CHIEF'S PREFACE

Welcome to the Antioch Police Department's automated policy system. Using technology, we are now able to disseminate new orders, policy changes, and reference material to all of our employees efficiently, effectively, and in a timely manner. Our goal is to be able to provide each employee with the necessary information they need with a touch of a button. I hope that you find this policy system useful. If there is additional information you think would be useful to have in this system, please do not hesitate to contact our administrative staff members.

This manual is the preeminent publication for the Antioch Police Department's Policies. The rules and regulations contained in this policy manual contain the guidelines for all Department personnel. They also provide a set of values and beliefs which give substance and meaning to the activities of the employees of this Department. You will find links to our Mission Statement, our Organizational Values, and the Law Enforcement Code of Ethics. I encourage you to review these on a regular basis. All employees are responsible for making certain they know and understand the policies and procedures contained in this policy system.

It is the policy of the Antioch Police Department to maintain training, policies and procedures that ensure employees conduct official business in a safe and professional manner. Our goal, through periodic training and reference to this manual, is to provide direction and guidance for the day-to-day efficient operations of the Department. Suggestions for updates or content changes are welcome and encouraged by any member of this Department.

I want to thank you for the great job that you perform every day. This organization is successful because of dedication and commitment of the men and women who pledge to protect our great community.

Sincerely,

Tammany Brooks 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

MISSION STATEMENT

The mission of the Antioch Police Department, in partnership with our community, is to promote the quality of life in Antioch by proactively reducing crime with integrity and commitment to excellence.

STATEMENT OF ORGANIZATIONAL VALUES

INTEGRITY

The core of our public service is built around integrity. We are responsible for our actions and are willing to admit to our mistakes, thereby insuring that our behavior builds credibility with the public.

OPENNESS AND SENSITIVITY

Openness and sensitivity are qualities we strive to bring out when interacting with the public. We will respond to the public's requests for assistance in a caring, helpful and understanding manner.

PROFESSIONALISM AND COMPETENCY

Our employees are dedicated to providing the community with professional and competent service at its highest level. We are clear in direction and perspective and in our sense of commitment.

ACCOUNTABILITY AND RESPONSIBILITY

The fabric which binds our organization together is accountability and responsibility. Using good judgment in conjunction with taking calculated risks nurtures innovation. As we learn from our experience, both positive and negative, we learn to challenge the future with optimism.

ENCOURAGEMENT AND RECOGNITION

We instill self pride in our work force and encourage independence, action and initiative. We recognize our employees as a valuable asset and acknowledge our success as an organization is realized through team excellence.

FUN AND VITALITY

Remaining active, intuitive and curious while approaching our work with a sense of enjoyment only fosters an environment of excitement. Fun and vitality is the spirit behind all of our efforts.

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Chapter 1 - Law Enforcement Role and Authority

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Policy Manual

100.1 PURPOSE AND SCOPE

The manual of the Antioch Police Department is hereby established and shall be referred to as the Policy Manual or the manual. The manual is a statement of the current policies, rules and guidelines of this department. All members are to conform to the provisions of this manual.

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

100.2 POLICY

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

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

100.3 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 Interim Directives, which shall modify those provisions of the manual to which they pertain. Interim Directives shall remain in effect until such time as they may be permanently incorporated into the manual.

100.4 ISSUING THE POLICY MANUAL

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

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

100.5 PERIODIC REVIEW OF THE POLICY MANUAL

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

100.6 REVISIONS TO POLICIES

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

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

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

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

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Law Enforcement Authority

101.1 PURPOSE AND SCOPE

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

101.2 POLICY

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

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

101.3 PEACE OFFICER POWERS

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

101.3.1 ARREST AUTHORITY INSIDE THE JURISDICTION OF THE ANTIOCH POLICE DEPARTMENT

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

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

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

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

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

(e) In compliance with an arrest warrant.

101.3.2 ARREST AUTHORITY OUTSIDE THE JURISDICTION OF THE ANTIOCH POLICE DEPARTMENT

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

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

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

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

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

(e) In compliance with an arrest warrant.

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

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

101.3.3 TIME OF MISDEMEANOR ARRESTS

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

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

  (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.

101.4 INTERSTATE PEACE OFFICER POWERS

Peace officer powers may be extended to other states:

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

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

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

Peace officers of another state who enter the State of California in fresh pursuit to arrest a person who has committed a felony in the other state have the same authority to arrest and hold in custody

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such person as peace officers of this state have to arrest and hold a person in custody (Penal Code § 852.2).

101.5 CONSTITUTIONAL REQUIREMENTS

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

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Chapter 2 - Organization and Administration

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Organizational Structure and Responsibility

200.1 PURPOSE AND SCOPE

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

200.2 DIVISIONS

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

- Field Services Division
- Support Services Division

200.2.1 FIELD SERVICES DIVISION

The Field Services Division is commanded by a Captain whose primary responsibility is to provide general management direction and control for the Field Services Division. The Field Services Division consists of Uniformed Patrol and Special Operations, which includes Traffic, SWAT, K9, School Resource Officers, and Community Service Officers.

200.2.2 SUPPORT SERVICES DIVISION

The Support Services Division is commanded by a Captain whose primary responsibility is to provide general management direction and control for the Support Services Division. The Support Services Division consists of the Investigations Bureau, Crime Analysis, Crime Scene Investigators, Property/Evidence, Training, Internal Affairs, Records, Dispatch and Animal Services.

200.3 COMMAND PROTOCOL

200.3.1 UNITY OF COMMAND

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

200.3.2 ORDERS

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

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Staffing Levels

202.1 PURPOSE AND SCOPE

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

202.2 MINIMUM STAFFING LEVELS

Deployment protocols and minimum staffing levels are described in the attached document. Any deviation from these levels must be approved by a patrol lieutenant watch commander.

See attachment: Deployment Protocols 2019 MEMO.pdf

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Interim Directive

203.1 PURPOSE AND SCOPE

Interim Directives establish an interdepartmental communication that may be used by the Chief of Police to make immediate changes topolicy and procedure consistent with the current Memorandum of Understanding and as permitted by Government Code § 3500 et seq. Interim Directives will immediately modify or change and supersede sections of this manual to which they pertain.

203.1.1 INTERIM DIRECTIVE PROTOCOL

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

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

203.2 RESPONSIBILITIES

203.2.1 STAFF

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

203.2.2 CHIEF OF POLICE

The Chief of Police or his designee shall issue all Interim Directives.

203.3 ACCEPTANCE OF INTERIM DIRECTIVES

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

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Training Policy

204.1 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.

204.2 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).

204.3 OBJECTIVES

The objectives of the Training Program are to:

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

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

(c) Provide for continued professional development of department personnel

204.4 TRAINING PLAN

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

(a) Legislative changes

(b) POST mandated training

(c) Other state mandated training

(d) Training as required for specialized assignments

204.5 TRAINING NEEDS ASSESSMENT

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

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204.6 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. Pre-approved vacation
3. Sick leave
4. Physical limitations preventing the employee's participation.
5. Emergency situations

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

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

204.7 DUTY OF THE TRAINING MANAGER

The Training Manager shall be responsible for the following:

(a) Maintain training records of all department personnel, both individual and departmental, in compliance with current P.O.S.T., state and departmental requirements.

(b) Maintain an updated training schedule to reflect six months in advance.

(c) Arrange/assist officers to obtain P.O.S.T. certificates.

(a) The Training Manager will be responsible for obtaining Basic P.O.S.T. certificates for any eligible employees. For all additional P.O.S.T. certificates, employees should seek assistance from the Training Manager only after they have met the necessary requirements to obtain the desired certificate.

(d) Maintain the department's video/reference library and produce/acquire new material necessary for training.

(e) Routinely report to the Administrative Bureau on the status of the training program.

204.8 DUTY OF SUPERVISORS

All supervisors are responsible for making sure their officers are aware of their personal responsibility with regard to department training. It is incumbent upon all supervisors to ensure their team/bureau officers report to training on time at the designated location.

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During the training session, supervisors will ensure that all personnel participate to their fullest, and that they not become distracted or engaged in unauthorized activity during the session.

Supervisors will ensure personnel in training are dressed in such a fashion as to reflect positively on the department. Refer to section on "Training Attire".

204.9 DUTY OF INDIVIDUAL EMPLOYEE

Employees are required to be aware of their schedule to attend training including, but not limited to, date, time and location. Employees may be required to alter scheduled work days and/or leave to accomodate training needs.

Each employee is responsible for reporting to training on time, returning from breaks and lunch in a timely manner.

Each employee is responsible for their conduct in training. Personal business, reading newspapers or books, writing reports, texting, e-mailing, use of personal electronic devices not directly associated to training and personal conversations are not permitted while training is in session.

Officers shall have a full-duty uniform and equipment available at the police department during training to facilitate emergency call outs.

All personnel are required to keep current on the many changes which occur within the field of law enforcement, both legally and procedurally.

204.10 TRAINING ATTIRE

General training attire will be the standard dress for training. There will be exceptions to this dress (described below) and when those exceptions are present, a note will be placed on the training calendar. Exceptions may also be made at the last minute due to unforeseen circumstances. If that is the case, officers will be notified with as much advanced notice as possible by department e-mail. The attire for training is based on the activity level of the training and in place for the safety of all personnel. General training attire shall consist of the following:

(a) Pants - may be jeans or "Docker" style, clean and free of holes. Shorts are not acceptable.

(b) Shirts -tee or polo shirt or sweatshirt, also clean and free of holes, with no offensive pictures or language. No tank tops or muscle shirts.

(c) Hats - Hats will not be permitted during indoor lecture training. Hats will be permitted during any outdoor or range training or activity.

(d) Shoes - Shoes should be closed toe and appropriate for physical activity. No thongs, flip flops or sandals will be permitted.

As noted above, exceptions to the general training attire will be noted on the training schedule under the priority level. Most commonly, the exception to the general attire will be to allow shorts and will normally occur during the summer months. The notation on the schedule will read "SHORTS PERMITTED." The remainder of the attire shall remain the same. When wearing shorts,

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they shall be of moderate length (approximately mid-thigh or longer), clean and free of holes, and may not be "cut-off's."

Another exception may be during such training as Defensive Tactics, or other physical activities. During these trainings, comfortable clothing such as sweats will be allowed, but should follow the same guidelines as pants and shorts and be clean and free of holes. For these trainings, the schedule will read "SWEATS PERMITTED."

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Departmental Correspondence / Public Appearances / Background Information Requests

205.1 POLICY

It is the policy of this department to adhere to specific guidelines with regard to the release of information either to the public or to other law enforcement agencies.

It is also the policy of this department that employees get permission from the Chief of Police or his designee before representing the department in any way while off-duty, or when asked for background information about a co-worker.

205.2 PROCEDURE

Administrative communications of this department should be governed as follows:

205.2.1 DEPARTMENTAL CORRESPONDENCE

All official departmental correspondence shall be signed by the Chief of Police, Division Commander or Bureau Commanders. Personnel shall draft correspondence and then submit it to their respective supervisor. The draft can then be submitted to the administrative secretary for formatting, signature and archiving. Department approved forms, letters, E-mail, etc., are an exception to this policy.

205.2.2 PUBLIC APPEARANCES

All employees, except for command personnel and personnel assigned as part of their regular duties, shall seek authorization from the Bureau Commander to speak before any public or private gathering as a representative of the Police Department.

205.2.3 BACKGROUND INFORMATION REQUESTS

If a member of this department is contacted by a representative of an outside agency who is conducting a background investigation on current, former, or volunteer employees, it is of the utmost importance that the release of any information be strictly controlled. Employees are not allowed to give out information without the authorization of the Chief of Police or his designee. All inquires shall be routed to the Office of the Chief of Police during normal business hours.

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Information Technology Use

206.1 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.

206.1.1 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 Antioch Police Department that are provided for official use by its members. This includes all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the Department or department funding.

Hardware - Includes, but is not limited to, computers, computer terminals, network equipment, electronic devices, telephones, including cellular and satellite, pagers, modems or any other tangible computer device generally understood to comprise hardware.

Software - Includes, but is not limited to, all computer programs, systems and applications, including shareware. This does not include files created by the individual user.

Temporary file, permanent file or file - Any electronic document, information or data residing or located, in whole or in part, on the system including, but not limited to, spreadsheets, calendar entries, appointments, tasks, notes, letters, reports, messages, photographs or videos.

206.2 POLICY

It is the policy of the Antioch Police Department that members shall use information technology resources, including computers, software and systems, that are issued or maintained by the Department in a professional manner and in accordance with this policy.

206.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts, or anything published, shared, transmitted, or maintained through file-sharing software or any internet site that is accessed, transmitted, received, or reviewed on any department computer system.

The Department reserves the right to access, audit, and disclose, for whatever reason, any message, including attachments, and any information accessed, transmitted, received, or reviewed over any technology that is issued or maintained by the Department, including the department email system, computer network, and/or any information placed into storage on any department system or device. This includes records of all keystrokes or Web-browsing history made at any department computer or over any department network. The fact that access to a database, service, or website requires a username or password will not create an expectation of privacy if it is accessed through department computers, electronic devices, or networks.

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The Department shall not require a member to disclose a personal username or password for accessing personal social media or to open a personal social website; however, the Department may request access when it is reasonably believed to be relevant to the investigation of allegations of work-related misconduct (Labor Code § 980).

206.4 RESTRICTED USE

Members shall not access computers, devices, software or systems for which they have not received prior authorization or the required training. Members shall immediately report unauthorized access or use of computers, devices, software or systems by another member to their supervisors or Watch Commanders.

Members shall not use another person's access passwords, logon information and other individual security data, protocols and procedures unless directed to do so by a supervisor.

206.4.1 SOFTWARE

Members shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes in accordance with the software company's copyright and license agreement.

To reduce the risk of a computer virus or malicious software, members shall not install any unlicensed or unauthorized software on any department computer. Members shall not install personal copies of any software onto any department computer.

When related to criminal investigations, software program files may be downloaded only with the approval of the information systems technology (IT) staff and with the authorization of the Chief of Police or the authorized designee.

No member shall knowingly make, acquire or use unauthorized copies of computer software that is not licensed to the Department while on department premises, computer systems or electronic devices. Such unauthorized use of software exposes the Department and involved members to severe civil and criminal penalties.

Introduction of software by members should only occur as part of the automated maintenance or update process of department- or City-approved or installed programs by the original manufacturer, producer or developer of the software.

Any other introduction of software requires prior authorization from IT staff and a full scan for malicious attachments.

206.4.2 HARDWARE

Access to technology resources provided by or through the Department shall be strictly limited to department-related activities. Data stored on or available through department computer systems shall only be accessed by authorized members who are engaged in an active investigation or assisting in an active investigation, or who otherwise have a legitimate law enforcement or department-related purpose to access such data. Any exceptions to this policy must be approved by a supervisor.

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206.4.3 INTERNET USE

Internet access provided by or through the Department shall be strictly limited to department-related activities. Internet sites containing information that is not appropriate or applicable to department use and which shall not be intentionally accessed include but are not limited to adult forums, pornography, gambling, chat rooms, and similar or related internet sites. Certain exceptions may be permitted with the express approval of a supervisor as a function of a member's assignment.

Downloaded information shall be limited to messages, mail, and data files.

206.4.4 OFF-DUTY USE

Members shall only use technology resources provided by the Department while on-duty or in conjunction with specific on-call assignments unless specifically authorized by a supervisor. This includes the use of telephones, cell phones, texting, email or any other "off the clock" work-related activities. This also applies to personally owned devices that are used to access department resources.

Refer to the Personal Communication Devices Policy for guidelines regarding off-duty use of personally owned technology.

206.5 PROTECTION OF AGENCY SYSTEMS AND FILES

All members have a duty to protect the computer system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care, and maintenance of the computer system.

Members shall ensure department computers and access terminals are not viewable by persons who are not authorized users. Computers and terminals should be secured, users logged off and password protections enabled whenever the user is not present. Access passwords, logon information, and other individual security data, protocols, and procedures are confidential information and are not to be shared. Password length, format, structure, and content shall meet the prescribed standards required by the computer system or as directed by a supervisor and shall be changed at intervals as directed by IT staff or a supervisor.

It is prohibited for a member to allow an unauthorized user to access the computer system at any time or for any reason. Members shall promptly report any unauthorized access to the computer system or suspected intrusion from outside sources (including the internet) to a supervisor.

206.6 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

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involving one of its members or a member's duties, an alleged or suspected violation of any department policy, a request for disclosure of data, or a need to perform or provide a service.

The IT staff may extract, download or otherwise obtain any and all temporary or permanent files residing or located in or on the department computer system when requested by a supervisor or during the course of regular duties that require such information.

206.7 PERSONAL ELECTRONIC DEVICES AND EQUIPMENT

Personal electronic devices and equipment such as cell phones, smart phones, tablets, notebooks, lap tops, digital recorders, etc., used for official communications of any kind may be subject to search and disclosure requirements.

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Electronic Mail

207.1 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.

207.2 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.

207.3 PROHIBITED USE OF E-MAIL

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive, 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. 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.

207.4 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.

207.4.1 EMPLOYEE RESPONSIBILITY
All employees shall check their department email on each scheduled work day.

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Department Use of Social Media

208.1 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).

208.1.1 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

208.2 POLICY

The Antioch Police Department may use social media as a method of effectively informing the public about department services, issues, investigations as a method of social engagement and other relevant events.

Department members shall ensure that the use or access of social media is done in a manner that protects the constitutional rights of all.

208.3 AUTHORIZED USERS

Only members authorized by the Chief of Police or the authorized designee may utilize social media on behalf of the Department. Authorized members shall use only department-approved equipment during the normal course of duties to post and monitor department-related social media, unless they are specifically authorized to do otherwise by their supervisors.

The Chief of Police may develop specific guidelines identifying the type of content that may be posted. Any content that does not strictly conform to the guidelines should be approved by a supervisor prior to posting.

Requests to post information over department social media by members who are not authorized to post should be made through the member's chain of command or through the Social Media Administrator.

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208.4 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:

(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.

(i) Information regarding the department's engagement with the community.

208.4.1 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 Chief of Police or authorized designee will be responsible for the compilation of information to be released.

208.5 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 Antioch Police Department or its members.

(e) Any information that could compromise the safety and security of department operations, members of the Department, victims, suspects or the public.

(f) Any content posted for personal use.

(g) Any content that has not been properly authorized by this policy or the Chief of Police.

Any member who becomes aware of content on this department’s social media site that he/she believes is unauthorized or inappropriate should promptly report such content to a supervisor. The supervisor will notify the Chief of Police through the chain of command.

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208.6 TRAINING

Authorized members should receive training that, at a minimum, addresses legal issues concerning the appropriate use of social media sites, as well as privacy, civil rights, dissemination and retention of information posted on department sites.

208.7 COMMUNITY STANDARDS

The Antioch Police Department maintains multiple department sponsored social media sites as a way to provide communication on events and information important to those inside and outside the community. Below are legal disclosures and terms of governing content posted on the city-sponsored social media sites:

In some cases, posts by the public may violate the department's standards for content on the city-sponsored social media sites. Therefore, the Antioch Police Department reserves the right to restrict or remove any message or postings with the following content:

1. Content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability or sexual orientation.

2. Content that violates a legal ownership or interest of another party, including, but not limited to infringement of a copyright, trademark or any registered mark.

3. Defamatory statements, or any material contained in it, holds up an individual or groups of people to public ridicule, derision or embarrassment, or is libelous.

4. Obscenity. The content, or any material contained in it, contains obscene matter or any matter that is prohibited under the provisions of Chapter 7.5 (beginning with section 311) of Title 9 of Part 1 of the California Penal Code, and as such laws may be amended or supplemented.

5. Use of vulgar, offensive, threatening or harassing language.

6. Unlawful goods, services, behavior or activities. The content, or any materials contained in it, promotes or encourages, or appears to promote or encourage, the use or possession of unlawful or illegal goods, services, and behavior or activities.

7. Support or opposition of any ballot issue or candidate for office. The content, or any material contained in it, contains political campaign speech. "Political campaign speech" is a speech that: 1) supports or opposes or appears to support or oppose a ballot measure, initiative, or referendum, or (2) refers to any candidate for public office.

8. Religion. The content, or any materials contained in it, advocates or opposes a religion or religious belief.

9. Violence. The content, or any material contained in it, contains an image or description of graphic violence, including, but not limited to: (1) the depiction of human or animal body parts, or fetuses, in states of mutilation, dismemberment, decomposition, or disfigurement, and (2) the depiction of weapons or other implements or devices associated in the advertisement with an act or acts of violence or harm on a person or animal.

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10. "Adult"-oriented goods or services. The content, or any material contained in it, promotes or encourages, or appears to promote or encourage, a transaction related to, or uses brand names, trademarks, slogans or other materials which are identifiable with, films rated "X" or "NC-17," video games rated "A" or "M," adult book stores, adult video stores, nude and/or topless clubs and other adult entertainment establishments, adult telephone services, adult internet sites, and escort services.

11. Comments unrelated to the topic in the forum; hyperlinks to material that is not directly related to the discussion.

12. Spam or commercial promotions; content containing any unsolicited or unauthorized advertisement or solicitation (i.e. spam, junk mail, chain letters, pyramid schemes or other promotional materials).

13. Promotion or advertising of any business or commercial enterprises, unless they are providing support to city services.

14. Posts or links that contain malicious software (malware) such as viruses, worms, trojans, rootkits, spyware, adware or any other unwanted software.

15. Information that may tend to compromise the safety and security of the public or public systems.

16. This policy works in conjunction with and does not override existing or new policies or agreements.

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Facility Access and Security

209.1 PURPOSE

The purpose of this policy is to outline general security procedures and policies for the utilization of this facility.

209.1.1 POLICY

This policy regulation is to control access and security into the Antioch Police Facility and surrounding property. The paramount mission is to have regulatory security control of all visitors, volunteers, maintenance personnel, outside law enforcement agencies, representatives, and others at all times. Employees who encounter individuals in restricted areas without proper identification and/or escort shall inquire as to the identity of the individuals and their purpose for being in the area. Employees shall take appropriate measures to ensure the individuals obtain appropriate security clearance identification. Command and supervisory personnel are responsible for enforcing general security policies and procedures.

209.1.2 DEFINITIONS

Restricted access areas - Any area within the police facility or on facility grounds, which is not open to the general public.

Visitors - All persons other than regular or volunteer departmental employees, city employees, car washers, janitorial staff, and select service technicians who frequently work in the building and have received prior authorization for reoccurring access.

209.2 SECURITY ACCESS CARDS

All regular employees shall be issued a security access card. The security clearance level of the card shall depend upon the employee's assignment and/or rank.

Depending upon assignment, volunteer employees may be issued a security access card. Volunteers who have not been issued a card shall access the facility as outlined in employee entrance/exit identification.

Employees or volunteers who lose, misplace, or have a security access card or door key stolen shall immediately notify their supervisor and/or the on-duty supervisor. The supervisor receiving notification shall notify the bureau commander as soon as practical. If an employee loses an access card or door key, the first replacement will be free of charge. Any additional losses will be replaced at the employee's expense.

209.3 EMPLOYEE ENTRANCE/EXIT IDENTIFICATION -

This facility is designed for employee entrance and exit at the rear (west side) of the main building. Entrance to the building from the rear secured parking lot will be gained via electronically coded access cards. These cards are individualized to employees and volunteers. These coded cards will allow passage into specific areas of the building, depending upon the security level of the

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employee or volunteer. Each entrance and exit by individuals is recorded by computer on a central logging system. Employee parking is assigned to the rear secured lot.

(a) Volunteers who have not been issued a coded key card shall park in the front parking lot and enter or exit via the main front entrance.

(b) All volunteers, reserves, and explorers, who are not in uniform shall conspicuously wear their ID card while inside the police facility.

209.4 ENTRY INTO THE MAIN POLICE FACILITY

(a) All visitors of the public who are unaccompanied by an APD employee shall use the front entrance at the main lobby to enter the police facility.

(b) All visitors except city maintenance personnel, car washers, janitorial staff, and certain pre-authorized returning service technicians shall be signed in and issued a numbered visitor's badge reflecting whether they are a service technician or a visitor.At the conclusion of the visit or service call, badges must be returned and the visitors must sign out.

(c) All visitors except city-maintenance personnel, car washers, janitorial staff, and authorized service technicians/repair persons shall be escorted by a departmental employee at all times.

(d) All visitor access to the second floor of the facility shall require supervisory approval.

(e) If access to the rear parking lot is required for equipment or supplies, authorization for such clearance must be first obtained from a supervisor.

(f) Individuals involved in employee-guided tours are exempt from these provisions.

(g) Citizen ride-alongs shall remain in the lunchroom while the officer is attending to business in the facility.

209.5 OUTSIDE AGENCY LAW ENFORCEMENT OFFICERS

Except as otherwise provided, all outside agency law enforcement officers (uniformed or plainclothes) must sign in at the front counter. Plain clothed officers must conspicuously display a badge and/or ID card and the visitor shall be escorted at all times while in restricted access areas.

(a) Uniformed outside agency officers who are using the jail facilities for prisoner custody purposes can access the jail facility via the rear employee gate and sally port entrance. These uniformed officers will not be required to sign in, wear a badge, or have an employee escort at all times. However, their movement is restricted to the jail area.

(b) In unusual and/or special circumstances (i.e. major operation or investigation), with the authorization of a bureau commander, the provisions restricting outside agency access may be modified and/or waived. The bureau commander shall ensure proper notification is provided to the appropriate personnel.

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209.6 EMPLOYEE RELATIVE/FRIEND VISITATION

Relatives and/or friends, who wish to contact an employee in person, shall be met in the front lobby by the employee. Friends or relatives of the employee are not required to sign in or wear a badge while in restricted areas and must be escorted at all times.

(a) Relatives and/or friends are not permitted to enter the secured parking area unless escorted by an employee. Parking is available in the front of the facility.

(b) During business hours, employees who wish to visit with a friend and/or relative, shall personally escort them to the lunchroom or a private office for visitation. Employees are to ensure the visitation does not disrupt the normal working environment.

(c) During non-business hours, employees may escort friends and/or relatives through restricted access areas of the facility for the purpose of tours, etc.

209.7 ENTRY DURING NON-BUSINESS HOURS

(a) When the public service counter is closed, the main lobby doors will be locked.

(b) Persons needing assistance should use the call box on the right side of the main entrance to communicate with a dispatcher or records clerk, who will advise as to what kind of assistance is available and may allow entrance to the lobby area.

209.8 COMMUNITY ROOM USE

Groups or members of the public using the community meeting room will gain access to the room via the main lobby during regular business hours and through the call box just right of the main entrance doors after hours. Once the authorized representative gains entry, that person may permit other persons attending the meeting to enter from the exterior community room access doors.

209.9 INTERVIEW ROOM USE

(a) The interview rooms are available on the first floor and in unusual and/or special situations, the interview rooms in Investigations may be utilized without a visitor's badge as long as the individual is being escorted by an officer.

(b) Police personnel are to utilize these interview rooms for their intended purpose and are not to routinely bring members of the public into these areas.

209.10 LOBBY/COMMUNITY ROOM DOORS

Records Bureau personnel shall secure lobby doors and community room doors at the end of a normal business day. Any time these doors should be secured, employees who enter/exit through them shall ensure they are secure after each use.

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License to Carry a Firearm

210.1 PURPOSE AND SCOPE

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

210.1.1 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).

210.2 POLICY

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

210.3 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 Antioch (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). The applicant should provide at least three letters of character reference.

(f) Show good cause for the issuance of the license (Penal Code § 26150; Penal Code § 26155).

(g) Pay all associated application fees. These fees are set by statute and may not be refunded if the application is denied.

(h) Provide proof of ownership or registration of any firearm to be licensed.

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

(j) Complete required training (Penal Code § 26165).

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210.4 APPLICATION PROCESS

The application process for a license to carry a firearm shall consist of three 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.

210.4.1 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 Department of Justice (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 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, absence of good cause).

(b) At the time the completed application is submitted, the applicant shall submit a check made payable to the California Department of Justice for the required California DOJ application fee, along with a separate check made payable to the City of Antioch for a nonrefundable 20 percent of the application fee to cover the cost of processing the application (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.

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. 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

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issued a license to carry a firearm. A license shall not be issued if the California DOJ determines that the applicant is prohibited by state or federal law from possessing, receiving, owning or purchasing a firearm (Penal Code § 26195).

(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 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).

210.4.2 PHASE TWO

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

Upon successful completion of phase one, the applicant shall be scheduled for a personal interview with the Chief of Police or authorized designee. During this stage, there will be further discussion of the applicant's statement of good cause and any potential restrictions or conditions that might be placed on the license.

(a) The determination of good cause should consider the totality of circumstances in each individual case.

(b) Any denial for lack of good cause should be rational, articulable and not arbitrary in nature.

(c) The Department will provide written notice to the applicant as to the determination of good cause (Penal Code § 26202).

At the scheduled interview time, the applicant shall submit a check made payable to the City of Antioch for the required California DOJ application fee, as well as a 20 percent nonrefundable fee to cover the cost of processing the application (Penal Code § 26190).

(a) Additional fees may be required for fingerprinting, training or psychological testing. These fees are incurred by the applicant.

(b) Payment of related fees may be waived if the applicant is a duly appointed reserve peace officer as defined by Penal Code § 830.6 (a) or (b) (Penal Code § 26170).

The applicant shall be required to submit to fingerprinting (Livescan) and complete criminal background check by the California DOJ. A second set of fingerprints may be required for retention in department files. No person determined to fall within a prohibited class described in Penal Code § 29800, Penal Code § 29900, Welfare and Institutions § 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 DOJ

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determines the applicant is prohibited by state or federal law from possessing, receiving, owning or purchasing a firearm (Penal Code § 26195).

A copy of the applicant's drivers license and photograph of the applicant will be taken to include in the CCW file.

The Chief of Police may, based upon criteria established by the Chief of Police, require 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 the applicant is not a suitable candidate for carrying a firearm, the applicant shall be removed from further consideration (Penal Code § 26190).

The applicant shall complete a course of training approved by the agency, which complies with Penal Code § 26165. The applicant will not be required to complete and pay for any training courses prior to any determination of good cause (Penal Code § 26165; Penal Code § 26202).

210.4.3 PHASE THREE

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

The applicant shall submit any firearm to be considered for a license to the Supervising Armorer or other departmentally authorized armorer, 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).

The applicant shall successfully complete a firearms safety and proficiency examination with the firearm to be licensed, to be administered by a department firearms instructor, or provide proof of successful completion of another departmentally approved firearms safety and proficiency examination, including completion of all releases and other forms. The cost of any outside inspection/examination shall be the responsibility of the applicant. Once the Chief of Police or authorized designee has verified the successful completion of phase three, 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 three, 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).

210.5 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

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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 Antioch (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).

210.6 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 not be valid outside the state of California.

(b) The license will be subject to any and all reasonable restrictions or conditions the Chief of Police has deemed warranted, including restrictions as to the time, place, manner and circumstances under which the person may carry the 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.

(c) The license shall be California DOJ approved 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.

(d) 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

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that such license shall be invalid upon the individual's conclusion of service as a reserve officer.

(e) 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).

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

210.6.1 LICENSE RESTRICTIONS

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:

(a) Consuming any alcoholic beverage while armed.

(b) Falsely representing him/herself as a peace officer.

(c) Unjustified or unreasonable displaying of a firearm.

(d) Committing any crime.

(e) Being under the influence of any medication or drug while armed.

(f) Interfering with any law enforcement officer's duties.

(g) Refusing to display his/her license or firearm for inspection upon demand of any peace officer.

(h) Loading the permitted firearm with illegal ammunition.

The Chief of Police reserves the right to inspect any license or licensed firearm at any time.

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.

210.6.2 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 (Penal Code § 26215):

(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 (Penal Code § 26210).

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

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extend the original expiration date and an application for an amendment will not constitute an application for renewal of the license.

210.6.3 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.

(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 or that might otherwise remove the good cause 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).

210.6.4 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. The applicant shall not be required to pay for a training course prior to the determination of good cause (Penal Code § 26165).

(c) Submitting any firearm to be considered for a license renewal to the department Armor 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.

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Once the Chief of Police or 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).

210.7 DEPARTMENT REPORTING AND RECORDS

Pursuant to Penal Code § 26225, 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

(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.

210.8 CONFIDENTIAL RECORDS

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

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

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Recognition Awards Program

211.1 PURPOSE

The Antioch Police Department is committed to providing the community with the highest standard of performance by each member of the Department. We realize high morale and job satisfaction are of great importance to our personnel and volunteers. People are more productive when they enjoy their work and feel as though they are being appreciated for what they accomplish. To this end, the Antioch Police Department has developed a process which recognizes outstanding work by employees and volunteers beyond salary and compensation. The purpose of this policy is to establish guidlines by which the department can recognize employees for thier performance.

211.2 POLICY

It is the policy of the Antioch Police Department that supervisors recognize the importance of this recognition and awards program and the thoughtful application of the following principles:

(a) This program provides all members of the department with several options for recognizing and reinforcing exceptional work or being involved in significant events.

(b) This program is administered as a recognition process, not an incentive program.

(c) Team recognition is encouraged as it fosters cooperation, collaboration, and opens communication.

(d) Recognition must be immediate, specific, and personal.

211.3 PROCEDURE

Good performances should be reinforced as soon as practical. Recognition presentations shall be made in person.

Department recognition ceremonies will be conducted annually with the department members invited to attend. The city's elected officials, city manager and department managers are encouraged to attend.

Medals, plaques, certificates, commendations and other awards may be presented at this annual ceremony.

The recognition program is designed to reward performance that is unique or beyond that normally expected.

Awards and commendations should be publicized.

(a) Publicity draws attention to unique employee accomplishments and creates role models. This should include, but not be limited to, a news release summarizing the awards to be presented.

(b) The names of those recipients who receive the Medal of Honor, Medal of Valor and Purple Heart will be on public display in the Antioch Police Department display case.

The recognition program is a worthwhile investment in people.

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(a) Recognition of certain actions or accomplishments should be consistently applied to all employees throughout the organization.

(b) Managers and supervisors should strive to ensure that all employees, who act in a manner deserving recognition, are noticed and awarded appropriately.

All department employees, including those employed part-time or those who serve as volunteers and reserves are eligible to receive departmental awards.

Those sworn officers who are recipients of the Medal of Valor and/or Purple Heart may wear the designated award pin on their Class "A" uniform.

The Recognition and Awards Committee (RAC) will be comprised of the Chief and selected Division Commanders/Bureau Commanders.

211.4 AWARD CLASSIFICATIONS

Medal of Honor: The Medal of Honor may be awarded posthumously to the next of kin at the fallen employee's funeral if the employee's official acts resulted in his/her death.

Description - The Medal of Honor will be a gold filled 443 emblem with black enamel, hand engraved; with red, white and blue drape. Employee's name will be on a top ribbon. "Medal of Honor" engraved, with three one-point diamonds set above.

Medal of Valor: The Medal of Valor may be awarded to the employee, reserve, or volunteer who exhibits outstanding bravery in the performance of duty while facing the threat of death or serious injury during the protection of life or property, enforcement of laws, preservation of the public peace, and prevention of criminal acts or apprehension of criminals. The act must meet the following criteria:

(a) Where failure to take the action would not justify censure.

(b) Where the risk of life actually existed and the member had sufficient time to evaluate it.

(c) Where the objective is of sufficient importance to justify the risk.

Description - The Medal of Valor will be a Sterling 443 medal with hard black lettering, with blue and white drape. The officer's name will be on top and "Medal of Valor" in center. The Medal of Valor service bar will be a # 32 hard enameled bar with blue and white colored ribbon. Sworn officers may wear their Medal of Valor service bar on their class "A" uniform. Additional medals will be represented by the addition of a star to the white section of the service bar, with a maximum of two stars.

Purple Heart Award: The Purple Heart may be awarded to any employee, reserve, or volunteer who suffers a potentially life threatening injury while engaged in official police duty.

(a) The issuance of the Purple Heart should be limited to those situations where the injured employee, reserve or volunteer exercised sound judgment.

(b) The Purple Heart may be given in conjunction with another award. All awards will be given at the same designated ceremony.

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(c) Sworn officer recipients will also receive a Purple Heart pin which may be worn on their Class "A" uniform.

Description - The Purple Heart Award will be represented by a sterling VM765 medal with a purple drape on top. The center of the medal will have the California State seal with "Purple Heart" ribbon on top and "Antioch Police" on bottom.

Life Saving Award: The Life Saving Award may be awarded to any employee, reserve, or volunteer who, while serving in an official capacity, rescues someone from certain peril or renders life saving first aid, and as a result of their actions, they save a life.

Description - The Life Saving Award will be represented by a 10 ½" x 13" plaque/sublimate on silver with a blue back plate. A summary of the life saving event will be inscribed on the plaque.

Distinguished Service Award: The Distinguished Service Award may be awarded to an employee who has performed an outstanding service to the community within the framework of community policing. Examples of such service might include, but are not limited to the following:

(a) An employee who develops an innovative community-based program, which brings local, state or national acclaim to the department.

(b) An employee who has demonstrated exceptional dedication to the mission of the Antioch Police Department and commitment to the community.

(c) An employee whose leadership skills are exemplary, and through their efforts they have directly contributed to an improved quality of life for the citizens of Antioch.

Description - The Distinguished Service Award will be represented by a medal. The Distinguished Service Medal will be a 7/8 " seven point star, sterling hand engraved with black enamel. "Distinguished" engraved on top with A.P.D. in the middle and "Service" on bottom. Medal will have a clutch back.

211.5 CERTIFICATES AND LETTERS

Certificate of Commendation: The Certificate of Commendation may be given to any employee, reserve, or volunteer who, while serving in an official capacity and in the best interests of the department, distinguishes themselves through the accomplishment of an outstanding service. Examples of action, which may provide the basis for receiving this award, are:

(a) Individual action or the actions of a team that is extraordinary and/or currently demonstrates exceptional skills in performing their duties, and/or conducting a follow-up investigation in a major offense.

(b) Initiation of a departmental program or activity which significantly increases the department's efficiency or enhances the Antioch Police Department's image.

Letter of Appreciation: Letters of Appreciation may be presented to any employee, reserve, or volunteer who contributes to a department approved project, but in a lesser degree than which warrants a Certificate of Commendation.

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211.6 OFFICER AND NON-SWORN EMPLOYEE OF THE YEAR

Any sworn supervising officer may nominate candidates for departmental officer and non-sworn employee of the year. Selections will be made employing the criteria below:

(a) Nominated candidates must have provided meritorious and recognizable contributions to the department. Examples are, people who best exemplify our Mission Statement; people who demonstrate a daily commitment to partnerships in the community; people who are committed to excellent customer service; people who exemplify a positive work ethic.

(b) Nominations should be solicited from supervisors throughout the organization.

(c) No nomination should be based solely on popularity among peers or superiors.

(d) Final selections for awards will be determined by departmental employee votes.

211.7 PROCEDURE FOR RECOMMENDING EMPLOYEES FOR AWARDS

Employees may be nominated for recognition by any member of the Antioch Police Department by completion of a memo to any supervisor within the employee's work unit.

Upon approval of the recommendation, the supervisor will forward the memo to the Division Captain for final approval. If approved, it is forwarded to the RAC chair for processing.

It is the responsibility of the person recommending the award to recommend the appropriate award for the individual or team.

The Division Captain's responsibility is to determine the appropriateness of the award requested. This will be verified by the RAC.

211.8 RECOGNITION UPON SEVERANCE

It is important that any individual, who has dedicated years of service to the department, be recognized upon their severance.

A member of the Recognition and Awards Committee will contact the individual to assess their wishes in regard to a farewell reception and coordinate efforts of the department and the appropriate work group within the organization.

Individuals retiring in good standing will be provided with the following items upon severance, based on years of service:

(a) For 7 to 10 years of service - a Certificate of Appreciation.

(b) For 10 to 15 years of service - a commemorative plaque and the individual's badge.

(c) For 15 or more years of service - a commemorative plaque, the individual's badge, and an option to purchase his/her duty weapon.

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Chapter 3 - General Operations

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Use of Force

300.1 PURPOSE AND SCOPE

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

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

300.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

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

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

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

300.2 POLICY

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

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

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

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300.2.1 DUTY TO INTERCEDE

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

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 promptly report these observations to a supervisor as soon as feasible (Government Code § 7286(b)).

300.3 USE OF FORCE

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

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

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

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

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

300.3.1 DE-ESCALATION REQUIREMENT

Officers shall, when feasible and while considering officer and public safety, employ de-escalation techniques to decrease the likelihood of the need to use force during an incident and to increase the likelihood of voluntary compliance and/or peaceful resolution.

300.3.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

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

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

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

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

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

(e) The effects of suspected drugs or alcohol.

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

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

(h) Proximity of weapons or dangerous improvised devices.

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

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

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

(l) Training and experience of the officer.

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

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

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

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

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

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

(s) Any other exigent circumstances.

300.3.3 PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be effective in controlling a physically or actively resisting individual. Officers may only apply those pain compliance techniques for which they have successfully completed [department/office]-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 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.

300.4 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).

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

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

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

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

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

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

300.4.1 SHOOTING AT OR FROM MOVING VEHICLES

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

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

300.4.2 DISPLAYING OF FIREARMS

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

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

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

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

300.5 REPORTING THE USE OF FORCE

Any use of force by a member of this [department/office] 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/Office] may require the completion of additional report forms, as specified in [department/office] policy, procedure, or law. See the Report Preparation Policy for additional circumstances that may require documentation.

300.5.1 NOTIFICATION TO SUPERVISORS

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

(a) The application caused a visible injury.

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

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

(d) The individual indicates intent to pursue litigation.

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

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

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

(h) An individual was struck or kicked.

(i) An officer points a firearm at a person.

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

300.5.2 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

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

300.6 MEDICAL CONSIDERATION

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

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

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

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

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

300.7 SUPERVISOR RESPONSIBILITY

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

(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) 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.

(d) Ensure the case is thoroughly investigated, documented and follows department procedures and guidelines.

(e) Review and approve all related police reports.

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(f) Review all Blue Team entries along with any attached reports, photos, and/or recordings for accuracy, completeness, and to ensure officer(s') compliance with policy. Write a brief synopsis of the use of force incident including an analysis and recommendation for disposition. Forward the Blue Team entry to the Watch Commander or appropriate Bureau Commander for further review and final disposition. This should be completed by the end of the shift unless an exception has been approved by the Watch Commander or appropriate Bureau Commander.

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

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

300.7.1 WATCH COMMANDER / BUREAU COMMANDER RESPONSIBILITY

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

(a) If the officer using force is not assigned to the Community Policing Bureau, the appropriate Bureau Commander shall assume this responsibility.

The Blue Team Report shall be reviewed and a final disposition determined by the Watch Commander or appropriate Bureau Commander. An appropriate disposition should be one of the following:

(a) No Action - The Use of Force observed was consistent with agency best practices and policy.

(b) Commend - The Use of Force observed exceeded expectations and is worthy of consideration for a commendation.

(c) Counseling - The Use of Force was inconsistent with agency best practices resulting in a need for a counseling session.

(d) Training - The Use of Force incident identified a specific training deficiency within the department or the subject officer(s) that could be corrected by additional training.

(e) Internal Affairs - The Use of Force observed requires further review and/or appears to violate department policy, federal, state, or local law, policy or rule and should be investigated by the Internal Affairs Unit.

The Blue Team report should then be forwarded to the Division Commander for final review.

300.8 TRAINING

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

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

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

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

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

300.9 POLICY AVAILABILITY

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

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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 Antioch 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 members who have successfully completed Antioch 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 subject (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. Unless unique circumstances prevent an officer from doing so, 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 individual 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.

301.5 APPLICATION OF AUXILIARY RESTRAINT DEVICES

Auxiliary restraint devices include waist or belly chains, leg irons, the Wrap Device, 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.

The Wrap Device was designed as a temporary restraining device. Used properly it can increase officer and prisoner safety. Unlike some auxiliary restraint devices, the Wrap Device immobilizes the body and restricts a subject's ability to kick, punch, and do harm to oneself and others.

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

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301.6 APPLICATION OF LEG RESTRAINT AND WRAP DEVICES

Leg restraints and the Wrap Device, may be used to restrain the legs or body 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. The Wrap Device provides a safe and quick method of controlling and immobilizing a violent or potentially violent/combative subject who has been detained or taken into custody.

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

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

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

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

301.6.1 GUIDELINES FOR USE OF LEG RESTRAINTS AND WRAP DEVICE

When applying leg restraints or the Wrap Device, 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 or Wrap device.

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

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

(d) The restrained person should be continually monitored by an officer while in the leg restraint or Wrap Device. 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 ambulance/paramedic unit, 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 subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

(g) Use of the leg restraints or Wrap Device shall be documented by the officer in the criminal offense report.

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301.7 TRAINING

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

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

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

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

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

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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 Antioch Police Department authorizes officers to use control devices in accordance with the guidelines in this policy and the Use of Force Policy.

302.2.1 AUTHORIZED BATONS TO BE CARRIED

APD Officers are authorized to carry the following batons:

(a) PR24 Sidehandle baton or similar

(b) Wooden Straight Batons in either 26" or 29" lengths

(c) Aluminum collapsable baton, including the Madnadnock ASP style baton. The ASP will be limited to the 21" and 26" versions only.

(d) Any other Batons desired to be used for on-duty use not listed, are to be evaluated on a case by case basis.

1. A memorandum shall be submitted through the chain of command for approval.

All batons are to be carried in an approved manner and in a holder desgined for the particular baton.

302.3 ISSUING, CARRYING AND USING CONTROL DEVICES

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

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

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

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

302.4 RESPONSIBILITIES

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

302.4.2 EVIDENCE ROOM SUPERVISOR RESPONSIBILITIES
The Evidence Room supervisor 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 Evidence Room supervisor 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.

Any damaged, inoperative, outdated or expended control devices or munitions, along with documentation explaining the cause of the damage, shall be returned to the Evidence Room supervisor for disposition. A memorandum 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 or in the holder of an authorized load bearing vest. 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 Tactical Commander may authorize the delivery and use of tear gas, and only after evaluating all conditions known at the time and determining that such force reasonably appears justified and necessary.

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

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,

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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

Uniformed personnel carrying OC spray shall carry the device in its holster on the equipment belt or in the holder of an authorized load bearing vest. 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 impact and release the OC powder, the potential exists for the projectiles to inflict injury if they strike the head, neck, spine or groin. Therefore, personnel using a pepper projectile system should not intentionally target those areas, except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.

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

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

302.7.3 TREATMENT FOR OC SPRAY EXPOSURE

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

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.

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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:

(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

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

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

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

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

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.

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Conducted Electrical Weapon

303.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of TASER devices.

303.2 POLICY

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

303.3 ISSUANCE AND CARRYING TASER DEVICES

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

TASER devices are issued for use during an officer's current assignment. Those leaving a particular assignment may be required to return the device to the department's inventory. Officers shall only carry TASER devices and cartridges issued by this department.

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

Officers shall carry the TASER device in a department-approved holster on their support side (opposite the duty weapon), or in the CEW holder of the authorized load bearing vest.

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

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

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

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

303.4 VERBAL AND VISUAL WARNINGS

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

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

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

If, after a verbal warning, an individual is unwilling to voluntarily comply with an officer's lawful orders and it appears both reasonable and feasible under the circumstances, the officer may, but is not required to, display the electrical arc (provided that a live cartridge is not loaded in the

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device), or the laser in a further attempt to gain compliance prior to the application of the TASER device. The aiming laser should never be intentionally directed into the eyes of another as it may permanently impair his/her vision.

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

303.5 USE OF THE TASER DEVICE

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

303.5.1 APPLICATION OF THE TASER DEVICE

The TASER device may be used in any of the following circumstances, when the circumstances perceived by the officer at the time indicate that such application is reasonably necessary to control a person:

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

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

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

303.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS

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

(a) Individuals who are known to be pregnant.

(b) Elderly individuals or obvious juveniles.

(c) Individuals with obviously low body mass.

(d) Individuals who are handcuffed or otherwise restrained.

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

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

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

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

303.5.3 TARGETING CONSIDERATIONS

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

303.5.4 MULTIPLE APPLICATIONS OF THE TASER DEVICE

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

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

(a) Whether the probes are making proper contact.

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

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

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

303.5.5 DANGEROUS ANIMALS

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

303.5.6 OFF-DUTY CONSIDERATIONS

If an officer deploys a TASER while off-duty, the deployment will be immediately reported to the on-duty supervisor. Notification will be made through the chain of command to the Chief of

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Police. If the deployment occurs in another jurisdiction the officer will also immediately report the deployment to the local law enforcement agency.

303.6 DOCUMENTATION

Officers shall document all intentional TASER device discharges in the related arrest/crime report. Notification shall also be made to a supervisor in compliance with the Use of Force Policy. Pointing the device at a person, laser activation and/or arcing the device will also be documented in the arrest/crime report. Unintentional discharges of a TASER will be documented by the involved officer and forwarded, through the chain of command, to the bureau commander.

303.6.1 REPORTS

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

(a) Circumstances justifying the use of the TASER

(b) Activation of the TASER (to include number of cycles and justification for each)

(c) Location of probe hits or drive-stun activations

(d) Observation of subject's physical and physiological actions

(e) Injuries sustained by subject and/or officer

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

(g) Medical care provided to the subject or refusal of medical treatment (if applicable)

(h) Advisement of the TASER activation to anyone taking custody of the subject

303.6.2 PHOTOGRAPHS

Whenever possible, photographs should be taken of all visible injuries including the impact area of the probe(s), contact area of the drive stun electrodes, and any secondary injuries if applicable. General overall photos should also be taken to document areas that are not injured. As soon as practical, all photographs shall be booked into evidence.

303.7 MEDICAL TREATMENT

Officers may remove probes from the subject's body as long as they are not in a sensitive area (i.e. face, neck, female breasts, groin, etc.). If probes are in a sensitive area they must be removed by medical personnel. Used TASER device probes shall be treated as a sharps biohazard, similar to a used hypodermic needle, and handled appropriately. Universal precautions should be taken.

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

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

(b) The subject may be pregnant

(c) The subject was exposed to multiple or prolonged applications

(d) The subject exhibits signs of distress or reasonably appears to be in need of medical attention.

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

(f) The subject requests medical treatment.

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

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

303.8 SUPERVISOR RESPONSIBILITIES

When possible, supervisors should respond to calls when they reasonably believe there is a likelihood the TASER device may be used.

A supervisor should respond to all incidents where the TASER was activated, and complete all responsibilities as outlined in the Use of Force policy.

The device's onboard memory should be downloaded through the data port by a supervisor and saved with the related Supervisor Action Report or memorandum.

303.9 TRAINING

Officers authorized to carry the TASER device shall be permitted to do so only after successfully completing the initial department-approved training.

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

The Training Coordinator is responsible for ensuring that all members who carry TASER devices have received initial and annual proficiency training that includes:

(a) A review of this policy

(b) A review of the Use of Force policy

(c) Physical competency to include draws from holster and proper device control

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(d) Target area considerations, to include techniques or options to reduce the accidental application of probes near the head, neck, chest and groin.

(e) Handcuffing a subject during the application of the TASER device and transitioning to other force options.

(f) De-escalation techniques.

(g) Restraint techniques that do not impair respiration following the application of the TASER device.

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Firearms

304.1 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 a firearm that are addressed in the Use of Force or Officer-Involved Critical Incident policies.

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

304.1.1 DEFINITIONS

Armory Administrator - Lieutenant assigned to oversee the armory and firearms for the department.

Armory Supervisor - Sergeant assigned to supervise the armory and all armorers.

Firearms Supervisor - Sergeant assigned to supervise the range and all firearms instructors.

304.2 AUTHORIZED WEAPONS

No firearms will be carried that have not been approved by the Chief of Police and thoroughly inspected by the Supervising Armorer or authorized designee. Except in an emergency or as directed by a supervisor, no firearm shall be carried by a member who has not qualified with that weapon at an authorized department range.

All other weapons, 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 personnel in the performance of their official duty without the express written authorization of the Chief of Police. This exclusion does not apply to the carrying of a single folding pocketknife that is not otherwise prohibited by law.

304.2.1 DUTY WEAPONS

In order to ensure that the spirit of the policy is carried out and that incidents involving the misuse of firearms, deliberate or accidental, by a police officer are minimized, the following requirements are instituted:

The authorized on-duty firearms for the Antioch Police Department shall include personally owned weapons in the following calibers: 9mm, .40 and .45. No other calibers are authorized.

The weapon must have the following features:

(a) Semi-automatic pistol with no custom modifications (unless authorized per this policy)

(b) Barrel length of at least 3.9 inches and no longer than 6 inches

(c) Minimum magazine capacity of 8 rounds

The authorized weapon manufacturers are:

(a) Beretta

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(b) H & K (Heckler and Kock)

(c) Sig Sauer

(d) Smith and Wesson

(e) 1911/1991 series included in this list are Colt, Springfield Armory, Para-Ordnance, Kimber, Les Baer and Wilson; full or mid size weapons with a 4" barrel or longer, magazine to hold 8 rounds or more, in any combination of steel, stainless steel, alloy or polymer.

(f) Glock

Uniformed officers are required to carry a minimum of (3) magazines for their duty weapon on their duty belt (including the one in the firearm). No "extended" magazines are authorized. Extended magazines are any that extend beyond the length of the grip. This does not include magazines equipped with the finger/pinkie type extensions, nor does it preclude anyone from carrying normal high capacity magazines that do not extend past the grip.

Officers working in an assignment which does not require a full-duty belt (light duty, investigations, etc.) must carry a minimum of (2) magazines for their duty weapon (including the one in the firearm). The additional magazine(s) must be in a department approved magazine holder. This section does not apply to officers working undercover or administrators.

Officers who desire to carry their own personally owned weapon shall submit a Department "Request to Carry Personally Owned Weapon" Memorandum to the Armory Administrator, or his/her designee. The memorandum specifically notes the make, model and caliber of the firearm and it's intended use, i.e. duty, off-duty or secondary weapon. After confirming the weapon meets departmental guidelines, the memo will be forwarded to the Office of the Chief of Police for final approval. The officer will be notified of the approval and will be scheduled for qualification.

Models which are not listed, but are similar in make, functionality and design will be considered on a case-by-case basis.

The weapon will be purchased and maintained by the individual officer. As armorers become certified in various makes of weapons, they can provide assistance with minor repairs or part replacements. However, should an officer's weapon malfunction and the department armorer is unable, for whatever reason, to repair the weapon immediately, the officer will be responsible for having the weapon repaired at their cost, or purchasing the necessary part(s) and having a department armorer make the necessary repairs.

The personally owned weapon is to remain within factory specifications and no modifications are permitted. Examples of these modifications are as follows: trigger jobs, competitive/skeletalized parts, or after-market work other than normal repair, cleaning and inspections. Authorized modifications are after-market grips and traditional night sights. Any other modifications will be considered on a case-by-case basis.

A memorandum to request these modifications will be submitted to the Armory Administrator for review and will be forwarded to the Chief of Police for approval. All repairs or modifications are

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to be done by a certified Armorer. Once completed, the weapon is to be inspected by the Armory Supervisor prior to going back into service.

Antioch PD Firearms Armorers will conduct inspections once a year. Any noted defects, modifications or needed repairs will be brought to the attention of the officer, and it will be incumbent upon the officer to ensure that the defect, modification or repair is corrected. Should the defect, modification or repair be of an urgent need, as determined by the Firearms Armorer, the weapon will be downed and will not be used for duty use until such corrections are completed. Inspections to personally owned weapons could be conducted at any time, at the discretion of this administration, or firearms/armory staff.

Should a weapon be downed for whatever reason and another weapon of like make, model and caliber is unavailable, the officer will be responsible for seeking out a department armorer for a "loaner" weapon. The loaner weapon will be a department owned weapon and it will be issued to the officer. The officer will need to qualify with the weapon before being authorized to carry it.

If an officer chooses to carry a personally owned on-duty weapon, and they have been previously issued a department owned weapon, the officer will turn in the department weapon and magazines to a department armorer. Should the weapon they plan to carry not fit the department issued holster or ammunition pouches, the holster and/or pouches will also be turned in.

Should an officer be involved in an on or off duty critical incident and their on-duty weapon is collected as evidence, the weapon could remain in evidence until all criminal and/or civil cases relating to this incident are adjudicated or the statute of limitations has expired. The officer understands that should a criminal or civil case be open for several years, the officer's personally owned weapon could be held for the same period of time. Should this occur, the officer will be given the option to carry another authorized personally owned weapon. The officer will also have the option of being issued a department owned duty weapon.

Only authorized holsters will be allowed for on-duty use.

Only shotguns authorized by the Chief of Police can be deployed for service by department members.

Only rifles authorized by the Chief of Police can be deployed for service by department members.

304.2.2 AUTHORIZED SECONDARY FIREARM

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

(a) Can be any revolver or semi-automatic pistol, .380 caliber through .45 caliber, with a brand and model approved by the Chief of Police.

(b) The purchase of the firearm and ammunition shall be the responsibility of the officer.

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

(d) The firearm shall be inspected by an armorer prior to being carried and thereafter shall be subject to inspection whenever deemed necessary.

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(e) Prior to carrying the secondary firearm, personnel 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 firearm functions properly.

304.2.3 AUTHORIZED OFF-DUTY FIREARM

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

(a) The firearm shall be of good quality and workmanship and approved by the Department.

(b) The purchase of the firearm and ammunition shall be the responsibility of the officer.

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

(d) It will be the responsibility of the officer to submit the firearm to an armorer for inspection prior to being carried. Thereafter the firearm shall be subject to periodic inspection.

(e) The officer will successfully qualify with the firearm prior to it being carried and thereafter once a year.

(f) If any member desires to use more than one firearm while off-duty, he/she may do so, as long as the officer meets all the requirements set forth in this policy for each firearm used.

(g) When armed, whether on- or off-duty, officers shall carry their department identification.

304.2.4 AMMUNITION

The department shall supply practice and qualification ammunition for all "Qualification" courses of fire for duty weapons. Ammunition for all back-up, secondary and off-duty firearms, whether department issued or personally owned, must be provided by the officer using the firearm.

"Exotic (i.e. tracers, armor piercing, hollow points filled with resins, birdshot or foreign substances, coated bullets, military ordinance, etc.) loads" and reloaded ammunition shall not be authorized for duty, secondary, back-up or off-duty use. Ammunition for duty firearms will be supplied by the department.

Officers intending to "Qualify" with their back-up, secondary or off-duty firearm(s) must qualify with the factory loaded ammunition they intend to carry in their firearm. No reloads for practicing, instructional, warm-up or qualifying is authorized. Reloaded ammunition of any type is not to be fired through any departmental weapon.

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Only name brand type "ACP" shall be authorized for use with the .45 caliber firearm.

"Snake Shot" ammunition is authorized to carry for emergency purposes; however, it shall not be stored in the firearm as a duty ammunition.

304.2.5 LASER SIGHTS

Laser sights are not to be used on any duty weapon. They may only be installed on a personally owned secondary or off-duty weapon carried on or off-duty after they have been examined and approved by the Supervising Armorer.

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

(b) Once approved laser sights have been properly installed on any weapon, the officer shall qualify with the weapon to ensure proper functionality and sighting of the weapon prior to carrying it. When qualifying with a weapon equipped with a laser sight, the officer must qualify with the weapon using normal sights with the laser not activated, as well as with the laser activated.

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

304.3 AUTHORIZED FIREARMS, AMMUNITION AND OTHER WEAPONS

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

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

304.3.1 SAFETY CONSIDERATIONS

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

(b) Officers shall be governed by all rules and regulations pertaining to the use of the range.

(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 parking lot and outside of the vehicle.

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(e) Firearms with attached lights shall not be drawn for the purpose of illuminating an area or individual unless the officer is justified as previously outlined.

304.3.2 STORAGE AT HOME

Members shall ensure that all firearms and ammunition are locked and secured while in their homes, vehicles or any other area under their control, and in a manner that will keep them inaccessible to children and others who should not have access (Penal Code § 25100).

Members shall be aware that negligent storage of a firearm could result in civil and criminal liability (Penal Code § 25100).

304.3.3 ALCOHOL AND DRUGS

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

304.4 FIREARMS QUALIFICATIONS

All sworn personnel are required to qualify annually with their duty weapon and annually with their off-duty weapon and secondary weapon on an approved range course. Accurate records shall be kept of annual qualifications, repairs, maintenance, and training. At least annually, all personnel carrying a firearm will receive training on the department Firearms policy and demonstrate their knowledge and understanding.

304.4.1 NON QUALIFICATION

If any officer is unable to qualify for any reason, including injury, illness, duty status, or scheduling conflict, that officer shall notify his or her immediate supervisor. Officers who fail to qualify on their first shooting attempt shall be provided remedial training until proficiency is demonstrated. Officers who repeatedly fail to qualify will be relieved from field assignment and appropriate disciplinary action may follow.

304.4.2 TACTICAL LIGHTS

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

304.4.3 PISTOL MOUNTED OPTICS

Pistol mounted optics are authorized for department use. When using pistol mounted optics the following shall apply:

(a) Only those pistol mounted optics previously approved by the Armory and Firearms Team may be used.

(b) Pistol mounted optics may only be installed on a department issued firearm carried on- or off-duty after they have been examined and approved by an Armorer.

(c) Pistol mounted optics must be co-witnessed by authorized fixed iron sights.

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(d) Duty holsters made to accommodate firearms with pistol mounted optics shall be used and approved by an Armorer.

(e) Members must successfully complete a department approved pistol mounted optics course prior to deploying the weapon system.

(f) Once the approved optics and co-witnessing sights have been properly installed on any firearm, and a department approved course has been completed, the member shall qualify with the weapon system to ensure proper functionality and the sighting in of the firearm prior to carrying it.

304.5 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 in which officers have sufficient advance notice that a potentially dangerous animal may be encountered, officers should develop reasonable contingency plans for dealing with the animal (e.g., fire extinguisher, ECD device, oleoresin capsicum (OC) spray, 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.

304.5.1 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 (Penal Code § 597.1(e)). Injured animals (with the exception of dogs and cats) may only be euthanized after a reasonable search to locate the owner has been made (Penal Code § 597.1(b)). Injured dogs and cats found without their owners shall be taken to an appropriate veterinarian for determination of whether they should be treated or humanely destroyed.

304.6 REPORT OF FIREARM DISCHARGE

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

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

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

b. If off-duty at the time of the incident, a written report shall be submitted or recorded statement provided no later than the end of the next regularly scheduled shift, unless otherwise directed.

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304.6.1 WARNING AND OTHER SHOTS

Generally, warning shots or shots fired for the purpose of summoning aid are discouraged and may not be discharged unless the member reasonably believes that they appear necessary, effective and reasonably safe. Any such discharge shall be reported to a supervisor as soon as practicable and documented in a police report.

304.7 MAINTENANCE AND REPAIR

An approved department armorer shall be the only person authorized to repair or modify any department owned duty weapon. Any repairs or modifications to an officer's personally owned weapon shall be done at his/her expense.

304.8 FLYING WHILE ARMED

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

(a) Officers wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure purposes.

(b) Officers must carry their Department identification card which must contain a full-face picture, the officer's signature and the signature of the Chief of Police or the official seal of the Department and must present this identification to airline officials when requested. The officer should also carry the standard photo identification needed for passenger screening by airline and TSA officials (e.g., driver's license, passport).

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

(d) An official letter signed by the Chief of Police authorizing armed travel must accompany the officer. The letter must outline the officer's need to fly armed, must detail his/her itinerary, and should include that the officer has completed the mandatory TSA training for 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 can be accomplished by early check-in at the carrier's check-in counter.

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

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(h) Officers should not surrender their firearm but should try to resolve any problems through the flight captain, ground security manager or other management representative of the air carrier.

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

304.9 CARRYING FIREARMS OUT OF STATE

Qualified active full-time officers and qualified retired officers (see Policy Manual § 220) of this department are authorized to carry a concealed firearm in all other states subject to the following conditions (18 USC 926B and C):

(a) The officer shall carry his/her Department identification card whenever carrying such weapon.

(b) Qualified retired officers shall also carry certification of having met firearms qualification within the past 12 months.

(c) The officer is not the subject of any current disciplinary action.

(d) The officer may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.

(e) The officer will remain subject to this and all other Department policies (including qualifying and training).

(f) Any active full-time officer who brandishes or discharges his/her firearm while out of state will immediately report such action to the law enforcement agency in the jurisdiction where the incident occurred. The officer shall then report the incident to the on-duty supervisor or Watch Commander as soon as practicable.

Officers are cautioned that individual states may enact local regulations that permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property, or that prohibit or restrict the possession of firearms on any state or local government property, installation, building, base or park. Federal authority may not shield an officer from arrest and prosecution in such locally restricted areas.

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

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Officer-Involved Critical Incident

305.1 PURPOSE AND SCOPE

To establish policy and procedures for the investigation of incidents in which a person suffers serious injury or death directly as the result of police involvement or activity. The intent is to ensure that such incidents are investigated in a fair and impartial manner.

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.

305.2 INVESTIGATION RESPONSIBILITY

This department conforms to the Law Enforcement Involved Fatal Incident protocol for investigating officer-involved critical incidents as agreed upon by the Chiefs of Police of Contra Costa County.

See attachment: PROTOCOL MANUAL (2014-2015 VERSION).pdf

305.3 INVESTIGATION PROCESS

The following procedures are guidelines used in the investigation of an officer-involved critical incident.

305.3.1 INVOLVED OFFICERS

Any request for department or legal representation prior to a formal interview will be accommodated. However, no involved officer shall be permitted to meet collectively or in a group with an attorney or any representative prior to providing a formal interview or report (Government Code § 3303(i)).

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

Discussions with department representatives (e.g., employee association) will be privileged only as to the discussion of non-criminal information however.

Although the Department will honor the sensitivity of communications with peer counselors, there is no legal privilege to such. 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 officer's equipment or clothing, such as blood or fingerprints, until investigators or lab personnel can properly retrieve it.

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

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

305.3.2 SUPERVISOR RESPONSIBILITIES

Upon arrival at the scene, the first uninvolved APD 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 APD officer to immediately provide public safety information necessary to secure the scene, identify injured parties and pursue suspects.

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

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

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

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

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

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

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

305.4 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 APD officers to determine conformance with department policy. The investigation will be conducted under the supervision of the Internal Affairs Unit and will be considered a confidential officer personnel file.

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

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

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

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

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

1. Although this interview should not be unreasonably delayed, care should be taken to ensure that the officer's physical and psychological needs have been addressed before commencing the interview.

2. If requested, the officer shall have the opportunity to select an uninvolved representative to be present during the interview. However, in order to maintain the integrity of each individual officer's statement, involved officers shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed (Government Code § 3303(i)).

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

4. The officer shall be informed of the nature of the investigation. If an officer refuses to answer questions, he/she should be given his/her *Lybarger* or *Garrity* rights and ordered to provide full and truthful answers to all questions. The officer shall be informed that the interview will be for administrative purposes only and that the statement cannot be used criminally.

5. The Internal Affairs Unit shall compile all relevant information and reports necessary for the Department to determine compliance with applicable policies.

6. Regardless of whether the use of force is an issue in the case, the completed administrative investigation shall be submitted to the Use of Force Review Board, which will restrict its findings as to whether there was compliance with the Use of Force Policy.

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

305.4.1 ADMINISTRATIVE INVESTIGATOR RESPONSIBILITIES

The assigned administrative investigator will be present for the duration of the critical incident investigation. This investigator should attend all briefings and have free access to the incident

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scene as well as the ability to view all evidence, witness and involved officer interviews, and any subsequent reports.

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

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

(b) 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 have their attorney (or select an uninvolved representative) to be present during the interview. However, in order to maintain the integrity of each individual officer's statement, involved officers shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed (Government Code § 3303(i)).

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

4. The officer shall be informed of the nature of the investigation. If an officer refuses to answer questions, he/she should be given his/ her Lybarger or Garrity rights and ordered to provide full and truthful answers to all questions. The officer shall be informed that the interview will be for administrative purposes only and that the statement cannot be used criminally.

5. 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.

(c) The administrative investigator shall compile all relevant information and reports necessary to present to the Critical Incident Review Board in order to determine compliance with applicable policies. This should happen as soon as practical following the completion of the critical incident investigation and full report.

305.4.2 CRITICAL INCIDENT REVIEW BOARD

The Critical Incident Review Board will consist of members of the Antioch Police Department designated by the Chief of Police but should include Command Staff and any subject matter experts. The Critical Incident Review Board will make a determination concerning each involved

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officer's actions during the critical incident relating to Antioch Police Department Policy with one of the following dispositions:

(a) No Action – The were consistent with agency best practices and policy.

(b) Commend – The officer's actions during the critical incident exceeded expectations and are worthy of consideration for a commendation.

(c) Counseling – The officer's actions during the critical incident were inconsistent with agency best practices resulting in a need for a counseling session.

(d) Training identified a specific training deficiency within the department or the subject officer that could be corrected by additional training.

(e) Internal Affairs – The officer's actions during the critical incident require additional review and/or appear to violate department policy, federal, state, or local law, policy or rule and should be further investigated by the Internal Affairs Unit.

(f) Policy Review/Revision – The officer's actions during the critical incident identified an area of Antioch Police Department Policy that appears to be outside of current best practices thereby creating a need for further policy review and/or revision. (Note: This disposition should be used in addition to one of the aforementioned relating to the officer's conduct.)

305.4.3 REPORTING

At the conclusion of the Critical Incident Review Board assessment, the administrative investigator will write a report [identified with an Internal Affairs (IA) report number] outlining his/her investigation and the subsequent findings of the board.

(a) If it is determined that one (or more) of the involved officers appeared to violate department policy, federal, state, or local law, policy or rule, or their individual actions require further review by the Internal Affairs Unit, a separate Internal Affairs Investigation should be initiated under its own (IA) number.

(b) The administrative investigator will also complete any applicable use of force or pursuit reports in Blue Team.

(c) All reports will be forwarded through Blue Team to the Division Commander and the Chief of Police for final review.

305.5 DEBRIEFING

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

305.5.1 CRITICAL INCIDENT/STRESS DEBRIEFING

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

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

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

305.5.2 TACTICAL DEBRIEFING

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

305.6 REPORTING

If the death of an individual occurs in the Antioch Police Department jurisdiction and qualifies to be reported to the state as a justifiable homicide or an in-custody death, the Investigations Lieutenant will ensure that the department's Crime Analyst is provided with enough information to meet the reporting requirements (Penal Code § 196; Penal Code § 13022; Government Code § 12525).

305.7 MEDIA RELATIONS

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

The Department shall not subject any involved APD officer to visits by the media (Government Code § 3303(e)). No involved APD officer shall make any comment to the media unless he/she is authorized by the Chief of Police or a Bureau Commander. Department members 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.

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Vehicle Pursuits

306.1 PURPOSE AND SCOPE

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

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

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

306.1.1 DEFINITIONS

Blocking - A low-speed tactic where one or more authorized police [department/office] 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, ramming, or roadblock procedures.

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.

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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 should only be conducted using authorized police [department/office] emergency vehicles that are equipped with and displaying emergency lighting and sirens as required by Vehicle Code § 21055. Officers are responsible for continuously driving with due regard and caution for the safety of all persons and property (Vehicle Code § 21056).

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

(d) 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.

(e) 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.

(f) Whether weather, traffic, and road conditions unreasonably increase the danger of the pursuit when weighed against the risk of the suspect's escape.

(g) 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.

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

(i)

(j) Suspect and officer vehicle speeds.

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

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

(m) 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.

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) There are 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.

(i) The pursuit is terminated by a supervisor.

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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/office] emergency vehicles should be replaced by marked emergency vehicles whenever practicable.

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

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

306.3.1 MOTORCYCLE OFFICERS

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

306.3.2 VEHICLES WITHOUT EMERGENCY EQUIPMENT

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

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.

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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:

(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.

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(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 at legal speeds, following the appropriate rules of the road, and without emergency equipment activated.
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.

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

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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.

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

306.4 SUPERVISORY CONTROL AND RESPONSIBILITIES

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

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.

(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/office].

(j) Controlling and managing Antioch Police Department units when a pursuit enters another jurisdiction.

(k) Upon conclusion of the pursuit, completing all necessary paperwork including the CHP 187A Pursuit Form, as well as create an appropriate Blue Team report.

1.

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.

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The Watch Commander shall review all pertinent reports (including Blue Team) for content and determine a final disposition. An appropriate disposition should be one of the following:

(a) No Action - The pursuit observed was consistent with agency best practices and policy.

(b) Commend - The pursuit observed exceeded expectations and is worthy of consideration for a commendation.

(c) Counseling - The pursuit observed was inconsistent with agency best practices resulting in a need for a counseling session.

(d) Training - The pursuit observed identified a specific training deficiency within the department or the subject officer(s) that could be corrected by additional training.

(e) Internal Affairs - The pursuit observed requires further review and/or appears to violate department policy, federal, state, or local law, policy or rule and should be investigated by Internal Affairs.

The Blue Team report should then be forwarded to the Division Commander for final review.

306.5 THE DISPATCH 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/office] 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 DISPATCH 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.

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

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

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

306.6.2 PURSUITS EXTENDING INTO THIS JURISDICTION

The agency that initiates a pursuit is responsible for conducting the pursuit. Units from this [department/office] 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/office] 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/office] to assist or take over a pursuit that has entered the jurisdiction of Antioch 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.

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

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

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

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 pursuit intervention tactic, depending upon the conditions and circumstances under which it is used, may present dangers to the officers, the public or anyone in or on the vehicle being pursued. Certain applications of intervention tactics may be construed to be a use of 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 or vehicle intercept should only be considered in cases involving felony suspects or impaired drivers who pose a threat to public safety when officers reasonably believe that attempting a conventional enforcement stop will likely result in the driver attempting to flee in the vehicle. Because of the potential risks involved, this technique should only be employed by officers who have received training in such tactics after giving consideration to the following:

1. The need to immediately stop the suspect vehicle or prevent it from leaving reasonably appears to outweigh the risks of injury or death to occupants of the suspect vehicle, officers, or other members of the public.
2. All other reasonable intervention techniques have failed or reasonably appear ineffective.

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3. Employing the blocking maneuver does not unreasonably increase the risk to officer safety.
4. The target vehicle is stopped or traveling at a low speed.
5. At no time should civilian vehicles be used to deploy this technique.

(b) Ramming a fleeing vehicle should be done only after other reasonable tactical means at the officer's disposal have been exhausted. This tactic should be reserved for situations where there does not appear to be another reasonable alternative method. This policy is an administrative guide to direct officers in their decision-making process before ramming another vehicle. When ramming is used as a means to stop a fleeing vehicle, one or more of the following factors should be present:

1. The suspect is an actual or suspected felon who reasonably appears to represent a serious threat to the public if not apprehended.
2. The suspect is driving with willful or wanton disregard for the safety of other persons or is driving in a reckless and life-endangering manner.
3. If there does not reasonably appear to be a present or immediately foreseeable serious threat to the public, the use of ramming is not authorized.

(c) As with all intervention techniques, pursuing officers should obtain supervisor approval before attempting to box a suspect vehicle during a pursuit. The use of such a technique must be carefully coordinated with all involved units, taking into consideration the circumstances and conditions presented at the time as well as the potential risk of injury to officers, the public and occupants of the pursued vehicle.

(d) 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.

(e) Because roadblocks involve a potential for serious injury or death to occupants of the pursued vehicle if the suspect does not stop, the intentional placement of roadblocks in the direct path of a pursued vehicle is generally discouraged and should not be deployed without prior approval of a supervisor and only then under extraordinary conditions when all other reasonable intervention techniques have failed or reasonably appear ineffective and the need to immediately stop the pursued vehicle substantially

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outweighs the risks of injury or death to occupants of the pursued vehicle, officers or other members of the public.

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

In order to comply with applicable laws, policies, and procedures; all appropriate reports should be completed upon conclusion of all pursuits:

(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 Watch Commander for review and distribution.

(c) After first obtaining the available information, a field supervisor shall promptly complete a Blue Team report, briefly summarizing the pursuit, and submit it through the chain of command. This report should minimally contain the following information:

1. Date and time of pursuit
2. Length of pursuit in distance and time, including the starting and termination points.
3. Involved units and officers
4. Initial reason for pursuit
5.
6. Disposition (arrest, citation), including arrestee information if applicable
7. Injuries and/or property damage
8. Medical treatment
9. Name of supervisor at scene
10. In all cases where officers from this department engage in a pursuit, supervisors shall, when available, review AVL to ensure compliance of officers to department policy. Three AVL snapshots depicting the involved units and the status of the

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units will be printed and presented with the documentation. If the pursuit was found to be within department policy, the supervisor shall complete a Blue Team report, briefly summarizing the pursuit.

(d) If the pursuit was found to have been in violation of department policy, the supervisor shall generate a Blue Team report outlining the circumstances of the pursuit. In both cases, the offense report and a completed CHP 187 form will accompany the documentation and be forwarded to the Field Services Commander.

306.8.1 REGULAR AND PERIODIC PURSUIT TRAINING

The Training Manager 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

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

306.9 APPLICATION OF VEHICLE PURSUIT POLICY

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

306.10 ACCIDENT/INJURY

If an accident occurs during the pursuit, an accident investigation shall be completed by the agency having jurisdiction of the area where the accident occurred.

If the accident occurs in the Antioch City Limits as a result of a police pursuit and an Antioch Police Unit is involved in the accident where a third party is injured, a request shall be made to the California Highway Patrol or an allied agency to investigate the accident. In the event that this request is declined, the Bureau Commander will be notified immediatley.

If any person is injured or major property damage is caused during the pursuit, immediate notification shall be made to the Field Services Commander by the supervisor.

306.11 POLICY

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

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Foot Pursuits

307.1 PURPOSE AND SCOPE

This policy provides guidelines to assist officers in making the decision to initiate or continue the pursuit of suspects on foot.

307.1.1 POLICY

It is the policy of this department when deciding to initiate or continue a foot pursuit that officers must continuously balance the objective of apprehending the suspect with the risk and potential for injury to department personnel, the public or the suspect.

Officers are expected to act reasonably, based on the totality of the circumstances. Absent exigent circumstances, the safety of department personnel and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued.

307.2 DECISION TO PURSUE

The safety of department members and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Officers must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and department members.

Officers may be justified in initiating a foot pursuit of any individual the officer reasonably believes is about to engage in, is engaging in or has engaged in criminal activity. The decision to initiate or continue such a foot pursuit, however, must be continuously re-evaluated in light of the circumstances presented at the time.

Mere flight by a person who is not suspected of criminal activity shall not serve as justification for engaging in an extended foot pursuit without the development of reasonable suspicion regarding the individual's involvement in criminal activity or being wanted by law enforcement.

Deciding to initiate or continue a foot pursuit is a decision that an officer must make quickly and under unpredictable and dynamic circumstances. It is recognized that foot pursuits may place department members and the public at significant risk. Therefore, no officer or supervisor shall be criticized or disciplined for deciding not to engage in a foot pursuit because of the perceived risk involved.

If circumstances permit, surveillance and containment are generally the safest tactics for apprehending fleeing persons. In deciding whether to initiate or continue a foot pursuit, an officer should continuously consider reasonable alternatives to a foot pursuit based upon the circumstances and resources available, such as:

(a) Containment of the area.

(b) Saturation of the area with law enforcement personnel, including assistance from other agencies.

(c) A canine search.

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(d) Air support.

(e) Apprehension at another time when the identity of the suspect is known or there is information available that would likely allow for later apprehension, and the need to immediately apprehend the suspect does not reasonably appear to outweigh the risk of continuing the foot pursuit.

307.3 GENERAL GUIDELINES

When reasonably practicable, officers should consider alternatives to engaging in or continuing a foot pursuit when:

(a) Directed by a supervisor to terminate the foot pursuit; such an order shall be considered mandatory

(b) The officer is acting alone.

(c) Two or more officers become separated, lose visual contact with one another, or obstacles separate them to the degree that they cannot immediately assist each other should a confrontation take place. In such circumstances, it is generally recommended that a single officer keep the suspect in sight from a safe distance and coordinate the containment effort.

(d) The officer is unsure of his/her location and direction of travel.

(e) The officer is pursuing multiple suspects and it is not reasonable to believe that the officer would be able to control the suspect should a confrontation occur.

(f) The physical condition of the officer renders him/her incapable of controlling the suspect if apprehended.

(g) The officer loses radio contact with the dispatcher or with assisting or backup officers.

(h) The suspect enters a building, structure, confined space, isolated area or dense or difficult terrain, and there are insufficient officers to provide backup and containment. The primary officer should consider discontinuing the foot pursuit and coordinating containment pending the arrival of sufficient resources.

(i) The officer becomes aware of unanticipated or unforeseen circumstances that unreasonably increase the risk to officers or the public.

(j) The officer reasonably believes that the danger to the pursuing officers or public outweighs the objective of immediate apprehension.

(k) The officer loses possession of his/her firearm or other essential equipment.

(l) The officer or a third party is injured during the pursuit, requiring immediate assistance, and there are no other emergency personnel available to render assistance.

(m) The suspect’s location is no longer definitely known.

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(n) The identity of the suspect is established or other information exists that will allow for the suspect's apprehension at a later time, and it reasonably appears that there is no immediate threat to department members or the public if the suspect is not immediately apprehended.

(o) The officer's ability to safely continue the pursuit is impaired by inclement weather, darkness or other environmental conditions.

307.4 RESPONSIBILITIES IN FOOT PURSUITS

307.4.1 INITIATING OFFICER RESPONSIBILITIES

Unless relieved by another officer or a supervisor, the initiating officer shall be responsible for coordinating the progress of the pursuit.

Early communication of available information from the involved officers is essential so that adequate resources can be coordinated and deployed to bring a foot pursuit to a safe conclusion. Officers initiating a foot pursuit should, at a minimum, broadcast the following information as soon as it becomes practicable and available:

(a) Call sign

(b) Location and direction of travel

(c) Reason for the foot pursuit, such as the crime classification

(d) Number of suspects and description, to include name if known

(e) Whether the suspect is known or believed to be armed with a dangerous weapon

Officers should be mindful that radio transmissions made while running may be difficult to understand and may need to be repeated.

Absent extenuating circumstances, any officer unable to promptly and effectively broadcast this information should terminate the foot pursuit. If the foot pursuit is discontinued for any reason, immediate efforts for containment should be established and alternatives considered based upon the circumstances and available resources.

When a foot pursuit terminates, the officer will notify the dispatcher of his/her location and the status of the pursuit termination (e.g., suspect in custody, lost sight of suspect), and will direct further actions as reasonably appear necessary, to include requesting medical aid as needed for officers, suspects or members of the public.

307.4.2 ASSISTING OFFICER RESPONSIBILITIES

Whenever any officer announces that he/she is engaged in a foot pursuit, all other officers should minimize non-essential radio traffic to permit the involved officers maximum access to the radio frequency.

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307.4.3 SUPERVISOR RESPONSIBILITIES

Upon becoming aware of a foot pursuit, the supervisor shall make every reasonable effort to ascertain sufficient information to direct responding resources and to take command, control and coordination of the foot pursuit. The supervisor should respond to the area whenever possible; the supervisor does not, however, need not be physically present to exercise control over the foot pursuit. The supervisor shall continuously assess the situation in order to ensure the foot pursuit is conducted within established department guidelines.

The supervisor shall terminate the foot pursuit when the danger to pursuing officers or the public appears to unreasonably outweigh the objective of immediate apprehension of the suspect.

Upon apprehension of the suspect, the supervisor shall promptly proceed to the termination point to direct the post-foot pursuit activity.

307.4.4 THE DISPATCH CENTER RESPONSIBILITIES

Upon notification or becoming aware that a foot pursuit is in progress, the dispatcher is responsible for:

(a) Clearing the radio channel of non-emergency traffic.

(b) Coordinating pursuit communications of the involved officers.

(c) Broadcasting pursuit updates as well as other pertinent information as necessary.

(d) Ensuring that a field supervisor is notified of the foot pursuit.

(e) Notifying and coordinating with other involved or affected agencies as practicable.

(f) Generating an event and logging the activities of the foot pursuit

307.5 REPORTING REQUIREMENTS

The initiating officer shall complete appropriate crime/arrest reports documenting, at minimum:

(a) Date and time of the foot pursuit.

(b) Initial reason and circumstances surrounding the foot pursuit.

(c) Course and approximate distance of the foot pursuit.

(d) Alleged offenses.

(e) Whether a suspect was apprehended as well as the means and methods used.

1. Any use of force shall be reported and documented in compliance with the Use of Force Policy.

(f) Arrestee or suspect information, if applicable or known.

(g) Any property or equipment damage.

(h) Any injuries and/or medical treatment.

Assisting officers taking an active role in the apprehension of the suspect shall complete supplemental reports as necessary or as directed.

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The supervisor reviewing the report will make a preliminary determination that the pursuit appears to be in compliance with this policy or that additional review and/or follow-up is warranted.

In any case in which a suspect is not apprehended and there is insufficient information to support further investigation, a supervisor may authorize that the initiating officer need not complete a formal report.

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Search and Seizure

308.1 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 Antioch Police Department personnel to consider when dealing with search and seizure issues.

308.2 POLICY

It is the policy of the Antioch Police Department to respect the fundamental privacy rights of individuals. Members of this department will conduct searches in strict observance of the constitutional rights of persons being searched. All seizures by this department will comply with relevant federal and state law governing the seizure of persons and property.

The Department will provide relevant and current training to officers as guidance for the application of current law, local community standards and prosecutorial considerations regarding specific search and seizure situations, as appropriate.

308.3 SEARCHES

The U.S. Constitution generally provides that a valid warrant is required in order for a search to be valid. There are, however, several exceptions that permit a warrantless search.

Examples of law enforcement activities that are exceptions to the general warrant requirement include, but are not limited to, searches pursuant to the following:

- Valid consent
- Incident to a lawful arrest
- Legitimate community caretaking interests
- Vehicle searches under certain circumstances
- Exigent circumstances

Certain other activities are recognized by federal and state courts and by certain statutes as legitimate law enforcement activities that also do not require a warrant. Such activities may include seizure and examination of abandoned property, and observations of activities and property located on open public areas.

