provide immediate assistance to the crime victim by:
 - a. Expressing the law enforcement agency's official position on the importance of these cases and the measures that will be taken to apprehend the perpetrators.
 - b. Expressing the department's interest in protecting victims' anonymity (confidentiality forms GC 6254) to the extent possible. Allow the victim to convey his/her immediate concerns and feelings.
 - c. Identifying individuals or agencies that may provide victim assistance and support. Local victim assistance resources may include family members or close acquaintances, clergy or departmental chaplain, as well as community service agencies that provide shelter, food, clothing, child care, or other related services (per CPC 422.92).
2. Ensure that all relevant facts are documented on an incident and/ or arrest report and make an initial determination as to whether the incident should be classified as a hate crime for federal and state bias-crimes reporting purposes.
3. Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.
4. In cases of large-scale hate crime waves, or in circumstances where the potential exists for subsequent hate crimes or incidents, consider directing resources to protect vulnerable sites (such as assigning an officer at specific locations that could become targets).
5. Ensure hate crimes are properly reported, including reporting to the Department of Justice, pursuant to CPC 13023.
6. Ensure adherence to CPC 422.93, which protects hate crime victims and witnesses from being reported to federal immigration authorities if they have not committed any crime under state law. Supervisors should also be aware of the immigration remedies available to victims of crime. (U-Visa, T-Visa, S-Visa, etc.)
7. Respond to and investigate any reports of hate crimes committed under the color of authority.
8. Provide appropriate assistance, including activating the California Department of Justice hate crime rapid response protocol if necessary. For information see the California Department of Justice webpage or use following link: <https://oag.ca.gov/sites/all/files/agweb/pdfs/civilrights/AG-Rapid-Response-Team-Protocol-2.pdf>
9. Report or ensure any suspected multi-mission extremists crimes are reported to the agency TLO, or assigned designee, and direct the TLO/ designee to send the data to the Joint Regional Information Exchange System.
10. Make a final determination as to whether the incident should be classified as a hate crime.

Training

All staff, including dispatch, desk personnel, volunteers, records, support staff, officers, supervisors, and managers shall be properly trained on the department's hate crimes policy. The agency will follow all legislatively mandated training requirements.

POST offers training and video courses to assist law enforcement in the identification, investigation, documentation and reporting of hate crimes. These courses provide officers with information and skills necessary to effectively identify, investigate, document and report hate crimes. Various training programs include the history and definitions of hate crimes, recognition of hate groups, international terrorism, legal considerations, victims' considerations, initial response duties, victim interviewing and care, suspect identification and interrogation, evidence identification, report writing, the role of law enforcement, investigative strategies, intelligence collection, supervisory roles, community relations, media relations and local program training development, and other topics such as proper use of computer systems and methods for reporting. POST also maintains an extensive array of training videos on applicable topics such as working with those with mental illness and intellectual disabilities, hate crimes, and working with minority communities.

For more information on POST training opportunities and available videos, visit the POST website at www.post.ca.gov. In conjunction with POST training opportunities, trainers may utilize other state and federal agencies that offer training courses, such as the U.S. Department of Justice.

Planning and Prevention

The general underreporting of hate crimes is an identified issue in California. Underreporting is caused by victims not reporting hate crimes or hate incidents due to a number of factors, including fear of reprisal and the belief that law enforcement will not properly investigate them. A report by the State Auditor in 2018 determined that California law enforcement has not taken adequate action to identify, report and respond to hate crimes. There is also an extreme underreporting of anti-disability and anti-gender hate crimes. The agency's plan to remedy this underreporting *shall be inserted into the policy* (emphasis added).

In order to facilitate the recommendations contained within this policy, it is strongly recommended that agencies build and strengthen relationships with the community, engage in dialogue, and provide education to the community about this policy. Agency personnel are also encouraged to learn about the inherent issues concerning their communities in relation to hate crimes. Assigned personnel should perform the following:

1. Meet with residents in target communities to allay fears; emphasize the agency's concern over this and related incidents; reduce the potential for counter-violence; and provide safety, security, and crime prevention information. Cultural diversity education and immersion programs (if available) could facilitate this process.
2. Provide direct and referral assistance to the victim and his/her family.
3. Conduct public meetings on hate crime threats and violence in general.
4. Establish relationships with formal community-based organizations and leaders.
5. Expand, where appropriate, preventive programs such as hate, bias, and crime reduction seminars for school children.

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6. Review the Attorney General's latest opinion on hate crime statistics and targets in order to prepare and plan for future crimes, specifically for Arab/Middle Eastern and Islamic communities.²
 7. Provide orientation of and with communities of specific targeted victims such as immigrants, Muslims, Arabs, LGBTQ, Black or African-American, Jewish, Sikh, disabled persons, etc.

Hate crimes are not only a crime against the targeted victim(s) but also have impacts on the victim's family and community. Working constructively with segments of this larger community after such crimes is essential to help reduce fears, stem possible retaliation, prevent additional hate crimes, and encourage any other previously victimized individuals to step forward and report such crimes. This is particularly important if an upward trend has been identified in these crimes.

Although hate incidents are not criminal events, they can be indicators of, or precursors to, hate crimes. Most California law enforcement agencies do not track hate incidents. It is recommended that hate incidents be investigated and documented, if directed by policy, as part of the overall planning to prevent hate crime.

Tracking social media is also another identified area to find indicators of, or precursors to, hate crimes. It is recommended that agencies assign personnel to find, evaluate and monitor public social media sources to identify possible suspects in reported hate crimes, or to determine suspects or suspect groups in future hate crimes or hate incidents affecting the identified individuals, groups or communities that may be victimized, and planned hate-based events.

Release of Information

Agencies should have procedure and/or policy on public disclosure of hate crimes. Establishing a relationship with stakeholders, before any incident occurs, to develop a network and protocol for disclosure would assist greatly in any disclosure.

The benefit of public disclosure of hate crime incidents includes:

1. Dissemination of correct information.
2. Assurance to affected communities or groups that the matter is being properly and promptly investigated.
3. The ability to request information regarding the commission of the crime(s) from the victimized community.

Agencies should provide the supervisor, public information officer, or designee with information that can be responsibly reported to the media. When appropriate, the law enforcement media spokesperson should reiterate that the hate crimes will not be tolerated, will be taken seriously, and will be prosecuted to the full extent of the law.

Agencies are encouraged to consider the following when releasing information to the public regarding hate crimes and hate incidents that have been reported within the jurisdiction:

²As described in CPC 13519.6(b)(8)

-
1. Informing community organizations in a timely manner when a community group has been the target of a hate crime.
 2. Informing the community of the impact of these crimes on the victim, the victim's family, and the community, and the assistance and compensation available to victims.
 3. Informing the community regarding hate crime law and the legal rights of, and the remedies available to, victims of hate crimes.
 4. Providing the community with on-going information regarding hate crime and/or hate incidents (if policy requires it).

Reporting

The agency policy shall require development of a procedure for data collection, documentation, and mandated reporting requirements. The agency shall:

1. Ensure that hate crimes are properly investigated, documented and reported.
2. During documentation, ensure hate crimes are flagged properly to allow for required reporting to the California Department of Justice. This is typically indicated by the title/penal code section identifying the report as a hate crime. Some agencies have added a check box specifically indicating a hate crime that could, if required by the agency policy, require a secondary review by an investigator/detective, supervisor or other identified party. It is the agency executive's responsibility to determine the form of documentation and type of indicators on crime reports.
3. The agency head or their designee (identified in the agency policy) should make a final determination as to whether the incident should be classified as a hate crime by the agency.
4. Agencies shall develop procedures to comply with legally mandated reporting, including the California Department of Justice, pursuant to CPC 13023.

Checklist for the agency's policy creation

- Message from the law enforcement's agency's chief executive is included
 - The updated existing policy or newly adopted policy includes the content of the model policy framework from POST.
 - Definition of "hate crime" included from:
 - CPC 422.55
 - CPC 422.56
 - CPC 422.6
 - Title by title specific protocol regarding:
 - Prevention
 - Is contact is established with identified persons and/or communities who are likely targets?
 - Have we formed and/or are we cooperating with hate crime prevention and response networks?
 - Has a plan for the agency to remedy underreporting of hate crimes and the more extreme underreporting of anti-disability and anti-gender hate crimes been created?
 - Response
 - Requirement that all hate crimes be properly investigated and supervised
 - Requirement that any hate crimes committed under the color of authority are investigated
 - Accessing Assistance
 - Information provided for activating the Department of Justice hate crime rapid response protocol when necessary
 - Victim assistance and follow-up
 - Reporting
 - Protocol for reporting suspected hate crimes to the Department of Justice per CPC 13023
 - Training
 - Has a checklist for first responders been created and provided personnel (see exemplar officer checklist in appendix)
 - Does the checklist include first responder responsibilities include:
 - Determining the need for additional resources if necessary?
 - Referral information for appropriate community and legal services?
 - The requirement to provide the agency's hate crimes brochure per CPC 422.92?
 - Information regarding bias motivation from CPC 422.87
 - Information regarding the general underreporting of hate crimes and the more extreme underreporting of anti-disability and anti-gender hate crimes
- Definitions of terms used in the policy are listed
- Specific procedure for transmitting and periodically retransmitting the policy and any related orders to officers is included.
 - Procedure shall include a simple and immediate way for officers to access the policy in the field when needed
- Title or titles of the officer or officers responsible for assuring the department has a hate crime brochure (per CPC 422.92) and ensuring that all officers are trained to distribute the brochure to all suspected hate crime victims and all other interested persons.
- A requirement that all officers be familiar with the policy and carry out the policy at all times unless directed by the law enforcement chief executive or the chief executive's designee.