Because case law regarding search and seizure is constantly changing and subject to interpretation by the courts, each member of this department is expected to act in each situation according to current training and his/her familiarity with clearly established rights as determined by case law.

Whenever practicable, officers are encouraged to contact a supervisor to resolve questions regarding search and seizure issues prior to electing a course of action.

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308.4 SEARCH PROTOCOL

Although conditions will vary and officer safety and other exigencies must be considered in every search situation, the following guidelines should be followed whenever circumstances permit:

(a) Members of this department will strive to conduct searches with dignity and courtesy.

(b) Officers should explain to the person being searched the reason for the search and how the search will be conducted.

(c) Searches should be carried out with due regard and respect for private property interests and in a manner that minimizes damage. Property should be left in a condition as close as reasonably possible to its pre-search condition.

(d) In order to minimize the need for forcible entry, an attempt should be made to obtain keys, combinations or access codes when a search of locked property is anticipated.

(e) When the person to be searched is of the opposite sex as the searching officer, a reasonable effort should be made to summon an officer of the same sex as the subject to conduct the search. When it is not practicable to summon an officer of the same sex as the subject, the following guidelines should be followed:

1. Another officer or a supervisor should witness the search.
2. The officer should not search areas of the body covered by tight-fitting clothing, sheer clothing or clothing that could not reasonably conceal a weapon.

308.5 DOCUMENTATION

Officers are responsible to document any search and to ensure that any required reports are sufficient including, at minimum, documentation of the following:

- Reason for the search
- Any efforts used to minimize the intrusiveness of any search (e.g., asking for consent or keys)
- What, if any, injuries or damage occurred
- All steps taken to secure property
- The results of the search, including a description of any property or contraband seized
- If the person searched is the opposite sex, any efforts to summon an officer of the same sex as the person being searched and the identification of any witness officer

Supervisors shall review reports to ensure the reports are accurate, that actions are properly documented and that current legal requirements and department policy have been met.

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Major Incident Notification

309.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of this department in determining when, how and to whom notification of major incidents should be made.

309.2 POLICY

The Antioch 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.

309.3 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 Bureau Commander. The following list of incident types is provided as a guide for notification and is not intended to be all inclusive:

- Homicides
- Traffic accidents with fatalities
- Officer-involved shooting - on or off duty (see Officer-Involved Shootings and Deaths Policy for special notifications)
- Significant injury or death to employee - on or off duty
- Death of a prominent Antioch official
- Arrest of a department employee or prominent Antioch official
- Aircraft crash with major damage and/or injury or death
- In-custody deaths

309.4 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 practical.

309.4.1 STAFF NOTIFICATION

In the event an incident requiring notification occurs, the on-duty Lieutenant Watch Commander shall be notified. If none is on-duty, another lieutenant should be contacted and notified. Attempts shall be continued up the chain of command until notification is made.

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309.4.2 DETECTIVE NOTIFICATION

If the incident requires an investigative response, the Investigations Bureau Lieutenant shall be notified.

309.4.3 TRAFFIC BUREAU NOTIFICATION

In the event of a traffic fatality or major injury, the Lieutenant Watch Commander shall be notified.

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Special Weapons and Tactics (SWAT) & Crisis Negotiation Team (CNT)

310.1 PURPOSE AND SCOPE

This policy establishes guidelines for the organization and deployment of the Antioch Police Department Special Weapons and Tactics and Crisis Negotiations Teams.

310.2 POLICY

It is the policy of the Antioch Police Department to maintain a specially trained and equipped team of police officers to be called on in the event of high risk or unusual incidents. The goal of the SWAT and Crisis Negotiations teams will be to bring successful conclusion to any critical or unusual incident, to save lives, apprehend suspects and protect property.

310.3 DEFINITIONS

First Responder - First officer arriving on scene.

Incident Commander - Highest ranking officer on scene or one designated by the Chief of Police. The SWAT Commander is the preferred Incident Commander and should assume command during any critical incident, when available. The Incident Commander is responsible for the overall command of the operation. He/she provides the authority for all efforts necessary to resolve the incident and will authorize all actions.

SWAT - A team of officers trained to deal with special tactical missions.

Critical or **Unusual Incident** - May be, but is not limited to: high risk arrests, barricaded suspects, hostage situations, riots, crowd control, natural disaster, executive protection, high risk search warrant service, or any incident which could lead to a life-threatening situation.

310.4 PROCEDURES FOR ACTIVATION

When the first responder(s) on scene realize a critical incident has developed, the officer should attempt to confine the situation to the smallest possible area that is consistent with the officer's safety.

Any Field Supervisor may request SWAT utilization through the chain of command.

The Watch Commander shall be immediately notified, either personally or through dispatch.

310.4.1 INITIAL CONSIDERATIONS

The initial consideration for first responders, while utilizing sound officer safety tactics, should be the protection of life and property.

Officers should also:

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(a) Keep all personnel/witnesses (officers or civilians) who have pertinent information regarding the situation or suspect (location, description, etc.) available near the command post location for interview by command personnel.

(b) Gather intelligence for command personnel.

(c) Relay all current information obtained about the responsible(s), the hostage(s), or weapons and continue to keep the command post informed of new information.

310.5 SWAT TEAM

The SWAT team is composed of two elements: the tactical entry team and the sniper/observer team. The tactical entry team will consist of tactical team leaders and other SWAT officers as needed. The sniper/observer team will consist of a sniper team leader and up to four SWAT officers.

310.5.1 UTILIZATION

Use of SWAT should be considered by command officers in the following situations:

(a) High-risk arrests

(b) Barricaded suspect(s)

(c) Hostage situations

(d) To rescue wounded, captured or isolated officers

(e) To rescue citizens in an area endangered by gunfire

(f) VIP protection

(g) Counter-sniper operations

(h) High-risk search warrants

(i) Riots

(j) Crowd control

(k) Preplanned mutual aid

(l) Natural disasters

(m) Any situation wherein a commander believes personnel trained in special tactics or rescue operations is necessary

310.5.2 EQUIPMENT

Because of the sophistication of the equipment and accountability, its use is restricted to SWAT members for tactical operations and/or training. Should any other member of the department have need for the use of this equipment, authorization shall first be obtained from the SWAT Supervisor and SWAT Commander.

310.5.3 CHAIN OF COMMAND / INDIVIDUAL RESPONSIBILITIES

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SWAT Commander - The SWAT Commander is the preferred Incident Scene Commander. He/she is responsible for managing the operations of SWAT and Crisis Negotiations teams.

Tactical Commander - He/she is responsible for directing the actions of SWAT and Crisis Negotiations teams. He/she answers to the SWAT Commander.

SWAT Supervisor - The SWAT Supervisor is responsible to the SWAT Commander for the overall function of the unit. Those responsibilities include, but are not limited, to, supervision, planning, training, staffing, recruiting, internal investigations, logistics and all other such functions deemed necessary for the operation of the unit. He/she is responsible for recommending to the Tactical Commander, or in his/her absence, the Incident Commander, what tactics, equipment and options are available to be used to achieve the mission goal. It is the responsibility of the SWAT supervisor to know the capabilities of the unit. The SWAT Supervisor or designee shall lead the assault team on an assigned mission.

Team Leaders - The tactical entry and sniper/observer team leaders are responsible to the SWAT Supervisor. Their duties shall be, but are not limited to, carrying out and completing assigned missions and training SWAT tactics under the supervision of the SWAT Supervisor.

Team Members - SWAT team members are responsible to their Team Leaders in the performance of their duties. Team members are to perform those duties necessary to carry out the complete team assignments, mission, and training.

Sniper/Observer Team Members - Sniper/observer team members are SWAT team members who have been specially trained and equipped for scouting and tactical intelligence gathering as well as designated marksmen.

310.5.4 TACTICS

The Incident Commander shall retain final authority for tactical operations. He/she may delegate SWAT tactical decisions and operations to the Tactical Commander.

The SWAT Supervisor, or in the SWAT Supervisor's absence, the SWAT officer in charge, shall determine and recommend to the Tactical Commander the tactics best suited to accomplish the mission. Considerations for the SWAT Supervisor to prepare for an operation are:

(a) Contact the Tactical Commander and inform him/her on available data.

(b) Deploy scouts to interview involved parties for tactical intelligence, survey the incident area to determine tactics, and evacuate any bystanders not already done so.

(c) Develop an operation/mission plan.

(d) Determine equipment and/or weapons necessary to accomplish the mission.

(e) Brief the SWAT team on operation/mission plan.

(f) Deploy and direct or lead the team as required to carry out the operation/mission plan as determined by the Tactical Commander.

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An effort should be made to contact the suspect in an attempt to persuade the suspect to voluntarily surrender before a SWAT operation is used, except in those situations where stealth or surprise is necessary to protect life.

Once SWAT is deployed, use of deadly force shall be controlled in the following manner:

(a) As described in the department's Firearms policy.

(b) In a controlled incident, when ordered to do so by the SWAT Supervisor after receiving authorization from the Tactical Commander.

(c) Under specified rules of engagement given by the Incident Commander.

310.5.5 RELIEF

If the incident elements dictate that the operation will be long in duration, relief for SWAT members shall be considered. Relief will be determined on an incident case-by-case basis. However, provisions and relief SWAT availability shall be considered and discussed as part of the overall tactical operation by the Incident Commander and SWAT supervisor.

310.5.6 DISENGAGEMENT

After a mission is complete, the SWAT supervisor or his/her designee will be responsible for the inventory and recovery of all SWAT equipment prior to securing from duty.

310.5.7 DEBRIEFING AND REPORTS

As soon as practical after securing the scene of SWAT activities, command personnel shall conduct a debriefing session. Debriefing shall be directed toward identifying equipment needs or changes, training requirements, tactical operation efficiency and to identify all police activities conducted. The debriefing should be critical, the objective to be improvement of services to both the department and the community.

The SWAT Supervisor shall be responsible for completion of an Supervisor Action Report, a report to the Tactical Commander which will include a description of the tactical plan selected; whether it was used or changed during the operation, and why; equipment expenditure; injuries to officers, suspects and/or the public; and damage reports. This report will be completed within five working days of the incident. The Tactical Commander will review the report and forward it to the designated Division Commander, who will review it and carry it to the Chief of Police.

310.5.8 SWAT TEAM MEMBER - SELECTION

Interested officers must:

(a) Submit a memo of interest to the Chief of Police.

(b) Have received evaluations of duty performance in attitude and initiative, which are standard, or above standard.

(c) Have demonstrated personal discipline and the ability to remain calm and decisive under stress.

(d) Have demonstrated mental alertness and ability to follow orders.

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(e) Have demonstrated the ability to work well with patrol team members and supervisors.

(f) Be able to pass the physical and cardiovascular fitness (agility) test and standards as adopted by the SWAT unit prior to appointment and approved by the Department.

(g) Be able to demonstrate the ability to use a firearm in an exceptional manner.

(h) Be able to work effectively with current SWAT team members.

(i) Potential candidates must participate in an oral interview process to identify their qualifications. The SWAT supervisor will forward recommendations to the Tactical Commander for administrative review and final selection.

(j) SWAT members will retest randomly twice a year for physical fitness. A member unable to pass the fitness testing as outlined in the physical training lesson plan may be given one opportunity to retest. Failure to pass the make-up test, may result in dismissal from the team.

(k) SWAT members must qualify in all tactical firearms courses annually. A member unable to pass shall be placed on inactive status until a passing score is obtained.

(l) Prior to utilization for tactical entries, all SWAT members must successfully complete a P.O.S.T. certified basic SWAT course. Until that time, members may assume perimeter and other support positions.

Sniper/observer team additional selection/retention requirements:

(a) Must be a qualified SWAT Team member in good standing.

(b) Good physical condition.

(c) Demonstrated marksmanship: Qualification as directed by the SWAT Commander is required throughout the year to maintain proficiency and accuracy with sniper/observer techniques and weapons.

(d) Emotional balance: A well-disciplined individual, mature and patient.

(e) Potential candidates must participate in an oral interview process to identify their qualifications. The oral board will consist of the SWAT Supervisor, Team Leader and any active Sniper/Observer. The SWAT Supervisor will forward recommendations to the Tactical Commander and SWAT Commander for review and final selection.

310.5.9 SNIPER/OBSERVER ROLES AND RESPONSIBILITIES

The sniper/observer will use his/her specialized training, positioning and sight enhancing equipment to observe and report real-time intelligence to SWAT team members and on-scene command personnel. Since the sniper/observer plays such an integral role in intelligence gathering and team protection, he/she should be deployed as a part of most tactical operations.

The sniper/observer will afford protective over-watch to the SWAT team, other officers, civilians and/or hostages by providing the ability to bring precision fire against designated targets, with the intent to immediately end the dangerous actions of that designated target. In this action, state

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statutes relating to the use of deadly force by police officers, as well as any and all applicable departmental policies will regulate the sniper's decision.

Qualification and Performance Standards:

(a) Each sniper/observer will attend and graduate a formal police sniper school.

(b) Each sniper/observer will pass the team qualification course. The course will be designed to test the sniper/observer's skills as they apply to realistic job-related applications. This may include cold shots, partially exposed targets, stress shots, moving targets, and intermediate barriers. This course will be administered at least four times a year. Each course will require a score of 90% or better to pass.

Failure to pass two consecutive qualification courses will result in removal of the sniper/observer from operational status until he/she is able to demonstrate proficiency with two consecutive passing scores.

310.6 CRISIS NEGOTIATIONS TEAM

A crisis negotiation team consists of up to six persons and two supervisors. Three negotiators and a supervisor should be called upon to negotiate a critical incident.

310.6.1 CHAIN OF COMMAND / INDIVIDUAL RESPONSIBILITIES

Negotiation Team Supervisor - Reports directly to the Tactical Commander. At a critical incident he is responsible to the Incident Commander. Other responsibilities include the supervision of the negotiating team, coordination of team training, recommendation of officers to serve on team, and establishing liaison with Command Post during an incident. Post-incident, is responsible for the completion and submission of an after action report to the Tactical Commander.

Team Leaders - The Crisis Negotiation team leaders are responsible to the Negotiation Team Supervisor. Their duties shall be, but are not limited to, carrying out and completing assigned missions and training negotiation tactics under the supervision of the Negotiation Team Supervisor.

Primary Negotiator - Has the sole responsibility for negotiating with suspect.

Secondary Negotiator - Works immediately with primary negotiator prompting and assisting. The secondary also maintains the negotiations activity log.

Third Negotiator - Gathers, coordinates and disseminates intelligence information to negotiators and supervisor. Other responsibilities include preparation and maintenance of an Incident Board and keeping unnecessary personnel out of immediate negotiations area. In cases of extended negotiations, he/she arranges for necessary logistics (food, beverages, breaks, etc.) for negotiators.

310.6.2 RELIEF

It is the responsibility of the Negotiation Team Supervisor to recognize when CN members need relief during a critical incident. This could be for reasons of fatigue or maybe because of the Stockholm Syndrome. Normally a fourth team member shall be utilized for such relief as well as,

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in certain instances, the supervisor himself/herself. There is no set time when relief shall take place and it is incumbent on the supervisor to monitor the CN actions on a case-by-case basis during a critical incident. The Incident Commander shall be kept appraised of any relief made to the CN team.

310.6.3 TEAM SELECTION CRITERIA
Criteria for selection:

(a) Negotiators shall be selected from those volunteering after notification of an opening on the negotiating team.

(b) Volunteers shall have the ability to interrelate and work as a member of a team.

(c) Must have demonstrated above average communication and interpersonal skills.

All applicants will be evaluated by the team supervisors and the SWAT Tactical Commander through an oral interview process. The SWAT Tactical Commander will then confer with the SWAT Commander for final selections and appointments to the team.

The team supervisor shall be appointed by the Chief of Police or his/her designee.

310.6.4 TRAINING
Training should consist of, but is not limited to:

(a) Basic P.O.S.T. crisis negotiations course. This course shall be successfully completed prior to being assigned as supervisor, primary or secondary negotiator.

(b) Role playing - simulated situations.

(c) Combined training with the SWAT team.

(d) Combined training with negotiating teams from other agencies when available and convenient to the department.

(e) Review and critique of actual crises situations.

310.7 SWAT TEAM AND CNT MEMBER - SEPARATION

SWAT Team and CNT member assignments will be a minimum of five years with the possibility of two one-year extensions; exclusive of a transfer to another assignment. Additional assignments and/or promotions within the SWAT Team or CNT will carry with each the possibility of three, two-year extensions: these additional time extensions can occur concurrently or upon reassignment to the SWAT Team or CNT. The team specific assignments and promotions include:

(a) Sniper/Observer Team member (Officer or Corporal)

(b) Tactical Entry Team leader (Officer, Corporal or Sergeant)

(c) Sniper/Observer Team leader (Officer, Corporal or Sergeant)

(d) SWAT Supervisor (Sergeant)

(e) Crisis Negotiation Team leader (Officer, Corporal, Sergeant)

(f) Negotiation Team Supervisor (Corporal or Sergeant)

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(g) Tactical Commander (Lieutenant)

(h) SWAT Commander (Captain or Lieutenant with equivalent experience)

Additional reasons for separation from the SWAT Team and CNT may include, but are not limited to the following:

(a) Failure to complete all requisite training.

(b) (SWAT Only) Unable to satisfactorily complete either the SWAT physical fitness test or firearms qualification upon retest.

(c) Any sustained policy violations for misconduct which result in any form of written reprimand or beyond.

Active status as a SWAT Team or CNT member shall be at the discretion of the SWAT Commander.

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Canines

311.1 PURPOSE AND SCOPE

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

311.2 POLICY

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

311.3 ASSIGNMENT

Canine teams should be assigned to handle patrol duties in the Community Policing Bureau. Generally, there should not be more than one canine team assigned to a patrol team (shift). Any other assignment will be at the discretion of the Chief of Police.

311.4 CANINE COORDINATOR

The canine coordinator shall be appointed by and directly responsible to the Field Services Division or the authorized designee.

The responsibilities of the coordinator include but are not limited to:

(a) Reviewing all canine use reports to ensure compliance with policy and to identify training issues and other needs of the program.

(b) Maintaining a liaison with the vendor kennel.

(c) Maintaining a liaison with command staff and functional supervisors.

(d) Maintaining a liaison with other agency canine coordinators.

(e) Maintaining accurate records to document canine activities.

(f) Recommending and overseeing the procurement of equipment and services for the teams of handlers and canines.

(g) Scheduling all canine-related activities.

(h) Ensuring the canine teams are scheduled for regular training to maximize their capabilities.

311.5 REQUESTS FOR CANINE TEAMS

Field Services Division members 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.

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311.5.1 OUTSIDE AGENCY REQUEST

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

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

(b) The canine handler shall have the authority to decline a request for any specific assignment that he/she deems unsuitable.

(c) Calling out off-duty canine teams is discouraged.

(d) It shall be the responsibility of the canine handler to coordinate operations with agency personnel in order to minimize the risk of unintended injury.

(e) It shall be the responsibility of the canine handler to complete all necessary reports or documentation as directed.

311.5.2 PUBLIC DEMONSTRATION

All public requests for a canine team shall be reviewed and, if appropriate, approved by the canine coordinator prior to making any resource commitment. The canine coordinator is responsible for obtaining resources and coordinating involvement in the demonstration to include proper safety protocols. Canine handlers shall not demonstrate any apprehension work unless authorized to do so by the canine coordinator.

311.6 APPREHENSION GUIDELINES

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

(a) There is a reasonable belief the suspect poses an imminent threat of violence or serious harm to the public, any officer, or the handler.

(b) The suspect is physically resisting or threatening to resist arrest and the use of a canine reasonably appears to be necessary to overcome such resistance.

(c) The suspect is believed to be concealed in an area where entry by other than the canine would pose a threat to the safety of officers or the public.

It is recognized that situations may arise that do not fall within the provisions set forth in this policy. Such events require consideration of the totality of the circumstances and the use of an objective reasonableness standard applied to the decision to use a canine.

Absent a reasonable belief that a suspect has committed, is committing, or is threatening to commit a serious offense, mere flight from a pursuing officer, without any of the above conditions, shall not serve as the basis for the use of a canine to apprehend a suspect.

Use of a canine to locate and apprehend a suspect wanted for a lesser criminal offense than those identified above requires approval from the Watch Commander. Absent a change in circumstances that presents an imminent threat to officers, the canine or the public, such canine use should

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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.

311.6.1 PREPARATION FOR DEPLOYMENT

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

(a) The nature and seriousness of the suspected offense.

(b) Whether violence or weapons were used or are anticipated.

(c) The degree of resistance or threatened resistance, if any, the suspect has shown.

(d) The suspect's known or perceived age.

(e) The potential for injury to officers or the public caused by the suspect if the canine is not utilized.

(f) Any potential danger to the public and/or other officers at the scene if the canine is released.

(g) The potential for the suspect to escape or flee if the canine is not utilized.

As circumstances permit, the canine handler should make every reasonable effort to communicate and coordinate with other involved members to minimize the risk of unintended injury.

It is the canine handler's responsibility to evaluate each situation and determine whether the use of a canine is appropriate and reasonable. The canine handler shall have the authority to decline the use of the canine whenever he/she deems deployment is unsuitable.

A supervisor who is sufficiently apprised of the situation may prohibit deploying the canine.

Unless otherwise directed by a supervisor, assisting members should take direction from the handler in order to minimize interference with the canine.

311.6.2 WARNINGS AND ANNOUNCEMENTS

Unless it would increase the risk of injury or escape, a clearly audible warning announcing that a canine will be used if the suspect does not surrender should be made prior to releasing a canine. The handler should allow a reasonable time for a suspect to surrender and should quiet the canine momentarily to listen for any verbal response to the warning. If feasible, other members should be in a location opposite the warning to verify that the announcement could be heard. If available, warnings given in other languages should be used as necessary.

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If a warning is not to be given, the canine handler, when practicable, should first advise the supervisor of his/her decision before releasing the canine. In the event of an apprehension, the handler shall document in any related report how the warning was given and, if none was given, the reasons why.

311.6.3 REPORTING DEPLOYMENTS, BITES AND INJURIES

Whenever a canine deployment results in a bite or causes injury to any persont, a supervisor should be promptly notified. 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, as well as through a Blue Team entry.

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 memorandum.

If an individual alleges an injury, either visible or not visible, a supervisor shall be notified and both the individual's injured and uninjured areas shall be photographed as soon as practicable after first tending to the immediate needs of the injured party. Photographs shall be retained as evidence in accordance with current department evidence procedures. The photographs shall be retained until the criminal proceeding is completed and the time for any related civil proceeding has expired.

Canines used by law enforcement agencies are generally exempt from impoundment and reporting requirements. However, the canine shall be made available for examination at any reasonable time if requested by the local health department. The canine handler shall also notify the local health department if the canine exhibits any abnormal behavior after a bite (Health and Safety Code § 121685).

311.7 NON-APPREHENSION GUIDELINES

Properly trained canines may be used to track or search for non-criminals (e.g., lost children, individuals who may be disoriented or in need of medical attention). The canine handler is responsible for determining the canine's suitability for such assignments based on the conditions and the particular abilities of the canine. When the canine is deployed in a search or other non-apprehension operation, the following guidelines apply:

(a) Absent a change in circumstances that presents an imminent threat to officers, the canine, or the public, such applications should be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual, if located.

(b) Unless otherwise directed by a supervisor, assisting members should take direction from the handler in order to minimize interference with the canine.

(c) Throughout the deployment, the handler should periodically give verbal assurances that the canine will not bite or hurt the individual and encourage the individual to make him/herself known.

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(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.

311.7.1 ARTICLE DETECTION
A canine trained to find objects or property related to a person or crime may be used to locate or identify articles. A canine search should be conducted in a manner that minimizes the likelihood of unintended bites or injuries.

311.7.2 ODOR DETECTION
A canine trained in narcotics or firearms 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 or firearms during a search warrant service.

(c) Obtaining a search warrant by using the narcotics/firearms-detection trained canine in support of probable cause.

A narcotics/firearms-detection trained canine will not be used to search a person for narcotics or firearms.

311.8 HANDLER SELECTION
The minimum qualifications for the assignment of canine handler include:

(a) An officer who is not on an improvement needed program.

(b) Reside in an adequately fenced, single-family residence (minimum 6-foot high fence with locking gates).

(c) Complete a physical standard of: lifting a 70lb. weight once to a height of six feet and also running 1.5 miles in 15 minutes or less.

(d) Successfully pass an oral interview for the position. The Chief of Police or his/her designee shall make the final selection.

(e) Agree to be assigned to the position for a minimum of four years.

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

The canine handler will be responsible for the following:

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

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

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(c) Handlers shall permit the canine coordinator to conduct spontaneous on-site inspections of affected areas of their homes as well as their canine vehicles to verify that conditions and equipment conform to this policy.

(d) Any changes in the living status of the handler that may affect the lodging or environment of the canine shall be reported to the canine coordinator as soon as possible.

(e) 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.

(f) 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.

(g) Under no circumstances will the canine be lodged at another location unless approved by the canine coordinator, Watch Commander, or Canine Unit Commander.

(h) When off-duty, the handler shall not involve the canine in any law enforcement activity or official conduct unless approved in advance by the canine coordinator or Watch Commander.

(i) 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.

(j) No canine is to be bred without prior approval of the Chief of Police or his/her designee.

(k) Handlers shall maintain a level of physical fitness equivalent to the standard set during the initial selection process. Once annually, each handler will have to demonstrate he/she has maintained an acceptable level of fitness by completing the same course performed during the selection process. Should a handler fail to demonstrate the acceptable level of fitness, he/she will be allowed to remediate the test. All aspects of the physical fitness test shall be completed simultaneously. A handler can remediate as many times as necessary within a 30 day period from the date of the annual test to successfully complete the test. Failure to successfully remediate the physical fitness test will serve as grounds for dismissal from the canine unit.

311.9.1 CANINE IN PUBLIC AREAS

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

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

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

(c) While at the station the canine will either be left in the vehicle, confined in the provided canine pens, or accompanied and in close proximity of the handler at all times while inside the police department.

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311.10 TAKE HOME CANINE VEHICLE

The canine handler may take home their department assigned canine patrol vehicle. All policies related to the use and safe operation of a police vehicle shall be adhered to by the canine handler. Whenever a canine handler takes his/her assigned vehicle home, the canine handler shall park the vehicle out of public view, preferably in a garage. The canine handler shall not use the canine vehicle for personal use. The take home vehicle privilege may be restricted or suspended by the Chief of Police or the Chief's designee based upon the operational, fleet, equipment, security and/or other needs of the department.

In addition to the above, the following conditions and/or restrictions apply:

(a) If the vehicle is not secured in a garage, the handler shall remove all weapons and any other easily removable equipment in plain view. All weapons shall be secured in the home in a manner that will keep them inaccessible to children and irresponsible adults.

(b) In the event of a shortage of canine patrol vehicles, canine handlers will be required to share patrol vehicles. In that case, the affected canine handlers shall transport their canines to and from home in a department provided or department approved crate in their personally owned vehicles.

(c) It is the responsibility of the canine handler to insure the care and maintenance of the canine vehicle. Regular service intervals, as scheduled by Fleet Maintenance, will be met. Canine vehicles will be kept clean and in good repair at all times.

(d) Only canine handlers living within 45 miles of city limits shall be authorized to take home a canine vehicle.

(e) Canine handlers shall be responsible for all tolls, fares, etc. that would be incurred in the normal course of travel to and from their residences.

(f) Canine handlers will not be compensated for normal travel time to or from their residence on work days. Travel time to and from the handler's residence shall not be calculated in as part of the handler's work shift.

(g) If the handler chooses not to take home their department assigned canine patrol vehicle; they shall transport their canines to and from home in a department provided or department approved crate in their personally owned vehicles.

311.11 HANDLER COMPENSATION

The canine handler shall be compensated for any call-out according to the terms of the APOA Memorandum of Understanding.

The canine handler shall be compensated for time spent in the care, feeding, grooming and other needs of the canine in accordance with the Fair Labor Standards Act (FLSA), and according to the terms of the APOA Memorandum of Understanding (29 USC § 207).

311.12 DEPARTMENT ISSUED EQUIPMENT

Upon certification and appointment to the canine unit, the handler will be issued the following items:

A heavy-duty 6 foot leash constructed of leather

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A heavy-duty 1 to 2 inch wide leather collar with 'D' ring.

A metal choke chain.

A leather muzzle.

A tracking line and leather harness.

Police Service Dog badge.

City dog license at no cost to the handler.

18" tab/lead.

E-collar and associated equipment.

Spill proof water bowl.

Duffle bag for equipment.

Emergency canine first aid kit.

Kennel

Ballistic vest

311.13 SEPERATION FROM POLICE SERVICE DOG PROGRAM

Reasons for handler separation from the caninie program may include, but are not limited to the following:

(a) Handler neglects or abuses the canine.

(b) Handler misuses the canine.

(c) Failure to meet certification requirements per the POST recommended guidelines after a sufficient number of attempts.

(d) Health or age prevents the canine from performing tasks.

1. If the handler of the retired canine desires to work an additional canine following the retirement of his/her initial canine, the handler must submit such request and participate and pass the testing process as outlined in section 308.8 of this policy. Any prior exemptions granted shall be considered void.

(e) Unable to satisfactorily complete the annual physical standards testing.

311.14 GENERAL EMPLOYEE RESPONSIBLITES

When a canine has been operationally deployed, no one should attempt to take physical custody of any stationary or fleeing suspect until the canine has been properly secured. To do so is to invite injury to the officer by the canine.

Employees other than the canine handler will not provoke, tease, show aggression towards, feed or attempt to give orders to the dog unless it is done in a training capacity authorized by the handler.

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311.15 CANINE INJURY AND MEDICAL CARE

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

In determining the reasonableness of costs, consideration shall include, but is not limited to: nature of illness or injury, veterinarian's prognosis, service life expectancy of the canine, and whether the illness or injury was sustained on or off duty. The Chief of Police or his/her designee shall deterimine reasonableness.

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 by the handler and treating veterinarian. All veterinarian invoices shall be submitted to the canine coordinator and filed in the Administrative Bureau.

311.16 TRAINING

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

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

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

311.16.1 CONTINUED TRAINING

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

(a) Canine teams should receive training as defined in the current contract with the Antioch Police Department canine training provider.

(b) Canine handlers are encouraged to engage in additional training with approval of the canine coordinator.

(c) To ensure that all training is consistent, no handler, trainer, or outside vendor is authorized to train to a standard that is not reviewed and approved by the Department.

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311.16.2 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.

311.16.3 TRAINING RECORDS

All canine training records shall be completed monthly by the handler and given to the canine coordinator. The records will be kept in the handler's training file in the Administrative Bureau.

311.16.4 TRAINING AIDS

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

311.16.5 CONTROLLED SUBSTANCE TRAINING AIDS

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

The Chief of Police or the authorized designee may authorize a member to seek a court order to allow controlled substances seized by the Antioch Police Department to be possessed by the member or a narcotics-detection canine trainer who is working under the direction of this department for training purposes, provided the controlled substances are no longer needed as criminal evidence.

As an alternative, the Chief of Police or the authorized designee may request narcotics training aids from the Drug Enforcement Administration (DEA).

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

311.16.6 CONTROLLED SUBSTANCE PROCEDURES

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

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

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

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

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

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

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

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

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

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Field Training Officer Program

312.1 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 Antioch Police Department.

It is the policy of this department to assign all new police officer 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.

312.2 FIELD TRAINING OFFICER - SELECTION, TRAINING, AND SEPARATION

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.

312.2.1 SELECTION PROCESS

FTO's will be selected by the Field Services Commander based on the following requirements:

(a) Desire to be an FTO

(b) Demonstrated ability as a positive role model

(c) Demonstrates the ability to perform the position of Police Officer in an exemplary fashion

(d) Participate and pass an internal oral interview selection process

(e) Evaluation by supervisors

(f) Possess a POST Basic certificate

(g) Successfully completed the probationary period with the Antioch Police Department and worked as a sworn police officer for at least 3 years.

312.2.2 TRAINING

An officer selected as a Field Training Officer shall successfully complete a POST certified (40-hour) Field Training Officer's Course prior to being assigned as an FTO.

All FTOs must complete a 24-hour Field Training Officer update course every three years while assigned to the position of FTO (11 CCR 1004).

All FTOs must meet any training mandate regarding crisis intervention behavioral health training pursuant to Penal Code § 13515.28.

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312.2.3 SEPARATION

Reasons for separation from the Field Training Officer Program may include but are not limited to the following:

(a) Failure to complete all requisite training.

(b) Unable to satisfactorily complete (trainee) written evaluations in a timely and accurate manner.

(c) Any sustained policy violations which result in any form of written reprimand or beyond.

Due to the special nature of this assignment, the maximum time commitment shall be determined by the Field Services Commander.

312.3 FIELD TRAINING ADMINISTRATOR

The Field Training Administrator will be a Community Policing Bureau Commander designated by the Chief of Police. He/she will provide oversight to the Field Training Officer Program and will report to the Field Services Division Commander.

312.4 FIELD TRAINING OFFICER PROGRAM SUPERVISOR

The FTO Program supervisor should be selected from the rank of sergeant or above by the Chief of Police 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

(c) Maintain and ensure FTO/trainee performance evaluations are completed

(d) Maintain, update, and issue the Field Training Manual to each trainee

(e) Monitor individual FTO performance

(f) Monitor overall FTO Program

(g) Maintain liaison with FTO coordinators of other agencies

(h) Maintain liaison with academy staff on recruit performance during the academy

(i) Develop ongoing training for FTOs

The FTO Program supervisor will be required to successfully complete a POST-approved Field Training Administrator's Course within one year of appointment to this position (11 CCR 1004(c)).

312.5 TRAINEE DEFINED

Any entry level or lateral police officer.

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312.6 REQUIRED TRAINING

Entry level officers shall be required to successfully complete the Field Training Program, consisting of a minimum of 16 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 6 weeks, provided he/she has completed a POST approved FTO program with a prior agency.

The FTO Program for both entry level and lateral officers may be extended if additional training is required.

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.

312.6.1 FIELD TRAINING MANUAL

Each new officer will be issued a Field Training Manual at the beginning of his/her Primary Training Phase. This manual is an outline of the subject matter and/or skills necessary to properly function as an officer with the Antioch Police Department. The officer shall become knowledgeable of the subject matter as outlined. He/she shall also become proficient with those skills as set forth in the manual.

The Field Training Manual will specifically cover those policies, procedures, rules, and regulations adopted by the Antioch Police Department.

312.7 EVALUATIONS

Evaluations are an important component of the training process and shall be completed as outlined below.

312.7.1 FIELD TRAINING OFFICER

(a) FTO's shall complete and submit a written evaluation on the performance of their assigned trainee to their immediate supervisor as soon as possible. This must occur prior to end of the FTO's scheduled work week or prior to any other days off to include training, trades, or pre-approved time off, unless approved by a supervisor.

(b) FTO's shall review these Daily Observation Reports with the trainee. FTO's shall make an effort to conduct this review as close as possible to the shift being evaluated, but in any case not later than the end of the FTO's scheduled work week or prior to any other days off unless approved by a supervisor.

(c) FTO's shall be responsible for signing off all completed topics contained in the Field Training Manual, noting the method(s) of learning and evaluating the performance of their assigned trainee.

(d) At the end of each rotation phase, the Recruit's FTOs shall meet and complete a Transfer Sheet with an overview of the Recruit's progression. This form shall be submitted promptly to the next FTO in the recruits rotation and to the Field Services

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Commander via the Bureau Commander. Support Services Division shall maintain the training records.

(e) At any point in the training cycle if a FTO or a supervisor feels the Recruit needs additional training, it should be noted on the weekly form completed by the supervisor. If it is determined additional training is needed, the supervisor shall make the additional training available to the Recruit.

312.7.2 IMMEDIATE SUPERVISOR
The immediate supervisor shall review and approve the Daily Trainee Performance Evaluations and forward them to the Field Training Administrator.

312.7.3 FIELD TRAINING ADMINISTRATOR
The Field Training Administrator will review and approve the Daily Observation Reports and weekly review and forward to the Field Services Commander.

312.7.4 TRAINEE
At the end of each rotation phase, Recruits shall complete an "FTO Critique Form" on the FTO who trained them and submit it to the FTO supervisor. The FTO supervisor shall promptly submit this form to the Field Training Administrator. The Field Training Administrator will review this form and at the appropriate time review with the FTO any comments that will improve his/her training skills. The form will then be maintained by the Field Training Administrator.

312.8 DOCUMENTATION
All documentation of the Field Training Program will be retained in the officer’s training files and will consist of the following:

(a) Daily Observation Reports

(b) End of Phase Evaluations

(c) A Certificate of Completion certifying that the trainee has successfully completed the required number of hours of field training

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Reserve Officers

313.1 PURPOSE AND SCOPE

The Antioch 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.

313.2 SELECTION AND APPOINTMENT OF POLICE RESERVE OFFICERS

The Antioch 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.

313.2.1 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 a POST approved basic academy, extended basic academy, or equivalent modular academy.

313.2.2 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 City Clerk, or other city official, 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.

313.2.3 COMPENSATION FOR POLICE RESERVE OFFICERS

Compensation for reserve officers is provided as follows:

All reserve officer appointees are issued two sets of uniforms, one of which must be wool and the other may be BDU style, and all designated attire and safety equipment. All property issued to the reserve officer shall be returned to the Department upon termination or resignation.

Reserve officers will also be supplied with a class A jacket and a class A hat. Footwear will be the responsibility of each individual reserve to purchase.

In the event that uniforms or equipment are damaged or excessively worn to the point that they are inoperable or unprofessional in appearance, the reserve officer shall notify the reserve coordinator. The reserve coordinator shall inspect the items in question and forward a recommendation for replacement to the Field Services Division Commander.

All reserves shall keep their uniforms in a clean and pressed condition. Reserves shall be reimbursed for the cleaning expenses for their uniforms by submitting a receipt to the reserve coordinator for actual costs incurred.

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313.2.4 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., community services officer working as a reserve officer for reduced or no pay). Therefore, the Reserve Coordinator should consult the Department of Human Resources prior to an employee serving in a reserve or volunteer capacity (29 CFR 553.30).

313.3 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 20 hours per month. These hours are to be satisfied by participating in any of the following activities:

(a) Any time in/with/for the Investigative Bureau

(b) "Code 5" time

(c) Vehicle patrol

(d) Foot patrol

(e) Traffic and crowd control

(f) Any related activity approved by the Reserve Coordinator

(g) Special details

(h) Monthly training meetings

(i) Prisoner watch or transport

313.3.1 POLICY COMPLIANCE
Police reserve officers shall be required to adhere to all departmental policies and procedures. A copy of the policies and procedures will be made available to each reserve officer upon appointment and he/she shall become thoroughly familiar with these policies.

Whenever a rule, regulation, or guideline in this manual refers to a sworn regular full-time officer, it shall also apply to a sworn reserve officer unless by its nature it is inapplicable.

313.3.2 RESERVE OFFICER ASSIGNMENTS
All reserve officers will be assigned to duties by the Reserve Coordinator or his/her designee.

313.3.3 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:

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(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

313.3.4 RESERVE SERGEANT

Under general supervision, a reserve sergeant acts as a first line supervisor for reserve officers and has the following responsibilities:

(a) Assign duties to reserve officers

(b) Report to the Reserve Coordinator

(c) Keep superiors informed of any internal matters involving reserve officers

(d) Orient newly assigned reserve officers with the internal functions of the Reserve Unit

(e) Complete a monthly report outlining events worked and hours worked for each reserve officer and the unit as a whole

1. This report is to be forwarded to the Reserve Coordinator

313.3.5 METHOD OF APPOINTING SUPERVISORS

The method of appointing reserve personnel to internal supervisory positions will be fair and based upon merit. These positions may be tested for or simply appointed. Criteria used for making this decision will be as follows:

(a) Amount of prior involvement with the Reserve Unit (i.e., number of hours volunteered in the past, time with the Reserve Unit, etc.)

(b) Level of candidate (Level I, II, or III) and training

(c) Job knowledge, skills, and performance

(d) Supervisory ability

(e) Compatibility with supervisors and other personnel

(f) Amount of time available

313.4 FIELD TRAINING

Penal Code § 832.6 requires Level II reserve officers, who have not been released from the immediate supervision requirement per the Completion of the Formal Training Process subsection, to work under the immediate supervision of a peace officer who possesses a Basic POST Certificate.

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313.4.1 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 Antioch 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.

313.4.2 PRIMARY TRAINING OFFICER

Upon completion of the Academy, reserve officers will be assigned to a primary training officer. The primary training officer will be selected from members of the Field Training Program. The reserve officer will be assigned to work with his/her primary training officer during the first 160 hours of training. This time shall be known as the Primary Training Phase.

313.4.3 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.

313.4.4 SECONDARY TRAINING PHASE

The Secondary Training Phase (Phase II) shall consist of 100 hours of additional on-duty training. The reserve officer will no longer be required to ride with his/her primary training officer. The reserve officer may now ride with any officer designated by the Watch Commander.

During Phase II of training, as with Phase I, the reserve officer's performance will be closely monitored. In addition, rapid progress should continue towards the completion of the Officer's Field Training Manual. At the completion of Phase II of training, the reserve officer will return to his/her primary training officer for Phase III of the training.

313.4.5 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.

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313.4.6 COMPLETION OF THE FORMAL TRAINING PROCESS

When a reserve officer has satisfactorily completed all three phases of formal training, he/she will have had a minimum of 284 hours of on-duty training and shall be considered a Level II reserve. He/she will no longer be required to ride with a reserve training officer. Should the reserve officer desire to attain the status of a Level I reserve officer, he/she shall complete an additional 200 hours with a department approved reserve training officer. The reserve officer must satisfactorily complete the remaining 200-hour requirement for a total of 484 hours before being considered for relief of immediate supervision.

313.5 SUPERVISION OF RESERVE OFFICERS

Reserve officers who have attained the status of Level II shall be under the immediate supervision of a regular sworn officer (Penal Code 832.6). The immediate supervision requirement shall also continue for reserve officers who have attained Level I status unless special authorization is received from the Reserve Coordinator with the approval of the Bureau Commander.

313.5.1 SPECIAL AUTHORIZATION REQUIREMENTS

Reserve officers certified as Level I may, with prior authorization of the Reserve Coordinator and on approval of the Bureau Commander, be relieved of the "immediate supervision" requirement. Level I reserve officers may function under the authority of Penal Code § 832.6(a)(1) only for the duration of the assignment or purpose for which the authorization was granted.

In the absence of the Reserve Coordinator and the Bureau Commander, the Watch Commander may assign a certified Level I reserve officer to function under the authority of Penal Code § 832.6(a)(1) for specific purposes and duration.

313.5.2 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.

313.5.3 IDENTIFICATION OF RESERVE OFFICERS

All reserve officers will be issued a uniform badge and a Department identification card. The identification card will be the standard identification card with the exception that "Reserve" will be indicated on the card.

313.5.4 UNIFORM

Reserve officers shall conform to all uniform regulation and appearance standards of this department.

313.5.5 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 Bureau Commander.

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Reserve officers are considered at-will employees. Government Code § 3300 et seq. applies to reserve officers with the exception that the right to hearing is limited to the opportunity to clear their name.

Any disciplinary action that may have to be administered to a reserve officer shall be accomplished as outlined in the Personnel Complaints policy.

313.5.6 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.

Upon completion of their field training program, all reserve officers shall thereafter receive a yearly evaluation. This yearly evaluation shall be completed by the Reserve Coordinator.

313.6 FIREARMS REQUIREMENTS

Penal Code § 830.6(a)(1) designates a reserve officer as having peace officer powers during his/her assigned tour of duty, provided the reserve officer qualifies or falls within the provisions of Penal Code § 832.6.

313.6.1 CARRYING WEAPON ON DUTY

Penal Code § 830.6(a)(1) permits qualified reserve officers to carry a loaded firearm while on duty. It is the policy of this department to allow reserves to carry firearms only while on duty or to and from duty.

Reserve officers may also carry a secondary weapon while on duty and shall adhere to all stipulations relating to secondary weapons as outlined in the Firearms policy.

313.6.2 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

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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 Antioch Police Department or until revoked at the discretion of the Chief of Police.

313.6.3 RESERVE OFFICER FIREARM TRAINING

All reserve officers are required to maintain proficiency with firearms used in the course of their assignments and shall demonstrate said proficiency through the successful completion of a POST approved firearms training course. Reserve officers shall comply with all areas of the firearms training section of the Policy Manual.

313.7 EMERGENCY CALL-OUT FOR RESERVE PERSONNEL

The Reserve Coordinator shall develop a plan outlining an emergency call-out procedure for reserve personnel.

313.8 RESERVE OFFICER PAID ASSIGNMENTS

Reserve Officers will be paid for participating in special assignments, outside of normal patrol functions, when the City of Antioch or Police Department receives compensation for such services. These special assignments include but are not limited to:

(a) School events (athletic games, dances, graduations, etc.)

(b) Parades

(c) Community or business celebrations

(d) Any profit making event requiring security

The rate of pay for these paid assignments will be at the base Police Officer straight time hourly rate (Step A).

At the completion of the event the participating Reserve Officers will complete payroll sheets and turn them into the Reserve Coordinator who will forward these payroll sheets to the assigned staff member for submission to the Finance Department. Charges for profit-making events will be billed to the sponsor by the Finance Department. In all cases the Reserve Officers shall be paid for these details by the City of Antioch.

313.9 SPECIAL DETAILS

Special details requiring reserve officer assistance will be posted in a conspicuous location within the Police Department to give Reserve personnel an opportunity to volunteer for the detail. Once a Reserve Officer volunteers, it is his/her responsibility to fulfill this obligation or provide a replacement.

All special details handled by the Reserve Unit shall have a written report to document its occurrence. It shall be the duty of the assigned senior Reserve Officer to complete this

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report following the conclusion of the detail. The report shall include a brief synopsis of what occurred during the event: describing any arrests, contacts or any incidents of significance. Upon completion, the report shall be routed to the Reserve Coordinator. Absent those situations requiring an offense report, the special detail report can be in the form of an email to the Reserve Coordinator.

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Chaplains

314.1 PURPOSE AND SCOPE

This policy establishes the guidelines for Antioch Police Department chaplains to provide counseling or emotional support to members of the Department, their families and members of the public.

314.2 POLICY

The Antioch Police Department shall ensure that department chaplains are properly appointed, trained and supervised to carry out their responsibilities without financial compensation.

314.3 ELIGIBILITY

Requirements for participation as a chaplain for the Department may include, but are not limited to:

(a) Be an ordained member of the Clergy and be in good standing and endorsed for the chaplaincy program by a recognized religious denomination, with a minimum of five years experience or waiver by the Chief of Police.

(b) Possess sufficient experience in pastoral and parish work in order to cope with the spiritual, emotional and social needs of the members of the department and community.

(c) Conform to all departmental policies, procedures, rules and regulations that pertain to the Chaplaincy program.

(d) Successful completion of an appropriate-level background investigation.

(e) Be willing to be involved in training that would enhance efficiency in meeting and dealing with the role and function of a chaplain.

(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.

314.4 RECRUITMENT, SELECTION AND APPOINTMENT

The Antioch 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.

314.4.1 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/or the chaplain coordinator.

(d) Successfully complete an appropriate-level background investigation.

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(e) Complete an appropriate probationary period as designated by the Chief of Police.

Chaplains are volunteers and serve at the discretion of the Chief of Police. Chaplains shall have no property interest in continued appointment. However, if a chaplain is removed for alleged 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.

314.5 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 will be provided for each chaplain, and shall consist of a windbreaker type jacket and polo shirt.

Chaplains will be issued Antioch Police Department identification cards, which must be carried at all times while on-duty. The identification cards will be the standard Antioch 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.

314.6 CHAPLAIN COORDINATOR

The Chief of Police shall delegate the responsibilities of chaplain coordinator to a department manager.

The chaplain coordinator shall serve as the liaison between the chaplains and the Chief of Police. The function of the coordinator is to provide a central coordinating point for effective chaplain management within the Department, and to direct and assist efforts to jointly provide more productive chaplain services. Under the general direction of the Chief of Police or the authorized designee, chaplains shall report to the chaplain coordinator and/or Watch Commander.

The chaplain coordinator may appoint a senior chaplain or other designee to assist in the coordination of chaplains and their activities.

The responsibilities of the coordinator or the authorized designee include, but are not limited to:

(a) Recruiting, selecting and training qualified chaplains.

(b) Conducting chaplain meetings.

(c) Establishing and maintaining a chaplain callout roster.

(d) Maintaining records for each chaplain.

(e) Tracking and evaluating the contribution of chaplains.

(f) Maintaining a record of chaplain schedules and work hours.

(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.

314.7 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 may not proselytize or attempt to recruit members of the Department or the public into a religious affiliation while representing themselves as chaplains with this department. If there is any question as to the receiving person's intent, chaplains should verify that the person is desirous of spiritual counseling or guidance before engaging in such discussion.

Chaplains may not accept gratuities for any service or any subsequent actions or follow-up contacts that were provided while functioning as a chaplain for the Antioch Police Department.

314.7.1 COMPLIANCE

Chaplains are volunteer members of this department, and except as otherwise specified within this policy, are required to comply with the Volunteer Program Policy and other applicable policies.

314.7.2 OPERATIONAL GUIDELINES

(a) Chaplains will be scheduled to be on-call for a period of seven consecutive days, during which time he/she will be accessible to department personnel.

(b) A ride along waiver shall be signed by each chaplain and retained in his/her personnel file.

(c) Chaplains shall be permitted to ride with officers during any shift and observe Antioch Police Department operations, provided the Watch Commander has been notified and has approved the activity. Chaplains should participate in ride alongs on a regular basis.

(d) Chaplains shall not be evaluators of members of the Department.

(e) In responding to incidents, a chaplain shall never function as an officer.

(f) 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.

(g) Chaplains shall serve only within the jurisdiction of the Antioch Police Department unless otherwise authorized by the Chief of Police or the authorized designee.

(h) 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.

314.7.3 ASSISTING DEPARTMENT MEMBERS

The responsibilities of a chaplain related to department members include, but are not limited to:

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(a) Assisting in making notification to families of members who have been seriously injured or killed and, after notification, responding to the hospital or home of the member.

(b) Visiting sick or injured members in the hospital or at home.

(c) Attending and participating, when requested, in funerals of active or retired members.

(d) Serving as a resource for members when dealing with the public in incidents, such as accidental deaths, suicides, suicidal subjects, serious accidents, drug and alcohol abuse and other such situations that may arise.

(e) Providing counseling and support for members and their families.

(f) Being alert to the needs of members and their families.

314.7.4 ASSISTING THE DEPARTMENT

The responsibilities of a chaplain related to this department include, but are not limited to:

(a) Assisting members in the diffusion of a conflict or incident, when requested.

(b) Responding to natural and accidental deaths, suicides and attempted suicides, family disturbances and any other incident that in the judgment of the Watch Commander or supervisor aids in accomplishing the mission of the Department.

(c) Responding to all major disasters, such as natural disasters, bombings and similar critical incidents.

(d) Attending department and academy graduations, ceremonies and social events and offering invocations and benedictions, as requested.

(e) Participating in in-service training classes when offered.

(f) Willingness to train others to enhance the effectiveness of the Department.

314.7.5 ASSISTING THE COMMUNITY

The duties of a chaplain related to the community include, but are not limited to:

(a) Fostering familiarity with the role of law enforcement in the community.

(b) Providing an additional link between the community, other chaplain coordinators and the Department.

(c) Providing liaison with various civic, business and religious organizations.

(d) Promptly facilitating requests for representatives or leaders of various denominations.

(e) Assisting the community in any other function as needed or requested.

(f) Making referrals in cases where specialized attention is needed or in cases that are beyond the chaplain's ability to assist.

314.7.6 CHAPLAIN MEETINGS

All chaplains are required to attend scheduled meetings. Any absences must be satisfactorily explained to the chaplain coordinator.

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314.8 PRIVILEGED COMMUNICATIONS

No person who provides chaplain services to members of the Department may work or volunteer for the Antioch Police Department in any capacity other than that of chaplain.

Department chaplains shall be familiar with state evidentiary laws and rules pertaining to the limits of the clergy-penitent, psychotherapist-patient and other potentially applicable privileges and shall inform members when it appears reasonably likely that the member is discussing matters that are not subject to privileged communications. In such cases, the chaplain should consider referring the member to a non-department counseling resource.

No chaplain shall provide counsel to or receive confidential communications from any Antioch Police Department member concerning an incident personally witnessed by the chaplain or concerning an incident involving the chaplain.

314.9 TRAINING

The Department will establish a minimum number of training hours and standards for department chaplains. The training, as approved by the Training Manager, may include:

- Stress management
- Death notifications
- Symptoms of post-traumatic stress
- Burnout for members of law enforcement and chaplains
- Legal liability and confidentiality
- Ethics
- Responding to crisis situations
- The law enforcement family
- Substance abuse
- Suicide
- Officer injury or death
- Sensitivity and diversity

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Antioch Police Cadet Program

315.1 PURPOSE AND SCOPE

The official name of the organization is the Antioch Police Cadet Program, hereafter referred to as the "Cadet Program." The Police Cadet Program is designed to give young men and women between the ages of 16 and 21 years of age an opportunity to gain first-hand experience, participation and understanding of the law enforcement profession; as well as the rewards associated with a potential career in law enforcement.

Police Cadets will participate in community service events, assist in special programs, and provide crowd and traffic control. Some of the functions may include parades, fun runs, bicycle safety programs, children's ID clinics, neighborhood watch events, safety fairs and other areas and events designated by the Chief of Police.

Police officers and support personnel train Cadets. Cadets attend training sessions and learn about and do many of the tasks a police officer does. Police Cadets act as positive role models for other youth in the community both young and old.

315.2 QUALIFICATIONS

Qualifications for the Cadet Program are:

(a) The Cadet candidate must be at least 16 years of age upon acceptance into the Program. Membership terminates upon the members 21st birthday.

(b) Must be in good physical health.

(c) Cadets attending High School shall maintain a "C" average overall (2.0 grade point average). Report cards shall be submitted for verification of grade point average each semester to the Program Advisor or designee. Applicants between 18 - 21 years of age (after High School graduation) need not be enrolled in college. However, it is encouraged that they maintain a 2.0 GPA if they do attend.

(d) Applicants must posses a valid California Drivers License. Failure to maintain a valid driver's license shall be cause for termination from the Program.

315.3 SELECTION PROCESS AND BASIC REQUIREMENTS

Upon receipt of the Cadet application, the candidate will be notified of the date and time of an oral board interview. The candidate will be given an interview to determine his/her motivation, knowledge, ability, attitude, and background.

(a) (a) The oral board may consist of a Cadet Advisor, Cadet Captain, Cadet Lieutenant, and/or a Cadet Sergeant.

(b) The Cadet Advisor will have veto power over the recommendation of the board.

(c) Following the interview and as soon as practical, the Cadet candidate will be notified of the results of the interview.

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(d) Upon successful completion of the interview, a confidential background investigation shall be completed to determine any criminal record or problematic history.

(e) After completion of the background investigation, the applicant shall be advised by letter or by telephone of the final decision.

315.3.1 ACCEPTANCE INTO CADET PROGRAM

Once formally accepted as a member of the Cadet Program, the Cadet shall:

(a) Obtain the required uniform.

(b) Contribute to the annual dues.

(c) Complete a probation period of six months with an assigned Field Training Cadet. To satisfactorily complete probation, the Cadet must adhere to all existing rules and regulations pertaining to the Cadet Program.

(d) Once formally accepted as a member of the Cadet Program, the Cadet shall be assigned to a Cadet who has been designated as a Field Training Cadet (FTC).

315.3.2 FIELD TRAINING

The FTC will be responsible for ensuring that the probationary Cadet completes training as outlined in the FTC guidelines. Additionally, the FTC shall report the probationary Cadet's progress in writing to the Cadet Advisor on a monthly basis.

The Cadet Advisor shall make the FTC assignment. The decision shall be based on the experience and attitude toward the job.

A personnel file shall be kept on all Cadets and shall be maintained by the Department.

315.4 DISCIPLINARY ACTION/TERMINATION

The Program Advisor and Community Policing Bureau Commander will be responsible for making all decisions regarding disciplinary action. Disciplinary actions or termination from the Cadet Program may result from any one or more of the following:

(a) Violations of law.

(b) Violation of any Department regulation, policy or procedure, or special orders.

(c) Conduct or behavior, which would, in the opinion of the Cadet Executive Board (Cadet Captain, Lieutenant and/or Sergeant) or Program Advisor, bring discredit upon the department.

(d) Violation of Cadet Program Rules and Regulations.

(e) Demonstrate a lack of motivation and/or participation.

(f) Lack of CONFIDENTIALITY of the job. Cadets shall not reveal police information outside of the department. Specifically, information contained in police reports, records or any other information ordinarily accessible to members and department employees. Violations of this rule will lead to immediate termination from the Program and, depending on the nature of the information released possible civil or criminal action.

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(g) Cadets shall be courteous and orderly in their dealings with the public. They shall perform their duties efficiently, avoiding harsh, violent, profane, or insolent language and always remain calm, regardless of provocations to do otherwise. Upon request, Cadets are required to provide their names and identification in a polite manner. All Cadets must remain impartial. Exhibiting partiality for or against a person because of race, creed, religion, friendships or sexual preference, is improper conduct subject to disciplinary action.

(h) Cadets are required to be truthful at all times, whether under oath or not. Cadets are required to answer questions or render materials when directed to do so by an authority figure of the Antioch Police Department.

(i) The Cadet must advise the Program Advisor of any infraction committed where a citation has been issued or formal court action will take place. An accumulation of infractions may result in termination.

315.5 ATTENDANCE

Cadet Program meetings shall be held on the first Wednesday of each month unless otherwise specified. It is the responsibility of each Cadet to ascertain when a meeting will occur.

Each Cadet is required to donate a minimum of ten (10) hours each month. Failure to do so in three (3) consecutive months may be grounds for termination.

After the first month of not meeting the minimum requirement (10 hours), the Cadet shall be given written notification. The second consecutive month, the Cadet may be given another written notification. If by the third month the Cadet still has not met his/her requirement, the Cadet shall be asked to appear before the Executive Board to determine if there are grounds for disciplinary action or termination.

If a Cadet will be unavailable for duty for a specific period of time, he/she is required to write a letter to the Cadet Captain, explaining the situation. This letter shall be placed in the Cadets personnel file.

It is each Cadets responsibility to maintain communications with his/her Sergeant and to ask about upcoming events.

315.6 CADET PATROL RIDE ALONGS

Permission to ride on patrol shall be granted and scheduled by one of the Cadet Advisors. It is understood that at times Cadets may have to relinquish their spot if the spot is needed for an applicant, dignitary or reserve officer.

Cadets will be allowed to ride along while in their FTC program.

The Cadet shall wear a complete uniform while on a ride along, to include a portable radio if available. The only exceptions are the wearing of rank insignias and/or while working in an undercover capacity.

No Cadet ride along shall be permitted without the approval of an Advisor in advance.

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The Cadet shall notify the Watch Commander upon his/her arrival for a ride along.

No Cadet shall ride past 2200 hours on a school night, unless 18 years of age or older. A school night is defined as a night when school will be in session the following day. The night before a school holiday is not considered a school night.

No Cadet may ride past 0100 hours unless 18 years of age or older.

Cadets must comply with the officer's orders while on a ride along.

315.7 USE OF POLICE VEHICLES

The Cadet is not allowed to drive a police vehicle while on a ride along.

Cadets shall only drive a patrol vehicle when assigned to do so by the on duty Watch Commander, an Advisor, or any supervisor.

Normally a Cadet's operation of a patrol vehicle will be limited to responding to or returning from an assigned function (crime scenes, accident scenes, traffic control duties, etc.).

At no time shall a Cadet utilize the emergency equipment while driving a patrol vehicle. There will be times when emergency equipment will be utilized while the vehicle is stopped (traffic control duties, etc). This equipment shall only be utilized with permission from an officer, an advisor, or a supervisor.

When practical, all firearms shall be removed from the patrol vehicle before it is assigned to a Cadet.

During a ride along, the Cadet is not to exit the patrol vehicle without the officer's approval.

While driving a patrol vehicle, the Cadet shall have the "OUT OF SERVICE" sign on the light bar equipment unless directed otherwise.

315.8 BADGE/IDENTIFICATION CARDS

Each Cadet shall be issued an identification card and uniform badge. The identification card and badge are to be used for Cadet and official Police Department business only. The identification card may be carried in the Cadet's wallet while off duty. No member shall carry his or her badge while out of uniform. At no time shall a Cadet use his or her identification card or badge as identifying themselves as a department member except for official business. The identification card and badge are department property and must be surrendered upon request or termination from the program. Any Cadet found misusing the card or badge shall be terminated from the program and may face criminal prosecution.

315.9 CADET WORK ASSIGNMENTS

In an effort to broaden a Cadet's knowledge base, each Cadet shall be assigned a variety of tasks throughout the police department. A Cadet shall be assigned to a work contact employee for each assignment he or she is to perform. This employee will give guidance to the Cadet as to the

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procedures which need to be taken to accomplish the specific task. The Cadet shall work with and take directions from the contact employee.

Each Cadet who is given a work assignment, is responsible for performing the assignment unless a replacement is found and the contact person is advised at least 24 hours in advance. Cadets not showing up for work and without proper notification may be subject to disciplinary action.

315.10 CADET CHAIN OF COMMAND

The Cadet Program is generally responsible for managing its own affairs. The Program conducts business under the direction of the Program Advisor who receives direction from the assigned Community Policing Bureau Commander.

The following is the Chain of Command for the Cadet Program:

(a) Chief of Police

(b) Field Services Division Commander

(c) Field Services Bureau Commander

(d) Program Advisor

(e) Associate Advisor

(f) Cadet Captain

(g) Cadet Lieutenant

(h) Cadet Sergeant

(i) Cadet

315.11 FIELD TRAINING PROGRAM

Each Cadet will be required to complete the Cadet Field Training Program. Cadets shall be assigned a designated Field Training Cadet (FTC) to train them in department functions and assist them in learning department rules and regulations. Cadets may have to take a written test to determine their knowledge of departmental rules and regulations, radio codes and procedures, and/or demonstrate a working knowledge of the same. All Cadets must complete their Field Training Program before they can hold any office.

Any Cadet in the Field Training Program shall be monitored by the FTC and any deficiencies will be discussed with an Advisor. The FTC also has the responsibility to train and correct the new Cadet in deficient areas.

Each Cadet shall receive training in areas of self defense, first aid, CPR, traffic control, radio procedures / codes, penal code, vehicle code, fingerprinting techniques, crime scene preservations, plus any other areas the department feels are relevant to the position.

Cadets shall NOT participate in the following:

(a) (a) Traffic stops, independent of sworn personnel.

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(b) Booking of criminal prisoners if under 18 years of age.

(c) Carrying a baton, handcuffs, or any other defensive weapon.

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Volunteer Program

316.1 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.

316.1.1 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, persons providing administrative or field support, and youth involved in a law enforcement Explorer Post, among others.

316.2 VOLUNTEER MANAGEMENT

316.2.1 VOLUNTEER COORDINATOR

The Volunteer Coordinator shall be appointed by the Chief of Police. 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 a record of volunteer schedules and work hours.

(f) Completion and dissemination as appropriate of all necessary paperwork and information.

(g) Planning periodic recognition events.

(h) Administering discipline when warranted.

(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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316.2.2 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.

316.2.3 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

316.2.4 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.

Volunteers should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the Department.

316.2.5 TRAINING

Volunteers will be provided with an orientation program and Volunteer Handbook to acquaint them with the Department, personnel, policies and procedures that have a direct impact on their work assignment.

Volunteers should receive position-specific training to ensure they have adequate knowledge and skills to complete tasks required by the position and should receive periodic ongoing training as deemed appropriate by their supervisor or the Volunteer Coordinator.

Training should reinforce to volunteers that they may not intentionally represent themselves as, or by omission infer that they are sworn officers or other full-time members of the Department. They shall always represent themselves as volunteers.

All volunteers shall comply with the rules of conduct and with all orders and directives, either oral or written, issued by the Department.

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316.2.6 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.

316.2.7 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.

316.3 SUPERVISION OF VOLUNTEERS

Each volunteer who is accepted to a position with the Department must have a clearly identified supervisor who is responsible for direct management of that volunteer. This supervisor will be responsible for day-to-day management and guidance of the work of the volunteer and should be available to the volunteer for consultation and assistance.

A volunteer may be assigned as and act as a supervisor of other volunteers provided that the supervising volunteer is under the direct supervision of a paid staff member.

Functional supervision of volunteers is the responsibility of the supervisor in charge of the unit where the volunteer is assigned.

316.4 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

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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.

316.5 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.

316.5.1 VEHICLE USE

Volunteers assigned to duties such as vacation house checks or other assignments that require the use of a vehicle must first complete the following:

(a) A driving safety briefing and department approved driver safety course.

(b) Verification that the volunteer possesses a valid California Driver License.

(c) Verification that the volunteer carries current vehicle insurance.

The Volunteer Coordinator should insure that all volunteers receive safety briefing updates and license and insurance verification at least once a year.

When operating a Department vehicle, volunteers shall obey all rules of the road, including seat belt requirements. Smoking is prohibited in all Department vehicles.

Volunteers should not operate a marked patrol car unless there is a prominently placed sign indicating that it is out of service and are not authorized to operate a Department vehicle Code-3. The only exception to this would be driving a decoy patrol car to/from its assigned location.

316.5.2 RADIO AND MDT USAGE

Volunteers shall successfully complete CLETS and radio procedures training prior to using the police radio or MDS and comply with all related provisions. The Volunteer Coordinator should ensure that radio and CLETS training is provided for volunteers whenever necessary.

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316.6 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.

316.6.1 EXIT INTERVIEWS

Exit interviews, where possible, should be conducted with volunteers who are leaving their positions. The interview should ascertain why the volunteer is leaving the position and solicit the volunteer's suggestions on improving the position. When appropriate, the interview should also include a discussion on the possibility of involvement in some other capacity with the Department.

316.7 EVALUATION

An evaluation of the overall volunteer program will be conducted on an annual basis by the Volunteer Coordinator. Regular evaluations should be conducted with volunteers to ensure the best use of human resources available, to ensure personnel problems can be identified and dealt with promptly and fairly, and to ensure optimum satisfaction on the part of volunteers.

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Outside Agency Assistance

317.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to officers in the request of or answering the request for assistance involving another law enforcement agency.

It is the policy of this department to provide assistance whenever possible, consistent with the applicable laws of arrest and detention policies of this department, when another law enforcement agency requests assistance with an arrest or detention of any person. This department may also request an outside agency to provide assistance.

317.1.1 ASSISTING OUTSIDE AGENCIES

Generally, calls for assistance from other agencies are routed to the on-duty supervisor for approval.

When an authorized employee of an outside agency requests the assistance of this department in taking a person into custody, the supervisor shall, when feasible, ensure a warrant, teletype, and/or probable cause declaration has been issued or received in order to evaluate and determine the best course of action to take. Additionally, when receiving any requests for assistance in serving arrest and/or search warrants, the supervisor shall first meet with the agent in charge of the operation to obtain and/or review copies of all supporting documentation (Ops plan, warrant to be served, etc.) prior to providing assistance.

If an officer receives a request in the field for assistance, that officer shall notify a supervisor.

Arrestees may be temporarily detained by our agency until arrangements for transportation are made by the outside agency. Only in exceptional circumstances will this department provide transportation of arrestees to other county facilities. When such assistance is rendered, a case number will be issued to report action taken by Antioch Police Department Personnel. The supervisor shall also document the incident in the shift highlights as an MSOA event.

317.1.2 REQUESTING ASSISTANCE FROM OUTSIDE AGENCIES

If assistance is needed from another agency, the employee requesting assistance shall first notify a supervisor of his/her intentions. If the assistance is needed within the jurisdictional boundaries of Antioch, the handling officer or supervisor should direct assisting personnel to where they are needed and to whom they should report when they arrive.

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Transportation of Citizens/Detainees/Prisoners

318.1 PURPOSE

The purpose of this policy is to briefly outline the procedure that is to be followed when transporting someone in a patrol vehicle.

318.2 FIELD DETENTIONS (NON CUSTODIAL)

In the event that an Officer must provide transportation to someone under non-custodial circumstances:

(a) The officer shall first contact the on duty supervisor and advise him/her of the circumstances creating the need to provide the transport. If given approval, the officer shall conduct a cursory search for weapons of both the individual and any items the individual may have prior to allowing him/her in the vehicle.

(b) The officer will then advise dispatch of the final destination and advise that they are enroute. If the person being transported is a female, the officer will additionally advise dispatch of the starting mileage via radio transmission. Upon arrival at the articulated destination, the officer will advise dispatch of the change in status and provide ending mileage in the case of a female passenger. If circumstances dictate that the passenger must be taken to a more suitable location, the above process shall be repeated.

(c) Following the transport, the officer shall inspect his/her vehicle to ensure that nothing was inadvertently left in the vehicle by the person receiving the ride. The officer will also make sure that an entry has been made in the call screen briefly articulating the circumstances.

318.3 FIELD DETENTIONS (CUSTODIAL)

Occasionally, a field detention will evolve into a custody situation in which the officer will transport or move a subject to a different location. Usually, this involves runaway juveniles, or minors where they are taken home, reprimanded and released. It might also involve adults under certain circumstances, i.e. return of a walk away from a rest home, or other disabled persons. In these cases, the officer shall:

(a) Conduct a cursory search for weapons of both the individual and any items the individual may have prior to allowing him/her in the vehicle.

(b) The officer will then advise dispatch of the final destination and advise that they are enroute. If the person being transported is a female, the officer will additionally advise dispatch of the starting mileage via radio transmission. Upon arrival at the articulated destination, the officer will advise dispatch of the change in status and provide ending mileage in the case of a female passenger. If circumstances dictate that the passenger must be taken to a more suitable location, the above process shall be repeated.

(c) Following the transport, the officer shall inspect his/her vehicle to ensure that nothing was inadvertently left in the vehicle by the person receiving the ride. The officer will also make sure that an entry has been made in the call screen briefly articulating the circumstances.

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(d) If at any point the individual claims he/she was subjected to force, or any other unusual circumstance, the officer shall immediately notify the on duty supervisor and a report will be completed.

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Ride-Along Policy

319.1 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.

319.1.1 ELIGIBILITY

The Antioch Police Department Ride-Along Program is offered to residents, students, applicants 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 16 years of age
- Prior criminal history
- Pending criminal action
- Pending lawsuit against the Department
- Denial by any supervisor

319.1.2 AVAILABILITY

The Ride-Along Program is available on most days of the week, with certain exceptions. For example only specifically approved Friday and Saturday ride-alongs will be allowed due to the volume of calls for service on those evenings.

Ride-alongs shall be limited to a single four (4) hour session between the hours of 8am and 12am.

319.2 PROCEDURE TO REQUEST A RIDE-ALONG

Generally, ride-along requests will be scheduled by the Supervisor assigned to facilitate the ride-along porgram . The participant will complete a ride-along waiver form. If the interested participant is an applicant, the applicant ride along waiver form shall be completed. All other participants shall complete the general ride-along waiver. Information requested will include a valid ID or California driver's license, address, and telephone number. If the participant is under 18 years of age, a parent/guardian must be present to complete the Ride-Along Form.

The assigned Supervisor will schedule a date, based on availability. If approved, a copy will be forwarded to the appropriate Supervisors Subpeona folder located in the Watch Commanders office.

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.

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319.2.1 PROGRAM REQUIREMENTS

Ride alongs shall be held to a minimum. Usually one ride along will provide sufficient orientation. An exception would apply to the following: Explorers, RSVP, VIPS, Chaplains, Reserves, police applicants, and all others with approval of the Watch Commander.

An effort will be made to ensure that no more than one citizen will participate in a ride-along during any given time period. Normally, no more than one ride-along will be allowed in the officer's vehicle at a given time.

Ride-along requirements for Police Explorers are covered in the Police Explorer Program policy.

319.2.2 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.

319.2.3 PEACE OFFICER RIDE-ALONGS

Off-duty members of this department or any other law enforcement agency will not be permitted to ride-along with on-duty officers without the expressed consent of the Watch Commander. In the event that such a ride-along is permitted, the off-duty employee shall not be considered on-duty and shall not represent themselves (ie. exposed insignias, badges or weapons) as a peace officer or participate in any law enforcement activity except as emergency circumstances may require.

Law enforcement officers in good standing will be allowed to carry firearms while on the ride-along in accordance with the rights afforded to them under State and Federal laws.

319.2.4 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 Antioch Police Department) (CLETS Policies, Practices and Procedures Manual: 1.6.1.D.3.).

319.3 OFFICER/SUPERVISOR 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 assigned Supervisor and/or desginee is responsible for maintaining and scheduling ride-alongs. Upon completion of the ride-along, the ride along form shall be completed and returned to the Patrol Supervisor with any comments and placed in the completed ride along tray located

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at the Corporal's work station. Completed ride along forms where the participant did not show up shall also be returned to the Patrol Supervisor with the appropriate notation and placed in the completed ride along tray located at the Corporal's work station. The Patrol Supervisor shall forward all completed ride along forms to the Adminstative Bureau where they will be kept in the Ride Along File. This file shall be retained for a period of one year. All retained ride along forms exceeding one year in age shall be purged.

319.4 CONTROL OF RIDE-ALONG

The assigned employee shall maintain control over the ride-along at all times and instruct him/her in the conditions that necessarily limit their participation. These instructions should include:

(a) The ride-along will follow the directions of the officer

(b) The ride-along will not become involved in any investigation, handling of evidence, discussions with victims or suspects, or handling any police equipment

(c) The ride-along may terminate the ride at any time and the officer may return the observer to their home or to the station if the ride-along interferes with the performance of the officer's duties

(d) Ride-alongs may be allowed to continue riding during the transportation of a prisoner however they will not be allowed in the jail area during the booking process.

(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) Officer's spouses, individuals involved in a dating relationship with an officer, and relatives may ride along but shall ride with an uninvolved officer.

(g) The ride along is not permitted to use any type of recording device to take photographs, video or voice recordings. The exception are pre-approved media personell participating in a ride-along for the discolosed purpose of recording such activities.

(h) Ride-alongs shall remain in the lunch room while in the station except to use the restroom facilities.

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Victim and Witness Assistance

320.1 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.

320.2 POLICY

The Antioch Police Department is committed to providing guidance and assistance to the victims and witnesses of crime. The employees of the Antioch 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.

320.3 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.

320.3.1 VICTIMS OF HUMAN TRAFFICKING

Officers investigating or receiving a report involving a victim of human trafficking shall inform the victim, or the victim’s parent or guardian if the victim is a minor, that upon the request of the victim the names and images of the victim and his/her immediate family members may be withheld from becoming a matter of public record until the conclusion of the investigation or prosecution (Penal Code § 293).

320.4 VICTIM INFORMATION

The Antioch Police Department 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 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)).

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(e) An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.

(f) A clear explanation of relevant court orders and how they can be obtained.

(g) Information regarding available compensation for qualifying victims of crime (Government Code § 13962).

(h) VINE® information (Victim Information and Notification Everyday), including the telephone number and whether this free service is available to allow victims to check on an offender's custody status and to register for automatic notification when a person is released from jail.

(i) Notice regarding U Visa and T Visa application processes.

(j) Resources available for victims of identity theft.

(k) A place for the officer's name, badge number and any applicable case or incident number.

(l) The "Victims of Domestic Violence" card containing the names, phone numbers or local county hotlines of local shelters for battered women and rape victim counseling centers within the county and their 24-hour counseling service telephone numbers (Penal Code § 264.2).

(m) The rights of sexual assault victims card with the required information as provided in Penal Code § 680.2.

(n) Any additional information required by state law (Penal Code § 13701; Penal Code § 679.02; Penal Code § 679.04; Penal Code § 679.05; Penal Code § 679.026).

320.5 WITNESSES

Officers should never guarantee a witness' safety from future harm or that his/her identity will always remain confidential. Officers may make practical safety suggestions to witnesses who express fear of future harm or retaliation.

Officers should investigate allegations of witness intimidation and take enforcement action when lawful and reasonable.

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Eyewitness Identification

321.1 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when members of this department employ eyewitness identification techniques (Penal Code § 859.7).

321.1.1 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.

321.2 POLICY

This 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.

321.3 INTERPRETIVE SERVICES

Officers 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 officer 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.

321.4 EYEWITNESS IDENTIFICATION

Officers 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.

Officers should avoid mentioning that:

- The individual was apprehended near the crime scene.
- The evidence points to the individual as the suspect.

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- 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.

321.4.1 PHOTOGRAPHIC LINEUP CONSIDERATIONS

Other photos used in any lineup should bear similar characteristics to the suspect to avoid causing him/her 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.

The order of the suspect photo and fillers should be randomized before being presented to witnesses.

321.4.2 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 lineup identification. A field elimination or show-up identification should not be used when independent probable cause exists to arrest a suspect. In such cases a photo lineup is the preferred course of action if eyewitness identification is contemplated.

When initiating a field identification, the officer should observe the following guidelines:

(a) Obtain a complete description of the suspect from the witness.

(b) Assess whether a witness should be included in a field identification process by considering:

1. The length of time the witness observed the suspect.
2. The distance between the witness and the suspect.
3. Whether the witness could view the suspect's face.
4. The quality of the lighting when the suspect was observed by the witness.
5. Whether there were distracting noises or activity during the observation.
6. Any other circumstances affecting the witness's opportunity to observe the suspect.
7. The length of time that has elapsed since the witness observed the suspect.

(c) If safe and practicable, the person who is the subject of the show-up should not be handcuffed or in a patrol vehicle.

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(d) When feasible, officers should bring the witness to the location of the suspect, rather than bring the suspect to the witness.

(e) A person 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 suspects one at a time.

321.5 DOCUMENTATION

A thorough description of the eyewitness process and the result of any eyewitness identification should be documented in the case report.

If a photographic lineup is utilized, a copy of the photographic lineup presented to the witness should be included in the case report. In addition, the order in which the photographs were presented to the witness should be documented in the case report.

321.5.1 <B>DOCUMENTATION RELATED TO RECORDINGS</B>

The handling member shall document the reason that a video recording or any other recording of an identification was not obtained (Penal Code § 859.7).

321.5.2 <B>DOCUMENTATION RELATED TO BLIND ADMINISTRATION</B>

If a presentation of a lineup is not conducted using blind administration, the handling member shall document the reason (Penal Code § 859.7).

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Disaster Plan

322.1 PURPOSE AND SCOPE

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

322.2 ACTIVATING THE EMERGENCY PLAN

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

322.2.1 RECALL OF PERSONNEL

In the event that the Emergency Management Plan is activated, all employees of the Antioch 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.

322.3 LOCATION OF THE PLAN

The Emergency Management Plan is available in Administration, the Watch Commander's office, and the Sergeant's office. All supervisors should familiarize themselves with the Emergency Management Plan. The assigned O.E.S Coordinator should ensure that department personnel are familiar with the roles police personnel will play when the plan is implemented.

322.4 UPDATING OF MANUALS

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

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Public Alerts

323.1 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.

323.2 POLICY

Public alerts may be employed using the Emergency Alert System (EAS), social media, 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.

323.3 RESPONSIBILITIES

323.3.1 EMPLOYEE RESPONSIBILITIES

Employees of the Antioch Police Department should notify their supervisor, Watch Commander or Investigation Unit 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.

323.3.2 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 Bureau Commander and/or the Division Commander 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

323.4 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.

323.4.1 CRITERIA FOR AMBER ALERT

The following conditions must be met before activating an AMBER Alert (Government Code § 8594(a)):

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(a) A child has been abducted or taken by anyone, including but not limited to a custodial parent or guardian.

(b) The victim is 17 years of age or younger, or has a proven mental or physical disability.

(c) The victim is in imminent danger of serious injury or death.

(d) There is information available that, if provided to the public, could assist in the child's safe recovery.

323.4.2 PROCEDURE FOR AMBER ALERT

The supervisor in charge will ensure the following:

(a) An initial press release is prepared that includes all available information that might aid in locating the child:

1. The child's identity, age and description
2. Photograph if available
3. The suspect's identity, age and description, if known
4. Pertinent vehicle description
5. Detail regarding location of incident, direction of travel, potential destinations, if known
6. Name and telephone number of the Public Information Officer or other authorized individual to handle media liaison
7. A telephone number for the public to call with leads or information

(b) The local California Highway Patrol communications center should be contacted to initiate a multi-regional or statewide EAS broadcast, following any policies and procedures developed by CHP (Government Code § 8594).

(c) The press release information is forwarded to the Sheriff's Department Emergency Communications Bureau so that general broadcasts can be made to local law enforcement agencies.

(d) Information regarding the missing person should be entered into the California Law Enforcement Telecommunication System (CLETS).

(e) Information regarding the missing person should be entered into the California Department of Justice Missing and Unidentified Persons System (MUPS)/National Crime Information Center (NCIC).

(f) The following resources should be considered as circumstances dictate:

1. The local FBI office
2. National Center for Missing and Exploited Children (NCMEC)

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323.5 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.

323.5.1 CRITERIA FOR BLUE ALERTS

All of the following conditions must be met before activating a Blue Alert (Government Code § 8594.5):

(a) A law enforcement officer has been killed, suffered serious bodily injury or has been assaulted with a deadly weapon, and the suspect has fled the scene of the offense.

(b) The investigating law enforcement agency has determined that the suspect poses an imminent threat to the public or other law enforcement personnel.

(c) A detailed description of the suspect's vehicle or license plate is available for broadcast.

(d) Public dissemination of available information may help avert further harm or accelerate apprehension of the suspect.

323.5.2 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)

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2. The FBI local office

323.6 SILVER ALERTS

Silver Alerts® is an emergency notification system for people who are 65 years of age or older, developmentally disabled or cognitively impaired and have been reported missing (Government Code § 8594.10).

323.6.1 CRITERIA FOR SILVER ALERTS

All of the following conditions must be met before activating a Silver Alert (Government Code § 8594.10):

(a) The missing person is 65 years of age or older, developmentally disabled or cognitively impaired.

(b) The department has utilized all available local resources.

(c) The investigating officer or supervisor has determined that the person is missing under unexplained or suspicious circumstances.

(d) The investigating officer or supervisor believes that the person is in danger because of age, health, mental or physical disability, environment or weather conditions, that the person is in the company of a potentially dangerous person, or that there are other factors indicating that the person may be in peril.

(e) There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person.

323.6.2 PROCEDURE FOR SILVER ALERT

Requests for a Silver Alert shall be made through the California Highway Patrol (Government Code § 8594.10).

323.7 MUTUAL AID

The experiences of other law enforcement jurisdictions that have implemented similar plans indicate an AMBER Alert or Blue Alert will generate a high volume of telephone calls to the handling agency.

The Sheriff's Department Emergency Communications Bureau facilities and staff can be made available in the event of a high call volume.

If the Watch Commander or Investigation Unit Supervisor elects to use the services of the Sheriff's Department, the following will apply:

(a) Notify the Sheriff's Department Watch Commander of the incident and the request for assistance. He/she will provide you with a telephone number for the public to call.

(b) In the press release, direct the public to the telephone number provided by the Sheriff's Department Watch Commander.

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(c) The Antioch Police Department 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 Antioch Police Department shall assign a minimum of two detectives/officers to respond to the Sheriff's Department Emergency Communications Bureau 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 Bureau.

323.8 YELLOW ALERTS

Yellow Alerts are notifications related to hit-and-run incidents resulting in the death or injury (Vehicle Code § 20001; Government Code § 8594.15).

323.8.1 CRITERIA FOR YELLOW ALERTS

All of the following conditions must be met before requesting the activation of a Yellow Alert (Government Code § 8594.15):

(a) A person has been killed or has suffered serious bodily injury due to a hit-and-run.

(b) It is likely the suspect may be seen on a state highway.

(c) There is additional information concerning the suspect's vehicle, including, but not limited to any of the following:

1. The suspect or the suspect's vehicle can be particularly described (e.g., a complete or partial license plate number)
2. Unique vehicle characteristics (e.g., make, model and color of suspect's vehicle)
3. The identity of the suspect

(d) Public assistance can mitigate danger to the public or quicken the apprehension of the suspect.

323.8.2 PROCEDURE FOR YELLOW ALERT

Requests for a Yellow Alert shall be made through the California Highway Patrol (Government Code § 8594.15).

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Media Relations

324.1 PURPOSE AND SCOPE

This policy provides guidelines for media releases and media access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities.

324.2 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Chief of Police, however, in situations not warranting immediate notice to the Chief of Police and in situations where the Chief of Police has given prior approval, Division Commanders, Bureau Commanders, and Supervisors may prepare and release information to the media in accordance with this policy and the applicable law.

324.2.1 MEDIA REQUEST

Any telephonic media request for information or access to a law enforcement situation shall be referred to the media access line. Prior to releasing any information to the media, employees shall consider the following:

(a) At no time shall any employee of this department make any comment or release any official information to the media without prior approval from a supervisor or the designated department media representative;

(b) In situations involving multiple law enforcement agencies, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this department;

(c) Under no circumstance should any member of this department make any comment(s) to the media regarding any law enforcement incident not involving this department without prior approval of the Chief of Police.

324.2.2 MEDIA ACCESS LINE PROCEDURES

The purpose of the Media Access Telephone Line is to enhance consistent interaction with various members of the media on a daily basis. The phone number assigned to the Media Access Line is (925) 779-6874.

In an effort to ensure consistent contact and information sharing is maintained with members of the media on a daily basis, this voice-mailbox has been established which will be the point of contact number for members of the media. In order to facilitate this process, selected personnel are assigned the responsibility of monitoring the voice-mailbox and responding to all applicable media inquiries. The voice-mailbox should be monitored daily at, or reasonably close to, the following designated hours when possible:

0800 Hours- Investigations Lieutenant/Supervisor (Monday through Thursday Excluding Holidays), Watch Commander/Supervisor (Friday through Sunday)

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1000 Hours- Investigations Lieutenant/Supervisor (Monday through Thursday Excluding Holidays),Watch Commander/Supervisor (Friday through Sunday)

1600 Hours- Watch Commander/Supervisor

2100 Hours- Watch Commander/Supervisor

0300 Hours- Watch Commander/Supervisor

A log will be maintained and updated in PD Share each time the Media Access Line is checked. This log should minimally contain the employee number of the employee conducting the check, time the check was made, name of the person making the inquiry, news agency represented, callback number, and whether the person was contacted regarding the inquiry.

324.2.3 PRESS RELEASE CRITERIA

Press releases originating from Field Services must be approved through a Lieutenant before they are released. If a Lieutenant is not on duty the completed press release should be forwarded via email to PD Admin. In many cases involving an Investigations call out, a formal press release will be completed and/or approved by Investigations personnel.

Releasing accurate information to the media is essential and should be done as soon as feasible, regardless of media deadlines. The following incidents in no particular order of importance, shall be considered for press releases:

a. Homicides and or attempted homicides.

b. Incidents (fires, floods, hazardous materials, MCI's) causing significant public safety concern.

c. Fatal or serious injury accidents.

d. School violence or violent crimes occurring near schools.

e. Any incident deemed by the Chief of Police, Division Commander or Bureau Commander as being worthy of a press release.

324.3 MEDIA ACCESS

Authorized members of the media shall be provided access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities subject to the following conditions (Penal Code § 409.5(d)):

(a) The media representative shall produce valid press credentials that shall be prominently displayed at all times while in areas otherwise closed to the public.

(b) Media representatives may be prevented from interfering with emergency operations and criminal investigations.

1. Reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency or criminal investigation operations. All information released to the media should

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be coordinated through the department Public Information Officer or other designated spokesperson.

2. Whenever the presence of media or other aircraft pose a threat to public or officer safety or significantly hampers incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for a TFR should be routed through the Watch Commander. The TFR request should include specific information regarding the perimeter and altitude necessary for the incident and should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration should be contacted (14 CFR 91.137).

(c) No member of this department who is under investigation shall be subjected to media visits or interviews without the consent of the involved employee (Government Code § 3303(e)).

(d) Media interviews with individuals who are in custody should not be permitted without the approval of the Chief of Police and the express consent of the person in custody.

A tactical operation should be handled in the same manner as a crime scene, except the news media shall be permitted within the outer perimeter of the scene, subject to any restrictions as determined by the Incident Commander. Department members shall not jeopardize a tactical operation in order to accommodate the news media. All comments to the media shall be coordinated through the Incident Commander or the Public Information Officer.

324.3.1 PROVIDING ADVANCE INFORMATION

To protect the safety and rights of officers and other persons, advance information about planned actions by law enforcement personnel, such as movement of persons in custody or the execution of an arrest or search warrant, shall not be disclosed to the news media, nor shall media representatives be invited to be present at such actions except with the prior approval of the Chief of Police or his designee.

Any exceptions to the above should only be considered for the furtherance of legitimate law enforcement purposes. Prior to approving any exception the Chief of Police will consider, at minimum, whether the release of information or presence of the media would unreasonably endanger any individual, prejudice the rights of any person or is otherwise prohibited by law.

324.4 SCOPE OF INFORMATION SUBJECT TO RELEASE

Press releases concerning reportable police acitivty will generally contain the following information:

a. Date, time, and location

b. Case number and type of crime

c. Extent of injury or loss (if known)

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d. Description (gender, race, approximate age, physical and/or clothing, vehicle, direction of travel, etc.) to help aid in apprehending and/or locating the suspect

e. Photos and/or names of individuals arrested unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation

f. Contact number to get or provide additional information

At no time shall identifying information pertaining to a juvenile arrestee, victim or witness be publicly released without prior approval of a competent court.

Information concerning incidents involving certain sex crimes and other offenses set forth in Government Code § 6254(f) shall be restricted in accordance with applicable statutory provisions.

Identifying information concerning deceased individuals shall not be released to the media until notification of next of kin or otherwise cleared through the Coroner's Office.

Any requests for copies of related reports will generally be processed in accordance with the provisions of the Public Records Act (Government Code § 6250, et seq.).

324.4.1 RESTRICTED INFORMATION

It shall be the responsibility of the authorized employee dealing with media requests to ensure that restricted information is not inappropriately released to the media by this department. When in doubt, authorized and available legal counsel should be obtained.

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Mobile Data System Use

325.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper access, use and application of the Mobile Data System (MDS) system in order to ensure appropriate access to confidential records from local, state and national law enforcement databases, and to ensure effective electronic communications between department members and the Dispatch Center.

325.2 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to messages accessed, transmitted, received or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

325.3 POLICY

Antioch Police Department members using the MDS shall comply with all appropriate federal and state rules and regulations and shall use the MDS in a professional manner, in accordance with this policy.

325.4 RESTRICTED ACCESS AND USE

MDS use is subject to the Information Technology Use and Protected Information policies.

Members shall not access the MDS system if they have not received prior authorization and the required training. Members shall immediately report unauthorized access or use of the MDS by another member to their supervisors or Watch Commanders.

Use of the MDS system to access law enforcement databases or transmit messages is restricted to official activities, business-related tasks and communications that are directly related to the business, administration or practices of the Department. In the event that a member has questions about sending a particular message or accessing a particular database, the member should seek prior approval from his/her supervisor.

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

It is a violation of this policy to transmit a message or access a law enforcement database under another member's name or to use the password of another member to log in to the MDS system unless directed to do so by a supervisor.

325.4.1 USE WHILE DRIVING

Use of the MDS by the vehicle operator should generally be limited to times when the vehicle is stopped. When the vehicle is in motion, the operator should only attempt to read messages that are likely to contain information that is required for immediate enforcement, investigative or safety needs.

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Short transmissions, such as a license plate check, are permitted if it reasonably appears that it can be done safely. In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.

325.5 DOCUMENTATION OF ACTIVITY

All Priority 1 and 2 calls for service shall be dispatched to officers both verbally and via MDS. Priority 3 and lower calls may be sent to officers solely via MDS.All Priority 1 and 2 calls should be dispatched verbally to officers, as well as transmitted to them via the MDS. Priority 3 and lower calls may be transmitted solely via MDS.

MDS 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 MDS.

325.5.1 STATUS CHANGES

All changes in status (e.g., arrival at scene, meal periods, in service) will be transmitted over the police radio or through the MDS system.

Members responding to in-progress calls or engaging in self-initiated activity should advise changes in status over the radio. Other non-priority changes in status can be made on the MDS.

325.6 EQUIPMENT CONSIDERATIONS

325.6.1 MALFUNCTIONING MDS

Whenever possible, members will not use vehicles with a malfunctioning MDS. The vehicle should be placed out of service and an MDS repair slip (along with the keys to the patrol vehicle) should be placed in the Information System's (IS) mailbox.

Whenever members must drive a vehicle in which the MDS is not working, they shall notify the Dispatch Center. It shall be the responsibility of the dispatcher to document all information that will then be transmitted verbally over the police radio.

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Report Preparation

326.1 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.

326.1.1 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 and supplements requiring prompt follow-up action on active leads, or arrest reports where the suspect remains in custody shall be completed before the employee goes off duty.

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.

326.2 REQUIRED REPORTING

Written reports are required in all of the following situations on the appropriate department approved software and/or forms unless otherwise approved by a supervisor.

326.2.1 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) Incidents involving firearms, sex crimes, or the damage or theft of City property

(e) Situations covered by separate policy. These include:

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1. Use of Force Policy
2. Domestic Violence Policy
3. Child Abuse Policy
4. Adult Abuse Policy
5. Hate Crimes Policy
6. Suspicious Activity Reporting Policy

(f) All misdemeanor crimes where the victim desires a report unless it falls under the Modified Service Guidelines.

Misdemeanor crimes where the victim does not desire a report shall be documented using the supplement field in the CAD event log.

Prompt Event Reporting System (PERS) reports are authorized if the incident meets the PERS criteria (See the attached PERS manual 2.0 for further details).

See attachment: PERS instructions version 2.0.pdf

326.2.2 NON-CRIMINAL ACTIVITY

The following incidents shall be documented using the appropriate approved report:

(a) Anytime an officer points a firearm at any person.

(b) Any use of force against any person by a member of this department (see the Use of Force Policy).

(c) Any firearm discharge (see the Firearms Policy).

(d) Anytime a person is reported missing, regardless of jurisdiction (see the Missing Persons Policy).

(e) Any found property or found evidence (see Modified Service Guidelines).

(f) Any traffic collisions above the minimum reporting level (see Traffic Collision Reporting Policy).

(g) Suspicious incidents that may indicate a potential for crimes against children or that a child's safety is in jeopardy.

(h) All protective custody detentions.

(i) Suspicious incidents that may place the public or others at risk.

(j) Whenever the employee believes the circumstances should be documented or at the direction of a supervisor.

(k) Any time an officer or supervisor reasonably believes a claim might be filed against the City of Antioch.

326.2.3 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

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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).

(e) Found dead bodies or body parts.

326.2.4 INJURY OR DAMAGE BY CITY PERSONNEL
Reports shall be taken if an injury occurs that is a result of an act of a City employee. Additionally, reports shall be taken involving damage to City property or City equipment.

326.2.5 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.

326.2.6 MANDATORY REPORTING OF JUVENILE GUNSHOT INJURIES
A report shall be taken when any incident in which a child 18 years or younger suffered an unintentional or self-inflicted gunshot wound. The Records Bureau shall notify the California Department of Public Health (CDPH) of the incident as required by CDPH (Penal Code § 23685).

326.2.7 ALTERNATE REPORTING FOR VICTIMS
Reports that may be submitted by the public via online or other self-completed reporting processes include:

(a) Lost property.

(b) Misdemeanor thefts of property, other than firearms or materials that threaten public safety, when there is no suspect information, serial number or ability to trace the item.

    1. Misdemeanor thefts of cellular telephones may be reported even though they have a serial number.

(c) Misdemeanor vandalism with no suspect information and no hate crime implications.

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(d) Vehicle burglaries with no suspect information or evidence.

(e) Burglary from an open garage with no suspect information or evidence.

(f) Stolen vehicle attempts with no suspect information or evidence.

(g) Annoying telephone calls with no suspect information.

(h) Identity theft without an identifiable suspect.

(i) Online or email fraud solicitations without an identifiable suspect and if the financial loss classifies the crime as a misdemeanor.

(j) Non-injury hit-and-run vehicle collisions with no suspect or suspect vehicle.

(k) Supplemental property lists.

Members at the scene of one of the above incidents should not refer the reporting party to an alternate means of reporting without authorization from a supervisor. Members may refer victims to online victim assistance programs (e.g., Federal Communications Commission (FCC) website for identity theft, Internet Crime Complaint Center (IC3) website for computer crimes).

326.3 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.

326.4 REPORT CORRECTIONS

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should reject the report, documenting the reasons for rejection. The original report and the reasons for rejection should be returned to the reporting employee for correction as soon as practical. It shall be the responsibility of the originating officer to ensure that any report returned for correction is processed in a timely manner.

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Subpoenas and Court Appearances

327.1 PURPOSE AND SCOPE

This policy establishes the guidelines for department members who must appear in court. It will allow the Antioch Police Department to cover any related work absences and keep the Department informed about relevant legal matters.

327.2 POLICY

Antioch Police Department members will respond appropriately to all subpoenas and any other court-ordered appearances.

327.3 SUBPOENAS

Only department members authorized to receive a subpoena on behalf of this department or any of its members may do so. This may be accomplished by personal service to the officer or by delivery of two copies of the subpoena to the officer's supervisor or other authorized departmental agent (Government Code § 68097.1; Penal Code § 1328(c)).

The party that issues a civil subpoena to an officer to testify as a witness must tender the statutory fee of $275 with the subpoena for each day that an appearance is required before service is accepted of the subpoena (Government Code § 68097.2).

An immediate supervisor or authorized individual may refuse to accept service for a criminal subpoena if (Penal Code § 1328(d)(e)):

(a) He/she knows that he/she will be unable to deliver a copy of the subpoena to the named officer within sufficient time for the named officer to comply with the subpoena.

(b) It is less than five working days prior to the date listed for an appearance and he/she is not reasonably certain that service can be completed.

If, after initially accepting service of a criminal subpoena, a supervisor or other authorized individual determines that he/she is unable to deliver a copy of the subpoena to the named officer within sufficient time for the named officer to comply with the subpoena, the supervisor or the subpoena clerk shall notify the server or the attorney named on the subpoena of such not less than 48 hours prior to the date listed for the appearance (Penal Code § 1328(f)).

327.3.1 SPECIAL NOTIFICATION REQUIREMENTS

Any member who is subpoenaed to testify, agrees to testify or provides information on behalf of or at the request of any party other than the City Attorney or the prosecutor shall notify his/her immediate supervisor without delay regarding:

(a) Any civil case where the City or one of its members, as a result of his/her official capacity, is a party.

(b) Any civil case where any other city, county, state or federal unit of government or a member of any such unit of government, as a result of his/her official capacity, is a party.

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(c) Any criminal proceeding where the member is called to testify or provide information on behalf of the defense.

(d) Any civil action stemming from the member's on-duty activity or because of his/her association with the Antioch Police Department.

(e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the Antioch Police Department.

The supervisor will then notify the Chief of Police and the appropriate prosecuting attorney as may be indicated by the case. The Chief of Police should determine if additional legal support is necessary.

No member shall be retaliated against for testifying in any matter.

327.3.2 CIVIL SUBPOENA

The Department will compensate members who appear in their official capacities on civil matters arising out of their official duties, as directed by the current memorandum of understanding or collective bargaining agreement.

The Department should seek reimbursement for the member's compensation through the civil attorney of record who subpoenaed the member.

327.3.3 OFF-DUTY RELATED SUBPOENAS

Members receiving valid subpoenas for off-duty actions not related to their employment or appointment will not be compensated for their appearance. Arrangements for time off shall be coordinated through their immediate supervisors.

No employee, including police officers, appearing on a personal matter such as his/her own family law case, shall be permitted to wear an Antioch Police Department uniform or carry a weapon at the proceedings.

327.4 FAILURE TO APPEAR

Any member who fails to comply with the terms of any properly served subpoena or court-ordered appearance may be subject to discipline.

327.4.1 FAILURE TO APPEAR DUE TO ILLNESS

If, because of illness or other circumstances, an employee is unable to appear in response to a subpoena that has already been legally served, notification is to be made to the on-duty supervisor. This supervisor shall notify the subpoena clerk who shall then notify the involved court by telephone or FAX, requesting the case be continued.

327.5 COURTROOM PROTOCOL

When appearing in court, members shall:

(a) Be punctual and prepared to proceed immediately with the case for which they are scheduled to appear.

(b) Dress in the department uniform or business attire.

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(c) Observe all rules of the court in which they are appearing and remain alert to changes in the assigned courtroom where their matter is to be heard.

327.5.1 TESTIMONY

Before the date of testifying, the subpoenaed member shall obtain a copy of relevant reports and become familiar with the content in order to be prepared for court.

In regards to traffic subpoenas, employees are to maintain their copy of the citation in a safe and secure manner. This copy shall contain the employee's written comments so as to refresh his/her memory during court testimony.

327.6 OVERTIME APPEARANCES

When a member appears in court on his/her off-duty time, he/she will be compensated in accordance with the current memorandum of understanding.

327.7 REQUESTS FOR DISMISSAL

Under no circumstances shall the employee either contact the court by telephone or personally request a citation or case be dismissed or continued. It is each employee's responsibility to evaluate his/her ability to effectively testify on a case prior to the date the case is to be heard in court. If the employee can not effectively testify on the case, the employee shall immediatley notify his/her Bureau Commander through the chain of command.

The Bureau Commander will evaluate the need to prepare a written request to the court for dismissal.

When an employee believes it is appropriate for a citation to be dismissed in the "Interest of Justice" the employee shall prepare a written request to the Bureau Commander through the chain of command.

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Registered Offender Information

328.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the Antioch 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 Antioch 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 Antioch Police Department 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. Employees assigned to register offenders should receive appropriate training regarding the registration process.

Upon conclusion of the registration process, the Records Bureau shall ensure that the registration information is provided to the California Department of Justice (DOJ) in accordance with applicable law (Health and Safety Code § 11594; Penal Code § 457.1; Penal Code § 290 et seq).

The refusal of a registrant to provide any of the required information or complete the process should initiate a criminal investigation for failure to register.

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 (Penal Code § 457.1; Penal Code § 290 et seq.).

328.4 MONITORING OF REGISTERED OFFENDERS

The Investigation Unit Supervisor, or his/her designee, should establish a system to periodically, resources permitting, 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 Investigation Unit Supervisor should also establish a procedure to routinely disseminate information regarding registered offenders to Antioch Police Department personnel, including timely updates regarding new or relocated registrants.

328.5 DISSEMINATION OF PUBLIC INFORMATION

Members will not unilaterally make a public notification advising the community of a particular registrant's presence in the community. Members who identify a significant risk or other public safety issue associated with a registrant should promptly advise their supervisor. The supervisor should evaluate the request and forward the information to the Chief of Police if warranted. A determination will be made by the Chief of Police, with the assistance of legal counsel as necessary, whether such a public alert should be made.

Members of the public requesting information on sex registrants should be provided the Megan's Law website or the Antioch Police Department's website. Information on sex registrants placed on the Antioch Police Department's website shall comply with the requirements of Penal Code § 290.46.

The Records Supervisor may release local registered offender information to residents only in accordance with applicable law (Penal Code § 290.45; Penal Code § 290.46; Penal Code § 457.1), and in compliance with a California Public Records Act (Government Code § 6250-6276.48) request.

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 (Penal Code § 290.01(d)):

(a) The offender's full name

(b) The offender's known aliases

(c) The offender's sex

(d) The offender's race

(e) The offender's physical description

(f) The offender's photograph

(g) The offender's date of birth

(h) Crimes resulting in the registration of the offender under Penal Code § 290

(i) The date of last registration

For purposes of this section, campus community shall be defined as those persons present at or regularly frequenting any place constituting campus property, satellite facilities, laboratories, public areas contiguous to the campus and other areas set forth in Penal Code § 290.01(d).

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328.5.2 RELEASE NOTIFICATIONS

Registrant information that is released should include notification that:

(a) The offender registry includes only those persons who have been required by law to register and who are in compliance with the offender registration laws.

(b) The information is provided as a public service and may not be current or accurate.

(c) Persons should not rely solely on the offender registry as a safeguard against offenses in their communities.

(d) The crime for which a person is convicted may not accurately reflect the level of risk.

(e) Anyone who uses information contained in the registry to harass registrants or commit any crime may be subject to criminal prosecution.

(f) The purpose of the release of information is to allow members of the public to protect themselves and their children from sex offenders (Penal Code 290.45).

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Occupational Disease and Work-Related Injury Reporting

329.1 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.

329.1.1 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.).

329.2 POLICY

The Antioch Police Department will address occupational diseases and work-related injuries appropriately, and will comply with applicable state workers' compensation requirements (Labor Code § 3200 et seq.).

329.3 RESPONSIBILITIES

329.3.1 MEMBER RESPONSIBILITIES

Any member sustaining any occupational disease or work-related injury shall report such event as soon as practicable, but within 24 hours, to a supervisor, and shall seek medical care when appropriate.

329.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor learning of any occupational disease or work-related injury should ensure the member receives medical care as appropriate.

Supervisors shall ensure that required documents regarding workers' compensation are completed and forwarded promptly. Updated copies of forms with instructions for completion are to be kept in the Sergeant's Office. See attachment: Industrial Injury Checklist.pdf

Work related accidents, injuries or illness not requiring professional medical care shall be documented in an Injury Incident Documentation form See attachment: Injury Incident Documentation Form.pdf . All copies of the completed form shall be forwarded to the supervisor's Bureau Commander.

A Claim for Workers' Comensation Form (DWC-1) shall be completed for any work related accident, injury or illness that requires medical care. If an accident, injury or illness was originally reported on an Injury Incident Documentation form and the employee subsequently seeks medical care, a DWC-1 form shall promptly be completed.

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329.3.3 BUREAU COMMANDER RESPONSIBILITIES
The Bureau Commander who receives a report of an occupational disease or work-related injury should review the report for accuracy and determine what, if any, additional action should be taken. The report shall then be forwarded to the Chief of Police through the chain of command.

329.3.4 CHIEF OF POLICE RESPONSIBILITIES
The Chief of Police shall review and forward copies of the report to the Human Resources Department. Copies of the report and related documents retained by the Human Resources Department shall be filed in the member's confidential medical file.

329.4 NON WORK RELATED INJURIES

Any employee participating in an off-duty recreational, social or athletic activity for which the employee is not compensated by the City of Antioch, whether the activity is sponsored or supported by any employee association, any person, group or organization, is not authorized as officially representing, sponsored by, or supported by the Antioch Police Department.

Any injury sustained by the employee in these types of activities are excluded from Workers Compensation benefits, except when prior written authorization of such activity has been secured from the Chief of Police.

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Communicable Diseases

330.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of department members contracting and/or spreading communicable diseases.

330.1.1 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), Methicillin-resistant Staphylococcus arueus (MRSA), HIV, and tuberculosis.

Exposure - When an eye, mouth, mucous membrane or non-intact skin comes into contact with blood or other potentially infectious materials, or when these substances are injected or infused under the skin; when an individual is exposed to a person who has a disease that can be passed through the air by talking, sneezing or coughing (e.g., tuberculosis), or the individual is in an area that was occupied by such a person. Exposure only includes those instances that occur due to a member's position at the Antioch Police Department. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred.)

330.2 POLICY

The Antioch Police Department is committed to providing a safe work environment for its members. Members should be aware that they are ultimately responsible for their own health and safety.

330.3 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 members request exposure notification from health facilities when transporting a person that may have a communicable disease (Health and Safety Code § 1797.188).

The ECO should also act as the liaison with the Division of Occupational Safety and Health (Cal/OSHA) and may request voluntary compliance inspections. The ECO shall annually review and update the exposure control plan and review implementation of the plan (8 CCR 5193).

330.4 EXPOSURE PREVENTION AND MITIGATION

330.4.1 GENERAL PRECAUTIONS

All members are expected to use good judgment and follow training and procedures related to mitigating the risks associated with communicable disease. This includes, but is not limited to (8 CCR 5193):

(a) Stocking disposable gloves, antiseptic hand cleanser, CPR masks or other specialized equipment in the work area or department vehicles, as applicable.

(b) Wearing department-approved disposable gloves when contact with blood, other potentially infectious materials, mucous membranes and non-intact skin can be reasonably anticipated.

(c) Washing hands immediately or as soon as feasible after removal of gloves or other PPE.

(d) Treating all human blood and bodily fluids/tissue as if it is known to be infectious for a communicable disease.

(e) Using an appropriate barrier device when providing CPR.

(f) Using a face mask or shield if it is reasonable to anticipate an exposure to an airborne transmissible disease.

(g) Decontaminating non-disposable equipment (e.g., flashlight, control devices, clothing and portable radio) as soon as possible if the equipment is a potential source of exposure.

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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.

330.4.2 IMMUNIZATIONS

Members who could be exposed to HBV due to their positions may receive the HBV vaccine and any routine booster at no cost (8 CCR 5193).

330.5 POST EXPOSURE

330.5.1 INITIAL POST-EXPOSURE STEPS

Members who experience an exposure or suspected exposure shall:

(a) Begin decontamination procedures immediately (e.g., wash hands and any other skin with soap and water, flush mucous membranes with water).

(b) Obtain medical attention as appropriate.

(c) Notify a supervisor as soon as practicable.

330.5.2 REPORTING REQUIREMENTS

The supervisor on-duty shall investigate every exposure or suspected exposure that occurs as soon as possible following the incident. The supervisor shall ensure the following information is documented (8 CCR 5193):

(a) Name and Social Security number of the member exposed

(b) Date and time of the incident

(c) Location of the incident

(d) Potentially infectious materials involved and the source of exposure (e.g., identification of the person who may have been the source)

(e) Work being done during exposure

(f) How the incident occurred or was caused

(g) PPE in use at the time of the incident

(h) Actions taken post-event (e.g., clean-up, notifications)

The supervisor shall advise the member that disclosing the identity and/or infectious status of a source to the public or to anyone who is not involved in the follow-up process is prohibited.

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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).

330.5.3 MEDICAL CONSULTATION, EVALUATION AND TREATMENT

Department members shall have the opportunity to have a confidential medical evaluation immediately after an exposure and follow-up evaluations as necessary (8 CCR 5193).

The ECO should request a written opinion/evaluation from the treating medical professional that contains only the following information:

(a) Whether the member has been informed of the results of the evaluation.

(b) Whether the member has been notified of any medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation or treatment.

No other information should be requested or accepted by the ECO.

330.5.4 COUNSELING

The Department shall provide the member, and his/her family if necessary, the opportunity for counseling and consultation regarding the exposure (8 CCR 5193).

330.5.5 SOURCE TESTING

Testing a person for communicable diseases when that person was the source of an exposure should be done when it is desired by the exposed member or when it is otherwise appropriate (8 CCR 5193). Source testing is the responsibility of the exposed member's supervisor, or if available, the ECO.

Source testing may be achieved by:

(a) Obtaining consent from the individual.

(b) Complying with the statutory scheme of Health and Safety Code § 121060. This includes seeking consent from the person who was the source of the exposure and seeking a court order if consent is not given.

(c) Testing the exposed member for evidence of a communicable disease and seeking consent from the source individual to either access existing blood samples for testing or for the source to submit to testing (Health and Safety Code § 120262).

(d) Taking reasonable steps to immediately contact the County Health Officer and provide preliminary information regarding the circumstances of the exposure and the status of the involved individuals to determine whether the County Health Officer will order testing (Penal Code § 7510).

(e) Under certain circumstances, a court may issue a search warrant for the purpose of HIV testing a person when the exposed member qualifies as a crime victim (Penal Code § 1524.1).

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Since there is the potential for overlap between the different manners in which source testing may occur, the supervisor or ECO is responsible for coordinating the testing to prevent unnecessary or duplicate testing.

The supervisor or ECO should seek the consent of the individual for testing and consult the County Attorney to discuss other options when no statute exists for compelling the source of an exposure to undergo testing if he/she refuses.

330.6 CONFIDENTIALITY OF REPORTS

Medical information shall remain in confidential files and shall not be disclosed to anyone without the member's written consent (except as required by law). Test results from persons who may have been the source of an exposure are to be kept confidential as well.

330.7 TRAINING

All members shall participate in training regarding communicable diseases commensurate with the requirements of their position. The training (8 CCR 5193):

(a) Shall be provided at the time of initial assignment to tasks where an occupational exposure may take place and at least annually after the initial training.

(b) Shall be provided whenever the member is assigned new tasks or procedures affecting his/her potential exposure to communicable disease.

(c) Should provide guidance on what constitutes an exposure, what steps can be taken to avoid an exposure and what steps should be taken if a suspected exposure occurs.

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Automated External Defibrillator (AED)

331.1 PURPOSE AND SCOPE

This policy outlines the procedures concerning the assignment and deployment of Automated External Defibrillators (AED) in the Community Policing Bureau.

331.2 AED CALL CRITERIA

Any call received in which a person is said to be having a medical emergency in which an AED may assist in the preservation of life. These are calls in which a subject is suffering a medical emergency and is said to be unconscious, non-responsive, and not breathing or having ineffective breathing. This may include calls related to possible heart attacks, strokes, asthma attacks, drowning, seizures and convulsions.

Calls in which the Victim is reported to be only intoxicated, not a victim of a crime or an accident, and no other factors can be given, will be handled as a Welfare Check.

331.3 CALL TAKING PROCEDURE

Medical calls that are received will be transferred to County Fire/EMS, however dispatchers should remain on the line for calls suspected of meeting the above criteria. Dispatchers should only have to remain on the line for a short time as the County Fire/EMS dispatcher will ask the caller the specific questions needed to determine an AED response.

If the reporting party identifies any of the above mentioned criteria, or says the person is not conscious or breathing, an event will be created in CAD using the event type "AED" and set as a priority 1. There is no need to remain on the line with County Fire/EMS.

All pertinent facts in regards to information provided regarding the victim's condition and location are to be entered into the event.

331.4 AED ASSIGNMENT

At the start of a shift, the supervisor will attempt to assign one AED to each patrol beat. If there are not sufficient AED’s available, AED's will be assigned in areas not currently covered.

331.5 OFFICER RESPONSIBILITY

At the start of each shift, any officer assigned an AED will inspect the AED and confirm it is in working order and stocked with the needed supplies to effectively deploy. The officer will advise the supervisor of the AED number he/she is assigned. This information will be provided to dispatch for the unit monitor. At the end of each shift, the officer shall return the AED to the briefing room and place it on the back shelf making it available for other officer's use.

If the AED was deployed, the officer will return the AED to the PD as soon as practical and secure it in the Armory. The officer securing a used AED in the Armory shall attach a 3x5 index card to the handle of the AED and list the date, time, officers name and employee number, and case

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number associated with the AED's use. The officer will also list whether a shock was delivered by the AED or not.

The officer shall send an email to the "PD AED Administrator" advising of the deployment and noting the AED was placed in the Armory.

331.6 DISPATCH RESPONSIBILITIES

Dispatch is to identify any officer assigned an AED by adding the AED number as a "Unit Indicator" to the unit ID in the CAD screen.

When an AED call is to be dispatched, the closest "AED Unit" will be sent, regardless of beat. A second unit will also be dispatched as an assist unit, but this unit does not need to have an AED with them. No more than two units are to respond to an AED call unless authorized by the on-duty Supervisor. If no units are available, the on duty supervisor shall be notified and the dispatcher will attempt to clear the closest "AED Unit" that is on an lower priority call.

331.7 OFFICER RESPONSE

The primary unit to an AED call is to respond Code 3 as outlined in the Officer Response to Calls Policy. The second unit to an AED call is to respond as deemed appropriate and as needed. This officer should take into consideration the time of day, traffic, and distance from the call. This unit is authorized to respond Code 3 if deemed necessary.

Any unit assigned an AED who hears an AED call being dispatched or broadcast is authorized to clear a lower priority call if it is stabilized and safe for the officer to do so. The officer should inform the citizen on the call he/she is clearing that he/she will return once the AED call is cleared.

331.8 REPORT REQUIREMENTS

Any officer who responds as the primary unit on an AED call is responsible to update dispatch and supervisor over the police radio of an AED Use. In the event of an AED call when the AED is not utilized, the primary officer shall document a brief synopsis in the supplement screen of the event. This is to include the party name and D.O.B. who was having the medical emergency. Note that the AED was not utilized and whether the patient was treated/transported by EMS.

In the event of an AED call when the AED was utilized, a case number will be assigned and a report will be completed. This report will describe events requiring the AED utilization, any other intervention or assistance provided by APD personnel, the identifying information of the patient, and information regarding the care being transferred to EMS personnel.

In the event of an AED call when the AED was utilized and where it did not assist or was not effective, a same procedure in the above will be followed and a death investigation will be completed.

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331.9 AED ADMINISTRATOR

The AED Administrator is to download and return to service any AED's that have been used. The downloaded information for the specific event will be forwarded to the appropriate case file jacket.

The AED Administrator is responsible for the facilitation of any repair of the AED's currently in service.

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Biological Samples

332.1 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.

332.2 POLICY

The Antioch 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.

332.3 PERSONS SUBJECT TO DNA COLLECTION

Those who must submit a biological sample include (Penal Code § 296):

(a) A person, including a juvenile, upon conviction or other adjudication of any felony offense.

(b) A person, including a juvenile, upon conviction or other adjudication of any offense if the person has a prior felony on record.

(c) An adult arrested or charged with any felony.

332.4 PROCEDURE

When an individual is required to provide a biological sample, a trained employee shall obtain the sample in accordance with this policy.

332.4.1 COLLECTION

The following steps should be taken to collect a sample:

(a) Verify that the individual is required to provide a sample pursuant to Penal Code § 296; Penal Code § 296.1.

(b) Verify that a biological sample has not been previously collected from the offender by querying the individual's criminal history record for a DNA collection flag or, during regular business hours, calling the California Department of Justice (DOJ) designated DNA laboratory. There is no need to obtain a biological sample if one has been previously obtained.

(c) Use a DNA buccal swab collection kit provided by the California DOJ to perform the collection and take steps to avoid cross contamination.

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332.5 USE OF FORCE TO OBTAIN SAMPLES

If a person refuses to cooperate with the sample collection process, officers should attempt to identify the reason for refusal and seek voluntary compliance without resorting to using force. Force will not be used in the collection of samples except as authorized by court order and only with the approval of a supervisor.

The supervisor shall review and approve any plan to use force and be present to document the process.

332.6 LEGAL MANDATES AND RELEVANT LAWS

California law provides for the following:

332.6.1 DOCUMENTATION RELATED TO FORCE

The Watch Commander shall prepare prior written authorization for the use of any force (15 CCR 1059). The written authorization shall include information that the subject was asked to provide the requisite specimen, sample or impression and refused, as well as the related court order authorizing the force.

332.6.2 BLOOD SAMPLES

A blood sample should only be obtained under this policy when:

(a) The California DOJ requests a blood sample and the subject consents, or

(b) A court orders a blood sample following a refusal.

The withdrawal of blood may only be performed in a medically approved manner by health care providers trained and qualified to draw blood. A California DOJ collection kit shall be used for this purpose (Penal Code § 298(a); Penal Code § 298(b)(2)).

332.6.3 LITIGATION

The Chief of Police or authorized designee should notify the California DOJ's DNA Legal Unit in the event this department is named in a lawsuit involving the DNA Data Bank sample collection, sample use or any aspect of the state's DNA Data Bank Program.

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Medical Marijuana

333.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this department with guidelines for investigating the acquisition, possession, transportation, delivery, production or use of marijuana under California's medical marijuana laws.

333.1.1 DEFINITIONS

Definitions related to this policy include:

Cardholder - A person issued a current identification card.

Compassionate Use Act (CUA) (Health and Safety Code § 11362.5) - California law intended to provide protection from prosecution to those who are seriously ill and whose health would benefit from the use of marijuana in the treatment of illness for which marijuana provides relief. The CUA does not grant immunity from arrest but rather provides an affirmative defense from prosecution for possession of medical marijuana.

Identification card - A valid document issued by the California Department of Public Health to both persons authorized to engage in the medical use of marijuana and also to designated primary caregivers.

Medical marijuana - Marijuana possessed by a patient or primary caregiver for legitimate medical purposes.

Medical Marijuana Program (MMP) (Health and Safety Code § 11362.7 et seq.) - California laws passed following the CUA to facilitate the prompt identification of patients and their designated primary caregivers in order to avoid unnecessary arrests and provide needed guidance to law enforcement officers. MMP prohibits arrest for possession of medical marijuana in certain circumstances and provides a defense in others.

Patient - A person who is entitled to the protections of the CUA because he/she has received a written or oral recommendation or approval from a physician to use marijuana for medical purposes or any person issued a valid identification card.

Primary caregiver - A person designated by the patient, who has consistently assumed responsibility for the patient's housing, health or safety, who may assist the patient with the medical use of marijuana under the CUA or the MMP (Health and Safety Code § 11362.5; Health and Safety Code § 11362.7).

Statutory amount - No more than 8 ounces of dried, mature, processed female marijuana flowers ("bud") or the plant conversion (e.g., kief, hash, hash oil), and no more than six mature or 12 immature marijuana plants (roots, stems and stem fibers should not be considered) (Health and Safety Code § 11362.77).

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333.2 POLICY

It is the policy of the Antioch 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 Antioch Police Department will exercise discretion to ensure laws are appropriately enforced without unreasonably burdening both those individuals protected under California law and public resources.

333.3 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.

333.3.1 INVESTIGATIONS WITH NO MEDICINAL CLAIM

In any investigation involving the possession, delivery, production or use of marijuana or drug paraphernalia where no person claims that the marijuana is used for medicinal purposes, the officer should proceed with a criminal investigation if the amount is greater than permitted for personal use under the Control, Regulate and Tax Adult Use of Marijuana Act (Health and Safety Code § 11362.1; Health and Safety Code § 11362.2). A medicinal defense may be raised at any time, so officers should document any statements and observations that may be relevant to whether the marijuana was possessed or produced for medicinal purposes.

333.3.2 INVESTIGATIONS INVOLVING A MEDICINAL CLAIM MADE BY A CARDHOLDER

A cardholder or designated primary caregiver in possession of an identification card shall not be arrested for possession, transportation, delivery or cultivation of medical marijuana at or below the statutory amount unless there is probable cause to believe that (Health and Safety Code § 11362.71; Health and Safety Code § 11362.78):

(a) The information contained in the card is false or falsified.

(b) The card has been obtained or used by means of fraud.

(c) The person is otherwise in violation of the provisions of the MMP.

(d) The person possesses marijuana but not for personal medical purposes.

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Officers who reasonably believe that a person who does not have an identification card in his/her possession has been issued an identification card may treat the investigation as if the person had the card in his/her possession.

Cardholders may possess, transport, deliver or cultivate medical marijuana in amounts above the statutory amount if their doctor has concluded that the statutory amount does not meet the patient's medical needs (Health and Safety Code § 11362.71; Health and Safety Code § 11362.77). Investigations involving cardholders with more than the statutory amount of marijuana should be addressed as provided in this policy for a case involving a medicinal claim made by a non-cardholder.

333.3.3 INVESTIGATIONS INVOLVING A MEDICINAL CLAIM MADE BY A NON-CARDHOLDER

No patient or primary caregiver should be arrested for possession or cultivation of an amount of medical marijuana if the officer reasonably believes that marijuana is in a form and amount reasonably related to the qualified patient's current medical needs (Health and Safety Code § 11362.5). This arrest guidance also applies to sales, transportation or delivery of medical marijuana, or maintaining/renting a drug house or building that may be a nuisance if otherwise in compliance with MMP (Health and Safety Code § 11362.765).

Officers are not obligated to accept a person's claim of having a physician's recommendation when the claim cannot be readily verified with the physician but are expected to use their judgment to assess the validity of the person's medical-use claim.

Officers should review any available written documentation for validity and whether it contains the recommending physician's name, telephone number, address and medical license number for verification.

Officers should generally accept verified recommendations by a physician that statutory amounts do not meet the patient's needs (Health and Safety Code § 11362.77).

333.3.4 ADDITIONAL CONSIDERATIONS

Officers should consider the following when investigating an incident involving marijuana possession, delivery, production, or use:

(a) Because enforcement of medical marijuana laws can be complex, time consuming, and call for resources unavailable at the time of initial investigation, officers may consider submitting a report to the prosecutor for review, in lieu of making an arrest. This can be particularly appropriate when:

1. The suspect has been identified and can be easily located at a later time.
2. The case would benefit from review by a person with expertise in medical marijuana investigations.
3. Sufficient evidence, such as photographs or samples, has been lawfully obtained.

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4. Other relevant factors, such as available [department/office] resources and time constraints prohibit making an immediate arrest.

(b) Whenever the initial investigation reveals an amount of marijuana greater than the statutory amount, officers should consider the following when determining whether the form and amount is reasonably related to the patient's needs:

1. The amount of marijuana recommended by a medical professional to be ingested.
2. The quality of the marijuana.
3. The method of ingestion (e.g., smoking, eating, nebulizer).
4. The timing of the possession in relation to a harvest (patient may be storing marijuana).
5. Whether the marijuana is being cultivated indoors or outdoors.

(c) Before proceeding with enforcement related to collective gardens or dispensaries, officers should consider conferring with a supervisor, an applicable state regulatory agency or other member with special knowledge in this area, and/or appropriate legal counsel (Business and Professions Code § 26010; Business and Professions Code § 26060). Licensing, zoning, and other related issues can be complex. Patients, primary caregivers, and cardholders who collectively or cooperatively cultivate marijuana for medical purposes may be licensed or may have a defense in certain circumstances (Business and Professions Code § 26032; Business and Professions Code § 26033).

(d) Investigating members should not order a patient to destroy marijuana plants under threat of arrest.

333.3.5 EXCEPTIONS

This policy does not apply to, and officers should consider taking enforcement action for the following:

(a) Persons who engage in illegal conduct that endangers others, such as driving under the influence of marijuana in violation of the Vehicle Code (Health and Safety Code § 11362.5).

(b) Marijuana possession in jails or other correctional facilities that prohibit such possession (Health and Safety Code § 11362.785).

(c) Smoking marijuana (Health and Safety Code § 11362.79):

1. In any place where smoking is prohibited by law.
2. In or within 1,000 feet of the grounds of a school, recreation center or youth center, unless the medical use occurs within a residence.
3. On a school bus.
4. While in a motor vehicle that is being operated.
5. While operating a boat.

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(d) Use of marijuana by a person on probation or parole, or on bail and use is prohibited by the terms of release (Health and Safety Code § 11362.795).

333.3.6 INVESTIGATIONS INVOLVING A STATE LICENSEE

No person issued a state license under the Business and Professions Code shall be arrested or cited for cultivation, possession, manufacture, processing, storing, laboratory testing, labeling, transporting, distribution or sale of medical cannabis or a medical cannabis product related to qualifying patients and primary caregivers when conducted lawfully. Whether conduct is lawful may involve questions of license classifications, local ordinances, specific requirements of the Business and Professions Code and adopted regulations. Officers should consider conferring with a supervisor, the applicable state agency or other member with special knowledge in this area and/or appropriate legal counsel before taking enforcement action against a licensee or an employee or agent (Business and Professions Code § 26032).

333.4 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.

333.5 PROPERTY AND EVIDENCE BUREAU SUPERVISOR RESPONSIBILITIES

The Property and Evidence Bureau 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 Bureau 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 Bureau 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 Bureau supervisor may release marijuana to federal law enforcement authorities upon presentation of a valid court order or by a written order of the Investigation Unit supervisor.

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Financial Recovery for Nuisance Gatherings

334.1 PURPOSE

The purpose of this policy is to establish guidelines for the recovery of costs incurred as a result of police response to unruly and nuisance gatherings, including gatherings where minors possess alcohol or illegal drugs.

334.1.1 AUTHORITY

Antioch Municipal Code, Chapter 13, Section 5-13.05 authorizes the recovery of costs incurred as a result of a response to a loud or unruly gathering, or a gathering where a minor is using alcohol or an illegal drug, after the first warning has been given.

334.2 POLICY

It is the policy of the Antioch Police Department to seek the recovery of costs incurred as a result of a second or subsequent police response, after an initial warning is given, to a loud or unruly gathering, or a gathering where a minor is using alcohol or an illegal drug or event occurring on private property.

334.3 DEFINITIONS

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

ALCOHOL: Means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or by whatever process produced. It includes an alcoholic beverage as defined in Cal. Business and Professions Code § 23004.

GATHERING: A group of people who have assembled for a party, event, or other social activity.

ILLEGAL DRUG: A controlled drug or substance the possession and use of which is regulated under the federal controlled substances act. It does not include a drug for which the individual has a valid prescription.

LOUD OR UNRULY GATHERING: A gathering that threatens public health, peace, safety or general welfare because of loud or unruly conduct. Illustrative of such conduct is excessive noise or traffic, obstruction of a public street, public drunkenness, use of illegal drugs, the service of alcohol to minors, assaults, fights, gunshots, vandalism, disturbances of the peace, litter.

MINOR: Anyone under 21 years of age.

PERSON RESPONSIBLE: Means: (1) a person who owns, rents, leases or otherwise has control of the premises where the gathering takes place; (2) the person in charge of the premises; and (3) the person who organized the gathering. Each responsible person is jointly and severally liable for the response recovery costs. If the responsible person is a minor, the parent or guardian of that minor is responsible.

RESPONSE RECOVERY COSTS: The costs associated with the second or subsequent police responses within a 12-month period after the first warning was given under § 5-13.05. Those

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costs include: (1) salary and benefits of city personnel for the time responding to, remaining at, or otherwise dealing with a loud or unruly gathering; (2) city administrative costs attributable to the response; (3) the cost of medical treatment to any city personnel attributable to the response; (4) the cost of repairing or replacing any city equipment or property damaged as a result of the gathering; and (5) any other costs related to the response, including costs incurred by other police agencies.

334.4 PROCEDURE

334.4.1 OFFICER RESPONSIBILITIES

During the initial response to a party, gathering or event which is occurring on private property, and in the officer(s) judgment, is a threat to the peace, health, safety or general welfare of the public, the assigned officer shall:

(a) Identify the person(s) responsible for the party, gathering or event.

(b) Warn the person(s) they are responsible for controlling the event to where it is not a threat to the peace, health, safety or general welfare of the public.

(c) Warn the person(s) they will be held liable for the costs of providing police services during a second response.

(d) If minors are found to be in possession of, or using, alcohol or illegal drugs, those suspected of criminal violations should be arrested at that time.

In the event of a second response, the assigned officer shall:

(a) Inform the on-duty supervisor of the second response and nature of the event.

(b) Take legal and appropriate measures in an attempt to eliminate the threat to the peace, health, safety or general welfare of the public.

1. Such legal action may include physical arrests, criminal citations, and or administrative citations issued for applicable violations of law or related City ordinances.

(c) Complete an offense report to include the following information.

1. Name(s) and identifying information of the person(s) responsible for the event.
2. Name(s) and identifying information of the person(s), if known and/or applicable.
3. Name(s) and identifying information of any arrested person(s), if applicable.
4. Nature of the event; impact upon the community; estimate of the number of people in attendance; observed violations; initial warning given and any other pertinent information.

334.4.2 SUPERVISOR RESPONSIBILITIES

The on-duty supervisor is responsible for the following:

(a) Respond to the scene, if possible.

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(b) Complete the Antioch Police Department "Report of Hours" Form. The form shall include any and all response recovery costs associated with the incident.

1. The completed form shall be routed to the Bureau Commander for approval. Upon approval, the form shall be routed to the Administrative Analyst for processing.

See attachment: Report of Hours Form.pdf

334.4.3 ADMINISTRATIVE ANALYST RESPONSIBILITIES

The Administrative Analyst shall compute all expenses and forward the information to the Finance Department.

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Financial Recovery for Emergency Responses to Inxtociated Drivers

335.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidlines for the recovery of costs incurred as a result of emergency police response to intoxicated operators of motor vehicles.

335.2 AUTHORITY

Government Code 53155-56 authorizes cities to recover reasonable costs, not to exceed $12,000.00, incurred while handling emergency responses of intoxicated operators of motor vehicles.

335.3 DEFINITION

EMERGENCY RESPONSE: Response to an incident caused by any persons under the influence of alcohol or drugs whose negligence or wrongful conduct with regard to the operation of a motor vehicle proximately caused the incident. (23152 CVC and 23155 CVC standards apply)

The appellate court decision of California Highway Patrol v. Superior Court (Allende) (January 4, 2006) 135 Cal.App.4th 488 in summary, made the following key points:

(a) Costs of responding to an emergency incident involving a driver under the influence of alcohol or drugs may be recovered.

(b) An automobile accident is not necessarily required to trigger the definition of an “emergency response” but the incident must involve more than a typical traffic stop for drunk driving.

335.4 OFFICER RESPONSIBILITIES

The primary investigating officer will be the officer in charge of the collision or crime report. It is the responsibility of the primary officer to keep track of all duties upon which recovery costs will be based and to reflect these duties on the appropriate forms. The following shall be reported:

(a) The amount of time each officer spends on the incident until:

1. The scene is cleared; or
2. The initial accident investigation is complete; or
3. The arrested person has been tested for alcohol and/or drugs, booked, fingerprinted and placed in a secure holding cell and the report completed.

(b) If any special equipment was utilized.

Response costs should include all officers involved from traffic control, towing of vehicles, transporting and booking of arrestee(s) to report writing and reviewing of reports by supervisors.

All CAD Event reports associated with the response should be included as part of the documentation.

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335.5 REPORTING FORM

The form utilized for the above information shall be the Antioch Police Department “Report of Hours” form.

(a) The completed form shall be included as part of the report and a copy placed in the case file jacket.

See attachment: Report of Hours Form.pdf

335.6 SUPERVISOR RESPONSIBILITIES

The supervisor approving the offense report shall review and approve the Report of Hours form. The form shall be then be forwarded to the Bureau Commander for review, approval and forwarding to the Administrative Analyst for processing.

335.7 ADMINISTRATIVE ANALYST RESPONSIBILITIES

The Administrative Analyst shall compute all expenses and forward the information to the Finance Department.

335.8 REFUNDS

If the party is found not guilty or acquitted of criminal charges, they shall be entitled to a full refund plus interest earned.

When a request for a refund is received, it will be forwarded, via the Office of the Chief of Police, to the Support Services Division for processing. Verification of the court disposition shall be made. (Note: A plea bargain to a lesser charge such as reckless driving shall not be considered grounds for a refund.)

The verified request for a refund shall be forwarded to the Finance Department with a request that a refund plus interest be made.

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Off-Duty Law Enforcement Actions

336.1 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 Antioch Police Department with respect to taking law enforcement action while off-duty.

336.2 POLICY

Initiating law enforcement action while off-duty is generally discouraged. Officers should not attempt to initiate enforcement action when witnessing minor crimes, such as suspected intoxicated drivers, reckless driving or minor property crimes. Such incidents should be promptly reported to the appropriate law enforcement agency.

Officers are not expected to place themselves in unreasonable peril. However, any sworn member of this department who becomes aware of an incident or circumstance that he/she reasonably believes poses an imminent threat of serious bodily injury or death, or significant property damage may take reasonable action to minimize the threat.

When public safety or the prevention of major property damage requires immediate action, officers should first consider reporting and monitoring the activity and only take direct action as a last resort.

336.3 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 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.

336.4 DECISION TO INTERVENE

There is no legal requirement for off-duty officers to take law enforcement action. However, should officers decide to intervene, they must evaluate whether the action is necessary or desirable, and should take into consideration the following:

(a) The tactical disadvantage of being alone and the fact there may be multiple or hidden suspects.

(b) The inability to communicate with responding units.

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(c) The lack of equipment, such as handcuffs, OC or baton.

(d) The lack of cover.

(e) The potential for increased risk to bystanders if the off-duty officer were to intervene.

(f) Unfamiliarity with the surroundings.

(g) The potential for the off-duty officer to be misidentified by other peace officers or members of the public.

Officers should consider waiting for on-duty uniformed officers to arrive, and gather as much accurate intelligence as possible instead of immediately intervening.

336.4.1 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 Antioch Police Department officer until acknowledged. Official identification should also be displayed.

336.4.2 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.

336.4.3 NON-SWORN RESPONSIBILITIES

Non-sworn personnel should not become involved in any law enforcement actions while off-duty except to notify the local law enforcement authority and remain at the scene, if safe and practicable.

336.4.4 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.

336.5 REPORTING

Any off-duty officer who engages in any law enforcement activity, regardless of jurisdiction, shall notify the Watch Commander as soon as practicable. The Watch Commander shall determine whether a report should be filed by the employee.

Officers should cooperate fully with the agency having jurisdiction in providing statements or reports as requested or as appropriate.

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Body Armor

337.1 PURPOSE AND SCOPE

The purpose of this policy is to provide law enforcement officers with guidelines for the proper use of body armor.

337.2 POLICY

It is the policy of the Antioch 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.

337.2.1 REQUIREMENTS

All sworn members of this department, while in uniform and on duty shall wear department-issued or department-approved body armor. This includes those officers traveling to and from court, or participating in presentations, or other assignments. This applies to all sworn personnel through the rank of sergeant.

(a) Sworn members assigned to light/modified duty within the police department who choose to wear a uniform may, but are not required, wear body armor.

All plain clothes officers participating in high risk situations such as raids/search warrants, or planned arrests, shall wear their assigned body armor at all times duiring those events.

A high risk situation, for the purpose of this section, is a pre-planned event where time and practicality allow officers to put on body armor in anticipation of encountering armed or dangerous suspects or circumstances.

337.3 ISSUANCE OF BODY ARMOR

The Evidence supervisor shall ensure that body armor is issued to all officers when the officer begins service at the Antioch Police Department and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

The Evidence 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.

337.3.1 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.

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337.3.2 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.

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Department Badges

338.1 PURPOSE AND SCOPE

The Antioch Police Department badge and uniform patch as well as the likeness of these items and the name of the Antioch Police Department are property of the Department and their use shall be restricted as set forth in this policy.

338.2 POLICY

The uniform badge shall be issued to department members as a symbol of authority and the use and display of departmental badges shall be in strict compliance with this policy. Only authorized badges issued by this department shall be displayed, carried or worn by members while on duty or otherwise acting in an official or authorized capacity.

338.2.1 FLAT BADGE

Sworn officers, with the written approval of the Chief of Police may purchase, at his/her own expense, a flat badge capable of being carried in a wallet. The use of the flat badge is subject to all the same provisions of departmental policy as the uniform badge.

(a) An officer may sell, exchange, or transfer the flat badge he/she purchased to another officer within the Antioch Police Department with the written approval of the Chief of Police.

(b) Should the flat badge become lost, damaged, or otherwise removed from the officer's control, he/she shall make the proper notifications as outlined in the Department Owned and Personal Property Policy.

(c) An honorably retired officer may keep his/her flat badge upon retirement.

(d) The purchase, carrying or display of a flat badge is not authorized for non-sworn personnel.

338.2.2 NON-SWORN PERSONNEL

Badges and departmental identification cards issued to non-sworn personnel shall be clearly marked to reflect the position of the assigned employee.

(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.

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338.2.3 RETIREE UNIFORM BADGE

Upon honorable retirement employees may receive their assigned duty badge for display purposes in a shadow box, plaque, or private memorabilia. Any other uses of the badge may be unlawful or in violation of this policy.

338.3 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.

All department badges issued to sworn employees and non-sworn uniformed employees are for official use only. The department badge, shoulder patch or the likeness thereof, or the department name shall not be used for personal or private reasons including, but not limited to, letters, memoranda, and electronic communications such as electronic mail or web sites and web pages.

The use of the badge, uniform patch and department name for all material (printed matter, products or other items) developed for department use shall be subject to approval by the Chief of Police.

Employees shall not loan his/her department badge or identification card to others and shall not permit the badge or identification card to be reproduced or duplicated.

338.4 PERMITTED USE BY EMPLOYEE GROUPS

The likeness of the department badge shall not be used without the expressed authorization of the Chief of Police.

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Foreign Diplomatic and Consular Representatives

339.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that members of the Antioch Police Department extend appropriate privileges and immunities to foreign diplomatic and consular representatives in accordance with international law.

339.2 POLICY

The Antioch 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.

339.3 CLAIMS OF IMMUNITY

If a member comes into contact with a person where law enforcement action may be warranted and the person claims diplomatic or consular privileges and immunities, the member should, without delay:

(a) Notify a supervisor.

(b) Advise the person that his/her claim will be investigated and he/she may be released in accordance with the law upon confirmation of the person's status.

(c) Request the person's identification card, either issued by the U.S. Department of State (DOS), Office of the Chief of Protocol, or in the case of persons accredited to the United Nations, by the U.S. Mission to the United Nations. These are the only reliable documents for purposes of determining privileges and immunities.

(d) Contact the DOS Diplomatic Security Command Center at 571-345-3146 or toll free at 866-217-2089, or at another current telephone number and inform the center of the circumstances.

(e) Verify the immunity status with DOS and follow any instructions regarding further detention, arrest, prosecution and/or release, as indicated by the DOS representative. This may require immediate release, even if a crime has been committed.

Identity or immunity status should not be presumed from the type of license plates displayed on a vehicle. If there is a question as to the status or the legitimate possession of a Diplomat or Consul license plate, a query should be run via the National Law Enforcement Telecommunications System (NLETS), designating "US" as the state.

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339.4 ENFORCEMENT

If the DOS is not immediately available for consultation regarding law enforcement action, members shall be aware of the following:

(a) Generally, all persons with diplomatic and consular privileges and immunities may be issued a citation or notice to appear. However, the person may not be compelled to sign the citation.

(b) All persons, even those with a valid privilege or immunity, may be reasonably restrained in exigent circumstances for purposes of self-defense, public safety or the prevention of serious criminal acts.

(c) An impaired foreign diplomatic or consular representative may be prevented from driving a vehicle, even if the person may not be arrested due to privileges and immunities.

1. Investigations, including the request for field sobriety tests, chemical tests and any other tests regarding impaired driving may proceed but they shall not be compelled.

(d) The following persons may not be detained or arrested, and any property or vehicle owned by these persons may not be searched or seized:

1. Diplomatic-level staff of missions to international organizations and recognized family members
2. Diplomatic agents and recognized family members
3. Members of administrative and technical staff of a diplomatic mission and recognized family members
4. Career consular officers, unless the person is the subject of a felony warrant

(e) The following persons may generally be detained and arrested:

1. International organization staff; however, some senior officers are entitled to the same treatment as diplomatic agents.
2. Support staff of missions to international organizations
3. Diplomatic service staff and consular employees; however, special bilateral agreements may exclude employees of certain foreign countries.
4. Honorary consular officers
5. Whenever an officer arrests and incarcerates, or detains for investigation for over two hours, a person with diplomatic and consular privileges and immunities, the officer shall promptly advise the person that he/she is entitled to have his/her government notified of the arrest or detention (Penal Code § 834c). If the individual wants his/her government notified, the officer shall begin the notification process.

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339.5 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.

339.6 DIPLOMATIC IMMUNITY TABLE

Reference table on diplomatic immunity:

Category	Arrested or Detained	Enter Residence Subject to Ordinary Procedures	Issued Traffic Citation	Subpoenaed as Witness	Prosecuted	Recognized Family Members
Diplomatic Agent	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Member of Admin and Tech Staff	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Service Staff	Yes (note (a))	Yes	Yes	Yes	No for official acts. Yes otherwise (note (a))	No immunity or inviolability (note (a))
Career Consul Officer	Yes if for a felony and pursuant to a warrant (note (a))	Yes (note (d))	Yes	No for official acts Testimony may not be compelled in any case	No for official acts. Yes otherwise (note (a))	No immunity or inviolability
Honorable Consul Officer	Yes	Yes	Yes	No for official acts Yes otherwise.	No for official acts Yes otherwise	No immunity or inviolability
Consulate Employees	Yes (note (a))	Yes	Yes	No for official acts Yes otherwise.	No for official acts. Yes otherwise (note (a))	No immunity or inviolability (note (a))
Int'l Org Staff (note (b))	Yes (note (c))	Yes (note (c))	Yes	Yes (note (c))	No for official acts. Yes otherwise (note (c))	No immunity or inviolability

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Diplomatic-Level Staff of Missions to Int'l Org	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Support Staff of Missions to Int'l Orgs	Yes	Yes	Yes	Yes	No for official acts Yes otherwise	No immunity or inviolability

Notes for diplomatic immunity table:

(a) This table presents general rules. The employees of certain foreign countries may enjoy higher levels of privileges and immunities on the basis of special bilateral agreements.

(b) Reasonable constraints, however, may be applied in emergency circumstances involving self-defense, public safety, or in the prevention of serious criminal acts.

(c) A small number of senior officers are entitled to be treated identically to diplomatic agents.

(d) Note that consul residences are sometimes located within the official consular premises. In such cases, only the official office space is protected from police entry.

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Gun Violence Restraining Orders

340.1 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.

340.1.1 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).

340.2 POLICY

It is the policy of the Antioch Police Department to petition and serve gun violence restraining orders in compliance with state law and to properly account for firearms and ammunition obtained by the Department pursuant to such orders.

340.3 GUN VIOLENCE RESTRAINING ORDERS

An officer who reasonably believes a person is a present danger to him/herself or another person by controlling, owning, purchasing, possessing, receiving, or otherwise having custody of a firearm may request permission from his/her supervisor to petition the court for a gun violence restraining order.

Officers petitioning the court should use the forms established by the Judicial Council (Penal Code § 18105). The petition should describe the number, types, and locations of any firearms and ammunition that the officer believes to be possessed or controlled by the person (Penal Code § 18107). The petition should also describe why less-restrictive alternatives are ineffective or inadequate for the circumstances (Penal Code § 18125; Penal Code § 18150; Penal Code § 18175).

If it is not practical under the circumstances to submit a written petition, an officer may orally request an order, and then prepare and sign a declaration under penalty of perjury that recites the oral statements provided to the judicial officer and memorialize the order of the court on the appropriate Judicial Council form (Penal Code § 18140).

340.4 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).

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(c) Take into temporary custody any firearm or other deadly weapon discovered in plain view or pursuant to consent or other lawful search (Penal Code § 18250).

(d) Inform the restrained person of any scheduled hearing regarding the order (Penal Code § 18160).

(e) Transmit the original proof of service form to the issuing court as soon as practicable but within one business day (Penal Code § 18115).

(f) As soon as practicable, but by the end of his/her shift, submit proof of service to the Records Supervisor for prompt entry into the California Restraining and Protective Order System (Penal Code § 18115).

The officer should also inform the restrained person that he/she is required, within 24 hours, to surrender to a law enforcement agency any other firearms and ammunition he/she owns or that are in his/her custody or control or sell them to a firearms dealer. This notification should be documented.

All firearms and ammunition collected shall be handled and booked in accordance with the Property and Evidence Policy.

340.4.1 SERVICE OF ORAL GUN VIOLENCE RESTRAINING ORDERS

If a gun violence restraining order is obtained orally, the officer shall (Penal Code § 18140):

(a) Serve the order on the restrained person in the manner outlined above, if the restrained person can reasonably be located.

(b) File a copy of the order with the court as soon as practicable after issuance.

(c) Ensure the order is provided to the Records Bureau for entry into the computer database system for protective and restraining orders maintained by the Department of Justice.

340.5 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.

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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.

340.6 RECORDS SUPERVISOR RESPONSIBILITIES

The Records Supervisor is responsible for ensuring:

(a) Proof of service of any gun violence restraining order served by an officer or received from the clerk of the court is entered in the computer database system for protective and restraining orders maintained by the Department of Justice within one business day of service if served by an officer, or within one business day of receipt of proof of service if served by a person other than a law enforcement officer (Penal Code § 18115).

(b) Oral orders are entered into the California Restraining and Protective Order System (Penal Code § 18140).

(c) Copies of receipts of surrendered firearms or ammunition issued by other agencies for gun violence restraining orders issued by the [Department/Office] are properly maintained (Penal Code § 18120).

340.7 COURT-ORDERED FIREARMS AND AMMUNITION SURRENDERS

Authorized members shall accept firearms and ammunition from any individual who is the subject of a gun violence restraining order. The member receiving any firearm or ammunition shall:

(a) Record the individual's name, address and telephone number.

(b) Record the serial number of the firearm.

(c) Prepare an incident report and property report.

(d) Provide a property receipt to the individual who surrendered the firearms and ammunition.

(e) Package and submit the firearms and ammunition in accordance with the Property and Evidence Policy.

340.8 RELEASE OF FIREARMS AND AMMUNITION

Firearms and ammunition that were taken into temporary custody or surrendered pursuant to a gun violence restraining order shall be returned to the restrained person upon the expiration of the order and in accordance with Penal Code § 18120 and the Property and Evidence Policy.

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Unmanned Aerial System (UAS) Operations

341.1 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.

341.2 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 readily available or deemed less effective. Any use of a UAS will be in strict accordance with constitutional and privacy rights and with the Federal Aviation Administration (FAA) regulations and guidelines.

341.3 DEFINITIONS

Definitions related to this policy include the following:

Unmanned Aerial System (UAS) - An unmanned aircraft of any type that can sustain direct flight, whether preprogrammed or remotely controlled (commonly referred to as an unmanned aerial vehicle) and all the supporting or attached systems designed for gathering information through imaging, recording, or any other means.

Operator - Commonly referred to as the pilot and is the one in control of the aircraft.

Observer - Any party directly present during the utilization of a UAS and can directly view the use of the UAS and any images or recordings that are transmitted or recorded.

Pilot in Charge - The on-scene FAA Part 107 Licensed UAS Pilot.

Program Coordinator - Appointed by the Chief of Police and is in charge of the operation and supervision of the program.

Certificate of Authorization (COA) - Given by the FAA which grants permission to fly within specific boundaries and perimeters.

341.4 PRIVACY

The use of a UAS potentially involves privacy concerns and considerations. Absent a warrant or exigent circumstances, UAS 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 may include deactivating or turning imaging devices away from such areas or persons during UAS operations or stopping the digital video recording or photo capture while flying in these particular areas.

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341.5 PROGRAM COORDINATOR

The Chief of Police will appoint a Program Coordinator who will be responsible for the supervision of the UAS Program. The Program Coordinator will work within the Antioch Police Department Robotics Unit and under the command of the Antioch Police Department SWAT Team Tactical Commander. The Program Coordinator will ensure that Policies and Procedures conform to current laws, regulations, and best practices and will have the following responsibilities:

- Coordinating the FAA Part 107 Waiver or Certificate of Authorization (COA) application process and ensuring that the Waiver and COA are up to date.
- Ensuring that all authorized Operators and Observers have completed all required FAA and department-approved training in the operation, applicable laws, policies, and procedures regarding the use of the UAS.
- Developing procedures for submission and evaluation of the requests to deploy a UAS, including urgent requests made during ongoing or emerging incidents.
- Implementing a system for public notification of UAS deployment if needed.
- Developing an operational procedure governing the deployment and operation of a UAS including, but not limited to: safety oversight, use of visual observers, documentation of accidents, establishment of lost link procedures, and securing communication with air traffic control facilities if needed.
- Developing a procedure for documenting all missions.
- Developing a UAS inspection, maintenance, and record-keeping procedure to ensure continued airworthiness of a UAS, up to and including its overhaul or lifetime limits.
- Ensuring that authorized Operators maintain proficiency in their abilities by training on a regular basis and documenting training time.
- Developing a procedure to ensure that all data intended to be used as evidence is accessed, maintained, stored, and retrieved in a manner that ensures its integrity as evidence, including strict adherence to the 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 procedures that ensure retention and purge periods are maintained in accordance with established records retention schedules.
- Facilitation of law enforcement access to images and data captured by the UAS.
- Recommending program enhancements, particularly regarding equipment upgrades, safety and information security.
- Ensuring that established procedures are followed by monitoring and providing periodic reports to the Chief of Police or his/her designee.

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341.6 UTILIZATION

All Operators must possess a valid FAA Part 107 Certification prior to being permitted to operate any Antioch Police Department UAS or be under the direct supervision of a licensed FAA Part 107 Certified Pilot. The Pilot in Charge will ensure that a Flight Risk Assessment and a Preflight Checklist are both completed prior to UAS utilization.The Flight Risk Assessment and the Preflight Checklist will be retained for all utilizations not related to training. The Pilot in Charge shall notify dispatch of the UAS utilization and dispatch shall document the utilization in the supplement portion of the associated CAD event.

Authorized use of an Antioch Police Department UAS may include:

(a) Video/photographs for crime scenes.

(b) HAZMAT response.

(c) Locating individuals actively fleeing or hiding in an attempt to avoid apprehension.

(d) Search and rescue.

(e) Barricaded suspects and other high-risk tactical operations.

(f) Locating individuals who are missing or a danger to themselves or others.

(g) Disaster response (Flood, earthquakes, etc.).

(h) Training missions as authorized by the Training Certificate of Authorization.

(i) Fire response.

(j) Any situation where the use of a UAS would enhance public safety and/or officer safety and would be deemed lawful and reasonable.

UAS operations should only be conducted during daylight hours and a UAS should not be flown over crowds without FAA approval. Approval may be sought that permits both nighttime operations and use over crowds. This approval may be covered under the Department granted COA or FAA Part 107 Waivers with the exemption granted in writing. This exemption for nighttime use and over crowds does not expire and is continual once received and does not need to be sought unless the COA is up for renewal or modification.

Use of vision enhancement technology (e.g., thermal or other imaging enhancing 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, court order, or an exigent emergency circumstance exists. In all other instances, legal counsel should be consulted.

The use of the Department UAS for personal use is strictly prohibited. The UAS is not to be removed from the department, except by on-duty Operators during their work day or during UAS or Department Training. At the end of each shift, the UAS shall be stored and secured at the Antioch Police Department. The only exception to this is for continued active training as needed and directed/approved by the Program Coordinator.

See attachment: APD UAS Preflight Assessment.pdf

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See attachment: APD UAS Preflight Check List.pdf

341.7 STORAGE OF UAS

The UAS is the property of the Antioch Police Department and shall be kept secured at all times. When not in use, it shall be kept in the proper protective case, unless maintenance is being performed in a secured location. The case shall be secured with a city lock to prevent tampering.

UAS's may be assigned to individual Operators at the discretion of the Program Coordinator. These Operators are charged with ensuring the UAS is properly secured at all times. This is done to prevent any delays in the deployment due to any needed reconfiguration of UAS upon deployment by each individual Operator.

341.8 PROHIBITED USE

Unauthorized utilization of an Antioch Police Department UAS include the following:

(a) To conduct surveillance activities without a warrant or to conduct directed surveillance without probable cause related to a call for service.

(b) To target a person based solely on individual characteristics, such as, but not limited to race, ethnicity, national origin, religion, disability, gender, or sexual orientations.

(c) To harass, intimidate, or discriminate against any individual or group.

(d) In any way in which it has been weaponized.

(e) In a reckless or negligent manner.

(f) By an Operator under the influence of any alcohol, narcotic, or prescription medication that alters or effects the operator's ability to do so safely or causes impairment as outline by the FAA.

341.9 DATA RETENTION

Data collected by the UAS shall be retained as provided in the established records retention schedule. Images or video obtained by the UAS Operator (If necessary, for evidentiary purposes) shall be submitted to evidence in accordance with Antioch Police Department policies and procedures.

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Criminal Street Gangs

342.1 PURPOSE AND SCOPE

The purpose of this policy is to define the organization and functions of the Gang Unit of the department.

Violent street gang members threaten, terrorize, and commit a multitude of crimes against the peaceful citizens of their neighborhoods. These activities, both individually and collectively, present a clear and present danger to public order and safety and are not constitutionally protected. It has been the intent of the Legislature to seek the eradication of criminal activity by street gangs by focusing upon patterns of criminal gang activity and upon the organized nature of street gangs, which together, are the chief source of terror created by street gangs. The Legislature further finds that an effective means of punishing and deterring the criminal activities of street gangs is through forfeiture of the profits, proceeds, and instrumentalities acquired, accumulated, or used by street gangs. It is the mission of the Antioch Police Department, and its members, to proactively address the threat to public safety created by the existence and illegal activities of violent street gangs in the city.

342.2 POLICY

It is the policy of this department to establish a unit and a procedure for identifying and assisting with the prosecution of criminal street gangs, participants of criminal street gangs, and patterns of criminal gang activity as outlined in Penal Code 186.20 through 186.34 of the "Street Terrorism Enforcement and Prevention Act."

The intent of this policy is to establish a procedure that will be used to develop training, the use of technology, and performance standards for enhancing the prosecution of criminal street gang participants.

342.3 DEFINITIONS

Gang Unit Administrator – Lieutenant assigned to oversee the Gang Unit.

Gang Unit Supervisor – Sergeant(s) assigned to supervise members appointed to the Gang Unit.

Gang Officer - Gang officers are responsible to their Unit Supervisor(s) in the performance of their duties. Gang Officers are to perform those duties necessary to accomplish the unit's assignments, mission, and training.

Criminal Street Gang – Means an ongoing organization, association, or group of three or more persons, whether formal or informal, having as one of its primary activities the commission of crimes enumerated in paragraphs (1) to (25), inclusive, and paragraphs (31) to (33), inclusive, of subdivision (e) of Penal Code Section 186.22 who have a common identifying sign, symbol, or name, and whose members individually or collectively engage in or have engaged in a pattern of definable criminal activity.

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Pattern of Criminal Gang Activity - Shall mean the commission of, attempted commission of, conspiracy to commit, or solicitation of, sustained juvenile petition for, or conviction of two or more of the offenses, as described in Penal Code 186.22(e), provided at least one of these offenses occurred after the effective date of the “Street Terrorism Enforcement and Prevention Act” and the last of those offenses occurred within three years after a prior offense, and the offenses were committed on separate occasions, or by two or more persons.

Gang Related Crime - Shall mean any crime, which is committed for the benefit of, at the direction of, or in association with, a criminal street gang with the intent to promote, further or assist any criminal street gang.

Shared Gang Database – A gang database that is accessed by an agency or person outside of the agency that created the records that populate the database.

342.4 IDENTIFICATION OF CRIMINAL STREET GANGS / PARTICIPANTS

Department members assigned to the Gang Unit are directed to identify and document in reports information on individuals who are suspected of participating in a criminal street gang and groups that are suspected of being criminal street gangs.

A group of three or more individuals shall be designated a criminal street gang when:

(a) They have a common name or common identifying sign or symbol.

(b) There is evidence, substantiated by crime and informational reports, that a primary activity of the group is the commission of one or more criminal acts enumerated in PC 186.22(e).

(c) One or more members individually or collectively have engaged in a pattern of criminal gang activity as defined in Penal Code 186.22(e).

(d) A designated representative of the District Attorney's Office reviews the available evidence and concurs with a Department finding that the group meets the criteria for being a criminal street gang.

An individual shall be identified as a participant in a criminal street gang when two or more of the following elements have been verified by a Gang Unit officer and a reasonable basis for believing such affiliation has been established and approved by a supervisor:

(a) An individual admits membership in a criminal street gang.

(b) A reliable informant or known gang member identifies an individual as a participant in a criminal street gang.

(c) An informant of previously untested reliability identifies an individual as a participant in a criminal street gang when that identification is corroborated by independent information.

(d) An individual resides in or frequents a particular criminal street gang's area, and affects their style of dress, color of dress, use of jewelry, tattoos, monikers, or any other identifiable mannerism associated to that particular criminal street gang, and where

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the officer documents reasonable suspicion that the individual is involved in criminal gang activity or enterprise.

(e) A person has been arrested (or contacted) with criminal street gang members (with knowledge they were gang members) for offenses that are consistent with criminal street gang activity or criminal street gang related crimes.

(f) An individual is identified as a gang member in a criminal street gang document, or the individual is depicted in a criminal street gang member's photograph(s) in such a manner as to clearly indicate membership in a criminal street gang.

An individual may be designated as a gang associate only when the individual is known to associate with active criminal gang members and an officer has established that there is reasonable suspicion that the individual is involved in criminal activity. An officer's belief must be premised upon reasoning and logic coupled with sound judgment based upon law enforcement experience and facts.

342.5 SHARED GANG DATABASE

No department member may create, submit to or obtain information from a shared gang database (such as CALGANG) unless the Chief of Police has approved the system for department use. The Department of Justice is responsible for establishing regulations for shared gang databases. All shared gang databases shall comply with those regulations and should be compliant with 28 C.F.R. § 23.20.

342.6 FIELD CONTACTS

Officers who contact individuals who are, or may be participants in criminal street gang activity should complete a FI card and document the reasonable suspicion underlying the contact and the exact circumstances leading to the suspicion that the individual is a criminal street gang participant (e.g., subject states he or she is a member of XYZ gang; XYZ tattoo on right hand; wearing ball cap with gang name printed in blue or red ink, etc.)

Photographing known or suspected criminal street gang participants shall be done in accordance with standards already established for the photographing of subjects during consensual contacts, detentions, or arrests.

342.7 DISSEMINATION OF GANG INFORMATION

Criminal street gang participant and group information may be furnished to department personnel and other public law enforcement agencies only on a need-to-know basis. This means information that may be of use in the prevention of gang-related criminal activity or in the investigation of gang-related crimes shall be released to members of this department and other law enforcement agencies.

342.8 REPORTING CRITERIA AND ROUTING

Incidents that appear to be criminal street gang related shall be documented on a report and shall at minimum include the following:

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(a) A description of any document, statements, actions, dress or other information that would tend to support the officer's belief that the incident may be related to the activities of a criminal street gang.

(b) What physical evidence, if any, was observed, collected or booked.

(c) Whether any photographs were taken and a brief description of what they depict.

Any photographs taken or evidence collected shall be booked in accordance with current evidence booking procedures. A copy of the report shall be routed to the Gang Unit Supervisor(s).

342.9 GENERAL ORDERS

The Gang Unit Administrator shall ensure there are an appropriate number of members to carry out the mission of the Gang Unit.

The Gang Unit Supervisor(s) should ensure the members of the unit can accomplish and maintain the following standards and best-practices:

(a) Testify as experts on matters related to criminal street gangs, and maintain an above average familiarity with:

1. Any organization, associate, or group of three or more persons that meets the definition of a criminal street gang under Penal Code 186.22(f).
2. Identification of a person as a criminal street gang member and criminal street gang-related crimes.
3. The “California Street Terrorism Enforcement and Prevention Act” associated crimes and what defines a criminal street gang.

(b) Complete court ordered gang registrations and documentation.

(c) Coordinate and conduct probation/parole/PRCS searches of gang members in accordance with court ordered conditions.

(d) Coordinate with other agencies in the region regarding criminal street gang-related crimes and information.

(e) Train other department members to identify gang indicia and investigate criminal street gang-related crimes.

(f) Keep other department units up to date on current gang activities by completing gang intelligence reports.

(g) Conduct surveillance and field interviews of gang members and suspected gang members.

(h) Develop informants.

(i) Coordinate with Crime Analysts to screen all gang-related activities.

(j) Assist the Investigations Bureau by supplying them with more complete gang information.

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(k) Coordinate and provide assistance through School Resource Officers to school districts and community organizations with their efforts in gang prevention and intervention.

(l) Conduct investigations into specific gang-related crimes (e.g. graffiti, firearms violations, shootings, human trafficking, etc.)

(m) Ideally, Gang Unit members will be assigned to specialize in a specific gang, and cross-trained in all aspects of gangs.

(n) Members should complete the POST certified ICI Gang Investigations course as soon as practicable and within two years of assignment.

342.10 SELECTION PROCESS

Gang Unit supervisor(s) shall be appointed by the Chief of Police or his/her designee.

Interested officers must:

(a) Submit a letter of interest to the Chief of Police.

(b) Have received evaluations of duty performance which overall meets or exceeds expectations.

(c) Have demonstrated the ability to work within a team concept and follow orders.

(d) Have demonstrated the ability to work well with patrol team members and supervisors.

(e) Potential candidates must participate in an oral interview process to identify their knowledge, skills, and abilities.

(f) The Gang Unit Administrator and supervisor(s) will forward recommendations to the Chief of Police for administrative review and final selection.

342.11 GANG UNIT MEMBER - SEPARATION

Reasons for separation from the Gang Unit may include but are not limited to the following:

(a) Failure to complete all requisite training.

(b) Failure to contribute to the unit's overall mission.

(c) Unable to sustain an acceptable level of performance of the unit's general orders.

(d) Any sustained policy violations which result in any form of written reprimand or beyond.

The time commitment for this assignment shall be in accordance with the guidelines established in policy 1019.2.1,(b). Intra-Departmental Assignments/Transfers.

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Chapter 4 - Patrol Operations

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Patrol Function

400.1 PURPOSE AND SCOPE

The purpose of this policy is to define the functions of the Community Policing patrol teams of the Department to ensure intra-department cooperation and information sharing.

400.1.1 FUNCTION

Community Policing officers will generally patrol in clearly marked vehicles, patrol assigned jurisdictional areas of Antioch, respond to calls for assistance, act as a deterrent to crime, enforce state and local laws and respond to emergencies 24 hours per day seven days per week.

Patrol will generally provide the following services within the limits of available resources:

(a) Patrol that is directed at the prevention of criminal acts, traffic violations and collisions, the maintenance of public order, and the discovery of hazardous situations or conditions

(b) Crime prevention activities such as residential inspections, business inspections, community presentations, etc.

(c) Calls for service, both routine and emergency in nature

(d) Investigation of both criminal and non-criminal acts

(e) The apprehension of criminal offenders

(f) Community Oriented Policing and Problem Solving activities such as citizen assists and individual citizen contacts of a positive nature

(g) The sharing of information between the Patrol and other bureaus within the Department, as well as other outside governmental agencies

(h) The application of resources to specific problems or situations within the community, which may be improved or resolved by Community Oriented Policing and problem solving strategies

(i) Traffic direction and control

400.1.2 TERRORISM

It is the goal of the Antioch Police Department to make every reasonable effort to accurately and appropriately gather and report any information that may relate to either foreign or domestic terrorism. Officers should advise a supervisor as soon as practicable of any activity believed to be terrorism related and should document such incidents with a written report or Field Interview (FI). The supervisor should ensure that all terrorism related reports and FIs are forwarded to the Investigations Bureau Supervisor in a timely fashion.

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400.2 INFORMATION SHARING

To the extent feasible, all information relevant to the mission of the department should be shared among all divisionand specialized units on a timely basis. Members should be provided with opportunities on a regular basis to share information during the daily briefings and to attend briefings of other divisions or specialized units.

Additionally, information should be shared with outside agencies and the public in conformance with department policies and applicable laws. Members are encouraged to share information with other units and divisions.

400.2.1 CRIME ANALYSIS UNIT

The Crime Analysis Unit (CAU) will be the central unit for information exchange. Criminal information and intelligence reports can be shared with the various bureaus to enhance public safety through knowledge of trends and activities occurring in the city.

400.2.2 CRIME REPORTS

A crime report may be completed by any patrol officer who receives criminal information. The report will be processed and forwarded to the appropriate bureau for retention or follow-up investigation.

400.2.3 PATROL BRIEFINGS

Patrol supervisors, detective sergeants, and special unit sergeants are encouraged to share information as much as possible. All supervisors and/or officers will be provided an opportunity to share information at the daily patrol briefings as time permits.

400.2.4 BRIEFING BOARD

A briefing bulletin clipboard will be maintained and available for review by officers from all bureaus within the Department. It will include, but not be limited to, information such as extra patrol checks, wanted persons information, missing persons information, stolen vehicles, BOLOs, overtime sign-ups, and departmental information and/or written directives.

400.2.5 SHIFT HIGHLIGHTS BOARD

A shift highlights clipboard will be maintained and available for review by officers in all bureaus within the department. It will include completed shift highlight forms, and should be utilized to keep informed of noteworthy information from other shifts.

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.

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Officers responding to an event or gathering that warrants law enforcement involvement should carefully balance the speech and association rights of those present with applicable public safety concerns before taking enforcement action.

Generally, officers should consider seeking compliance through advisements and warnings for minor violations and should reserve greater enforcement options for more serious violations or when voluntary compliance with the law is not achieved.

Officers are encouraged to contact organizers or responsible persons to seek voluntary compliance that may address relevant public safety/order concerns.

Officers should consider enforcement of applicable state and local laws, such as Penal Code 602.1 (obstructing or intimidating business operators), when the activity blocks the entrance or egress of a facility or location and when voluntary compliance with the law is not achieved.

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Bias-Based Policing

401.1 PURPOSE AND SCOPE

This policy provides guidance to department members that affirms the Antioch 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 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 Antioch 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 and without discrimination toward any individual or group.

Race, ethnicity or nationality, religion, sex, sexual orientation, economic status, age, cultural group, disability or affiliation with any other similar identifiable group shall not be used as the basis for providing differing levels of law enforcement service or the enforcement of the law.

401.3 BIAS-BASED PROFILING PROHIBITED

Racial- or bias-based profiling is strictly prohibited. However, nothing in this policy is intended to prohibit an officer from considering factors such as race or ethnicity in combination with other legitimate factors to establish reasonable suspicion or probable cause (e.g., suspect description is limited to a specific race or group).

401.3.1 CALIFORNIA RELIGIOUS FREEDOM ACT

Members shall not collect information from a person based on religious belief, practice, affiliation, national origin or ethnicity unless permitted under state or federal law (Government Code § 8310.3).

Members shall not assist federal government authorities (Government Code § 8310.3):

(a) In compiling personal information about a person’s religious belief, practice, affiliation, national origin or ethnicity.

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(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.

401.4 MEMBER RESPONSIBILITY

Every member of this department shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any known instances of racial- or bias-based profiling to a supervisor.

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.

401.4.2 REPORTING OF STOPS

Unless an exception applies under 11 CCR 999.227, an officer conducting a stop of a person shall collect the data elements required by 11 CCR 999.226 for every person stopped and prepare a stop data report. When multiple officers conduct a stop, the officer with the highest level of engagement with the person shall collect the data elements and prepare the report (11 CCR 999.227).

If multiple agencies are involved in a stop and the Antioch Police Department is the primary agency, the Antioch Police Department officer shall collect the data elements and prepare the stop data report (11 CCR 999.227).

The stop data report should be completed by the end of the officer's shift or as soon as practicable (11 CCR 999.227).

401.5 SUPERVISOR RESPONSIBILITY

Supervisors shall monitor those individuals under their command for any behavior that may conflict with the purpose of this policy and shall handle any alleged or observed violation of this policy in accordance with the Personnel Complaints Policy.

(a) Supervisors should discuss any issues with the involved officer and his/her supervisor in a timely manner.

(b) Supervisors shall initiate investigations of any actual or alleged violations of this policy.

(c) Supervisors should ensure that no retaliatory action is taken against any member of this department who discloses information concerning racial- or bias-based profiling.

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401.6 TRAINING

Training on racial- or bias-based profiling and review of this policy should be conducted as directed by the Professional Standards Bureau.

(a) All sworn members of this department will be scheduled to attend Peace Officer Standards and Training (POST)-approved training on the subject of racial- or bias-based profiling.

(b) Pending participation in such POST-approved training and at all times, all members of this department are encouraged to familiarize themselves with and consider racial and cultural differences among members of this community.

(c) Each sworn member of this department who received initial racial- or bias-based profiling training will thereafter be required to complete an approved refresher course every five years, or sooner if deemed necessary, in order to keep current with changing racial, identity and cultural trends (Penal Code § 13519.4(i)).

401.7 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

The Administrative Analyst or authorized designee shall ensure that all data required by the Department of Justice (DOJ) regarding citizen complaints of racial bias against officers is collected and reported annually to DOJ (Penal Code § 13012; Penal Code § 13020).

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Officer Response to Calls

402.1 PURPOSE AND SCOPE

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

402.2 RESPONSE TO CALLS

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

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

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

402.3 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 Dispatch 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

402.4 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

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siren at the legal speed limit. In such an event, the officer should immediately notify the Dispatch 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.