APPENDIX

Definitions and Laws

In accordance with CPC sections 422.55, 422.56, 422.6, and 422.87, for purposes of all other state law unless an explicit provision of law or the context clearly requires a different meaning, the following shall apply:

Hate crime

“Hate crime” means a criminal act committed, in whole or in part, because of one or more of the following actual or perceived characteristics of the victim:

- (1) Disability.
- (2) Gender.
- (3) Nationality.
- (4) Race or ethnicity.
- (5) Religion.
- (6) Sexual orientation.
- (7) Association with a person or group with one or more of these actual or perceived characteristics.

(b) “Hate crime” includes, but is not limited to, a violation of Section 422.6.

“Association with a person or group with these actual or perceived characteristics” Includes advocacy for, identification with, or being on the ground owned or rented by, or adjacent to, any of the following: a community center, educational facility, family, individual, office, meeting hall, place of worship, private institution, public agency, library, or other entity, group, or person that has, or is identified with people who have, one or more of those characteristics listed in the definition of “hate crime” under paragraphs 1 to 6, inclusive, of CPC 422.55 subdivision (a).

Note: A “hate crime” need not be motivated by hate but may be motivated by any bias against a protected characteristic.

Hate Speech

The First Amendment to the U.S. Constitution protects most speech, even when it is disagreeable, offensive, or hurtful. The following types of speech are generally not protected: fighting words, true threats, perjury, blackmail, incitement to lawless action, conspiracy and solicitation to commit any crime.

Hate incident

A hate incident is an action or behavior motivated by hate or bias but legally protected by the First Amendment right to freedom of expression. Examples of hate incidents include:

- Name-calling
- Insults and epithets
- Distributing hate material in public places
- Displaying hate material on your own property

Bias Motivation

Bias motivation is a preexisting negative attitude toward actual or perceived characteristics referenced in Section 422.55. Depending on the circumstances of each case, bias motivation may include, but is not limited to, hatred, animosity, resentment, revulsion, contempt, unreasonable fear, paranoia, callousness, thrill-seeking, desire for social dominance, desire for social bonding with those of one's "own kind," or a perception of the vulnerability of the victim due to the victim being perceived as being weak, worthless, or fair game because of a protected characteristic, including, but not limited to, disability or gender.

Disability Bias

In recognizing suspected disability-bias hate crimes, officers should consider whether there is any indication that the perpetrator was motivated by hostility or other bias, occasioned by factors such as, but not limited to, dislike of persons who arouse fear or guilt, a perception that persons with disabilities are inferior and therefore "deserving victims," a fear of persons whose visible traits are perceived as being disturbing to others, or resentment of those who need, demand, or receive alternative educational, physical, or social accommodations.

In recognizing suspected disability-bias hate crimes, officers should consider whether there is any indication that the perpetrator perceived the victim to be vulnerable and, if so, if this perception is grounded, in whole or in part, in anti-disability bias. This includes, but is not limited to, if a perpetrator targets a person with a particular perceived disability while avoiding other vulnerable-appearing persons such as inebriated persons or persons with perceived disabilities different than those of the victim, those circumstances could be evidence that the perpetrator's motivations included bias against persons with the perceived disability of the victim and that the crime must be reported as a suspected hate crime and not a mere crime of opportunity.

Disability

Disability includes mental disability and physical disability as defined in GC 12926, regardless of whether those disabilities are temporary, permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

Gender

Gender means sex and includes a person gender identity and gender expression. Gender expression means a person's gender-related appearance and behavior, whether or not stereotypically associated with the persons assigned sex at birth. A person's gender identity and gender related appearance and behavior, whether or not stereotypically associated with the person's assigned sex at birth.

In Whole or In Part

"In whole or in part because of" means that the bias motivation must be a cause in fact of the offense whether or not other causes also exist. When multiple concurrent motives exist, the prohibited bias must be a substantial factor in bringing about the particular result. There is no requirement that the bias be a main factor, or that crime would not have been committed but for the actual or perceived characteristic.

Nationality

Nationality includes citizenship, country of origin, and national origin.

Race or Ethnicity

Race or ethnicity includes ancestry, color, and ethnic background.

Religion

Religion includes all aspects of religious belief, observance, and practice and includes agnosticism and atheism.

Sexual orientation

Sexual orientation means heterosexuality, homosexuality, or bisexuality.

Victim

Victim includes, but is not limited to, a community center, educational facility, entity, family, group, individual, office, meeting hall, person, place of worship, private institution, public

Statutes and Legal Requirements

Items listed in this section include sections from the California Penal Code (CPC), Welfare and Institutions Code (WI) and Government Code (GC).

Definitions

CPC 422.55 - Provides general definition of hate crimes in California.

CPC 422.56- Provides definitions of terms included in hate crimes statutes.

GC 12926- Disability-related definitions applicable to some hate crime statutes.

Felonies

Hate Crimes

CPC 422.7 - Commission of a crime for the purpose of interfering with another's exercise of civil rights.

Related Crimes

CPC 190.2(a)(16) - Homicide penalties related to certain hate crime related acts.

CPC 190.03(a) - Homicide penalties related to certain hate crime related acts.

CPC 288(b)(2) - Sexual assault of dependent person by caretaker

CPC 368(b) - Dependent adult abuse generally - may apply as disability-related hate crime.

CPC 594.3 - Vandalism of places of worship.

CPC 11412 - Causing or attempting to cause other to refrain from exercising religion by threat.

CPC 11413 - Arson or destructive device at place of worship.

Misdemeanors

Hate Crimes

CPC 422.6 - Use of force, threats, or destruction of property to interfere with another's exercise of civil rights.

CPC 422.77 - Violation of civil order (Bane Act) protecting the exercise of civil rights

Related Crimes

CPC 302 - Disorderly conduct during an assemblage of people gathered for religious worship at a tax-exempt place of worship.

CPC 538(c) - Unauthorized insertion of advertisements in newspapers and redistribution to the public.

CPC 640.2 - Placing handbill, notice of advertisement on a consumer product or product packaged without authorization.

CPC 11411 - Terrorism of owner or occupant of real property. Placement or display of sign, symbol, or other physical impression without authorization, engagement in pattern of conduct, or burning or desecration of religious symbols.

Enhancements

CPC 190.2(a)(16) - Special circumstances imposing the Death Penalty or Life Without Possibility of Parole, if the victim was intentionally killed because of sexual orientation, gender, or disability.

CPC 190.3 - Special circumstances imposing LWOP if the victim was intentionally killed because of sexual orientation, gender, or disability.

CPC 422.75 - Penalty for felony committed because of victim's race, color, religion, nationality, country or origin, ancestry, disability, or sexual orientation shall be enhanced one, two, or three years in prison, if the person acts alone; and two, three, or four years if the person commits the act with another.

CPC 1170.8 - Enhancement for robbery or assault at a place of worship.

CPC 1170.85(b) - Felony assault or battery enhancement due to age or disability.

Reporting

CPC 13023- Requirement for law enforcement agencies to report hate crime data to DOJ.

WI 15630 – Elder and Dependent Adult Abuse Mandated Reporting (may apply in disability-related hate crimes).

Training and Policy Requirements

CPC 422.87 - Hate crimes policy adoption and update requirements (AB 1985, Effective January 1, 2019).

CPC 13519.6 - Defines hate crime training requirements for peace officers.

CPC 13519.41 - Training requirements on sexual orientation and gender identity-related hate crimes for peace officers and dispatchers (AB 2504, Effective January 1, 2019).

Miscellaneous Provisions

CPC 422.78 - Responsibility for prosecution of stay away order violations.

CPC 422.86 - Public policy regarding hate crimes.

CPC 422.89 - Legislative intent regarding violations of civil rights and hate crimes

CPC 422.92 - Hate crimes victims brochure requirement for law enforcement agencies.

CPC 422.93 - Protection of victims and witnesses from being reported to immigration authorities.

GC 6254 - Victim confidentiality.