402.5 COMMUNICATIONS RESPONSIBILITIES

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

(a) Attempt to assign the closest available unit to the location requiring assistance

(b) Immediately notify the Watch Commander

(c) Confirm the location from which the unit is responding

(d) Notify and coordinate allied emergency services (e.g., fire and ambulance)

(e) Continue to obtain and broadcast information as necessary concerning the response and monitor the situation until it is stabilized or terminated

(f) Control all radio communications during the emergency and coordinate assistance under the direction of the Watch Commander or field supervisor

402.6 SUPERVISORY RESPONSIBILITIES

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

(a) The proper response has been initiated

(b) No more than those units reasonably necessary under the circumstances are involved in the response

(c) Affected outside jurisdictions are being notified as practical

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

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

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

- The type of call

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

402.7 FAILURE OF EMERGENCY EQUIPMENT

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

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Modified Service Guidelines

403.1 PURPOSE AND SCOPE

The purpose of this policy is to enhance community policing availability and improve the Antioch Police Department's effective and efficient delivery of public safety service based on the reduced numbers of sworn and civilian staff. Because of the ever increasing level of service demands from the community, it is essential that available resources are prioritized.

These Modified Service Guidelines do not apply to "in progress" crimes. They also do not apply to incidents involving disabled individuals who cannot accomplish making their reports without assistance; incidents involving juveniles, domestic violence, firearms, sex cases or cases involving City Property/City Vehicles.

We are in the people business and providing effective and positive customer service is critical to our overall success. If an officer is dispatched to a call, and determines after arrival that the call actually qualifies as a non-response type of call or the responding officer determines that a crime has in fact not occurred, then the call can be closed as a service to citizen, etc.

The term Investigative Lead refers to any information which could potentially aid in the successful resolution of the investigation. Essentially an investigative lead is anything that can be accomplished within reason, which might logically lead to the resolution of a particular case.

All calls for service involving felony or misdemeanor crimes not listed below, crimes listed which are "in progress" or involving juveniles, will require an officer response. A complete investigation and report will be completed in situations where the responding officer determines that a crime did in fact occur. Prompt Event Reporting System (PERS) reports are authorized in situations where the PERS reporting criteria is met. Refer to Policy 326 – Report Preparation for PERS reporting guidelines.

Crimes listed below which “just occurred” will require an officer response only if the beat officer is readily available to respond and the victim desires prosecution against the responsible. A complete investigation and report will be completed in situations where the responding officer determines that a crime did in fact occur. Prompt Event Reporting System (PERS) reports are authorized in situations where the PERS reporting criteria is met.

If an officer is not dispatched to a “just occurred” crime because the above criteria is not met, then dispatch personnel shall note all necessary information on an event screen and store the information in the computer for future reference. The details of the event shall be broadcasted over the radio by dispatch personnel. The reporting party will be referred to the City of Antioch website by dispatch personnel for the purposes of filing an online police report. The event will be closed with the appropriate classification and no report number will be generated.

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403.1.1 REPORTING PARTY INSISTENCE

If a particular call falls within the existing guideline thresholds for a non-response, then the reporting party's request or demand for an officer will be denied. The R/P's who will not take "NO" for an answer shall be referred to a shift supervisor.

403.2 VANDALISM-COLD CALLS (UNDER $5000)

If there are no leads to identify a suspect, and no suspect is known, dispatch personnel shall note all necessary information on an event screen and store the information in the computer for future reference. The reporting party will be referred to the City of Antioch website for the purposes of filing an online police report. In the event the reporting party does not have internet access, or has difficulties understanding how to complete an online report, a phone report will be taken. No officer will be dispatched. The event will be closed with a PD classification of MALM and an E Dispo of "P" to indicate it was a phone report only.

The event number shall be given to the reporting party. No report number will be generated.

If a vandalism call does not meet the criteria for a non-response, an officer shall be dispatched and an offense will be completed.

403.3 ANNOYING PHONE CALLS

If there are no leads to identify a suspect, and no suspect is known, dispatch personnel shall note all necessary information on an event screen and store the information in the computer for future reference. The reporting party will be referred to the City of Antioch website for the purposes of filing an online police report. In the event the reporting party does not have internet access, or has difficulties understanding how to complete an online report, a phone report will be taken. No officer will be dispatched. If a phone report is taken, the event shall be closed with a PD classification of PHON and an E Dispo of "P" to indicate it was a phone report only. No case number will be assigned. If a trap is desired, the reporting party shall be advised to contact the telephone company to make a report. The reporting party shall be given the event number for phone company use. This section does not apply if threats of violence have been made or if there is an indication of stalking.

If a 653M call does not meet the criteria for a non-response, an officer shall be dispatched and an offense report will be completed. If a suspect is known, present or known to be in the area, then an officer response will be required.

403.4 ANIMAL COMPLAINTS

Officers will not be dispatched to reports of dead or loose animals, with the exception of large livestock. If a loose animal report involves an aggressive, injured, or sick animal and Animal Control Officers (ACO's) are not on duty, then an officer will be dispatched. Officers will not be dispatched to reports of noise complaints involving animals, unless it is suspected the animal noises are due to animal cruelty. When animal calls meet the no response criteria, dispatch will create an event, and forward it to Animal Services to be handled during their next shift.

Officers will be dispatched to reports of animal cruelty and neglect if ACO's are not on duty.

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Officers will be dispatched to aggressive animal calls if the nature of the aggression is such that armed personnel are potentially necessary to preserve public safety. These types of calls could include dogs attacking another animal or a person.

When ACO's are not on duty, Officers will be dispatched to issues involving wildlife, such as coyotes and rattle snakes at their supervisors' discretion.

Whether or not ACO's are on duty, when wildlife, such as that of a mountain lion, coyote or bobcat, poses a threat to public safety either due to being aggressive, its danger as a natural predator, or appearing to be sick or injured an officer will be dispatched.

If an Officer responds to a call for service regarding an animal attacking another animal or a person, the officer will have an ACO dispatched to the scene, whether or not the responsible animal can be located. If no ACO's are on-duty, the officer will notify his or her supervisor and the supervisor shall have an ACO called out. The officer will write a police report documenting his or her actions and observations.

403.5 THEFT (UNDER $10,000)

If there are no leads to identify a suspect, and no suspects are known, dispatch personnel shall note all necessary information on an event screen and store the information in the computer. The reporting party will be referred to the City of Antioch website for the purposes of filing an online police report. In the event the reporting party does not have internet access, or has difficulties understanding how to complete an online report, a phone report will be taken. The call will be closed with a PD classification of THOF or THGR and an E Dispo of "M" which will alert the Records Unit to mail an incident report to the reporting party. When the incident report is completed and returned, a case file number shall be generated by records staff. The completed form shall be placed in the file and the event screen shall be updated with the case number. The electronic case report shall be completed with the information provided in the incident report form and any property listed as stolen shall be coded in the computer, as required, by Records Unit personnel at this time. No officer will be dispatched.

In situations where the theft involves property $50 or less and there are leads to identify a suspect who is no longer on-scene or in the area, an officer shall be dispatched only if the victim desires prosecution. The victim shall be advised by the responding officer to submit a written statement. All parties' names, DOB's and CDL or ID numbers and descriptions of suspects and vehicles shall be entered in the event supplement by the primary officer with a sentence stating pending victim written statement. An officer should attempt to contact any known suspect and document any investigative follow-up in the event supplement. When the written statement is received by the officer, the officer will generate a case number and a full investigative report will be completed.

If the victim decides to not pursue prosecution while an officer is on-scene, full notation of the incident, including names of the parties, descriptions of suspects and vehicles shall be recorded in the event supplement with one sentence advising the victim does not wish prosecution.

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This section does not apply to thefts of firearms or from a person; e.g. grand theft person, or thefts of any vehicle or vessel which may be registered with DMV.

403.6 RESIDENTIAL GARAGE BURGLARY-NO FORCED ENTRY

If there are no leads to identify a suspect, and no suspects are known, dispatch personnel shall note all necessary information on an event screen and store the information in the computer. The reporting party will be referred to the City of Antioch website for the purposes of filing an online police report. In the event the reporting party does not have internet access, or has difficulties understanding how to complete an online report, a phone report will be taken. The call will be closed with a PD classification of BURG and an E Dispo of "M" which will alert the Records Unit to mail an incident report to the reporting party. When the incident report is completed and returned, a case file number shall be generated by Records staff. The completed form shall be placed in the file and the event screen shall be updated with the case number. The electronic case report shall be completed with the information provided in the incident report form and any property listed as stolen shall be coded in the computer, as required, by Records Unit personnel at this time. No officer will be dispatched.

This section does not apply to burglaries of firearms or any vehicle or vessel that may be registered with the DMV (actual registration is not required).

If a garage burglary call does not meet the criteria for a non-response, an Officer shall be dispatched and an offense report will be completed.

If the burglary is limited to the garage area of the home, then the call will be closed with a PD classification of BURG.

403.7 SHED & STORAGE UNIT BURGLARIES

If there are no leads to identify a suspect, and no suspects are known, dispatch personnel shall note all necessary information on an event screen and store the information in the computer. The reporting party will be referred to the City of Antioch website for the purposes of filing an online police report. In the event the reporting party does not have internet access, or has difficulties understanding how to complete an online report, a phone report will be taken. The call will be closed with a PD classification of BURS and an E Dispo of "M" which will alert the Records Unit to mail an incident report to the reporting party. When the incident report is completed and returned, a case file number shall be generated by Records staff. The completed form shall be placed in the file and the event screen shall be updated with the case number. The electronic case report shall be completed with the information provided in the incident report form and any property listed as stolen shall be coded in the computer, as required, by Records Unit personnel at this time. No officer will be dispatched.

This section does not apply to burglaries of firearms or any vehicle or vessel that may be registered with the DMV (actual registration is not required).

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If a shed or storage unit burglary call does not meet the criteria for a non-response, an Officer shall be dispatched and an offense report will be completed.

The call will be closed with a PD classification of BURS.

403.8 STOLEN VEHICLES/RECOVERIES

All reports of stolen and/or recovered vehicles or vessels will require a complete investigation and report. Recovered vehicles will be thoroughly processed for evidence, including latent fingerprints.

403.9 NON-INJURY TRAFFIC ACCIDENT

When dispatch receives a report of an accident from an involved party, the dispatcher will do their best to determine if the parties can exchange information in a lawful manner. In the event they can do so, no officer will be sent and the dispatcher will close the call on a phone report. If there are indications of alcohol or drug intoxication, difficulties with an exchange of information, a party does not have a license and/or proof of valid insurance, the vehicles are causing a traffic hazard, or injuries exist, then an officer shall be sent.

When officers are dispatched, the officer shall determine the seriousness of the accident. Unless the victim is transported by ambulance immediately from the scene to a medical facility for treatment, it will be considered a non reportable accident. In the instance of a non reportable accident, officers shall check for a valid drivers' license, insurance and driver's sobriety. Officers shall also ensure the roadway is clear and if necessary, call tow trucks for the drivers involved. If a driver is unlicensed or uninsured, the individual shall be cited and the other driver's name shall be noted on the pink citation copy for court purposes. No case number will be assigned. If a driver is exhibiting symptoms of being under the influence of either drugs or alcohol, or a combination thereof, an officer will conduct field sobriety tests and take the appropriate enforcement actions.

The names, DOB's, CDL's or ID numbers of all involved parties and witnesses will be entered in the event supplement along with the PCF by the primary officer. All vehicle license plates, VIN's and insurance policy numbers belonging to those involved in the accident will be entered into the supplement. The event shall be closed with a PD classification of ACCN and an E-Dispo of "9". The primary officer shall provide the event number to the involved parties.

403.10 HIT & RUN ACCIDENTS - PROPERTY DAMAGE ONLY

No officer will be dispatched if there are no leads. An Officer will be dispatched and a report taken if there are leads which would likely lead to the identity of a responsible. A workable lead could be a partial or complete license plate or a very unique vehicle.

If the call does not meet the criteria to send an Officer, dispatch shall create an event and the event number will be provided to the victim. The reporting party will be referred to the City of Antioch website for the purposes of filing an online police report. In the event the reporting party does not have internet access, or has difficulties understanding how to complete an online report, a phone report will be taken.

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403.11 TRAFFIC ACCIDENTS OR HIT & RUN INVOLVING CITY PROPERTY

Officers shall respond and complete an investigation and an offense report. A case file shall be generated and a report will be completed. Approved reports shall be forwarded by the reviewing Sergeant to the division commander as soon as possible.

Officers will be required to respond to all of these calls for service.

403.12 FOUND PROPERTY

Officers will not be dispatched to Found Property calls unless the property is currency, a weapon, evidence of a crime (example: hypodermic syringes or a suspected controlled substance), jewelry or some other item of obvious value, other than a bicycle. If the property is serialized, but does not meet the criteria for an officer response, the dispatcher shall run the serial number of the item. If there is a hit that tends to match that of the found property, an officer will be sent to the call and shall collect the property.

When no one is dispatched to a Found Property call for service, an event will be created documenting the reporting parties name and information describing the found property. The call will be closed on a "P." The reporting party will be directed to bring the found property to the front counter during regular business hours and turn it over to personnel at that location.

Property that is painted, marked or engraved with other identifying information, such as a CDL number, personal name, company name or agency name, will require that an officer respond and take possession of the item.

When dispatched, officers shall respond and take possession of found property. The property shall be tagged and placed in evidence. All required information shall be entered in the event by way of a supplemental entry; making sure to list the annual found property case number, e.g. 19-01. The officer collecting the property will make reasonable attempts to identify the owner of the property and return it to its rightful owner. Once the property is entered in evidence, evidence personnel shall return the property to the rightful owner if possible.

Found firearms and drugs will require a case file number and report. No report or case file will be generated for other types of found property. A general case number for all found property turned in for a particular period will be used.

Property which is most likely stolen, such as large amounts of mail or safes which have been opened with force will be treated as suspected stolen property and a full offense report will be written and forwarded to the Investigations Bureau for review. The property will be entered into evidence as such.

Items which are clearly evidence of a crime, (example: bullet casings, expended shotgun shells, bloody clothing, safes and cash registers) shall be collected as evidence and an information report will be written and forwarded to the Investigations Bureau for review.

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403.13 ILLEGAL DUMPING

Excluding hazardous wastes or dumping that poses a public safety threat to vehicular traffic or to a pedestrian public right of way; Officers will not be dispatched to cold reports of illegal dumping unless there are significant leads which identify the perpetrator.

Significant leads may be video which depicts a license plate of the suspect vehicle or an eye witness with a license plate and/or that can provide information that would in all likelihood lead to identifying the responsible. Names or addresses on the trash or materials that has been dumped does not in and of itself justify a significant lead. In cases where officers are not dispatched, dispatch shall refer these reports to the appropriate departments or agencies in lieu of sending an officer.

When an officer is dispatched to a report of an illegal dumping, he or she shall pursue all leads and document these efforts in an offense report. If a responsible is identified, then the investigating officer shall take all legal appropriate actions in the investigation up to and including arrests.

403.14 5150 COMMITTALS

Officers shall respond and take the appropriate action. If an individual is committed, the County 5150 form shall be completed and a case file generated. The form shall be placed in the file and include the individual's full name, date of birth, race, and address on the form. The officer will make the necessary entries in RPW relative to the person's name and other identifying information. The narrative will read "refer to form". If force is used in subduing the individual, or forced entry is made, or firearms involved, a full offense report shall be written.

403.15 ASSAULTS - ADULT MISDEMEANOR

Officers shall respond to all reported assaults. If the responsible is not known to the victim or witnesses, or the victim does not wish to pursue charges, full notation of the incident, including names of the parties, descriptions of suspects and vehicles shall be recorded in a police report. All parties' names, DOB's and CDL or ID numbers shall be entered in the report by the primary officer. The narrative shall be one sentence either advising the victim does not wish prosecution and/or there is no identification of the responsible.

If the victim wants to make a citizens arrest while the responsible is on scene and/or the officer on-views the altercation, a full report shall be completed including the narrative at the time of arrest.

If the responsible is not on scene, and the victim wishes prosecution, the victim shall be advised to submit a written statement. All parties' names, DOB's and CDL or ID numbers and descriptions of suspects and vehicles shall be entered in the report by the primary officer. The narrative shall be one sentence stating pending victim written statement. When the written statement is received by the officer, the police report narrative will be completed.

All assaults, regardless of the disposition, shall have a case file generated.

If a juvenile is the victim or the responsible of an assault, a full offense report must be completed.

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All assault reports must be properly closed including UCR codes and MO coding whether or not a narrative portion is completed at the time.

If the victim or victims have potential serious injuries or are transported by ambulance, a full investigation and offense report will be completed whether or not they desire prosecution or are cooperative.

403.16 HOSPITAL CALLS

When an assault victim shows up for treatment at a hospital, the designated mandatory reporter is obligated to report the incident to law enforcement. In spite of a mandatory reporter articulating a patient's reluctance to make a report or speak to the police, just as is the current practice, officers shall respond to all reported assaults. A majority of the assault victims who show up at a hospital for treatment fall into the simple assault category, but there are a significant number that rise to the felony level, and in some cases the patients are juveniles.

In many of these cases the patient's reluctance to report the assault or speak to the police is due to their level of culpability in the crime that caused the injury or the person(s) responsible for their assault or injuries are nearby.

If a report comes in from one of the local hospitals, John Muir on Balfour included, then an officer shall be dispatched to the hospital. It will be the officer's responsibility to make the determination relative to the severity of the assault, misdemeanor versus felony. If the assault is deemed to be a misdemeanor, and involves an adult only, it can be handled in the same fashion as a misdemeanor assault; e.g. narrative shall be one sentence stating either pending victim statement or advising the victim does not wish prosecution and/or there is no identification of the responsible. If it rises to a felony level then it shall be documented in a complete offense report.

If the alleged victim in a felony or misdemeanor case is so uncooperative that they won't even confirm the venue of occurrence, then at a minimum, a SUSC report shall be completed. A brief one sentence narrative is acceptable for misdemeanor crimes only

If an Antioch victim shows up at an area hospital, John Muir (Brentwood/Concord/Walnut Creek), Kaiser (Walnut Creek), or County (Martinez), etc., then the type of victim (juvenile/adult) nature of the alleged crime (187-664, 245, sexual assault/child abuse) severity of the injury (conscious/unconscious) and available staffing, will dictate whether an officer shall be dispatched. Supervisors shall use discretion and determine if we can or should send an officer or request an outside assist from an allied agency.

403.17 ARREST WARRANTS

A full offense report will be completed on all warrant arrests including the circumstances of the contact as well as how the person's identification was established.

The report will document anyone the arrestee was with and any vehicle he or she was associated with at the time of his or her arrest.

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If the arrestee is cited out to appear on the warrant, two copies of the warrant(s) shall be placed in the case file jacket along with the Release and Promise to Appear form.

If the warrant is a local warrant held by Antioch PD i.e., an arrest warrant, then a supplement will be generated from the original case number and the warrant arrest shall be documented there. When on-view charges are generated from the service of a local arrest warrant, a separate new case number will be used to document the new charges; however, the supplement under the original case number must still be written documenting the warrant service.

When bench warrant arrests are made, a new case number will be used. If on-view charges are generated from the arrest, the same case number will be used.

403.18 SHOPLIFTER IN CUSTODY - MISDEMEANOR

If the victim is a store which employs security personnel, no officer response is necessary, as long as the responsible has proper identification. If the responsible does not have proper identification, or the store finds drugs or other contraband on the subject, or if the subject is combative, an officer shall respond. If dispatch is made aware of the citizen arrest, and the circumstances do not meet the criteria for an officer to be sent, they shall run the arrestee for warrants, parole and probation. If the person has hits in any of these databases an officer will be sent to the call and when appropriate, the officer will make an arrest for the theft or any other criminal offense discovered during the database search.

If the person arrested does not have proper identification, an officer will respond and attempt to identify the person through an ARIES booking photograph, CAL-photo, or by using a fingerprint reader device. Suspects known by officers from previous arrests shall also have their identity confirmed via an ARIES booking photograph, CAL-photo, or fingerprint reader device. Once identified, the officer shall have dispatch run a RAP on the suspect to ensure they do not have any convictions or recent theft related arrests that would prevent them from being released from the store. The officer should provide the security personnel with an APD identification confirmation form.

If the store is only requesting that an officer assist with identification and the responsible does not have any other charges, convictions, or anything else preventing them from being released, then the officer can confirm the identification of the responsible and allow the store to complete the direct file process. If the offense committed results in a felony charge, the officer is unable to confirm the identification of the responsible, or some other situation exists that would prevent the officer from releasing the responsible at the scene, then the officer shall bring the suspect to the department for booking and subsequent transport to County Jail if necessary.

There will be some instances where citizen arrests are affected at stores where no security is present. In these cases, store personnel and/or civilians will not be trained in identifying and documenting such an arrest. In these types of instances, an officer will be dispatched to the location and a report will be written documenting the circumstances of the arrest.

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In cases where police do not respond, the store is responsible for bringing their report to the department. The report shall be forwarded to the Investigations Bureau to be filed with the District Attorney. The Investigations Bureau clerical staff shall assign case numbers to store reports and process as appropriate.

403.19 AUTO BURGLARY - UNDER $10,000

If there are no leads to identify a suspect, and no suspect is known, dispatch personnel shall note all necessary information on an event screen and store the information in the computer. The dispatcher shall create an event. The reporting party will be referred to the City of Antioch website for the purposes of filing an online police report. In the event the reporting party does not have internet access, or has difficulties understanding how to complete an online report, a phone report will be taken. The event shall be closed with a PD classification of BURA and an E Dispo of "M", which will alert the Records Unit to mail an incident report to the victim. When the incident report is completed and returned, a case file number shall be generated by records staff.

The completed form shall be placed in the file and the event screen shall be updated with the case number. The electronic case report shall be completed with the information provided in the incident report form and any property listed as stolen shall be coded in the computer, as required, by Records Unit personnel.

This section does not apply to burglaries of firearms or a theft of a vehicle or vessel, such as motorcycles or wave runners that may be registered with the DMV (actual registration is not required).

403.20 CIVIL STANDBY

If the incident is for property retrieval only, no officer shall respond. The reporting party shall be told by dispatch personnel that they need to find other means to retrieve their property. If, however, children are involved and/or a potential for violence exists, the on-duty Lieutenant or in his or her absence, the on-duty Sergeant, will be contacted and a determination made as to whether or not we will respond to the call.

403.21 JUVENILE CITATIONS

The following offenses, when committed by juveniles may be documented on a juvenile citation. If there is an incident where more than one juvenile is being cited, each arrestee will need an individual citation with a full narrative. Only one case number will be drawn for an incident. Officers will still be required to enter all names and vehicles associated with incident into RPW. The narrative will read "Refer to Citations".

(a) Curfew

(b) Trespassing on school grounds

(c) H&S 11357(b)

(d) H&S 11357(e)

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(e) B&P 25662

The following juvenile cases can be written on a traffic citation with a juvenile traffic court date and no offense report is required:

(a) All infractions

(b) CVC violations covered under sections 23330-23226 and 23229.1

(c) PC 308(b)

403.22 CHECK/FRAUD CASES

The following criteria must be met before initiating a check fraud investigation:

- The check must have been cashed in the City of Antioch.
- It must be known which employee accepted the check and the employee must be able to identify the check writer.
- Only the person or business who suffers the financial loss can initiate a report.
- The check can’t be older than 45 days.
- The check must be drawn on a bank within the 7 Bay Area counties.

If the above criteria is not met, the reporting party will be referred to the City of Antioch website for the purposes of filing an online police report. In the event the reporting party does not have internet access, or has difficulties understanding how to complete an online report, an officer shall be dispatched and will respond and complete an offense report.

Insufficient funds cases less than $5,000 should be referred to the District Attorney’s Bad Check Diversion Restitution Program at 866-639-8093

403.23 IDENTITY THEFT

We are mandated to take identity theft reports.

Whenever a suspect uses any portion of a victim's personal identifying information to include, but not limited to: name, address, telephone #, DL #, SS#, DOB, credit card and bank account #'s, etc., and uses it for an unlawful purpose this will constitute identity theft.

Much of the debt is incurred in other jurisdictions and typically the jurisdiction where the victim resides receives the report. We will take these reports and forward them to the jurisdictions where the crimes occurred.

In the majority of cases there will be very limited information or leads to follow. Most victims are not aware they have been victimized until the bill collectors or creditors start contacting them. The reporting party will be referred to the City of Antioch website for the purposes of filing an online police report. In the event the reporting party does not have internet access, or has difficulties understanding how to complete an online report, an officer shall be dispatched and will respond and complete an offense report.

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Briefing Training

404.1 PURPOSE AND SCOPE

Briefing training is generally conducted at the beginning of the officer's assigned shift. Briefing provides an opportunity for important exchange between employees and supervisors. A supervisor generally will conduct Briefing; however officers may conduct Briefing for training purposes with supervisor approval.

Briefing should accomplish, at a minimum, the following basic tasks:

(a) Briefing officers with information regarding daily patrol activity, with particular attention given to unusual situations and changes in the status of wanted persons, stolen vehicles, and major investigations

(b) Notifying officers of changes in schedules and assignments

(c) Notifying officers of new Interim Directives or changes in Interim Directives

(d) Reviewing recent incidents for training purposes

(e) Providing training on a variety of subjects

404.2 PREPARATION OF MATERIALS

The supervisor conducting Briefing is responsible for preparation of the materials necessary for a constructive briefing. Supervisors may delegate this responsibility to a subordinate officer in his or her absence or for training purposes.

404.3 RETENTION OF BRIEFING TRAINING RECORDS

Briefing training materials and a curriculum or summary shall be forwarded to the training coordinator for inclusion in training records, as appropriate.

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Crime and Disaster Scene Integrity

405.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance in handling a major crime or disaster.

405.2 POLICY

It is the policy of the Antioch 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.

405.3 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.

405.4 FIRST RESPONDER CONSIDERATIONS

The following list generally describes the first responder's function at a crime or disaster scene. This list is not intended to be all-inclusive, is not necessarily in order and may be altered according to the demands of each situation:

(a) Broadcast emergency information, including requests for additional assistance and resources.

(b) Provide for the general safety of those within the immediate area by mitigating, reducing or eliminating threats or dangers.

(c) Locate or identify suspects and determine whether dangerous suspects are still within the area.

(d) Provide first aid to injured parties if it can be done safely.

(e) Evacuate the location safely as required or appropriate.

(f) Secure the inner perimeter.

(g) Protect items of apparent evidentiary value.

(h) Secure an outer perimeter.

(i) Identify potential witnesses.

(j) Start a chronological log noting critical times and personnel allowed access.

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405.5 SEARCHES

Officers arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims, and to determine if suspects are present and continue to pose a threat. Once officers are satisfied that no additional suspects are present and/or there are no injured persons to be treated, those exigent circumstances will likely no longer exist. Officers should thereafter secure the scene and conduct no further search until additional or alternate authority for the search is obtained, such as consent or a search warrant.

405.5.1 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.

405.6 EXECUTION OF HEALTH ORDERS

Any sworn member of this department is authorized to enforce all orders of the local health officer that have been issued for the purpose of preventing the spread of any contagious, infectious or communicable disease (Health and Safety Code § 120155).

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Rapid Response and Deployment

406.1 PURPOSE AND SCOPE

Violence that is committed in schools, workplaces and other locations by individuals or a group of individuals who are determined to target and kill persons and to create mass casualties presents a difficult situation for law enforcement. The purpose of this policy is to identify guidelines and factors that will assist responding officers in situations that call for rapid response and deployment.

406.2 POLICY

The Antioch Police Department will endeavor to plan for rapid response to crisis situations, and to coordinate response planning with other emergency services as well as with those that are responsible for operating sites that may be the target of a critical incident.

Nothing in this policy shall preclude the use of reasonable force, deadly or otherwise, by members of the Antioch Police Department in protecting themselves or others from death ot serious injury.

406.3 FIRST RESPONSE

If there is a reasonable belief that acts or threats by a suspect are placing lives in imminent danger, first responding officers should consider reasonable options to reduce, prevent or eliminate the threat. Officers must decide, often under a multitude of difficult and rapidly evolving circumstances, whether to advance on the suspect, take other actions to deal with the threat or wait for additional resources.

If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, officers should take immediate action, if reasonably practicable, while requesting additional assistance.

Officers should remain aware of the possibility that an incident may be part of a coordinated multi-location attack that may require some capacity to respond to other incidents at other locations.

When deciding on a course of action officers should consider:

(a) Whether to advance on or engage a suspect who is still a possible or perceived threat to others. Any advance or engagement should be based on information known or received at the time.

(b) Whether to wait for additional resources or personnel. This does not preclude an individual officer from taking immediate action.

(c) Whether individuals who are under imminent threat can be moved or evacuated with reasonable safety.

(d) Whether the suspect can be contained or denied access to victims.

(e) Whether the officers have the ability to effectively communicate with other personnel or resources.

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(f) Whether planned tactics can be effectively deployed.

(g) The availability of rifles, shotguns, shields, breaching tools, control devices and any other appropriate tools, and whether the deployment of these tools will provide a tactical advantage.

In a case of a barricaded suspect with no hostages and no immediate threat to others, officers should consider summoning and waiting for additional assistance (special tactics and/or hostage negotiation team response).

406.4 CONSIDERATIONS

When dealing with a crisis situation members should:

(a) Assess the immediate situation and take reasonable steps to maintain operative control of the incident.

(b) Obtain, explore and analyze sources of intelligence and known information regarding the circumstances, location and suspect involved in the incident.

(c) Attempt to attain a tactical advantage over the suspect by reducing, preventing or eliminating any known or perceived threat.

(d) Attempt, if feasible and based upon the suspect's actions and danger to others, a negotiated surrender of the suspect and release of the hostages.

406.5 PLANNING

The Field Services Bureau Commander should coordinate critical incident planning. Planning efforts should consider:

(a) Identification of likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.

(b) Availability of building plans and venue schematics of likely critical incident target sites.

(c) Communications interoperability with other law enforcement and emergency service agencies.

(d) Training opportunities in critical incident target sites, including joint training with site occupants.

(e) Evacuation routes in critical incident target sites.

(f) Patrol first-response training.

(g) Response coordination and resources of emergency medical and fire services.

(h) Equipment needs.

(i) Mutual aid agreements with other agencies.

(j) Coordination with private security providers in critical incident target sites.

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406.6 TRAINING

The Training Manager should include rapid response to critical incidents in the training plan. This training should address:

(a) Orientation to likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.

(b) Communications interoperability with other law enforcement and emergency service agencies.

(c) Patrol first-response training, including patrol rifle, shotgun, breaching tool and control device training.

1. This should include the POST terrorism incident training required for officers assigned to field duties (Penal Code § 13519.12).

(d) First aid, including gunshot trauma.

(e) Reality-based scenario training (e.g., active shooter, disgruntled violent worker).

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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 Antioch 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.

407.4 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.

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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.

(e) Evacuate non-injured 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.

(j) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

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(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 non-injured 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.

(i) Attempt or obtain a line of communication and gather as much information about the suspect as possible, including any weapons, victims and their injuries, additional hazards, other involved parties and any other relevant intelligence information.

(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 Public Information Officer.

(m) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

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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 SWAT response if appropriate and apprising the SWAT Tactical 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) 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 Dispatch Center.

(g) 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.

(h) Identify the need for mutual aid and the transition or relief of personnel for incidents of extended duration.

(i) Debrief personnel and review documentation as appropriate.

407.6 SWAT TEAM RESPONSIBILITIES

The Incident Commander will decide, with input from the SWAT Tactical Commander, whether to deploy the SWAT team during a hostage or barricade situation. Once the Incident Commander authorizes deployment, the SWAT Tactical Commander or the authorized designee will be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the command post operation, outer perimeter security and evacuation, media access and support for the SWAT Team. The Incident Commander and the SWAT Tactical 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.

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Response to Bomb Calls

408.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to assist members of the Antioch 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 Antioch 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 members receiving a bomb threat should obtain as much information from the individual as reasonably possible, including the type, placement and alleged detonation time of the device.

If the bomb threat is received on a recorded line, reasonable steps should be taken to ensure that the recording is preserved in accordance with established department evidence procedures.

The member receiving the bomb threat should ensure that the Watch Commander or supervisor is immediately advised and informed of the details. This will enable the Watch Commander or supervisor 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 ANTIOCH POLICE DEPARTMENT FACILITY

If the bomb threat is against the Antioch Police Department facility, the Watch Commander or supervisor 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 Antioch 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 or supervisor deems appropriate.

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408.5 ANTIOCH UNIFIED SCHOOL DISTRICT BOMB THREATS

The Antioch Police Department will respond to all Antioch Unified School District facilities for bomb threats reports. Officers should, if requested, assist school staff in searching for a suspicious device/bomb. The Watch Commander should communicate and coordinate with the school employee in-charge in the event evacuations, scene security and bomb squad notifications are necessary.

408.6 PRIVATE FACILITY OR PROPERTY

When a member of this department receives notification of a bomb threat at a location in the City of Antioch, the member receiving the notification should obtain as much information as reasonably possible from the notifying individual, including:

(a) The location of the facility.

(b) The nature of the threat.

(c) Whether the type and detonation time of the device is known.

(d) Whether the facility is occupied and, if so, the number of occupants currently on-scene.

(e) Whether the individual is requesting police assistance at the facility.

(f) Whether there are any internal facility procedures regarding bomb threats in place, such as:

1. No evacuation of personnel and no search for a device.
2. Search for a device without evacuation of personnel.
3. Evacuation of personnel without a search for a device.
4. Evacuation of personnel and a search for a device.

The member receiving the bomb threat information should ensure that the Watch Commander or supervisor is immediately notified so that he/she can communicate with the person in charge of the threatened facility.

408.6.1 ASSISTANCE

The Watch Commander or supervisor should be notified when police assistance is requested. The Watch Commander or supervisor will make the decision whether the Department will render assistance and at what level. Information and circumstances that indicate a reasonably apparent, imminent threat to the safety of either the facility or the public may require a more active approach, including police control over the facility.

Should the Watch Commander or supervisor 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.

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(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.

408.7 FOUND DEVICE

When handling an incident involving a suspected explosive device, the following guidelines, while not all inclusive, should be followed:

(a) No known or suspected explosive item should be considered safe regardless of its size or apparent packaging.

(b) The device should not be touched or moved except by the bomb squad or military explosive ordnance disposal team.

(c) Personnel should not transmit on any equipment that is capable of producing radio frequency energy within the evacuation area around the suspected device. This includes the following:

1. Two-way radios
2. Cell phones
3. Other personal communication devices

(d) The appropriate bomb squad or military explosive ordnance disposal team should be summoned for assistance.

(e) The largest perimeter reasonably possible should initially be established around the device based upon available personnel and the anticipated danger zone.

(f) A safe access route should be provided for support personnel and equipment.

(g) Search the area for secondary devices as appropriate and based upon available resources.

(h) Consider evacuation of buildings and personnel near the device or inside the danger zone and the safest exit route.

(i) Promptly relay available information to the Watch Commander or supervisor 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).

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4. The anticipated danger zone and perimeter.
5. The areas to be evacuated or cleared.

408.8 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.

408.8.1 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.

408.8.2 NOTIFICATIONS

When an explosion has occurred, the following people should be notified as appropriate:

- Fire department
- Bomb squad
- Additional department personnel, such as investigators
- Field supervisor
- Watch Commander
- Other law enforcement agencies, including local, state or federal agencies, such as the FBI and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)
- Other government agencies, as appropriate

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408.8.3 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.

408.8.4 PRESERVATION OF EVIDENCE

As in any other crime scene, steps should immediately be taken to preserve the scene. The Watch Commander or supervisor should assign officers to protect the crime scene area, which could extend over a long distance. Consideration should be given to the fact that evidence may be imbedded in nearby structures or hanging in trees and bushes.

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Hazardous Material Response

409.1 PURPOSE AND SCOPE

Hazardous materials present a potential harm to employees resulting from their exposure. To comply with Title 8, California Code of Regulations, § 5194, the following is to be the policy of this department.

409.1.1 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.

409.2 HAZARDOUS MATERIAL RESPONSE

Employees may encounter situations involving suspected hazardous materials, such as at the scene of a traffic accident, chemical spill or fire. When employees come into contact with a suspected hazardous material, certain steps should be taken to protect themselves and citizens.

The following steps should be considered at any scene involving suspected hazardous materials:

(a) Attempt to identify the type of hazardous substance. (Identification can be determined by placard, driver's manifest or statements from the person transporting).

(b) Notify the Fire Department.

(c) Provide first-aid for injured parties if it can be done safely and without contamination.

(d) Begin evacuation of the immediate area and surrounding areas, depending on the substance. Voluntary evacuation should be considered; however, depending on the substance, mandatory evacuation may be necessary.

(e) Notify the local health authority. Such notification is mandatory when a spilled or released item is a pesticide (Health and Safety Code § 105215).

(f) Notify the Department of Toxic Substances Control. This is mandatory when an officer comes in contact with, or is aware of, the presence of a suspected hazardous substance at a site where an illegal controlled substance is or was manufactured (Health and Safety § 25354.5).

409.3 REPORTING EXPOSURE(S)

Department personnel who believe that they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Each exposure shall be documented by the employee in an employee memorandum that shall be forwarded via chain of command. Should the affected employee be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the memorandum.

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Injury or illness caused or believed to be caused from exposure to hazardous materials shall be reported the same as any other on-duty injury or illness in addition to a crime report or incident report.

409.3.1 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.

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Medical Aid and Response

410.1 PURPOSE AND SCOPE

This policy recognizes that members often encounter persons in need of medical aid and establishes a law enforcement response to such situations.

410.2 POLICY

It is the policy of the Antioch Police Department that all Officers and other designated members be trained to provide emergency medical aid and to facilitate an emergency medical response.

410.3 FIRST RESPONDING MEMBER RESPONSIBILITIES

Whenever practicable, members should take appropriate steps to provide initial medical aid (e.g., first aid, CPR, use of an automated external defibrillator (AED)) in accordance with their training and current certification levels. This should be done for those in need of immediate care and only when the member can safely do so.

Prior to initiating medical aid, the member should contact the Dispatch Center and request response by Emergency Medical Services (EMS) as the member deems appropriate.

Members should follow universal precautions when providing medical aid, such as wearing gloves and avoiding contact with bodily fluids, consistent with the Communicable Diseases Policy. Members should use a barrier or bag device to perform rescue breathing.

When requesting EMS, the member should provide the Dispatch Center with information for relay to EMS personnel in order to enable an appropriate response, including:

(a) The location where EMS is needed.

(b) The nature of the incident.

(c) Any known scene hazards.

(d) Information on the person in need of EMS, such as:

1. Signs and symptoms as observed by the member.
2. Changes in apparent condition.
3. Number of patients, sex, and age, if known.
4. Whether the person is conscious, breathing, and alert, or is believed to have consumed drugs or alcohol.
5. Whether the person is showing signs or symptoms of excited delirium or other agitated chaotic behavior.

Members should stabilize the scene whenever practicable while awaiting the arrival of EMS.

Members should not direct EMS personnel whether to transport the person for treatment.

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410.4 TRANSPORTING ILL AND INJURED PERSONS

Except in extraordinary cases where alternatives are not reasonably available, members should not transport persons who are unconscious, who have serious injuries or who may be seriously ill. EMS personnel should be called to handle patient transportation.

Officers should search any person who is in custody before releasing that person to EMS for transport.

An officer should accompany any person in custody during transport in an ambulance when requested by EMS personnel, when it reasonably appears necessary to provide security, when it is necessary for investigative purposes or when so directed by a supervisor.

Members should not provide emergency escort for medical transport or civilian vehicles.

410.5 PERSONS REFUSING EMS CARE

If a person who is not in custody refuses EMS care or refuses to be transported to a medical facility, an officer shall not force that person to receive care or be transported. However, members may assist EMS personnel when EMS personnel determine the person lacks mental capacity to understand the consequences of refusing medical care or to make an informed decision and the lack of immediate medical attention may result in serious bodily injury or the death of the person.

In cases where mental illness may be a factor, the officer should consider proceeding with a 72-hour treatment and evaluation commitment (5150 commitment) process in accordance with the Mental Illness Commitments Policy.

If an officer believes that a person who is in custody requires EMS care and the person refuses, he/she should encourage the person to receive medical treatment. The officer may also consider contacting a family member to help persuade the person to agree to treatment or who may be able to authorize treatment for the person.

If the person who is in custody still refuses, the officer will require the person to be transported to the nearest medical facility. In such cases, the officer should consult with a supervisor prior to the transport.

Members shall not sign refusal-for-treatment forms or forms accepting financial responsibility for treatment.

410.6 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, Control Devices and Techniques, and Conducted Energy Device policies.

410.7 AUTOMATED EXTERNAL DEFIBRILLATOR (AED) USE

A member may use an AED only after receiving appropriate training from an approved public safety first aid and CPR course (22 CCR 100014; 22 CCR 100017; 22 CCR 100018).

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410.7.1 AED USER RESPONSIBILITY
Specific guidelines for AED use may be found in the Automated External Defibrillator policy.

410.8 ADMINISTRATION OF OPIOID OVERDOSE MEDICATION

Trained members may administer opioid overdose medication (Civil Code § 1714.22; Business and Professions Code § 4119.9).

410.8.1 INTRANASAL NALOXONE USER RESPONSIBILITIES
Personnel who are qualified to administer Intranasal Naloxone should handle, store and adminster the medication consistent with their training. Intranasal Naloxone should be stored in locked, climate controlled space (e.g. personal locker, assigned cabinet/drawer, or office space) when not deployed for use in the field. Members should check the medication and associated administration equipment at the beginning of their shift to ensure they are serviceable and not expired. Any expired medication or unserviceable administration equipment should be removed from service and given to the Evidence Supervisor for replacement.

Any member who administers an opioid overdose medication should contact Dispatch as soon as possible and request response by EMS as well as notify their supervisor of its use.

410.8.2 INTRANASAL NALOXONE USE REPORTING
In the event Intranasal Naloxone is administered, a case number will be assigned and a report completed. This report will describe events requiring the Naloxone use, any other intervention or assistance provided by APD personnel, the identifying information of the patient, and information regarding the care being transferred to EMS personnel.

The Naloxone Administrator will ensure that all applicable LEMSA reporting requirements are met.

410.8.3 OPIOID OVERDOSE MEDICATION TRAINING
The Training Manager should ensure initial and refresher training is provided to members authorized to administer opioid overdose medication. Training should be coordinated with the local health department and comply with the requirements in 22 CCR 100019 and any applicable POST standards (Civil Code § 1714.22).

410.8.4 DESTRUCTION OF OPIOID OVERDOSE MEDICATION
Property and Evidence personnel shall ensure the destruction of any expired opioid overdose medication (Business and Professions Code § 4119.9).

410.8.5 OPIOID OVERDOSE MEDICATION RECORD MANAGEMENT
Records regarding acquisition and disposition of opioid overdose medications shall be maintained and retained in accordance with the established records retention schedule and at a minimum of three years from the date the record was created (Business and Professions Code § 4119.9).

410.9 NALOXONE ADMINISTRATOR

The Naloxone Administrator position should be the responsibility of the Administrative Lieutenant. It is the duty of the Naloxone Administrator to ensure the Department's supply of

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Intranasal Naloxone remains current and in serviceable condition through regular audits of stored medication and inspections of issued medication in the field. The Naloxone Administrator is responsible for all training, licensing/prescription and reporting requirements through the LEMSA.

410.10 SICK OR INJURED ARRESTEE

If an arrestee appears ill or injured, or claims illness or injury, he/she should be medically cleared prior to booking. If the officer has reason to believe the arrestee is feigning injury or illness, the officer should contact a supervisor, who will determine whether medical clearance will be obtained prior to booking.

If the jail or detention facility refuses to accept custody of an arrestee based on medical screening, the officer should note the name of the facility person refusing to accept custody and the reason for refusal, and should notify a supervisor to determine the appropriate action.

Arrestees who appear to have a serious medical issue should be transported by ambulance. Officers shall not transport an arrestee to a hospital without a supervisor's approval.

Nothing in this section should delay an officer from requesting EMS when an arrestee reasonably appears to be exhibiting symptoms that appear to be life threatening, including breathing problems or an altered level of consciousness, or is claiming an illness or injury that reasonably warrants an EMS response in accordance with the officer's training.

410.11 FIRST AID TRAINING

The Training Manager should ensure officers receive initial first aid training within one year of employment and refresher training every two years thereafter (22 CCR 100016; 22 CCR 100022).

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Welfare Checks

411.1 PURPOSE

The purpose of this policy is to establish guidlines for conducting welfare checks with minimal risk to the police officer and private individuals while preserving the rights of the public.

411.2 DEFINITION

As part of the public safety responsibility of the Police Department, officers may find it necessary to conduct a welfare check. For the purposes of this policy, a welfare check is the obligation for the police to check on the well-being of a person or security of property.

411.3 AUTHORITY

An officer has the right to enter a private premises without a warrant or consent to preserve life, to protect property, or to render first aid and assistance.

411.4 SOURCES OF REQUEST

The necessity for a welfare check may develop from several sources. These may include the officer's personal observations, reports by a property owner, neighbor, or relative, or information from an uninvolved third party.

411.5 PROCEDURE

411.5.1 INITIAL INFORMATION REQUIREMENTS

The employee who receives a request for a welfare check shall obtain the following information, if possible:

(a) Facts that lead the caller to believe a welfare check is necessary.

(b) Location and description of area or structure to be checked.

(c) Persons who should be at the premises checked.

(d) Background, previous health, mental status, physical condition and age, etc., of the person whose welfare is to be checked.

(e) Identification and relationship of the reporting party to the person to be chekced and the ownership information of the property to be checked.

(f) Identity of other persons who may have access to the property or knowledge regarding the subject of the welfare check.

(g) The name of an individual who may be able to meet the officer at the location of the welfare check.

(h) If possible, obtain consent for forced entry from the reporting party (if standing can be established) should it become necessary.

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411.5.2 RESPONSE

Where the circumstances indicate the presence of an immediate medical emergency, necessary assistance shall be initiated without delay.

Where the circumstances do not require emergency response, the assigned officer shall make further inquiry into the nature and circumstances of the requested welfare check to determine the condition of the person or property.

411.5.3 AT THE SCENE

The officer should first attempt to determine, through his/her observations and available information if a crime is in progress or a medical emergency exists.

If the request was to check the well-being of a person, the officer shall attempt contact with the resident or property owner by knocking on the door and may try making other reasonable inquiries with neighbors.

411.5.4 ENTRY

Before entering the premises and before entering through any closed door inside the structure, the officer shall, if practicable:

(a) Obtain approval from the on-duty supervisor.

(b) Announce his/her identity.

When possible, the officer should have a back up officer enter with him/her. The officer shall determine if non-forced entry is possible. If the circumstances require that the officer enter the premises and if forced entry is necessary, the least intrusive and destructive means shall be used for entry.

If the officer's entry is refused by an occupant, the officer may enter only when there exists clear and articulable circumstances that a person inside requires emergency assistance, a crime is in progress or the destruction of evidence is taking place.

411.5.5 RESOLUTION

If the officer finds a person in need of medical assistance, the officer shall make requests to the appropriate emergency service providers. If it appears that a crime has been committed, the officer shall initiate the appropriate investigation. All search and seizure requirements shall be followed. If a person is found to be deceased, the officer shall notify his/her supervisor and shall begin an investigation to determine the cause of death.

If the property that was entered will be left unattended, the officer is responsible for reasonably securing said premises. Efforts shall be made to contact the property owner and or a note shall be left for the property owner explaining the reasons for the officer's entry.

Crime scenes must be secured to maintain the integrity of the investigation.

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First Amendment Assemblies

412.1 PURPOSE AND SCOPE

This policy provides guidance for responding to public assemblies or demonstrations.

412.2 POLICY

The Antioch 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.

412.3 GENERAL CONSIDERATIONS

Individuals or groups present on the public way, such as public facilities, streets or walkways, generally have the right to assemble, rally, demonstrate, protest or otherwise express their views and opinions through varying forms of communication, including the distribution of printed matter. These rights may be limited by laws or ordinances regulating such matters as the obstruction of individual or vehicle access or egress, trespass, noise, picketing, distribution of handbills and leafleting, and loitering. However, officers shall not take action or fail to take action based on the opinions being expressed.

Participant behavior during a demonstration or other public assembly can vary. This may include, but is not limited to:

- Lawful, constitutionally protected actions and speech.
- Civil disobedience (typically involving minor criminal acts).
- Rioting.

All of these behaviors may be present during the same event. Therefore, it is imperative that law enforcement actions are measured and appropriate for the behaviors officers may encounter. This is particularly critical if force is being used. Adaptable strategies and tactics are essential. The purpose of a law enforcement presence at the scene of public assemblies and demonstrations should be to preserve the peace, to protect life and prevent the destruction of property.

Officers should not:

(a) Engage in assembly or demonstration-related discussion with participants.

(b) Harass, confront or intimidate participants.

(c) Seize the cameras, cell phones or materials of participants or observers unless an officer is placing a person under lawful arrest.

Supervisors should continually observe department members under their commands to ensure that members' interaction with participants and their response to crowd dynamics is appropriate.

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412.3.1 PHOTOGRAPHS AND VIDEO RECORDINGS

Photographsand 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.

412.4 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 Dispatch Center, and the assignment of a supervisor should be requested. Additional resources should be requested as appropriate. The responding supervisor shall assume command of the incident until command is expressly assumed by another, and the assumption of command is communicated to the involved members. A clearly defined command structure that is consistent with the Incident Command System (ICS) should be established as resources are deployed.

412.5 PLANNED EVENT PREPARATION

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

412.5.1 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).

412.5.2 OPERATIONAL PLANS

One or more persons will be responsible for event planning and management, and should develop an operational plan for the event.

The operational plan will minimally provide for the following if applicable:

(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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412.5.3 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.

412.6 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.

412.6.1 DISPERSAL ORDER

I am (Officer's name and rank) a police officer for the City of Antioch. I hereby declare this to be an unlawful assembly and, in the name of the people of the State of California, command all those assembled at (Give specific location) to immediately disperse, which means to break up this assembly. If you do not do so, you may be arrested or subject to other police action. Other police action may include the use of less lethal munitions, which could cause significant risk of serious injury to those who remain. Section 409 of the Penal Code prohibits remaining present at an unlawful assembly. If you remain in the area, which was just described, regardless of your purpose in remaining, you will be in violation of Section 409. The following routes of dispersal are available: (Give the most convenient route(s) of dispersal.) You have (Provide a reasonable amount of time) to disperse.

412.7 USE OF FORCE

Use of force is governed by current department policy and applicable law (see the Use of Force, Control Devices and Techniques, and Conducted Energy Device policies).

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Individuals refusing to comply with lawful orders (e.g., nonviolent refusal to disperse) should be given a clear verbal warning and a reasonable opportunity to comply. If an individual refuses to comply with lawful orders, the Incident Commander shall evaluate the type of resistance and adopt a reasonable response in order to accomplish the law enforcement mission (such as dispersal or arrest of those acting in violation of the law). Control devices and TASER® devices should be considered only when the participants' conduct reasonably appears to present the potential to harm officers, themselves or others, or will result in substantial property loss or damage (see the Control Devices and Techniques and the Conducted Energy Device policies).

Force or control devices, including oleoresin capsaicin (OC), should be directed toward individuals and not toward groups or crowds, unless specific individuals cannot reasonably be targeted due to extreme circumstances, such as a riotous crowd.

Any use of force by a member of this department shall be documented promptly, completely and accurately in an appropriate report. The type of report required may depend on the nature of the incident.

412.8 ARRESTS

The Antioch 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) Timely access to medical care.

(c) Timely access to legal resources.

(d) Timely processing of arrestees.

(e) Full accountability for arrestees and evidence.

(f) Coordination and cooperation with the prosecuting authority, jail and courts (see the Cite and Release Policy).

412.9 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).

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412.10 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.

412.11 POST EVENT

The Incident Commander should designate a member to assemble full documentation of the event, to include the following:

(a) Operational plan

(b) Any CAD event logs

(c) Incident, arrest, use of force, injury and property damage reports

(d) Photographs, audio/video recordings, the Dispatch Center call/radio recordings

(e) Media accounts (social, print and broadcast media) if known/available

412.11.1 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.

412.12 LABOR DISPUTES

The objective in responding to strikes or labor disputes is to preserve the peace by fair and equitable dealings with all parties and to protect the safety and property of all concerned. The following factors should be considered:

(a) Working through the identified liaison(s), persons-in-charge and peacekeepers, the supervisor can emphasize the importance of a peaceful demonstration and that their rights to peacefully and legally assemble and protest will not be interfered with; as long as they do not interfere with the legal rights of the business, the free and unobstructed ingress and egress of their customers, and movement of traffic.

(b) Officers shall not fraternize or engage in unnecessary conversation with business employees or picketers.

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(c) Officers shall avoid arrests for minor infractions if at all possible, and instead enlist the assistance of the liaison(s), persons-in-charge or peacekeepers to control their own people.

(d) Any decision to arrest shall take into consideration the availability of properly equipped personnel and resources, and the seriousness of the offense in relationship to the effect an arrest may have in inciting others to commit violent acts.

412.13 TRAINING

Department members should receive periodic training regarding this policy, as well as the dynamics of crowd control and incident management (Penal Code § 13514.5). The Department should, when practicable, train with its external and mutual aid partners.

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Civil Disputes

413.1 PURPOSE AND SCOPE

This policy provides members of the Antioch 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.

413.2 POLICY

The Antioch Police Department recognizes that a law enforcement presence at a civil dispute can play an important role in the peace and safety of the community. Subject to available resources, members of this department will assist at the scene of civil disputes with the primary goal of safeguarding persons and property, preventing criminal activity and maintaining the peace. When handling civil disputes, members will remain impartial, maintain a calm presence, give consideration to all sides and refrain from giving legal or inappropriate advice.

413.3 GENERAL CONSIDERATIONS

When appropriate, members handling a civil dispute should encourage the involved parties to seek the assistance of resolution services or take the matter to the civil courts. Members must not become personally involved in disputes and shall at all times remain impartial.

While not intended to be an exhaustive list, members should give considerations to the following when handling civil disputes:

(a) Civil disputes tend to be confrontational and members should be alert that they can escalate to violence very quickly. De-escalation techniques should be used when appropriate.

(b) 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, members 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.

413.4 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 district attorney's office for review and possible prosecution.

413.4.1 STANDBY REQUESTS

Civil standby requests shall be handled as outlined in the Modified Services Guidelines policy.

413.5 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.

413.6 REAL PROPERTY

Disputes over possession or occupancy of real property (e.g., land, homes, apartments) should generally be handled through a person seeking a court order.

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Crisis Intervention Incidents

414.1 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.

414.1.1 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.

414.2 POLICY

The **Antioch Police Department** is committed to providing a consistently high level of service to all members of the community and recognizes that persons in crisis may benefit from intervention. The Department will collaborate, where feasible, with mental health professionals to develop an overall intervention strategy to guide its members' interactions with those experiencing a mental health crisis. This is to ensure equitable and safe treatment of all involved.

414.3 SIGNS

Members should be alert to any of the following possible signs of mental health issues or crises:

(a) A known history of mental illness

(b) Threats of or attempted suicide

(c) Loss of memory

(d) Incoherence, disorientation or slow response

(e) Delusions, hallucinations, perceptions unrelated to reality or grandiose ideas

(f) Depression, pronounced feelings of hopelessness or uselessness, extreme sadness or guilt

(g) Social withdrawal

(h) Manic or impulsive behavior, extreme agitation, lack of control

(i) Lack of fear

(j) Anxiety, aggression, rigidity, inflexibility or paranoia

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Members should be aware that this list is not exhaustive. The presence or absence of any of these should not be treated as proof of the presence or absence of a mental health issue or crisis.

414.4 FIRST RESPONDERS

Safety is a priority for first responders. It is important to recognize that individuals under the influence of alcohol, drugs or both may exhibit symptoms that are similar to those of a person in a mental health crisis. These individuals may still present a serious threat to officers; such a threat should be addressed with reasonable tactics. Nothing in this policy shall be construed to limit an officer's authority to use reasonable force when interacting with a person in crisis.

Officers are reminded that mental health issues, mental health crises and unusual behavior alone are not criminal offenses. Individuals may benefit from treatment as opposed to incarceration.

An officer responding to a call involving a person in crisis should:

(a) Promptly assess the situation independent of reported information and make a preliminary determination regarding whether a mental health crisis may be a factor.

(b) Request available backup officers and specialized resources (such as EMS) as deemed necessary and, if it is reasonably believed that the person is in a crisis situation, use conflict resolution and de-escalation techniques to stabilize the incident as appropriate.

(c) If feasible, and without compromising safety, turn off flashing lights, bright lights or sirens.

(d) Attempt to determine if weapons are present or available.

    1. Prior to making contact, and whenever possible and reasonable, conduct a search of the Department of Justice Automated Firearms System via the California Law Enforcement Telecommunications System (CLETS) to determine whether the person is the registered owner of a firearm (Penal Code § 11106.4).

(e) Take into account the person's mental and emotional state and potential inability to understand commands or to appreciate the consequences of his/her action or inaction, as perceived by the officer.

(f) Secure the scene and clear the immediate area as necessary.

(g) Employ tactics to preserve the safety of all participants.

(h) Determine the nature of any crime.

(i) Request a supervisor, as warranted.

(j) Evaluate any available information that might assist in determining cause or motivation for the person's actions or stated intentions.

(k) If circumstances reasonably permit, consider and employ alternatives to force.

414.5 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.

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Once it is determined that a situation is a mental health crisis and immediate safety concerns have been addressed, responding members should be aware of the following considerations and should generally:

- Evaluate safety conditions.
- Introduce themselves and attempt to obtain the person's name.
- Be patient, polite, calm, courteous and avoid overreacting.
- Speak and move slowly and in a non-threatening manner.
- Use phrases such as "I want to get you help," to demonstrate intent.
- 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.

414.6 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.

414.7 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.

(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.

Evaluate whether a critical incident stress management debriefing for involved members is warranted.

414.8 INCIDENT REPORTING

Members engaging in any oral or written communication associated with a mental health crisis should be mindful of the sensitive nature of such communications and should exercise appropriate discretion when referring to or describing persons and circumstances.

Members having contact with a person in crisis should keep related information confidential, except to the extent that revealing information is necessary to conform to department reporting procedures or other official mental health or medical proceedings.

414.8.1 DIVERSION

Individuals who are not being arrested should be processed in accordance with the Mental Illness Commitments Policy.

414.9 NON-SWORN INTERACTION WITH PEOPLE IN CRISIS

Non-sworn members may be required to interact with persons in crisis in an administrative capacity, such as dispatching, records request, and animal control issues.

(a) Members should treat all individuals equally and with dignity and respect.

(b) If a member believes that he/she is interacting with a person in crisis, he/she should proceed patiently and in a calm manner.

(c) Members should be aware and understand that the person may make unusual or bizarre claims or requests.

If a person's behavior makes the member feel unsafe, if the person is or becomes disruptive or violent, or if the person acts in such a manner as to cause the member to believe that the person may be harmful to him/herself or others, an officer should be promptly summoned to provide assistance.

414.10 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.

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Crisis Intervention Incidents

This department will endeavor to provide Peace Officer Standards and Training (POST)-approved advanced officer training on interaction with mentally disabled persons, welfare checks and crisis intervention (Penal Code § 11106.4; Penal Code § 13515.25; Penal Code § 13515.27; Penal Code § 13515.30).

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Mental Illness Commitments

415.1 PURPOSE AND SCOPE

This policy provides guidelines for when officers may take a person into custody for psychiatric evaluation and treatment (5150 commitment) (Welfare and Institutions Code § 5150).

415.2 POLICY

It is the policy of the Antioch Police Department to protect the public and individuals through legal and appropriate use of the 72-hour treatment and evaluation commitment (5150 commitment) process.

415.3 AUTHORITY

An officer having probable cause may take a person into custody and place the person in an approved mental health facility for 72-hour treatment and evaluation when the officer believes that, as a result of a mental disorder, the person is a danger to him/herself or others or the person is gravely disabled (Welfare and Institutions Code § 5150; Welfare and Institutions Code § 5585.50).

When determining whether to take a person into custody, officers are not limited to determining the person is an imminent danger and shall consider reasonably available information about the historical course of the person's mental disorder, which may include evidence presented from any of the following (Welfare and Institutions Code § 5150; Welfare and Institutions Code § 5150.05):

(a) An individual who is providing or has provided mental health treatment or related support services to the person

(b) A family member

(c) The person subject to the determination or anyone designated by the person

415.3.1 VOLUNTARY EVALUATION

If an officer encounters an individual who may qualify for a 5150 commitment, he/she may inquire as to whether the person desires to voluntarily be evaluated at an appropriate facility. If the person so desires, the officers should:

(a) Request AMR transport the person to an appropriate facility that is able to conduct the evaluation and admit the person pursuant to a 5150 commitment.

(b) If at any point the person changes his/her mind regarding voluntary evaluation, officers should proceed with the 5150 commitment, if appropriate.

(c) Document the circumstances surrounding the individual's desire to pursue voluntary evaluation and/or admission.

415.4 CONSIDERATIONS AND RESPONSIBILITIES

Any officer handling a call involving an individual who may qualify for a 5150 commitment should consider, as time and circumstances reasonably permit:

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(a) Available information that might assist in determining the cause and nature of the person's action or stated intentions.

(b) Community or neighborhood mediation services.

(c) Conflict resolution and de-escalation techniques.

(d) Community or other resources available to assist in dealing with mental health issues.

While these steps are encouraged, nothing in this section is intended to dissuade officers from taking reasonable action to ensure the safety of the officers and others.

Officers should consider a 5150 commitment over arrest when mental health issues appear to be a mitigating factor for people who are suspected of committing minor crimes or creating other public safety issues.

415.4.1 SECURING OF PROPERTY

When a person is taken into custody for evaluation, or within a reasonable time thereafter, and unless a responsible relative, guardian or conservator is in possession of the person's personal property, the officer shall take reasonable precautions to safeguard the individual's personal property in his/her possession or on the premises occupied by the person (Welfare and Institutions Code § 5150).

The officer taking the person into custody shall provide a report to the court that describes the person's property and its disposition in the format provided in Welfare and Institutions Code § 5211, unless a responsible person took possession of the property, in which case the officer shall only include the name of the responsible person and the location of the property (Welfare and Institutions Code § 5150).

415.5 DOCUMENTATION

The officer shall complete an application for a 72-Hour detention for evaluation and treatment, provide it to the AMR staff assigned to transport that patient and retain a copy of the application for inclusion in the case report.

The officer should also provide a verbal summary to AMR staff regarding the circumstances leading to the involuntary detention.

If force is used to subdue the subject, forced entry is made, or if firearms are involved, a full offense report is required as noted in the Modified Service Guidelines policy.

415.5.1 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.

(c) The name of the facility to which the person is being taken.

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(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 advisement shall be given in a language the person understands. If the person cannot understand an oral advisement, the information shall be provided in writing (Welfare and Institutions Code § 5150(f)(1)).

415.6 CRIMINAL OFFENSES

Officers investigating an individual who is suspected of committing a minor criminal offense and who is being taken on a 5150 commitment should resolve the criminal matter by issuing a Notice to Appear or direct filing the case as appropriate.

When an individual who may qualify for a 5150 commitment has committed a serious criminal offense that would normally result in an arrest and transfer to a jail facility, the officer should:

(a) Arrest the individual when there is probable cause to do so.

(b) Notify the appropriate supervisor of the facts supporting the arrest and the facts that would support the 5150 commitment.

(c) Facilitate the individual's transfer to jail.

(d) Thoroughly document in the related reports the circumstances that indicate the individual may qualify for a 5150 commitment.

In the supervisor's judgment, the individual may be arrested or booked and transported to the appropriate mental health facility. The supervisor should consider the seriousness of the offense, the treatment options available, the ability of this department to regain custody of the individual, department resources (e.g., posting a guard) and other relevant factors in making this decision.

415.7 FIREARMS AND OTHER WEAPONS

Whenever a person is taken into custody for a 5150 commitment, the handling officers should seek to determine if the person owns or has access to any firearm or other deadly weapon defined in Welfare and Institutions Code § 8100. Officers should consider whether it is appropriate and consistent with current search and seizure law under the circumstances to seize any such firearms or other dangerous weapons (e.g., safekeeping, evidence, consent).

Officers are cautioned that a search warrant may be needed before entering a residence or other place to search, unless lawful, warrantless entry has already been made (e.g., exigent circumstances, consent). A search warrant may also be needed before searching for or seizing weapons

The handling officers shall issue a receipt describing the deadly weapon or any firearm seized, and list any serial number or other identification that is on the firearm. Officers shall advise the person of the procedure for the return of any firearm or other weapon that has been taken into custody (Welfare and Institutions Code § 8102 (b)) (see Property and Evidence Policy).

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415.7.1 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 City Attorney's office, which shall be responsible for initiating a petition to the Superior Court for a hearing in accordance with Welfare and Institutions Code § 8102(c), to determine whether the weapon will be returned.

The petition to the Superior Court shall be initiated within 30 days of the release of the individual from whom such weapon has been confiscated, unless the Department makes an ex parte application to the court to extend the time to file such a petition, up to a maximum of 60 days. At the time any such petition is initiated, the Department shall send written notice to the individual informing him/her of the right to a hearing on the issue, that he/she has 30 days to confirm with the court clerk any desire for a hearing and that the failure to do so will result in the forfeiture of any confiscated weapon.

415.8 TRAINING

This Department will endeavor to provide Peace Officer Standards and Training (POST)-approved advanced officer training on interaction with persons with mental disabilities, 5150 commitments and crisis intervention.

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Mandatory Employer Notification

416.1 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.

416.2 POLICY

The Antioch Police Department will meet the reporting requirements of California law to minimize the risks to children and others.

416.3 MANDATORY SCHOOL EMPLOYEE ARREST REPORTING

In the event a school employee is arrested for any offense enumerated below, the Chief of Police or his/her designee is required to report the arrest as follows:

416.3.1 ARREST OF PUBLIC SCHOOL TEACHER

In the event a public school teacher is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591 or Health and Safety Code § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(12), or for any of the offenses enumerated in Penal Code § 290, Penal Code § 261(a), or Education Code § 44010, the Chief of Police or his/her designee is mandated to immediately notify by telephone the superintendent of the school district employing the teacher and to immediately give written notice of the arrest to the Commission on Teacher Credentialing and to the superintendent of schools in the county where the person is employed (Health and Safety Code § 11591; Penal Code § 291).

416.3.2 ARREST OF PUBLIC SCHOOL NON-TEACHER EMPLOYEE

In the event a public school non-teacher employee is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591 or Health and Safety Code § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(12), or for any of the offenses enumerated in Penal Code § 290, Penal Code § 261(a), or Education Code § 44010, the Chief of Police or his/her designee is mandated to immediately notify by telephone the superintendent of the school district employing the non-teacher and to immediately give written notice of the arrest to the governing board of the school district employing the person (Health and Safety Code § 11591; Penal Code § 291).

416.3.3 ARREST OF PRIVATE SCHOOL TEACHER

In the event a private school teacher is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591 or Health and Safety Code § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(12), or for any of the offenses enumerated in Penal Code § 290 or Education Code § 44010, the Chief of Police or his/her designee is mandated to immediately notify by telephone the private school authority employing the teacher

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and to immediately give written notice of the arrest to the private school authority employing the teacher (Health and Safety Code § 11591; Penal Code § 291.1).

416.3.4 ARREST OF COMMUNITY COLLEGE INSTRUCTOR

In the event a teacher or instructor employed in a community college district school is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591.5 or Health and Safety § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(9), or for any of the offenses enumerated in Penal Code § 290 or in Penal Code § 261(a)(1), the Chief of Police or the authorized designee is mandated to immediately notify by telephone the superintendent of the community college district employing the person, and shall immediately give written notice of the arrest to the California Community Colleges Chancellor's Office (Health and Safety Code § 11591.5; Penal Code § 291.5).

416.4 ARREST OF PERSONS EMPLOYED IN COMMUNITY CARE FACILITIES

In the event an employee of a community treatment facility, a day treatment facility, a group home, a short-term residential therapeutic program or a foster family agency is arrested for child abuse (as defined in Penal Code § 11165.6) and the employee is free to return to work where children are present, the investigating member shall notify the licensee of the charge of abuse (Health and Safety Code § 1522.2).

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Cite and Release Policy

417.1 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.

417.2 POLICY

It is the policy of the Antioch Police Department to release all persons arrested on misdemeanor or other qualifying charges on a citation with certain exceptions (Penal Code § 853.6).

If there is a reason for non-release, the Department's mission to protect the community will be the primary consideration when determining whether to release any individual in lieu of holding for court or bail.

417.3 RELEASE BY CITATION

Except in cases where a reason for non-release as described below exists, adults arrested for a misdemeanor offense, including a private persons arrest, shall be released from custody on a citation (Penal Code § 853.6).

The citing officer shall, at the time the defendant signs the notice to appear, call attention to the time and place for appearance and take any other steps he/she deems necessary to ensure that the defendant understands his/her written promise to appear.

417.3.1 FIELD CITATIONS

In most cases an adult arrested for a misdemeanor offense may be released in the field on a citation in lieu of physical arrest when booking and fingerprinting is not practicable or immediately required provided the individual can be satisfactorily identified, there is no outstanding arrest warrant for the individual and none of the below described disqualifying circumstances are present (Penal Code § 853.6; Penal Code § 1270.1).

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.

417.3.2 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 supervisor.

417.4 NON-RELEASE

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417.4.1 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) Rape of a spouse (Penal Code § 262)

(f) Violation of a protective order and the arrested person has made threats, used violence, or has gone to the protected person's workplace or residence (Penal Code § 273.6)

(g) Stalking (Penal Code § 646.9)

(h) Misdemeanor violations of a protective order relating to domestic violence if there is a reasonable likelihood the offense will continue or the safety of the individuals or property would be endangered (Penal Code § 853.6)

417.4.2 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/ Office] and does not present an unreasonable risk to the community (e.g., release of an intoxicated or ill person to a responsible adult).

Reasons for non-release include (Penal Code § 853.6(i)):

(a) The person arrested is so intoxicated that he/she could be a danger to him/herself or to others. Release may occur as soon as this condition no longer exists.

(b) The person arrested requires medical examination or medical care or is otherwise unable to care for his/her own safety

1. The Antioch Police Department shall not release an arrestee from custody for the purpose of allowing that person to seek medical care at a hospital, and then immediately re-arrest the same individual upon discharge from the hospital, unless the hospital determines this action will enable it to bill and collect from a third-party payment source (Penal Code § 4011.10).

(c) The person is arrested for one or more of the offenses listed in Vehicle Code § 40302, Vehicle Code § 40303, and Vehicle Code § 40305.

(d) The person has been cited, arrested, or convicted for theft from a store or vehicle in the previous six months, or there is probable cause to believe the person is guilty of committing organized retail theft, as defined in Penal Code § 490.4(a).

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(e) There are one or more outstanding arrest warrants for the person or failures to appear in court on previous misdemeanor citations that have not been resolved (see Misdemeanor Warrants elsewhere in this policy).

(f) The person could not provide satisfactory evidence of personal identification.

1. If a person released on citation does not have satisfactory identification in his/her possession, a right thumbprint or fingerprint should be obtained on the citation form.

(g) The prosecution of the offense or offenses for which the person was arrested or the prosecution of any other offense or offenses would be jeopardized by the immediate release of the person arrested.

(h) There is a reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be imminently endangered by the release of the person arrested.

(i) The person arrested demands to be taken before a magistrate or has refused to sign the notice to appear.

(j) There is reason to believe that the person would not appear at the time and place specified in the notice to appear. The basis for this determination shall be specifically documented. An arrest warrant or failure to appear that is currently pending shall constitute reason to believe that the person will not appear. Other reasons may include:

1. Previous failure to appear is on record
2. The person lacks ties to the area, such as a residence, job, or family
3. Unusual circumstances lead the officer responsible for the release of prisoners to conclude that the suspect should be held for further investigation

When a person is arrested on a misdemeanor offense and is not released by criminal citation, the reason for non-release shall be noted on the booking form. This form shall be submitted to the supervisor for approval and included with the case file in the Records Bureau.

417.5 JUVENILE CITATIONS

Refer to the Modified Service Guidelines policy for direction concerning the issuance of Notices to Appear and Juvenile citations to juveniles.

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Private Persons Arrests

418.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the handling of private person's arrests made pursuant to Penal Code § 837.

418.2 ADVISING PRIVATE PERSONS OF THE ARREST PROCESS

Penal Code § 836(b) expressly mandates that all officers shall advise victims of domestic violence of the right to make a private person's arrest, including advice on how to safely execute such an arrest. In all other situations, officers should use sound discretion in determining whether or not to advise an individual of the arrest process.

(a) When advising any individual regarding the right to make a private person's arrest, officers should refrain from encouraging or dissuading any individual from making such an arrest and should instead limit advice to the legal requirements for such an arrest as listed below.

(b) Private individuals should be discouraged from using force to effect a private person's arrest, and absent immediate threat to their own safety or the safety of others, private individuals should be encouraged to refer matters to law enforcement officials for further investigation or arrest.

418.3 ARRESTS BY PRIVATE PERSONS

Penal Code § 837 provides that a private person may arrest another:

(a) For a public offense committed or attempted in his or her presence;

(b) When the person arrested has committed a felony, although not in his or her presence;

(c) When a felony has been in fact committed, and he or she has reasonable cause for believing the person arrested has committed it.

Unlike peace officers, private persons may not make an arrest on suspicion that a felony has been committed - the felony must in fact have taken place.

418.4 OFFICER RESPONSIBILITIES

Any officer presented with a private person wishing to make an arrest must determine whether or not there is reasonable cause to believe that such an arrest would be lawful (Penal Code § 847).

(a) Should any officer determine that there is no reasonable cause to believe that a private person's arrest is lawful, the officer should take no action to further detain or restrain the individual beyond that which reasonably appears necessary to investigate the matter, determine the lawfulness of the arrest and protect the public safety.

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1. Any officer who determines that a private person's arrest appears to be unlawful should promptly release the arrested individual pursuant to Penal Code § 849(b)(1). The officer must include the basis of such a determination in a related report.
2. Absent reasonable cause to support a private person's arrest or other lawful grounds to support an independent arrest by the officer, the officer should advise the parties that no arrest will be made and that the circumstances will be documented in a related report.

(b) Whenever an officer determines that there is reasonable cause to believe that a private person's arrest is lawful, the officer may exercise any of the following options:

1. Take the individual into physical custody for booking
2. Release the individual pursuant to a Notice to Appear
3. Release the individual pursuant to Penal Code § 849

418.5 REPORTING REQUIREMENTS

In all circumstances in which a private person is claiming to have made an arrest, the individual must complete and sign a department Private Person's Arrest form under penalty of perjury.

In addition to the Private Person's Arrest Form (and any other related documents such as citations, booking forms, etc.), officers shall complete a narrative report regarding the circumstances and disposition of the incident.

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Contacts and Temporary Detentions

419.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for temporarily detaining but not arresting persons in the field, conducting field interviews (FI) and pat-down searches, and the taking and disposition of photographs.

419.2 POLICY

The Antioch 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.

419.3 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 Antioch Police Department to strengthen community involvement, community awareness, and problem identification.

419.3.1 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

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419.4 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 officershould be positioned to ensure safety and should not be involved in the search.

419.5 FIELD PHOTOGRAPHS

All available databases should be searched before photographing any field detainee. If a photograph is not located, or if an existing photograph no longer resembles the detainee, the officer shall carefully consider, among other things, the factors listed below.

419.5.1 FIELD PHOTOGRAPHS TAKEN WITH CONSENT

Field photographs may be taken when the subject being photographed knowingly and voluntarily gives consent. When taking a consensual photograph, the officer should have the individual read and sign the appropriate form accompanying the photograph.

419.5.2 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.

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419.5.3 DISPOSITION OF PHOTOGRAPHS

All detainee photographs must be adequately labeled and submitted to the Watch Commander with either an associated FI card or other documentation explaining the nature of the contact. If an individual is photographed as a suspect in a particular crime, the photograph should be submitted as an evidence item in the related case, following standard evidence procedures.

If a photograph is not associated with an investigation where a case number has been issued, the Watch Commander should review and forward the photograph to one of the following locations:

(a) If the photograph and associated FI or documentation is relevant to criminal organization/enterprise enforcement, the Watch Commander will forward the photograph and documents to the designated criminal intelligence system supervisor. The supervisor will ensure the photograph and supporting documents are retained as prescribed in the Criminal Organizations Policy.

(b) Photographs that do not qualify for retention in a criminal intelligence system or temporary information file shall be forwarded to the Records Bureau.

When a photograph is taken in association with a particular case, the investigator may use such photograph in a photo lineup. Thereafter, the individual photograph should be retained as a part of the case file. All other photographs shall be retained in accordance with the established records retention schedule.

419.5.4 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.

419.6 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an incident may become unavailable or the integrity of their statements compromised with the passage of time, officers should, when warranted by the seriousness of the case, take reasonable steps to promptly coordinate with an on-scene supervisor and/or criminal investigator to utilize available members for the following:

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

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

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

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

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

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Reporting Police Activity Outside of Jurisdiction

420.1 PURPOSE AND SCOPE

This policy provides general guidelines for reporting police activity while on or off-duty and occurring outside the jurisdiction of the Antioch Police Department.

420.1.1 ASSISTANCE TO AGENCIES OUTSIDE THE CITY

When an officer is on-duty and is requested by an allied agency to participate in law enforcement activity in another jurisdiction, he/she shall obtain prior approval from the immediate supervisor or the Watch Commander. If the request is of an emergency nature, the officer shall notify the Dispatch Center before responding and thereafter notify a supervisor as soon as practical.

420.1.2 LAW ENFORCEMENT ACTIVITY OUTSIDE THE CITY

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

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

On-duty officers who engage in any law enforcement activity outside the jurisdiction of the City should notify their supervisor as soon as practicable.

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Public Recording of Law Enforcement Activity

421.1 PURPOSE AND SCOPE

This policy provides guidelines for handling situations in which members of the public photograph or audio/video record law enforcement actions and other public activities that involve members of this department. In addition, this policy provides guidelines for situations where the recordings may be evidence.

421.2 POLICY

The Antioch Police Department recognizes the right of persons to lawfully record members of this department who are performing their official duties. Members of this department will not prohibit or intentionally interfere with such lawful recordings. Any recordings that are deemed to be evidence of a crime or relevant to an investigation will only be collected or seized lawfully.

Officers should exercise restraint and should not resort to highly discretionary arrests for offenses such as interference, failure to comply or disorderly conduct as a means of preventing someone from exercising the right to record members performing their official duties.

421.3 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.

(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.

421.4 OFFICER RESPONSE

Officers should promptly request that a supervisor respond to the scene whenever it appears that anyone recording activities may be interfering with an investigation or it is believed that the recording may be evidence. If practicable, officers should wait for the supervisor to arrive before taking enforcement action or seizing any cameras or recording media.

Whenever practicable, officers or supervisors should give clear and concise warnings to individuals who are conducting themselves in a manner that would cause their recording or

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behavior to be unlawful. Accompanying the warnings should be clear directions on what an individual can do to be compliant; directions should be specific enough to allow compliance. For example, rather than directing an individual to clear the area, an officer could advise the person that he/she may continue observing and recording from the sidewalk across the street.

If an arrest or other significant enforcement activity is taken as the result of a recording that interferes with law enforcement activity, officers shall document in a report the nature and extent of the interference or other unlawful behavior and the warnings that were issued.

421.5 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.

421.6 SEIZING RECORDINGS AS EVIDENCE

Officers should not seize recording devices or media unless (42 USC § 2000aa):

(a) There is probable cause to believe the person recording has committed or is committing a crime to which the recording relates, and the recording is reasonably necessary for prosecution of the person.

  1. Absent exigency or consent, a warrant should be sought before seizing or viewing such recordings. Reasonable steps may be taken to prevent erasure of the recording.

(b) There is reason to believe that the immediate seizure of such recordings is necessary to prevent serious bodily injury or death of any person.

(c) The person consents.

  1. To ensure that the consent is voluntary, the request should not be made in a threatening or coercive manner.

  2. If the original recording is provided, a copy of the recording should be provided to the recording party, if practicable. The recording party should be permitted to be present while the copy is being made, if feasible. Another way to obtain the

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evidence is to transmit a copy of the recording from a device to a [department/office]-owned device.

Recording devices and media that are seized will be submitted within the guidelines of the Property and Evidence Policy.

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Automated License Plate Readers (ALPRs)

422.1 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.

422.2 POLICY

The policy of the Antioch 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.

422.3 ADMINISTRATION

The ALPR technology, also known as License Plate Recognition (LPR), allows for the automated detection of license plates. It is used by the Antioch 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 a Community Policing Bureau Commander designated by the Chief of Police. This Bureau Commander will assign members under his/her command, as well as Information Systems staff, to administer the day-to-day operation of the ALPR equipment and data.

422.3.1 ALPR ADMINISTRATOR

The designated Bureau Commander shall be responsible for developing guidelines and procedures to comply with the requirements of Civil Code § 1798.90.5 et seq. This includes, but is not limited to (Civil Code § 1798.90.51; Civil Code § 1798.90.53).

422.4 OPERATIONS

Use of an ALPR is restricted to the purposes outlined below. Department members shall not use, or allow others to use the equipment or database records for any unauthorized purpose (Civil Code § 1798.90.51; Civil Code § 1798.90.53).

(a) An ALPR shall only be used for official law enforcement business.

(b) An ALPR may be used in conjunction with any routine patrol operation or criminal investigation. Reasonable suspicion or probable cause is not required before using an ALPR.

(c) While an ALPR may be used to canvass license plates around any crime scene, particular consideration should be given to using ALPR-equipped cars to canvass areas around homicides, shootings and other major incidents. Partial license plates

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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.

422.5 DATA COLLECTION AND RETENTION

Information Systems staff is responsible for ensuring systems and processes are in place for the proper collection and retention of ALPR data. Data will be transferred from vehicles to the designated storage in accordance with department procedures.

All ALPR data downloaded to the server should be stored for a minimum of one year (Government Code § 34090.6) and in accordance with the established records retention schedule. Thereafter, ALPR data may 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.

422.6 ACCOUNTABILITY

All data will be closely safeguarded and protected by both procedural and technological means. The Antioch Police Department will observe the following safeguards regarding access to and use of stored data (Civil Code § 1798.90.51; Civil Code § 1798.90.53):

(a) All ALPR data downloaded to the mobile workstation and in storage shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date and time (Civil Code § 1798.90.52).

(b) Members approved to access ALPR data under these guidelines are permitted to access the data for legitimate law enforcement purposes only, such as when the data relate to a specific criminal investigation or department-related civil or administrative action.

(c) ALPR system audits should be conducted on a regular basis.

For security or data breaches, see the Records Release and Maintenance Policy.

422.7 RELEASING ALPR DATA

The ALPR data may be shared only with other law enforcement or prosecutorial agencies for official law enforcement purposes or as otherwise permitted by law, using the following procedures:

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(a) The agency makes a written request for the ALPR data that includes:

1. The name of the agency.
2. The name of the person requesting.
3. The intended purpose of obtaining the information.

(b) The request is reviewed by the designated Bureau Commander or authorized designee and approved before the request is fulfilled.

(c) The approved request is retained on file.

Requests for ALPR data by non-law enforcement or non-prosecutorial agencies will be processed as provided in the Records Maintenance and Release Policy (Civil Code § 1798.90.55).

422.8 TRAINING

The Training Coordinator should ensure that members receive department-approved training for those authorized to use or access the ALPR system (Civil Code § 1798.90.51; Civil Code § 1798.90.53).

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Chapter 5 - Traffic Operations

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Traffic Function and Responsibility

500.1 PURPOSE AND SCOPE

The ultimate goal of traffic law enforcement is to reduce traffic collisions. This may be achieved through the application of such techniques as geographic/temporal assignment of personnel and equipment and the establishment of preventive patrols to deal with specific categories of unlawful driving behavior. Traffic enforcement techniques are based on accident data, enforcement activity records, traffic volume, and traffic conditions. This department provides enforcement efforts toward violations, not only in proportion to the frequency of their occurrence in accident situations, but also in terms of traffic-related needs.

500.2 TRAFFIC OFFICER DEPLOYMENT

Several factors are considered in the development of deployment schedules for officers of the Antioch 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 are encouraged to 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 citizen requests, construction zones or special events.

500.3 ENFORCEMENT

Enforcement actions are commensurate with applicable laws and take into account the degree and severity of the violation committed. This department does not establish ticket quotas and the number of arrests or citations issued by any officer shall not be used as the sole criterion for evaluating officer overall performance (Vehicle Code § 41603). The visibility and quality of an officer's work effort will be commensurate with the philosophy of this policy. Several methods are effective in the reduction of collisions:

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500.3.1 WARNINGS

Warnings or other non-punitive enforcement actions should be considered in each situation and substituted for arrests or citations when circumstances warrant, especially in the case of inadvertent violations.

500.3.2 CITATIONS

Citations may be issued when an officer believes it is appropriate. It is essential that officers fully explain the rights and requirements imposed on motorists upon issuance of a citation for a traffic violation. Officers should provide the following information at a minimum:

(a) Explanation of the violation or charge

(b) Court appearance procedure including the optional or mandatory appearance by the motorist

(c) Signing a citation is not an admission of guilt, but merely a promise to appear as directed.

500.3.3 PHYSICAL ARREST

Physical arrest can be made on a number of criminal traffic offenses outlined in the Vehicle Code or Penal Code. These physical arrest cases usually deal with, but are not limited to:

(a) Vehicular manslaughter

(b) Felony and misdemeanor driving under the influence of alcohol/drugs

(c) Felony or misdemeanor hit-and-run

(d) Refusal to sign notice to appear

(e) Any other misdemeanor at the discretion of the officer, such as reckless driving with extenuating circumstances

500.4 SUSPENDED OR REVOKED DRIVERS LICENSES

If an officer contacts a traffic violator for driving on a suspended or revoked license, the officer may issue a traffic citation pursuant to Vehicle Code § 14601.

If a computer check of a traffic violator's license status reveals a suspended or revoked driver license and the traffic violator still has his or her license in possession, the license shall be seized by the officer. The officer shall verbally advise the traffic violator of the suspension or revocation and issue the citation. The officer will be responsible for filling out the Verbal Notice form (DMV form DL-310) and causing that form and license to be forwarded to the Department of Motor Vehicles.