HATE CRIME CHECKLIST

Page _____ of _____

VICTIM	<p style="text-align: center;"><u>Victim Type:</u></p> <p><input type="checkbox"/> Individual Legal name (Last, First): _____ Other Names used (AKA): _____</p> <p><input type="checkbox"/> School, business or organization Name: _____ Type: _____ <i>(e.g., non-profit, private, public school)</i> Address: _____</p> <p><input type="checkbox"/> Faith-based organization Name: _____ Faith: _____ Address: _____</p>	<p style="text-align: center;"><u>Target of Crime (Check all that apply):</u></p> <p><input type="checkbox"/> Person <input type="checkbox"/> Private property <input type="checkbox"/> Public property</p> <p><input type="checkbox"/> Other _____</p> <p style="text-align: center;"><u>Nature of Crime (Check all that apply):</u></p> <p><input type="checkbox"/> Bodily injury <input type="checkbox"/> Threat of violence</p> <p><input type="checkbox"/> Property damage</p> <p><input type="checkbox"/> Other crime: _____</p> <p>Property damage - estimated value _____</p>
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BIAS	<p style="text-align: center;"><u>Type of Bias</u> (Check all characteristics that apply):</p> <p><input type="checkbox"/> Disability</p> <p><input type="checkbox"/> Gender</p> <p><input type="checkbox"/> Gender identity/expression</p> <p><input type="checkbox"/> Sexual orientation</p> <p><input type="checkbox"/> Race</p> <p><input type="checkbox"/> Ethnicity</p> <p><input type="checkbox"/> Nationality</p> <p><input type="checkbox"/> Religion</p> <p><input type="checkbox"/> Significant day of offense <i>(e.g., 9/11, holy days)</i></p> <p><input type="checkbox"/> Other: _____</p> <p>Specify disability (be specific): _____ _____</p>	<p style="text-align: center;"><u>Actual or Perceived Bias – Victim’s Statement:</u></p> <p><input type="checkbox"/> Actual bias [Victim actually has the indicated characteristic(s)].</p> <p><input type="checkbox"/> Perceived bias [Suspect believed victim had the indicated characteristic(s)]. <i>If perceived, explain the circumstances in narrative portion of Report.</i></p> <p style="text-align: center;"><u>Reason for Bias:</u></p> <p>Do you feel you were targeted based on one of these characteristics? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Explain in narrative portion of Report.</i></p> <p>Do you know what motivated the suspect to commit this crime? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Explain in narrative portion of Report.</i></p> <p>Do you feel you were targeted because you associated yourself with an individual or a group? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Explain in narrative portion of Report.</i></p> <p>Are there indicators the suspect is affiliated with a Hate Group (i.e., literature/tattoos)? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Describe in narrative portion of Report.</i></p> <p>Are there Indicators the suspect is affiliated with a criminal street gang? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Describe in narrative portion of Report.</i></p>
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	<p style="text-align: center;"><u>Bias Indicators (Check all that apply):</u></p> <p><input type="checkbox"/> Hate speech <input type="checkbox"/> Acts/gestures <input type="checkbox"/> Property damage <input type="checkbox"/> Symbol used</p> <p><input type="checkbox"/> Written/electronic communication <input type="checkbox"/> Graffiti/spray paint <input type="checkbox"/> Other: _____</p> <p><i>Describe with exact detail in narrative portion of Report.</i></p>
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HISTORY	<p style="text-align: center;"><u>Relationship Between Suspect & Victim:</u></p> <p>Suspect known to victim? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Nature of relationship: _____</p> <p>Length of relationship: _____</p> <p><i>If Yes, describe in narrative portion of Report</i></p>	<p><input type="checkbox"/> Prior reported incidents with suspect? Total # _____</p> <p><input type="checkbox"/> Prior unreported incidents with suspect? Total # _____</p> <p>Restraining orders? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><i>If Yes, describe in narrative portion of Report</i></p> <p>Type of order: _____ Order/Case# _____</p>
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WEAPONS	<p>Weapon(s) used during incident? <input type="checkbox"/> Yes <input type="checkbox"/> No Type: _____</p> <p>Weapon(s) booked as evidence? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Automated Firearms System (AFS) Inquiry attached to Report? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>
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HATE CRIME CHECKLIST

Page ____ of ____

EVIDENCE	Witnesses present during incident? <input type="checkbox"/> Yes <input type="checkbox"/> No	Statements taken? <input type="checkbox"/> Yes <input type="checkbox"/> No
	Evidence collected? <input type="checkbox"/> Yes <input type="checkbox"/> No	Recordings: <input type="checkbox"/> Video <input type="checkbox"/> Audio <input type="checkbox"/> Booked
	Photos taken? <input type="checkbox"/> Yes <input type="checkbox"/> No	Suspect identified: <input type="checkbox"/> Field ID <input type="checkbox"/> By photo
	Total # of photos: _____ D#: _____ Taken by: _____ Serial #: _____	<input type="checkbox"/> Known to victim

OBSERVATIONS	<u>VICTIM</u>	<u>SUSPECT</u>
	<input type="checkbox"/> Tattoos <input type="checkbox"/> Shaking <input type="checkbox"/> Unresponsive <input type="checkbox"/> Crying <input type="checkbox"/> Scared <input type="checkbox"/> Angry <input type="checkbox"/> Fearful <input type="checkbox"/> Calm <input type="checkbox"/> Agitated <input type="checkbox"/> Nervous <input type="checkbox"/> Threatening <input type="checkbox"/> Apologetic <input type="checkbox"/> Other observations: _____	<input type="checkbox"/> Tattoos <input type="checkbox"/> Shaking <input type="checkbox"/> Unresponsive <input type="checkbox"/> Crying <input type="checkbox"/> Scared <input type="checkbox"/> Angry <input type="checkbox"/> Fearful <input type="checkbox"/> Calm <input type="checkbox"/> Agitated <input type="checkbox"/> Nervous <input type="checkbox"/> Threatening <input type="checkbox"/> Apologetic <input type="checkbox"/> Other observations: _____

ADDITIONAL QUESTIONS (Explain all boxes marked "Yes" in narrative portion of report):

Has suspect ever threatened you?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Has suspect ever harmed you?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Does suspect possess or have access to a firearm?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Are you afraid for your safety?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Do you have any other information that may be helpful?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

Resources offered at scene: Yes No Type: _____

MEDICAL	<table style="width: 100%;"> <tr> <th style="text-align: left;"><u>Victim</u></th> <th style="text-align: left;"><u>Suspect</u></th> <th></th> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>Declined medical treatment</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>Will seek own medical treatment</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>Received medical treatment</td> </tr> </table>	<u>Victim</u>	<u>Suspect</u>		<input type="checkbox"/>	<input type="checkbox"/>	Declined medical treatment	<input type="checkbox"/>	<input type="checkbox"/>	Will seek own medical treatment	<input type="checkbox"/>	<input type="checkbox"/>	Received medical treatment	Paramedics at scene? <input type="checkbox"/> Yes <input type="checkbox"/> No Unit # _____ Name(s)/ID #: _____ Hospital: _____ Jail Dispensary: _____ Physician/Doctor: _____ Patient #: _____
	<u>Victim</u>	<u>Suspect</u>												
	<input type="checkbox"/>	<input type="checkbox"/>	Declined medical treatment											
	<input type="checkbox"/>	<input type="checkbox"/>	Will seek own medical treatment											
<input type="checkbox"/>	<input type="checkbox"/>	Received medical treatment												
Authorization to Release Medical Information, Form 05.03.00, signed? <input type="checkbox"/> Yes <input type="checkbox"/> No														

Officer (Name/Rank)	Date
Officer (Name/Rank)	Date
Supervisor Approving (Name/Rank)	Date

Statutes and Legal Requirements.pdf

Statutes and Legal Requirements

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CPC 422.89 - Legislative intent regarding violations of civil rights and hate crimes

CPC 422.92 - Hate crimes victims brochure requirement for law enforcement agencies.

CPC 422.93 - Protection of victims and witnesses from being reported to immigration authorities.

GC 6254 - Victim confidentiality.

Military Equipment Inventory - 2024 PDF.pdf

2024 Orange Police Department Military Equipment Inventory List

Equipment Type: Unmanned Aerial System (UAS); CA Gov't Code §7070(c)(1)	
Description: DJI Mavic 2 Enterprise Dual; Quad propellers; FAA Flight number FA37MCM7CN	
Quantity: 1	Lifespan: 3-5 years
Capabilities: 24mm camera with ½.3" 12MP sensor and FLIR thermal imaging sensor. Together they can capture up to UHD 4K resolution video at 30 fps, or thermal imaging images and temperature data. Speeds of up to 44.7mph and up to 31 minutes of flight time	
Manufacturer's Description: Flagship consumer drone with built in FLIR capabilities	
Purpose/Authorized Uses: Utilized to enhance the department's mission of protecting lives and property when other means and resources are not available or are less effective	
Fiscal Impacts: \$4,622.00 inventory	
Legal/Procedural Rules Governing Use: Governed by FAA; All applicable State, Federal and Local laws governing police Search & Seizure	
Training Required: Part 107 FAA Certificate; Authorized department quarterly training	
Compliance Mechanisms: Department Policy – Unmanned Aerial Systems (UAS) Operations	

Equipment Type: Unmanned Aerial System (UAS); CA Gov't Code §7070(c)(1)	
Description: DJI Mavic 2 Pro; Quad propeller; FAA Flight number FA3LXY33RA and FA3LXY4WW4	
Quantity: 2	Lifespan: 3-5 years
Capabilities: 970 grams; Flight time up to 30 minutes	
Manufacturer's Description: To make a drone that exists where engineering, technology, and the needs of the aerial photographer converge. A drone that embodies all of DJI's advanced, signature technologies, and is able to redefine what is possible for the world of aerial photography	
Purpose/Authorized Uses: Utilized to enhance the department's mission of protecting lives and property when other means and resources are not available or are less effective	
Fiscal Impacts: \$2,392.00 each; \$4,784.00 inventory	
Legal/Procedural Rules Governing Use: Governed by FAA; All applicable State, Federal and Local laws governing police Search & Seizure	
Training Required: Part 107 FAA Certificate; Authorized department quarterly training	
Compliance Mechanisms: Department Policy – Unmanned Aerial Systems (UAS) Operations	

Equipment Type: Unmanned Aerial System (UAS) ;CA Gov't Code §7070(c)(1)	
Description: DJI Phantom 4 Pro; Quad propeller; FAA Flight number FA3LXXTELR and FA3LXXX9NK	
Quantity: 2	Lifespan: 3-5 years
Capabilities: 30 minute flight time; 4K video; 5 direction obstacle sensing; up to 42 miles per hour; 1338 grams	
Manufacturer's Description: An updated camera is equipped with a 1-inch 20-megapixel sensor capable of shooting 4K/60fps video and Burst Mode stills at 14 fps. The adoption of titanium alloy and magnesium alloy construction increases the rigidity of the airframe and reduces weight, making the Phantom 4 Pro similar in weight to the Phantom 4. The Flight Autonomy system adds dual rear vision sensors and infrared sensing systems for a total of 5-direction of obstacle sensing and 4-direction of obstacle avoidance	
Purpose/Authorized Uses: Utilized to enhance the department's mission of protecting lives and property when other means and resources are not available or are less effective	
Fiscal Impacts: \$2,807.00 each; \$5,614.00 inventory	
Legal/Procedural Rules Governing Use: Governed by FAA; All applicable State, Federal and Local laws governing police Search & Seizure	
Training Required: Part 107 FAA Certificate; Authorized department quarterly training	
Compliance Mechanisms: Department Policy – Unmanned Aerial Systems (UAS) Operations	

Equipment Type: Unmanned Aerial System (UAS); CA Gov't Code §7070(c)(1)	
Description: Mini 2; Quad propellers; FAA Flight number FA3FAP49RT	
Quantity: 1	Lifespan: 3-5 years
Capabilities: 249 grams; Flight time 31 minute; 4K video resolution; Speeds of up to 36mph	
Manufacturer's Description: Small, lightweight consumer drone	
Purpose/Authorized Uses: Utilized to enhance the department's mission of protecting lives and property when other means and resources are not available or are less effective	
Fiscal Impacts: \$499.00 inventory	
Legal/Procedural Rules Governing Use: Governed by FAA; All applicable State, Federal and Local laws governing police Search & Seizure	
Training Required: Part 107 FAA Certificate; Authorized department quarterly training	
Compliance Mechanisms: Department Policy – Unmanned Aerial Systems (UAS) Operations	

Equipment Type: Unmanned Aerial System (UAS); CA Gov't Code §7070(c)(1)	
Description: Mini 3; Quad propellers; FAA Flight number FA37FCLK4C	
Quantity: 1	Lifespan: 3-5 years
Capabilities: 248 grams; Flight time 38 minute; 4K video resolution; Speeds of up to 36mph	
Manufacturer's Description: Small, lightweight consumer drone	
Purpose/Authorized Uses: Utilized to enhance the department's mission of protecting lives and property when other means and resources are not available or are less effective	
Fiscal Impacts: \$699.00 inventory	
Legal/Procedural Rules Governing Use: Governed by FAA; All applicable State, Federal and Local laws governing police Search & Seizure	
Training Required: Part 107 FAA Certificate; Authorized department quarterly training	
Compliance Mechanisms: Department Policy – Unmanned Aerial Systems (UAS) Operations	

Equipment Type: Unmanned Aerial System (UAS); CA Gov't Code §7070(c)(1)	
Description: Matrice 30T; Quad propellers; FAA Flight number FA37FCHMYM	
Quantity: 1	Lifespan: 3-5 years
Capabilities: The Matrice 30T has a 48-megapixel camera; 5x-16x optical zoom; 5K/30 fps video resolution; 41 minute max flight time; Speeds of up to 45 mph; 3770 grams.	
Manufacturer's Description: The DJI Matrice 30T is designed for first responder use in harsh conditions. It is a powerful yet portable drone made for public safety. With over 41 minutes of flight time with an integrated camera, the 30T is small and mobile while still providing the image resolution needed for public safety tasks.	
Purpose/Authorized Uses: Utilized to enhance the department's mission of protecting lives and property when other means and resources are not available or are less effective	
Fiscal Impacts: \$13,999.00 inventory	
Legal/Procedural Rules Governing Use: Governed by FAA; All applicable State, Federal and Local laws governing police Search & Seizure	
Training Required: Part 107 FAA Certificate; Authorized department quarterly training	
Compliance Mechanisms: Department Policy – Unmanned Aerial Systems (UAS) Operations	

Equipment Type: Wheeled Vehicle that has a breaching or entry apparatus attached; CA Gov't Code §7070(c)(3)	
Description: Lenco BearCat G2 (Armored Rescue Vehicle); Black armored, wheel vehicle; White reflective agency name; red/blue lights; siren / PA system; Removable hydraulic boom/ram	
Quantity: 1	Lifespan: 25 years

Capabilities: The Lenco BearCat is an armored tactical response & rescue vehicle produced on the Ford F-550 commercial truck chassis platform

Specifications:

- Cruising speed: 75 MPH/ Max speed 90 MPH
- Stop distance with full load: 50 MPH -128'
- Engine 6.7L V8 Turbo Diesel
- 450 horsepower & 935 lb-ft torque
- Operating range approximately 200 miles (4-6 mpg).
- Weight: approx. 17,550 lbs
- 40 gallon fuel tank
- Fuel tank protected by 1.4" steel
- Tires equipped with run flats
- 98 ½ inches wide (8.2 feet)
- 106 inches tall (8.8 feet)

Ballistic Capabilities:

- All 6 sides armored with Mil-Spec steel armor
- Testing has defeated (10) rounds from .50 CAL ball ammo at 0 degrees
- Armor provides multi-hit protection from .30 cal rounds including windows

Manufacturer's Description: Enhances the safety of Police, EMS, Tactical Response Teams, EOD units and Firefighters. The vehicle is capable of providing enhanced personal protection and survivability in threatening environments including but not limited to Natural Disasters, Riot Control, Barricaded Suspects, Search and Rescue and Hostage Situations. The Lenco BearCat is four-wheel drive and will operate in most weather and terrain conditions. The vehicle features Ballistic Armor, weapon ports, a top mounted rotating turret with adjustable height stand, and an array of specific electrical and mechanical options to meet the user's specific needs

Purpose/Authorized Uses: ARV may be used for the following types of incidents; high risk search warrants, armed barricaded suspects in a structure or vehicle, armed suspects in an open area (large field, parking lot, etc.), SWAT call-outs, assisting an outside jurisdiction, downed person(s) rescues where a person(s) have been shot and is in need of rescue to get medical attention when the suspect(s) still poses a threat, evacuations from an active area where a threat of gun fire still exist, terrorist incident, mobile field force deployments for riot situations, for any event where the ARV would be deemed necessary to assist police officers and the public at risk, or SWAT and Mobile Field Force training

Fiscal Impacts: \$266,069 initial cost; \$1,750 annual maintenance

Legal/Procedural Rules Governing Use: Authorized by the Watch Commander

Training Required: Initial training by Lenco provided to training cadre; Initial training provided by LASD Special Enforcement Bureau; Agency authorized orientation and annual training

Compliance Mechanisms: Department Policy – Vehicle Use

Equipment Type: Command and Control Vehicle; CA Gov't Code §7070(c)(5)

Description: 2002 Mattman Specialty Vehicle; Freightliner MT55 Command Coach; Black and white box truck clearly marked with reflective Agency name; red/blue lights; siren / PA system

Quantity: 1

Lifespan: 25 years

Capabilities: Incident Command vehicle; Dispatch center; conference room; transportation of equipment to be used at on scene of mobile command

Manufacturer's Description: The Freightliner MT-55 is a true heavy-duty delivery or emergency response vehicle. The MT-55's heavy-duty chassis offers a gross vehicle weight rating between 20,000 and 30,000 pounds and can accept freight up to 1,500 cubic feet.

Purpose/Authorized Uses: To provide a means of transportation for equipment and to be used on scene as the Incident Commander/SWAT Commander command and control vehicle
Fiscal Impacts: \$362,538.00 initial cost; \$3,000 annual maintenance
Legal/Procedural Rules Governing Use: Authorized by the Incident Commander / Watch Commander
Training Required: Agency authorized orientation; yearly agency training
Compliance Mechanisms: Operational use under the review of the Incident Commander or Watch Commander

Equipment Type: Command and Control Vehicle; CA Gov't Code §7070(c)(5)	
Description: 2003 Mattman Specialty Vehicle; Workhorse P30042 SWAT Equipment Truck; Black and white box truck clearly marked with reflective Agency name; red/blue lights; siren / PA system	
Quantity: 1	Lifespan: 25 years
Capabilities: Provides a tactical command post location that can assist with the response to critical incidents; contains designated areas for equipment storage and crisis negotiation operations	
Manufacturer's Description: Step-van used for a variety of purposes	
Purpose/Authorized Uses: Designated as tactical command post during SWAT activations	
Fiscal Impacts: \$150,000 Initial cost; \$1,300 annual maintenance	
Legal/Procedural Rules Governing Use: Department Policy – Crisis Response Unit	
Training Required: Agency authorized orientation; yearly agency training	
Compliance Mechanisms: Department Policy – Crisis Response Unit	

Equipment Type: Explosive Breaching Tools; CA Gov't Code §7070(c)(7)	
Description: Remington 870 Wingmaster breaching shotgun; a specially converted shotgun designed to fire a specialty round to defeat or destroy deadbolts, hinges and locks	
Quantity: 2	Lifespan: round and use dependent
Capabilities: Range is 6 inches or less	
Manufacturer's Description: A specially converted 12 gauge shotgun that fires a specialty breaching round	
Purpose/Authorized Uses: Used to force entry into a structure by disabling the door lock mechanisms, doorknobs, hinges, dead bolts, safety chains and pad locks on both wooden or hollow core doors; Shotgun is used to rapidly destroy a deadbolt, hinge or lock while reducing the danger to people behind or around the targeted door; SWAT equipment subject to Department Policy – Crisis Response Unit	
Fiscal Impacts: \$765.77 each; \$1,531.54 inventory	
Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police Search & Seizure; SWAT equipment subject to Department Policy – Crisis Response Unit	
Training Required: POST approved Tactical Breaching for trainers; 16 hours “Breaching Course”; Agency authorized orientation course; annual refresher	
Compliance Mechanisms: Department Policy – Crisis Response Unit	

Equipment Type: Explosive Breaching Ammunition; CA Gov't Code §7070(c)(7)	
Description: Royal Arms, TESAR-1, Orange CAP 275 Grain Copper Frangible Breaching Round	
Quantity: 45; Ideal inventory - 25	Lifespan: N/A
Capabilities: When deployed, can defeat door lock mechanisms, door knobs, hinges, dead bolts, safety chains and pad locks on both wooden or hollow core doors	
Manufacturer's Description: Orange Cap 2-3/4" 275 Grain Compressed Copper Frangible 12 Gauge Shotgun Slug	
Slug Material: Copper Powder	
Velocity: 1,750 Ft p/sec -18" Barrel	