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500.5 HIGH-VISIBILITY VESTS

The Department has provided American National Standards Institute (ANSI) Class II high-visibility vests to increase the visibility of department members who may be exposed to hazards presented by passing traffic, maneuvering or operating vehicles, machinery and equipment (23 CFR 655.601; 8 CCR 1598).

Although intended primarily for use while performing traffic related assignments, high-visibility vests should be worn at any time increased visibility would improve the safety or efficiency of the member.

500.5.1 REQUIRED USE

Except when working in a potentially adversarial or confrontational role, such as during vehicle stops, high-visibility vests should be worn at any time it is anticipated that an employee will be exposed to the hazards of approaching traffic or construction and recovery equipment. Examples of when high-visibility vests should be worn include traffic control duties, accident investigations, lane closures and while at disaster scenes, or anytime high visibility is desirable. When emergency conditions preclude the immediate donning of the vest, officers should retrieve and wear the vest as soon as conditions reasonably permit. Use of the vests shall also be mandatory when directed by a supervisor.

Vests maintained in the investigation units may be used any time a plainclothes officer might benefit from being readily identified as a member of law enforcement.

500.5.2 CARE AND STORAGE OF HIGH-VISIBILITY VESTS

High-visibility vests shall be issued to all sworn personnel at the rank of sergeant and below. Each vest should be stored inside the re-sealable plastic bag provided to protect and maintain the vest in a serviceable condition. Before going into service each employee shall ensure a serviceable high-visibility vest is properly stored.

A supply of high-visibility vests will be maintained at the Corp Yard for replacement of damaged or unserviceable vests.

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Traffic Collision Reporting

501.1 PURPOSE AND SCOPE

The Antioch Police Department prepares traffic collision reports in compliance with the California Highway Patrol Collision Investigation Manual (CIM), and as a public service makes traffic collision reports available to the community with some exceptions.

501.2 TRAFFIC COLLISION REPORTING

All traffic collision reports taken by members of this department shall be forwarded to the Records Bureau for final approval and data entry into the Records Management System. The Traffic Sergeant will be responsible for monthly and quarterly reports on fatal traffic collision statistics to be forwarded to the Field Services Bureau Commander, or other persons as required.

501.2.1 SUMMARY CAUSE NARRATIVE

The Summary Cause Narrative format should be used in the following situations:

(a) The collision involved complaint of pain or other minor visible injury when transported to the hospital by ambulance.

(b) A non-injury, complaint of pain or other visible injury collision involving a DUI violation.

(c) A collision involving a hit and run violation where prosecution will be sought.

(d) Collisions involving City vehicles or on-duty police personnel resulting in property damage only.

501.2.2 INVESTIGATIVE NARRATIVE

The Investigative Narrative format should be used in the following situations:

(a) Collisions involving severe or fatal injury.

(b) A collision involving a hit and run violation, resulting in severe or fatal injury.

(c) Collisions involving City vehicles resulting in any type of injury.

(d) Any collision which in the supervisor’s judgment requires this form of documentation, i.e., major property damage.

501.3 REPORTING SITUATIONS

501.3.1 TRAFFIC COLLISIONS WITH ON-DUTY POLICE DEPARTMENT EMPLOYEES

For traffic collisions involving on-duty police personnel within the jurisdiction of the City of Antioch, resulting in any type of injury or fatality, the on duty supervisor or the Watch Commander shall be notified as soon as possible.

(a) The supervisor or Watch Commander shall request the CHP to investigate all collisions involving on-duty police personnel resulting in any type of injury or death.

(b) If CHP is unavailable, the supervisor or Watch Commander should assign a traffic officer to investigate.

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(c) For cases involving servere or fatal injury, refer to the Officer Involved Critical Incident policy.

(d) The Watch Commander should notify the Field Services Commander as soon as practicable.

If the collision occurs outside the City of Antioch, the employee shall call the department which has investigative jurisdiction and request documentation of the collision.

(a) The on-duty supervisor or Watch Commander shall be contacted as soon as practicable.

501.3.2 TRAFFIC COLLISIONS INVOLVING CITY VEHICLES

Traffic collision investigation reports shall be taken when a City-owned vehicle is involved in a traffic collision, even if no damage or injury results. A traffic collision investigation report shall also be taken when there is an accident involving damage to City property.

In all such incidents, the on duty supervisor shall be notified as soon as practical.

Photographs of the collision scene and vehicle damage shall be taken.

501.3.3 TRAFFIC COLLISIONS WITH OTHER CITY EMPLOYEES OR OFFICIALS

The on duty supervisor or on-duty Watch Commander may request assistance from the California Highway Patrol for the investigation of any traffic collision involving any City official or employee where a serious injury or fatality has occurred.

501.3.4 TRAFFIC COLLISIONS ON ROADWAYS OR HIGHWAYS

Traffic collision reports shall be taken when they occur on a roadway or highway within the jurisdiction of this department under any of the following circumstances:

(a) When there is a death.

(b) When there is an injury and the injured person(s) are transported to a medical facility by ambulance from the scene.

(c) All "bicycle accidents" occurring on a highway resulting in death or personal injury when injured persons are transported immediately to the hospital.

(d) When a suspected DUI is involved.

(e) When there exists investigative leads in a hit and run investigation. A lead is where by a responsible driver or vehicle can be identified.

(f) As part of a criminal investigation.

501.3.5 NON-INJURY EVENTS

Non-injury accidents should be handled as directed in the Modified Service Guidelines policy.

501.3.6 TRAFFIC COLLISIONS ON PRIVATE PROPERTY

In compliance with the Collision Investigation Manual, traffic collision reports shall not be taken for traffic collisions occurring on private property, unless there is a death or injury to any person

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involved or the driver is arrested for suspicion of driving under the influence of alcohol and/or drugs. A report may be taken at the discretion of any supervisor.

501.3.7 OPERATOR LICENSE STATUS

At the scene of collisions, the investigating officer shall specifically ask the involved parties or witnesses to identify the drivers. The officer shall run a DMV abstract on all drivers to determine their license status. This information should be cut and pasted into the report narrative.

If an involved party does not have a license or proof of insurance in possession at the accident scene, a citation will be issued for the appropriate CVC violation

Copies of all citations will be submitted to the on-duty supervisor for approval.

501.4 NOTIFICATION OF TRAFFIC BUREAU SUPERVISION

In the event of a serious injury or death related traffic collision, the Watch Commander shall be notified and may assign a traffic investigator to investigate the collision.

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Impaired Driving

502.1 PURPOSE AND SCOPE

This policy provides guidance to those department members who play a role in the detection and investigation of driving under the influence (DUI).

502.2 POLICY

The Antioch 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.

502.3 FIELD TESTS

Officers should only administer field sobriety tests (FSTs) for which they have received training when investigating violations of DUI laws.

502.4 CHEMICAL TESTS

A person is deemed to have consented to a chemical test or tests under any of the following (Vehicle Code § 23612):

(a) The person is arrested for driving a vehicle while under the influence, pursuant to Vehicle Code § 23152.

(b) The person is under 21 years of age and is arrested by an officer having reasonable cause to believe that the person's blood alcohol content is 0.05 or more (Vehicle Code § 23140).

(c) The person is under 21 years of age and detained by an officer having reasonable cause to believe that the person was driving a vehicle while having a blood alcohol content of 0.01 or more (Vehicle Code § 23136).

(d) The person was operating a vehicle while under the influence and proximately caused bodily injury to another person (Vehicle Code § 23153).

(e) The person is dead, unconscious or otherwise in a condition that renders him/her incapable of refusal (Vehicle Code § 23612(a)(5)).

502.4.1 CHOICE OF TEST

A person arrested for DUI has the choice of whether the test is of his/her blood or breath, and the officer shall advise person that he/she has that choice. If the person arrested either is incapable, or states that he/she is incapable, of completing the chosen test, the person shall submit to the remaining test.

If the person chooses to submit to a breath test and there is reasonable cause to believe that the person is under the influence of a drug or the combined influence of alcohol and any drug, the officer may also request that the person submit to a blood test. If the person is incapable of

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completing a blood test, the person shall submit to and complete a urine test (Vehicle Code § 23612(a)(2)(C)).

502.4.2 BREATH TEST

The supervisor, or his/her designee 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 promptly reported to the supervisor via email.

When the arrested person chooses a breath test, the handling officer shall advise the person that the breath-testing equipment does not retain a sample, and the person may, if desired, provide a blood or urine specimen, which will be retained to facilitate subsequent verification testing (Vehicle Code § 23614).

The officer should also require the person to submit to a blood test if the has a clear indication that a blood test will reveal evidence of any drug or the combined influence of an alcoholic beverage and any drug. Evidence of the officer's belief shall be included in the officer's report (Vehicle Code § 23612(a)(2)(C)).

502.4.3 BLOOD SAMPLES

Only persons authorized by law to draw blood shall collect blood samples (Vehicle Code § 23158). The blood draw should be witnessed by the assigned officer. No officer, even if properly certified, should perform this task.

Officers should inform an arrestee that if he/she chooses to provide a blood sample, a separate sample can be collected for alternate testing. Unless medical personnel object, two samples should be collected and retained as evidence, so long as only one puncture is required.

The blood sample shall be packaged, marked, handled, stored and transported as required by the testing facility.

If an arrestee cannot submit to a blood draw because he/she has a bleeding disorder or has taken medication that inhibits coagulation, he/she shall not be required to take a blood test. Such inability to take a blood test should not be considered a refusal. However, that arrestee may be required to complete another available and viable test.

502.4.4 URINE TESTS

If a urine test will be performed, 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 of the same sex as the person giving the sample. The person tested should be allowed sufficient privacy to maintain his/her dignity, to the extent possible, while still ensuring the accuracy of the specimen (Vehicle Code § 23158(i)).

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The collection kit shall be marked with the person's name, offense, agency case number and the name of the witnessing officer. The collection kit should be refrigerated pending transportation for testing.

502.4.5 STATUTORY NOTIFICATIONS
requesting that a person submit to chemical testing shall provide the person with the mandatory warning pursuant to Vehicle Code § 23612(a)(1)(D) and Vehicle Code § 23612(a)(4).

502.4.6 PRELIMINARY ALCOHOL SCREENING
Officers may use a preliminary alcohol screening (PAS) test to assist in establishing reasonable cause to believe a person is DUI. The officer shall advise the person that the PAS test is being requested to assist in determining whether the person is under the influence of alcohol or drugs, or a combination of the two. Unless the person is under the age of 21, he/she shall be advised that the PAS test is voluntary. The officer shall also advise the person that submitting to a PAS test does not satisfy his/her obligation to submit to a chemical test as otherwise required by law (Vehicle Code § 23612).

502.4.7 PRELIMINARY ALCOHOL SCREENING FOR A PERSON UNDER AGE 21
If an officer lawfully detains a person under 21 years of age who is driving a motor vehicle and the officer has reasonable cause to believe that the person has a blood alcohol content of 0.01 or more, the officer shall request that the person take a PAS test to determine the presence of alcohol in the person, if a PAS test device is immediately available. If a PAS test device is not immediately available, the officer may request the person to submit to chemical testing of his/her blood, breath or urine, conducted pursuant to Vehicle Code § 23612 (Vehicle Code § 13388).

If the person refuses to take or fails to complete the PAS test or other chemical test, or if the result of either test reveals a blood alcohol content of 0.01 or more, the officer shall proceed to serve the person with a notice of order of suspension pursuant to this policy (Vehicle Code § 13388).

502.5 REFUSALS
When an arrestee refuses to provide a viable chemical sample, officers should:

(a) Advise the arrestee of the requirement to provide a sample (Vehicle Code § 23612).

(b) Audio- and/or video-record the admonishment when it is practicable.

(c) Document the refusal in the appropriate report.

502.5.1 BLOOD SAMPLE WITHOUT CONSENT
A blood sample may be obtained from a person who refuses a chemical test when any of the following conditions exist:

(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

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obtaining a blood sample due to an accident investigation or medical treatment of the person.

502.5.2 FORCED BLOOD SAMPLE

If a person indicates by word or action that he/she will physically resist a blood draw, the officer should request a supervisor to respond.

The responding supervisor should:

(a) Evaluate whether using force to obtain a blood sample is appropriate under the circumstances.

(b) Ensure that all attempts to obtain a blood sample through force cease if the person agrees to, and completes a viable form of testing in a timely manner.

(c) Advise the person of his/her duty to provide a sample (even if this advisement was previously done by another officer) and attempt to persuade the person to submit to such a sample without physical resistance. This dialogue should be recorded on audio and/or video if practicable.

(d) Ensure that the withdrawal is taken in a medically approved manner.

(e) Ensure the forced withdrawal is recorded on audio and/or video when practicable.

(f) Monitor and ensure that the type and level of force applied is 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 suspect 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 being withdrawn may be permitted.

(g) Ensure the use of force and methods used to accomplish the blood sample draw are documented in the related report.

502.5.3 STATUTORY NOTIFICATIONS UPON REFUSAL

Upon refusal to submit to a chemical test as required by law, officers shall personally serve the notice of order of suspension upon the arrestee and take possession of any state-issued license to operate a motor vehicle that is held by that individual (Vehicle Code § 23612(e); Vehicle Code § 23612(f)).

502.6 ADMINISTRATIVE HEARINGS

The Records Bureau will ensure that all appropriate reports and documents related to administrative license suspensions are reviewed and forwarded to DMV.

Any officers who receive notice of required attendance to an administrative license suspension hearing shall comply as outlined in the Subpoenas and Court Appearances policy.

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Disabled Vehicles

503.1 PURPOSE AND SCOPE

Vehicle Code § 20018 provides that all law enforcement agencies having responsibility for traffic enforcement may develop and adopt a written policy to provide assistance to motorists in disabled vehicles within their primary jurisdiction.

503.2 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.

503.3 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.

503.3.1 MECHANICAL REPAIRS

Department personnel shall not make mechanical repairs to a disabled vehicle.

503.3.2 PUSHING OF DISABLED VEHICLE

As patrol vehicles for the Antioch Police Department are not equipped with push bars, at no time shall a police vehicle be used to push a disabled vehicle unless a life threatening situation can be clearly articulated.

503.3.3 RELOCATION OF DISABLED VEHICLES

The relocation of disabled vehicles by members of this department by pushing or pulling a vehicle should only occur when the conditions reasonably indicate that immediate movement is necessary to reduce a hazard presented by the disabled vehicle.

503.3.4 RELOCATION OF DISABLED MOTORIST

The relocation of a disabled motorist should only occur with the person's consent and should be suggested when conditions reasonably indicate that immediate movement is necessary to mitigate a potential hazard. The department member may stay with the disabled motorist or transport him/her to a safe area to await pickup.

503.4 PUBLIC ACCESS TO THIS POLICY

This written policy is available upon request.

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Vehicle Towing and Release

504.1 PURPOSE AND SCOPE

This policy provides the procedures for towing a vehicle by or at the direction of the Antioch Police Department. Nothing in this policy shall require the Department to tow a vehicle.

504.2 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.

504.2.1 VEHICLE STORAGE REPORT

Department members requesting towing, storage or impound of a vehicle shall complete CHP Form 180 and accurately record the mileage and a description of property within the vehicle (Vehicle Code § 22850). A copy of the storage report should to 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.

504.2.2 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 Dispatch Center.

If the owner is incapacitated, or for any reason it is necessary for the Department to assume responsibility for a vehicle involved in a collision, the officer shall request the dispatcher to call a tow company from the rotational tow list for the City of Antioch . The officer will then store the vehicle using a CHP Form 180.

504.2.3 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:

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- 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.

504.2.4 TOWING AT SOBRIETY CHECKPOINTS

Whenever a driver is stopped at a sobriety checkpoint and the only violation is that the operator is driving without a valid driver's license, the officer shall make a reasonable attempt to identify the registered owner of the vehicle (Vehicle Code § 2814.2). The officer shall release the vehicle to the registered owner if the person is a licensed driver, or to another licensed driver authorized by the registered owner, provided the vehicle is claimed prior to the conclusion of the checkpoint operation.

If the vehicle is released at the checkpoint, the officer shall list on his/her copy of the notice to appear the name and driver's license number of the person to whom the vehicle is released.

When a vehicle cannot be released at the checkpoint, it shall be towed (Vehicle Code § 22651(p)). When a vehicle is removed at the checkpoint it shall be released, after obtaining a vehicle release from the Antioch Police Department, 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.

504.2.5 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.

504.2.6 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 tow company in rotation from the list of approved towing companies and shall make appropriate entries in the book to ensure the following tow company is called on the next request.

A dispatcher shall promptly enter pertinent data from the completed vehicle tow into the Stolen Vehicle System. (Vehicle Code § 22651.5(b); Vehicle Code § 22851.3(b); Vehicle Code § 22854.5).

504.2.7 RECORDS BUREAU RESPONSIBILITY

Approved storage forms shall be promptly approved by a supervisor, placed into a case file jacket, and routed to the Records Bureau so that they are immediately available for release or review should inquiries be made.

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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 (Vehicle Code § 22851.3(d); Vehicle Code § 22852(a); Vehicle Code § 14602.6(a)(2)). The notice shall include the following (Vehicle Code § 22852(b)):

(a) The name, address, and telephone number of this Department.

(b) The location of the place of storage and description of the vehicle, which shall include, if available, the name or make, the manufacturer, the license plate number, and the mileage.

(c) The authority and purpose for the removal of the vehicle.

(d) A statement that, in order to receive their post-tow hearing (if applicable), the owners, or their agents, shall request the hearing within 10 days of the date appearing on the notice.

The names of any individual(s) having interest in the vehicle shall be entered into a supplemental report by Records personnel and approved by the Records Supervisor.

504.2.8 OFFICER'S RESPONSIBILITIES
Officers shall do the following as it relates to the storage of vehicles:

1. Officers shall complete the CHP 180 form for all towed vehicles.

2.Officers shall note the FCN number on the form as generated by the SVS entry.

504.3 TOWING SERVICES

The City of Antioch periodically selects a tow company to act as the official tow service and awards a contract to that company. This tow company will be used in the following situations:

(a) When towing City vehicles.

(b) When a vehicle is being held as evidence in connection with an investigation.

504.4 VEHICLE INVENTORY

All property in a stored or impounded vehicle shall be inventoried and listed on the vehicle storage form. This includes the trunk and any compartments or containers, even if closed and/or locked. Members conducting inventory searches should be as thorough and accurate as practical in preparing an itemized inventory. These inventory procedures are for the purpose of protecting an owner's property while in police custody, to provide for the safety of officers, and to protect the Department against fraudulent claims of lost, stolen, or damaged property.

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504.4.1 LOCKED CONTAINER
If a container is found with in a vehicle that is to be impounded or stored and is locked and can not be opened without being damaged, the officer is to list only the container on the inventory and not force entry.

504.5 SECURITY OF VEHICLES AND PROPERTY

Unless it would cause an unreasonable delay in the completion of a vehicle impound/storage or create an issue of officer safety, officers should make reasonable accommodations to permit a driver/owner to retrieve small items of value or personal need (e.g., cash, jewelry, cell phone, prescriptions) that are not considered evidence or contraband.

If a search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft, or damage, personnel conducting the search shall take such steps as are reasonably necessary to secure and/or preserve the vehicle or property from such hazards.

504.5.1 VEHICLE SEARCHES
Vehicles may be searched when one or more of the following conditions are met:

a. When probable cause to search the vehicle exists.

b. When it is reasonable to believe that the vehicle contains evidence of the offense of the arrest of the occupant(s).

c. With consent of the operator.

d. Incident to an arrest if the occupant(s) of the vehicle have not been secured and remain within reaching distance of the passenger compartment.

e. To search for weapons when reasonable suspicion exists that a weapon may be present.

f. When necessary to examine the vehicle identification number or to determine the ownership of the vehicle.

g. Under emergency circumstances not otherwise enumerated above.

h. Pursuant to a valid search warrant.

504.6 RELEASE OF VEHICLE

Releases for towed vehicles will be made available from 8am-8pm, 7 days a week. Stolen vehicles will be released 24-hours a day.

(a) Vehicles removed pursuant to Vehicle Code § 22850 shall be released after proof of current registration is provided by the owner or the person in control of the vehicle and after all applicable fees are paid (Vehicle Code § 22850.3; Vehicle Code § 22850.5).

(b) Vehicles removed that require payment of parking fines or proof of valid driver’s license shall only be released upon presentation of proof of compliance, proof of payment, completion of affidavit, and payment of applicable fees related to the removal (Vehicle Code § 22651 et seq., Vehicle Code § 22652 et seq., Vehicle Code § 22850.3; Vehicle Code § 22850.5).

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(c) A vehicle removed pursuant to Vehicle Code § 14602.6(a) shall be released to the registered owner or his/her agent with proof of current registration, proof of a valid driver’s license, and applicable fees paid prior to the end of the 30-day impoundment period under any of the following circumstances:

1. The vehicle was stolen.
2. If the driver reinstates his/her driver's license or acquires a license and provides proof of proper insurance.
3. Any other circumstance as set forth in Vehicle Code § 14602.6.
4. When there is no remaining community caretaking need to continue impound of the vehicle or the continued impound would not otherwise comply with the Fourth Amendment.

(d) An autonomous vehicle removed under authority of Vehicle Code § 22651(o)(1)(D) shall be released to the registered owner or person in control of the autonomous vehicle if the requirements of Vehicle Code § 22651(o)(3)(B) are met.

Personnel whose duties include releasing towed vehicles should consult the Vehicle Code under which the vehicle was towed or impounded for any specific requirements prior to release.

Employees who suspect that a vehicle was impounded in error should promptly advise a supervisor. Supervisors should approve, when appropriate, the release of the vehicle without requiring the registered owner or his/her agent to request a hearing, as described in the Vehicle Impound Hearings Policy.

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Administraive Tow Fee for Vehicle Releases

505.1 POLICY

It is the policy of the Antioch Police Department to charge an administrative fee prior to the release of all vehicles towed by this department, with the following exceptions: recovered stolen vehicles or vehicles towed as evidence when the victim is claiming the vehicle.

505.2 PROCEDURE

The administrative tow fee designated for all vehicles towed pursuant to an arrest for driving under the influence of alcohol or drugs, suspended license, reckless driving, or any 30-day tow shall be assessed in accordance with the current Master Fee Schedule.

The administrative tow fee designated for "all others" shall be assessed for all other towed vehicles excluding those listed above.

Refer to the current Master Fee Schedule for specific fee amounts designated for each category.

When a stored vehicle is released, the following procedure shall apply:

505.2.1 AUTHORIZED RELEASE

During normal working hours, stored vehicles will be released by staff assigned to the front counter. After normal working hours and on weekends and holidays, vehicles shall be released by the on-duty supervisor or designee.

When feasible, utilize the CHP-180 form from the original storage of the vehicle for the release. If this CHP-180 form is not available, or if the vehicle was recovered and towed by another agency, an Antioch Police Department Vehicle Release Form can be used. In cases when the vehicle is being released to another agency, the Outside Agency Vehicle Release Form should be used.

The person authorizing the release of the vehicle will collect the administrative fee, as appropriate. Only cash, money orders, certified cashier's checks, or credit/debit cards with valid ID will be accepted. Vehicle releases are only available between 8am-8pm, except for stolen vehicles (24-hours) or if special circumstances exist. Exact change is required after normal business hours.

The person authorizing the release of the vehicle shall require the registered owner of the vehicle to present a valid driver's license. If the owner does not possess one, another form of valid U.S. government issued identification or passport will be required and the person must be accompanied by a valid licensed driver. The vehicle must have current registration, a paid receipt of current registration fees with a moving permit, or a temporary operating permit.

See attachment: Vehicle Release Form.pdf

See attachment: Outside Agency Vehicle Release Form.pdf

505.2.2 RECEIPT AND FEES

The employee authorizing the release of the vehicle shall complete a City of Antioch Receipt form (available at the front counter) anytime a fee is collected. The form shall contain the date of the

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release and the name of the person paying the administrative fee. The fee amount shall be listed on the “AMOUNT” line across from Account Code “144 - Special Police Services.” On this same line, write "Admin. Tow Fee" and indicate the case number. The fee amount shall also be written again on the “TOTAL” line at the bottom of the form. The person completing the receipt shall write his/her ID number in the “RECEIVED BY” space provided at the bottom of the form. The original (white) copy shall be provided to the person paying the fee.

During regular business hours, the remaining copies of the receipt shall be placed in the Receipt Drawer and the collected fee shall be placed in the Cash Drawer.

After hours, the employee conducting the release shall place the remaining copies of the receipt and the fee into an envelope and seal it. The employee shall put the following information on the outside of the envelope: “Admin Tow Fee,” the APD case file number related to the release, the date, the amount of money collected, and his/her name and ID number. This envelope shall be put into the locked traffic citation box in the Sergeant’s Office. A copy of the credit/debit card receipt should be attached to the Police Department receipt whenever a credit/debit card is used.

505.2.3 DOCUMENTATION

If utilizing the CHP-180 for the release, “RELEASE VEHICLE TO” area of the form shall be completed with the following information:

(a) The name of the person to whom the vehicle is being released;

(b) The name, agency, signature, and ID# of the employee authorizing the release of the vehicle along with the date; and

(c) The signature of the person taking possession, along with the registered owner's, if different.

The CHP-180 form should be folded just below the section containing the signatures. The employee shall make a copy of this upper section and stamp with the departmental "Antioch Police Department" stamp. The stamped copy should be given to the person who will take possession of the vehicle. The original CHP 180 form, along with a copy of all identification presented shall be placed with the case file jacket.

If the Vehicle Release form is used, the form should be completed in its entirety and placed in the case file jacket.

The employee completing the release shall document the release in the RPW case report in the designated fields on the Dispo tab.

505.2.4 REPOSSESSIONS

In situations where a stored vehicle is being repossessed or claimed by a legal owner, the person authorizing the release shall assure the following:

(a) The legal owner can demonstrate ownership with a security agreement or title. The legal owner's agent may pick up the vehicle with the legal owner's written authorization.

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(b) The legal owner or agent presents lawful foreclosure documents or an affidavit of repossession.

(c) The legal owner shall be instructed not to release the vehicle to the registered owner until presented with a valid driver's license and the 30-day time period has elapsed.

(d) An administrative fee shall not be charged to a legal owner repossessing a vehicle unless the legal owner voluntarily requests a post-tow hearing.

(e) An administrative fee shall not be assessed on vehicles towed pursuant to VC 14607.6 and being claimed by a legal owner within 15 days pursuant to VC 14607.6 (e).

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Chapter 6 - Investigation Operations

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Missing Persons

600.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

600.1.1 DEFINITIONS

At risk - Includes, but is not limited to (Penal Code § 14215):

- A victim of a crime or foul play.
- A person missing and in need of medical attention.
- A missing person with no pattern of running away or disappearing.
- A missing person who may be the victim of parental abduction.
- A mentally impaired missing person, including cognitively impaired or developmentally disabled.

Missing person - Any person who is reported missing to law enforcement when the person's location is unknown. This includes a child who has been taken, detained, concealed, enticed away or kept by a parent in violation of the law (Penal Code § 277 et seq.). It also includes any child who is missing voluntarily, involuntarily or under circumstances that do not conform to his/her ordinary habits or behavior, and who may be in need of assistance (Penal Code § 14215).

Missing person networks - Databases or computer networks available to law enforcement and that are suitable for information related to missing persons investigations. These include the National Crime Information Center (NCIC), the California Law Enforcement Telecommunications System (CLETS), Missing Person System (MPS) and the Unidentified Persons System (UPS).

600.2 POLICY

The Antioch 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 Antioch Police Department gives missing person cases priority over property-related cases and will not require any time frame to pass before beginning a missing person investigation (Penal Code § 14211).

600.3 REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS

The Investigation supervisor should ensure the forms and kits are developed and available in accordance with this policy, state law, federal law and the California Peace Officer Standards and Training (POST) Missing Persons Investigations guidelines, including:

- Department report form for use in missing person cases
- Missing person investigation checklist that provides investigation guidelines and resources that could be helpful in the early hours of a missing person investigation (Penal Code § 13519.07)

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- Missing person school notification form
- Medical records release form from the California Department of Justice
- California DOJ missing person forms as appropriate
- Biological sample collection kits

600.4 ACCEPTANCE OF REPORTS

Any member encountering a person who wishes to report a missing person or runaway shall render assistance without delay (Penal Code § 14211). This can be accomplished by accepting the report via telephone or in-person and initiating the investigation. Those members who do not take such reports or who are unable to render immediate assistance shall promptly dispatch or alert a member who can take the report.

A report shall be accepted in all cases and regardless of where the person was last seen, where the person resides or any other question of jurisdiction (Penal Code § 14211).

600.5 INITIAL INVESTIGATION

Officers or other members conducting the initial investigation of a missing person should take the following investigative actions, as applicable:

(a) Respond to a dispatched call for service as soon as practicable.

(b) Interview the reporting party and any witnesses to determine whether the person qualifies as a missing person and, if so, whether the person may be at risk.

(c) Notify a supervisor immediately if there is evidence that a missing person is either at risk or may qualify for a public alert, or both (see the Public Alerts Policy).

(d) Broadcast a "Be on the Look-Out" (BOLO) bulletin if the person is under 21 years of age or there is evidence that the missing person is at risk. The BOLO should be broadcast as soon as practicable but in no event more than one hour after determining the missing person is under 21 years of age or may be at risk (Penal Code § 14211).

(e) Ensure that entries are made into the appropriate missing person networks as follows:

1. Immediately, when the missing person is at risk.
2. In all other cases, as soon as practicable, but not later than two hours from the time of the initial report.

(f) Complete the appropriate report forms accurately and completely and initiate a search as applicable under the facts.

(g) Collect and/or review:

1. A photograph and a fingerprint card of the missing person, if available.

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2. A voluntarily provided biological sample of the missing person, if available (e.g., toothbrush, hairbrush).
3. Any documents that may assist in the investigation, such as court orders regarding custody.
4. Any other evidence that may assist in the investigation, including personal electronic devices (e.g., cell phones, computers).

(h) When circumstances permit and if appropriate, attempt to determine the missing person's location through his/her telecommunications carrier.

(i) Contact the appropriate agency if the report relates to a previously made missing person report and another agency is actively investigating that report. When this is not practical, the information should be documented in an appropriate report for transmission to the appropriate agency. If the information relates to an at-risk missing person, the member should notify a supervisor and proceed with reasonable steps to locate the missing person.

600.6 REPORT PROCEDURES AND ROUTING

Employees shall immediatley notify their supervisor of the missing person, complete all missing person reports and forms promptly and advise the appropriate supervisor as soon as a missing person report is ready for review. Missing persons reports shall be completed, approved and routed prior to the end of the shift.

600.6.1 SUPERVISOR RESPONSIBILITIES

The supervisor shall review and approve missing person reports by the end of thier shift when the subject is still outstanding. The reports involving outstanding missing persons shall be immediatley forwarded to the Investigations Bureau.

The supervisor shall also ensure applicable notifications and public alerts are made and documented and that records have been entered into the appropriate missing person networks.

600.6.2 RECORDS BUREAU RESPONSIBILITIES

The receiving member shall:

(a) As soon as reasonable under the circumstances, notify and forward a copy of the report to the law enforcement agency having jurisdiction over the missing person's residence in cases where the missing person is a resident of another jurisdiction (Penal Code § 14211).

(b) Notify and forward a copy of the report to the law enforcement agency in whose jurisdiction the missing person was last seen (Penal Code § 14211).

(c) Notify and forward a copy of the report to the law enforcement agency having jurisdiction over the missing person's intended or possible destination, if known.

(d) Forward a copy of the report to the Investigation Unit.

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(e) Coordinate with the NCIC Terminal Contractor for California to have the missing person record in the NCIC computer networks updated with additional information obtained from missing person investigations (34 USC § 41308).

600.7 INVESTIGATION UNIT FOLLOW-UP

In addition to completing or continuing any actions listed above, the investigator assigned to a missing person investigation:

(a) Shall ensure that the missing person's school is notified within 10 days if the missing person is a juvenile.

1. The notice shall be in writing and should also include a photograph (Education Code § 49068.6).
2. The investigator should meet with school officials regarding the notice as appropriate to stress the importance of including the notice in the child's student file, along with contact information if the school receives a call requesting the transfer of the missing child's files to another school.

(b) Should recontact the reporting person and/or other witnesses within 30 days of the initial report and within 30 days thereafter to determine if any additional information has become available via the reporting party.

(c) Should consider contacting other agencies involved in the case to determine if any additional information is available.

(d) Shall verify and update CLETS, NCIC and any other applicable missing person networks within 30 days of the original entry into the networks and every 30 days thereafter until the missing person is located (34 USC § 41308).

(e) Should continue to make reasonable efforts to locate the missing person and document these efforts at least every 30 days.

(f) Shall maintain a close liaison with state and local child welfare systems and the National Center for Missing and Exploited Children® (NCMEC) if the missing person is under the age of 21 and shall promptly notify NCMEC when the person is missing from a foster care family home or childcare institution (34 USC § 41308).

(g) Should make appropriate inquiry with the [Medical Examiner/JOP].

(h) Should obtain and forward medical and dental records, photos, X-rays and biological samples pursuant to Penal Code § 14212 and Penal Code § 14250.

(i) Shall attempt to obtain the most recent photograph for persons under 18 years of age if it has not previously been obtained and forward the photograph to California DOJ (Penal Code § 14210) and enter the photograph into applicable missing person networks (34 USC § 41308).

(j) Should consider making appropriate entries and searches in the National Missing and Unidentified Persons System (NamUs).

(k) In the case of an at-risk missing person or a person who has been missing for an extended time, should consult with a supervisor regarding seeking federal assistance from the FBI and the U.S. Marshals Service (28 USC § 586).

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600.8 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 investigator shall ensure that, upon receipt of information that a missing person has been located, the following occurs (Penal Code § 14213):

(a) Notification is made to California DOJ.

(b) Entries are made in the applicable missing person networks.

(c) Immediately notify the Attorney General's Office.

(d) Notification shall be made to any other law enforcement agency that took the initial report or participated in the investigation within 24 hours.

600.8.1 UNIDENTIFIED PERSONS

Department members investigating a case of an unidentified person who is deceased or a living person who cannot assist in identifying him/herself should:

(a) Obtain a complete description of the person.

(b) Enter the unidentified person's description into the NCIC Unidentified Person File.

(c) Use available resources, such as those related to missing persons, to identify the person.

600.9 TRAINING

Subject to available resources, the Training Manager should ensure that members of this department whose duties include missing person investigations and reports receive 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).

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(d) Verifying the accuracy of all descriptive information.

(e) Initiating a neighborhood investigation.

(f) Investigating any relevant recent family dynamics.

(g) Addressing conflicting information.

(h) Key investigative and coordination steps.

(i) Managing a missing person case.

(j) Additional resources and specialized services.

(k) Update procedures for case information and descriptions.

(l) Preserving scenes.

(m) Internet and technology issues (e.g., Internet use, cell phone use).

(n) Media relations.

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Domestic Violence

601.1 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.

601.1.1 DEFINITIONS

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

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

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

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

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

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

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.

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

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

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601.2 POLICY

The Antioch 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.

601.3 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.

601.4 INVESTIGATIONS

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

(a) Calls of reported, threatened, imminent or ongoing domestic violence and the violation of any court order are of extreme importance and should be considered among the highest response priorities. This includes incomplete 9-1-1 calls.

(b) When practicable, officers should obtain and document statements from the victim, the suspect and any witnesses, including children, in or around the household or location of occurrence.

(c) Officers should list the full name and date of birth (and school if available) of each child who was present in the household at the time of the offense. The names of other children who may not have been in the house at that particular time should also be obtained for follow-up.

(d) When practicable and legally permitted, video or audio record all significant statements and observations.

(e) All injuries should be photographed, regardless of severity, taking care to preserve the victim's personal privacy. Where practicable, photographs should be taken by a person of the same sex. Victims whose injuries are not visible at the time of the incident should be asked to contact the Investigation Unit 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.

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(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. Marital status of suspect and victim.
2. Whether the suspect lives on the premises with the victim.
3. Claims by the suspect that the victim provoked or perpetuated the violence.
4. The potential financial or child custody consequences of arrest.
5. The physical or emotional state of either party.
6. Use of drugs or alcohol by either party.
7. Denial that the abuse occurred where evidence indicates otherwise.
8. A request by the victim not to arrest the suspect.
9. Location of the incident (public/private).
10. Speculation that the complainant may not follow through with the prosecution.
11. The racial, cultural, social, professional position or sexual orientation of the victim or suspect.

601.4.1 IF A SUSPECT IS ARRESTED

If a suspect is arrested, officers should:

(a) Advise the victim that there is no guarantee the suspect will remain in custody.

(b) Advise the victim whether any type of court order will be in effect when the suspect is released from jail.

601.5 VICTIM ASSISTANCE

Victims may be traumatized or confused. Officers should:

(a) Recognize that a victim's behavior and actions may be affected.

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(b) Provide the victim with the department's domestic violence information handout, even if the incident may not rise to the level of a crime.

(c) Alert the victim to any available victim advocates, shelters and community resources.

(d) Stand by for a reasonable amount of time when an involved person requests law enforcement assistance while removing essential items of personal property.

(e) Seek medical assistance as soon as practicable for the victim if he/she has sustained injury or complains of pain.

(f) Ask the victim whether he/she has a safe place to stay. Assist in arranging to transport the victim to an alternate shelter if the victim expresses a concern for his/her safety or if the officer determines that a need exists.

(g) Make reasonable efforts to ensure that children or dependent adults who are under the supervision of the suspect or victim are being properly cared for.

(h) Seek or assist the victim in obtaining an emergency order if appropriate.

601.6 DISPATCH ASSISTANCE

All calls of domestic violence, including incomplete 9-1-1 calls, should be dispatched as soon as practicable.

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

601.7 FOREIGN COURT ORDERS

Various types of orders may be issued in domestic violence cases. Any foreign court order properly issued by a court of another state, Indian tribe, or territory shall be enforced by officers as if it were the order of a court in this state. An order should be considered properly issued when it reasonably appears that the issuing court has jurisdiction over the parties and reasonable notice and opportunity to respond was given to the party against whom the order was issued (18 USC § 2265). An otherwise valid out-of-state court or foreign order shall be enforced, regardless of whether the order has been properly registered with this state (Family Code § 6403).

Canadian domestic violence protection orders shall also be enforced in the same manner as if issued in this state (Family Code § 6452).

601.8 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:

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(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.

(b) Check available records or databases that may show the status or conditions of the order.

(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.

601.9 LEGAL MANDATES AND RELEVANT LAWS

California law provides for the following:

601.9.1 STANDARDS FOR ARRESTS

Officers investigating a domestic violence report should consider the following:

(a) An arrest should be made when there is probable cause to believe that a felony or misdemeanor domestic violence offense has been committed (Penal Code § 13701). Any decision to not arrest an adult when there is probable cause to do so requires supervisor approval.

1. Officers are only authorized to make an arrest without a warrant for a misdemeanor domestic violence offense if the officer makes the arrest as soon as probable cause arises (Penal Code § 836).

(b) An officer responding to a domestic violence call who cannot make an arrest will advise the victim of his/her right to make a private person's arrest. The advisement should be made out of the presence of the suspect and shall include advising the victim how to safely execute the arrest. Officers shall not dissuade victims from making a lawful private person's arrest. Officers should refer to the provisions in the Private Persons Arrests Policy for options regarding the disposition of private person's arrests (Penal Code § 836(b)).

(c) Officers shall not cite and release a person for the following offenses (Penal Code § 853.6(a)(3)):

1. Penal Code § 243(e)(1) (battery against spouse, cohabitant)

2. Penal Code § 273.5 (corporal injury on spouse, cohabitant, fiancé/fiancée, person of a previous dating or engagement relationship, mother/father of the offender's child)

3. Penal Code § 273.6 (violation of protective order) if violence or threats of violence have occurred or the suspect has gone to the workplace or residence of the protected party

4. Penal Code § 646.9 (stalking)

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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).

601.9.2 COURT ORDERS

(a) An officer who obtains an emergency protective order from the court shall serve it on the restrained person if the person can be reasonably located, and shall provide the person protected or the person's parent/guardian with a copy of the order. The officer shall file a copy with the court as soon as practicable and shall have the order entered into the computer database system for protective and restraining orders maintained by the Department of Justice (Family Code § 6271; Penal Code § 646.91).

(b) At the request of the petitioner, an officer at the scene of a reported domestic violence incident shall serve a court order on a restrained person (Family Code § 6383; Penal Code § 13710).

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

(d) During the service of a protective order any firearm discovered in plain view or pursuant to consent or other lawful search shall be taken into temporary custody (Penal Code § 18250).

(e) If a valid Canadian order cannot be enforced because the person subject to the order has not been notified or served with the order, the officer shall notify the protected individual that reasonable efforts shall be made to contact the person subject to the order. The officer shall make a reasonable effort to inform the person subject to the order of the existence and terms of the order and provide him/her 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).

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601.9.3 PUBLIC ACCESS TO POLICY

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

601.9.4 REPORTS AND RECORDS

(a) A written report shall be completed on all incidents of domestic violence. All such reports should be documented on the appropriate form, which includes information and notations specific to domestic violence incidents as required by Penal Code § 13730.

(b) Reporting officers should provide the victim with the case number of the report. The case number may be placed in the space provided on the domestic violence victim information handout provided to the victim. If the case number is not immediately available, an explanation should be given regarding how the victim can obtain the information at a later time.

(c) Officers who seize any firearm or other deadly weapon in a domestic violence incident shall issue the individual possessing such weapon a receipt and notice of where the weapon may be recovered, along with the applicable time limit for recovery (Penal Code § 18250; Penal Code § 33800; Family Code § 6389(c)(2)).

See attachment: DOMV Form.pdf

601.9.5 RECORD-KEEPING AND DATA COLLECTION

This [department/office] 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/Office], including whether weapons were used in the incident or whether the incident involved strangulation or suffocation (Penal Code § 13730). This information is to be reported to the Attorney General monthly. It shall be the responsibility of the Records Supervisor to maintain and report this information as required.

601.9.6 DECLARATION IN SUPPORT OF BAIL INCREASE

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

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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 notification requirements are addressed in the Child Abuse and Adult Abuse policies.

602.1.1 DEFINITIONS

Definitions related to this policy include:

Sexual assault - Any crime or attempted crime of a sexual nature, to include but not limited to offenses defined in Penal Code § 243.4, Penal Code § 261 et seq., and Penal Code § 285 et seq.

Sexual Assault Response Team (SART) - A multidisciplinary team generally comprised of advocates; law enforcement officers; forensic medical examiners, including sexual assault forensic examiners (SAFEs) or sexual assault nurse examiners (SANEs) if possible; forensic laboratory personnel; and prosecutors. The team is designed to coordinate a broad response to sexual assault victims.

602.2 POLICY

It is the policy of the Antioch Police Department that its members, when responding to reports of sexual assaults, will strive to minimize the trauma experienced by the victims, and will aggressively investigate sexual assaults, pursue expeditious apprehension and conviction of perpetrators, and protect the safety of the victims and the community.

602.3 QUALIFIED INVESTIGATORS

Qualified investigators should be available for assignment of sexual assault investigations. These investigators should:

(a) Have specialized training in, and be familiar with, interview techniques and the medical and legal issues that are specific to sexual assault investigations.

(b) Conduct follow-up interviews and investigation.

(c) Present appropriate cases of alleged sexual assault to the prosecutor for review.

602.4 INVESTIGATION AND REPORTING

In all reported or suspected cases of sexual assault, a report should be written and assigned for follow-up investigation. This includes incidents in which the allegations appear unfounded or unsubstantiated.

602.4.1 VICTIM INTERVIEWS

The primary considerations in sexual assault investigations, which begin with the initial call to the Dispatch Center, should be the health and safety of the victim, the preservation of evidence, and

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preliminary interviews to determine if a crime has been committed and to attempt to identify the suspect.

Officers should conduct an initial interview with the victim to minimally ascertain the essential elements of the crime, description/identity/whereabouts of the suspect(s) and witnesses, location of crime scene and/or potenital evidence, etc. In-depth follow-up interviews should not be conducted until after the medical and forensic examinations are completed and the personal needs of the victim have been met (e.g., change of clothes, bathing). The follow-up interview may be delayed to the following day based upon the circumstances. Whenever practicable, the follow-up interview should be conducted by a qualified investigator.

Victims are often reluctant or embarrassed to discuss details. Recanting or changing one or more aspects of a prior statement is not necessarily an indication of false reporting or that the case is unfounded. If the responding officer has reason to believe the incident may be without merit, he/she should document the evidence and inconsistencies. Due to physical and emotional trauma, and the myths and stereotypes associated with sexual assault, inconsistencies in the victim's report are not uncommon. No opinions of whether the case is unfounded shall be included in the report.

Victims shall not be asked or required to take a polygraph examination (42 USC § 3796gg-8; Penal Code § 637.4).

602.4.2 VICTIM RIGHTS

Victims should be apprised of applicable victim’s rights provisions, as outlined in the Victim and Witness Assistance Policy.

Whenever there is an alleged sexual assault the assigned officer shall accomplish the following:

(a) Immediately provide the victim with the "Victims of Domestic Violence" card containing the names and locations of rape victim counseling centers within the county and their 24-hour counseling service telephone numbers (Penal Code § 264.2(a)).

(b) Advise the victim of the right to have a victim advocate and a support person present at any interview by law enforcement as provided in Penal Code § 679.04.

(c) 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(b)(1)).

    1. Prior to any such examination the assigned officer shall ensure that the victim has been properly informed of his/her right to have a sexual assault victim counselor and at least one other support person present (Penal Code § 264.2(b)(2)).

    2. A support person may be excluded from the examination by the officer or the medical provider if his/her presence would be detrimental to the purpose of the examination (Penal Code § 264.2(b)(4)).

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602.4.3 VICTIM CONFIDENTIALITY

Officers investigating or receiving a report of an alleged sex offense shall inform the victim, or the victim's parent or guardian if the victim is a minor, that his/her name will become a matter of public record unless the victim requests that his/her name not be made public. The reporting officer shall document in his/her report that the victim was properly informed and shall include any related response made by the victim, or if a minor, any response made by the victim's parent or guardian (Penal Code § 293).

Except as authorized by law, members of this department shall not publicly disclose the name or address of any victim of a sex crime who has exercised his/her right to confidentiality (Penal Code § 293).

602.4.4 COLLECTION AND TESTING OF BIOLOGICAL EVIDENCE

Whenever possible, a SART member should be involved in the collection of forensic evidence from the victim.

When the facts of the case indicate that collection of biological evidence is warranted, it should be collected regardless of how much time has elapsed since the reported assault.

If a drug-facilitated sexual assault is suspected, it is critical to the investigation that a urine sample from the victim be collected by a medical professional.

Subject to available resources and other law enforcement considerations which may affect the ability to process and analyze rape kits, other sexual assault victim evidence and other crime scene evidence, any member of this department assigned to investigate a sexual assault offense should take every reasonable step to ensure that DNA testing of such evidence is performed in a timely manner and within the time periods prescribed by Penal Code § 803(g). Generally, rape kits should be submitted to the crime lab within 20 days after being booked into evidence (Penal Code § 680).

In order to maximize the effectiveness of such testing and identify the perpetrator of any sexual assault, the assigned officer should further ensure that the results of any such test have been timely entered into and checked against both the Department of Justice Cal-DNA database and the Combined DNA Index System (CODIS).

If, for any reason, DNA evidence in a sexual assault case in which the identity of the perpetrator is in issue and is not going to be analyzed within 18 months of the crime, the assigned officer shall notify the victim of such fact in writing no less than 60 days prior to the expiration of the 18 month period (Penal Code § 680(d)).

602.4.5 VICTIM NOTIFICATION OF DNA STATUS

(a) Upon receipt of a written request from a sexual assault victim or the victim's authorized designee, the assigned officer may inform the victim of the status of the DNA testing of any evidence from the victim's case (Penal Code § 680).

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1. Although such information may be communicated orally, the assigned officer should thereafter follow-up with and retain a copy of confirmation by either written or electronic mail.
2. Absent a written request, no member of this department is required to, but may, communicate with the victim or the victim's authorized designee regarding the status of any DNA testing.

(b) Subject to the commitment of sufficient resources to respond to requests for information, sexual assault victims shall further have the following rights (Penal Code § 680):

1. To be informed if a DNA profile of the assailant was obtained from the testing of the rape kit or other crime scene evidence from their case.
2. To be informed if there is a match between the DNA profile of the assailant developed from the evidence and a DNA profile contained in the Department of Justice 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 Department of Justice Databank of case evidence.

(c) Provided that the sexual assault victim or the victim's authorized designee has kept the assigned officer informed with regard to current address, telephone number and email address (if available), any victim or the victim's authorized designee shall, upon request, be advised of any known significant changes regarding the victim's case (Penal Code § 680).

1. Although such information may be communicated orally, the assigned officer should thereafter follow-up with and retain a copy of confirmation by either written or electronic mail.
2. No officer shall be required or expected to release any information which might impede or compromise any ongoing investigation.

602.4.6 DESTRUCTION OF EVIDENCE

Any destruction of evidence related to a sexual assault shall occur only after victim notification is made as required pursuant to Penal Code § 680 and only in compliance with the Property and Evidence Policy.

602.4.7 DISPOSITION OF CASES

If the assigned investigator has reason to believe the case is without merit, the case may be classified as unfounded only upon review and approval of the Investigations Bureau supervisor.

Classification of a rape case as unfounded requires the Investigations Bureau supervisor to determine that the facts have significant irregularities with reported information and that the incident could not have happened as it was reported. When a victim has recanted his/her original statement, there must be corroborating evidence to support the recanted information before the case should be determined as unfounded.

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602.5 RELEASING INFORMATION TO THE PUBLIC

In cases where the perpetrator is not known to the victim, and especially if there are multiple crimes where more than one appear to be related, consideration should be given to releasing information to the public whenever there is a reasonable likelihood that doing so may result in developing helpful investigative leads. The Investigations Bureau supervisor should weigh the risk of alerting the suspect to the investigation with the need to protect the victim and the public, and to prevent more crimes.

602.6 TRAINING

Subject to available resources, periodic training should be provided to:

(a) Members who are first responders. Training should include:

1. Initial response to sexual assaults.
2. Legal issues.
3. Victim advocacy.
4. Victim’s response to trauma.
5. Proper use and handling of the California standardized SAFE kit (Penal Code § 13823.14).

(b) Qualified investigators, who should receive advanced training on additional topics. Advanced training should include:

1. Interviewing sexual assault victims.
2. SART.
3. Medical and legal aspects of sexual assault investigations.
4. Serial crimes investigations.
5. Use of community and other federal and state investigative resources, such as the Violent Criminal Apprehension Program (ViCAP).
6. Techniques for communicating with victims to minimize trauma.

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Hate Crimes

603.1 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.

603.2 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 Antioch 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).

603.2.1 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

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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 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:

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- Community center
- 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

603.3 PLANNING AND PREVENTION

In order to facilitate the guidelines contained within this policy, department members will continuously work to build and strengthen relationships with the community, engage in dialogue, and provide education to the community about this policy. Department personnel are also encouraged to learn about the inherent issues concerning their communities in relation to hate crimes.

Although hate incidents are not criminal events, they can be indicators of, or precursors to, hate crimes. Hate incidents should be investigated and documented as part of an overall strategy to prevent hate crimes.

603.3.1 HATE CRIMES COORDINATOR

A department member appointed by the Chief of Police or the authorized designee will serve as the Hate Crimes Coordinator. The responsibilities of the Hate Crimes Coordinator should include but not be limited to (Penal Code § 422.87):

(a) Coordinating with the Training Manager to include in a training plan recognition of hate crime bias characteristics, including information on general underreporting of hate crimes.

(b) 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.

(c) Reporting any suspected multi-mission extremist crimes to the agency Terrorism Liaison Officer, the assigned designee, or other appropriate resource.

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(d) Maintaining the department's supply of up-to-date hate crimes brochures (Penal Code § 422.92; Penal Code § 422.87).

603.4 RESPONSE, VICTIM ASSISTANCE, AND FOLLOW-UP

603.4.1 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.

(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.

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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.

603.4.2 INVESTIGATION

Investigators at the scene of, or performing follow-up investigation on, a suspected hate or bias crime or hate incident should take all actions deemed reasonably necessary, including but not limited to the following:

(a) Consider typologies of perpetrators of hate crimes and incidents, including but not limited to thrill, reactive/defensive, and mission.

(b) Utilize investigative techniques and methods to handle hate crimes or hate incidents in a professional manner.

(c) Utilize proper techniques for interviewing people with disabilities and be aware of and provide appropriate accommodations (e.g., ADA standards, Braille, visuals, translators for the deaf or hard of hearing).

(d) Properly investigate any report of a hate crime committed under the color of authority per Penal Code § 422.6 and Penal Code § 13519.6.

(e) Document physical evidence or indicators of hate crimes, in accordance with the provisions of the Property and Evidence Policy, such as:

1. Hate literature.
2. Spray paint cans.
3. Threatening letters.
4. Symbols used by hate groups.
5. Desecration of religious symbols, objects, or buildings.

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(f) Request the assistance of translators or interpreters when needed to establish effective communication.

(g) Conduct a preliminary investigation and record information regarding:

1. Identity of suspected perpetrators.
2. Identity of witnesses, including those no longer at the scene.
3. 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. 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.

603.4.3 SUPERVISION

The supervisor shall confer with the initial responding officer and take reasonable steps to ensure that necessary preliminary actions have been taken. The supervisor shall request any appropriate personnel necessary to accomplish the following:

(a) Provide immediate assistance to the crime victim by:

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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.

603.5 RELEASE OF INFORMATION

In accordance with the Media Relations Policy, the supervisor, public information officer, or the authorized designee should be provided with information that can be reasonably reported to the media. When appropriate, the department spokesperson should reiterate that hate crimes will not be tolerated, and will be investigated seriously.

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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 the victims.
- Informing the community regarding hate crime law and the legal rights of, and the remedies available to, victims of hate crimes.
- Providing the community with ongoing information regarding hate crime and/or hate incidents.

603.6 TRAINING

All members of this department will receive POST-approved training on hate crime recognition and investigation as provided by Penal Code § 13519.6. 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 and gender bias.

(b) Accurate reporting by officers, including information on the general underreporting of hate crimes.

(c) Distribution of hate crime brochures.

603.7 APPENDIX

See attachments:

Statutes and Legal Requirements.pdf

Hate Crime Checklist.pdf

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Death Investigation

604.1 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.

604.2 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.

604.2.1 CORONER REQUEST

Government Code § 27491 and Health & Safety Code § 102850 direct the Coroner to inquire into and determine the circumstances, manner and cause of certain deaths. The Coroner shall be called in any of the following cases:

(a) Unattended deaths (No physician in attendance or during the continued absence of the attending physician. Also, includes all deaths outside hospitals and nursing care facilities).

(b) Deaths where the deceased has not been attended by either a physician or a registered nurse, who is a member of a hospice care interdisciplinary team, as defined by Health and Safety Code § 1746 in the 20 days prior to death.

(c) Physician unable to state the cause of death. Unwillingness does not apply. Includes all sudden, unexpected and unusual deaths and fetal deaths when the underlying cause is unknown.

(d) Known or suspected homicide.

(e) Known or suspected suicide.

(f) Involving any criminal action or suspicion of a criminal act. Includes child and dependent adult negligence and abuse.

(g) Related to or following known or suspected self-induced or criminal abortion.

(h) Associated with a known or alleged rape or crime against nature.

(i) Following an accident or injury (primary or contributory). Deaths known or suspected as resulting (in whole or in part) from or related to accident or injury, either old or recent.

(j) Drowning, fire, hanging, gunshot, stabbing, cutting, starvation, exposure, alcoholism, drug addiction, strangulation or aspiration.

(k) Accidental poisoning (food, chemical, drug, therapeutic agents).

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(l) Occupational diseases or occupational hazards.

(m) Known or suspected contagious disease and constituting a public hazard.

(n) All deaths in operating rooms and all deaths where a patient has not fully recovered from an anesthetic, whether in surgery, recovery room or elsewhere.

(o) In prison or while under sentence. Includes all in-custody and police involved deaths.

(p) All deaths of unidentified persons.

(q) All deaths of state hospital patients.

(r) Suspected Sudden Infant Death Syndrome (SIDS) deaths.

(s) All deaths where the patient is comatose throughout the period of the physician's attendance. Includes patients admitted to hospitals unresponsive and expire without regaining consciousness.

The body shall not be disturbed or moved from the position or place of death without permission of the coroner.

604.2.2 SEARCHING DEAD BODIES

The Coroner or Deputy Coroner is generally the only person permitted to search a body known to be dead from any of the circumstances set forth in Government Code § 27491. The only exception is that an officer is permitted to search the body of a person killed in a traffic collision for the limited purpose of locating an anatomical donor card (Government Code § 27491.3). If such a donor card is located, the Coroner or a designee shall be promptly notified. Should exigent circumstances indicate to an officer that any search of a known dead body is warranted prior to the arrival of the Coroner or a designee; the investigating officer shall first obtain verbal consent from the Coroner or a designee (Government Code § 27491.2).

Whenever possible, a witness, preferably a relative to the deceased or a member of the household, should be requested to remain at the scene with the officer pending the arrival of the Coroner or a designee. The name and address of this person shall be included in the narrative of the death report. Whenever personal effects are removed from the body of the deceased by the Coroner or a designee, a receipt shall be obtained. This receipt shall be attached to the death report.

604.2.3 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.

604.2.4 DEATH INVESTIGATION REPORTING

All incidents involving a death shall be documented in the department report writing system.

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604.2.5 SUSPECTED HOMICIDE

If the initially assigned officer suspects that the death involves a homicide or other suspicious circumstances, the Investigations Bureau Commander shall be notified, through the chain of command, to determine the possible need for detectives to respond to the scene for further immediate investigation.

604.2.6 EMPLOYMENT RELATED DEATHS OR INJURIES

Any member of this agency who responds to and determines that a death, serious illness, or serious injury has occurred as a result of an accident at or in connection with the victim's employment shall ensure that the nearest office of Cal-OSHA is notified by telephone immediately or as soon as practicable with all pertinent information (8 CCR 342(b)).

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Adult Abuse

605.1 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 Antioch Police Department members as required by law.

605.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

605.2 POLICY

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

605.3 INVESTIGATIONS AND REPORTING

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

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

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

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

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

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

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

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

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

(h) Previous addresses of the victim and suspect.

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

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

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

1. Whether or not assistance was provided to the person beyond that allowed by law (Health and Safety Code § 443.14)
2. Whether an individual knowingly altered or forged a request for an aid-in-dying drug to end a person's life without his/her authorization, or concealed or destroyed a withdrawal or rescission of a request for an aid-in-dying drug (Health and Safety Code § 443.17)
3. Whether coercion or undue influence was exerted on the person to request or ingest an aid-in-dying drug or to destroy a withdrawal or rescission of a request for such medication (Health and Safety Code § 443.17)
4. Whether an aid-in-dying drug was administered to a person without his/her knowledge or consent (Health and Safety Code § 443.17).

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

605.4 QUALIFIED INVESTIGATORS

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

(a) Conduct interviews in appropriate interview facilities.

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

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

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

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

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

605.5 MANDATORY NOTIFICATION

Members of the Antioch Police Department shall notify the local office of the California Department of Social Services (CDSS) APS agency when they reasonably suspect, have observed or have

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

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

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

For purposes of notification, abuse is physical abuse, abandonment, abduction, isolation, financial abuse or neglect. Physical abuse includes any assault or sex crime (Welfare and Institutions Code § 15610.63). Financial abuse includes taking personal or real property by undue influence or intent to defraud (Welfare and Institutions Code § 15610.30).

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/Office], 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.

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

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

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

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

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

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

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

(j) When the [Department/Office] 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 Investigation Unit 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).

605.5.1 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.

605.6 PROTECTIVE CUSTODY

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

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

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

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

605.6.1 EMERGENCY PROTECTIVE ORDERS

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

605.7 INTERVIEWS

605.7.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, officers should audio record the preliminary interview with a suspected adult abuse victim. Officers should avoid multiple interviews with the victim and should attempt to gather only the information necessary to begin an investigation. When

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practicable, investigating officers should defer interviews until a person who is specially trained in such interviews is available.

605.7.2 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.

605.8 MEDICAL EXAMINATIONS

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

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

605.9 STATE MANDATES AND OTHER RELEVANT LAWS

California requires or permits the following:

605.9.1 RECORDS BUREAU RESPONSIBILITIES
The Records Bureau is responsible for:

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

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

605.10 JURISDICTION

The Antioch 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).

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

605.11 RELEVANT STATUTES

Penal Code § 368 (c)

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

Penal Code § 368 (f)

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

Welfare and Institutions Code § 15610.05

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

Welfare and Institutions Code § 15610.06

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

Welfare and Institutions Code § 15610.30

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

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

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

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(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.

(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:

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(1) The negligent failure of any person having the care or custody of an elder or a dependent adult to exercise that degree of care that a reasonable person in a like position would exercise.

(2) The negligent failure of an elder or dependent adult to exercise that degree of self care that a reasonable person in a like position would exercise.

(b) Neglect includes, but is not limited to, all of the following:

(1) Failure to assist in personal hygiene, or in the provision of food, clothing, or shelter.

(2) Failure to provide medical care for physical and mental health needs. No person shall be deemed neglected or abused for the sole reason that he or she voluntarily relies on treatment by spiritual means through prayer alone in lieu of medical treatment.

(3) Failure to protect from health and safety hazards.

(4) Failure to prevent malnutrition or dehydration.

(5) Failure of an elder or dependent adult to satisfy the needs specified in paragraphs (1) to (4), inclusive, for himself or herself as a result of poor cognitive functioning, mental limitation, substance abuse, or chronic poor health.

Welfare and Institutions Code § 15610.63

15610.63. “Physical abuse” means any of the following:

(a) Assault, as defined in Section 240 of the Penal Code.

(b) Battery, as defined in Section 242 of the Penal Code.

(c) Assault with a deadly weapon or force likely to produce great bodily injury, as defined in Section 245 of the Penal Code.

(d) Unreasonable physical constraint, or prolonged or continual deprivation of food or water.

(e) Sexual assault, that means any of the following:

(1) Sexual battery, as defined in Section 243.4 of the Penal Code.

(2) Rape, as defined in Section 261 of the Penal Code.

(3) Rape in concert, as described in Section 264.1 of the Penal Code.

(4) Spousal rape, as defined in Section 262 of the Penal Code.

(5) Incest, as defined in Section 285 of the Penal Code.

(6) Sodomy, as defined in Section 286 of the Penal Code.

(7) Oral copulation, as defined in Section 287 or former Section 288a of the Penal Code.

(8) Sexual penetration, as defined in Section 289 of the Penal Code.

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(9) Lewd or lascivious acts as defined in paragraph (2) of subdivision (b) of Section 288 of the Penal Code.

(f) Use of a physical or chemical restraint or psychotropic medication under any of the following conditions:

(1) For punishment.

(2) For a period beyond that for which the medication was ordered pursuant to the instructions of a physician and surgeon licensed in the State of California, who is providing medical care to the elder or dependent adult at the time the instructions are given.

(3) For any purpose not authorized by the physician and surgeon.

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Child Abuse

606.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation of suspected child abuse. This policy also addresses when Antioch Police Department members are required to notify the county Children and Family Services (CFS) of suspected child abuse.

606.1.1 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).

606.2 POLICY

The Antioch Police Department will investigate all reported incidents of alleged criminal child abuse and ensure CFS is notified as required by law.

606.3 MANDATORY NOTIFICATION

The child protection agency shall be notified when (Penal Code § 11166):

(a) There is a known or suspected instance of child abuse or neglect reported, which is alleged to have occurred as a result of the action of a person responsible for the child's welfare, or

(b) A person responsible for the child's welfare fails to adequately protect the child from abuse when the person knew or reasonably should have known that the child was in danger of abuse.

The District Attorney's office shall be notified in all instances of known or suspected child abuse or neglect reported to this department. Reports only involving neglect by a person, who has the care or custody of a child, to provide adequate food, clothing, shelter, medical care or supervision where no physical injury to the child has occurred should not be reported to the District Attorney (Penal Code § 11166).

When the abuse or neglect occurs at a licensed facility or is alleged to have resulted from the actions of a person who is required to have a state license (e.g., foster homes, group homes, day care), notification shall also be made to the California Department of Social Services or other applicable licensing authority (Penal Code 11166.1; Penal Code 11166.2).

For purposes of notification, the abuse or neglect includes physical injury or death inflicted by other than accidental means upon a child by another person; sexual abuse (Penal Code § 11165.1);

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neglect (Penal Code § 11165.2); the willful harming or injuring of a child or the endangering of the person or health of a child (Penal Code § 11165.3); and unlawful corporal punishment or injury (Penal Code § 11165.4). Child abuse or neglect does not include a mutual affray between minors, nor does it include an injury caused by the reasonable and necessary force used by a peace officer acting within the course and scope of his/her employment as a peace officer.

606.3.1 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.

606.3.2 POLICE REPORTS
Employees responding to incidents of suspected child abuse where it cannot initially be shown that a crime occurred shall conduct a full investigation and document the incident in an offense report.

606.4 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).

606.5 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.

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(b) The exigent circumstances that existed if officers interviewed the child victim without the presence of a parent or guardian.

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

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

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

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

(g) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other children who may reside in the residence.

(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).

606.5.1 EXTRA JURISDICTIONAL REPORTS

If a report of known or suspected child abuse or neglect that is alleged to have occurred outside this jurisdiction is received, department members shall ensure that the caller is immediately transferred to the agency with proper jurisdiction for the investigation of the case. If the caller cannot be successfully transferred to the appropriate agency, a report shall be taken and immediately referred by telephone, fax or electronic transfer to the agency with proper jurisdiction (Penal Code 11165.9).

606.6 PROTECTIVE CUSTODY

Before taking any child into protective custody, the officer should make reasonable attempts to contact CFS. Generally, removal of a child from his/her family, guardian or other responsible adult should be left to the child welfare authorities when they are present or have become involved in an investigation.

Generally, members of this department should remove a child from his/her parent or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the child. Prior to taking a child into protective custody, the officer should take reasonable steps to deliver the child to another qualified parent or legal guardian, unless it reasonably appears that the release would endanger the child

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or result in abduction. If this is not a reasonable option, the officer shall ensure that the child is delivered to CFS.

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 or Penal Code § 278.5.

A child taken into protective custody shall be delivered to CFS unless otherwise directed by court order.

606.6.1 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-

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surrender site, such as a hospital or fire department (Penal Code § 271.5). The law requires the surrender site to notify CFS.

606.6.2 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.

606.7 INTERVIEWS

606.7.1 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.

606.7.2 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.

606.7.3 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).

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606.8 MEDICAL EXAMINATIONS

If the child has been the victim of abuse that requires a medical examination, the investigating officer should obtain consent for such examination from the appropriate parent, guardian or agency having legal custody of the child. The officer should also arrange for the child's transportation to the appropriate medical facility.

In cases where the alleged offender is the custodial parent or guardian and is refusing consent for the medical examination, officers should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for officers to take the child for a medical examination, the notified supervisor should consider obtaining a court order for such an examination.

606.9 STATE MANDATES AND OTHER RELEVANT LAWS

California requires or permits the following:

606.9.1 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 Release of Records and Information Policy (Penal Code 841.5; Penal Code § 11167.5).

606.9.2 REQUESTS FOR REMOVAL FROM THE CHILD ABUSE CENTRAL INDEX (CACI)

Any person whose name has been forwarded to the California Department of Justice (DOJ) for placement in California's CACI, as a result of an investigation, may request that his/her name be removed from the CACI list. Requests shall not qualify for consideration if there is an active case, ongoing investigation or pending prosecution that precipitated the entry to CACI (Penal Code § 11169). All requests for removal shall be submitted in writing by the requesting person and promptly routed to the CACI hearing officer.

606.9.3 CACI HEARING OFFICER

The Investigation Unit 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.

606.9.4 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:

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(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.

606.10 TRAINING

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

(a) Participating in multidisciplinary investigations, as appropriate.

(b) Conducting forensic interviews.

(c) Availability of therapy services for children and families.

(d) Availability of specialized forensic medical exams.

(e) Cultural competence (including interpretive services) related to child abuse investigations.

(f) Availability of victim advocate or guardian ad litem support.

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Computers and Digital Evidence

607.1 PURPOSE AND SCOPE

This policy establishes procedures for the seizure and storage of computers, personal communications devices (PCDs), digital cameras, digital recorders and other electronic devices that are capable of storing digital information; and for the preservation and storage of digital evidence. All evidence seized and/or processed pursuant to this policy shall be done so in compliance with clearly established Fourth Amendment and search and seizure provisions.

607.2 SEIZING COMPUTERS AND RELATED EVIDENCE

Computer equipment requires specialized training and handling to preserve its value as evidence. Officers should be aware of the potential to destroy information through careless or improper handling, and utilize the most knowledgeable available resources. When seizing a computer and accessories the following steps should be taken:

(a) Photograph each item, front and back, specifically including cable connections to other items. Look for a phone line or cable to a modem for Internet access.

(b) Do not overlook the possibility of the presence of physical evidence on and around the hardware relevant to the particular investigation such as fingerprints, biological or trace evidence, and/or documents.

(c) If the computer is off, do not turn it on.

(d) If the computer is on, do not shut it down normally and do not click on anything or examine any files.

1. Photograph the screen, if possible, and note any programs or windows that appear to be open and running.
2. Disconnect the power cable from the back of the computer box or if a portable notebook style, disconnect any power cable from the case and remove the battery).

(e) Label each item with case number and item number.

(f) Handle and transport the computer and storage media (e.g., tape, discs, memory cards, flash memory, external drives) with care so that potential evidence is not lost.

(g) Log all computer items in the Property Room. Do not store computers where normal room temperature and humidity is not maintained.

(h) At minimum, officers should document the following in related reports:

1. Where the computer was located and whether or not it was in operation.
2. Who was using it at the time.

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3. Who claimed ownership.
4. If it can be determined, how it was being used.

(i) In most cases when a computer is involved in criminal acts and is in the possession of the suspect, the computer itself and all storage devices (hard drives, tape drives, and disk drives) should be seized along with all media. Additionally, all proprietary power cables and accessories with internal memories (such as printers, scanners, copiers, etc.) should also be seized. Other accessories (monitors, mouse, keyboard, software and manuals) should not be seized unless as a precursor to forfeiture.

607.2.1 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 their supervisor for instructions or a response to the scene to determine what other resources may be needed. 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.

607.2.2 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 the Investigations Bureau:

(a) Copy of report(s) involving the computer, including the Evidence/Property sheet.

(b) Copy of a consent to search form signed by the computer owner or the person in possession of the computer, or a copy of a search warrant authorizing the search of the computer hard drive for evidence relating to investigation.

(c) A listing of the items to search for (e.g., photographs, financial records, e-mail, documents).

607.3 SEIZING DIGITAL STORAGE MEDIA

Digital storage media including hard drives, floppy discs, CD's, DVD's, tapes, memory cards, or flash memory devices should be seized and stored in a manner that will protect them from damage.

(a) 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.

(b) Do not leave storage media where they would be subject to excessive heat such as in a parked vehicle on a hot day.

(c) Use plastic cases designed to protect the media, or other protective packaging, to prevent damage.

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607.4 SEIZING PCDS

Personal communication devices such as cell phones, PDAs or other hand-held devices connected to any communication network must be handled with care to preserve evidence that may be on the device including messages, stored data and/or images.

(a) When seizing the devices, also seize the charging units if possible.

(b) To avoid remote deletion of memory and/or destruction of evidence, smart phones must be put in "Airplane Mode" AND the Wi-Fi turned off. If this is not possible, the device should be turned off.

607.5 DIGITAL EVIDENCE RECORDED BY OFFICERS

Officers handling and submitting recorded and digitally stored evidence from cellular telephones, digital cameras, and audio or video recorders will comply with these procedures to ensure the integrity and admissibility of such evidence.

607.5.1 COLLECTION OF DIGITAL EVIDENCE

Once evidence is recorded it shall not be erased, deleted or altered in any way prior to submission. All photographs taken will be preserved regardless of quality, composition or relevance. Video and audio files will not be altered in any way.

(a) Photos should be bracketed before and after the set of photos in their series.

607.5.2 SUBMISSION OF DIGITAL MEDIA

The following are required procedures for the submission of digital media stored on cellular telephones, digital cameras, or other recorders:

(a) At the end of each shift, the officer is to attach any digital media such as audio, video, or photographs to the associated case in RPW. The officer will also make the proper evidence tab entry in RPW indicating the presence of the digital media.

(b) Officers requiring a copy of the digital files must request a copy from evidence personnel.

607.5.3 PRESERVATION OF DIGITAL EVIDENCE

Only evidence technicians or investigators assigned to the case are authorized to copy original digital media that is held as evidence. The original digital media shall remain in evidence and shall remain unaltered.

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Investigations Call Out

608.1 PURPOSE AND SCOPE

The purpose of this policy is to address the requirements and provide guidelines for calling in off-duty investigators to assist as needed with an investigation.

608.2 POLICY

It is the policy of the Antioch Police Department that Investigations Bureau personnel will assist in the investigation of particular cases regardless of their on or off duty status.

608.3 PROCEDURE

If a patrol officer feels a member of the Investigations Bureau is needed on a current investigation, he/she shall advise the on-duty Watch Commander.

The Watch Commander shall be responsible for notifying the Investigations Lieutenant if, in his/her opinion, the request is warranted.

The Investigations Lieutenant shall be briefed thoroughly about the investigation to answer questions the detective supervisor may have before assigning a detective to the scene.

If the Investigations Lieutenant is unavailable, an Investigations Bureau supervisor shall be contacted and briefed about the investigation.

The Investigations Bureau supervisor, for the particular unit affected (Persons/Property/SOU) shall be the first person contacted by the Investigations Lieutenant. If that supervisor is unavailable, the other unit supervisor shall be called. If neither is available, the Investigations Lieutenant shall call the detective with the particular expertise for the incident.

If the desired detective is unavailable, other detectives can be substituted.

The Investigations Lieutenant and/or unit supervisors are responsible for notifying the Support Services Division Commander as soon as practical.

If an Investigations Bureau supervisor cannot be contacted, as soon as practical, the affected Watch Commander is responsible for notifying the Support Services Division Commander.

608.3.1 REQUIREMENTS

The requirements for calling in an off-duty investigator include but are not limited to:

(a) Deaths which are of a suspicious nature.

(b) Child abduction or missing "at risk" children.

(c) Crimes where the perpetrator is known and a search warrant is imminent.

(d) Serious felony where it is necessary to take immediate further investigative action.

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Informants

609.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use of informants.

609.1.1 DEFINITIONS

Definitions related to this policy include:

Informant - A person who covertly interacts with other individuals or suspects at the direction of, request of, or by agreement with, the Antioch Police Department for law enforcement purposes. This also includes a person agreeing to supply information to the Antioch Police Department for a benefit (e.g., a quid pro quo in the form of a reduced criminal penalty, money).

609.2 POLICY

The Antioch 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/office] that all funds related to informant payments will be routinely audited and that payments to informants will be made according to the criteria outlined in this policy.

609.3 USE OF INFORMANTS

609.3.1 INITIAL APPROVAL

Before using an individual as an informant, an officer must receive approval from his/her supervisor. The officer shall compile sufficient information through a background investigation (i.e., RAP, RMS, WSIN Deconfliction, etc.) and experience with the informant in order to determine the suitability of the individual, including age, maturity and risk of physical harm, as well as any indicators of his/her reliability and credibility.

Members of this department should not guarantee absolute safety or confidentiality to an informant.

609.3.2 JUVENILE INFORMANTS

The use of informants under the age of 13 is prohibited.

Except for the enforcement of laws related to the commercial sale of alcohol or tobacco products the use of any juvenile 13 years of age or older as an informant is only permitted when authorized by court order (Penal Code § 701.5).

In all cases, a juvenile 13 years of age or older may only be used as an informant with the written consent of each of the following:

(a) The juvenile's parents or legal guardians

(b) The juvenile's attorney, if any

(c) The court in which the juvenile's case is being handled, if applicable

(d) The Chief of Police or the authorized designee

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609.3.3 INFORMANT AGREEMENTS

All informants are required to sign and abide by the provisions of the designated department informant agreement. The officer using the informant shall discuss each of the provisions of the agreement with the informant.

Details of the agreement are to be approved in writing by a supervisor before being finalized with the informant.

609.4 INFORMANT INTEGRITY

To maintain the integrity of the informant process, the following must be adhered to:

(a) The identity of an informant acting in a confidential capacity shall not be withheld from the Chief of Police, Bureau Commander, Narcotics Unit 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 Antioch Police Department, and that they shall not represent themselves as such.

(d) The relationship between department members and informants shall always be ethical and professional.

1. Members shall not become intimately involved with an informant.
2. Social contact shall be avoided unless it is necessary to conduct an official investigation, and only with prior approval of the Narcotics Unit supervisor.
3. Members shall neither solicit nor accept gratuities or engage in any private business transaction with an informant.

(e) Officers shall not meet with informants in a private place unless accompanied by at least one additional officer or with prior approval of the Narcotics Unit supervisor.

1. Officers may meet informants alone in an occupied public place, such as a restaurant.

(f) When contacting informants for the purpose of making payments, officers shall arrange for the presence of another officer.

(g) In all instances when department funds are paid to informants, 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.

609.4.1 UNSUITABLE INFORMANTS

The suitability of any informant should be considered before engaging him/her in any way in a covert or other investigative process. Members who become aware that an informant may be unsuitable will notify the supervisor, who will initiate a review to determine suitability. Until a determination has been made by a supervisor, the informant should not be used by any member.

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The supervisor shall determine whether the informant should be used by the Department and, if so, what conditions will be placed on his/her participation or any information the informant provides. The supervisor shall document the decision and conditions in file notes and mark the file “unsuitable” when appropriate.

Considerations for determining whether an informant is unsuitable include, but are not limited to, the following:

(a) The informant has provided untruthful or unreliable information in the past.

(b) The informant behaves in a way that may endanger the safety of an officer.

(c) The informant reveals to suspects the identity of an officer or the existence of an investigation.

(d) The informant appears to be using his/her affiliation with this department to further criminal objectives.

(e) The informant creates officer-safety issues by providing information to multiple law enforcement agencies simultaneously, without prior notification and approval of each agency.

(f) The informant engages in any other behavior that could jeopardize the safety of officers or the integrity of a criminal investigation.

(g) The informant commits criminal acts subsequent to entering into an informant agreement.

609.5 INFORMANT FILES

Informant files shall be utilized as a source of background information about the informant, to enable review and evaluation of information provided by the informant, and to minimize incidents that could be used to question the integrity of department members or the reliability of the informant.

Informant files shall be maintained in a secure area within the Narcotics Unit. The Narcotics Unit 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, Bureau Commander, Narcotics Unit supervisor or their authorized designees.

The Investigation Bureau Commander should arrange for an audit using a representative sample of randomly selected informant files on a periodic basis, but no less than one time per year. If the Narcotics Unit 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.

609.5.1 FILE SYSTEM PROCEDURE

A separate file shall be maintained on each informant and shall be coded with an assigned informant control number. An informant history that includes the following information shall be prepared for each file:

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(a) Name and aliases

(b) Date of birth

(c) Physical description: sex, race, height, weight, hair color, eye color, scars, tattoos or other distinguishing features

(d) Photograph

(e) Current home address and telephone numbers

(f) Current employers, positions, addresses and telephone numbers

(g) Vehicles owned and registration information

(h) Places frequented

(i) Briefs of information provided by the informant and his/her subsequent reliability

1. If an informant is determined to be unsuitable, the informant's file is to be marked "unsuitable" and notations included detailing the issues that caused this classification.

(j) Name of the officer initiating use of the informant

(k) Signed informant agreement

(l) Update on active or inactive status of informant

609.6 INFORMANT PAYMENTS

No informant will be told in advance or given an exact amount or percentage for his/her service. The amount of funds to be paid to any informant will be evaluated against the following criteria:

- The extent of the informant's personal involvement in the case
- The significance, value or effect on crime
- The value of assets seized
- The quantity of the drugs or other contraband seized
- The informant’s previous criminal activity
- The level of risk taken by the informant

609.6.1 PAYMENT PROCESS

Approved payments to an informant should be in cash using the following process:

(a) Payments shall be paid in cash from a Narcotics Unit buy/expense fund.

1. The Narcotics Unit supervisor shall sign the voucher for cash payouts from the buy/expense fund.

(b) To complete the payment process for any amount, the officer delivering the payment shall complete a cash transfer form.

1. The cash transfer form shall include the following:

(a) Date

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(b) Payment amount

(c) Antioch Police Department case number

(d) A statement that the informant is receiving funds in payment for information voluntarily rendered.

2. The cash transfer form shall be signed by the informant.

3. The cash transfer form will be kept in the informant's file.

609.6.2 REPORTING OF PAYMENTS

Each informant receiving a cash payment shall be advised of his/her responsibility to report the cash to the Internal Revenue Service (IRS) as income. If funds distributed exceed $600 in any reporting year, the informant should be provided IRS Form 1099 (26 CFR 1.6041-1). If such documentation or reporting may reveal the identity of the informant and by doing so jeopardize any investigation, the safety of officers or the safety of the informant (26 CFR 1.6041-3), then IRS Form 1099 should not be issued.

In such cases, the informant shall be provided a letter identifying the amount he/she must report on a tax return as “other income” and shall be required to provide a signed acknowledgement of receipt of the letter. The completed acknowledgement form and a copy of the letter shall be retained in the informant’s file.

609.6.3 AUDIT OF PAYMENTS

The Narcotics Unit 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.

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Chapter 7 - Equipment

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Department Owned and Personal Property

700.1 PURPOSE AND SCOPE

Department employees are expected to properly care for department property assigned or entrusted to them. Employees may also suffer occasional loss or damage to personal or department property while performing their assigned duty. Certain procedures are required depending on the loss and ownership of the item.

700.2 CARE OF DEPARTMENTAL PROPERTY

Employees shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of department property assigned or entrusted to them. An employee's intentional or negligent abuse or misuse of department property may lead to discipline including, but not limited to the cost of repair or replacement.

(a) Employees shall promptly report through their chain of command, any loss, damage to, or unserviceable condition of any department issued property or equipment assigned for their use.

(b) The use of damaged or unserviceable department property should be discontinued as soon as practical and replaced with comparable Department property as soon as available and following notice to a supervisor.

(c) Except when otherwise directed by competent authority or required by exigent circumstances, department property shall only be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed.

(d) Department property shall not be thrown away, sold, traded, donated, destroyed, or otherwise disposed of without proper authority.

(e) In the event that any Department property becomes damaged or unserviceable, no employee shall attempt to repair the property without prior approval of a supervisor.

700.3 FILING CLAIMS FOR PERSONAL PROPERTY

Claims for reimbursement for damage or loss of personal property must be made by memorandum submitted to the employee's immediate supervisor.

The supervisor shall direct a memo to the appropriate Bureau Commander, which shall include the results of his/her investigation and whether the employee followed proper procedures. The supervisor's report shall address whether reasonable care was taken to prevent the loss or damage.

Upon review by staff and a finding that no misconduct or negligence was involved, repair or replacement may be recommended.

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The Department will not replace or repair luxurious or overly expensive items (jewelry, exotic equipment, etc.) that are not reasonably required as a part of work.

700.3.1 REPORTING REQUIREMENT
A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.

A written memorandum shall be submitted before the employee goes off duty or within the time frame directed by the supervisor to whom the verbal report is made.

700.4 LOSS OR DAMAGE OF PROPERTY OF ANOTHER
Officers and other employees intentionally or unintentionally may cause damage to the real or personal property of another while performing their duties. Any employee who damages or causes to be damaged any real or personal property of another while performing any law enforcement functions, regardless of jurisdiction, shall report it as provided below.

(a) A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.

(b) A written report shall be submitted before the employee goes off duty or within the time frame directed by the supervisor to whom the verbal report is made.

700.4.1 DAMAGE BY PERSON OF ANOTHER AGENCY
If employees of another jurisdiction cause damage to real or personal property belonging to the City, it shall be the responsibility of the employee present or the employee responsible for the property to make a verbal report to his/her immediate supervisor as soon as circumstances permit. The employee shall submit a written memorandum before going off duty or as otherwise directed by the supervisor.

These written memorandums, accompanied by the supervisor's written memorandums, shall promptly be forwarded to the appropriate Bureau Commander.

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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 microblogging, emailing, using video or camera features, playing games and accessing sites or services on the Internet.

701.2 POLICY

The Antioch Police Department allows members to utilize department-issued or funded PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations. Any PCD used while on-duty, or used off-duty in any manner reasonably related to the business of the Department, will be subject to monitoring and inspection consistent with the standards set forth in this policy.

The inappropriate use of a PCD while on-duty may impair officer safety. Additionally, members are advised and cautioned that the use of a personally owned PCD either on-duty or after duty hours for business-related purposes may subject the member and the member's PCD records to civil or criminal discovery or disclosure under applicable public records laws.

Members who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory personnel.

701.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to any communication accessed, transmitted, received or reviewed on any PCD issued or funded by the Department/Office and shall have no expectation of privacy in their location should the device be equipped with location detection capabilities (see the Information Technology Use Policy for additional guidance).

701.4 DEPARTMENT-ISSUED PCD

Depending on a member's assignment and the needs of the position, the Department may, at its discretion, issue or fund a PCD. Department-issued or funded PCDs are provided as a convenience to facilitate on-duty performance only. Such devices and the associated telephone number shall remain the sole property of the Department and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause.

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701.5 PERSONALLY OWNED PCD

Members may carry a personally owned PCD while on-duty, subject to the following conditions and limitations:

(a) Permission to carry a personally owned PCD may be revoked if it is used contrary to provisions of this policy.

(b) The Department accepts no responsibility for loss of or damage to a personally owned PCD.

(c) The PCD and any associated services shall be purchased, used and maintained solely at the member's expense.

(d) The device should not be used for work-related purposes except in exigent circumstances (e.g., unavailability of radio communications). Members will have a reduced expectation of privacy when using a personally owned PCD in the workplace and have no expectation of privacy with regard to any department business-related communication.