Use: For Wood Doors, Solid & Hollow
Defeats: Solid Wood Doors, Locks & Hinges
Purpose/Authorized Uses: Used to force entry into a structure by disabling the door lock mechanisms, doorknobs, hinges, dead bolts, safety chains and pad locks on both wooden or hollow core doors; used to rapidly destroy a deadbolt, hinge or lock while reducing the danger to people behind or around the targeted door; SWAT equipment subject to Department Policy – Crisis Response Unit
Fiscal Impacts: \$4.50 per round; \$112.50 to maintain ideal inventory
Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police Search & Seizure; SWAT equipment subject to Department Policy – Crisis Response Unit
Training Required: POST approved Tactical Breaching for trainers; Agency authorized orientation course; annual refresher
Compliance Mechanisms: Department Policy – Crisis Response Unit

Equipment Type: Explosive Breaching Ammunition; CA Gov't Code §7070(c)(7)	
Description: Royal Arms FTR-P1 Training Ammunition (Poly Shot)	
Quantity: 45; Ideal inventory - 50	Lifespan: N/A
Capabilities: Ideal for training on breaching locking mechanisms on solid and hollow core doors	
Manufacturer's Description: Royal Arms Frangible Training Breaching Ammunition offers a low-cost round for Tactical Teams to practice, without the heavy recoil of Breaching Rounds so you can shoot these all day long. This load is designed for pump shotguns and will not function Semi Auto. It has enough power to effectively breach training doors, yet has 1/3 the recoil and payload. The round is non-toxic and has no metal projectiles and is loaded with #4 polyethylene shot	
Purpose/Authorized Uses: Used to train on how to force entry into a structure by disabling the door lock mechanisms, doorknobs, hinges, dead bolts, safety chains and pad locks on both wooden or hollow core doors; Used to force entry into a structure by disabling the door lock mechanisms, door knobs, hinges, dead bolts, safety chains and pad locks on both wooden or hollow core doors; SWAT equipment subject to Department Policy – Crisis Response Unit	
Fiscal Impacts: \$2.00 per round; \$100.00 to maintain ideal inventory	
Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police Search & Seizure; SWAT equipment subject to Department Policy – Crisis Response Unit	
Training Required: POST approved Tactical Breaching for trainers; Agency authorized orientation course; annual refresher	
Compliance Mechanisms: Department Policy – Crisis Response Unit	

Equipment Type: Firearms of less than .50 caliber; CA Gov't Code §7070(c)(10)	
Description: Colt LE M4 AR 15 16.1 556 30 RD	
Quantity: 167	Lifespan: Round and use dependent
Capabilities: Operational range 1 mile	
Manufacturer's Description: To be used as precision weapon to address a threat with more precision and/or at greater distance than a handgun, if present and feasible	
Purpose/Authorized Uses: 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: <ul style="list-style-type: none"> • Situations where the officer reasonably anticipates an armed encounter • When an officer is faced with a situation that may require accurate and effective fire at long range • Situations where an officer reasonably expects the need to meet or exceed a suspect's firepower • When an officer reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage 	

<ul style="list-style-type: none"> • When an officer reasonably believes that a suspect may be wearing body armor • When authorized or requested by a supervisor • When needed to euthanize an animal
Fiscal Impacts: \$1,088.10 each; \$181,714.33 inventory
Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police use of force; Department Policy – Use of Force
Training Required: P.O.S.T. approved 16-hour class; Quarterly qualifications
Compliance Mechanisms: Department Policy - Firearms

Equipment Type: Firearms of less than .50 caliber; CA Gov't Code §7070(c)(10)	
Description: Accuracy International AT Law Enforcement, .308 Caliber	
Quantity: 1	Lifespan: Round and use dependent
Capabilities: The Accuracy International AT Law Enforcement rifle fires with extreme precision at different distances. The barrel, which is shorter than common hunting / long distance rifles, allows for tactical applications. Accuracy International supplies multiple law enforcement agencies around the world with high quality precision rifles.	
Manufacturer's Description: The AT is a culmination of ideas and requests from both the law enforcement community and civilian tactical shooters, resulting in a tactical rifle system that delivers leading-edge capability and unmatched value. The AT provides the end user with the latest in Accuracy International's long line of battle-proven features and adheres to Accuracy International's long-standing dedication to accuracy, reliability, ruggedness and quality.	
Purpose/Authorized Uses: Used as a long-range precision weapon system capable of delivering accurately placed shots on target through a greater magnification at longer ranges	
Fiscal Impacts: \$10,803.47 each	
Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police use of force; Department Policy – Use of Force	
Training Required: Basic SWAT School; Basic Sniper School	
Compliance Mechanisms: Department Policy – Firearms; Crisis Response Unit	

Equipment Type: Firearms of less than .50 caliber; CA Gov't Code §7070(c)(10)	
Description: Stiller TAC 30, Grayboe Ridgeback, Timney Model 510 Trigger, .308 Caliber	
Quantity: 3	Lifespan: Round and use dependent
Capabilities: The Stiller Tac 30 Rifle is a custom built rifle made by Jim Gruning with Gruning Precision. The rifles fire with extreme precision at different distances. They have custom heavy barrels which are shorter than any other common hunting/ long distance rifle which allows for tactical applications. Gruning precision supplies multiple law enforcement agencies across the United States with custom rifles. Jim Gruning also completes thorough inspections of each rifle on a yearly basis for free	
Manufacturer's Description: Specialties include customizing the bolt action rifle, M1A, AR15, and AR10 style rifles. Gruning manufactures a complete line of durable products, including scope rings, bases, and mounts	
Purpose/Authorized Uses: Used as a long-range precision weapon system capable of delivering accurately placed shots on target through a greater magnification at longer ranges	
Fiscal Impacts: \$5,715.00 each; \$17,145.00 inventory	
Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police use of force; Department Policy – Use of Force	
Training Required: Basic SWAT School; Basic Sniper School	
Compliance Mechanisms: Department Policy – Firearms; Crisis Response Unit	

Equipment Type: Firearms of less than .50 caliber; CA Gov't Code §7070(c)(10)	
Description: Remington 700 Police LTR .308 bolt Action	

Quantity: 1	Lifespan: Round and use dependent
Capabilities: The Remington 700 Police LTR is one of the most popular police sniper rifles used. It is known for its accuracy, durability and reliability. The department's Remington 700 has been modified with a Gruning precision heavy barrel and Timney trigger system. The custom heavy barrel is shorter than any other common hunting / long distance rifle which allows for tactical applications.	
Manufacturer's Description: Specialties include customizing the bolt action rifle, M1A, AR15, and AR10 style rifles. Remington manufactures a complete line of durable products, including scope rings, bases, and mounts	
Purpose/Authorized Uses: Used as a long-range precision weapon system capable of delivering accurately placed shots on target through a greater magnification at longer ranges.	
Fiscal Impacts: \$814.14 each	
Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police use of force; Department Policy – Use of Force	
Training Required: Basic SWAT School; Basic Sniper School	
Compliance Mechanisms: Department Policy – Firearms; Crisis Response Unit	

Equipment Type: Ammunition of less than .50 caliber; CA Gov't Code §7070(c)(10)	
Description: Winchester Q3131, Full Metal Jacket 5.56MM, 55 Grain Training Ammunition; 1000 rounds/case	
Quantity: 30,000 rounds; ideal inventory – 96,000 rounds	Lifespan: N/A
Capabilities: 3240 fps; 1282 ft-lbs	
Manufacturer's Description: Winchester USA Centerfire Rifle Ammunition is the ideal choice for training or extended sessions at the range providing great performance at a value price. Winchester Q3131A features a 55 grain full metal jacket bullet in a fully reloadable boxer primed brass case. This is some of the most sought after and hard to find ammunition. It is Winchester's version of the legendary XM-193 load	
Purpose/Authorized Uses: Used for training environments as ammunition for rifles	
Fiscal Impacts: \$0.45 per round; \$43,200.00 to maintain ideal inventory	
Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police use of force; Department Policy – Use of Force	
Training Required: P.O.S.T. approved 16-hour class; Quarterly qualifications	
Compliance Mechanisms: Department Policy – Firearms; Use of Force	

Equipment Type: Ammunition of less than .50 caliber; CA Gov't Code §7070(c)(10)	
Description: Winchester RA223R, Ranger, Pointed Soft Point .223 REM, 55 grain Duty Ammunition; 1000 rounds/case	
Quantity: 5,550; ideal inventory – 6,000	Lifespan: N/A
Capabilities: 3240 fps; 1282 ft-lbs	
Manufacturer's Description: This Winchester Ranger 223 Remington ammo features a 55 Grain Pointed Soft Point bullet. Winchester Ranger is the highest quality hollow point ammunition money can buy. This Winchester Ranger .223 55 grain Power Point Soft Point is intended for Law Enforcement use. This Winchester Ranger .223 Remington is new ammo and is not Police Department surplus. This Winchester Ranger 223 Remington has a muzzle velocity of 3240 feet per second and a muzzle energy of 1282 foot pounds. Winchester Ranger ammo is reloadable, features brass cases and boxer primers. This ammunition is non-corrosive	
Purpose/Authorized Uses: Used as duty round for rifle	
Fiscal Impacts: \$0.66 per round; \$3,960.00 to maintain ideal inventory	
Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police use of force; Department Policy – Use of Force	

Training Required: P.O.S.T. approved 16-hour class; Quarterly qualifications
Compliance Mechanisms: Department Policy – Firearms; Use of Force