(e) The device shall not be utilized to record or disclose any business-related information, including photographs, video or the recording or transmittal of any information or material obtained or made accessible as a result of employment with the Department, without the express authorization of the Chief of Police or the authorized designee.

(f) Use of a personally owned PCD while at work or for work-related business constitutes consent for the Department to access the PCD to inspect and copy data to meet the needs of the Department, which may include litigation, public records retention and release obligations and internal investigations. If the PCD is carried on-duty, members will provide the Department with the telephone number of the device.

(g) All work-related documents, emails, photographs, recordings or other public records created or received on a member's personally owned PCD should be transferred to the Antioch Police Department and deleted from the member's PCD as soon as reasonably practicable but no later than the end of the member's shift.

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 shall not be carried in a manner that allows it to be visible while in uniform, unless it is in an approved carrier.

(b) A PCD may not be used to conduct personal business while on-duty, except for brief personal communications. Members shall endeavor to limit their use of PCDs to authorized break times, unless an emergency exists.

(c) Members may use a PCD to communicate with other personnel in situations where the use of radio communications is either impracticable or not feasible. PCDs should

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not be used as a substitute for, as a way to avoid, or in lieu of regular radio communications.

(d) Members are prohibited from taking pictures, audio or video recordings or making copies of any such picture or recording media unless it is directly related to official department business. Disclosure of any such information to any third party through any means, without the express authorization of the Chief of Police or the authorized designee, may result in discipline.

(e) Members will not access social networking sites for any purpose that is not official department business.

(f) Using PCDs to harass, threaten, coerce or otherwise engage in inappropriate conduct with any third party is prohibited. Any member having knowledge of such conduct shall promptly notify a supervisor.

701.7 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include, but are not limited to:

(a) Ensuring that members under their command are provided appropriate training on the use of PCDs consistent with this policy.

(b) Monitoring, to the extent practicable, PCD use in the workplace and taking prompt corrective action if a member is observed or reported to be improperly using a PCD.

1. An investigation into improper conduct should be promptly initiated when circumstances warrant.
2. Before conducting any administrative search of a member'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.

Except in an emergency, non-sworn members who are operating department vehicles shall not use a PCD while driving unless the device is specifically designed and configured to allow hands-free use (Vehicle Code § 23123; Vehicle Code § 23123.5). Hands-free use should be restricted to business-related calls or calls of an urgent nature.

701.9 OFFICIAL USE

Members are reminded that PCDs are not secure devices and conversations may be intercepted or overheard. Caution should be exercised while utilizing PCDs to ensure that sensitive information

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is not inadvertently transmitted. As soon as reasonably possible, members shall conduct sensitive or private communications on a land-based or other department communications network.

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Vehicle Use

702.1 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 the use of department vehicles and shall not be construed to create or imply any contractual obligation by the City of Antioch to provide assigned take-home vehicles.

702.2 POLICY

The Antioch 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.

702.3 USE OF VEHICLES

702.3.1 SEAT BELT USAGE

In accordance with the provisions of California Vehicle Code § 27315.5 and City Administrative Memo # 50, all employees, while operating or riding in a City vehicle, shall wear seat belts.

(a) All employees operating a City vehicle shall require all passengers to wear seat belts.

(b) Upon request, prisoners may be restrained in the rear of vehicles using the safety belts provided.

1. EXCEPTION: If the prisoner is so combative as to create a potential injury to the officer or prisoner, the safety belt need not be used.

702.3.2 SHIFT ASSIGNED VEHICLES

The supervisor shall ensure a copy of the shift assignment roster indicating member assignments and vehicle numbers is completed for each shift. If a member exchanges vehicles during his/her shift, the new vehicle number shall be documented on the roster.

702.3.3 OTHER USE OF VEHICLES

Members utilizing a vehicle for any purpose other than their normally assigned duties or normal vehicle assignment (e.g., transportation to training, community event, court) shall first notify the on-duty supervisor. Dispatch shall also be made aware so the information (officer's name, vehicle number, and status) can be logged into CAD for tracking purposes.

702.3.4 INSPECTIONS

Members shall be responsible for inspecting the interior, exterior, and equipment (i.e., lighting, siren, MDS, shotgun, etc.) 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.

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The interior of any vehicle that has been used to transport any person other than a member of this department should be inspected prior to placing another person in the vehicle and again after the person is removed. This is to ensure that unauthorized or personal items have not been left in the vehicle.

When transporting any suspect, prisoner or arrestee, the transporting member shall search all areas of the vehicle that are accessible by the person before and after that person is transported.

All department vehicles are subject to inspection and/or search at any time by a supervisor without notice and without cause. No member assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

702.3.5 TRUNK EQUIPMENT

Officers should inspect the trunk of their assigned patrol vehicle to ensure it contains the following items:

(a) Yellow emergency blanket - 1

(b) Yellow barrier (crime scene) tape - 1

(c) Orange traffic cones - 2

(d) Teddy bear - 1

(e) Flex cuffs - 2

(f) Safety lights - 2

(g) Chalk - 1

(h) Syringe holder - 1

(i) Road flares - 12

(j) Paper bags - 2

(k) Breathing mask - 1

(l) California Vehicle Code - 1

(m) Bio-hazard kit - 1

(n) First-aid kit - 1

(o) Fire extinguisher - 1

(p) Bungee cord - 1

(q) Shotgun slugs - 1 box

(r) The WRAP - 1

1. Not all patrol vehicles have the WRAP. However, if the WRAP is present, officers shall inspect it to ensure there are no missing parts, it is stored properly and ready for use.

Upon completion of the required vehicle inspection, officers shall attempt to remedy any deficiency or problem and report the same to their supervisor.

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702.3.6 MDS

Members assigned to vehicles equipped with a Mobile Data System (MDS) shall log onto the MDS with the required information when going on-duty. Use of the MDS is governed by the Moblie Data System Use Policy.

702.3.7 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.

Members shall ensure all weapons are secured while the vehicle is unattended.

702.3.8 VEHICLE LOCATION SYSTEM (AVL)

Patrol and other vehicles, at the discretion of the Chief of Police, may be equipped with a system designed to track the vehicle's location. While the system may provide vehicle location and other information, members are not relieved of their responsibility to use required communication practices to report their location and status.

Members shall not make any unauthorized modifications to the system. At the start of each shift, members shall verify that the system is on and report any malfunctions to their supervisor. If the member finds that the system is not functioning properly at any time during the shift, he/she should exchange the vehicle for one with a working system, if available.

System data may be accessed by supervisors at any time. However, access to historical data by supervisors will generally be limited to follow-up documentation for vehicle pursuits and/or follow-up to an allegation in which vehicle location and/or speed is in question.

702.3.9 KEYS

Members approved to operate marked patrol vehicles should be assigned a set of keys at the beginning of their shift. These keys shall be returned at the end of their shift.

Members shall not duplicate keys. The loss of a key shall be promptly reported in writing through the member's chain of command.

702.3.10 AUTHORIZED PASSENGERS

Members operating department vehicles shall not permit persons other than City personnel or persons required to be conveyed in the performance of duty, or as otherwise authorized, to ride as passengers in the vehicle, except as stated in the Ride-Along Policy.

702.3.11 ALCOHOL

Members who have consumed alcohol are prohibited from operating any department vehicle unless it is required by the duty assignment (e.g., task force, undercover work). Regardless of assignment, members may not violate state law regarding vehicle operation while intoxicated.

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702.3.12 PARKING

Except when responding to an emergency or when urgent department-related business requires otherwise, members driving department vehicles should obey all parking regulations at all times.

Department vehicles should be parked in assigned stalls. Members shall not park privately owned vehicles in stalls assigned to department vehicles or in other areas of the parking lot that are not so designated unless authorized by a supervisor. Privately owned motorcycles shall be parked in designated areas.

702.3.13 ACCESSORIES AND/OR MODIFICATIONS

There shall be no modifications, additions or removal of any equipment or accessories without written permission from the Chief of Police.

702.3.14 HOV LANE / BRIDGE TOLL

Law enforcement vehicles are not routinely exempted from HOV lane or toll requirements.

Members operating department vehicles for any reason other than in response to an emergency shall not operate a department vehicle in an HOV lane without the required number of occupants in the vehicle.

Members operating department vehicles for any reason other than in response to an emergency shall pay the appropriate toll charge. Members may submit a request for reimbursement from the City for any toll fees incurred in the course of official business.

(a) Members passing through a toll plaza or booth during a response to an emergency shall notify, in writing, their supervisor as soon as practicable to explain the circumstances.

702.4 INDIVIDUAL MEMBER ASSIGNMENT TO VEHICLES

Department vehicles may be assigned to individual members at the discretion of the Chief of Police. Vehicles may be assigned for on-duty and/or take-home use. Assigned vehicles may be changed at any time. Permission to take home a vehicle may be withdrawn at any time.

The assignment of vehicles may be suspended when the member is unable to perform his/her regular assignment.

702.4.1 ON-DUTY USE

Vehicle assignments shall be based on the nature of the member’s duties, job description and essential functions, and employment or appointment status. Vehicles may be reassigned or utilized by other department members at the discretion of the Chief of Police or the authorized designee.

702.4.2 UNSCHEDULED TAKE-HOME USE

Circumstances may arise where department vehicles must be used by members to commute to and from a work assignment. Members may take home department vehicles only with prior approval of a supervisor and shall meet the following criteria:

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(a) The circumstances are unplanned and were created by the needs of the department.

(b) Other reasonable transportation options are not available.

(c) The member lives within a reasonable distance of the Antioch City limits.

(d) Vehicles will be locked when not attended.

(e) 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.

702.4.3 ASSIGNED VEHICLES

Assignment of take-home vehicles shall be based on the nature of the member's duties, job description and essential functions, and employment or appointment status.

Members are cautioned that under federal and local tax rules, personal use of a City vehicle may create an income tax liability for the member. Questions regarding tax rules should be directed to the member's tax adviser.

Criteria for use of take-home vehicles include the following:

(a) Vehicles shall only be used for work-related purposes and shall not be used for personal errands or transports, unless special circumstances exist and the Chief of Police or a Bureau Commander gives authorization.

(b) Vehicles may be used to transport the member to and from the member's residence for work-related purposes.

(c) Vehicles will not be used when off-duty except:

1. When the member is performing a work-related function during what normally would be an off-duty period, including vehicle maintenance or travelling to or from a work-related activity or function.

2. When the member has received permission from the Chief of Police or Bureau Commanders.

3. When the vehicle is being used by the Chief of Police, Bureau Commanders or members who are in on-call administrative positions.

(d) While operating the vehicle, authorized members will carry and have accessible their duty firearms and be prepared to perform any function they would be expected to perform while on-duty.

(e) The two-way communications radio, MDS and AVL, 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.

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3. All department identification, portable radios and equipment should be secured.

(g) When parked at a member's residence, if the vehicle is not secured inside a locked garage, all firearms and kinetic impact weapons shall be removed and properly secured in the residence (see the Firearms Policy regarding safe storage of firearms at home).

(h) Vehicles are to be secured at the member's residence or the department facility, at the discretion of the Department when a member will be away (e.g., on vacation) for periods exceeding one week.

1. If the vehicle remains at the residence of the member, the Department shall have access to the vehicle.
2. If the member is unable to provide access to the vehicle, it shall be parked at the Department.

(i) The member is responsible for the care and maintenance of the vehicle.

702.4.4 ENFORCEMENT ACTIONS

When driving a take-home vehicle to and from work outside of the jurisdiction of the Antioch Police Department or while off-duty, an officer shall not initiate enforcement actions except in those circumstances where a potential threat to life or serious property damage exists (see the Off-Duty Law Enforcement Actions and Law Enforcement Authority policies).

Officers may render public assistance when it is deemed prudent (e.g., to a stranded motorist).

702.4.5 MAINTENANCE

Members are responsible for the cleanliness (exterior and interior) and overall maintenance of their assigned vehicles. The following should be performed as outlined below:

(a) Members shall make daily inspections of their assigned vehicles for service/ maintenance requirements and damage.

(b) It is the member's responsibility to ensure that his/her assigned vehicle is maintained according to the established service and maintenance schedule.

(c) The Department shall be notified of problems with the vehicle.

(d) All weapons shall be removed from any vehicle left for maintenance.

702.5 DAMAGE, ABUSE AND MISUSE

When any department vehicle is involved in a traffic collision or otherwise incurs damage, the involved member shall promptly notify a supervisor. Any traffic collision report shall be filed with the agency having jurisdiction (see the Traffic Collision Reporting Policy).

Damage to any department vehicle that was not caused by a traffic collision shall be immediately reported in writing to the member's supervisor. An administrative investigation may be initiated to determine if there has been any vehicle abuse or misuse.

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Vehicle Maintenance

703.1 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.

703.2 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 placed in the designated tray in the Sergeant's Office.

703.2.1 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.

703.2.2 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.

703.2.3 REMOVAL OF WEAPONS

All firearms, weapons and control devices shall be removed from a vehicle and properly secured in the [department/office] armory prior to the vehicle being released for maintenance, service or repair.

703.3 VEHICLE REFUELING

Absent emergency conditions or supervisor approval, employees going off duty shall ensure that their patrol vehicle does not have less than three fourths (3/4) of tank of fuel. Vehicles shall only be refueled at the authorized location.

703.4 CLEANING OF VEHICLES

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.

703.5 CIVILIAN EMPLOYEE USE

Civilian employees using marked vehicles shall ensure that all weapons are removed from the vehicle before going into service. The removal of such equipment is to be facilitated by a sworn officer. Unless doing so at the direction of a supervisor, or moving a decoy vehicle to/from its assigned location, civilian employees shall also prominently display the "out of service" placards

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or lightbar covers at all times. Civilian employees shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

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Two-Wheeled Motorcycle Policy

704.1 PURPOSE AND SCOPE

Establish conditions under which two-wheeled police motorcycles may be operated, maintained, and stored in a safe and effective manner.

704.2 POLICY

The operation of a two-wheeled motorcycle can be dangerous under certain conditions. It is the policy of the Antioch Police Department to maneuver the Police two-wheeled motorcycle in a safe manner while observing the rules of the California Vehicle Code and to place the operator in the safest environment possible.

704.3 SAFETY EQUIPMENT

The following safety equipment shall be supplied and approved by the Antioch Police Department:

(a) Helmets designed specifically for motorcycle operation and meeting California Highway Patrol Standards

1. Helmets shall be worn at all times when operating Police motorcycles.

(b) Boots, leather gloves and shatterproof lens glasses

1. These items shall be worn while operating police motorcycle.

(c) Leather jackets

1. The leather jacket may be worn at the discretion of the officer.

(d) Uniform pants specifically designed for use by motorcycle officers

1. These pants shall be worn while operating a police motorcycle.

704.4 EMERGENCY EQUIPMENT

Each motorcycle shall be equipped with emergency lights and siren.

Officers are not required to operate the motorcycle when emergency equipment is inoperative.

(a) If the motorcycle is operated with inoperative emergency equipment, the rights afforded in the California Vehicle Code pertaining to emergency vehicles shall not exist.

704.5 MAINTENANCE

An officer assigned to the operation of a motorcycle shall be responsible for the general care and maintenance of that vehicle. A log shall be maintained to assure regular servicing and prompt replacement of broken equipment.

In the event that the radio or emergency equipment becomes inoperative, the officer shall transport the motorcycle to the City corporation yard where a determination will be made as to who will affect the repairs.

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704.6 PURSUITS
Refer to the Vehicle Pursuits policy.

704.7 TRANSPORTATION
Motorcycles kept at the officer's residence shall not be operated at any time other than in the line of duty.

In the event the motorcycle is inoperative due to inclement weather or mechanical breakdown, the officer shall arrange their own transportation to and from work.

At no time shall an officer driving a motorcycle have a passenger aboard.

704.8 STORAGE OF MOTORCYCLE
Officers may be allowed to take their motorcycles home, providing they can adequately secure and protect the motorcycle.

704.9 INCLIMATE WEATHER
Officers shall not operate motorcycles during inclement weather. When motorcycles cannot be operated because of equipment failure or inclement weather, each officer shall advise his/her supervisor and utilize a patrol vehicle during the shift.

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Firearms Range

705.1 PURPOSE AND SCOPE

The purpose of this policy is to establish rules, regulations, and guidelines for the on-duty and off-duty use of the department firearms range. It also sets specific standards for the testing of range instructors for blood/lead contamination and hearing loss.

705.2 POLICY

It is the policy of the Antioch Police Department that the range shall be utilized to facilitate firearms training and to offer to APOA/APSMA members a facility which they may use in an off-duty capacity to practice their firearm skills. At all times the safety of the personnel present will be the primary concern.

705.3 OBJECTIVES

The purpose of the range facility is to improve personal skills, provide for testing and evaluation of new weapons and for specific training. The objective of firearms training is:

(a) To instill within the officer a deeper appreciation of human life and to assure understanding of those circumstances which must exist before deadly force is employed.

(b) To develop within the officer a strong sense of personal discipline and confidence relative to the use of weapons.

(c) To establish within the officer a knowledge of and respect for the potential of their weapons.

(d) To develop within each officer a high degree of proficiency in the use of their weapons.

(e) To ingrain principles of firearms safety in each officer.

705.4 ADMITTANCE TO THE RANGE FACILITY

(a) The departmental firearms range booth shall be maintained in a locked condition at all times when not in use.

(b) Prior to any employee using the range off duty, they will be required to attend a training session that will familiarize them with the equipment and how it is operated.

(c) Prior to using the range in an off-duty capacity, all members must sign in the Range Log Book located in the Sergeants Office. Failure to do so may result in revocation of range privileges and/or disciplinary action.

(d) Admittance to the range shall be facilitated through the on duty supervisor.

(e) Admittance to the range can be denied by the on-duty supervisor at any time with no reason given.

705.5 WHO MAY USE THE RANGE

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705.5.1 APOA/APSMA MEMBERS-ON DUTY
APOA and APSMA members may use the range when scheduled for formal or informal departmental training. This training will be conducted by the department-approved range master or instructor or their designee.

705.5.2 APOA/APSMA MEMBERS-OFF DUTY
APOA and APSMA members may use the range while off duty; provided they have a signed and acknowledged Antioch Firearms Range Off-Duty Use Agreement and Release of Liability form on file with the Administrative Bureau. Department Firearm policy guidelines and range safety rules and regulations shall be followed at all times.

See attachment: Antioch Firearms Range Off Duty Use Waiver.pdf

705.5.3 OUTSIDE AGENCY USE
The range will be available to outside agencies for training purposes on a rental basis. Prior to any agency using the range, they must have a waiver contract on file with the Police Department indemnifying the City of Antioch against any claims arising out of the use of the facility. They must also submit to the Antioch Police Department a copy of the lesson plan they intend to instruct. Should the lesson plan be unacceptable, inadaptable or if it poses a safety risk, this issue can be addressed and modifications can be made. Use of the range shall not be permitted until the lesson plan is approved by the authorized range master.

The outside agency will "rent" an Antioch range master or instructor to operate the range equipment for the duration of their training day.

The outside agency will also have a ranking officer from the department on scene during this training should there be any discipline problems or subsequent damage to the range.

Should the outside agency have no departmental firearms instructors, they may rent our instructional staff. We would put their officers through one of our firearms training courses, of their choice. The outside agency would have to accept our standards of "pass/fail" as we will not deviate from these standards. It will be up to the outside agency as to what course they take should one of their officers fail to meet the set standards of our agency.

Rental fees are to be established by the office of the Chief of Police of Antioch. Rental fees shall include the fee for facility use and total reimbursement of costs associated with the use of Antioch personnel necessary to accommodate the use by the outside agency.

705.5.4 EXCEPTIONS
Use of the Antioch Police Department firearms range by anyone not previously covered in this policy is strictly prohibited without the expressed authorization of the Chief of Police.

705.6 SAFETY
All firearms training and usage at the Firearms Range shall be conducted in a manner best calculated to assure the safety of all concerned at all times. All firearms are to be considered loaded until cleared and checked in an approved manner.

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The Antioch Firearms policy and the range safety rules and regulations will be followed by all employees while at the range facility.

Any time it becomes necessary to load or unload a handgun while inside the Public Safety Building, while in the observation area of the range or while in the cleaning area of the range, a specially designed drum will be used to facilitate this maneuver. The drums will be located in the briefing room of the Public Safety Building and the live fire area of the range. Secondary drums are located in the armory and weapons maintenance area. When loading or unloading the handgun, the officer/shooter will point the barrel of the firearm directly into the drum opening. If an accidental discharge should occur, the round will be lodged in the drum, causing no harm or damage. At no time shall a loaded firearm be manipulated in anyway while in the Observation or Cleaning area of the range. No firearm will be loaded while in the Observation or Cleaning areas.

No firearms will be left unattended in the range at anytime. If Officers must leave the range, and are unable to take their firearms in an approved manner, they may be temporarily secured in the approved gun locker. At no time will a loaded weapon be secured in these lockers. These lockers are for temporary use only.

705.7 FIREARMS AND AMMUNITION

(a) Only weapons of the calibers authorized by the Antioch Police Department may be fired in the range. The authorized calibers are as follows but are not limited to: .177 cal. .22 cal. .25 cal. .32 cal. .380 cal. 9 mm .38 cal. .357 cal. .40 cal. 10 mm .41 cal. .44 cal. .45 cal. 12 gauge.

(b) Weapons of calibers other than those listed must first have approval of the Chief of Police.

(c) Handguns, shotguns and certain specified SWAT long guns are authorized for use on the range.

(d) No long rifles or weapons loaded with ammunition capable of firing said ammunition at a speed greater than 2200 fps will be allowed on the range.

(e) Ammunition will be limited to factory loaded or departmentally approved ammunition only for departmentally issued duty firearms. Back-up, secondary and off-duty firearms may also use commercially loaded reloads, as specified in the Firearms policy.

Ammunition types:

(a) No exotic ammunition is to be fired in the range.

(b) Commercially loaded "reload" ammunition will be authorized as specified in the Firearms policy.

705.8 BLOOD AND HEARING TESTING

All firearms instructors and range master will be required to have their blood tested for traces of lead in accordance with the General Industry Safety Orders Section 5216, Title 8 of the California Code of Regulations. This testing will be administered annually and successfully completed by

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each firearms instructor. Allowable blood/lead levels are set by the GISO and are not to be exceeded.

All firearms instructors and range master will be required to have their hearing tested for standard threshold shift (hearing loss) in accordance with the General Industry Safety Order Section 5095 - 5100, Title 8 of the California Code of Regulations. This testing will be administered annually and successfully completed by each firearms instructor. The audiometric testing is to be performed by a certified industrial audiologist, otolaryngologist, a physician or by a technician as defined by Section 5097(c)(3)GISO.

705.9 OFF-DUTY USE OF APD RANGE

705.9.1 REQUIREMENTS

Each APOA and APSMA member wishing to use the range must have completed the mandatory 1-hour training course on the proper use, safety, and maintenance of the range.

(a) This course will be taught be a current APD Firearm's Instructor from the approved lesson plan.

(b) Current APD Instructors are exempt from this training or requirement.

Those members of the department who are not full-time Sworn Officers must have successfully completed a P.O.S.T. Certified Reserve Officer Training Course as outline in PC 832. This is Module A of the Reserve Training program and must have contained at least 16 hours of Firearm's Training. A copy of their completion of the P.O.S.T Module A Certificate must be filed with their Antioch Firearms Range Off-Duty Use Agreement and Release From Liability form.

705.9.2 ELIGIBILITY AND USE

An identifiable red binder will be clearly marked "APD Off-Duty Range Use" and kept at the Patrol Sergeant's Desk. A list of all persons eligible to use the range will be maintained in this binder.

(a) The sign in/out log will be maintained in the binder and audited monthly for use and completeness by the current Range master.

(b) All persons are required to sign in and out in the Off-Duty Use Log.

(c) A copy of the APD Range Safety Rules will be kept in a preface of the binder. They shall be reviewed by all parties prior to use. By virtue of signing the log, the person's using the range acknowledges they have reviewed and understand the Safety Guidelines and Rules of the Range.

(d) All eligible persons must notify the current on-duty supervisor of their intent to use the range. They are also required to notify the current on-duty supervisor after leaving the range.

No one Officer may use the range by themselves. No less than two range qualified persons will be in the range at all times during its use.

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During range use, only firing lanes 2-8 will be utilized. This is to minimize damage to the range walls. Shooters are not to shoot from any position other than their booth. At no time is shooting permitted forward of the booths unless authorized by a range master.

Shooters will operate their individual targets from his/her lane using the local control unit. The range control room will remain locked and secured at all times. It is only accessible by Supervisors and is to be used only by current Firearms Instructors or those persons trained and authorized by the current Rangemaster.

Each member who uses the Range is responsible for the cleanliness and is to report any unsafe conditions or malfunctions to the Rangemaster or on-duty Supervisor immediately.

The current Firearms policy is to be adhered to and applies to Off-Duty Use of the range.

APD Firearms Staff will attempt to provide basic cleaning supplies. These will be kept in the cleaning area of the range. Officers are encouraged to bring and use their own cleaning supplies.

At the end of the use, the range is to be left as the following:

(a) All individual lanes to be turned off.

(b) All targets removed from the lanes and neatly stacked in their appropriate spot.

(c) All counters/tables clear of debris and wiped down.

(d) All spent brass cleaned from the range floor.

(e) All lights and fans turned off.

(f) All cleaning equipment returned to appropriate location.

(g) Any department hearing or ear protection used by officers will be returned to the appropriate location.

705.9.3 APOA/APSMA REQUIREMENTS AND RESPONSIBILITIES

Both respective associations shall maintain current general liability insurance covering their members outlining the use of the range and have coverage up to one million dollars. Proof of these policies will be maintained on file with in the Administrative Bureau.

APOA and APSMA are responsible for providing and making available replacement paper target silhouettes, staples, target tape, and gun cleaning supplies for its members off duty use of the range.

705.10 RANGE SAFETY AND RULES

705.10.1 GENERAL RULES

(a) Treat all guns as though they are loaded.

(b) Never point a firearm at anyone unless you are legally and morally justified to do so.

(c) Keep your finger out of the trigger guard except when coming on target, just before firing.

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(d) Be sure of your target and background.

(e) Be accountable for the number of rounds fired and where.

705.10.2 SPECIFIC RULES

(a) All firearms training must be properly and adequately supervised by someone in authority. All safety precautions must be adhered to and will be enforced.

(b) Strictest discipline must be maintained. Carelessness or horseplay cannot, nor will, be tolerated during firearms training or while on the firing line.

(c) Alcohol is prohibited while on the range and no one shall consume any alcoholic beverage, or be under its influence prior to or at any time during the training day or while using the range.

(d) Immediately upon picking up a firearm, go to a clearing barrel or on line in the range, open the cylinder or action and check to ensure that it is unloaded. Be sure the magazine is removed and check again.

(e) Never give a firearm to, or take a firearm from, anyone unless the cylinder or action is open and any safety mechanism is engaged. Never hand a loaded firearm to anyone without first telling them it is loaded.

(f) Never anticipate a command.

(g) Be sure there are no obstructions in the barrel of a firearm before loading.

(h) Load only after position is taken at the firing line and the command is given to do so.

(i) Unload when and as instructed to. Confirm with instructor that your weapon is unloaded.

(j) Keep the firearm pointed down range at all times.

(k) Never draw or holster a handgun with your finger on the trigger.

(l) No smoking on the firing line or in the range.

(m) No talking on the firing line or to shooters on the firing line, except by firearms instructors or the range master.

(n) Never permit the muzzle of a firearm to touch the ground.

(o) Never fire a succeeding shot after a "squib" load without first unloading and checking the barrel for obstructions. Always signal an instructor, shooting partner, or the range master of the malfunction. (Range conditions prevailing)

(p) Never go in front of the firing line unless the line has been cleared and the command is given to go forward by the range master.

(q) Never dry fire on the range except under supervision and at the direction of the instructor.

(r) Pay strict attention to the range master and range instructors. He/she will instruct you on exactly what you are to do.

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(s) General rules for the safe condition of all modern firearms fall into one or more of the following categories:

1. Safety on
2. Magazine removed
3. Action/Cylinder open and locked
4. Unloaded
5. Visually and physically inspected.

(t) All shooters must have eye and double ear protection while in the live fire area of the range. All shooters must wear a ballistic vest.

(u) No live ammunition will be allowed in the classroom or in the cleaning area.

(v) Deactivated weapons should be regarded as a live weapon and not pointed at anyone unless specifically directed to do so in a training exercise.

(w) Prior to shooting, the impact area should be inspected for litter and unauthorized persons down range.

(x) Prior to shooting in the range, the exhaust fans MUST be turned on and in full operation. (NO EXCEPTIONS!)

(y) All weapons and ammunition are subject to inspection by the range master and/or training staff at anytime. Only authorized weapons and ammunition are to be used in the range.

(z) Any person firing at anything other than an approved target will be instructed to leave the range immediately and will be held liable for any damage incurred by such action. No free standing targets are allowed without expressed permission from the range master or authorized designee. No items will be placed anywhere downrange. No one is to enter or shoot from the painted safety zone area.

(aa) Report all accidental discharges and damage which resulted form said discharge to the range master or on-duty supervisor immediately. Failure to do so will result in revocation of range privileges.

(ab) Any injury, no matter how minor in nature, shall be reported to the range master or on-duty supervisor immediately.

(ac) Everyone has the shared responsibility for range safety.

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Chapter 8 - Support Services

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The Dispatch Center

800.1 PURPOSE AND SCOPE

This policy establishes guidelines for the basic functions of the Dispatch 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 Antioch 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 Dispatch Center and department members in the field.

800.3 RADIO COMMUNICATIONS

Operations are more efficient and officer safety is enhanced when dispatchers, supervisors, and fellow officers know the status of officers, their locations and the nature of cases.

800.4 RESPONSIBILITIES

800.4.1 DISPATCH SUPERVISOR

The Chief of Police shall appoint and delegate certain responsibilities to a Dispatch Supervisor. The Dispatch Supervisor is directly responsible to the Support Services Captain or the authorized designee.

The responsibilities of the Dispatch Supervisor include, but are not limited to:

(a) Overseeing the efficient and effective operation of the Dispatch Center in coordination with other supervisors.

(b) Scheduling and maintaining dispatcher time records.

(c) Supervising, training and evaluating dispatchers.

(d) Ensuring the radio and telephone recording system is operational.

1. Recordings shall be maintained in accordance with the established records retention schedule and as required by law.

(e) Processing requests for copies of the Dispatch Center information for release.

(f) Maintaining the Dispatch Center database systems.

(g) Maintaining and updating the Dispatch Center procedures manual.

1. Procedures for specific types of crime reports may be necessary. For example, specific questions and instructions may be necessary when talking with a victim of a sexual assault to ensure that his/her health and safety needs are met, as well as steps that he/she may take to preserve evidence.

2. Ensuring dispatcher compliance with established policies and procedures.

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(h) Handling internal and external inquiries regarding services provided and accepting personnel complaints in accordance with the Personnel Complaints Policy.

(i) Maintaining a current contact list of City of Antioch personnel to be notified in the event of a utility service emergency.

800.4.2 DISPATCHERS

Dispatchers report to the Dispatch Supervisor. The responsibilities of the dispatcher include, but are not limited to:

(a) Receiving and handling all incoming and transmitted communications, including:

1. Emergency 9-1-1 lines.
2. Business telephone lines.
3. Telecommunications Device for the Deaf (TDD)/Text Telephone (TTY) equipment.
4. Radio communications with department members in the field and support resources (e.g., fire department, emergency medical services (EMS), allied agency law enforcement units).
5. Other electronic sources of information (e.g., text messages, digital photographs, video).

(b) Documenting the field activities of department members and support resources (e.g., fire department, EMS, allied agency law enforcement units).

(c) Inquiry and entry of information through the Dispatch Center, department and other law enforcement database systems (CLETS, DMV, NCIC).

(d) Monitoring department video surveillance systems.

(e) Maintaining the current status of members in the field, their locations and the nature of calls for service.

(f) Notifying the watch commander or field supervisor of emergency activity, including, but not limited to:

1. Vehicle pursuits.
2. Foot pursuits.
3. Assignment of emergency response.

800.5 CALL HANDLING

This Department provides members of the public with access to the 9-1-1 system for a single emergency telephone number.

When a call for services is received, the dispatcher will reasonably and quickly attempt to determine whether the call is an emergency or non-emergency, and shall quickly ascertain the call type, location and priority by asking four key questions:

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- Where?
- What?
- When?
- Who?

If the dispatcher determines that the caller has a hearing and/or speech impairment or disability, he/she shall immediately initiate a connection with the individual via available TDD/TTY equipment or Telephone Relay Service (TRS), as mandated by the Americans with Disabilities Act (ADA).

If the dispatcher determines that the caller is a limited English proficiency (LEP) individual, the dispatcher should quickly determine whether sufficient information can be obtained to initiate an appropriate response. If language assistance is still needed, the language is known and a language-appropriate authorized interpreter is available in the Dispatch Center, the dispatcher should immediately connect the LEP caller to the authorized interpreter.

If no authorized interpreter is available or the dispatcher is unable to identify the caller's language, the dispatcher will contact the contracted telephonic interpretation service and establish a three-party call connecting the dispatcher, the LEP individual and the interpreter.

Dispatchers should be courteous, patient and respectful when dealing with the public.

800.6 RADIO COMMUNICATIONS

The police radio system is for official use only, to be used by dispatchers to communicate with department members in the field. All transmissions shall be professional and made in a calm, businesslike manner, using proper language and correct procedures. Such transmissions shall include, but are not limited to:

(a) Members acknowledging the dispatcher with their radio identification call signs and current location.

(b) Dispatchers acknowledging and responding promptly to all radio transmissions.

(c) Members keeping the dispatcher advised of their status and location.

(d) Member and dispatcher acknowledgements shall be concise and without further comment unless additional information is needed.

The Dispatch Supervisor shall be notified of radio procedure violations or other causes for complaint. All complaints and violations will be investigated and reported to the complainant's supervisor and processed through the chain of command.

800.6.1 FEDERAL COMMUNICATIONS COMMISSION COMPLIANCE

Antioch Police Department radio operations shall be conducted in accordance with Federal Communications Commission (FCC) procedures and requirements.

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800.6.2 RADIO IDENTIFICATION

Radio call signs are assigned to department members based on factors such as duty assignment, uniformed patrol assignment and/or department member identification number. Dispatchers shall identify themselves on the radio with the appropriate station name or number, and identify the member by his/her call sign. Members should use their call signs when initiating communication with the dispatcher. The use of the call sign allows for a brief pause so that the dispatcher can acknowledge the appropriate department member. Members initiating communication with other law enforcement or support agencies shall use their entire radio call sign, which includes the station name or department number.

800.7 DOCUMENTATION

It shall be the responsibility of the Dispatch Center to document all relevant information on calls for service or self-initiated activity. Dispatchers shall attempt to elicit, document and relay as much information as possible to enhance the safety of the member and assist in anticipating conditions that may be encountered at the scene. Desirable information would include, at a minimum:

- Incident control number.
- Date and time of request.
- Name and address of the reporting person, if possible.
- Type of incident reported.
- Involvement of weapons, drugs and/or alcohol.
- Location of incident reported.
- Identification of members assigned as primary and backup.
- Time of dispatch.
- Time of the responding member’s arrival.
- Time of member’s return to service.
- Disposition or status of reported incident.

800.8 TRAINING AND CERTIFICATION

Dispatchers shall receive training consistent with minimum standards established by POST (Penal Code § 13510).

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Radio Procedures

801.1 PURPOSE

The purpose of this policy is to ensure that all employees recognize the importance of our communications system and to ensure that all users follow and adhere to the outlined procedures and standards.

801.2 TECHNIQUES

A concerted effort to learn and use these techniques is essential to the communications operation. Additionally, continual use will become habitual which will be natural in "high stress" circumstances. A calm, clear and concise radio transmission is mandatory in life threatening situations.

Speak in a normal tone of voice at normal conversational volume. Speaking louder than normal distorts the message, and it is difficult to understand. Keep the microphone within three (3) inches of the mouth.

Use a moderate speed of delivery. Most transmissions are reduced to writing and must be delivered at a speed that allows time for copying. This reduces the need for repeating portions of the transmission.

Before transmitting, LISTEN on the frequency to be used so as not to interfere with other traffic. When transmitting allow two (2) seconds after activating the transmitter and on completion of message.

Keep transmissions businesslike and impersonal. Use the complete call sign designator. Use of slang, improper language or being argumentative, sarcastic or antagonistic is strictly prohibited.

All transmissions are to be brief and to the point. Eliminate use of superfluous terms such as, "Thank you"; "I know your busy but"; etc. Lengthy transmissions should be held to a minimum; however, when they are necessary, they should have pauses to provide for possible emergency traffic.

Only approved codes and formats will be used.

Be attentive, acknowledging transmissions promptly. If a transmission is not understood ask that it be repeated.

It is the responsibility of each officer to monitor radio traffic while on duty, regardless if they are in the patrol vehicle or on portable.

801.3 TIME / PHONETICS

To ensure uniformity, consistency and clarity, certain codes and formats are utilized during the operation of the radio. It is required that each employee, who uses the radio system, know and use the codes/formats and their meaning in the prescribed manner.

(a) Military Time

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1. Military time (24 hour clock) is used to avoid confusion between A.M. and P.M. that is inherent with the standard (12 hour clock).
2. Reference materials regarding the conversion and spoken format of Military Time shall be made available to each employee operating the radio system.

(b) Phonetic Alphabet

1. The phonetic alphabet is used due to the similarity of sounds in certain letters. It is sometimes necessary to substitute a word for a letter to clarify the correct spelling of names or words.
2. Phonetics should be used as needed to substitute for clear enunciation or pronunciation. Common names with common spelling usually need not be spelled phonetically.
   (a) Pronounce the entire word first; then spell it phonetically.
3. Reference materials regarding the phonetic alphabet shall be made available to each employee operating the radio system.

801.4 CALL SIGN DESIGNATORS

Call sign designators have been assigned to various functions of the Department to identify personnel using the radio. The call signs are combinations of numbers and letters that are used in a county wide system of recognition and are typically configured with:

(a) Number (Agency)

(b) Letter (Functions)

(c) Number (Identifier, Beat or Assignment)

Reference materials regarding call sign designators shall be made available to each employee operating the radio system.

801.5 OTHER NUMERICAL CODES

The following authorized codes should be used as the means of communication on the police radio. Reference materials regarding the following codes shall be made available to each employee operating the radio system.

(a) Standard Ten-Code

(b) Animal Service Ten-Code

(c) Standard Eleven-Codes

(d) Welfare and Institution Codes

(e) Penal Codes

(f) Vehicle Codes

(g) Antioch Police Department Incident Type Codes

(h) Antioch Police Closing and DISPO Codes

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801.6 TRANSMISSION PROTOCOL

Transmission protocols are essential to insure consistency and promote adequate and complete transmissions of information. Additionally, these guidelines contribute to officer safety, as well as improving our ability to respond to the needs of the community. Therefore, these guidelines are to be employed when using the radio system.

Descriptions:

(a) Vehicle Descriptions:

1. Vehicle descriptions are to given using CYMBAL (Color, Year, make, Body Style, and, License).
2. When applicable, damage should also be noted.
3. When appropriate, the last known direction of travel shall be given.

(b) Person Descriptions: Person descriptions are to be given in the following order:

1. Name
2. Race/Ethnic origin
3. Sex
4. Age/Date of birth
5. Height
6. Weight
7. Eye color
8. Complexion
9. Scars, marks, tattoos, etc.
10. Clothing

(c) Incident Descriptions (Where, what, who, when, how many, etc.)

1. Where did it happen
   (a) Address
   (b) Cross street
   (c) Front, rear, side, north, east, south, west
   (d) If apartments, building, floor, unit number
2. What happened
   (a) Concise description of what happened
   (b) Codes where appropriate
   (c) Weapons involved
   (d) Fire or medical needed or en route

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3. When did it happen
    (a) In progress
    (b) Just occurred
    (c) Reported hours/days later
4. Who
    (a) Suspect, victim, witnesses
    (b) Reporting party
    (c) Other officers
5. How many
    (a) One, two, or more persons
    (b) Large crowds
    (c) One or more vehicles

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Telephone Procedures

802.1 PURPOSE

Quite often contact with a citizen is made through the use of the telephone; and, at times, this may be the only contact a citizen has with the Department. To maximize our response to community needs, it is necessary to establish procedures that promote consistency and display professionalism.

802.2 DEFINITIONS

Business Calls: Incoming or outgoing calls that relate to the operation of the Police Department and are not of emergency nature.

Emergency Calls: Incoming calls that are, or have the potential of being an emergency. At times, the public will call on the emergency line (911) with situations that are business related or non-emergency in nature.

911 Unknown: Incoming calls received on the emergency line (911), and there is no response from the caller.

Personal Calls: Incoming or outgoing calls that are not related to Department operations and, by nature, the personal business of an individual employee.

802.3 PROTOCOL

Speak directly into the mouthpiece with a normal voice. A calm, competent, decisive and courteous voice conveys authority and controls the caller.

Avoid the use of jargon or slang. The use of terms that are unfamiliar to the average citizen causes confusion and delays. Occasionally, slang terms can be offensive. Additionally, bear in mind that the average citizen does not know the difference in the classification of crimes, and they may use incorrect terms. As an example, a caller may state they have just been robbed; when, in actuality, they have just returned home from a vacation and discovered their residence had been burglarized while they were gone.

Attention must be devoted to the conversation. At times, this requires considerable patience. The call receiver should bear in mind, though the conversation may be uninteresting or repetitious, it is important to the caller. The tone of voice should never convey impatience, boredom, or sarcasm. Keep in mind, some citizens use a pre-recorded message for aid in an emergency. This may be due to language, speech or health conditions and it is important the call receiver listen closely for the pertinent details.

At times, some callers will be excited or angry, and they may be rude or offensive. A calm, courteous and controlled attitude usually defuses the caller. If the caller refuses to cooperate and continues to be abusive or offensive, the caller will be advised that the call will be terminated and then do so. Advise the supervisor of the terminated call and the circumstances as soon as possible.

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Give correct information only. Confine an answer to the question asked and do not elaborate or enlarge on a citizen's question. Under no circumstances will an answer be given that is questionable or incorrect. If the answer is not known or cannot be obtain, then advise the caller the information is unavailable and refer to the proper person or agency, providing the phone number, if available. Legal or medical advice is not to be given over the telephone.

802.4 PROCEDURES

802.4.1 BUSINESS CALLS

Incoming calls should be answered promptly (within 5 rings if possible). If there are an excessive number of calls already on hold, the caller shall be placed on hold. The "held" calls will be handled in order of priority, thereafter, in the order received.

Answering statement should minimally be: "Antioch Police. This is (name).

(a) A dispatcher's answering statement should also identify Brentwood.

The caller will be interviewed to determine the nature of the call for proper disposition. Whenever possible, identify the caller (correct spelling of name, applicable title or rank, agency (if affiliated) and phone number).

If the caller is requesting general information, provide the information, if known. If the answer is not known, the caller is to be transferred to the appropriate resource.

If the call is for a specific person or to report a non-emergency situation which requires an officer to respond, the caller will be advised of the direct dial number for the person wanted or the Dispatch Center, and then the call will be transferred to that person or the Dispatch Center.

(a) If the call originates in dispatch, the dispatcher shall generate a call for service if applicable.

Outgoing business calls shall be done on business lines only.

802.4.2 EMERGENCY CALLS (911)

Incoming calls shall be answered immediately with the following statement: "911, what is the address of your emergency?"

The caller will be interviewed to determine the circumstances of the call. It is essential that the following information be obtained whenever possible:

WHERE: The location of the incident, i.e., address, area, directions, etc..

WHAT: The nature of the incident, i.e., robbery, burglary, traffic accident, medical problem, etc.

WHEN: The time of occurrence.

WHO: Persons involved, i.e., names, descriptions, their location, identity of the caller, call back number, etc.

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OTHER: Additional information, i.e., extent of injuries, weapons involved, direction of travel, vehicle description, etc.

Through the interview process, the call receiver shall determine the "priority" of the call and handle it per the Calls for Service policy.

At times, a caller will use 911 for a business call (looking for information or a particular officer, etc.). In those situations, the caller is to be tactfully told to call back on the business line (provide the number) and explain the 911 lines are for emergency use only. If this is not done, the caller(s) will continue to use 911 for non-emergency calls.

If the call is of a fire or ambulance nature, it shall be re-routed to the fire department dispatch center. However, the dispatcher shall remain on the line until the transfer is confirmed.

802.4.3 911 UNKNOWN

If a 911 call is received and there is no response from the caller, the dispatcher will try again to have the caller respond. If there continues to be no response:

(a) In the case of an open line, the dispatcher will continue trying to establish contact with the caller while listening for any indication of distress, disturbance, or perhaps sounds suggesting the call may be accidental (child playing with the phone, casual background conversation, etc.).

(b) If nothing unusual is heard suggesting a problem, the dispatcher shall call the number back and attempt to make contact. If contact is made and no police response is necessary, no event is generated.

  1. If there is no answer on callback, a message can be left on cell phones, advising a call was made to 911 and requesting a call back if there is an emergency.

  2. If there is no answer on a landline, an event is generated and officers shall be dispatched.

(c) If contact is made, or if there is anything that leads the dispatcher to believe there may be a problem, the dispatcher shall create an event, documenting any information available, and officers should be dispatched.

802.4.4 OUTGOING CALLS

Frequently, calls have to be made to individuals to either give or obtain information. Therefore, tact and diplomacy must be used in these situations so as to not alarm them. Notifications of very serious nature, such as, those concerning death, serious injury or illness shall not be made by telephone.

Placing outside calls generally requires the following statement be made when the called person/agency answers: "Hi, this is (name) with the Antioch Police Department. I'm calling for (reason/person) ." Exceptions to this protocol are those situations in which the use of the identification statement would jeopardize an investigation or the safety of an officer.

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802.4.5 PERSONAL CALLS

Incoming personal calls should be held to a minimum. Routine family matters can be handled during break times.

Outgoing personal calls shall be made at break times and using the business lines only. Toll calls of a personal nature shall not be made, except for emergencies.

The release of personal addresses or home phone numbers of Department personnel is prohibited under any circumstances. If the caller indicates the situation requiring contact with Departmental personnel is an emergency or important, a call will be placed to the Department employee to have him/her return a call to the original caller. If a message is taken for a person, insure the message is delivered.

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Calls For Service (Priorities)

803.1 POLICY

It is the policy of the Antioch Police Department to respond to calls for service in the most expeditious manner possible. To accomplish this objective, calls for service must be "prioritized", in descending order of importance, to insure proper response.

803.2 PURPOSE AND SCOPE

This policy is intended to provide the guidelines for determining the priority of calls for service. It is not possible to illustrate all situations with written guidelines; therefore, it is the responsibility of each individual to make use of all available information and apply good judgment to each situation in making the decision of determining the priority level for each call for service. It is also imperative to remember any call can escalate and/or de-escalate to a different priority based on changes in circumstances.

803.3 DEFINITIONS

Priority 1: Emergency calls. Situations in which an immediate response by an officer is imperative. Common examples of Priority 1 calls for service are:

(a) Officer needs assistance

(b) Major disasters

(c) Medical emergencies

(d) In-progress crimes

(e) Silent and panic alarms

(f) Major-injury accidents

(g) Vehicle pursuits

Priority 2: Urgent calls. Situations which demand an expedited response but may not be sufficiently urgent to require a response with emergency lights and siren activated. Common examples of Priority 2 calls for service are:

(a) Minor and non-injury accidents blocking traffic

(b) Suspicious persons/vehicles

(c) Audible alarms

Priority 3: Routine calls (Non-emergency). Situations where there is no urgent need for police response, and there is no threat to life or property. These generally should be dispatched to the responsible beat officer or cover officer as soon as practical. Also included in this category are the "routine" requests from field units. Common examples of Priority 3 calls for service are:

(a) Cold crime reports

(b) Loud music complaints

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(c) Traffic complaints

Priority 4: Information. Situations where police response is not needed and information needs to be documented and broadcasted to field units. Common examples of Priority 4 calls for service are:

(a) Outside agency emergency response information

(b) Extra patrol requests

(c) Routine animal service calls

803.4 PROCEDURE

803.4.1 PRIORITY 1

Priority 1 calls shall take precedence over all other calls for service and will be immediately dispatched in the following order based on unit availability:

(a) The closest available officer(s) based on the Automated Vehicle Locator (AVL) and Unit Recommendation System.

(b) Any officer on a lower priority call.

(c) If no units are available the supervisor shall be notified and the next available unit shall be dispatched.

803.4.2 PRIORITY 2

Priority 2 calls shall take precedence over Priority 3 calls for service and shall be dispatched as soon as possible in the following order based on unit availability:

(a) Responsible beat officer

(b) Cover officer

(c) Next available beat officer

(d) Any officer on a lower priority call

If the wait becomes longer than 15 minutes, the field supervisor shall be notified. The field supervisor shall determine if the call should be held longer or assigned to an alternate officer.

803.4.3 PRIORITY 3

Priority 3 calls shall be dispatched as soon as possible in the following order based on unit availability:

(a) Community Service Officer (CSO) if appropriate to handle such call

(b) Responsible beat officer

(c) Cover officer

1. Dispatchers should use their judgment when using Corporals as cover officers for Priority 3 calls. Corporals should not be dispatched to cold crimes where reports are necessary unless they are assigned beat responsibilities. If the wait

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becomes longer than 30 minutes, the field supervisor shall be notified. The field supervisor shall determine if the call should be held longer or assigned to an alternate officer.

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Code 666/Be on the Lookout Broadcasts

804.1 PURPOSE AND SCOPE

In order to provide a coordinated effort in the County toward the apprehension of suspects fleeing by vehicle from major crimes, the Antioch Police Department has adopted an intersection observation plan in cooperation with with other law enforcement agencies.

804.2 DEFINITIONS

Code 666 – An observation plan with county-wide designated road and intersection points manned by participating agencies to cover probable escape routes.

CCCAPB– The Contra Costa County All-Points Bulletin channel for the East Bay Regional Communication System (EBRCS). This channel is broadcast to, and monitored by, all Contra Costa County dispatch centers that utilize the EBRCS radio system.

804.3 PROCEDURE

The necessary elements for initiating a Code 666 are:

(a) A serious felony crime that has occurred within 15 minutes of the broadcast,

(b) Reason to believe the suspect fled in a vehicle and there is an identifiable vehicle description, and

(c) Approval from the on-duty supervisor or Watch Commander.

804.3.1 DISPATCH RESPONSIBILITIES

Upon being directed to initiate a Code 666 broadcast from a supervisor or Watch Commander, dispatch will:

(a) Enter all the pertinent information into the CAD event prompting the Code 666.

1. Information should minimally include the crime committed, suspect and/or vehicle descriptions, time and location of the incident, possible direction of travel, weapons known or involved, and information on potential hostages.

(b) Broadcast the information, as well as any subsequent follow-up information, on CCCAPB to all other county agencies.

(c) Cancel the Code 666 after 20 minutes or when directed to do so by the supervisor or Watch Commander.

Upon receiving a Code 666 activation request from an neighboring jurisdiction, dispatch will:

(a) Generate a CAD event containing all the pertinent information from the broadcast.

(b) Notify the on-duty supervisor or Watch Commander to determine if Antioch officers will participate in the activation.

(c) If approval is given, dispatch officers to assigned observation locations.

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(d) Clear assigned officers after a maximum of 20 minutes, or sooner if cancelled by the originating agency or the supervisor or Watch Commander.

804.3.2 COVERAGE RESPONSIBILITY

Officers assigned should remain at their designated locations until the suspect is apprehended, the activation of the plan is cancelled, or the 20 minute automatic cancellation time expires.

Typical designated locations in the City of Antioch are:

(a) SR4/Auto Center Drive

(b) SR4/Lone Tree Way

(c) SR4/Hillcrest Avenue

804.3.3 APPREHENSION OF SUSPECT

When a suspect has been apprehended as a result of this plan, the agency that initiated the plan shall immediately respond to the scene of the apprehension. Under normal circumstances, the initiating agency shall take custody of the suspect and all property and evidence. This provision will remain true even if the apprehending agency holds a want or warrant for the suspect.

(a) In an instance where the apprehending agency holds a want or warrant for a more serious crime involving the same suspect, or the suspect commits a more serious offense in the apprehending agency's jurisdiction, custody of the suspect should be negotiated.

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Public Works Call-Out

805.1 PURPOSE

The City Public Works Department has personnel available to handle emergency calls 24-hours per day. Calls for service during non-business hours are frequently directed to the Police Department. Requests for such service received or observed by members of this department should be handled in the following manner:

805.2 PROCEDURE

805.2.1 SECURING STRUCTURES

The procedure for the securing of structures is the same for both residential and commercial structures. Every effort should be made to place the burden of boarding up or securing the property on the owner or any other person that has a reasonable nexus to the property.

If the determination is made that a structure needs to be secured because of situations such as a burglary or vandalism, absent the property owner, and to protect real property or valuables inside, dispatch should call the abatement contractor directly, regardless of day of the week or time of day.

(a) In the event that the contractor cannot respond, Public Works (during business hours) or the stand-by person from Public Works (after hours) will be called. A call to Public Works will be a last resort.

805.2.2 VACANT / NUISANCE STRUCTURES

Structures that are a nuisance, vacant, abandoned, or similar nature should be sent to Code Enforcement for follow up.

(a) Send an email to rgraham@ci.antioch.ca.us.

(b) Provide the address.

(c) Provide a few details of what is going on at the property.

(d) Scan and attach a copy of the most recent calls for service that prompted the request to the email.

805.2.3 DAMAGED STRUCTURES

In the event of a damaged structure where on scene personnel feel the structure needs to be evaluated by a Building Inspector, Code Enforcement shall be notified.

805.2.4 FIRE

This procedure does not apply to structure fires. These buildings are secured by a contractor via Contra Costa County Fire.

805.2.5 PUBLIC WORKS EMERGENCY

Whenever a member of this Department becomes aware of a Public Works Emergency, he/she shall advise the Dispatch Center to notify the Public Works Department. During business

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hours, the Dispatch Center shall telephone the Public Works Department and advise of the EMERGENCY. If after business hours, the Dispatch Center shall notify the Public Works employee on call.

If a citizen calls after business hours regarding an EMERGENCY, the Dispatch Center shall obtain the phone number of the reporting party, the nature of the emergency and the location of occurrence. The Dispatch Center shall notify the Public Works employee on call and advise him/her of the necessary information.

If a citizen calls during business hours regarding a Public Works emergency, the reporting party shall be given the business phone number of the Public Works Department.

The Dispatch Center shall create a call for service including the time the call was received, which Public Works employee was advised and the time of the notification.

If the emergency is such that it requires traffic enforcement or Police assistance, the Dispatcher shall assign the necessary officer(s) and advise the on-duty supervisor.

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Records Bureau

806.1 PURPOSE AND SCOPE

The Records supervisor shall maintain the Department Records Unit Procedures Manual on a current basis to reflect the procedures being followed within the Records Unit. Policies and procedures that apply to all employees of this department are contained in this chapter.

806.1.1 NUMERICAL FILING SYSTEM

Final approved case reports are filed numerically within the Secured Records area by records personnel.

Reports are numbered commencing with the last two digits of the current year followed by a sequential number beginning with 00001 starting at midnight on the first day of January of each year. As an example, case number YY-000001 would be the first new case beginning January 1 of a new year.

806.2 FILE ACCESS AND SECURITY

All reports including, but not limited to, initial, supplemental, follow-up, evidence, and all reports critical to a case shall be maintained in a secure area within the Secured Records area accessible only to authorized police department personnel. Access to report files after hours or when records personnel are otherwise not available may be obtained through the watch commander.

Antioch Police Department employees shall not access, view or distribute, or allow anyone else to access, view or distribute any record, file or report, whether hard copy or electronic file format, except in accordance with department policy and with a legitimate law enforcement or business purpose or as otherwise permissible by law.

806.2.1 REQUESTING ORIGINAL REPORTS

Generally, original reports shall not be removed from the Secured Records area. Should an original report be needed for any reason the requesting employee shall first obtain authorization from the Records Supervisor or assigned designee. All original reports removed from the Records unit shall be recorded on the Report Check-Out Log or noted on the records release screen of the requested report which shall constitute the only authorized manners by which an original report may be removed from the Records unit.

806.2.2 ACCESS TO SECURED RECORDS

Managers, supervisors and designated volunteers or records/clerical personnel are the only personnel authorized unsupervised access to secured records. All other employees may enter the secured records room, but not beyond the records clerk work station, only when one of the above authorized personnel are present.

The doors to secured records may be propped open only when the records clerk is working within the secured records room. The doors shall be kept closed and locked at all other times.

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806.3 REQUISITION OF SUPPLIES

All personnel who are in need of supplies shall complete a Requisition of Supplies form available in the police department share drive or by sending an email to the Supply Clerk. The form or email request shall be approved by a supervisor and submitted to the Supply Clerk in the records unit.

Only records unit personnel shall issue supplies from the supply room, and no supplies will be provided without a Requisition of Supplies form.

806.3.1 RECORDS SUPERVISOR

The Chief of Police shall appoint and delegate certain responsibilities to the Records Supervisor. The Records Supervisor shall be directly responsible to the Support Services Captain or the authorized designee.

The responsibilities of the Records Supervisor include, but are not limited to:

(a) Overseeing the efficient and effective operation of the Records Bureau.

(b) Scheduling and maintaining Records Bureau time records.

(c) Supervising, training and evaluating Records Bureau staff.

(d) Maintaining and updating Records Bureau procedure manual.

(e) Ensuring compliance with established policies and procedures.

(f) Supervising the access, use and release of protected information (see the Protected Information Policy).

806.3.2 RECORDS BUREAU

The responsibilities of the Records Unit include but are not limited to:

(a) Maintaining a records management system for case reports.

1. The records management system should include a process for numbering, identifying, tracking, and retrieving case reports.

(b) Entering case report information into the records management system.

1. Modification of case reports shall only be made when authorized by a supervisor.

(c) Providing members of the department with access to case reports when needed for investigation or court proceedings.

(d) Maintaining compliance with federal, state, and local regulations regarding reporting requirements of crime statistics. This includes reporting statistical data to the California Department of Justice (DOJ) for:

(a) All officer-involved shootings and incidents involving use of force resulting in serious bodily injury (Government Code § 12525.2).

(b) Suspected hate crimes (Penal Code § 13023).

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(c) Complaints of racial bias against officers Code § 13012; Penal Code § 13020).

(d) Civilian complaints made against officers Penal Code § 832.5; Penal Code § 13012).

(e) Stop data required by Government Code § 12525.5 and 11 CCR 999.226.

(a) The reported information must not contain personally identifiable information of the person stopped or other information exempt from disclosure pursuant to Government Code § 12525.5 (11 CCR 999.228).

(e) Maintaining compliance with federal, state, and local regulations regarding criminal history reports and auditing.

(f) Identifying missing case reports and notifying the responsible member's supervisor.

(g) Updating the Automated Firearms System to reflect any firearms relinquished to the department and the subsequent disposition to the DOJ pursuant to Penal Code § 34010 (Penal Code § 29810).

(h) Entering into the Automated Firearms System information about each firearm that has been reported stolen, lost, found, recovered, held for safekeeping, or under observation within seven calendar days of the precipitating event (Penal Code § 11108.2).

(i) Maintaining compliance with the state and DOJ reporting requirements regarding the number of transfers of individuals to immigration authorities and offenses that allowed for the transfers (Government Code § 7284.6(c)(2)).

(j) Transmitting data to the Joint Regional Information Exchange System on any suspected multi-mission extremist crimes.

806.4 DETERMINATION OF FACTUAL INNOCENCE

In any case where a person has been arrested by officers of the Antioch 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 Records Supervisor. The Records Supervisor, in conjunction with the Investigations Lieutenant should promptly contact the prosecuting attorney and request a written opinion as to whether the petitioner is factually innocent of the charges (Penal Code § 851.8). Factual innocence means the accused person did not commit the crime.

Upon receipt of a written opinion from the prosecuting attorney affirming factual innocence, the Records Supervisor should forward the petition to the Investigations Supervisor and the City Attorney for review. After such review and consultation with the City Attorney, the Investigations Supervisor and the Records Supervisor shall decide whether a finding of factual innocence is appropriate.

Upon determination that a finding of factual innocence is appropriate, the Records Supervisor shall ensure that the arrest record and petition are sealed for later destruction and the required notifications are made to the California Department of Justice and other law enforcement agencies (Penal Code § 851.8).

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The Investigations Supervisor or designee should respond to a petition with the Department's decision within 45 days of receipt. Responses should include only the decision of the Department, not an explanation of the analysis leading to the decision.

806.5 CONFIDENTIALITY

Records unit staff has access to information that may be confidential or sensitive in nature.Records unit 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 unit procedure manual.

806.6 ORIGINAL CASE REPORTS

Generally, original case reports shall not be removed from the records unit or Secured Records area. Should an original case report be needed for any reason, the requesting department member shall first obtain authorization from the Records Supervisor or designee. All original case reports removed from the Records unit or Secured Records area shall be recorded on a designated report check-out log or noted in the case comments on the records management system, which shall be the only authorized manners by which an original case report may be removed from the Records unit.

All original case reports to be removed from the Records unit shall be photocopied or scanned digitally into the designated folder located in the department electronic repository and the photocopy retained in the file location of the original case report until the original is returned to the Records unit. The photocopied report shall be shredded upon return of the original report to the file.

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Records Maintenance and Release

807.1 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.

807.2 POLICY

The Antioch Police Department is committed to providing public access to records in a manner that is consistent with the California Public Records Act (Government Code § 6250 et seq.).

807.3 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 division responsible for the original record.

(c) Establishing rules regarding the inspection and copying of department public records as reasonably necessary for the protection of such records (Government Code § 6253).

(d) Identifying records or portions of records that are confidential under state or federal law and not open for inspection or copying.

(e) Establishing rules regarding the processing of subpoenas for the production of records.

(f) Ensuring a current schedule of fees for public records as allowed by law is available (Government Code § 6253).

(g) Determining how the department's website or public portal via NextRequest may be used to post public records in accordance with Government Code § 6253.

(h) Ensuring that all department current standards, policies, practices, operating procedures, and education and training materials are posted on thedepartment website in accordance with Penal Code § 13650.

(i) Ensuring that public records posted on the department website or public portal via NextRequest meet the requirements of Government Code § 6253.10 including but not limited to posting in an open format where a record may be retrieved, downloaded, indexed, and searched by a commonly used internet search application.

(j) Ensuring that a list and description, when applicable, of enterprise systems (as defined by Government Code § 6270.5) is publicly available upon request and posted in a prominent location on the department 's website.

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807.4 PROCESSING REQUESTS FOR PUBLIC RECORDS

Any department member who receives a request for any record shall route the request to the Custodian of Records or the authorized designee.

807.4.1 REQUESTS FOR RECORDS

Any member of the public, including the media and elected officials, may access unrestricted records of this department, during regular business hours by submitting a written and signed request that reasonably describes each record sought and paying any associated fees (Government Code § 6253).

The processing of requests for any record is subject to the following (Government Code § 6253):

(a) The Department is not required to create records that do not exist.

(b) Victims of an incident or their authorized representative shall not be required to show proof of legal presence in the United States to obtain department records or information. If identification is required, a current driver's license or identification card issued by any state in the United States, a current passport issued by the United States or a foreign government with which the United States has a diplomatic relationship or current Matricula Consular card is acceptable (Government Code § 6254.30).

(c) Either the requested record or the reason for non-disclosure will be provided promptly, but no later than 10 days from the date of request, unless unusual circumstances preclude doing so. If more time is needed, an extension of up to 14 additional days may be authorized by the Custodian of Records or the authorized designee. If an extension is authorized, the Department shall provide the requester written notice that includes the reason for the extension and the anticipated date of the response.

1. When the request does not reasonably describe the records sought, the Custodian of Records shall assist the requester in making the request focused and effective in a way to identify the records or information that would be responsive to the request including providing assistance for overcoming any practical basis for denying access to the records or information. The Custodian of Records shall also assist in describing the information technology and physical location in which the record exists (Government Code § 6253.1).

2. If the record requested is available on the department website, the requester may be directed to the location on the website where the record is posted. If the requester is unable to access or reproduce the record, a copy of the record shall be promptly provided.

(d) Upon request, a record shall be provided in an electronic format utilized by the Department. Records shall not be provided only in electronic format unless specifically requested (Government Code § 6253.9).

(e) When a record contains material with release restrictions and material that is not subject to release restrictions, the restricted material shall be redacted and the unrestricted material released.

1. A copy of the redacted release should be maintained in the case file or some other electronic form for proof of what was actually released and as a place to

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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 (Government Code § 6255). The written response shall also include the names, titles or positions of each person responsible for the denial.

807.5 RELEASE RESTRICTIONS

Examples of release restrictions include:

(a) Personal identifying information, including an individual's photograph; Social Security and driver identification numbers; name, address, and telephone number; and medical or disability information that is contained in any driver license record, motor vehicle record, or any department record including traffic collision reports, are restricted except as authorized by the department, and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721; 18 USC § 2722).

(b) Social Security numbers (Government Code § 6254.29).

(c) Personnel records, medical records, and similar records which would involve an unwarranted invasion of personal privacy except as allowed by law (Government Code § 6254; Penal Code § 832.7; Penal Code § 832.8; Evidence Code § 1043 et seq.).

1. Peace officer personnel records that are deemed confidential shall not be made public or otherwise released to unauthorized individuals or entities absent a valid court order.

2. The identity of any officer subject to any criminal or administrative investigation shall not be released without the consent of the involved officer, prior approval of the Chief of Police, or as required by law.

(d) Victim information that may be protected by statutes, including victims of certain crimes who have requested that their identifying information be kept confidential, victims who are minors, and victims of certain offenses (e.g., sex crimes or human trafficking, Penal Code § 293). Addresses and telephone numbers of a victim or a witness to any arrested person or to any person who may be a defendant in a criminal action shall not be disclosed, unless it is required by law (Government Code § 6254; Penal Code § 841.5).

1. Victims of certain offenses (e.g., domestic violence, sexual assault, stalking, human trafficking, adult abuse) or their representatives shall be provided, upon request and without charge, one copy of all incident report face sheets, one copy of all incident reports, or both, pursuant to the requirements and time frames of Family Code § 6228.

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2. Victims of sexual assault, upon written request, shall be provided a free copy of the initial crime report regardless of whether the report has been closed. Personal identifying information may be redacted (Penal Code § 680.2(b)).

(e) Video or audio recordings created during the commission or investigation of the crime of rape, incest, sexual assault, domestic violence, or child abuse that depicts the face, intimate body part, or voice of a victim of the incident except as provided by Government Code § 6254.4.5.

(f) Information involving confidential informants, intelligence information, information that would endanger the safety of any person involved, or information that would endanger the successful completion of the investigation or a related investigation. This includes analysis and conclusions of investigating officers (Evidence Code § 1041; Government Code § 6254).

1. Absent a statutory exemption to the contrary or other lawful reason to deem information from reports confidential, information from unrestricted agency reports shall be made public as outlined in Government Code § 6254(f).

(g) Local criminal history information including but not limited to arrest history and disposition, and fingerprints shall only be subject to release to those agencies and individuals set forth in Penal Code § 13300.

1. All requests from criminal defendants and their authorized representatives (including attorneys) shall be referred to the District Attorney, City Attorney, or the courts pursuant to Penal Code § 1054.5.

(h) Certain types of reports involving but not limited to child abuse and molestation (Penal Code § 11167.5), elder and dependent abuse (Welfare and Institutions Code § 15633), and juveniles (Welfare and Institutions Code § 827).

(i) Sealed autopsy and private medical information concerning a murdered child with the exceptions that allow dissemination of those reports to law enforcement agents, prosecutors, defendants, or civil litigants under state and federal discovery laws (Code of Civil Procedure §130).

(j) Information contained in applications for licenses to carry firearms or other files that indicates when or where the applicant is vulnerable or which contains medical or psychological information (Government Code § 6254).

(k) Traffic collision reports (and related supplemental reports) shall be considered confidential and subject to release only to the California Highway Patrol, Department of Motor Vehicles (DMV), other law enforcement agencies, and those individuals and their authorized representatives set forth in Vehicle Code § 20012.

(l) Any record created exclusively in anticipation of potential litigation involving this department (Government Code § 6254).

(m) Any memorandum from legal counsel until the pending litigation has been adjudicated or otherwise settled (Government Code § 6254.25).

(n) Records relating to the security of the department's electronic technology systems (Government Code § 6254.19).

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(o) A record of a civilian complaint, or the investigations, findings, or dispositions of that complaint if the complaint is frivolous, as defined by Code of Civil Procedure § 128.5, or if the complaint is unfounded (Penal Code § 832.7 (b)(8)).

(p) Any other record not addressed in this policy shall not be subject to release where such record is exempt or prohibited from disclosure pursuant to state or federal law, including but not limited to provisions of the Evidence Code relating to privilege (Government Code § 6254).

(q) Information connected with juvenile court proceedings or the detention or custody of a juvenile. Federal officials may be required to obtain a court order to obtain certain juvenile information (Welfare and Institutions Code § 827.9; Welfare and Institutions Code § 831).

807.6 SUBPOENAS AND DISCOVERY REQUESTS

Any member who receives a subpoena duces tecum or discovery request for records should promptly contact a supervisor and the Custodian of Records for review and processing. While a subpoena duces tecum may ultimately be subject to compliance, it is not an order from the court that will automatically require the release of the requested information.

Generally, discovery requests and subpoenas from criminal defendants and their authorized representatives (including attorneys) should be referred to the District Attorney, City Attorney or the courts.

All questions regarding compliance with any subpoena duces tecum or discovery request should be promptly referred to legal counsel for the Department so that a timely response can be prepared.

807.7 RELEASED RECORDS TO BE MARKED

Each page of any 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. Additionally, a notation should be made in the electronic report dispo tab, explaining who released the record and to whom it was released.

807.8 SECURITY BREACHES

The Records Supervisor shall ensure notice is given anytime there is a reasonable belief an unauthorized person has acquired either unencrypted personal identifying information or encrypted personal information along with the encryption key or security credential stored in any department information system (Civil Code § 1798.29).

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.

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For the purposes of this requirement, personal identifying information includes an individual's first name or first initial and last name in combination with any one or more of the following:

- Social Security number
- Driver license number, California identification card number, tax identification number, passport number, military identification number, or other unique identification number issued on a government document commonly used to verify the identity of a specific individual
- Account number or credit or debit card number, in combination with any required security code, access code or password that would permit access to an individual's financial account
- Medical information
- Health insurance information
- A username or email address, in combination with a password or security question and answer that permits access to an online account
- Information or data collected by Automated License Plate Reader (ALPR) technology
- Unique biometric data

807.8.1 FORM OF NOTICE

(a) The notice shall be written in plain language, be consistent with the format provided in Civil Code § 1798.29 and include, to the extent possible, the following:

1. The date of the notice.
2. Name and contact information for the Antioch Police Department.
3. A list of the types of personal information that were or are reasonably believed to have been acquired.
4. The estimated date or date range within which the security breach occurred.
5. Whether the notification was delayed as a result of a law enforcement investigation.
6. A general description of the security breach.
7. The toll-free telephone numbers and addresses of the major credit reporting agencies, if the breach exposed a Social Security number or a driver license or California identification card number.

(b) The notice may also include information about what the Antioch Police Department has done to protect individuals whose information has been breached and may include information on steps that the person whose information has been breached may take to protect him/herself (Civil Code § 1798.29).

(c) When a breach involves an online account, and only a username or email address in combination with either a password or security question and answer that would permit

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access to an online account, and no other personal information has been breached (Civil Code § 1798.29):

1. Notification may be provided electronically or in another form directing the person to promptly change either his/her password or security question and answer, as applicable, or to take other appropriate steps to protect the online account with the Department in addition to any other online accounts for which the person uses the same username or email address and password or security question and answer.
2. When the breach involves an email address that was furnished by the Antioch Police Department, notification of the breach should not be sent to that email address but should instead be made by another appropriate medium as prescribed by Civil Code § 1798.29.

807.8.2 MANNER OF NOTICE

(a) Notice may be provided by one of the following methods (Civil Code § 1798.29):

1. Written notice.
2. Electronic notice if the notice provided is consistent with the provisions regarding electronic records and signatures set forth in 15 USC § 7001.
3. Substitute notice if the cost of providing notice would exceed $250,000, the number of individuals exceeds 500,000 or the Department does not have sufficient contact information. Substitute notice shall consist of all of the following:
   i. Email notice when the Department has an email address for the subject person.
   ii. Conspicuous posting of the notice on the department's webpage for a minimum of 30 days.
4. Notification to major statewide media and the California Information Security Office within the California Department of Technology.

(b) If a single breach requires the Department to notify more than 500 California residents, the Department shall electronically submit a sample copy of the notification, excluding any personally identifiable information, to the Attorney General.

807.9 SEALED RECORD ORDERS

Sealed record orders received by the Department shall be reviewed for appropriate action by the Custodian of Records. The Custodian of Records shall seal such records as ordered by the court. Records may include but are not limited to a record of arrest, investigation, detention, or conviction. Once the record is sealed, members shall respond to any inquiry as though the record did not exist (Penal Code § 851.8; Welfare and Institutions Code § 781).

When an arrest record is sealed pursuant to Penal Code § 851.87, Penal Code § 851.90, Penal Code § 851.91, Penal Code § 1000.4, or Penal Code § 1001.9, the Records Supervisor shall ensure that the required notations on local summary criminal history information and police

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investigative reports are made. Sealed records may be disclosed or used as authorized by Penal Code § 851.92.

807.10 RELEASE OF AUDIO OR VIDEO RECORDINGS RELATED TO CRITICAL INCIDENTS

Video and audio recordings related to critical incidents shall be released upon a proper public record request and subject to delayed release, redaction, and other release restrictions as provided by law (Government Code § 6254(f)(4)). Fees may be charged for the production of video and audio records.

For purposes of this section, a video or audio recording relates to a critical incident if it depicts an incident involving the discharge of a firearm at a person by an officer, or depicts an incident in which the use of force by an officer against a person resulted in death or in great bodily injury (as defined by Penal Code § 243(f)(4)) (Government Code § 6254(f)(4)).

The Custodian of Records should work as appropriate with the Chief of Police or authorized designee 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.

807.10.1 DELAY OF RELEASE

Disclosure of critical incident recordings during active criminal or administrative investigations may be delayed as follows if disclosure would substantially interfere with the investigation, such as by endangering the safety of a witness or a confidential source:

(a) Disclosure may be delayed up to 45 days from the date the department knew or reasonably should have known about the incident.

(b) Delay of disclosure may continue after the initial 45 days and up to one year if the department demonstrates that disclosure would substantially interfere with the investigation.

(c) Any delay of disclosure longer than one year must be supported by clear and convincing evidence that disclosure would substantially interfere with the investigation (Government Code § 6254(f)(4)).

807.10.2 NOTICE OF DELAY OF RELEASE

When there is justification to delay disclosure of a recording, the Custodian of Records shall provide written notice to the requester as follows (Government Code § 6254(f)(4)):

(a) During the initial 45 days, the Custodian of Records shall provide the requester with written notice of the specific basis for the determination that disclosure would substantially interfere with the investigation. The notice shall also include the estimated date for the disclosure.

(b) When delay is continued after the initial 45 days, the Custodian of Records shall promptly provide the requester with written notice of the specific basis for the determination that the interest in preventing interference with an active investigation

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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 or authorized designee 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.

807.10.3 REDACTION

If the Custodian of Records, in consultation with the Chief of police or authorized designee, determines that specific portions of the recording may violate the reasonable expectation of privacy of a person depicted in the recording, the department should use redaction technology to redact portions of recordings made available for release. The redaction should not interfere with the viewer's ability to fully, completely, and accurately comprehend the events captured in the recording, and the recording should not otherwise be edited or altered (Government Code § 6254(f)(4)).

If any portions of a recording are withheld to protect the reasonable expectation of privacy of a person depicted in the recording, the Custodian of Records shall provide in writing to the requester the specific basis for the expectation of privacy and the public interest served (Government Code § 6254(f)(4)).

807.10.4 RECORDINGS WITHHELD FROM PUBLIC DISCLOSURE

If the reasonable expectation of privacy of a person depicted in the recording cannot adequately be protected through redaction, and that interest outweighs the public interest in disclosure, the department may withhold the recording from the public, except that the recording, either redacted or unredacted, shall be disclosed promptly, upon request, to any of the following (Government Code § 6254(f)(4)):

(a) The person in the recording whose privacy is to be protected, or his/her authorized representative.

(b) If the person is a minor, the parent or legal guardian of the person whose privacy is to be protected.

(c) If the person whose privacy is to be protected is deceased, an heir, beneficiary, designated immediate family member, or authorized legal representative of the deceased person whose privacy is to be protected.

If the department determines that this disclosure would substantially interfere with an active criminal or administrative investigation, the Custodian of Records shall provide the requester with written notice of the specific basis for the determination and the estimated date of disclosure (Government Code § 6254(f)(4)).

The department may continue to delay release of the recording from the public for 45 days with extensions as provided in this policy (Government Code § 6254(f)(4)(A)).

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Protected Information

808.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the access, transmission, release and security of protected information by members of the Antioch Police Department. This policy addresses the protected information that is used in the day-to-day operation of the Department and not the public records information covered in the Records Maintenance and Release Policy.

808.1.1 DEFINITIONS

Definitions related to this policy include:

Protected information - Any information or data that is collected, stored or accessed by members of the Antioch Police Department and is subject to any access or release restrictions imposed by law, regulation, order or use agreement. This includes all information contained in federal, state or local law enforcement databases that is not accessible to the public.

808.2 POLICY

Members of the Antioch Police Department will adhere to all applicable laws, orders, regulations, use agreements and training related to the access, use, dissemination and release of protected information.

808.3 RESPONSIBILITIES

The Chief of Police shall select a member of the Department to coordinate the use of protected information.

The responsibilities of this position include, but are not limited to:

(a) Ensuring member compliance with this policy and with requirements applicable to protected information, including requirements for the National Crime Information Center (NCIC) system, National Law Enforcement Telecommunications System (NLETS),*Department of Motor Vehicle (DMV) records 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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808.4 ACCESS TO PROTECTED INFORMATION

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Antioch Police Department policy or training. Only those members who have completed applicable training and met any applicable requirements, such as a background check, may access protected information, and only when the member has a legitimate work-related reason for such access.

Unauthorized access, including access for other than a legitimate work-related purpose, is prohibited and may subject a member to administrative action pursuant to the Personnel Complaints Policy and/or criminal prosecution.

808.4.1 PENALTIES FOR MISUSE OF RECORDS

It is a misdemeanor to furnish, buy, receive or possess Department of Justice criminal history information without authorization by law (Penal Code § 11143).

Authorized persons or agencies violating state regulations regarding the security of Criminal Offender Record Information (CORI) maintained by the California Department of Justice may lose direct access to CORI (11 CCR 702).

808.5 RELEASE OR DISSEMINATION OF PROTECTED INFORMATION

Protected information may be released only to authorized recipients who have both a right to know and a need to know.

A member who is asked to release protected information that should not be released should refer the requesting person to a supervisor or to the Records Supervisor for information regarding a formal request.

Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by the Department may generally be shared with authorized persons from other law enforcement agencies who are assisting in the investigation or conducting a related investigation. Any such information should be released through the Records Bureau to ensure proper documentation of the release (see the Records Maintenance and Release Policy).

808.5.1 REVIEW OF CRIMINAL OFFENDER RECORD

Individuals requesting to review their own California criminal history information shall be referred to the Department of Justice (Penal Code § 11121).

Individuals shall be allowed to review their arrest or conviction record on file with the Department after complying with all legal requirements regarding authority and procedures in Penal Code § 11120 through Penal Code § 11127 (Penal Code § 13321).

808.5.2 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.

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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 MDT or department-issued cellular telephone should be utilized when practicable. If neither are available, unencrypted radio transmissions shall be subject to the following:

- Elements of protected information should be broken up into multiple transmissions, to minimally separate an individual's combined last name and any identifying number associated with the individual, from either first name or first initial.
- Additional information regarding the individual, including date of birth, home address, or physical descriptors, should be relayed in separate transmissions.

Nothing in this policy is intended to prohibit broadcasting warrant information.

808.6 SECURITY OF PROTECTED INFORMATION

The Chief of Police will select a member of the Department to oversee the security of protected information.

The responsibilities of this position include, but are not limited to:

(a) Developing and maintaining security practices, procedures and training.

(b) Ensuring federal and state compliance with the CJIS Security Policy and the requirements of any state or local criminal history records systems.

(c) Establishing procedures to provide for the preparation, prevention, detection, analysis and containment of security incidents including computer attacks.

(d) Tracking, documenting and reporting all breach of security incidents to the Chief of Police and appropriate authorities.

808.6.1 MEMBER RESPONSIBILITIES

Members accessing or receiving protected information shall ensure the information is not accessed or received by persons who are not authorized to access or receive it. This includes leaving protected information, such as documents or computer databases, accessible to others when it is reasonably foreseeable that unauthorized access may occur (e.g., on an unattended table or desk; in or on an unattended vehicle; in an unlocked desk drawer or file cabinet; on an unattended computer terminal).

808.7 TRAINING

All members authorized to access or release protected information shall complete a training program that complies with any protected information system requirements and identifies authorized access and use of protected information, as well as its proper handling and dissemination.

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808.8 CALIFORNIA RELIGIOUS FREEDOM ACT

Members shall not release personal information from any agency database for the purpose of investigation or enforcement of any program compiling data on individuals based on religious belief, practice, affiliation, national origin or ethnicity (Government Code § 8310.3).

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Cash Drawer Control

809.1 PURPOSE AND SCOPE

The purpose of this policy is to effectively and efficiently regulate monies deposited with the Antioch Police Department and Animal Services.

809.2 POLICE DEPARTMENT

809.2.1 REVENUE DRAWER

When monies are received at the front counter for day-to-day business transactions, they shall be retained in the revenue drawer provided at the front counter. This revenue drawer shall be balanced to contain $150.00 at the beginning of each day.

A numbered Antioch Police Department receipt, in triplicate form, shall be completed for each transaction made at the front counter.

(a) The white copy of the receipt shall be provided to the person submitting payment.

(b) The yellow and pink copies of the receipt shall be placed in the receipt drawer.

(c) All receipts incorrectly completed shall be clearly marked as "VOID" and included in the daily receipts.

Checks received through the mail attached to requests for copies of reports will be forwarded to the Records Bureau. Checks will remain attached to requests until the requests are completed. This gives Clerical the ability to return the check to the requestor if the report is not releasable without having to issue a Field Check to the requester.

When simultaneously processing a number of these requests with checks attached, Clerical may utilize one Antioch Police Department receipt for the requests, listing the file number of each report and the fee down the right side of the receipt.

(a) The white copy of the receipt may be maintained in Records.

(b) The yellow and pink copies of the receipt shall be maintained in the receipt drawer, along with the checks.

All other checks received through the mail will be distributed to appropriate personnel for processing.

On a daily basis, the following shall occur:

(a) Inventory and balance the revenue drawer.

1. Separate yellow and pink receipts. Yellow receipts are placed in numerical order with the lowest receipt number on top. Pink receipts are placed in numerical order with highest number on top.

2. Run adding machine tape for yellow receipts and paperclip to the receipts.

3. Stamp back of checks with deposit stamp. Run adding machine tape for all checks and paperclip to checks.

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4. Count the revenue drawer and pull out cash deposit.

(b) Complete the Cash Transmittal Form.

1. Indicate any missing receipts and provide an explanation, if known.
2. The Records Supervisor or designee shall review and initial the Cash Transmittal Form.

(c) Retain pink copy of receipts and a copy of the Cash Transmittal Form for department records.

(d) The Records Supervisor or designee shall deliver the cash, checks, yellow copies of the receipts and the Cash Transmittal Forms to the Finance Department for deposit. The Finance Department cashier will count and verify the deposit and issue a receipt, initialing same.

At the end of each week, list the overages/shortages for each day and submit to the Records Bureau supervisor for review.

The revenue drawer shall remain locked when not in use and accessed only by designated Records employees.

809.2.2 PETTY CASH DRAWER

Reimbursement of petty cash slips presented by employees:

(a) Exchange petty cash slips for cash from the petty cash drawer.

(b) An Administrative Analyst's initials shall be inscribed on each slip.

(c) The person facilitating the transaction shall sign the Cashier line on the slip.

When there is a limited amount of money in the drawer, an inventory and balance of the drawer shall be completed. The Petty Cash drawer shall begin each week with a balance of $300.00 and every effort should be made to replenish it to that amount, as deemed necessary, throughout the week.

(a) Run a calculator tape on the petty cash slips.

(b) Complete the APD Petty Cash Balancing Sheet.

(c) Complete a City of Antioch Field Check for the total amount of the petty cash slips, not to exceed $200.

(d) Complete transmittal for Finance.

(e) Copy the Field Check, calculator tape, and transmittal. These will be maintained for department records for two years plus current year.

(f) The petty cash slips, calculator tape and green carbon copy of the Field Check shall be directed to the Finance. The yellow carbon copy will be maintained with the Field Check register.

(g) The Records Supervisor or designee shall deliver the Field Check and transmittal to the Finance Department to cash and replenish the drawer.

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(h) Upon receipt of the replenishment funds, the petty cash drawer will be balanced again and amounts completed on the APD Petty Cash Balancing Sheet.

The petty cash drawer shall remain locked when not in use and accessed only by designated Records employees.

809.3 POLICE DEPARTMENT AND ANIMAL SERVICES

809.3.1 CASH REGISTER

All transactions, whether it is by cash, check or credit/debit card shall be processed through the cash register and documented in the Chameleon computer program (for Animal Services).

(a) For accounting purposes, the cash register will not generate a receipt.

(b) As the Chameleon program (for Animal Services) generates a receipt, this receipt shall be furnished to the customer.

(c) If a credit/debit card is used, the receipt generated by the card machine will be furnished to the customer once they have signed the receipt.

(d) A second copy of the credit/debit card receipt should be attached to the Police Department receipt.

809.3.2 CHECK AND CREDIT/DEBIT CARD TRANSACTIONS

If an employee is selling an irretrievable item, there is a risk in accepting a check or credit/debit card without verifying identification. Before accepting payment by check or credit/debit card, the employee shall verify the customer's identification by doing the following:

(a) When payment is made by check or credit/debit card, the employee shall verify the identification of the individual presenting payment by requesting to see his/her driver's license or California ID.

(b) Compare the photograph to the individual presenting payment, as well as the signature on the driver's license to the signature on the check.

(c) If payment is by credit/debit card, verify the name on the card is the same as that on the identification and also confirm the card has not expired.

(d) Compare the signature on the credit/debit card receipt against the signature on the card.

809.3.3 ANIMAL SHELTER CASHIER RESPONSIBILITIES

The collection and control of revenue is an important function, and the employees assigned this task will be accountable for all shortages and overages. The Animal Shelter cash register shall contain $100.00 at the beginning of each work day. The designated employees shall be assigned the following responsibilities:

(a) Receive and disperse money to customers.

(b) Establish and maintain good customer relations.

(c) Perform transactions according to established guidelines.

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(d) Ensure transactions are accurate.

(e) Cash register shall not be left unattended.

(f) If it is necessary for the assigned employees to leave the work area, the register shall be turned off and the key shall be placed in a secured area.

(g) The cash register shall be accessible and operated only by the employee the Shelter Manager designates.

(h) If the register is opened by utilizing the N/S (No Sale) key, the employee shall initial the register ledger tape.

809.3.4 DAILY RESPONSIBILITIES

On a daily basis, the below noted process shall be followed:

(a) The shelter Manager or his/her designee will retrieve the daily revenue from the locked safe.

(b) The shelter Manager or his/her designee shall check the receipts from the previous day to ensure accuracy and balancing of the receipts. The shelter Manager will then initial the Daily Revenue Intake form.

(c) The shelter supervisor will utilize the Daily Revenue Intake Form to complete the Cash Transmittal Form and deliver the revenue and appropriate reporting forms to the Finance Department for deposit.

(d) At the close of the business day, the assigned employee shall complete the daily balance report, which is documented on the Daily Revenue Intake Form. The employee shall then place all cash, revenue and receipts in the safe.

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Citation Processing

809.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the processing and amending of citations.

809.2 POLICY

It is the policy of this department to parallel Section 853.6(j) of the California Penal Code which prohibits any altering, concealing, modifying, nullifying or destroying or cause to be altered, concealed, modified, nullified or destroyed, any copy of a written notice to appear.

809.3 TRAFFIC CITATIONS

Once a traffic citation has been completed and signed by the responsible, or a parking citation has been completed and attached to the windshield of a vehicle, nothing can be added or deleted from the citation. The original shall be forwarded to the employee's supervisor.

The employee's supervisor shall place the original citation in the box provided.

The citation shall not be removed from the locked box by anyone other than the person responsible for collecting and processing the citations.

No employee, other than a Division Commander, shall ask the person responsible for citation collection to retrieve any citation.

The Records Bureau supervisor shall designate the person responsible to retrieve and perform data entry of the citations. White copies of the citations shall be mailed to the court and the remaining copies shall be filed in secured records.

809.4 CITATIONS OTHER THAN TRAFFIC

After a citation has been issued and signed in lieu of physical arrest, the employee shall place the original and copy of the citation in the crime file accompanying the report.

Files are reviewed by the officer's supervisor and forwarded to the assigned clerical position in Investigations Bureau for review by a sergeant and/or direct filing.

If originated in the Investigations Bureau, the files are reviewed by the Investigations Bureau supervisor and forwarded to assigned clerical. They are then forwarded for entry into (RMS) before being filed.

The white copy (or a copy) of the citation shall be attached to the report for complaint filing with the Deputy District Attorney, and the blue and pink copies shall be retained in the file with a copy of the report filed with the DA.

809.5 AMENDING CITATIONS

A Notice of Correction (TR-100) form shall be completed in order to correct a traffic citation that has already been issued. The completed TR-100 form shall be attached to the citation and placed in

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the locked box provided. Clerical personnel will mail the pink copy of the TR-100 form to the violator and attach the white and yellow copy of the TR-100 form to the citation for further processing.

When a copy of a citation is returned by the court for a correction on a "Traffic Citation Inquiry" form, simply make the correction on the form and place it in the citation box. Clerical personnel will make sure a copy is sent to the violator.

When the citation involves criminal charges, such as, 488 PC, 647f PC, etc., the citation shall be placed in the appropriate arrest file.

Employees are instructed to be careful when completing the citation in order to minimize the number of citations requiring correction.

809.6 DISMISSING CITATIONS

Employees of this department do not have the authority to dismiss a citation that has been issued. Only the court has the authority to dismiss a citation that has been issued, per 40500(d) CVC. Any request to dismiss a citation after it has been written and issued must be requested on the designated department form and turned into that officer's Lieutenant for review and approval. Upon approval of the request, the Lieutenant will forward the approved request to the Records Bureau supervisor and recommend dismissal of the traffic citation. The Records Bureau supervisor will complete a letter to be forwarded to the recipient of the citation notifying them of the department's request to have the court dismiss the citation. In addition, the Records Bureau supervisor will forward a letter to the Traffic Commissioner with a formal request for dismissal.

809.7 VOIDING 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, with the designated department form, to approve the voiding of the citation. The signed form, citation and copies shall then be forwarded to the Records Bureau. Warning citations may be voided, whether or not they were completed and issued, as they are not submitted to the court.

809.8 ISSUANCE AND TRACKING OF CITATIONS

The Records Bureau shall be responsible for the supply and accounting of all traffic citations and warning citations. All citation books will have a tag on them for logging the sequential number of the citations and the officer issued the citation book. Upon taking a new book of citations, officers will complete the tracking tag and turn it into the designated box in Report Writing. The Records Bureau will collect and keep tracking tags in order to account for all outstanding citations.

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Property and Evidence

810.1 PURPOSE AND SCOPE

This policy provides for the proper collection, storage, and security of evidence and other property. Additionally, this policy provides for the protection of the chain of evidence and those persons authorized to remove and/or destroy property.

810.2 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/Office] for safekeeping such as a firearm
- Personal property of an arrestee not taken as evidence
- Property taken for safekeeping under authority of a law (e.g., Welfare and Institutions Code § 5150 (mentally ill persons))

Found property - Includes property found by an employee or citizen that has no apparent evidentiary value and where the owner cannot be readily identified or contacted.

810.3 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.

810.3.1 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 tab entry describing each item of property separately, listing all serial numbers, owner's name, finder's name, and other identifying information or markings.

(b) If necessary, complete an evidence/property tag and attach it to each package or envelope in which the property is stored. (i.e. fingerprint cards, safekeeping items, bicycles, oversized items, etc.)

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(c) When the property is too large to be placed in a locker, the item may be retained in the roll up storage garage.

810.3.2 NARCOTICS AND DANGEROUS DRUGS

All narcotics and dangerous drugs shall be documented separately using a separate property tabs, although they can be booked into one narcotics envelope. Paraphernalia as defined by Health & Safety Code § 11364 shall be booked separately.

810.3.3 EXPLOSIVES

Officers who encounter a suspected explosive device shall promptly notify their immediate supervisor or the Watch Commander. The bomb squad will be called to handle explosive-related incidents and will be responsible for the handling, storage, sampling and disposal of all suspected explosives.

Explosives will not be retained in the police facility. Only fireworks that are considered stable and safe and road flares or similar signaling devices may be booked into property. All such items shall be stored in proper containers and in an area designated for the storage of flammable materials. The property and evidence technician is responsible for contacting the Fire Department, on a regular basis, to dispose of any fireworks or signaling devices that are not retained as evidence.

810.3.4 EXCEPTIONAL HANDLING

Certain property items require a separate process. The following items shall be processed in the described manner:

(a) Bodily fluids such as blood or semen stains shall be air dried prior to booking.

(b) License plates found not to be stolen or connected with a known crime, should be released directly to the property and evidence technician, or placed in the designated container for return to the Department of Motor Vehicles. No formal property booking process is required.

(c) All bicycles require a property record. Property tags will be securely attached to each bicycle or bicycle frame. The property may be released directly to the property and evidence technician, or placed in the bicycle storage area until a property and evidence technician can log the property.

(d) All cash shall be counted in the presence of another officer and the envelope initialed by the booking officer. The supervisor shall be contacted for cash in excess of $1,000.

City property, unless connected to a known criminal case, should be released directly to the appropriate City department. No formal booking is required. In cases where no responsible person can be located, the property should be booked for safekeeping in the normal manner.

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810.3.5 RELINQUISHED FIREARMS

Individuals who relinquish firearms pursuant to the provisions of Penal Code § 29850 shall be issued a receipt that describes the firearm, the serial number or other identification of the firearm at the time of relinquishment (Penal Code § 29810).

Relinquished firearms shall be retained for 30 days, after which time they may be destroyed, retained, sold or otherwise transferred, unless (Penal Code § 29810):

(a) A certificate is issued by a judge of a court of record or the District Attorney stating the firearms shall be retained; or

(b) The convicted person provides written notice of an intent to appeal the conviction that necessitated the relinquishment; or

(c) The Automated Firearms System indicates that the firearm was reported lost or stolen.

1. In such event, the firearm shall be restored to the lawful owner as soon as it is no longer needed as evidence, the lawful owner has identified the weapon and provided proof of ownership, and the [Department/Office] has complied with the requirements of Penal Code § 33850 et seq.

The property and evidence technician shall ensure the Records Supervisor is notified of the relinquished firearm for purposes of updating the Automated Firearms System and the disposition of the firearm for purposes of notifying the California Department of Justice (DOJ) (See the Records Bureau Policy).

810.4 PACKAGING OF PROPERTY

Certain items require special consideration and shall be booked separately as follows:

(a) Narcotics and dangerous drugs

(b) Firearms (ensure they are unloaded and booked separately from ammunition)

(c) Property with more than one known owner

(d) Paraphernalia as described in Health and Safety Code § 11364

(e) Fireworks

(f) Contraband

810.4.1 PACKAGING

Employees shall package all property, except narcotics and dangerous drugs in a suitable envelope, bag or container available for its size. Special precautions shall be taken to ensure that the blade of a fixed blade knife cannot protrude through packaging material.

A property tag shall be securely attached to the outside of all items or group of items packaged together.

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810.4.2 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 evidence locker. Prior to packaging and if the quantity allows, a presumptive test should be made on all suspected narcotics. If conducted, the results of this test shall be included in the officer's report.

Narcotics and dangerous drugs shall be packaged in the lab approved narcotics envelope. The booking officer shall initial the sealed envelope on the evidence tape. Narcotics and dangerous drugs shall not be packaged with other property.

A completed property tag shall be attached to the outside of the envelope.

810.5 RECORDING OF PROPERTY

The property and evidence technician receiving custody of evidence or property shall record his/her signature and the date the property was received on the chain of custody and document where the property will be stored in a RPW entry.

Any changes in the location of property held by the Antioch Police Department shall be noted in RPW.

810.6 PROPERTY CONTROL

Each time the property and evidence technician receives property or releases property to another person, he/she shall enter this information in RPW. Officers desiring property for court shall contact the property and evidence technician at least one day prior to the court day.

810.6.1 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 possession.

Request for analysis for items other than narcotics or drugs shall be completed on the appropriate forms and submitted to the property and evidence technician. This request may be filled out any time after booking of the property or evidence.

810.6.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY

The transporting employee will check the evidence out of property, indicating the date and time in RPW and the request for laboratory analysis.

The property and evidence technician releasing the evidence must complete the required information in RPW and the evidence. The lab forms will be transported with the property to the examining laboratory. 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.

810.6.3 STATUS OF PROPERTY

Each person receiving property will make the appropriate entry to document the chain of evidence. Temporary release of property to officers for investigative purposes, or for court, shall be noted in RPW, stating the date, time and to whom released.

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The property and evidence technician shall obtain the signature of the person to whom property is released, and the reason for release. Any employee receiving property shall be responsible for such property until it is properly returned to property or properly released to another authorized person or entity.

The return of the property should be recorded in RPW, indicating date, time and the person who returned the property.

When releasing property to another agency such as court or an other police department, said release shall be documented in PRW.

810.6.4 AUTHORITY TO RELEASE PROPERTY

The evidence supervisor shall authorize the disposition or release of all evidence or property coming into the care and custody of the department.

810.6.5 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 (RTO) form, listing the name and address of the person to whom the property is to be released. The release authorization shall be approved by the authorizing supervisor or detective and must conform to the items listed on the property form or must specify the specific item(s) to be released. Release of all property shall be documented on the property form and recorded in RPW.

With the exception of firearms and other property specifically regulated by statute, found property shall be held for a minimum of90 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 held for safekeeping and not claimed within 60 days after notification may be auctioned to the highest bidder at a properly published public auction. If such property is not sold at auction or otherwise lawfully claimed, it may thereafter be destroyed (Civil Code § 2080.6). The final disposition of all such property shall be fully documented in RPW.

A property and evidence technician shall release the property upon proper identification being presented by the owner for which an authorized release has been received. A signature of the person receiving the property shall be recorded on the original RTO form. Upon release, the proper entry shall be documented in the Property Log. RTO forms are filed and kept in the evidence room.

Under no circumstances shall any firearm be returned to any individual unless and until such person presents valid identification and written notification from the California Department of Justice that conforms to the provisions of Penal Code § 33865.

The 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.

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The Department is not required to retain any firearm or other deadly weapon longer than 180 days after notice has been provided to the owner that such firearm or other deadly weapon is available for return. At the expiration of such period, the firearm or other deadly weapon may be processed for disposal in accordance with applicable law (Penal Code § 33875).

810.6.6 DISPUTED CLAIMS TO PROPERTY

Occasionally more than one party may claim an interest in property being held by the Department, and the legal rights of the parties cannot be clearly established. Such property shall not be released until one party has obtained a valid court order or other undisputed right to the involved property.

All parties should be advised that their claims are civil and in extreme situations, legal counsel for the Department may wish to file an interpleader to resolve the disputed claim (Code of Civil Procedure § 386(b)).

810.6.7 CONTROL OF NARCOTICS AND DANGEROUS DRUGS

The evidence unit will be responsible for the storage, control and destruction of all narcotics and dangerous drugs coming into the custody of this department, including paraphernalia as described in Health & Safety Code § 11364.

810.6.8 RELEASE OF FIREARM IN DOMESTIC VIOLENCE MATTERS

Within five days of the expiration of a restraining order issued in a domestic violence matter that required the relinquishment of a firearm, the property and evidence technician shall return the weapon to the owner if the requirements of Penal Code § 33850 and Penal Code § 33855 are met unless the firearm is determined to be stolen, evidence in a criminal investigation or the individual is otherwise prohibited from possessing a firearm (Family Code § 6389(g); Penal Code § 33855).

810.6.9 RELEASE OF FIREARMS AND WEAPONS IN MENTAL ILLNESS MATTERS

Firearms and other deadly weapons confiscated from an individual detained for an evaluation by a mental health professional or subject to the provisions of Welfare and Institutions Code § 8100 or Welfare and Institutions Code § 8103 shall be released or disposed of as follows:

(a) If a petition for a hearing regarding the return of the weapon has been initiated pursuant to Welfare and Institutions Code § 8102(c), the weapon shall be released or disposed of as provided by an order of the court. If the court orders a firearm returned, the firearm shall not be returned unless and until the person presents valid identification and written notification from the California Department of Justice (DOJ) which conforms to the provisions of Penal Code § 33865.

(b) If no petition has been initiated pursuant to Welfare and Institutions Code § 8102(c) and the weapon is not retained as evidence, the Department shall make the weapon available for return. No firearm will be returned unless and until the person presents valid identification and written notification from the California DOJ which conforms to the provisions of Penal Code § 33865.

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(c) Unless the person contacts the Department to facilitate the sale or transfer of the firearm to a licensed dealer pursuant to Penal Code § 33870, firearms not returned should be sold, transferred, destroyed or retained as provided in Welfare and Institutions Code § 8102.

810.6.10 RELEASE OF FIREARMS IN GUN VIOLENCE RESTRAINING ORDER MATTERS
Firearms and ammunition that were taken into temporary custody or surrendered pursuant to a gun violence restraining order shall be returned to the restrained person upon the expiration of the order and in accordance with the requirements of Penal Code § 33850 et seq. (Penal Code § 18120).

If the restrained person who owns the firearms or ammunition does not wish to have the firearm or ammunition returned, he/she is entitled to sell or transfer title to a licensed dealer, provided that the firearms or ammunition are legal to own or possess and the restrained person has right to title of the firearms or ammunition (Penal Code § 18120).

If a person other than the restrained person claims title to the firearms or ammunition surrendered pursuant to Penal Code § 18120 and the Antioch Police Department determines him/her to be the lawful owner, the firearms or ammunition shall be returned in accordance with the requirements of Penal Code § 33850 et seq. (Penal Code § 18120).

Firearms and ammunition that are not claimed are subject to the requirements of Penal Code § 34000.

810.7 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.

810.7.1 UNCLAIMED MONEY

If found or seized money is no longer required as evidence and remains unclaimed after three years, the Department shall cause a notice to be published each week for a period of two consecutive weeks in a local newspaper of general circulation (Government Code § 50050). Such notice shall state the amount of money, the fund in which it is held and that the money will become the property of the agency on a designated date not less than 45 days and not more than 60 days after the first publication (Government Code § 50051).

Any individual item with a value of less than $15.00, or any amount if the depositor/owner's name is unknown, which remains unclaimed for a year or by order of the court, may be transferred to the general fund without the necessity of public notice (Government Code § 50055).

If the money remains unclaimed as of the date designated in the published notice, the money will become the property of this department to fund official law enforcement operations. Money representing restitution collected on behalf of victims shall either be deposited into the Restitution Fund or used for purposes of victim services.

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810.7.2 RETENTION OF BIOLOGICAL EVIDENCE

The Property and Evidence Bureau Supervisor shall ensure that no biological evidence held by the Department is destroyed without adequate notification to the following persons, when applicable:

(a) The defendant

(b) The defendant's attorney

(c) The appropriate prosecutor and Attorney General

(d) Any sexual assault victim

(e) The Investigation Division supervisor

Biological evidence shall be retained for either a minimum period that has been established by law (Penal Code § 1417.9) or that has been established by the Property and Evidence Bureau Supervisor, or until the expiration of any imposed sentence that is related to the evidence, whichever time period is greater. Following the retention period, notifications should be made by certified mail and should inform the recipient that the evidence will be destroyed after a date specified in the notice unless a motion seeking an order to retain the sample is filed and served on the Department within 180 days of the date of the notification. A record of all certified mail receipts shall be retained in the appropriate file. Any objection to, or motion regarding, the destruction of the biological evidence should be retained in the appropriate file and a copy forwarded to the Investigation Division supervisor.

Biological evidence related to a homicide shall be retained indefinitely and may only be destroyed with the written approval of the Chief of Police and the head of the applicable prosecutor's office.

Biological evidence or other crime scene evidence from an unsolved sexual assault should not be disposed of prior to expiration of the statute of limitations and shall be retained as required in Penal Code § 680. Even after expiration of an applicable statute of limitations, the Investigation Division supervisor should be consulted and the sexual assault victim shall be notified at least 60 days prior to the disposal (Penal Code § 680). Reasons for not analyzing biological evidence shall be documented in writing (Penal Code § 680.3).

810.8 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 may be conducted annually as directed by the Chief of Police.

(c) An annual audit of evidence held by the Department may be conducted by a Bureau 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 should be made by an individual not associated

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to the property room or function to ensure that records are correct and all evidence property is accounted for.

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Animal Control

811.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for animal control officers and police department personnel in dealing with animal control related calls for service and to set forth procedures regarding animal control services, the handling of injured animals, and the abatement of animal nuisances.

811.2 ANIMAL CONTROL OFFICER RESPONSIBILITY

The Animal Control Officer (ACO) shall be responsible for enforcing local, state and federal laws relating to animals, and for appropriately resolving or referring animal problems as outlined in this policy. The ACO shall be under the operational control of the Animal Services Manager as part of the Animal Services Division. The Animal Control Officers assigned working hours will be scheduled by the Animal Services Manager.

During hours when the ACO is on duty, requests for animal control services shall be assigned by dispatch or the Watch Commander.

Requests for assistance by the ACO shall be acknowledged and responded to promptly.

811.3 OFFICER RESPONSIBILITY

During hours when the Animal Control Officer is off-duty, or if the ACO is otherwise unavailable, the following animal related calls for service will be handled by the appropriate on-duty officer.

Officers may be dispatched to animal related calls and should take appropriate actions to control the situation until the arrival of an ACO. Due to the hazards of handling animals without proper equipment, responding officers generally should not attempt to capture and pick up any animal, but should keep the animal under observation until the arrival of the ACO. The following are examples of when an officer may consider acting before the arrival of the ACO:

(a) When there is a threat to the public safety.

(b) When animal has bitten someone, an officer should take measures to confine the animal and prevent further injury.

(c) When an animal is creating a traffic hazard.

(d) When the owner/handler has been arrested and there is no other alternative placement for the animal.

(e) When the animal is gravely injured.

811.3.1 ANIMAL CRUELTY COMPLAINTS

Animal Control Officers shall conduct investigations on all reports of animal cruelty. In the absence of an ACO, Field Service Officers shall not hesitate to take any immediate actions deemed necessary. The assistance of an animal control officer may be requested to assist with

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the investigation when appropriate for the purpose of handling the disposition of any animal(s) associated with the case.

811.3.2 STRAY DOGS

If the dog has a license or can otherwise be identified, the owner should be contacted, if possible. If the owner is contacted, the dog should be released to the owner and a citation may be issued if appropriate. If a dog is taken into custody, it shall be transported to the Animal Shelter and placed into one of the holding pens, making sure the animal has food, water.

If an animal is detained by a Field Service Officer, a note must be placed on the holding pen articulating the circumstances and location of the pick-up. Releases will be handled by the ACO.

Once a dog has been taken into custody, all releases should be handled by the Animal Shelter.

811.3.3 ANIMAL BITE REPORTS

Officers responding to a reported animal bite complaint, and determine injuries to a person or another animal were sustained, shall request an ACO be called to the scene. Officers shall remain with the owner of a biting animal, if contacted, to keep the animal confined on the property until contacted by the ACO. If the animal is a stray, then every effort shall be made to capture and impound the animal immediately.

811.3.4 PUBLIC NUISANCE CALLS RELATING TO ANIMALS

Officers shall obtain and forward to the ACO as much information as possible regarding the nature of the complaint, complaining person, owner information (if possible), location of problem, etc. Officers will also document any actions taken, citation(s) issued, related report numbers, etc.

In the event responding officers cannot fulfill urgent requests for service because the animal is difficult or dangerous to handle, the ACO may be called to duty to handle. If the ACO is unavailable, the patrol supervisor may request the assistance of an animal control officer from an allied agency.

All requests to call in the ACO must be approved by a field supervisor or the Watch Commander.

811.4 DECEASED ANIMALS

Deceased animals on public property will be removed and properly disposed of by the ACO. Officers can move deceased animals to a location that does not create a hazard (if necessary) when the Animal Control Officer is not on duty. If this occurs, a note should be left with Animal Services to advise of the location where the deceased animal can be retrieved. The deceased animals may be placed in the dead pan of the Animal Control Officer's truck.

(a) For health and sanitary reasons, deceased animals should be placed in a sealed plastic bag prior to placing in the ACO truck. Large animals should be double bagged and left next to the ACO truck, out of public view.

(b) Neither the ACO nor any officer will be required to climb onto or under any privately owned structure for the purpose of removing a deceased animal.

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811.5 INJURED ANIMALS

When any injured domesticated animal is brought to the attention of a member of this agency, all reasonable attempts shall be made to contact the owner or responsible handler. When the owner or responsible handler cannot be located and the animal is not an immediate danger to the community, it shall be taken to a doctor of veterinary medicine as described below (Penal Code 597.1).

(a) During normal business hours, the animal should be taken to an authorized veterinary care clinic, or the Animal Shelter for evaluation by the shelter's veterinarian.

(b) If after normal business hours, the animal should be taken to the authorized Veterinary Emergency and Critical Care Services Clinic.

1. VCA East Bay Veterinary Emergency Hospital - 1312 Sunset Drive, Antioch, CA 94509.

(c) The only exception to the above is when the animal is an immediate danger to the community or the owner of the animal is identified and takes responsibility for the injured animal.

1. When the need to kill a seriously injured or dangerous animal is necessary, the department Firearms Policy shall be followed. The decision to dispose of a seriously injured animal will rest with the on-duty Watch Commander.

(d) Injured wildlife should be referred to the Lindsay Wildlife Experience, Marine Mammal Center or Department of Fish and Wildlife as applicable. The Lindsay Wildlife Experience will not accept common pigeons (red legs), starlings, bats, turkeys, or skunks.

(e) When handling dead or injured animals, department employees shall attempt to identify and notify the owner of the final disposition of the animal.

(f) Each incident shall be documented and, at minimum, include the name of the reporting party and veterinary hospital and/or person to whom the animal is released. If the ACO is off duty, the information will be forwarded for follow-up.

811.5.1 RESCUE OF ANIMALS IN VEHICLES

If an animal left unattended in a vehicle appears to be in distress, members may enter the vehicle for the purpose of rescuing the animal. Members should (Penal Code § 597.7(d)):

(a) Make a reasonable effort to locate the owner before entering the vehicle.

(b) Take steps to minimize damage to the vehicle.

(c) Refrain from searching the vehicle or seizing items except as otherwise permitted by law.

(d) Leave notice on or in the vehicle identifying the location where the animal has been taken and the name and department of the member involved in the rescue.

(e) Make reasonable efforts to contact the owner or secure the vehicle before leaving the scene.

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(f) Take the animal to an animal care facility, a place of safekeeping or, if necessary, a veterinary hospital for treatment.

811.6 CITATIONS

It should be at the discretion of the handling officer or the Field Supervisor as to the need for, or advisability of, the issuance of a citation for a violation.

811.7 POST-ARREST PROCEDURES

The arresting officer should make a reasonable effort to ensure that animals or pets under a person's care will be provided with adequate care when that person is arrested. This is only required when there is no person to provide care and the arrestee is expected to be in custody for a time period longer than would reasonably allow him/her to properly care for the animals.

Relatives or neighbors may be contacted, with the owner's consent, to care for the animals. If no persons can be found or the owner does not consent, the appropriate animal control authority should be notified.

811.8 ANIMAL CRUELTY COMPLAINTS

Laws relating to the cruelty to animals should be enforced, including but not limited to Penal Code § 597 et seq. (cruelty to animals, failure to care for animals).

(a) An investigation should be conducted on all reports of animal cruelty.

(b) Legal steps should be taken to protect an animal that is in need of immediate care or protection from acts of cruelty.

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Chapter 9 - Custody

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Temporary Holding Facility

900.1 PURPOSE AND SCOPE

The Antioch Police Department operates a temporary holding detention facility as defined by the State of California, Code of Regulations, Title 15. - Crime Prevention and Corrections, Division 1. - Board of Corrections. Adult prisoners cannot be held longer than 24 hours pursuant to regulations and are typically held no longer than eight hours before release or transport.

In an effort to provide the most humane and lawful treatment of persons arrested by the Antioch Police Department, this policy, along with the Temporary Custody of Adults, Temporary Custody of Juveniles, and Custodial Searches policies are submitted as the regulatory instruments for the purposes of dealing with those persons.

Title 15. - Board of Corrections, Section 1012 states, in part, the facility administrator may temporarily suspend any standard or requirement in the event of any emergency which threatens the safety of a local detention facility, of any of its inmates or staff, or the public, provided such regulations are directly affected by the emergency.

If any article, section, subsection, sentence, clause or phrase of these regulations is for any reason held to be unconstitutional, contrary to statute, exceeding the authority of the State Board of Corrections, or otherwise inoperative, such decision shall not affect the validity of the remaining portion of these regulations.

900.2 ORGANIZATION

The administration of the facility is the responsibility of the Chief of Police. The management of the facility is the responsibility of the Field Services Commander. The supervision of the facility is the responsibility of the Community Policing Bureau Commander. The shift supervisor is responsible for the daily shift supervision. Refer to attached organizational chart.

Normal communications will be channeled through the established chain of command. At times of emergency or in situations involving an immediate threat to the health or safety of a prisoner, communications will be through notification to dispatch who in turn will notify the shift supervisor.

See attachment: Temporary Holding Facility Organization Chart.pdf

900.3 DEFINITIONS

BOOKING - The procedure used to process any arrested person into the detention facility. This includes, but is not limited to, completion of forms, property removal/inventory, searches, fingerprinting/photos, obtaining samples for drug/alcohol testing, physical coordination tests, phone calls and interview to determine and/or validate identity. The "booking" procedure is also used for those persons who are not under arrest, but are subject to a "court ordered" booking.

BOOKING CELL - Room where an arrestee is placed to complete the booking process.

CUSTODY - Three types:

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(a) **Non-secure Custody** - The person's freedom of movement is controlled by the use of physical barriers (unlocked doors) and/or staff. This normally applies to a person under the age of fourteen (14) years and the minor must be under the constant visual observation and supervision of departmental staff. The minor cannot be physically secured to a cuffing rail or any other stationary object.

(b) **Temporary Custody** - The person is not at liberty to leave the facility. This normally applies to situations in which the person is going to be released after booking procedures; short term detention at this facility; or is transported to another facility. The person is placed in a locked room or enclosure until released.

(c) **Secure Detention** - The person is placed into a locked room or enclosure and/or is physically secured to a cuffing rail or other stationary object.

DIRECT VISUAL OBSERVATION - The act of physically looking into each security area. CCTV can only be used to supplement direct visual observation; however, CCTV cannot be used in lieu of direct visual observation. Direct visual observation requires intermittent observations no less than every thirty (30) minutes, unless person(s) in custody require more frequent observations. These observations shall be noted on a Prisoner Observation Form.

FACILITY ADMINISTRATOR - The Chief of Police is charged by law with the administration of this local detention facility.

FACILITY SUPERVISOR - The Field Services Division Commander is responsible for the administration of the supervision of the facility. The Community Policing Bureau Commander is responsible for managing the supervision of the facility. The on-duty shift supervisor is designated as the shift facility supervisor. At times, there will be a commander and shift supervisor (sergeant and/or corporal) present in the facility, and each shall have the responsibility of supervision. Additionally, at any time there is an employee within the facility, he/she shall have the responsibility of careful observation for, and report of, any irregularities or conditions that are unsafe, harmful or inappropriate.

HOLDING CELL - Six types:

(a) Sobering

(b) Adult (single)

(c) Adult (double)

(d) Juvenile

(e) Medical Isolation

(f) Safety Cell (This cell shall not be used to house prisoners.)

SCREENING PRISONERS/RELEASE TYPES - Three types:

(a) "Non-keepers" are those persons arrested for misdemeanors or cite release misdemeanor warrants who are not under the influence of drugs or alcohol or who are not hostile or belligerent and who will be released on a citation from the facility upon completion of their booking. "Non-keepers" may be housed in the booking cell beyond

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the booking process time if their release occurs immediately after the completion of the booking. Males will always be separated from female prisoners.

(b) Persons arrested for misdemeanors or cite release misdemeanor warrants, who are under the influence of alcohol or drugs, will be detained in the sobering cell until they display signs of sobriety, which indicates they are no longer incapacitated or a danger to themselves. These persons will then be released with a citation or 849(b) PC as appropriate. Males will always be separated from female prisoners.

(c) "Keepers" are those persons arrested for felonies or felony warrants, non-cite misdemeanor warrants, or misdemeanors where cite release has been denied per 853.6(i) PC. These arrestees will be housed in holding cells pending transport to the Contra Costa County Martinez Detention Facility.

900.4 STAFFING PLAN

The duties of the Shift Supervisor are to supervise the daily operation of the facility. He/she is responsible to ensure the safety of all prisoners. He/she is responsible that all pertinent policies and procedures are being followed. He/she shall ensure that intermittent, direct visual supervision of prisoners is done.

The duties of the Community Services Officers (CSOs) are to provide intermittent visual supervision of all prisoners, to ensure the cleanliness of the facility, to ensure that proper nourishment and fluids are available, to process all prisoners, and to transport prisoners to the Martinez Detention Facility when needed.

Whenever there is a prisoner in custody, there shall be at least one employee immediately available and accessible to prisoners in the event of an emergency.

At times, the Shift Supervisor or Community Services Officer (CSO) may have to attend to other duties that would prevent continuous supervision. In the event the CSO has to attend to other duties, i.e., the transportation of other prisoners to another facility, the Shift Supervisor shall immediately be notified and he/she shall respond to the Police Department to assume the supervision responsibilities. In the event the Shift Supervisor has to attend to other duties, i.e., a field emergency, and a CSO isn't available, he/she shall designate a field officer to assume the supervision responsibilities.

In compliance with CCR Title 15, Section 1024, all personnel responsible for supervising prisoners shall attend and complete eight hours of specialized training. The training shall include, but is not limited to, applicable minimum jail standards, jail operations liability, inmate segregation, emergency procedures and planning and suicide prevention. Those personnel shall complete this training within six months from the date of assignment and shall complete an 8 hour refresher training every 2 years thereafter.

900.5 PRISONER PROCESSING

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900.5.1 PRISONER TRANSPORT / ENTRY INTO FACILITY

(a) All persons arrested in the field and not cite released at the scene should be transported to the police department in a "caged" patrol unit. At times, it may be more expedient to transport in an un-caged vehicle.

(b) All persons arrested in the police department (front lobby, investigations bureau, etc.) shall be escorted to the facility by a sworn peace officer.

(c) All prisoners will be "pat searched" for weapons and contraband prior to being placed into the patrol unit or entering the internal portion of the police department.

(d) All prisoners shall be handcuffed with their hands behind the back unless there is a prohibitive physical condition. Examples of these conditions are pregnancy, physical handicap, etc.

(e) The transporting officer shall drive into the vehicular sally port, ensuring the automatic door(s) are closed before removing the prisoner(s) from the vehicle.

(f) Prior to removing the prisoner(s) from the vehicle:

1. The officer(s) shall lock the driver's compartment of the vehicle to prevent access to the shotgun.

2. The officer(s) shall remove his/her personal weapon and secure it in the gun locker adjacent to the entry door(s).

(g) The prisoner shall be escorted into the facility and placed into a booking cell.

1. Non-ambulatory prisoners (passive resistant, etc.) shall be carried in with the help of additional personnel. This additional assistance shall be obtained prior to removing the prisoner from the vehicle.

2. Active resistant and combative prisoners shall not be allowed into the facility. They should be directly transported to the Martinez Detention facility.

(a) Prisoners who become combative or actively resistant after already entering the facility shall be handcuffed and additionally restrained with the WRAP if necessary and transported to the Martinez Detention Facility.

3. At no time shall co-combatants and co-conspirators be placed in the same booking cell.

(h) If a prisoner is determined to have a communicable disease while he/she is already in the facility, he/she shall be promptly transported to the Contra Costa County Martinez Detention Facility.

1. Any cell used by a prisoner determined to have a communicable disease shall be decontaminated prior to further use.

(i) Persons with any of the following conditions may be booked at the Antioch Police Department but will then be immediately transferred to Contra Costa County Martinez Detention Facility:

1. Prisoners who are diabetic, epileptic, or have had seizures or blood sugar disorders.

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2. Prisoners who claim allergies to a product or material likely to be encountered in the jail.
3. Prisoners who display combative or bizarre behavior which may result in injury to self or others.
4. Prisoners in need of medical clearance or treatment prior to being accepted at the County Jail.
   (a) It is not within the scope of AMR to medically clear a prisoner for the Martinez Detention Facility or the Antioch Police Department Jail.
5. Prisoners who are currently taking any medication which may be required while in custody.
6. Prisoners who require specialized care, outside the expectation of routine prisoner care.
7. Any prisoner whose gender cannot be readily determined.
8. Prisoners who answer yes to any mental health screening question.
9. Prisoners who have had DT's or alcoholic seizures.
10. Prisoners with prosthetic limbs.

(j) A medical questionnaire shall be completed for each arrestee by the arresting officer or jailer. An affirmative answer to any of the questions on the report requires the booking officer or jailer to review the item in question, with the Shift Supervisor evaluating the person's need for transportation to the Contra Costa County Martinez Detention Facility. In the event the prisoner has a current or active illness, the prisoner shall be transported to the Contra Costa County Martinez Detention Facility without delay.

900.5.2 PRISONER PROPERTY

All prisoners booked or placed in a holding cell at APD will have all of their property inventoried on a Contra Costa County Property/Clothing Receipt.

(a) The standard booking search includes removal of garments such as overcoats, jackets, sweaters, vests, hats, wigs, belts, shoes, jewelry, handbags and wallets. All pockets shall be emptied, hair and mouth examined, and all clothing not removed will be examined by sliding the hands across the body to detect articles that may be secreted underneath or sewn into the clothing. Large items such as briefcases, backpacks, suitcases, bundles, etc. shall not be taken into the booking cell.

(b) The following property shall be removed from an arrestee:

1. All money (foreign or domestic).
2. All jewelry (unless physically impossible to remove).
3. All combustibles and tobacco (arrestee shall retain property receipt).
4. Any item that can be used as a weapon or instrument of suicide (pens, pencils, belts, ties, pocket knives, hair pins, safety pins, etc.).

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5. Shoes, boots, sandals, and other outer foot wear, unless they are orthopedic in nature and design and required for mobility.
6. All medications (prescribed or otherwise).
7. Eyeglasses (prescription excepted if essential to the arrestee's sight).
8. Hearing Aides (accepted if essential to the arrestee's hearing).
9. Any other item of value or item which can be used as a weapon, means of escape or suicide, or means of vandalism or damage to the facility.

(c) Items essential to the arrestee's health and well being SHALL NOT be removed. These would include bandages, casts, braces, etc.

(d) Property Inventory

1. All property is to be removed from the prisoner while he/she is still handcuffed and inside the booking cell.
2. The officer or CSO who removes the property from the prisoner shall be the person who completes the inventory on the County Property/Clothing Receipt.
   (a) Property is not to be left unattended on the counter in booking.
3. The date, time, prisoner’s name and case number shall be placed at the top of the County Property/Clothing Receipt. The number of the locker where the property is kept shall be entered at the top of the Property/Clothing Receipt.
   (a) All knives are to be taped in a closed position.
   (b) Jewelry is to be described as “white metal” or “yellow metal”, not silver or gold.
   (c) Stones are to be described by shape and color, not diamond, ruby, sapphire, etc. Example: round clear stone, square red stone, etc.
4. The officer completing the Property/Clothing Receipt shall sign near the bottom in the space marked “Bkg Ofc:_____.” He/she will then have the prisoner sign in the adjacent space marked “Inmate Signature,” acknowledging what was taken from them. This is done on the original (white) copy while all four pages are intact.
   (a) If the person refuses to sign the Property/Clothing Receipt, write “refused” in the space provided for their signature.
   (b) All money is to be placed in a separate plastic bag or envelope along with the pink copy of the Property/Clothing Receipt. That bag is then stapled to the outside of the primary property bag. Make certain the information on the Property/Clothing Receipt is visible from the outside.
   (c) All other property is placed in a bag along with the yellow copy of the Property/Clothing Receipt. Make certain the Property/Clothing Receipt is legible from outside the bag.
   (d) The goldenrod copy of the Property/Clothing Receipt is to be placed in the file jacket. The white (original) copy of the Property/Clothing Receipt

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is kept with the working folder of prisoner paperwork until that person is released or transported to another facility.

5. When the prisoner is released, property that was taken when he/she was booked will be returned. (Knives are handed back to the prisoner as he/she leaves the building, not in booking. MAKE CERTAIN THE PROPERTY BEING RETURNED IS IN FACT THAT PRISONER'S PROPERTY.
   (a) The officer or CSO releasing the prisoner shall sign the bottom of the white copy of the Property/Clothing Receipt in the space marked "Rel Ofc:_____" and enter the date just above there.
   (b) The prisoner will then sign where it says "Inmate Signature", acknowledging receipt of their personal property and clothing. DO NOT HAVE THEM SIGN IN THIS SPACE UNTIL THEY ARE RELEASED FROM OUR CUSTODY.
6. If there is a need to open a prisoner's property bag (to add or remove property), the officer should re-seal the bag and make a notation of the change on all copies of the Property/Clothing Receipt.
   (a) The officer shall include his/her initials and employee number along with any changes made to the copies of the Property/Clothing Receipt.
7. Property of evidentiary nature shall be seized, processed and placed into evidence as required.

900.5.3 FINGERPRINTS

All persons arrested and transported to the facility shall be fingerprinted and photographed prior to release or transfer to another facility. The electronic print/photo shall be used. If the electronic system is malfunctioning, manual processes shall be employed.

900.5.4 SOBRIETY TESTING

Breath Samples:

(a) Arrestee shall be escorted to the breath test room where the test will be administered.
(b) At no time shall the arrestee be left alone.

Blood Samples:

(a) Arrestee shall remain in the booking cell until the withdrawal of blood is completed by the responding technician.
   1. The booking officer SHALL accompany the technician into the cell and remain with the technician at all times the arrestee is present.
(b) Occasionally arrestees may have to be transported to a different facility for blood withdrawal:
   1. Transportation requires a "caged" unit, handcuffs behind the back and the most direct and expedient route to and from the facility.

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2. While at the different facility, the transporting officer SHALL remain with the prisoner at all times.

Urine Samples:

(a) Arrestee will be escorted to the toilet/shower room and provided a sterile collection container.

(b) Continuous observation of the arrestee to prevent contamination of the submitted specimen is required.

1. Observation is done through the window in the door.
2. Observer shall be of the same sex as the arrestee.
3. Care shall be taken to protect the privacy and dignity of the arrestee without compromising the process of specimen collection.

900.5.5 MEALS

Occasionally there are times when it will be necessary to provide meals to prisoners. This will be accomplished by preparing a TV dinner in the security kitchen and serving it to the prisoner.

(a) The meal will be prepared in accordance with the directions and served to the prisoner through the food pass door in the cell door.

(b) A plastic disposable fork, knife, spoon and cup will be provided.

(c) The prisoner will be given a maximum of thirty (30) minutes to consume the meal.

(d) Upon completion of the meal, all items will be retrieved from the cell. This includes the knife, fork, spoon, cup and tray. Care shall be taken to ensure no items are left behind or the prisoner has not concealed any of the items or portions of the items which may have been broken off. All of these items will be disposed of and are not to be reused. Normally, the items are retrieved by requesting the prisoner to place them into the food pass slot in the door. IF THE PRISONER REFUSES TO DO THIS, ENTRY WILL NOT BE MADE INTO THE CELL UNTIL THERE IS A MINIMUM OF TWO OFFICERS PRESENT! This is to ensure there is not a successful attack by a prisoner with any of the utensils.

900.5.6 VISITATION

Because this is a temporary holding detention facility, there is normally no visitation allowed with a prisoner. However, there may be occasions when this must be accomplished. This may be those instances where the prisoner has requested an attorney and the attorney has responded to the station or where similar circumstances arise involving mental health personnel. In those instances, after approval by a supervisor, the following procedure will be performed.

(a) The visitor will be properly identified in the front lobby and escorted to the visiting room off the south corridor.

(b) The prisoner will be escorted from the cell and placed in the secure side of the visiting room. Communication will be accomplished by use of the two way phone system which is provided on both sides of the security glass screen.

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(c) Upon completion of the visit, either party can signal for an officer by pushing the call button provided.

(d) The visitor will be removed from the visitor's side and escorted to the front lobby.

(e) The prisoner will then be removed from the visitation room and escorted back to the assigned cell. PRIOR TO PLACING THE PRISONER BACK INTO THE CELL A THOROUGH PAT SEARCH WILL BE PERFORMED TO ENSURE NO WEAPONS OR CONTRABAND HAS BEEN BROUGHT INTO THE DETENTION AREA.

(f) Each side of the visiting room will be inspected and if damage is found, an investigation and report will be completed for pursuit of criminal charges.

900.5.7 MEDICAL SCREENING

When an arrestee is brought into the facility, great care is to be taken in screening that individual for any health or medical problems.

(a) The booking officer will ask the arrestee all applicable questions on the medical portion of the Antioch Police Department Booking Record.

(b) The booking officer will record his/her observations of the arrestee's condition on the medical portion of the Antioch Police Department Booking Record.

(c) A "yes" answer to any of the listed questions shall prompt an immediate decision on medical treatment, prisoner segregation, or transfer of the arrestee to Contra Costa County Regional Medical Center.

(d) The booking officer will ensure that requests or need for medical assistance are promptly referred to the Shift Supervisor.

(e) It is rare that treatment or examination by a physician will be refused. In the event of a refusal, however, the reason(s) shall be clearly and completely stated on the booking record and approved by the Shift Supervisor.

(f) If a prisoner with a suspected communicable disease is kept in a cell, the cell is not to be used again after the prisoner is released until it is disinfected by the contracted sanitation service. A sign is to be placed on the cell door to this effect. The blanket and toilet paper roll touched by this prisoner are to be placed in a plastic bag, sealed and labeled for destruction or sanitation process.

1. At any time where there is exposure to bodily fluids, the fluids and surfaces will be treated in accordance with the procedures as established in the blood borne pathogens program. This is applicable with injured prisoners or prisoners with communicable diseases.

900.6 SECURITY AND CONTROL

900.6.1 CONTRABAND CONTROL

The following rules shall apply with respect to the booking of any person at the facility, and are to be fully complied with at all times:

(a) All prisoners entering the facility from any outside source are to be searched according to arrestee search procedures.

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(b) If an officer has reason to believe that any cell contains contraband or that any prisoner is in control of contraband he/she shall notify the supervisor and shall search the cell and prisoner(s).

(c) At the start of each shift the CSO jailer, or in his/her absence the on-coming Shift Supervisor shall inspect the facility and advise the Facility Supervisor of any contraband or deficiency discovered.

900.6.2 KEY CONTROL

Entry into the holding facility is electronically controlled by a card system. Authorized personnel will enter by using a coded card at the card readers located at all exterior doors. Exit from the facility will be controlled electronically from the supervision "pod" or the Dispatch Center.

(a) Booking, sobering and prisoner cell doors are operated either electronically from the supervisor's "pod" or the Dispatch Center. The doors can also be opened manually with a key.

1. The key for the various cell doors and the key for the property lockers will be on a key ring stored in the booking area. A spare set of these keys will be kept in the supervisor's "pod".

900.6.3 INTERCOM SYSTEM

The holding facility is equipped with an intercom system allowing communication between each cell and the supervisor's "pod" or the Dispatch Center. There are also various stations around the facility which allow personnel to call the supervisor's "pod" or the Dispatch Center.

The intercom system also allows constant monitoring of the prisoners in any of the cells and works as follows:

(a) The intercom in each cell is voice activated. When a prisoner speaks an indicator light on the control panel in the supervisor's "pod" or the Dispatch Center will light. A switch on the console will allow conversation with the prisoner.

(b) Any unusual noises emanating from any occupied cell shall be investigated immediately.

900.6.4 ALARM SYSTEM

The facility is equipped with an alarm system. The alarm switches are located at various places in the facility corridors and in the booking area. The alarm system is connected to the control panel in the supervisor's "pod" and in the Dispatch Center. Alarms originating anywhere in the facility are received at both locations, simultaneously. Additionally, the alarms will be heard through the station on the overhead "paging" system. Activating the alarm also activates the intercom system, allowing communications with the supervisor's "pod" and the Dispatch Center.

900.6.5 USE OF FORCE / RESTRAINT EQUIPMENT

Prisoners will be treated in a fair and humane manner at all times. They shall not be subjected to physical force other than as may be required to subdue resistance to a lawful order or assure

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detention. No officer shall strike a prisoner or suspect except when necessary to prevent an escape, in self defense, or to prevent violence to another person.

Restraint devices shall only be used on two types of prisoners and shall be departmentally approved, such as handcuffs, metal belly chains, ankle restraints, "The WRAP," etc.

(a) Prisoners being transported to another facility or for movement to another location within the police facility. In any case, this will only occur for security and safety considerations.

(b) The prisoner displays aggressive behavior which could result in the destruction of facility property, damage to the facility or physical harm to himself or others.

Prisoners exhibiting behavior which requires they be placed in restraints shall be transported to the Contra Costa County Martinez Detention Facility or Contra Costa County Regional Medical Center per 5150 W&I as soon as it is practical.

(a) The safety cell shall not be used to house prisoners.

Intermittent direct visual observation of prisoners placed in restraint devices due to aggressive behavior, shall be conducted at least every fifteen (15) minutes to ensure the restraints are properly employed and to ensure the safety and well being of the prisoner. While in restraint devices, all prisoners shall be housed alone. Restraining devices are generally utilized to restrict a prisoner's movement for a short period of time, until he/she calms down. Observation checks should assist in determining if a less restrictive alternative would be effective in controlling the prisoner's behavior.

In no case shall restraints be used as a punishment or as a substitute for treatment.

900.6.6 PRISONER LOGS

The purpose of completing the observation logs is to document regular visual observations of prisoners with regard to their well being while confined at the facility. All adult or juvenile prisoners who enter the facility and are placed in either a cell or (for juveniles) a TV room, shall have a log completed.

The log will be utilized when the prisoner is placed in the cell or holding room.

The following procedures shall be adhered to when completing the observation log:

(a) The appropriate box shall be checked:

1. Adult
2. Detox
3. Juvenile Secure
4. Juvenile TV
5. No Cell (Under 14 years old)

(b) Enter the name of the on duty supervisor.

(c) Identify any special instructions.

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(d) The date the person was placed in a cell or other holding room shall be entered.

(e) The prisoner's name and birth date shall be entered.

(f) Check the box identifying the gender of the prisoner.

(g) Each line of the specific observation section shall have detailed observations with regard to the status of the prisoner, i.e., sleeping on back, standing by door, sitting in corner, pacing in cell, etc.

1. Ditto marks, lines with arrows covering several hours, and one word descriptions are unacceptable.

(h) The times when the prisoner was checked shall be an accurate reflection of when the observations were made.

(i) Enter the cell or room number where the prisoner is confined.

(j) Employee number of officer checking the prisoner.

(k) The last entry on the log shall state whether the prisoner was released or transported to another facility. The appropriate box beneath the prisoner's name shall be checked.

(l) While the prisoner is in custody, the Prisoner Log shall be kept on the outside portion of the cell, not in the Sergeant's work area, etc.

900.7 EMERGENCY PROCEDURES

900.7.1 FIRE SUPPRESSION PLAN

Consolidated Fire shall conduct an annual fire safety inspection of the facility. All fire-fighting equipment will be inspected and serviced annually.

There are two dangers associated with fire in the facility: Injury or damage to persons or property caused directly by the fire, and injury or damage to persons or property caused by smoke and/or toxic substances. Both dangers must be recognized in any fire situation. Since the second danger may be difficult to assess under emergency conditions all fires must be treated as extremely dangerous.

In the event of a fire or suspected fire, Consolidated Fire and the Shift Supervisor will be notified immediately. Any prisoners will be evacuated directly into the sally port area with both doors remaining in the down position.

(a) If there is a hazard in the sally port area, the prisoners will be released into the west parking lot where an officer will be assigned to guard them. If the facility is not usable, the Shift Supervisor will arrange for the release of prisoners to the Contra Costa County Martinez Detention Facility or on their own recognizance per established release procedures.

(b) If the hazard prevents exit to the vehicle sally port area, the prisoners will be escorted to the report writing/library room directly opposite the holding facility area. This will be accomplished by passing through the interior entry/exit doors (S1, S2, S3, S4).

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900.7.2 NATURAL DISASTER
In case of a natural disaster it will be the responsibility of the Shift Supervisor to ensure the safety of all persons confined in the facility. If it is determined that the facility is not safe, the same evacuation plan as used in case of fire shall be utilized.

900.7.3 ESCAPE, DISTURBANCES, TAKING OF HOSTAGES
In the event of an escape of a prisoner from the facility or a disturbance in the facility, the Shift Supervisor shall be notified immediately. If a hostage is taken in the facility, all doors are to be secured and the Shift Supervisor, Division Commander and Chief of Police shall be notified immediately.

900.7.4 CIVIL DISTURBANCE
In the event of a civil disturbance, the Shift Supervisor shall evaluate the safety of any prisoners in the facility. If it is determined that a danger to the health or safety of the prisoners exists, arrangements will be made to immediately move them to another secure detention facility.

900.7.5 WEAPONS, AMMUNITION, CHEMICAL AGENTS
No weapons, ammunition or chemical agents shall be taken inside the facility without permission of the Shift Supervisor. The only exception to this rule shall be the ammunition and O.C. that officers carry on their utility belts. No weapon or ammunition shall be stored in the facility. Ammunition discovered in a prisoner's property shall be immediately removed by the arresting officer and entered into an evidence locker for destruction, safe keeping, or evidence.

900.8 OPERATIONS

900.8.1 FOOD SERVICE
The Board of State and Community Corrections requires the following:

(a) Food shall be served three (3) times in any twenty-four hour period. At least two of these meals shall include hot food.

(b) If more than fourteen hours pass between meals, supplemental food must be served. Additionally, supplemental food must be served in less than the fourteen hour period for prisoners on medical diets requiring more than three meals.

Since the operation of the facility will rarely involve holding prisoners for eight hours it will not be necessary to feed a prisoner unless he/she is in custody for more than eight hours. Any prisoner held over eight hours will be served a hot meal.

900.8.2 BEDDING
Each cell is equipped with mattress(es). Blankets shall be provided upon request only. They are only to be removed if:

(a) A prisoner attempts to damage them or use them inappropriately, or for the purposes of attempting to cause self harm.

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Temporary Custody of Adults

901.1 PURPOSE AND SCOPE

This policy provides guidelines to address the health and safety of adults taken into temporary custody by members of the Antioch Police Department for processing prior to being released or transferred to a housing or other type of facility. Refer also to the Temporary Holding Facility policy.

Temporary custody of juveniles is addressed in the Temporary Custody of Juveniles policy.

Custodial searches are addressed in the Custodial Searches policy.

901.1.1 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 a member of the Department.

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

Temporary custody - The time period an adult is in custody at the Antioch Police Department prior to being released or transported to a housing or other type of facility.

901.2 POLICY

The Antioch 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.

901.3 GENERAL CRITERIA AND SUPERVISION

Typically, no adult should be in temporary custody for longer than eight hours. However, absent exigent circumstances, adults shall not be held in temporary custody at the Department for longer than twenty-four hours.

901.3.1 INDIVIDUALS WHO SHOULD NOT BE IN TEMPORARY CUSTODY

Individuals who exhibit certain behaviors or conditions should not be in temporary custody at the Antioch Police Department, but should be transported to a jail facility, a medical facility, or another type of facility as appropriate. These include:

(a) Any individual who is unconscious or has been unconscious while being taken into custody or while being transported.

(b) Any individual who has a medical condition, including pregnancy, that may require medical attention, supervision, or medication while he/she is in temporary custody.

(c) Any individual who is seriously injured.

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(d) Individuals who are a suspected suicide risk (see the Mental Illness Commitments Policy).

1. If the officer taking custody of an individual believes that he/she may be a suicide risk, the officer shall ensure continuous direct supervision until evaluation, release, or a transfer to an appropriate facility is completed (15 CCR 1030).

(e) Individuals who are obviously in crisis, as defined in the Crisis Intervention Incidents Policy.

(f) Individuals who are under the influence of alcohol, a controlled substance, or any substance to the degree that may require medical attention, or who have ingested any substance that poses a significant risk to their health, whether or not they appear intoxicated.

(g) Any individual who has exhibited extremely violent or continuously violent behavior including behavior that results in the destruction of property or demonstrates an intent to cause physical harm to him/herself or others (15 CCR 1053; 15 CCR 1055).

(h) Any individual who claims to have, is known to be afflicted with, or displays symptoms of any communicable disease that poses an unreasonable exposure risk (15 CCR 1051).

(i) Any individual with a prosthetic or orthopedic device where removal of the device would be injurious to his/her health or safety.

(j) Any individual who is obviously developmentally disabled (15 CCR 1057).

(k) Any individual who appears to be a danger to him/herself or others due to a mental disorder, or who appears gravely disabled (15 CCR 1052).

(l) Any individual who needs restraint beyond the use of handcuffs or shackles for security reasons (15 CCR 1058).

(m) Any individual obviously suffering from drug or alcohol withdrawal (15 CCR 1213).

Officers taking custody of a person who exhibits any of the above conditions should notify a supervisor of the situation. These individuals should not be in temporary custody at the [Department/Office] unless they have been evaluated by a qualified medical or mental health professional, as appropriate for the circumstances.

901.3.2 SUPERVISION IN TEMPORARY CUSTODY

An authorized department member capable of supervising shall be present at all times when an individual is held in temporary custody. The member 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 member if needed. If the person in custody is deaf or hard of hearing or cannot speak, accommodations shall be made to provide this ability (15 CCR 1027).

At least one female department member should be present when a female adult is in temporary custody. In the event that none is readily available, the female in custody should be transported to another facility or released pursuant to another lawful process (15 CCR 1027).

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Absent life-threatening exigent circumstances, members should not enter the cell of a person of the opposite sex unless a member of the same sex as the person in custody is present (Penal Code § 4021).

No individual in custody shall be permitted to supervise, control or exert any authority over other individuals in custody.

901.3.3 STAFFING PLAN

The Chief or the authorized designee shall ensure a staffing plan is prepared and maintained, indicating assigned personnel and their duties. The plan should ensure that at least one member who meets the training standards established by the Corrections Standards Authority (CSA) for general fire- and life-safety and is trained in fire- and life-safety procedures relating specifically to the facility is on-duty at all times (15 CCR 1028).

The staffing plan shall be available for biennial review by CSA staff. The review and recommendations of the CSA biennial review shall be forwarded to theCity/County, as required by 15 CCR 1027.

901.4 INITIATING TEMPORARY CUSTODY

The officer responsible for an individual in temporary custody should evaluate the person for any apparent chronic illness, disability, vermin infestation, possible communicable disease or any other potential risk to the health or safety of the individual or others. The officer should specifically ask if the individual is contemplating suicide and evaluate him/her for obvious signs or indications of suicidal intent. If there is any suspicion that the individual may be suicidal, he/she shall be transported to the county jail or the appropriate mental health facility.

The officer should promptly notify the Watch Commander of any conditions that may warrant immediate medical attention or other appropriate action. The Watch Commander shall determine whether the individual will be placed in a cell, immediately released or transported to the county jail or other facility.

901.4.1 SCREENING AND PLACEMENT

The officerresponsible for an individual in custody shall (15 CCR 1050):

(a) Advise the Watch Commander of any significant risks presented by the individual (e.g., suicide risk, health risk, violence).

(b) Evaluate the following issues against the stated risks in (a) to determine the need for placing the individual in a single cell:

1. Consider whether the individual may be at a high risk of being sexually abused based on all available known information (28 CFR 115.141), or whether the person is facing any other identified risk.

2. Provide any individual identified as being at a high risk for sexual or other victimization with heightened protection. This may include (28 CFR 115.113; 28 CFR 115.141):

(a) Continuous, direct sight and sound supervision.

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(b) Single-cell placement in a cell that is actively monitored on video by a member who is available to immediately intervene.

3. Ensure individuals are separated according to severity of the crime (e.g., felony or misdemeanor).

4. Ensure males and females are separated by sight and sound when in cells.

5. Ensure restrained individuals are not placed in cells with unrestrained individuals.

(c) Ensure that those confined under civil process or for civil causes are kept separate from those who are in temporary custody pending criminal charges.

(d) Ensure separation, as appropriate, based on other factors, such as age, criminal sophistication, assaultive/non-assaultive behavior, mental state, disabilities and sexual orientation.

901.5 SAFETY, HEALTH AND OTHER PROVISIONS

901.5.1 TEMPORARY CUSTODY LOGS

Any time an individual is in temporary custody at the Antioch Police Department, the custody shall be promptly and properly documented in a custody log, including:

(a) Identifying information about the individual, including his/her name.

(b) Date and time of arrival at the [Department/Office].

(c) Any charges for which the individual is in temporary custody and any case number.

(d) Time of all safety checks (15 CCR 1027; 15 CCR 1027.5).

(e) Any medical and other screening requested and completed.

(f) Any emergency situations or unusual incidents.

(g) Any other information that may be required by other authorities, such as compliance inspectors.

(h) Date and time of release from the Antioch Police Department.

The Watch Commander should initial the log to approve the temporary custody and should also initial the log when the individual is released from custody or transferred to another facility.

The Watch Commander should make periodic checks to ensure all log entries and safety and security checks are made on time.

901.5.2 TEMPORARY CUSTODY REQUIREMENTS

Members monitoring or processing anyone in temporary custody shall ensure:

(a) Safety checks and significant incidents/activities are noted on the log.

(b) Individuals in custody are informed that they will be monitored at all times, except when using the toilet.

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1. There shall be no viewing devices, such as peep holes or mirrors, of which the individual is not aware.
2. This does not apply to surreptitious and legally obtained recorded interrogations.

(c) There is reasonable access to toilets and wash basins.

(d) There is reasonable access to a drinking fountain or water.

(e) There are reasonable opportunities to stand and stretch, particularly if handcuffed or otherwise restrained.

(f) There is privacy during attorney visits.

(g) Those in temporary custody are generally permitted to remain in their personal clothing unless it is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.

(h) Clean blankets are provided as reasonably necessary to ensure the comfort of an individual.

1. The supervisor should ensure that there is an adequate supply of clean blankets.

(i) Adequate shelter, heat, light and ventilation are provided without compromising security or enabling escape.

(j) Adequate furnishings are available, including suitable chairs or benches.

901.5.3 MEDICAL CARE

First-aid equipment and basic medical supplies should be available to department members (15 CCR 1220). At least one member who has current certification in basic first aid and CPR should be on-duty at all times.

Should a person in custody be injured or become ill, appropriate medical aid will be summoned. A supervisor shall meet with those providing medical aid at the facility to allow access to the person. Members shall comply with the opinion of medical personnel as to whether an individual in temporary custody should be transported to the hospital. If the person is transported while still in custody, he/she will be accompanied by an officer.

Those who require medication while in temporary custody should not be at the Antioch Police Department. They should be released or transferred to another facility as appropriate.

901.5.4 ORTHOPEDIC OR PROSTHETIC APPLIANCE

Subject to safety and security concerns, individuals shall be permitted to retain an orthopedic or prosthetic appliance. However, if the member supervising the individual has probable cause to believe the possession of the appliance presents a risk of bodily harm to any person or is a risk to the security of the facility, the appliance may be removed from the individual unless its removal would be injurious to his/her health or safety.

Whenever a prosthetic or orthopedic appliance is removed, the Watch Commander shall be promptly apprised of the reason. It shall be promptly returned when it reasonably appears that any risk no longer exists (Penal Code § 2656; 15 CCR 1207).

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901.5.5 TELEPHONE CALLS

Immediately upon being booked and, except where physically impossible, no later than three hours after arrest, an individual in custody has the right to make at least three completed calls to an attorney, bail bondsman, and a relative or other person (Penal Code § 851.5). Additional calls may be made as reasonable and necessary (15 CCR 1067). In providing further access to a telephone beyond that required by Penal Code § 851.5, legitimate law enforcement interests such as officer safety, effect on ongoing criminal investigations and logistics should be balanced against the individual's desire for further telephone access.

(a) Telephone calls may be limited to local calls, except that long-distance calls may be made by the individual at his/her own expense.

  1. The Department should pay the cost of any long-distance calls related to arranging for the care of a child or dependent adult (see the Child and Dependent Adult Safety Policy).

  2. The provisions of Penal Code § 851.5 concerning this issue shall be posted in bold, block type in a conspicuous place within the facility.

(b) The individual should be given sufficient time to contact whomever he/she desires and to make any necessary arrangements, including child or dependent adult care, or transportation upon release.

  1. Telephone calls are not intended to be lengthy conversations. The member assigned to monitor or process the individual may use his/her judgment in determining the duration of the calls.

  2. Within three hours of the arrest, the member supervising the individual should inquire whether the individual is a custodial parent with responsibility for a minor child, and notify the individual that he/she may make two additional telephone calls to a relative or other person for the purpose of arranging for the care of minor children (Penal Code § 851.5).

(c) Calls between an individual in temporary custody and his/her attorney shall be deemed confidential and shall not be monitored, eavesdropped upon or recorded (Penal Code § 851.5(b)(1); 15 CCR 1068).

901.5.6 RELIGIOUS ACCOMMODATION

Subject to available resources, safety and security, the religious beliefs and needs of all individuals in custody should be reasonably accommodated (15 CCR 1072). Requests for religious accommodation should generally be granted unless there is a compelling security or safety reason and denying the request is the least restrictive means available to ensure security or safety. The responsible supervisor should be advised any time a request for religious accommodation is denied.

Those who request to wear headscarves or simple head coverings for religious reasons should generally be accommodated absent unusual circumstances. Head coverings shall be searched before being worn.

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Individuals wearing headscarves or other approved coverings shall not be required to remove them while in the presence of or while visible to the opposite sex if they so desire. Religious garments that substantially cover the individual's head and face may be temporarily removed during the taking of any photographs.

901.5.7 FIREARMS AND OTHER SECURITY MEASURES
Firearms and other weapons and control devices shall not be permitted in secure areas where individuals are in custody or are processed. They should be properly secured outside of the secure area. An exception may occur only during emergencies, upon approval of a supervisor.

All perimeter doors to secure areas shall be kept locked at all times, except during routine cleaning, when no individuals in custody are present or in the event of an emergency, such as an evacuation.

901.5.8 REPORTING PHYSICAL HARM OR SERIOUS THREAT OF PHYSICAL HARM
In addition to a custody log entry, any incident that results in physical harm or serious threat of physical harm to a member, person in custody or any other person shall be documented as stated in the Use of Force or On-Duty Injuries policies, or other applicable reporting process. A copy of all reports generated regarding the above circumstances shall be submitted as soon as reasonably practicable. The Administrative Analyst will retain a record of these reports for inspection purposes (15 CCR 1044).

901.5.9 ATTORNEYS AND BAIL BONDSMEN

(a) An attorney may visit at the request of the individual in custody or a relative (Penal Code § 825).

(b) Attorneys and bail bondsmen who need to interview an individual in custody should do so inside a secure interview room.

(c) The individual in custody as well as the attorney or bail bondsman should be searched for weapons prior to being admitted to the interview room and at the conclusion of the interview.

(d) Attorneys must produce a current California Bar card as well as other matching appropriate identification.

(e) Interviews between attorneys and their clients shall not be monitored or recorded (15 CCR 1068).

901.5.10 DISCIPLINE
Discipline will not be administered to any individual in custody at this facility. Any individual in custody who repeatedly fails to follow directions or facility rules should be transported to the appropriate jail, mental health facility or hospital as soon as practicable. Such conduct should be documented and reported to the receiving facility (15 CCR 1081).

901.6 USE OF RESTRAINT DEVICES

Individuals in custody may be handcuffed. Unless an individual presents a heightened risk, handcuffs should generally be removed when the person is in a cell.

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The use of restraints, other than handcuffs or leg restraints, generally should not be used for individuals in temporary custody at the Antioch Police Department unless the person presents a heightened risk.

Individuals in restraints shall be kept away from other unrestrained individuals in custody and monitored to protect them from abuse.

901.6.1 PREGNANT ADULTS
Women who are known to be pregnant should be restrained in accordance with the Handcuffing and Restraints Policy.

901.7 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 member transporting the individual is required to obtain the receiving person's signature as notice of receipt. The Department shall maintain a copy of the property receipt.

The Watch Commander shall be notified whenever an individual alleges that there is a shortage or discrepancy regarding his/her property. The Watch Commander shall attempt to prove or disprove the claim.

901.8 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 have constant auditory access to department members.

(c) The individual's initial placement into and removal from a locked enclosure shall be logged.

(d) Safety checks by department members shall occur no less than every 30 minutes.

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1. Safety checks should be at varying times.
2. All safety checks shall be logged.
3. The safety check should involve questioning the individual as to his/her well-being.
4. Individuals who are sleeping or apparently sleeping should be awakened.
5. Requests or concerns of the individual should be logged.

901.8.1 USE OF SOBERING CELL

Inmates who are to be held in the Temporary Holding Facility and who present a threat to their own safety or the safety of others due to their state of intoxication should be placed in a sobering cell until their condition allows for continued processing.

The following guidelines apply when placing any inmate in a sobering cell (15 CCR 1056):

(a) Placement of an inmate into the cell requires approval of the Watch Commander.

(b) A cell log shall be initiated every time an inmate is placed in the cell. The log shall be maintained for the entire time the inmate is housed in the cell.

(c) A safety check consisting of direct visual observation sufficient to assess the inmate's well-being and behavior shall occur at least once every 30 minutes. Each safety check shall be documented in the cell log. Supervisors shall check the logs for completeness every two hours and document this action on the cell log.

(d) Under no circumstances shall an inmate be held in a sobering cell for more than six hours without being evaluated by qualified medical personnel to ensure that the inmate does not have an urgent medical issue.

(e) Inmates will be removed from the cell when they no longer pose a threat to their own safety and the safety of others, and are able to continue processing.

901.9 SUICIDE ATTEMPT, DEATH OR SERIOUS INJURY

The Bureau Commander will ensure procedures are in place to address any suicide attempt, death or serious injury of any individual in temporary custody at the Antioch 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 Bureau Commander

(c) Invocation of the county Protocol (refer to Officer-Involved Critical Incident policy) if appropriate

(d) Evidence preservation

(e) In-custody death reviews (15 CCR 1046)

(f) Notification to the Attorney General within 10 days of any death in custody including any reasonably known facts concerning the death (Government Code § 12525)

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901.10 RELEASE AND/OR TRANSFER

When an individual is released or transferred from custody, the member releasing the individual should ensure the following:

(a) All proper reports, forms and logs have been completed prior to release.

(b) A check has been made to ensure that the individual is not reported as missing and does not have outstanding warrants.

(c) It has been confirmed that the correct individual is being released or transported.

(d) All property, except evidence, contraband or dangerous weapons, has been returned to, or sent with, the individual.

(e) All pertinent documentation accompanies the individual being transported to another facility (e.g., copies of booking forms, medical records, an itemized list of his/her property, warrant copies).

(f) The individual is not permitted in any non-public areas of the Antioch Police Department unless escorted by a member of the Department.

(g) Any known threat or danger the individual may pose (e.g., escape risk, suicide potential, medical condition) is documented, and the documentation transported with the individual if he/she is being sent to another facility.

1. The department member transporting the individual shall ensure such risks are communicated to intake personnel at the other facility.

(h) Generally, persons of the opposite sex, or adults and juveniles, should not be transported in the same vehicle unless they are physically separated by a solid barrier. If segregating individuals is not practicable, officers should be alert to inappropriate physical or verbal contact and take appropriate action as necessary.

901.10.1 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.

901.11 ASSIGNED ADMINISTRATOR

The Field Services Bureau 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

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(f) Evacuation plans

(g) Fire- and life-safety, including a fire suppression pre-plan as required by 15 CCR 1032

(h) Disaster plans

(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 Board of State and Community Corrections as required in 15 CCR 1012

(m) Inspections and operations reviews

(n) A method for uninvolved inmates, family, community members, and other interested third-parties to report sexual abuse or sexual harassment. The method for reporting shall be publicly posted at the facility.

(o) Multiple internal ways for inmates to privately report sexual abuse and sexual harassment, retaliation by other inmates or staff for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents,

(p) 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 members (15 CCR 1029).

901.12 TRAINING

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

Department members 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) 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 (15 CCR 1024).

The Training Manager shall maintain records of all such training in the member’s training file.

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Temporary Custody of Juveniles

902.1 PURPOSE AND SCOPE

This policy provides guidelines consistent with the Juvenile Justice and Delinquency Prevention Act for juveniles taken into temporary custody by members of the Antioch Police Department (34 USC § 11133).

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

902.1.1 DEFINITIONS

Definitions related to this policy include:

Juvenile non-offender - An abused, neglected, dependent, or alien juvenile who may be legally held for his/her own safety or welfare. This also includes any juvenile who may have initially been contacted for an offense that would not subject an adult to arrest (e.g., fine-only offense) but was taken into custody for his/her protection or for purposes of reuniting the juvenile with a parent, guardian, or other responsible person. Juveniles 11 years of age or younger are considered juvenile non-offenders even if they have committed an offense that would subject an adult to arrest.

Juvenile offender - A juvenile 12 to 17 years of age who is alleged to have committed an offense that would subject an adult to arrest (a non-status offense) (Welfare and Institutions Code § 602). It also includes an offense under Penal Code § 29610 for underage possession of a handgun or concealable firearm (28 CFR 31.303).

Non-secure custody - When a juvenile is held in the presence of an officer or other custody employee at all times and is not placed in a locked room, cell, or behind any locked doors. Juveniles in non-secure custody may be handcuffed but not to a stationary or secure object. Personal supervision, through direct visual monitoring and audio two-way communication is maintained. Monitoring through electronic devices, such as video, does not replace direct visual observation (Welfare and Institutions Code § 207.1(d); 15 CCR 1150).

Safety checks - Direct, visual observation personally by a member of this [department/office] performed at random intervals within time frames prescribed in this policy to provide for the health and welfare of juveniles in temporary custody.

Secure custody - When a juvenile offender is held in a locked room, a set of rooms, or a cell. Secure custody also includes being physically secured to a stationary object (15 CCR 1146).

Examples of secure custody include:

(a) A juvenile left alone in an unlocked room within the secure perimeter of the adult temporary holding area.

(b) A juvenile handcuffed to a rail.

(c) A juvenile placed in a room that contains doors with delayed egress devices that have a delay of more than 30 seconds.

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(d) A juvenile being processed in a secure booking area when a non-secure booking area is available.

(e) A juvenile left alone in a secure booking area after being photographed and fingerprinted.

(f) A juvenile placed in a cell within the adult temporary holding area, whether or not the cell door is locked.

(g) A juvenile placed in a room that is capable of being locked or contains a fixed object designed for cuffing or restricting movement.

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

Status offender - A juvenile suspected of committing a criminal violation of the law that would not be a criminal violation but for the age of the offender. Examples may include running away, underage possession of tobacco, curfew violation, and truancy. A juvenile in custody on a court order or warrant based upon a status offense is also a status offender. This includes the habitually disobedient or truant juvenile under Welfare and Institutions Code § 601 and any juvenile suspected of an offense that would not subject an adult to arrest (e.g., fine-only offense).

902.2 POLICY

The Antioch 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 Antioch Police Department. Juveniles should be held in temporary custody only for as long as reasonably necessary for processing, transfer, or release.

902.3 JUVENILES WHO SHOULD NOT BE HELD

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

(a) Unconscious

(b) Seriously injured

(c) A known suicide risk or obviously severely emotionally disturbed

(d) Significantly intoxicated except when approved by the Watch Commander. A medical clearance shall be obtained for minors who are under the influence of drugs, alcohol, or any other intoxicating substance to the extent that they are unable to care for themselves (15 CCR 1151).

(e) Extremely violent or continuously violent

Officers taking custody of a juvenile who exhibits any of the above conditions should take reasonable steps to provide medical attention or mental health assistance and notify a supervisor of the situation (15 CCR 1142; 15 CCR 1151).

These juveniles should not be held at the Antioch Police Department unless they have been evaluated by a qualified medical and/or mental health professional (15 CCR 1142).

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If the officer taking custody of the juvenile believes the juvenile may be a suicide risk, the juvenile shall be under continuous direct supervision until evaluation, release, or a transfer is completed (15 CCR 1142).

902.3.1 EMERGENCY MEDICAL CARE OF JUVENILES IN CUSTODY
When emergency medical attention is required for a juvenile, medical assistance will be called immediately. The Watch Commander shall be notified of the need for medical attention for the juvenile. Department members should administer first aid as applicable (15 CCR 1142).

902.3.2 SUICIDE PREVENTION OF JUVENILES IN CUSTODY
Department members should be alert to potential symptoms based upon exhibited behavior that may indicate the juvenile is a suicide risk. These symptoms may include depression, refusal to communicate, verbally threatening to kill him/herself or any unusual behavior which may indicate the juvenile may harm him/herself while in either secure or non-secure custody (15 CCR 1142).

902.4 CUSTODY OF JUVENILES
Officers should take custody of a juvenile and temporarily hold the juvenile at the Antioch 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 Antioch 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 Antioch Police Department (34 USC § 11133; Welfare and Institutions Code § 207.1(d)).

902.4.1 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 Antioch Police Department. Custodial arrangements should be made for non-offenders as soon as reasonably possible. Juvenile non-offenders shall not be held in secure custody (34 USC § 11133; Welfare and Institutions Code § 206).

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

902.4.2 CUSTODY OF JUVENILE STATUS OFFENDERS
Status offenders should generally be released by citation or with a warning rather than taken into temporary custody. However, officers may take custody of a status offender if requested to do so by a parent or legal guardian in order to facilitate reunification (e.g., transported home or to

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the station to await a parent). Juvenile status offenders shall not be held in secure custody (34 USC § 11133).

902.4.3 CUSTODY OF JUVENILE OFFENDERS

Juvenile offenders should be held in non-secure custody while at the Antioch 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 suspected of using a firearm in violation of Welfare and Institutions Code § 625.3 shall be transported to a juvenile facility.

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

In all other cases the juvenile offender may be:

(a) Released upon warning or citation.

(b) Released to a parent or other responsible adult after processing at the Department.

(c) Referred to a probation officer for a decision regarding whether to transport the juvenile offender to a juvenile facility.

(d) Transported to his/her home or to the place where the juvenile offender was taken into custody (Welfare and Institutions Code § 207.2).

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

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

902.5 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 (Welfare and Institutions Code § 625).

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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(d)).

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).

902.6 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 Antioch 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(d); 15 CCR 1145).

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

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

902.7 NO-CONTACT REQUIREMENTS

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

In situations where brief or accidental contact may occur (e.g., during the brief time a juvenile is being fingerprinted and/or photographed in booking), a member of the Antioch Police

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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).

902.8 TEMPORARY CUSTODY REQUIREMENTS

Members and supervisors assigned to monitor or process any juvenile at the Antioch 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 Antioch Police Department more than four hours. This will enable the Watch Commander to ensure no juvenile is held at the Antioch Police Department more than six hours.

(b) A staff member of the same gender shall supervise personal hygiene activities and care, such as changing clothing or using the restroom, without direct observation to allow for privacy.

(c) Personal safety checks and significant incidents/activities shall be noted on the log.

(d) Juveniles in custody are informed that they will be monitored at all times, except when using the toilet.

1. There shall be no viewing devices, such as peep holes or mirrors, of which the juvenile is not aware.

2. This does not apply to surreptitious and legally obtained recorded interrogations.

(e) Juveniles shall have reasonable access to toilets and wash basins (15 CCR 1143).

(f) Food shall be provided if a juvenile has not eaten within the past four hours or is otherwise in need of nourishment, including any special diet required for the health of the juvenile (15 CCR 1143).

(g) Juveniles shall have reasonable access to a drinking fountain or water (15 CCR 1143).

(h) Juveniles shall have reasonable opportunities to stand and stretch, particularly if handcuffed or restrained in any way.

(i) Juveniles shall have privacy during family, guardian, and/or lawyer visits (15 CCR 1143).

(j) Juveniles shall be permitted to remain in their personal clothing unless the clothing is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody (15 CCR 1143).

(k) Blankets shall be provided as reasonably necessary (15 CCR 1143).

1. The supervisor should ensure that there is an adequate supply of clean blankets.

(l) Adequate shelter, heat, light, and ventilation should be provided without compromising security or enabling escape.

(m) Juveniles shall have adequate furnishings, including suitable chairs or benches.

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(n) Juveniles shall have the right to the same number of telephone calls as an adult in temporary custody.

(o) No discipline may be administered to any juvenile, nor may juveniles be subjected to corporal or unusual punishment, humiliation, or mental abuse (15 CCR 1142).

902.9 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 Antioch 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).

902.10 PERSONAL PROPERTY

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

The personal property of a juvenile should be placed in a property bag. The property should be inventoried in the juvenile’s presence and sealed into the bag. The property should be kept in a monitored or secure location until the juvenile is released from the custody of the Antioch Police Department.

902.11 SECURE CUSTODY

Only juvenile offenders 14 years of age or older may be placed in secure custody (Welfare and Institutions Code § 207; 15 CCR 1145). 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 (15 CCR 1145):

(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

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(e) Age, type, and number of other individuals in custody at the facility

Members of this department shall not use secure custody for convenience when non-secure custody is, or later becomes, a reasonable option (15 CCR 1145).

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. An employee must be present at all times to ensure the juvenile's safety while secured to a stationary object (15 CCR 1148).

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 (15 CCR 1148). 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 (15 CCR 1148).

902.11.1 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:

(a) The juvenile shall constantly be monitored by an audio and/or video system during the entire custody.

(b) Juveniles shall have constant auditory access to department members (15 CCR 1147).

(c) Initial placement into and removal from a locked enclosure shall be logged (Welfare and Institutions Code § 207.1(d)).

(d) Unscheduled safety checks to provide for the health and welfare of the juvenile by a staff member, no less than once every 30 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 his/her well-being (sleeping juveniles or apparently sleeping juveniles should be awakened).
3. Requests or concerns of the juvenile should be logged.

(e) Males and females 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.

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902.12 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 Antioch Police Department (15 CCR 1142; 15 CCR 1047). The procedures will address:

(a) Immediate notification of the on-duty supervisor, Chief of Police, and Investigation Division Supervisor.

(b) Notification of the parent, guardian, or person standing in loco parentis of the juvenile.

(c) Notification of the appropriate prosecutor.

(d) Notification of the City attorney.

(e) Notification to the coroner.

(f) Notification of the juvenile court.

(g) In the case of a death, providing a report to the Attorney General under Government Code § 12525 within 10 calendar days of the death, and forwarding the same report to the Board of State and Community Corrections within the same time frame (15 CCR 1046).

(h) A medical and operational review of deaths and suicide attempts pursuant to 15 CCR 1046.

(i) Evidence preservation.

902.13 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 15 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.

902.13.1 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 (Penal Code § 859.5).

This recording is not mandatory when (Penal Code § 859.5):

(a) Recording is not feasible because of exigent circumstances that are later documented in a report.

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(b) The individual refuses to have the interrogation recorded, including a refusal any time during the interrogation, and the refusal is documented in a report. If feasible, the refusal shall be electronically recorded.

(c) The custodial interrogation occurred in another state by law enforcement officers of that state, unless the interrogation was conducted with the intent to avoid the requirements of Penal Code § 859.5.

(d) The interrogation occurs when no member conducting the interrogation has a reason to believe that the individual may have committed murder. Continued custodial interrogation concerning that offense shall be electronically recorded if the interrogating member develops a reason to believe the individual committed murder.

(e) The interrogation would disclose the identity of a confidential informant or would jeopardize the safety of an officer, the individual being interrogated, or another individual. Such circumstances shall be documented in a report.

(f) A recording device fails despite reasonable maintenance and the timely repair or replacement is not feasible.

(g) The questions are part of a routine processing or booking, and are not an interrogation.

(h) The suspect is in custody for murder and the interrogation is unrelated to a murder. However, if any information concerning a murder is mentioned during the interrogation, the remainder of the interrogation shall be recorded.

These recordings shall be retained until a conviction is final and all direct and habeas corpus appeals are exhausted, a court no longer has any jurisdiction over the individual, or the prosecution for that offense is barred (Penal Code § 859.5; Welfare and Institutions Code § 626.8).

902.14 FORMAL BOOKING

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

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

For all other acts defined as crimes, juveniles may be booked, fingerprinted or photographed upon the approval from the Watch Commander or Investigation Unit 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

902.15 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. Members of this department shall not divulge any information regarding juveniles unless they are certain of the legal authority to do so.

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Welfare and Institutions Code § 827 and 828 authorize the release of certain information to other agencies. It shall be the responsibility of the Records Bureau Supervisor and the appropriate Investigations Bureau supervisors to ensure that personnel of those bureaus act within legal guidelines

902.16 BOARD OF STATE AND COMMUNITY CORRECTIONS CERTIFICATION

The Field Services Bureau Commander shall coordinate the procedures related to the custody of juveniles held at the Antioch Police Department and ensure any required certification is maintained (Welfare and Institution Code § 210.2).

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Custodial Searches

903.1 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 Antioch Police Department facility. Such items can pose a serious risk to the safety and security of department members and other individuals in custody.

Nothing in this policy is intended to prohibit the otherwise lawful collection of trace evidence from an individual in custody.

903.1.1 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.

903.2 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.

903.3 FIELD AND TRANSPORTATION SEARCHES

An officer 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 of the same sex as the person being searched. If an officer of the same sex is not reasonably available, a witnessing officer should be present during the search.

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903.4 SEARCHES AT POLICE FACILITIES

Custody searches shall be conducted on all individuals in custody, upon entry to the Antioch Police Department facility. Except in exigent circumstances, the search should be conducted by a member of the same sex as the individual being searched. If a member of the same sex is not available, a witnessing member must be present during the search.

Custody searches should also be conducted any time an individual in custody enters or re-enters a secure area, or any time it is reasonably believed that a search is necessary to maintain the safety and security of the facility.

903.4.1 PROPERTY

Members 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 department member. The inventory should include the case number, date, time, member's Antioch Police Department identification number and information regarding how and when the property may be released.

903.4.2 VERIFICATION OF MONEY

All money shall be counted in front of the individual from whom it was received. 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 department member sealing it should place his/her initials across the sealed flap. Should any money be withdrawn or added, the member 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.

903.5 STRIP SEARCHES

No individual in temporary custody at any Antioch 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:

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(a) The detection of an object during a custody search that may be a weapon or contraband and cannot be safely retrieved without a strip search.

(b) Circumstances of a current arrest that specifically indicate the individual may be concealing a weapon or contraband.

1. A felony arrest charge or being under the influence of a controlled substance should not suffice as reasonable suspicion absent other facts.

(c) Custody history (e.g., past possession of contraband while in custody, assaults on department members, escape attempts).

(d) The individual's actions or demeanor.