Equipment Type: Ammunition of less than .50 caliber; CA Gov't Code §7070(c)(10)	
Description: Hornady 80725, .308 WIN Tactical Application Police (TAP), 168 Grain, ELD Match TAP Precision; 200 rounds per case	
Quantity: 400; ideal inventory – 3,000	Lifespan: N/A
Capabilities: This ammunition is used by a wide range of police agencies in the US. It is known for its accuracy, stopping power and rarely over penetrates. It can be used in multiple SWAT applications including but not limited to, short range engagements, long range engagements, barricaded subjects, barrier shooting and hostage rescue shots; 2700 fps	
Manufacturer's Description: Hornady® 308 WIN TAP 168 gr. ELD® MATCH TAP PRECISION® ammunition was designed as an improvement on the 168 gr. A-MAX TAP PRECISION® load by incorporating the new ELD® Match bullet. The 168 gr. ELD® Match bullet with Heat Shield® tip delivers the excellent terminal performance TAP Precision® is known for, but features a resilient, heat resistant polymer tip that improves the ballistic coefficient, resulting in higher impact velocities, less drop, less wind drift, and more energy on target.	
Purpose/Authorized Uses: Used as duty round for rifle.	
Fiscal Impacts: \$1.25 each; \$3,750.00 to maintain ideal inventory	
Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police use of force; Department Policy – Use of Force	
Training Required: Basic Sniper School; monthly training and qualification	
Compliance Mechanisms: Department Policy – Firearms; Use of Force, Crisis Response Unit	

Equipment Type: “Flashbang” grenade; CA Gov't Code §7070(c)(12)	
Description: Defense Technology 8922NRSC, Low Roll II Non-Reloadable Distraction Device with Safety Clip	
Quantity: 20; ideal inventory - 20	Lifespan: 5 years
Capabilities: Diversionary devices are categorized as a low order explosive that deflagrates rather than detonate. Their burn rate is measured in feet per second vs. miles per second (high order explosive). Initiation of the device is through a thermal process, which generates a sudden and rapid escape of gases from the device resulting in a brilliant light and loud noise. This deflagration may disorient and confuse a person by causing “sensory overload” for a few seconds and provide a tactical advantage for SWAT teams.	
Manufacturer's Description: The Low Roll II™ Non-Reloadable Distraction Device® utilizes an M201A1 type fuse with Hex design steel body. This compact version of the 8933 Low Roll body is the newest version of the original reusable non-bursting canister that limits movement and rolling once deployed. The compact Distraction Device unit fits safely in your hand and packs all the power of the full size 12-Gram Distraction Device unit. This steel body is designed to reduce rolling, fit in tactical pouches easily and deliver the safest and most effective stimuli in the industry. The compact Distraction Device unit should only be deployed in areas that have been visually observed to be clear of potential hazards.	
Purpose/Authorized Uses: Used as distraction light and sound device during tactical operation	
Fiscal Impacts: \$79.89 each; \$1,597.80 to maintain ideal inventory	
Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police use of force; Department Policy – Use of Force; Crisis Response Unit	
Training Required: 16-hour POST approved Diversionary Device Instructor School; Agency authorized orientation course; annual refresher	
Compliance Mechanisms: Department Policy – Crisis Response Unit	

Equipment Type: Tear Gas; CA Gov't Code §7070(c)(12)	
Description: Defense Technology 1072; Spede Heat CS Continuous Discharge Chemical Grenade	
Quantity: 5; ideal inventory 5	Lifespan: 5 years
Capabilities: Ideal use is for crowd control or other outdoor uses	
Manufacturer's Description: The Spede-Heat™ Grenade is a high volume, continuous discharge grenade available in OC, CN or CS. In the OC, CN and CS configurations, pelletized chemical agent is discharged through four (4) gas ports located on top of the canister, three (3) on the side, and one (1) on the bottom. Designed specifically for outdoor use in crowd control situations, the SpedeHeat™ Grenade is built on the old style larger canister. It is a high volume continuous burn device that expels its payload in approximately 20 - 40 seconds from a single source. The longer burn time may allow for throwback by individuals wearing burn protection such as a welder's mitt. The canisters may be protected from advancing individuals with the use of less lethal impact munitions. The device should be deployed utilizing wind advantage. It should NOT be deployed onto rooftops, in crawl spaces, or indoors due to its fire-producing capability. Hand throw or launch. Launching of grenades will provide deploying officers additional stand-off distances. Affords very good coverage for large outdoor areas.	
Purpose/Authorized Uses: Used in tactical situations to gain compliance	
Fiscal Impacts: \$29.50 each; \$147.50 to maintain ideal inventory	
Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police use of force; Department Policy – Use of Force; Crisis Response Unit	
Training Required: 40-hour POST Approved Chemical Agent Instructor School; Agency authorized orientation course; annual refresher	
Compliance Mechanisms: Department Policy – Control Devices and Techniques; Crisis Response Unit	

Equipment Type: Tear Gas; CA Gov't Code §7070(c)(12)	
Description: Defense Technology 1016 Pocket Tactical CS Grenade	
Quantity: 4; ideal inventory 5	Lifespan: 5 years
Capabilities: Due to its smaller size, the operator can carry it on their person. It can be used to contain smoke or other chemical agents	
Manufacturer's Description: The Pocket Tactical Grenade is a quick burning, reduced volume, continuous discharge grenade available in OC, CN, CS, and Saf-Smoke™. Pelletized chemical agent or smoke is discharged through one (1) gas port located on the bottom of the canister. The Pocket Tactical Grenade is a small, lightweight, easily carried device that provides a medium volume of chemical agent or smoke for certain situations. It was designed with the tactical team in mind for distraction, concealment, rescue, or signaling. The pocket grenade is not specifically intended as a crowd management device; however, it can be used in chemical configurations in conjunction with larger smoke canisters to “piggy back” chemical agent into a predominately smoke environment. This device should be deployed utilizing wind advantage	
Purpose/Authorized Uses: Used in tactical situations to gain compliance	
Fiscal Impacts: \$20 each; \$100 to maintain ideal inventory	
Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police use of force; Department Policy – Use of Force; Crisis Response Unit	
Training Required: 40-hour POST Approved Chemical Agent Instructor School; Agency authorized orientation course; annual refresher	
Compliance Mechanisms: Department Policy – Control Devices and Techniques; Crisis Response Unit	

Equipment Type: Tear Gas; CA Gov't Code §7070(c)(12)	
Description: Defense Technology Flameless Tri-Chamber CS, Model 1032	
Quantity: 11; ideal inventory - 10	Lifespan: 5 years
Capabilities: Capable of being used for crowd control and barricaded subjects	

Manufacturer's Description: The Tri-Chamber Flameless Grenade is designed for indoor use. This grenade's pyrotechnic contents are burned within an internal can that is one of three in this design. The internal combustion allows the chemical-laden smoke to be released through three (3) ports on the outer canister side while safely containing any of the fire-producing properties within the two internal canisters. The fuse is shrouded to further protect surrounding materials from the possibility of fire. The Tri-Chamber Flameless Grenade can be used in crowd control as well as tactical deployment situations by Law Enforcement and Corrections but was designed with the barricade situation in mind. Its applications in tactical situations are primarily to detect and/or dislodge barricaded subjects. The purpose of the Tri-Chamber Flameless Grenade is to minimize the risks to all parties through pain compliance, temporary discomfort, and/or incapacitation of potentially violent or dangerous subjects. The Tri-Chamber Flameless Grenade provides the option of delivering a pyrotechnic chemical device indoors, maximizing the chemicals' effectiveness via heat and vaporization, while minimizing or negating the chance of fire to the structure. The actual smoke and chemical content is minimal enough that oxygen displacement concerns and LCT is rarely reached. It is a viable option when chemical-laden powders or liquids are ineffective or inappropriate for the situation. As with all pyrotechnic carriers, contamination will be greater than that experienced with powders or liquids

Purpose/Authorized Uses: Used in tactical situations to gain compliance

Fiscal Impacts: \$31.23 each; \$312.30 to maintain ideal inventory

Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police use of force; Department Policy – Use of Force; Crisis Response Unit

Training Required: 40-hour POST Approved Chemical Agent Instructor School; Agency authorized orientation course; annual refresher

Compliance Mechanisms: Department Policy – Control Devices and Techniques; Crisis Response Unit

Equipment Type: Tear Gas; CA Gov't Code §7070(c)(14)

Description: Defense Technology Ferret 40mm CS Powder, Model # 2292

Quantity: 20; ideal inventory -25

Lifespan: 5 years

Capabilities: Designed to disperse non-flammable chemical agent creating temporary discomfort through pain compliance; used at a distance and launched from 40mm device

Manufacturer's Description: The Ferret® 40mm Round is a frangible projectile filled with chemical agent. It is designed to deliver chemical agents in barricade situations from a 40mm launcher. Spin stabilization from barrel rifling affords maximum stand-off distance and accuracy for safety. The Ferret® 40mm Round is non-burning and suitable for indoor use. Used primarily by tactical teams, it is designed to penetrate barriers, such as windows, hollow core doors, wallboard and thin plywood. Upon impacting the barrier, the nose cone ruptures and instantaneously delivers a small chemical payload inside of a structure or vehicle. In a tactical deployment situation, the Ferret® 40mm is primarily used to dislodge barricaded subjects from very small, confined areas. Its purpose is to minimize the risks to all parties through pain compliance, temporary discomfort and/or incapacitation of potentially violent or dangerous subjects. The Ferret® 40mm Round is available with either liquid or powder carriers for the agent. Once delivered, powder carriers tend to keep the agent airborne longer than liquid carriers and may have more effect. Liquid carriers contain red dye to aid in shot placement. Shot placement and trajectory considerations should be based on hardness of the barrier. However, accuracy is dependent on the operator and the condition of the launcher. Velocity and barricade penetration results will vary between launchers, temperature conditioning and impact angle

Purpose/Authorized Uses: Used in tactical situations to gain compliance

Fiscal Impacts: \$24.28 each; \$607.00 to maintain ideal inventory

Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police use of force; Department Policy – Use of Force; Crisis Response Unit

Training Required: 40-hour POST Approved Chemical Agent Instructor School; Agency authorized orientation course; annual refresher

Compliance Mechanisms: Department Policy – Control Devices and Techniques; Crisis Response Unit

Equipment Type: Projectile Launch Platform ; CA Gov't Code §7070(c)(14)	
Description: Lewis Machine & Tool, Model 40 MTS; 40 MM Launcher	
Quantity: 10	Lifespan: Use and round dependent
Capabilities: Used to gain compliance; able to fire sponge rounds and chemical agent ferret rounds	
Manufacturer's Description: The 40LMTS is a tactical 40mm single shot launcher that features an expandable stock and an adjustable Integrated Front Grip (IFG) with a light rail. The Ambidextrous Lateral Sling Mount (LSM) and QD mounting systems allow both a single and two point sling attachment. The 40LMTS will fire standard 40mm Less Lethal ammunition, up to 4.8 inches in cartridge length. This weapon is NOT designed to fire 40mm High Velocity HE ammunition. The Picatinny Rail Mounting System will accept a wide array of enhanced optics/sighting systems	
Purpose/Authorized Uses: Used to gain compliance as less lethal control device and deliver chemical agents when necessary	
Fiscal Impacts: \$855.55 each; \$8555.50 to maintain ideal inventory	
Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police use of force; Department Policy – Use of Force; Crisis Response Unit; Control Devices and Techniques	
Training Required: Agency authorized orientation course; annual refresher	
Compliance Mechanisms: Department Policy – Control Devices and Techniques; Crisis Response Unit	

Equipment Type: Projectile Launch Platform ; CA Gov't Code §7070(c)(14)	
Description: Defense Technology Model 1425 40 MM Launcher	
Quantity: 14	Lifespan: Use and round dependent
Capabilities: Used to gain compliance; able to fire sponge rounds and chemical agent ferret rounds	
Manufacturer's Description: The 40LMTS is a tactical 40mm single shot launcher that features an expandable stock and an adjustable Integrated Front Grip (IFG) with a light rail. The Ambidextrous Lateral Sling Mount (LSM) and QD mounting systems allow both a single and two point sling attachment. The 40LMTS will fire standard 40mm Less Lethal ammunition, up to 4.8 inches in cartridge length. This weapon is NOT designed to fire 40mm High Velocity HE ammunition. The Picatinny Rail Mounting System will accept a wide array of enhanced optics/sighting systems	
Purpose/Authorized Uses: Used to gain compliance as less lethal control device and deliver chemical agents when necessary	
Fiscal Impacts: \$855.55 each; \$11,977.70 to maintain ideal inventory	
Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police use of force; Department Policy – Use of Force; Crisis Response Unit; Control Devices and Techniques	
Training Required: Agency authorized orientation course; annual refresher	
Compliance Mechanisms: Department Policy – Control Devices and Techniques; Crisis Response Unit	

Equipment Type: Projectile Launch Platform ; CA Gov't Code §7070(c)(14)	
Description: Penn Arms PGL65-40 Multi-Launcher	
Quantity: 1	Lifespan: Use and round dependent
Capabilities: Used to gain compliance; able to fire sponge rounds and chemical agent ferret rounds	
Manufacturer's Description: PENN ARMS has set the standard for less-lethal launchers world wide for over 20 years. Their patented designs are small, lightweight, and operationally versatile. Constructed out of the highest grade of materials to a high standard of quality, PENN ARMS is Dedicated To Your Mission®	
Purpose/Authorized Uses: Used to gain compliance as less lethal control device and deliver chemical agents when necessary	
Fiscal Impacts: \$3,300 inventory	

Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police use of force; Department Policy – Use of Force; Crisis Response Unit; Control Devices and Techniques
Training Required: Agency authorized orientation course; annual refresher
Compliance Mechanisms: Department Policy – Control Devices and Techniques; Crisis Response Unit

Equipment Type: Projectile Munition; CA Gov't Code §7070(c)(14)	
Description: Defense Technology 6325 40mm Smokeless Exact Impact Sponge	
Quantity: 140; ideal inventory - 450	Lifespan: 5 years
Capabilities: launched from a 40mm launcher to gain compliance as less lethal control device	
Manufacturer's Description: The 40mm eXact iMPact™ Sponge Round has evolved from the design of the 40mm XM1006 projectile, developed by the US Army Research Laboratory. This lightweight, high-speed projectile incorporates a plastic body and a foam (sponge) nose which is spin stabilized via the incorporated rifling collar and the 40mm launcher's rifled barrel. The round utilizes smokeless powder as the propellant and has velocities that are extremely consistent. The 40mm eXact iMPact™ Sponge Round is a "point-of-aim, point-of-impact" direct fire round that is most commonly used by tactical teams in situations where maximum deliverable energy is desired for the incapacitation of an aggressive, non-compliant subject. In many municipalities, these are being selected for both tactical call outs and as an available option for patrol. The 40mm eXact iMPact™ Sponge Round is intended for direct fire deployment. The operator should be adequately trained in the use of Less Lethal Impact Munitions and have a thorough understanding of the round and considerations for selecting shot placement such as level of threat, target distance, size and clothing. The 40mm eXact iMPact™ Sponge Round will prove most successful for incapacitation when used within its optimal energy range of approximately 5 – 40 meters, although it may used in situations from 1.5 – 50 meters. The optimal zone offers the necessary energy and accuracy to target the large muscle groups of the buttocks, thigh, and even the knees of the subject. These areas provide sufficient pain stimulus, while greatly reducing serious or life-threatening injuries. The 40mm eXact iMPact™ Sponge Round can also be deployed in crowd control situations to protect the riot line, cover or enhance chemical munitions, or targeting specific agitators and organizers of the crowd. When used in this fashion, it is primarily both a psychological deterrent and physiological distraction serving as a pain compliance device to either get the crowd or subject moving or keeping them at a designated distance	
Purpose/Authorized Uses: Used to gain compliance and break windows on vehicle and structures	
Fiscal Impacts: \$19.16 per round;/ \$8,622.00 to maintain ideal inventory	
Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police use of force; Department Policy – Use of Force; Crisis Response Unit; Control Devices and Techniques	
Training Required: Agency authorized orientation course; annual refresher	
Compliance Mechanisms: Department Policy – Control Devices and Techniques	

Equipment Type: Projectile Launch Platform; CA Gov't Code §7070(c)(14)	
Description: PepperBall, Full Tactical Carbine (FTC) Launcher	
Quantity: 2	Lifespan: Round and use dependent
Capabilities: Launches small less lethal inert or chemical agent rounds to gain compliance	
Manufacturer's Description: FTC is a high-capacity, semi-automatic launcher that is perfect for crowd management and mobile field force operations. Reliable and accurate, it features a hopper that can hold up to 180 rounds and a flexible air source configuration	
Purpose/Authorized Uses: Less lethal control device used to gain compliance	
Fiscal Impacts: \$360.00 each; \$720.00 inventory	
Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police use of force; Department Policy – Use of Force; Crisis Response Unit; Control Devices and Techniques	
Training Required: 16-hour PepperBall Instructor / Armorer Certification Course; Agency authorized orientation course; annual refresher	
Compliance Mechanisms: Department Policy – Control Devices and Techniques	

Equipment Type: Projectile Launch Platform; CA Gov't Code §7070(c)(14)	
Description: Tippman, Model 68 Carbine projectile launcher	
Quantity: 4	Lifespan: Round and use dependent
Capabilities: Launches small less lethal inert or chemical agent rounds to gain compliance	
Manufacturer's Description: Original maker bought by PepperBall	
Purpose/Authorized Uses: Less lethal control device used to gain compliance	
Fiscal Impacts: \$499.50 each; \$1,998.00 inventory	
Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police use of force; Department Policy – Use of Force; Crisis Response Unit; Control Devices and Techniques	
Training Required: 16-hour PepperBall Instructor / Armorer Certification Course; Agency authorized orientation course; annual refresher	
Compliance Mechanisms: Department Policy – Control Devices and Techniques	

Equipment Type: Projectile Launch Platform; CA Gov't Code §7070(c)(14)	
Description: Mission Less Lethal, M2100, MLR Full Auto Carbine Launcher	
Quantity: 2	Lifespan: Round and use dependent
Capabilities: Launches small less lethal inert or chemical agent rounds to gain compliance	
Manufacturer's Description: Technical Specs Item: PepperBall Launcher; Type: Full Auto Launcher; Approx. No. of Shots: 200; Overall Height: (In.) 21 in; Container Size: 135.2 oz.; Spray Line Length (Ft.) 60 to 160; Color: Black/Orange	
Purpose/Authorized Uses: Less lethal control device used to gain compliance	
Fiscal Impacts: \$599.20 each; \$1,198.40 inventory	
Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police use of force; Department Policy – Use of Force; Crisis Response Unit; Control Devices and Techniques	
Training Required: 16-hour PepperBall Instructor / Armorer Certification Course; Agency authorized orientation course; annual refresher	
Compliance Mechanisms: Department Policy – Control Devices and Techniques	

Equipment Type: Projectile Munition; CA Gov't Code §7070(c)(14)	
Description: Mission Less Lethal M1120500 Pepper Projectiles (OC2 (1% OC and 4% PAVA)	
Quantity: Discontinued; 4,000 inventory	Lifespan: 3 years
Capabilities: able to be launched and used to gain compliance through chemical agent irritation	
Manufacturer's Description: Mission Less Lethal is a supplier of less-lethal pepper round launchers for nearly 20 years. our products are widely used by thousands of Federal, State, Local, International police, military, and private security agencies.	
Purpose/Authorized Uses: Less lethal control munition used to gain compliance	
Fiscal Impacts: \$1.33 per round; \$5,320.00 inventory	
Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police use of force; Department Policy – Use of Force; Crisis Response Unit; Control Devices and Techniques	
Training Required: 16-hour PepperBall Instructor / Armorer Certification Course; Agency authorized orientation course; annual refresher	
Compliance Mechanisms: Department Policy – Control Devices and Techniques	

Equipment Type: Projectile Munition; CA Gov't Code §7070(c)(14)	
Description: PepperBall LiveX Projectiles (5% PAVA)	
Quantity: 600; 2,200 ideal inventory	Lifespan: 3 years
Capabilities: able to be launched and used to gain compliance through chemical agent irritation	

Manufacturer's Description: Our most potent and powerful concentration of PAVA pepper powder. At 5% PAVA, a LIVE-X™ round contains double the amount of PAVA chemical agent of a regular PepperBall® LIVE SD™ round. PAVA is based on one of the hottest of the six capsaicinoids found in pepper plants. PepperBall products contain only safe, pure, non-oil based PAVA and are non-flammable. Ingredient consistency ensures each projectile operates with quality and effectiveness	
Purpose/Authorized Uses: Less lethal control munition used to gain compliance	
Fiscal Impacts: \$2.14 per round; \$4,708.00 to maintain ideal inventory	
Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police use of force; Department Policy – Use of Force; Crisis Response Unit; Control Devices and Techniques	
Training Required: 16-hour PepperBall Instructor / Armorer Certification Course; Agency authorized orientation course; annual refresher	
Compliance Mechanisms: Department Policy – Control Devices and Techniques	

Equipment Type: Projectile Munition; CA Gov't Code §7070(c)(14)	
Description: PepperBall Live Projectiles (2% PAVA)	
Quantity: Discontinued; 1,275 inventory	Lifespan: 3 years
Capabilities: Able to be launched and used to gain compliance through chemical agent irritation	
Manufacturer's Description: The live PepperBall® round contains 2.0% PAVA. It is effective for direct impact and area saturation when there is no line of sight. PAVA is based on one of the hottest of the six capsaicinoids found in pepper plants. PepperBall products contain only safe, pure, non-oil based PAVA and are non-flammable. Ingredient consistency ensures each projectile operates with quality and effectiveness	
Purpose/Authorized Uses: Less lethal control munition used to gain compliance	
Fiscal Impacts: \$1.63 per round; \$2,078.25 inventory	
Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police use of force; Department Policy – Use of Force; Crisis Response Unit; Control Devices and Techniques	
Training Required: 16-hour PepperBall Instructor / Armorer Certification Course; Agency authorized orientation course; annual refresher	
Compliance Mechanisms: Department Policy – Control Devices and Techniques	

Equipment Type: Projectile Munition; CA Gov't Code §7070(c)(14)	
Description: PepperBall Inert Projectiles (No irritant)	
Quantity: 1,500; ideal inventory - 1,500	Lifespan: 3 years
Capabilities: Able to be launched and used to gain compliance through pain of impact	
Manufacturer's Description: Containing a harmless, scented powder, this projectile is best suited for practice or direct impact when chemical exposure is not desired	
Purpose/Authorized Uses: Less lethal control munition used to gain compliance	
Fiscal Impacts: \$0.74 per round; \$1,110.00 to maintain ideal inventory	
Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police use of force; Department Policy – Use of Force; Crisis Response Unit; Control Devices and Techniques	
Training Required: 16-hour PepperBall Instructor / Armorer Certification Course; Agency authorized orientation course; annual refresher	
Compliance Mechanisms: Department Policy – Control Devices and Techniques	

Equipment Type: Specialty Impact Munition (SIM) Weapon; CA Gov't Code §7070(c)(14)	
Description: Smith & Wesson Model 5906 – 9mm – SIMUNTION PISTOL	
Quantity: 9	Lifespan: Use and round dependent
Capabilities: Provides realistic training with actual weight and look of real pistol using non-lethal munitions	

Manufacturer's Description: N/A
Purpose/Authorized Uses: Training scenarios
Fiscal Impacts: \$0; converted old pistols
Legal/Procedural Rules Governing Use: Department Policy - Training
Training Required: 24-hour Simunition FX Scenario Instructor and Safety Certification Course for Instructors and Facilitators; Agency authorized orientation course; annual refresher
Compliance Mechanisms: Department Policy - Training

Equipment Type: Specialty Impact Munition (SIM) Weapon; CA Gov't Code §7070(c)(14)	
Description: Glock 17 – 9mm – SIMUNTION PISTOL	
Quantity: 7	Lifespan: Use and round dependent
Capabilities: Provides realistic training with actual weight and look of real pistol using non-lethal munitions	
Manufacturer's Description: N/A	
Purpose/Authorized Uses: Training scenarios	
Fiscal Impacts: \$0; converted old pistols	
Legal/Procedural Rules Governing Use: Department Policy - Training	
Training Required: 24-hour Simunition FX Scenario Instructor and Safety Certification Course for Instructors and Facilitators; Agency authorized orientation course; annual refresher	
Compliance Mechanisms: Department Policy - Training	

Equipment Type: Specialty Impact Munition (SIM) Weapon; CA Gov't Code §7070(c)(14)	
Description: Glock 22; .40 Caliber SIMUNTION PISTOL	
Quantity: 3	Lifespan: Use and round dependent
Capabilities: Provides realistic training with actual weight and look of real pistol using non-lethal munitions	
Manufacturer's Description: N/A	
Purpose/Authorized Uses: Training scenarios	
Fiscal Impacts: \$0; converted old pistols	
Legal/Procedural Rules Governing Use: Department Policy - Training	
Training Required: 24-hour Simunition FX Scenario Instructor and Safety Certification Course for Instructors and Facilitators; Agency authorized orientation course; annual refresher	
Compliance Mechanisms: Department Policy - Training	

Equipment Type: Specialty Impact Munition (SIM) Weapon; CA Gov't Code §7070(c)(14)	
Description: Force on Force M4/M16 Conversion Bolt Kit	
Quantity: 20	Lifespan: Use and round dependent
Capabilities: Provides realistic training by allowing operator to use their actual rifle with a bolt that is used for non-lethal munitions.	
Manufacturer's Description:	
<ul style="list-style-type: none"> • Designed to fire Force on Force 5.56mm marker rounds • Doesn't interfere with on-gun accessories • Prevents firing of lethal ammunition 	
Purpose/Authorized Uses: Training scenarios	
Fiscal Impacts: \$329.99 each; \$6,599.80 inventory	
Legal/Procedural Rules Governing Use: Department Policy – Training; Crisis Response Unit	
Training Required: 24-hour Simunition FX Scenario Instructor and Safety Certification Course for Instructors and Facilitators; Agency authorized orientation course; annual refresher	
Compliance Mechanisms: Department Policy - Training	

Equipment Type: Specialty Impact Munition (SIM) Weapon; CA Gov't Code §7070(c)(14)	
Description: Simunition FX Original Marking Cartridge – 9mm	
Quantity: 1000	Lifespan: 3 years
Capabilities: Used in SIM weapons to provide realistic training	
Manufacturer's Description: The FX® marking cartridges, which come in six colors, are at the core of the FX® Training System known as "the world's most realistic close-range combat training system". The patented, reduced-energy, non-lethal cartridges leave a detergent-based, water-soluble color-marking compound. The visible impacts allow accurate assessment of simulated lethality. The cartridges are available in .38 cal. and 9mm and feature tactical accuracy up to 25 feet (7.6 meters). The 5.56mm is tactically accurate with ball cartridges to 100 feet (30 meters). No special ballistic facilities are required. They meet the need for a force-on-force and person-to-person training system that is realistic, effective, inexpensive, adaptable and fully portable	
Purpose/Authorized Uses: Training scenarios	
Fiscal Impacts: \$0.51 each; \$253 / case of 500	
Legal/Procedural Rules Governing Use: Department Policy – Training; Crisis Response Unit	
Training Required: 24-hour Simunition FX Scenario Instructor and Safety Certification Course for Instructors and Facilitators; Agency authorized orientation course; annual refresher	
Compliance Mechanisms: Department Policy - Training	

Equipment Type: Specialty Impact Munition (SIM) Weapon; CA Gov't Code §7070(c)(14)	
Description: Simunition FX Original Marking Cartridge – .223	
Quantity: 6,800	Lifespan: 3 years
Capabilities: Used in SIM weapons to provide realistic training	
Manufacturer's Description: The FX® marking cartridges, which come in six colors, are at the core of the FX® Training System known as "the world's most realistic close-range combat training system". The patented, reduced-energy, non-lethal cartridges leave a detergent-based, water-soluble color-marking compound. The visible impacts allow accurate assessment of simulated lethality. The cartridges are available in .38 cal. and 9mm and feature tactical accuracy up to 25 feet (7.6 meters). The 5.56mm is tactically accurate with ball cartridges to 100 feet (30 meters). No special ballistic facilities are required. They meet the need for a force-on-force and person-to-person training system that is realistic, effective, inexpensive, adaptable and fully portable	
Purpose/Authorized Uses: Training scenarios	
Fiscal Impacts: \$0.51 each; \$253 / case of 500	
Legal/Procedural Rules Governing Use: Department Policy – Training; Crisis Response Unit	
Training Required: 24-hour Simunition FX Scenario Instructor and Safety Certification Course for Instructors and Facilitators; Agency authorized orientation course; annual refresher	
Compliance Mechanisms: Department Policy - Training	

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