(e) Criminal history (i.e., level of experience in a custody setting).

No transgender or intersex individual shall be searched or examined for the sole purpose of determining the individual's genital status. If the individual's genital status is unknown, it may be determined during conversations with the person, by reviewing medical records, or as a result of a broader medical examination conducted in private by a medical practitioner (28 CFR 115.115).

903.5.1 STRIP SEARCH PROCEDURES

Strip searches at Antioch Police Department facilities shall be conducted as follows (28 CFR 115.115; Penal Code § 4030):

(a) Written authorization from the Watch Commander shall be obtained prior to the strip search.

(b) All members involved with the strip search shall be of the same sex as the individual being searched, unless the search is conducted by a medical practitioner.

(c) All strip searches shall be conducted in a professional manner under sanitary conditions and in a secure area of privacy so that it cannot be observed by those not participating in the search. The search shall not be reproduced through a visual or sound recording.

(d) Whenever possible, a second member of the same sex should also be present during the search, for security and as a witness to the finding of evidence.

(e) Members conducting a strip search shall not touch the breasts, buttocks or genitalia of the individual being searched.

(f) The primary member conducting the search shall prepare a written report to include:

1. The facts that led to the decision to perform a strip search.

2. The reasons less intrusive methods of searching were not used or were insufficient.

3. The written authorization for the search, obtained from the Watch Commander.

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4. The name of the individual who was searched.
5. The name and sex of the members who conducted the search.
6. The name, sex and role of any person present during the search.
7. The time and date of the search.
8. The place at which the search was conducted.
9. A list of the items, if any, that were recovered.
10. The facts upon which the member based his/her belief that the individual was concealing a weapon or contraband.

(g) No member should view an individual's private underclothing, buttocks, genitalia or female breasts while that individual is showering, performing bodily functions or changing clothes, unless he/she otherwise qualifies for a strip search. However, if serious hygiene or health issues make it reasonably necessary to assist the individual with a shower or a change of clothes, a supervisor should be contacted to ensure reasonable steps are taken to obtain the individual's consent and/or otherwise protect his/her privacy and dignity.

(h) If the individual has been arrested for a misdemeanor or infraction offense, the written authorization from the Watch Commander shall include specific and articulable facts and circumstances upon which the reasonable suspicion determination for the search was made.

(i) A copy of the written authorization shall be retained and made available upon request to the individual or the individual's authorized representative. A record of the time, date, place of the search, the name and sex of the person conducting the search, and a statement of the results of the search shall also be retained and made available upon request to the individual or the individual’s authorized representative.

903.6 PHYSICAL BODY CAVITY SEARCH

Physical body cavity searches shall be subject to the following (Penal Code § 4030):

(a) No individual shall be subjected to a physical body cavity search without written approval of the Watch Commander and only upon a search warrant. A copy of any search warrant and the results of the physical body cavity search shall be included with the related reports and made available, upon request, to the individual or authorized representative (except for those portions of the warrant ordered sealed by a court).

(b) Only a physician, nurse practitioner, registered nurse, licensed vocational nurse or Emergency Medical Technician Level II licensed to practice in California may conduct a physical body cavity search.

(c) Except for the physician or licensed medical personnel conducting the search, persons present must be of the same sex as the individual being searched. Only the necessary

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department members needed to maintain the safety and security of the medical personnel shall be present.

(d) Privacy requirements, including restricted touching of body parts and sanitary condition requirements, are the same as required for a strip search.

(e) All such searches shall be documented, including:

1. The facts that led to the decision to perform a physical body cavity search of the individual.
2. The reasons less intrusive methods of searching were not used or were insufficient.
3. The Watch Commander's approval.
4. A copy of the search warrant.
5. The time, date and location of the search.
6. The medical personnel present.
7. The names, sex and roles of any department members present.
8. Any contraband or weapons discovered by the search.

(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.

903.7 TRAINING

The training coordinator shall ensure members have training that includes (28 CFR 115.115):

(a) Conducting searches of cross-gender individuals.

(b) Conducting searches of transgender and intersex individuals.

(c) Conducting searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

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Probable Cause Declarations

904.1 PURPOSE AND SCOPE

The purpose of this police is to establish guidelines for the completion and tracking of Probable Cause Declarations.

The entire Probable Cause Declaration process is to be facilitated through ARIES.

904.2 POLICY

It shall be the policy of the Antioch Police Department to complete a Probable Cause Declaration on all felony in-custody arrests and misdemeanor arrests where the individual is denied cite release under the authority of P.C. 853.6(i).

904.3 RESPONSIBILITIES

904.3.1 ARRESTING OFFICER

Arresting officers shall:

(a) Complete a Probable Cause Declaration in all cases which meet the criteria.

(b) Document his/her name at the end of the narrative.

(c) Insure the on-duty supervisor or watch commander reviews the declaration prior to submittal to the judge.

904.3.2 SUPERVISOR OR WATCH COMMANDER

On-duty supervisors or watch commanders shall review and evaluate the declaration to insure the probable cause for arrest is clearly articulated.

904.4 ARIES

Once a Probable Cause Declaration is completed and approved by a supervisor, the arresting officer shall submit it through ARIES for review by the on-call judge. The on-call judge will:

(a) Review the declaration to determine if there is probable cause to detain the arrestee.

(b) If the judge orders the arrestee detained, he/she will make the appropriate notation in ARIES and will forward the Probable Cause Declaration to the Martinez Detention Facility (MDF).

(c) If the judge determines the declaration is inadequate or incomplete, he/she will make the appropriate notation in ARIES and will forward the Probable Cause Declaration to the Martinez Detention Facility (MDF). MDF will in turn notify the Antioch Police Department of the deficiencies noted by the judge.

904.4.1 PROBABLE CAUSE TO ARREST

When an officer wishes to place probable cause to arrest on a subject, this too is to be done completely in ARIES.

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(a) When putting out PC on a subject, complete everything in ARIES using the Probable Cause Declaration form (Subjects name, Narrative with name of officer completing it, charges etc.) with the exception of the date and time of arrest and save it. Do not submit it. Print a copy and include a photo of the subject for the briefing board.

(b) When an officer makes an arrest he/she can retrieve the Probable Cause Declaration from ARIES and add any additional information, additional charges and further narrative if needed. The completed Probable Cause Declaration shall be reviewed by a supervisor prior to being submitted to the judge.

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Chapter 10 - Personnel

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Recruitment and Selection

1000.1 PURPOSE AND SCOPE

This policy provides a framework for employee recruiting efforts and identifying job-related standards for the selection process. This policy supplements the rules that govern employment practices for the Antioch Police Department and that are promulgated and maintained by the Human Resources Department.

1000.2 POLICY

In accordance with applicable federal, state and local law, the Antioch Police Department is an equal opportunities for applicants and employees, regardless of race, gender expression, age, pregnancy, religion, creed, color, national origin, ancestry, physical or mental handicap, genetic information, veteran status, marital status, sex or any other protected class or status. The Department does not show partiality or grant any special status to any applicant, employee or group of employees unless otherwise required by law.

The Department will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

1000.3 RECRUITMENT

The Support Services Division Captain should employ a comprehensive recruitment and selection strategy to recruit and select employees from a qualified and diverse pool of candidates.

The strategy should consider:

(a) Identification of racially and culturally diverse target markets.

(b) Use of marketing strategies to target diverse applicant pools.

(c) Expanded use of technology and maintenance of a strong Internet presence. This may include an interactive department website and the use of department-managed social networking sites, if resources permit.

(d) Expanded outreach through partnerships with media, community groups, citizen academies, local colleges, universities and the military.

(e) Employee referral and recruitment incentive programs.

(f) Consideration of shared or collaborative regional testing processes.

The Support Services Division Captain shall avoid advertising, recruiting and screening practices that tend to stereotype, focus on homogeneous applicant pools or screen applicants in a discriminatory manner.

The Department should strive to facilitate and expedite the screening and testing process, and should periodically inform each candidate of his/her status in the recruiting process.

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1000.4 SELECTION PROCESS

The Department shall actively strive to identify a diverse group of candidates that have in some manner distinguished themselves as being outstanding prospects. Minimally, the Department should employ a comprehensive screening, background investigation and selection process that assesses cognitive and physical abilities and includes review and verification of the following:

(a) A comprehensive application for employment (including previous employment, references, current and prior addresses, education, military record)

(b) Driving record

(c) Reference checks

(d) Employment eligibility, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents consistent with Labor Code § 1019.1. This required documentation should not be requested until a candidate is hired. This does not prohibit obtaining documents required for other purposes.

(e) Information obtained from public internet sites

(f) Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.)

(g) Local, state and federal criminal history record checks

(h) Lie detector test (when legally permissible) (Labor Code § 432.2)

(i) Medical and psychological examination (may only be given after a conditional offer of employment)

(j) Review board or selection committee assessment

1000.4.1 VETERAN'S PREFERENCE

Qualifying veterans of the United States Armed Forces who receive a passing score on an entrance examination shall be ranked in the top rank of any resulting eligibility list. The veteran's preference shall also apply to a widow or widower of a veteran or a spouse of a 100 percent disabled veteran (Government Code § 18973.1).

1000.5 BACKGROUND INVESTIGATION

Every candidate shall undergo a thorough background investigation to verify his/her personal integrity and high ethical standards, and to identify any past behavior that may be indicative of the candidate's unsuitability to perform duties relevant to the operation of the Antioch Police Department (11 CCR 1953).

The narrative report and any other relevant background information shall be shared with the psychological evaluator. Information shall also be shared with others involved in the hiring process if it is relevant to their respective evaluations (11 CCR 1953).

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1000.5.1 NOTICES

Background investigators shall ensure that investigations are conducted and notices provided in accordance with the requirements of the FCRA and the California Investigative Consumer Reporting Agencies Act (15 USC § 1681d; Civil Code § 1786.16).

1000.5.2 STATE NOTICES

If information disclosed in a candidate's criminal offender record information (CORI) is the basis for an adverse employment decision, a copy of the CORI shall be provided to the applicant (Penal Code § 11105).

1000.5.3 REVIEW OF SOCIAL MEDIA SITES

Due to the potential for accessing unsubstantiated, private or protected information, the Support Services Division Captain shall not require candidates to provide passwords, account information or access to password-protected social media accounts (Labor Code § 980).

The Support Services Division Captain 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 Captain should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

1000.5.4 DOCUMENTING AND REPORTING

The background investigator shall summarize the results of the background investigation in a narrative report that includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment. The report shall not include any information that is prohibited from use, including that from social media sites, in making employment decisions. The report and all supporting documentation shall be included in the candidate's background investigation file (11 CCR 1953).

1000.5.5 RECORDS RETENTION

The background report and all supporting documentation shall be maintained for a minimum of two years and in accordance with the established records retention schedule (Government Code § 12946; 11 CCR 1953).

1000.5.6 BACKGROUND INVESTIGATION UPDATE

A background investigation update may, at the discretion of the Chief of Police, be conducted in lieu of a complete new background investigation on a peace officer candidate who is reappointed

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within 180 days of voluntary separation from the Antioch Police Department, or who is an interim police chief meeting the requirements contained in 11 CCR 1953(f).

1000.6 DISQUALIFICATION GUIDELINES

As a general rule, performance indicators and candidate information and records shall be evaluated by considering the candidate as a whole, and taking into consideration the following:

- Age at the time the behavior occurred
- Passage of time
- Patterns of past behavior
- Severity of behavior
- Probable consequences if past behavior is repeated or made public
- Likelihood of recurrence
- Relevance of past behavior to public safety employment
- Aggravating and mitigating factors
- Other relevant considerations

A candidate's qualifications will be assessed on a case-by-case basis, using a totality-of-the-circumstances framework.

1000.7 EMPLOYMENT STANDARDS

All candidates shall meet the minimum standards required by state law (Government Code § 1029; Government Code § 1031; 11 CCR 1950 et seq.). Candidates will be evaluated based on merit, ability, competence, and experience, in accordance with the high standards of integrity and ethics valued by the Department and the community. The California Commission on Peace Officer Standards and Training (POST) developed a Job Dimensions list, which is used as a professional standard in background investigations.

Validated, job-related, and nondiscriminatory employment standards shall be established for each job classification and shall minimally identify the training, abilities, knowledge, and skills required to perform the position's essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation. The Department of Human Resources should maintain validated standards for all positions.

1000.7.1 STANDARDS FOR OFFICERS

Candidates shall meet the minimum standards established by POST (Government Code § 1029; Government Code § 1031; 11 CCR 1950 et seq.):

(a) Free of any felony convictions

(b) Citizen of the United States, or permanent resident alien eligible for and has applied for citizenship

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(c) At least 18 years of age

(d) Fingerprinted for local, state and national fingerprint check

(e) Good moral character as determined by a thorough background investigation (11 CCR 1953)

(f) High school graduate, passed the GED or other high school equivalency test or obtained a two year, four year or advanced degree from an accredited or approved institution

(g) Free from any physical, emotional or mental condition which might adversely affect the exercise of police powers (11 CCR 1954; 11 CCR 1955)

(h) Candidates must also satisfy the POST selection requirements, including (11 CCR 1950 et seq.):

1. Reading and writing ability assessment (11 CCR 1951)
2. Oral interview to determine suitability for law enforcement service (11 CCR 1952)

In addition to the above minimum POST required standards, candidates may be subjected to additional standards established by the Department (Penal Code § 13510(d)).

1000.7.2 STANDARDS FOR DISPATCHERS

Candidates shall satisfy the POST selection requirements, including (11 CCR 1956):

(a) A verbal, reasoning, memory and perceptual abilities assessment (11 CCR 1957)

(b) An oral communication assessment (11 CCR 1958)

(c) A medical evaluation (11 CCR 1960)

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Standards of Conduct

1001.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the Antioch Police Department and are expected of all department members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions but they do identify many of the important matters concerning conduct. In addition to the provisions of this policy, members are subject to all other provisions contained in this manual, as well as any additional guidance on conduct that may be disseminated by this department or a member's supervisors.

1001.2 DIRECTIVES AND ORDERS

Members shall comply with lawful directives and orders from any department supervisor or person in a position of authority, in a prompt, courteous, and thorough manner, absent a reasonable and bona fide justification.

1001.2.1 UNLAWFUL OR CONFLICTING ORDERS

Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or department policy. Supervisors should not issue orders that conflict with any previous order without making reasonable clarification that the new order is intended to countermand the earlier order.

No member is required to obey any order that appears to be in direct conflict with any federal law, state law or local ordinance. Following a known unlawful order is not a defense and does not relieve the member from criminal or civil prosecution or administrative discipline. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or shall confer with a higher authority. The responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

Unless it would jeopardize the safety of any individual, members who are presented with a lawful order that is in conflict with a previous lawful order, department policy or other directive shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the lawful order is intended to countermand the previous lawful order or directive, in which case the member is obliged to comply. Members who are compelled to follow a conflicting lawful order after having given the issuing supervisor the opportunity to correct the conflict, will not be held accountable for disobedience of the lawful order or directive that was initially issued.

The person countermanding the original order shall notify, in writing, the person issuing the original order, indicating the action taken and the reason.

1001.2.2 SUPERVISOR RESPONSIBILITIES

Supervisors and managers are required to follow all policies and procedures and may be subject to discipline for:

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(a) Failure to be reasonably aware of the performance of their subordinates or to provide appropriate guidance and control.

(b) Failure to promptly and fully report any known misconduct of a member to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.

(c) Directing a subordinate to violate a policy or directive, acquiesce to such a violation, or are indifferent to any such violation by a subordinate.

(d) The unequal or disparate exercise of authority on the part of a supervisor toward any member for malicious or other improper purpose.

1001.3 GENERAL STANDARDS

Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and California Constitutions and all applicable laws, ordinances and rules enacted or established pursuant to legal authority.

Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Members should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

Discipline may be initiated for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct.

1001.3.1 CONDUCT UNBECOMING

All employees of the Antioch Police Department shall conduct themselves at all times, both on and off duty, in such a manner as to reflect most favorably on the department. Conduct unbecoming a police employee shall include that conduct which brings the department into disrepute or reflects discredit upon the employee as a member of the department, or that which impairs the operation or efficiency of the department.

The following defines some of the more obvious requirements or restrictions relating to the conduct of employees:

(a) Neglect of duty.

(b) Disobedience of or failure to comply with departmental orders.

(c) Absent from duty without leave.

(d) Feigning sickness or injury to avoid duty.

(e) Appropriating found, recovered, evidence, or departmental property to their own use.

(f) Falsification of reports, records, or communications.

(g) Aiding or permitting a prisoner to escape.

(h) Accepting or soliciting a bribe.

(i) Careless, rough, or improper use or handling of City property.

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(j) Commission of any act which is a violation of any law, statute, ordinance or procedure, unless it is in the performance of duty and is reasonable and prudent for the situation.

(k) Wearing and/or using any uniform, equipment, or other items that are not authorized or approved by the department.

(l) Sleeping while on duty.

(m) Fighting or quarreling with another member of the department to the extent of physical contact.

(n) Consumption of alcoholic beverages while on duty or in any part of the uniform while off duty, except in conjunction with their assigned duties.

(o) Consumption of alcoholic beverages prior to reporting for duty where there is an odor present or impairment or physical or mental capabilities.

(p) Indulgence or use of any drug, narcotic, or any other substance that will alter, impair, influence, or affect physical or mental capability without prescription and/or at the direction of a medical doctor.

(q) Release of any reports, data, or information related to the police department without authorization and approval.

(r) Conduct which is immoral, indecent, lewd or disorderly, or conduct which can be construed as immoral, indecent, lewd or disorderly, which would tend to discredit the individual or fellow members of the department.

(s) During internal investigations or official communications with a superior, supervising officer or investigating officer, members of the police department shall not attempt to willfully mislead, deceive or cause the receiver of the information to believe other than the truth.

(t) Refusal to cooperate in or answer questions relative to any departmental investigation.

(u) Excessive use or abuse of sick leave.

(v) Using smoking tobacco products, chewing tobacco and/or "in lieu of" chewing tobacco products while inside any city vehicle, city building, or while in view of the public. "In lieu of" tobacco products are any products which are used similarly as one would use tobacco products.

(w) Officers shall not utilize any business or personal card or any form of communication to write any message which grants the bearer any special privileges not enjoyed by all individuals.

1001.3.2 GIFTS, GRATUITIES, OR REWARDS

Officers and employees shall not, either in the course of regular duty or when off duty, through the representation of any position or connection held with the department, solicit, directly or indirectly, any person, firm or organization for any reward, gratuity, gift, contribution, favor or financial discount, except with approval from the Chief of Police or his/her designee.

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Officers and employees shall not accept any gratuity, gift, loan or reward in any form whatsoever, either directly or indirectly, from any business, person, citizen, arrestee or potential arrestee, or from friends and associates acting in behalf of any such person.

1001.3.3 RESPECT FOR SUPERIORS AND ASSOCIATES

Employees shall treat their associates and superiors with courtesy and respect. They shall guard themselves against unfriendly feelings with fellow employees. They shall not become party to any discrediting communication, except when such communications are necessary in making an official report of a willful neglect of duty, disobedience of orders, violation of law or other improper conduct.

(a) The provisions of this section shall extend to include persons of superior rank in any other governmental agency.

(b) Employees shall be respectful to superiors of the department at all times, whether on or off duty.

1001.3.4 BEHAVIOR DURING PUBLIC CONTACT

Employees shall:

(a) Be civil, orderly and professional in conduct and deportment.

(b) Respond to citizen requests for service or information in a courteous and accurate manner.

(c) Avoid unnecessary conversation or controversy and provide name and badge number in a respectful manner to any person who may request it.

(d) Refrain from harsh, violent, coarse, profane or insolent language.

1001.3.5 POLITICAL ACTIVITY

Employees of the Antioch Police Department may engage in political activities outside their course of employment.

While working, employees are prohibited from the following:

(a) Wearing or displaying political affiliation oriented material on uniform, City owned vehicles, or equipment. This includes, but is not limited to, signs, stickers, buttons, banners, or the like.

(b) Political advertising cannot be placed in any City owned facility.

(c) Campaign contributions may not be solicited on City property, or from City employees, unless the funds are for the passage or defeat of a ballot measure directly affecting the welfare of the employees.

(d) Verbal endorsement of a political candidate or issue while in the performance of duties.

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Reporting of Employee Convictions

1002.1 PURPOSE AND SCOPE

Convictions of certain offenses may restrict or prohibit an employee's ability to properly perform official duties. Therefore, all employees shall be required to promptly notify the Department of any past and current criminal convictions.

The Administrative Analyst for the Chief of Police shall submit in a timely manner a notice to the Commission on Peace Officer Standards and Training (POST) of any appointment, termination, reinstatement, name change or status change regarding any peace officer, reserve peace officer, public safety dispatcher and records supervisor employed by this department (11 CCR 1003).

The Administrative Analyst for the Chief of Police shall submit in a timely manner a notice to POST of a felony conviction or Government Code § 1029 reason that disqualifies any current peace officer employed by this department or any former peace officer if this department was responsible for the investigation (11 CCR 1003).

1002.2 DOMESTIC VIOLENCE CONVICTIONS, OUTSTANDING WARRANTS AND RESTRAINING ORDERS

California and federal law prohibit individuals convicted of, or having an outstanding warrant for, certain offenses and individuals subject to certain court orders from lawfully possessing a firearm. Such convictions and court orders often involve allegations of the use or attempted use of force or threatened use of a weapon on any individual in a domestic relationship (e.g., spouse, cohabitant, parent, child) (18 USC § 922; Penal Code § 29805).

All members are responsible for ensuring that they have not been disqualified from possessing a firearm by any such conviction or court order and shall promptly report any such conviction or court order to a supervisor, as provided in this policy.

1002.3 OTHER CRIMINAL CONVICTIONS AND COURT ORDERS

Government Code § 1029 prohibits any person convicted of a felony from being a peace officer in the State of California. This prohibition applies regardless of whether the guilt was established by way of a verdict, guilty or nolo contendre plea.

Convictions of certain violations of the Vehicle Code and other provisions of law may also place restrictions on an employee’s ability to fully perform the duties of the job.

Outstanding warrants as provided in Penal Code § 29805 also place restrictions on a member’s ability to possess a firearm.

Moreover, while legal restrictions may or may not be imposed by statute or by the courts upon conviction of any criminal offense, criminal conduct by members of this [department/office] may be inherently in conflict with law enforcement duties and the public trust.

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1002.4 REPORTING PROCEDURE

All members of this department and all retired officers with an identification card issued by the Department shall promptly notify their immediate supervisor (or the Chief of Police in the case of retired officers) in writing of any past or current criminal arrest or conviction regardless of whether or not the matter is currently on appeal and regardless of the penalty or sentence, if any.

All members and all retired officers with an identification card issued by the Department shall further promptly notify their immediate supervisor (or the Chief of Police in the case of retired officers) in writing if the member or retiree becomes the subject of a domestic violence restraining order or similar court order.

Any member whose criminal conviction unduly restricts or prohibits that member from fully and properly performing his/her duties may be disciplined including, but not limited to, being placed on administrative leave, reassignment and/or termination. Any effort to remove such disqualification or restriction shall remain entirely the responsibility of the member on his/her own time and expense.

Any member failing to provide prompt written notice pursuant to this policy shall be subject to discipline.

1002.5 PROCEDURE FOR RELIEF

Pursuant to Penal Code § 29855, a peace officer may petition the court for permission to carry a firearm following a conviction under state law. Federal law, however, does not provide for any such similar judicial relief and the granting of a state court petition under Penal Code § 29855 will not relieve one of the restrictions imposed by federal law. Therefore, relief for any employee falling under the restrictions imposed by federal law may only be obtained by expungement of the conviction. Each employee shall seek relief from firearm restrictions on their own time and through their own resources.

Pursuant to Family Code § 6389(h), an individual may petition the court for an exemption to any restraining order, which would thereafter permit the individual to carry a firearm as a part of their employment. Relief from any domestic violence or other restriction shall also be pursued through the employee's own resources and on the employee's own time.

Pending satisfactory proof of relief from any legal restriction imposed on an employee's duties, the employee may be placed on administrative leave, reassigned or disciplined. The Department may, but is not required to return an employee to any assignment, reinstate any employee or reverse any pending or imposed discipline upon presentation of satisfactory proof of relief from any legal restriction set forth in this policy.

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Discriminatory Harassment

1003.1 PURPOSE AND SCOPE

The purpose of this policy is to prevent department members from being subjected to discriminatory harassment, including sexual harassment and retaliation. Nothing in this policy is intended to create a legal or employment right or duty that is not created by law.

1003.2 POLICY

The Antioch 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. The Department will not tolerate discrimination against a member in hiring, promotion, discharge, compensation, fringe benefits and other privileges of employment. The Department will take preventive and corrective action to address any behavior that violates this policy or the rights it is designed to protect.

The nondiscrimination policies of the Department may be more comprehensive than state or federal law. Conduct that violates this policy may not violate state or federal law but still could subject a member to discipline.

1003.3 DEFINITIONS

Definitions related to this policy include:

1003.3.1 DISCRIMINATION

The Department prohibits all forms of discrimination, including any employment-related action by a member that adversely affects an applicant or member and is based on actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law.

Discriminatory harassment, including sexual harassment, is verbal or physical conduct that demeans or shows hostility or aversion toward an individual based upon that individual's protected class. It has the effect of interfering with an individual's work performance or creating a hostile or abusive work environment.

Conduct that may, under certain circumstances, constitute discriminatory harassment can include making derogatory comments; making crude and offensive statements or remarks; making slurs or off-color jokes, stereotyping; engaging in threatening acts; making indecent gestures, pictures, cartoons, posters, or material; making inappropriate physical contact; or using written material or department equipment and/or systems to transmit or receive offensive material, statements, or pictures. Such conduct is contrary to department policy and to a work environment that is free of discrimination.

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1003.3.2 SEXUAL HARASSMENT

The Department prohibits all forms of discrimination and discriminatory harassment, including sexual harassment. It is unlawful to harass an applicant or a member because of that person's sex.

Sexual harassment includes but is not limited to unwelcome sexual advances, requests for sexual favors, or other verbal, visual, or physical conduct of a sexual nature when:

(a) Submission to such conduct is made either explicitly or implicitly a term or condition of employment, position, or compensation.

(b) Submission to, or rejection of, such conduct is used as the basis for any employment decisions affecting the member.

(c) Such conduct has the purpose or effect of substantially interfering with a member's work performance or creating an intimidating, hostile, or offensive work environment.

1003.3.3 ADDITIONAL CONSIDERATIONS

Discrimination and discriminatory harassment do not include actions that are in accordance with established rules, principles, or standards, including:

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

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

1003.3.4 RETALIATION

Retaliation is treating a person differently or engaging in acts of reprisal or intimidation against the person because the person has engaged in protected activity, filed a charge of discrimination, participated in an investigation, or opposed a discriminatory practice. Retaliation will not be tolerated.

1003.4 RESPONSIBILITIES

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

Members are encouraged to promptly report any discriminatory, retaliatory, or harassing conduct or known violations of this policy to a supervisor. Any member who is not comfortable with reporting violations of this policy to the member's immediate supervisor may bypass the chain of command and make the report to a higher-ranking supervisor or manager. Complaints may also be filed with the Chief of Police, the Director of Human Services, or the City Manager.

Any member who believes, in good faith, that the member has been discriminated against, harassed, or subjected to retaliation, or who has observed harassment, discrimination, or

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retaliation, is encouraged to promptly report such conduct in accordance with the procedures set forth in this policy.

Supervisors and managers receiving information regarding alleged violations of this policy shall determine if there is any basis for the allegation and shall proceed with resolution as stated below.

1003.4.1 SUPERVISOR RESPONSIBILITIES
The responsibilities of supervisors and managers shall include but are not limited to:

(a) Continually monitoring the work environment and striving to ensure that it is free from all types of unlawful discrimination, including harassment or retaliation.

(b) Taking prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment, or retaliation.

(c) Ensuring that their subordinates understand their responsibilities under this policy.

(d) Ensuring that members who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.

(e) Making a timely determination regarding the substance of any allegation based upon all available facts.

(f) Notifying the Chief of Police or the Director of Human Services in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment, or retaliation no later than the next business day.

1003.4.2 SUPERVISOR'S ROLE
Supervisors and managers shall be aware of the following:

(a) Behavior of supervisors and managers should represent the values of the Department and professional standards.

(b) False or mistaken accusations of discrimination, harassment, or retaliation can have negative effects on the careers of innocent members.

Nothing in this section shall be construed to prevent supervisors or managers from discharging supervisory or management responsibilities, such as determining duty assignments, evaluating or counseling members, or issuing discipline, in a manner that is consistent with established procedures.

1003.4.3 QUESTIONS OR CLARIFICATION
Members with questions regarding what constitutes discrimination, sexual harassment, or retaliation are encouraged to contact a supervisor, a manager, the Chief of Police, the Director of Human Services, the City Manager, or the California Department of Fair Employment and Housing (DFEH) for further information, direction, or clarification (Government Code § 12950).

1003.5 INVESTIGATION OF COMPLAINTS

Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved member should take prompt and reasonable steps to mitigate or eliminate

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any continuing abusive or hostile work environment. It is the policy of the Department that all complaints of discrimination, retaliation, or harassment shall be fully documented and promptly and thoroughly investigated.

1003.5.1 FORMAL INVESTIGATION

If the complaint cannot be satisfactorily resolved through the supervisory resolution process, a formal investigation will be conducted.

The person assigned to investigate the complaint will have full authority to investigate all aspects of the complaint. Investigative authority includes access to records and the cooperation of any members involved. No influence will be used to suppress any complaint and no member will be subject to retaliation or reprisal for filing a complaint, encouraging others to file a complaint, or for offering testimony or evidence in an investigation.

Formal investigation of the complaint will be confidential to the extent possible and will include but is not limited to details of the specific incident, frequency and dates of occurrences, and names of any witnesses. Witnesses will be advised regarding the prohibition against retaliation, and that a disciplinary process, up to and including termination, may result if retaliation occurs.

Members who believe they have been discriminated against, harassed, or retaliated against because of their protected status, are encouraged to follow the chain of command but may also file a complaint directly with the Chief of Police, the Director of Human Services, or the City Manager.

1003.5.2 ALTERNATIVE COMPLAINT PROCESS

No provision of this policy shall be construed to prevent any member from seeking legal redress outside the Department. Members who believe that they have been harassed, discriminated against, or retaliated against are entitled to bring complaints of employment discrimination to federal, state, and/or local agencies responsible for investigating such allegations. Specific time limitations apply to the filing of such charges. Members are advised that proceeding with complaints under the provisions of this policy does not in any way affect those filing requirements.

1003.6 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:

- Approved by the Chief of Police, the City Manager or the Director of Human Services, depending on the ranks of the involved parties.
- Maintained in accordance with the department's established records retention schedule.

1003.6.1 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.

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1003.7 TRAINING

All new members shall be provided with a copy of this policy as part of their orientation. The policy shall be reviewed with each new member. The member shall certify by signing the prescribed form that the member has been advised of this policy, is aware of and understands its contents, and agrees to abide by its provisions during the member's term with the Department.

All members shall receive annual training on the requirements of this policy and shall certify by signing the prescribed form that they have reviewed the policy, understand its contents, and agree that they will continue to abide by its provisions.

1003.7.1 STATE-REQUIRED TRAINING

The Training Manager should ensure that employees receive the required state training and education regarding sexual harassment, prevention of abusive conduct, and harassment based on gender identity, gender expression, and sexual orientation as follows (Government Code § 12950.1; 2 CCR 11024):

(a) Supervisory employees shall receive two hours of classroom or other effective interactive training and education within six months of assuming a supervisory position.

(b) All other employees shall receive one hour of classroom or other effective interactive training and education within six months of their employment or sooner for seasonal or temporary employees as described in Government Code § 12950.1.

(c) All employees shall receive refresher training every two years thereafter.

If the required training is to be provided by DFEH online training courses, the Training Manager should ensure that employees are provided the link or website address to the training course (Government Code § 12950).

1003.7.2 TRAINING RECORDS

The Training Manager shall be responsible for maintaining records of all discriminatory harassment training provided to members. Records shall be retained in accordance with established records retention schedules and for a minimum of two years (2 CCR 11024).

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Anti-Retaliation

1004.1 PURPOSE AND SCOPE

This policy prohibits retaliation against members who identify workplace issues, such as fraud, waste, abuse of authority, gross mismanagement or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety or well-being of members.

This policy does not prohibit actions taken for nondiscriminatory or non-retaliatory reasons, such as discipline for cause.

These guidelines are intended to supplement and not limit members' access to other applicable remedies. Nothing in this policy shall diminish the rights or remedies of a member pursuant to any applicable federal law, provision of the U.S. Constitution, law, ordinance or memorandum of understanding.

1004.2 POLICY

The Antioch Police Department has a zero tolerance for retaliation and is committed to taking reasonable steps to protect from retaliation members who, in good faith, engage in permitted behavior or who report or participate in the reporting or investigation of workplace issues. All complaints of retaliation will be taken seriously and will be promptly and appropriately investigated.

1004.3 RETALIATION PROHIBITED

No member may retaliate against any person for engaging in lawful or otherwise permitted behavior; for opposing a practice believed to be unlawful, unethical, discriminatory or retaliatory; for reporting or making a complaint under this policy; or for participating in any investigation related to a complaint under this or any other policy.

Retaliation includes any adverse action or conduct, including but not limited to:

- Refusing to hire or denying a promotion.
- Extending the probationary period.
- Unjustified reassignment of duties or change of work schedule.
- Real or implied threats or other forms of intimidation to dissuade the reporting of wrongdoing or filing of a complaint, or as a consequence of having reported or participated in protected activity.
- Taking unwarranted disciplinary action.
- Spreading rumors about the person filing the complaint or about the alleged wrongdoing.
- Shunning or unreasonably avoiding a person because he/she has engaged in protected activity.

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1004.4 COMPLAINTS OF RETALIATION

Any member who feels he/she has been retaliated against in violation of this policy should promptly report the matter to any supervisor, command staff member, Chief of Police or the Human Resources Director.

Members shall act in good faith, not engage in unwarranted reporting of trivial or minor deviations or transgressions, and make reasonable efforts to verify facts before making any complaint in order to avoid baseless allegations. Members shall not report or state an intention to report information or an allegation knowing it to be false, with willful or reckless disregard for the truth or falsity of the information or otherwise act in bad faith.

Investigations are generally more effective when the identity of the reporting member is known, thereby allowing investigators to obtain additional information from the reporting member. However, complaints may be made anonymously. All reasonable efforts shall be made to protect the reporting member's identity. However, confidential information may be disclosed to the extent required by law or to the degree necessary to conduct an adequate investigation and make a determination regarding a complaint. In some situations, the investigative process may not be complete unless the source of the information and a statement by the member is part of the investigative process.

1004.5 SUPERVISOR RESPONSIBILITIES

Supervisors are expected to remain familiar with this policy and ensure that members under their command are aware of its provisions.

The responsibilities of supervisors include, but are not limited to:

(a) Ensuring complaints of retaliation are investigated as provided in the Personnel Complaints Policy.

(b) Receiving all complaints in a fair and impartial manner.

(c) Documenting the complaint and any steps taken to resolve the problem.

(d) Acknowledging receipt of the complaint, notifying the Chief of Police via the chain of command and explaining to the member how the complaint will be handled.

(e) Taking appropriate and reasonable steps to mitigate any further violations of this policy.

(f) Monitoring the work environment to ensure that any member making a complaint is not subjected to further retaliation.

(g) Periodic follow-up with the complainant to ensure that retaliation is not continuing.

(h) Not interfering with or denying the right of a member to make any complaint.

(i) Taking reasonable steps to accommodate requests for assignment or schedule changes made by a member who may be the target of retaliation if it would likely mitigate the potential for further violations of this policy.

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1004.6 COMMAND STAFF RESPONSIBILITIES

The Chief of Police should communicate to all supervisors the prohibition against retaliation.

Command staff shall treat all complaints as serious matters and shall ensure that prompt actions take place, including but not limited to:

(a) Communicating to all members the prohibition against retaliation.

(b) The timely review of complaint investigations.

(c) Remediation of any inappropriate conduct or condition and instituting measures to eliminate or minimize the likelihood of recurrence.

(d) The timely communication of the outcome to the complainant.

1004.7 WHISTLE-BLOWING

California law protects members who (Labor Code § 1102.5; Government Code § 53296 et seq.):

(a) Report a violation of a state or federal statute or regulation to a government or law enforcement agency, including the member's supervisor or any other member with the authority to investigate the reported violation.

(b) Provide information or testify before a public body if the member has reasonable cause to believe a violation of law occurred.

(c) Refuse to participate in an activity that would result in a violation of a state or federal statute or regulation.

(d) File a complaint with a local agency about gross mismanagement or a significant waste of funds, abuse of authority, or a substantial and specific danger to public health or safety. Members shall exhaust all available administrative remedies prior to filing a formal complaint.

(e) Are family members of a person who has engaged in any protected acts described above.

Members are encouraged to report any legal violations through the chain of command (Labor Code § 1102.5).

Members who believe they have been the subject of retaliation for engaging in such protected behaviors should promptly report it to a supervisor. Supervisors should refer the complaint to the Internal Affairs Unit for investigation pursuant to the Personnel Complaints Policy.

1004.7.1 DISPLAY OF WHISTLE-BLOWER LAWS

The Department shall display a notice to members regarding their rights and responsibilities under the whistle-blower laws, including the whistle-blower hotline maintained by the Office of the Attorney General (Labor Code § 1102.8).

1004.8 RECORDS RETENTION AND RELEASE

The Administrative Analyst for the Chief of Police shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

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1004.9 TRAINING

The policy should be reviewed with each new member.

All members should receive periodic refresher training on the requirements of this policy.

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Drug- and Alcohol-Free Workplace

1005.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace.

1005.2 POLICY

It is the policy of this department to provide a drug- and alcohol-free workplace for all members.

1005.3 GENERAL GUIDELINES

Alcohol and drug use in the workplace or on department time can endanger the health and safety of department members and the public. Such use shall not be tolerated (41 USC § 8103).

Members who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for duty. Affected members shall notify the Watch Commander or appropriate supervisor as soon as the member is aware that he/she will not be able to report to work. If the member is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the member is adversely affected while on-duty, he/she shall be immediately removed and released from work (see Work Restrictions in this policy).

1005.3.1 USE OF MEDICATIONS

Members should avoid taking any medications that will impair their ability to safely and completely perform their duties. Any member who is medically required or has a need to take any such medication shall report that need to his/her immediate supervisor prior to commencing any on-duty status.

No member shall be permitted to work or drive a vehicle owned or leased by the Department while taking any medication that has the potential to impair his/her abilities, without a written release from his/her physician.

1005.3.2 USE OF MARIJUANA

Possession of marijuana, including medical marijuana, recreational marijuana, or any other marijuana product, or being under the influence of marijuana or any marijuana product for recreational or medical purposes, on- or off-duty is prohibited and may lead to disciplinary action. Marijuana products include but are not limited to: marijuana edibles, topicals, beverages, vapors, oils, capsules, concentrates, etc.

1005.4 MEMBER RESPONSIBILITIES

Members shall report for work in an appropriate mental and physical condition. Members are prohibited from purchasing, manufacturing, distributing, dispensing, possessing or using controlled substances or alcohol on department premises or on department time (41 USC § 8103).

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The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

Members who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance.

Members shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow member poses a risk to the health and safety of the member or others due to drug or alcohol use.

Members are required to notify their immediate supervisors of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction (41 USC § 8103).

1005.5 EMPLOYEE ASSISTANCE PROGRAM

There may be available a voluntary employee assistance program to assist those who wish to seek help for alcohol and drug problems (41 USC § 8103). Insurance coverage that provides treatment for drug and alcohol abuse also may be available. Employees should contact the Department of Human Resources, their insurance providers or the employee assistance program for additional information. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

1005.6 WORK RESTRICTIONS

If a member informs a supervisor that he/she has consumed any alcohol, drug or medication that could interfere with a safe and efficient job performance, the member may be required to obtain clearance from his/her physician before continuing to work.

If the supervisor reasonably believes, based on objective facts, that a member is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the member from continuing work and shall ensure that he/she is safely transported away from the Department.

1005.7 REQUESTING SCREENING TESTS

The supervisor may request an employee to submit to a screening test if the supervisor reasonably believes, based upon objective facts, the employee is under the influence of alcohol or drugs that are impairing his/her ability to perform duties safely and efficiently.

1005.7.1 SUPERVISOR RESPONSIBILITY

The supervisor shall prepare a written record documenting the specific facts that led to the decision to request the test, and shall inform the employee of the following:

(a) The test will be given to detect either alcohol or drugs, or both.

(b) The result of the test is not admissible in any criminal proceeding against the employee.

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(c) The employee may refuse the test, but refusal may result in dismissal or other disciplinary action.

1005.7.2 SCREENING TEST REFUSAL
An employee may be subject to disciplinary action if he/she:

(a) Fails or refuses to submit to a screening test as requested.

(b) After taking a screening test that indicates the presence of a controlled substance, fails to provide proof, within 72 hours after being requested, that he/she took the controlled substance as directed, pursuant to a current and lawful prescription issued in his/her name.

(c) Violates any provisions of this policy.

1005.8 COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT

No later than 30 days following notice of any drug statute conviction for a violation occurring in the workplace involving a member, the Department will take appropriate disciplinary action, up to and including dismissal, and/or requiring the member to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

1005.9 CONFIDENTIALITY

The Department recognizes the confidentiality and privacy due to its members. Disclosure of any information relating to substance abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the member involved or pursuant to lawful process.

The written results of any screening tests and all documents generated by the employee assistance program are considered confidential medical records and shall be maintained separately from the employee's other personnel files.

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Peer Support Program

1006.1 PURPOSE AND SCOPE

The Antioch Police Department's most valuable resource is its employees. The purpose of the Peer Support Program is to assist personnel with stress created in their personal and/or professional lives, so they can continue to be productive members of this department.

1006.2 POLICY

It is the policy of the Antioch Police Department to provide department personnel with an informal network of resources and a source of intervention for personal and/or professional issues.

1006.3 PROGRAM PARTICIPATION

(a) The Peer Support team shall consist of the following positions:

1. Program Manager : Police Lieutenant
2. Program Coordinator : Police Sergeant
3. Mental Health Professional / Psychologist Group Network
4. Police Chaplain(s)
5. Selected Peer Support Personnel

(b) Employees interested in becoming a Peer Support member shall submit a letter of interest to the Office of the Chief of Police. For selection to participate in the program, employees shall meet the following criteria:

1. Agree to participation in the program.
2. Have no work restrictions due to psychological stress.
3. Are not the subjects of a serious investigation or suffering serious personal issues.
4. Have earned proficient performance evaluations from supervisors with no indications of performance improvement needed for two years.

(c) Formal selections shall be made by the Program Manager and Program Coordinator, with the approval of the Chief of Police.

1006.4 TRAINING

(a) New team members shall attend a 40 hour post-trauma debriefing course.

(b) Peer Support personnel shall participate in periodic training sessions scheduled and developed by the Program Coordinator.

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1006.5 DEFINITIONS

Critical Incident / Traumatic Event: Directly experiencing or witnessing actual or threatened death or serious injury or experiencing a threat to one's own physical integrity or the physical integrity of someone else. Any event that may temporarily overwhelm an individual's usual methods of coping or produce unusual strong reactions.

Critical Incident Stress Debriefing: Deemed appropriate by the Chief of Police or his/her designee, designed to mitigate the psychological impact of a traumatic event, prevent the subsequent development of a post-traumatic stress disorder, and serve as an early identification mechanism for individuals who may require professional mental health follow-up. Debriefings are a structured group meeting or discussion during which personnel are given an opportunity to discuss their thoughts and reactions concerning a traumatic event in a controlled environment under the direction of a mental health professional and peer support personnel.

Peer Assistance: A process by which trained personnel provide emotional support and referrals for a colleague during a crisis or when they are under stress. Generally, peer assistance is sought by the employee in need, or suggested by the employee's peer(s) or supervisor. Peer assistance or support is a necessary adjunct to professional mental health guidance and leadership in trauma support services. Peer assistance is not a replacement for the department's Employee Assistance Program (EAP).

1006.6 DUTIES

Peer Support personnel shall perform the following functions:

(a) Respond immediately when called upon for critical incidents.

1. Callouts will be made by the Program Coordinator through the chain of command (i.e., onduty Watch Commander will notify the Program Manager who will notify the Program Coordinator who will then make peer support callouts). A Lieutenant Watch Commander and or the Division Commander can make callouts in the absence of the Program Manager / Program Coordinator.

2. Peer Support personnel may not "self activate." Activation may only be authorized by the Watch Commander or Program Manager.

(b) Contact affected personnel to assess their needs and provide necessary assistance.

(c) Provide emotional support to involved personnel who may be experiencing difficult reactions as a result of a critical incident.

(d) Provide information to the employees or their family regarding possible reactions they may experience as a result of involvement in a critical incident.

(e) If necessary, suggest resources and refer the employees or family members to a resource(s) outside of the police department.

(f) Ensure the employee gets home safely.

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(g) Contact the employee the day after the incident, or as necessary to assess additional needs.

1006.7 CONFIDENTIALITY

The most important aspect of the Peer Support Program is the promotion of trust, anonymity and confidentiality. With this in mind, it is the intent of the Peer Support Program to keep all communications between Peer Support personnel and employees involved in critical incidents confidential, with the following exceptions:

(a) The Peer Support team member believes that the employee is a danger to self or others.

(b) The information provided to the Peer Support team member constitutes a criminal offense.

If either of the above conditions exist, the on duty Watch Commander, Program Manager and Program Coordinator shall be immediately notified. In the event an employee has threatened injury to an individual, the intended victim shall also be notified.

The exceptions to confidentiality are either required by law or deemed necessary. Furthermore, the evidence code does not recognize Peer Support members as a protected class with respect to privileged communication(s). Peer Support team members shall not abdicate their responsibilities to report criminal conduct. If concerns arise, Peer Support personnel shall contact the Program Coordinator for guidance.

1006.8 WITHDRAWAL FROM THE PROGRAM

Peer Support personnel may request withdrawal or temporary suspension from the program. The employee shall write a memorandum to the Program Coordinator requesting consideration for such withdrawal from the program.

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Personnel Records

1007.1 PURPOSE AND SCOPE

This section governs the maintenance, retention and access to peace officer personnel files in accordance with established law. It is the policy of this department to maintain the confidentiality of peace officer personnel records pursuant to Penal Code § 832.7.

1007.2 POLICY

It is the policy of this department to maintain personnel records and preserve the confidentiality of personnel records pursuant to the Constitution and the laws of California (Penal Code § 832.7).

1007.3 EMPLOYEE RECORD LOCATIONS

Employee records will generally be maintained in any of the following:

Department File - That file which is maintained in the office of the Chief of Police as a permanent record of a sworn officer's employment with this department.

Performance Log Entries - Any written comment, excluding actual performance evaluations, made by a supervisor concerning the conduct of an employee of this department.

Training File - Any file which documents the training records of an employee.

Internal Affairs Files - Those files that contain complaints of employee misconduct and all materials relating to the investigation into such allegations, regardless of disposition.

Pre-Employment File - That file which is maintained separately that exclusively contains material relating to an employee's pre-employment testing process.

1007.4 CONFIDENTIALITY OF ALL PERSONNEL FILES

Pursuant to Penal Code § 832.7, all of the above-defined personnel records shall be deemed confidential and shall not be subject to disclosure except pursuant to the discovery procedures set forth in Evidence Code § 1043, et seq. in accordance with applicable federal discovery laws, or state law requiring disclosure. Nothing in this section is intended to preclude review of personnel files by the city Manager, city Attorney or other attorneys or representatives of the City in connection with official business.

1007.5 REQUESTS FOR DISCLOSURE

Only written requests for the disclosure of any information contained in any peace officer personnel record will be considered. Since the format of such requests may be strictly governed by law with specific responses required, all such requests shall be promptly brought to the attention of the Chief of Police, 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(s) as soon as practicable that such a request has been made (Evidence Code § 1043(a)).

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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 will require assistance of approved and available legal counsel.

All requests for disclosure, which result in access to an employee's personnel file(s), shall be logged in the corresponding file.

1007.5.1 RELEASE OF CONFIDENTIAL INFORMATION

Except as provided by this policy or pursuant to lawful process, no information contained in any confidential peace officer personnel file shall be disclosed to any unauthorized person(s) without the express consent of the involved officer or written authorization of the Chief of Police or his or her designee.

Any person who maliciously, and with the intent to obstruct justice or the due administration of the laws, publishes, disseminates, or otherwise discloses the residence address or telephone number of any member of this department may be guilty of a misdemeanor (Penal Code § 146e).

Pursuant to Penal Code § 832.7(e), the disposition of any citizen's complaint shall be released to the complaining party within 30 days of the final disposition. This release shall be limited to the disposition and shall not include what discipline, if any was imposed.

The Department may also release any factual information concerning a disciplinary investigation if the officer who is the subject of the investigation (or the officer's representative) publicly makes a statement which is published in the media and which the officer (or representative) knew 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(d)).

1007.6 EMPLOYEE ACCESS TO OWN FILE

Any employee may request access to his/her own personnel file(s) during the normal business hours of the individual(s) responsible for maintaining such file(s). Any employee seeking the removal of any item from his/her personnel file shall file a written request to the Chief of Police through the chain of command. The Department shall thereafter remove any such item if appropriate or within 30 days provide the employee with a written explanation why the contested item will not be removed (Government Code 3306.5). If the contested item is not removed from the file, the employee's request and the department's written response shall be retained with the contested item in the employee's personnel file.

Employees may be restricted from accessing files containing any of the following information:

(a) Ongoing Internal affairs investigations 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 which have not been sustained against the employee

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1007.7 TYPES OF PERSONNEL FILES

Peace officer personnel files can be located in any of the following places:

1007.7.1 DEPARTMENT FILE

The Department file should contain, but is not limited to, the following:

(a) Performance evaluation reports regularly completed by appropriate supervisor and signed by the affected employee shall be permanently maintained.

(b) Disciplinary action:

1. Disciplinary action resulting from sustained internally initiated complaints or observation of misconduct shall be maintained in the individual employee's department file at least two years (Government Code § 34090).
2. Disciplinary action resulting from a sustained citizen's complaint shall be maintained in the individual employee's department file at least five years (Penal Code § 832.5).
3. Investigations of complaints which result in a finding of not-sustained, unfounded, no finding or exonerated shall not be placed in the employee's department file, but will be separately maintained for the appropriate retention period in the internal affairs file.

(c) Commendations shall be retained in the employee's department file, with a copy provided to the involved employee.

(d) Personnel Action Reports reflecting assignments, promotions and other changes in the employee's employment status shall be permanently retained.

(e) A photograph of the employee shall be permanently retained.

1007.7.2 PERFORMANCE LOG FILE

The Division File should contain, but is not limited to, the following:

(a) Supervisor log entries, notices to correct and other materials intended to serve as a foundation for the completion of timely Performance Evaluations

1. All materials intended for this interim file shall be provided to the employee prior to being placed in the file in accordance with Government Code §§ 3305 and 3306.
2. Duplicate copies of items that will also be included in the employee's department file may be placed in this interim file in anticipation of completing any upcoming performance evaluation.
3. Once the permanent performance evaluation form has been made final, the underlying foundational material(s) and/or duplicate copies may be purged in accordance with this policy.

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(b) All rules of confidentiality and disclosure shall apply equally to the division file.

1007.7.3 INTERNAL AFFAIRS FILE

Internal affairs files shall be maintained under the exclusive control of the Professional Standards Unit in conjunction with the office of the Chief of Police. Access to these files may only be approved by the Chief of Police or the manager of the Professional Standards Unit. These files shall contain:

(a) The complete investigation of all formal complaints of employee misconduct, regardless of disposition

1. Each investigation file shall be sequentially numbered within a calendar year (e.g., yy-001, yy-002).

2. Each investigation file arising out of a formal citizen's complaint or a complaint involving a discriminatory harassment or hostile work environment shall be maintained no less than five years (Penal Code § 832.5(b)). Investigation files arising out of other internally generated complaints shall be maintained no less than two years (Government Code § 34090).

(b) Investigations that result in other than a sustained finding shall be maintained for the minimum statutory period but may not be used by the Department to adversely affect an employee's career (Penal Code § 832.5 (c)).

1007.7.4 TRAINING FILES

An individual training file shall be maintained by the Training Bureau for each employee. Training files will contain records of all training and education mandated by law or the Department, including firearms qualifications and mandated annual proficiency requalification.

(a) It shall be the responsibility of the involved employee to provide the Training Coordinator or immediate supervisor with evidence of completed training/education in a timely manner.

(b) The Training Coordinator or supervisor shall ensure that copies of such training records are placed in the employee's training file.

1007.7.5 PRE-EMPLOYMENT FILE

A pre-employment file shall be maintained separately from all other files and shall contain all documents relating to the employee's pre-employment testing process, including but not limited to the following:

(a) Background investigation, including certificates, licenses, transcripts, and any other legal documents required.

(b) Polygraph examination results.

(c) Psychological examination results.

(d) Medical examination results.

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1007.8 PURGING OF FILES

Formal citizen complaints and all related files not pending litigation or other ongoing legal proceedings may be purged no sooner than five years from the underlying complaint date (Penal Code § 832.5).

All other disciplinary files and investigations of non-citizen initiated complaints not pending litigation or other ongoing legal proceedings may be purged no sooner than two years from the underlying complaint date (Government Code § 34090; Government Code § 26202).

(a) The Chief of Police shall determine whether any prior sustained disciplinary file should be retained beyond the statutory period for reasons other than pending litigation or other ongoing legal proceedings.

(b) During the preparation of each employee's performance evaluation, all complaints and discipline should be reviewed to determine the relevancy, if any, to progressive discipline, training and career development. If, in the opinion of the Chief of Police, a complaint or disciplinary action beyond the statutory retention period is no longer relevant, all records of such matter may be destroyed pursuant to resolution.

1007.9 RELEASE OF PERSONNEL RECORDS AND RECORDS RELATED TO CERTAIN INCIDENTS, COMPLAINTS, AND INVESTIGATIONS OF OFFICERS

Personnel records and records related to certain incidents, complaints, and investigations of officers shall be released pursuant to a proper request under the Public Records Act and subject to redaction and delayed release as provided by law.

The Custodian of Records should work as appropriate with the Chief of Police or the Professional Standards Unit supervisor in determining what records may qualify for disclosure when a request for records is received and if the requested record is subject to redaction or delay from disclosure.

For purposes of this section, a record includes (Penal Code § 832.7(b)(2)):

- All investigation reports.
- Photographic, audio, and video evidence.
- Transcripts or recordings of interviews.
- Autopsy reports.
- All materials compiled and presented for review to the District Attorney or to any person or body charged with determining whether to file criminal charges against an officer in connection with an incident, or whether the officer's action was consistent with law and 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.

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Unless a record or information is confidential or qualifies for delayed disclosure as provided by Penal Code § 832.7(b)(7) or other law, the following records shall be made available for public inspection upon request (Penal Code § 832.7):

(a) Records relating to the report, investigation, or findings of:

1. The discharge of a firearm at another person by an officer.
2. The use of force against a person resulting in death or in great bodily injury (as defined by Penal Code § 243(f)(4)) by an officer.

(b) Records relating to an incident where a sustained finding (see the Personnel Complaints Policy) was made by the department or oversight agency regarding:

1. An officer engaged in sexual assault of a member of the public (as defined by Penal Code § 832.7(b)).
2. Dishonesty of an officer relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another officer, including but not limited to any sustained finding of perjury, false statements, filing false reports, destruction, falsifying, or concealing of evidence.

A record from a separate and prior investigation or assessment of a separate incident shall not be released unless it is independently subject to disclosure (Penal Code § 832.7(b)(3)).

When an investigation involves multiple officers, the Department shall not release information about allegations of misconduct or the analysis or disposition of an investigation of an officer unless it relates to a sustained finding of a qualified allegation as provided by Penal Code § 832.7(b)(4) against the officer. However, factual information about the action of the officer during an incident or the statements of an officer shall be released if the statements are relevant to a sustained finding of the qualified allegation against another officer that is subject to release (Penal Code § 832.7(b)(4)).

1007.9.1 REDACTION

The Custodian of Records, in consultation with the Chief of Police or authorized designee, shall redact the following portions of records made available for release (Penal Code § 832.7(b)(5)):

(a) Personal data or information (e.g., home address, telephone number, identities of family members) other than the names and work-related information of officers

(b) Information that would compromise the anonymity of complainants and witnesses

(c) Confidential medical, financial, or other information where disclosure is prohibited by federal law or would cause an unwarranted invasion of personal privacy that clearly outweighs the strong public interest in records about misconduct and serious use of force

(d) Where there is a specific, articulable, and particularized reason to believe that disclosure of the record would pose a significant danger to the physical safety of the officer or another person

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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)(6)).

1007.9.2 DELAY OF RELEASE

Unless otherwise directed by the Chief of Police, the Custodian of Records should consult with a supervisor familiar with the underlying investigation to determine whether to delay disclosure of records relating to the discharge of a firearm or use of force resulting in death or in great bodily injury due to any of the following conditions (Penal Code § 832.7):

(a) Active criminal investigations

1. Disclosure may be delayed 60 days from the date the use of force occurred or until the District Attorney determines whether to file criminal charges, whichever occurs sooner.
2. After the initial 60 days, delay of disclosure may be continued if the disclosure could reasonably be expected to interfere with a criminal enforcement proceeding against an officer or against someone other than an officer who used the force.

(b) Filed criminal charges

1. When charges are filed related to an incident where force was used, disclosure may be delayed until a verdict on those charges is returned at trial or, if a plea of guilty or no contest is entered, the time to withdraw the plea has passed.

(c) Administrative investigations

1. Disclosure may be delayed until whichever occurs later:
   (a) There is a determination from the investigation whether the use of force violated law or department policy, but no longer than 180 days after the date of the department's discovery of the use of force or allegation of use of force
   (b) Thirty days after the close of any criminal investigation related to the officer's use of force

1007.9.3 NOTICE OF DELAY OF RECORDS

When there is justification for delay of disclosure of records relating to the discharge of a firearm or use of force resulting in death or in great bodily injury during an active criminal investigation, 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

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disclosure could reasonably be expected to interfere with a criminal enforcement proceeding and the estimated date for disclosure.

1. Information withheld shall be disclosed when the specific basis for withholding the information is resolved, the investigation or proceeding is no longer active, or no later than 18 months after the date of the incident, whichever occurs sooner, unless:

    (a) When the criminal proceeding is against someone other than an officer and there are extraordinary circumstances to warrant a continued delay due to the ongoing criminal investigation or proceeding, then the Department must show by clear and convincing evidence that the interest in preventing prejudice to the active and ongoing criminal investigation or proceeding outweighs the public interest for prompt disclosure of records about use of serious force by officers.

In cases where an action to compel disclosure is brought pursuant to Government Code § 6258, the Department may justify delay by filing an application to seal the basis for withholding if disclosure of the written basis itself would impact a privilege or compromise a pending investigation (Penal Code § 832.7(b)(7)).

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Performance Logs

1008.1 PURPOSE AND SCOPE

Performance Logs are collections of data designed to assist supervisors evaluating the performance of their employees. Performance Logs can help identify commendable performance as well as early recognition of training needs and other potential issues.

1008.2 RESPONSIBILITIES

Under the authority of the Bureau Commander, the individual Supervisor is responsible for identifying relevant incidents requiring documentation. Each Performance Log entry will be retained for no longer than one year and shall be removed from the employee's Performance Log file at the time of the employee's yearly evaluation.

1008.3 EMPLOYEE NOTIFICATION AND RESPONSE

The employee's immediate Supervisor will notify each officer prior to placing any performance log entry into a Performance Log file. The affected officer may submit a written comment regarding each performance log entry. Any such written comment will be attached to the related performance log in such a way as to be readily noticed by supervisors reviewing the individual performance log.

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Evaluation of Employees

1009.1 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.

1009.2 POLICY

The Antioch 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.

1009.3 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 non-sworn supervisory personnel shall attend an approved supervisory course that includes training on the completion of performance evaluations within one year of the supervisory appointment.

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.

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.

1009.3.1 RESERVE OFFICER EVALUATIONS

Reserve officers evaluations are covered under the Reserve Officer Policy.

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1009.4 FULL TIME PROBATIONARY PERSONNEL

Non-sworn personnel are on probation for 12-18 months (depending on assignment) before being eligible for certification as permanent employees. An evaluation is completed daily, weekly, monthly, and/or every 6 months for all full-time non-sworn personnel (depending on assignment) 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.

1009.5 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 should 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, improvement needed, etc.). The evaluation form and the attached documentation shall be submitted as one package.

1009.5.1 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:

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.

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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.

1009.6 EVALUATION INTERVIEW

When the supervisor is preparing the preliminary evaluation, arrangements shall be made for a private discussion of the evaluation with the employee. The supervisor should discuss the employee's performance during the rating period, have the employee complete the self evaluation form, and clarify any questions the employee may have regarding their performance during the defined rating period. If the employee presents factual and compelling arguments regarding any potential ratings,, the supervisor should consider that information when determining ratings.. Areas needing improvement and goals for reaching the expected level of performance shall be identified and discussed. The supervisor shall then complete a preliminary evaluation that will be routed though the proper chain of command for further review and approval.

1009.7 EVALUATION REVIEW

After the supervisor finishes the preliminary evaluation it shall be forwarded to the rater's supervisor (Bureau Commander). The Bureau Commander shall review the evaluation for fairness, impartiality, uniformity, and consistency. The Bureau Commander shall evaluate the supervisor on the quality of ratings given. Upon Bureau Commander approval, the performance evaluation shall be forward to the Division Commander who shall conduct an additional review before being forwarded to the Chief of Police for final administrative approval. After final administrative review, the employee and supervisor should meet to discuss and sign the evaluation. The supervisor should also provide relevant counseling regarding advancement, specialty positions and training opportunities. Permanent employees may also write comments in the Employee Comments section of the performance evaluation.

1009.8 EVALUATION DISTRIBUTION

The original performance evaluation shall be maintained in the employee's personnel file in the office of the Chief of Police for the tenure of the employee's employment. A copy will be given to the employee and a copy will be forwarded to the City of Antioch Human Resources Department.

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Fitness for Duty

1010.1 PURPOSE AND SCOPE

All officers are required to be free from any physical, emotional, or mental condition which might adversely affect the exercise of peace officer powers. The purpose of this policy is to ensure that all officers of this department remain fit for duty and able to perform their job functions (Government Code § 1031).

1010.2 EMPLOYEE RESPONSIBILITIES

(a) It shall be the responsibility of each member of this department to maintain good physical condition sufficient to safely and properly perform essential duties of their position.

(b) Each member of this department shall perform his/her respective duties without physical, emotional, and/or mental constraints.

(c) During working hours, all employees are required to be alert, attentive, and capable of performing his/her assigned responsibilities.

(d) Any employee who feels unable to perform his/her duties shall promptly notify a supervisor. In the event that an employee believes that another employee is unable to perform his/her duties, such observations and/or belief shall be promptly reported to a supervisor.

1010.3 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 Bureau Commander, a determination should be made whether or not the employee should be temporarily relieved from his/her duties.

(e) The Chief of Police shall be promptly notified in the event that any employee is relieved from duty.

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1010.4 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 in order to obtain medical treatment or other reasonable rest period.

1010.5 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 Bureau 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.

1010.6 PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS

(a) Whenever circumstances reasonably indicate that an employee is unfit for duty, the Chief of Police may serve that employee with a written order to undergo a physical and/or psychological examination in cooperation with Department of Human Resources to determine the level of the employee's fitness for duty. The order shall indicate the date, time and place for the examination.

(b) The examining physician or therapist will provide the Department with a report indicating that the employee is either fit for duty or, if not, listing any functional limitations which limit the employee's ability to perform job duties (Civil Code § 56.10 (c)(8)(A)). If the employee places his/her condition at issue in any subsequent or related administrative action/grievance, the examining physician or therapist may be required to disclose any and all information which is relevant to such proceeding (Civil Code § 56.10(c)(8)(B)).

(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

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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.

1010.7 LIMITATION ON HOURS WORKED

Absent emergency operations members should not work more than:

- 16 hours in one day (24 hour) period or
- 30 hours in any 2 day (48 hour) period or
- 84 hours in any 7 day (168 hour) period

Except in very limited circumstances members should have a minimum of 8 hours off between shifts. Supervisors should give consideration to reasonable rest periods and are authorized to deny overtime or relieve to off-duty status any member who has exceeded the above guidelines.

Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, general overtime and any other work assignments.

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Personnel Complaints

1011.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the Antioch Police Department. This policy shall not apply to any questioning, counseling, instruction, informal verbal admonishment or other routine or unplanned contact of a member in the normal course of duty, by a supervisor or any other member, nor shall this policy apply to a criminal investigation.

1011.2 POLICY

The Antioch Police Department takes seriously all complaints regarding the service provided by the Department and the conduct of its members.

The Department will accept and address all complaints of misconduct in accordance with this policy and applicable federal, state and local law, municipal and county rules and the requirements of any collective bargaining agreements.

It is also the policy of this department to ensure that the community can report misconduct without concern for reprisal or retaliation.

1011.3 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.

1011.3.1 COMPLAINT CLASSIFICATIONS

Personnel complaints shall be classified in one of the following categories:

Informal - A matter in which the complainant states he/she does not wish to file a formal complaint, and the Watch Commander is satisfied that appropriate action has been taken by a supervisor of rank greater than the accused member.

Formal - A matter in which the complainant states he/she wishes to file a formal complaint, or when a supervisor determines that further action is warranted regardless of the complainant's wishes. Such complaints will be forwarded through the chain of command to the Chief of Police. The complaint may be investigated by a supervisor of rank greater than the accused member or referred to the Internal Affairs Unit, depending on the seriousness and complexity of the investigation.

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1011.3.2 SOURCES OF COMPLAINTS

The following applies to the source of complaints:

(a) Individuals from the public may make complaints in any form, including in writing, by email, in person or by telephone.

(b) Any department member becoming aware of alleged misconduct shall immediately notify a supervisor.

(c) Supervisors shall initiate a complaint, in the form of a memorandum forwarded to the Chief of Police through the chain of command, 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.

1011.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

1011.4.1 COMPLAINT FORMS

Personnel complaint forms will be maintained in a clearly visible location in the public area of the police facility and be accessible through the department website.

1011.4.2 ACCEPTANCE

All complaints will be courteously accepted by any department member and promptly given to the appropriate supervisor. Although written complaints are preferred, a complaint may also be filed orally, either in person or by telephone. Such complaints will be directed to a supervisor. If a supervisor is not immediately available to take an oral complaint, the receiving member shall obtain contact information sufficient for the supervisor to contact the complainant. The supervisor, upon contact with the complainant, shall complete and submit a complaint form or memorandum as appropriate.

Although not required, complainants should be encouraged to file complaints in person so that proper identification, signatures, photographs or physical evidence may be obtained as necessary.

If requested, a complainant shall be provided with a copy of his/her statement at the time it is filed with the Department (Penal Code § 832.7).

1011.4.3 AVAILABILITY OF WRITTEN PROCEDURES

The Department shall make available to the public a written description of the investigation procedures for complaints (Penal Code § 832.5).

1011.5 DOCUMENTATION

Supervisors shall ensure that all formal complaints are documented on a complaint form or memorandum. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

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All formal complaints should also be documented in IAPro which records and tracks complaints. The IAPro entry shall include the nature of the complaint, employee assigned to conduct the investigation, and eventually the final disposition of the complaint.

1011.6 ADMINISTRATIVE INVESTIGATIONS

Allegations of misconduct will be administratively investigated as follows:

1011.6.1 SUPERVISOR RESPONSIBILITIES

In general, the primary responsibility for the investigation of a personnel complaint shall rest with the member's immediate supervisor, unless the supervisor is the complainant, or has any personal involvement regarding the alleged misconduct. The Chief of Police or the authorized designee may direct that the Internal Affairs Unit or another supervisor investigate any complaint.

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

The responsibilities of supervisors include, but are not limited to:

(a) Ensuring that upon receiving or initiating any formal complaint, a complaint form or memorandum is completed.

  1. The original complaint form or memorandum will be directed to the Chief of Police, via the chain of command, who will take appropriate action and/or determine who will have responsibility for the investigation.

  2. In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to the member's Watch Commander or the Chief of Police, who will initiate appropriate action.

(b) Responding to all complaints in a courteous and professional manner.

(c) Resolving those personnel complaints that can be resolved immediately.

  1. Follow-up contact with the complainant should be made within 24 hours of the Department receiving the complaint.

(d) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Division Commander and Chief of Police are notified via the chain of command as soon as practicable.

(e) Promptly contacting the Watch Commander for direction in addressing a complaint that relates to sexual, racial, ethnic or other forms of prohibited harassment or discrimination.

(f) 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.

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(g) Ensuring that the procedural rights of the accused member are followed (Government Code § 3303 et seq.).

1011.6.2 ADMINISTRATIVE INVESTIGATION PROCEDURES

Whether conducted by a supervisor or a member of the Internal Affairs Unit, the following applies to members covered by the Public Safety Officers Procedural Bill of Rights Act (POBR) (Government Code § 3303):

(a) Interviews of an accused member shall be conducted during reasonable hours and preferably when the member is on-duty. If the member is off-duty, he/she shall be compensated.

(b) Unless waived by the member, interviews of an accused member shall be at the Antioch Police Department or other reasonable and appropriate place.

(c) No more than two interviewers should ask questions of an accused member.

(d) Prior to any interview, a member shall be informed of the nature of the investigation, the name, rank and command of the officer in charge of the investigation, the interviewing officers and all other persons to be present during the interview.

(e) All interviews shall be for a reasonable period and the member's personal needs should be accommodated.

(f) No member should be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers.

(g) Any member refusing to answer questions directly related to the investigation may be ordered to answer questions administratively and may be subject to discipline for failing to do so.

1. A member should be given an order to answer questions in an administrative investigation that might incriminate the member in a criminal matter only after the member has been given a *Lybarger* advisement. Administrative investigators should consider the impact that compelling a statement from the member may have on any related criminal investigation and should take reasonable steps to avoid creating any foreseeable conflicts between the two related investigations. This may include conferring with the person in charge of the criminal investigation (e.g., discussion of processes, timing, implications).

2. No information or evidence administratively coerced from a member may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.

(h) The interviewer should record all interviews of members and witnesses. The member may also record the interview. If the member has been previously interviewed, a copy of that recorded interview shall be provided to the member prior to any subsequent interview.

(i) All members subjected to interviews that could result in discipline have the right to have an uninvolved representative present during the interview. However, in order to maintain the integrity of each individual’s statement, involved members shall not

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consult or meet with a representative or attorney collectively or in groups prior to being interviewed.

(j) All members shall provide complete and truthful responses to questions posed during interviews.

(k) No member may be requested or compelled to submit to a polygraph examination, nor shall any refusal to submit to such examination be mentioned in any investigation (Government Code § 3307).

No investigation shall be undertaken against any officer solely because the **officer** has been placed on a prosecutor's *Brady* list or the name of the officer may otherwise be subject to disclosure pursuant to *Brady v. Maryland*. However, an investigation may be based on the underlying acts or omissions for which the officer has been placed on a *Brady* list or may otherwise be subject to disclosure pursuant to *Brady v. Maryland* (Government Code § 3305.5).

1011.6.3 ADMINISTRATIVE INVESTIGATION FORMAT

Formal investigations of personnel complaints shall be thorough, complete and essentially contain the following elements:

Introduction - Include the identity of the members, the identity of the assigned investigators, the initial date and source of the complaint.

Synopsis/Background - Provide a summary of the facts giving rise to the investigation.

Investigation/Evidence - Each allegation should be set forth with the details of the evidence applicable to each allegation provided, including comprehensive summaries of member and witness statements. Other investigation of, and evidence related to, each allegation should also be detailed.

Conclusion - A recommendation regarding a disposition on each of the alleged violations should be provided.

Exhibits - A separate list of exhibits (e.g., recordings, photos, documents) should be attached to the report.

1011.6.4 DISPOSITIONS

Each personnel complaint shall be classified with one of the following dispositions:

Unfounded - When the investigation discloses that the alleged acts did not occur or did not involve department members. Complaints that are determined to be frivolous will fall within the classification of unfounded (Penal Code § 832.8).

Exonerated - When the investigation discloses that the alleged act occurred but that the act was justified, lawful and/or proper.

Not sustained - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the member.

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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 were found to violate law or department policy (Penal Code § 832.8).

No Finding - The complainant failed to disclose promised information to further the investigation; the investigation revealed another agency was involved, and the complaint or complainant has been referred to that agency; the complainant wishes to withdraw the complaint or the complainant is no longer available for clarification.

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.

1011.6.5 COMPLETION OF INVESTIGATIONS

Every investigator or supervisor assigned to investigate a personnel complaint or other alleged misconduct shall proceed with due diligence in an effort to complete the investigation within one year from the date of discovery by an individual authorized to initiate an investigation (Government Code § 3304).

In the event that an investigation cannot be completed within one year of discovery, the assigned investigator or supervisor shall ensure that an extension or delay is warranted within the exceptions set forth in Government Code § 3304(d) or Government Code § 3508.1.

The department shall ensure that within 30 days of the final disposition of the complaint, the complainant is provided written notification of the disposition (Penal Code § 832.7(e)).

1011.7 ADMINISTRATIVE SEARCHES

Assigned lockers, storage spaces and other areas, including desks, offices and vehicles, may be searched as part of an administrative investigation upon a reasonable suspicion of misconduct.

Such areas may also be searched any time by a supervisor for non-investigative purposes, such as obtaining a needed report, radio or other document or equipment.

Lockers and storage spaces may only be administratively searched in the member's presence, with the member’s consent, with a valid search warrant or where the member has been given reasonable notice that the search will take place (Government Code § 3309).

1011.7.1 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

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1011.8 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 Antioch Police 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 badge, identification, assigned weapons and any other departmental 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.

1011.9 CRIMINAL INVESTIGATION

Where a member is accused of potential criminal conduct, a separate supervisor or investigator shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation.

The Chief of Police shall be notified as soon as practicable when a member is accused of criminal conduct. The Chief of Police may request a criminal investigation by an outside law enforcement agency.

A member accused of criminal conduct shall be advised of his/her constitutional rights (Government Code § 3303(h)). The member should not be administratively ordered to provide any information in the criminal investigation.

No information or evidence administratively coerced from a member may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.

The Antioch Police Department may release information concerning the arrest or detention of any member, including an officer, that has not led to a conviction. No disciplinary action should be taken until an independent administrative investigation is conducted.

1011.10 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES

Upon completion of a formal investigation, an investigation report should be forwarded to the Chief of Police through IAPro. Each level of command should review the report and include his/her comments in writing before forwarding the report. The Chief of Police may accept or modify any classification or recommendation for disciplinary action.

1011.10.1 DIVISION COMMANDER RESPONSIBILITIES

Upon receipt of any completed personnel investigation, the Support Services Division Commander shall review the entire investigative file, the member's personnel file and any other relevant materials.

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The Support Services 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 Support Services Division Commander may return the entire investigation to the assigned investigator or supervisor for further investigation or action.

1011.10.2 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 for further investigation or action.

Once the Chief of Police is satisfied that no further investigation or action is required by staff, the Chief of Police shall determine the amount of discipline, if any, that should be imposed. In the event disciplinary action is proposed, the Chief of Police shall provide the member with a pre-disciplinary procedural due process hearing (*Skelly*) by providing written notice of the charges, proposed action and reasons for the proposed action. Written notice shall be provided within one year from the date of discovery of the misconduct (Government Code § 3304(d)). The Chief of Police shall also provide the member with:

(a) Access to all of the materials considered by the Chief of Police in recommending the proposed discipline.

(b) An opportunity to respond orally or in writing to the Chief of Police within five days of receiving the notice.

1. Upon a showing of good cause by the member, the Chief of Police may grant a reasonable extension of time for the member to respond.

2. If the member elects to respond orally, the presentation may be recorded by the Department. Upon request, the member shall be provided with a copy of the recording.

Once the member has completed his/her response or if the member has elected to waive any such response, the Chief of Police shall consider all information received in regard to the recommended discipline. The Chief of Police shall render a timely written decision to the member and specify the grounds and reasons for discipline and the effective date of the discipline. Once the Chief of Police has issued a written decision, the discipline shall become effective.

1011.11 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

In the event that a member tenders a written resignation or notice of retirement prior to the imposition of discipline, it shall be noted in the file. The tender of a resignation or retirement by itself shall not serve as grounds for the termination of any pending investigation or discipline.

1011.12 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

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appeal using the procedures established by any collective bargaining agreement, Memorandum of Understanding and/or personnel rules.

In the event of punitive action against an employee covered by the POBR, the appeal process shall be in compliance with Government Code § 3304 and Government Code § 3304.5.

During any administrative appeal, evidence that an officer has been placed on a Brady list or is otherwise subject to Brady restrictions may not be introduced unless the underlying allegations of misconduct have been independently established. Thereafter, such Brady evidence shall be limited to determining the appropriateness of the penalty (Government Code § 3305.5).

1011.13 PROBATIONARY EMPLOYEES AND OTHER MEMBERS

At-will and probationary employees and those members other than non-probationary employees may be released from employment for non-disciplinary reasons (e.g., failure to meet standards) without adherence to the procedures set forth in this policy or any right to appeal. However, any probationary officer subjected to an investigation into allegations of misconduct shall be entitled to those procedural rights, as applicable, set forth in the POBR (Government Code § 3303; Government Code § 3304).

At-will, probationary employees and those other than non-probationary employees subjected to discipline or termination as a result of allegations of misconduct shall not be deemed to have acquired a property interest in their position, but shall be given the opportunity to appear before the Chief of Police or authorized designee for a non-evidentiary hearing for the sole purpose of attempting to clear their name or liberty interest. There shall be no further opportunity for appeal beyond the liberty interest hearing and the decision of the Chief of Police shall be final.

1011.14 RETENTION OF PERSONNEL INVESTIGATION FILES

All personnel complaints shall be maintained in accordance with the established records retention schedule and as described in the Personnel Files Policy.

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Grievance Procedure

1012.1 PURPOSE AND SCOPE

It is the policy of this department that all grievances be handled quickly and fairly without discrimination against employees who file a grievance whether or not there is a basis for the grievance. Our Department's philosophy is to promote a free verbal communication between employees and supervisors.

1012.1.1 GRIEVANCE DEFINED

A grievance is any difference of opinion concerning terms or conditions of employment or the dispute involving the interpretation or application of any of the following documents by the person(s) affected:

- The employee bargaining agreement (Memorandum of Understanding)
- This Policy Manual
- City rules and regulations covering personnel practices or working conditions

Grievances may be brought by an individual affected employee or by a group representative.

Specifically outside the category of grievance are complaints related to alleged acts of sexual, racial, ethnic or other forms of unlawful harassment, as well as complaints related to allegations of discrimination on the basis of sex, race, religion, ethnic background and other lawfully protected status or activity are subject to the complaint options set forth in the Discriminatory Harassment Policy, and personnel complaints consisting of any allegation of misconduct or improper job performance against any department employee that, if true, would constitute a violation of department policy, federal, state or local law set forth in the Personnel Complaint Policy.

1012.2 PROCEDURE

When filing a grievance, employees will follow the procedure as outlined in each bargaining units Memorandum of Understanding.

1012.3 EMPLOYEE REPRESENTATION

Employees are entitled to have representation during the grievance process. The representative may be selected by the employee from the appropriate employee bargaining group.

1012.4 GRIEVANCE RECORDS

At the conclusion of the grievance process, all documents pertaining to the process shall be forwarded to Administration for inclusion into a secure file for all written grievances. A second copy of the written grievance will be maintained by the City Managers's office to monitor the grievance process.

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Employee Speech, Expression and Social Networking

1013.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with employee use of social networking sites and to provide guidelines for the regulation and balancing of employee speech and expression with the needs of the Department.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech or expression that is protected or privileged under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example, this policy does not limit an employee from speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or officer associations, about matters of public concern, such as misconduct or corruption.

Employees are encouraged to consult with their supervisor regarding any questions arising from the application or potential application of this policy.

1013.1.1 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.

1013.2 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 both on and off duty. To achieve its mission and efficiently provide service to the public, the Antioch 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.

1013.3 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 Antioch 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 shall therefore not disseminate or post any information on any forum or medium that could reasonably be anticipated to compromise the safety of any employee, an employee's family or associates.

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1013.4 PROHIBITED SPEECH, EXPRESSION AND CONDUCT

To meet the department's safety, performance and public-trust needs, the following are prohibited unless the speech is otherwise protected (for example, an employee speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or officer associations, on a matter of public concern):

(a) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation or professionalism of the Antioch Police Department or its employees.

1. Employees may not speak on behalf of the department unless approved to do so by the Chief of Police or his/her designee.

(b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the Antioch Police Department and tends to compromise or damage the mission, function, reputation or professionalism of the Antioch 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 Antioch 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.

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(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 Antioch Police Department on any personal or social networking or other website or web page, without the express authorization of the Chief of Police.

(h) Accessing websites for non-authorized purposes, or use of any personal communication device, game device or media device, whether personally or department-owned, for personal purposes while on-duty, except in the following circumstances:

1. When brief personal communication may be warranted by the circumstances (e.g., inform family of extended hours).
2. During authorized breaks such usage should be limited as much as practicable to areas out of sight and sound of the public and shall not be disruptive to the work environment.

Employees must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the employee (e.g., social or personal website).

1013.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

While employees are not restricted from engaging in the following activities as private citizens or as authorized members of a recognized bargaining unit or officer associations, employees may not represent the Antioch Police Department or identify themselves in any way that could be reasonably perceived as representing the Antioch Police Department in order to do any of the following, unless specifically authorized by the Chief of Police (Government Code § 3206; Government Code § 3302):

(a) Endorse, support, oppose or contradict any political campaign or initiative.

(b) Endorse, support, oppose or contradict any social issue, cause or religion.

(c) Endorse, support or oppose any product, service, company or other commercial entity.

(d) Appear in any commercial, social or nonprofit publication or any motion picture, film, video, public broadcast or on any website.

Additionally, when it can reasonably be construed that an employee, acting in his/her individual capacity or through an outside group or organization (e.g., bargaining group or officer associations), is affiliated with this department, the employee shall give a specific disclaiming statement that any such speech or expression is not representative of the Antioch Police Department.

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Employees retain their right to vote as they choose, to support candidates of their choice and to express their opinions as private citizens, including as authorized members of a recognized bargaining unit or officer associations, on political subjects and candidates at all times while off-duty.

However, employees may not use their official authority or influence to interfere with or affect the result of an election or a nomination for office. Employees are also prohibited from directly or indirectly using their official authority to coerce, command or advise another employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes (5 USC § 1502).

1013.5 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.

The Department reserves the right to access, audit and disclose for whatever reason any message, including attachments, and any information accessed, transmitted, received or reviewed over any technology that is issued or maintained by the Department. This includes the department e-mail system, computer network or any information placed into storage on any department system or device.

It also includes records of all key strokes or web-browsing history made at any department computer or over any department network.

The fact that access to a database, service or website requires a user name or password will not create an expectation of privacy if it is accessed through a department computer or network. However, the Department may not require an employee to disclose a personal user name or password or open a personal social website, except when access is reasonably believed to be relevant to the investigation of allegations of work related misconduct (Labor Code § 980).

1013.6 CONSIDERATIONS

In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the Chief of Police or authorized designee should consider include:

(a) Whether the speech or conduct would negatively affect the efficiency of delivering public services.

(b) Whether the speech or conduct would be contrary to the good order of the Department or the efficiency or morale of its members.

(c) Whether the speech or conduct would reflect unfavorably upon the Department.

(d) Whether the speech or conduct would negatively affect the member's appearance of impartiality in the performance of his/her duties.

(e) Whether similar speech or conduct has been previously authorized.

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(f) Whether the speech or conduct may be protected and outweighs any interest of the Department.

1013.7 REPORTING

Employees who become aware of a violation of this policy shall notify a department supervisor or manager as soon as practical.

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Personal Appearance Standards

1014.1 PURPOSE AND SCOPE

In order to project uniformity and neutrality toward the public and other members of the department, employees shall maintain their personal hygiene and appearance to project a professional image appropriate for this department and for their assignment.

1014.2 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.

1014.2.1 HAIR

Hairstyles of all members shall be neat in appearance. For male sworn members, hair must have a natural color tone and not extend below the top edge of the uniform collar while assuming a normal stance.

For female sworn members, hair must have a natural color tone and be neatly shaped and arranged. While in uniform it may not fall below the standard collar's lower edge. For safety reasons, if hair barrettes or pins are worn, they shall be small in size and inconspicuous.

1014.2.2 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. Extremes such as "handlebars" and "Fu Manchu" are prohibited.

1014.2.3 SIDEBURNS

Sideburns shall be trimmed and neat, not extending below the earlobe and shall not exceed 1-1/2 inches in width at the base unless worn with appropriate facial hair.

1014.2.4 FACIAL HAIR

Facial hair is authorized. It must be kept tidy and shall not exceed one inch in length. Facial hair must have a natural color and be neatly trimmed with no exotic patterns or designs. The neckline shall be clean shaven at all times. The wearing of facial hair shall remain at the discretion of the Chief of Police.

1014.2.5 FINGERNAILS

Fingernails extending beyond the tip of the finger can pose a safety hazard to officers or others. For this reason, fingernails shall be trimmed so that no point of the nail extends beyond the tip of the finger.

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1014.2.6 JEWELRY AND ACCESSORIES

No jewelry or personal ornaments shall be worn by officers on any part of the uniform or equipment, except those authorized within this manual. Jewelry shall not be gaudy in appearance or worn in excess. If worn around the neck, jewelry shall not be visible above the shirt collar.

Earrings shall not be worn by uniformed sworn members, detectives or special assignment personnel without permission of the Chief of Police or his/her designee. Only one ring may be worn on each hand of the employee while on-duty.

1014.2.7 MAKEUP

Makeup shall be worn in good taste. Personnel shall not use makeup which lends itself to a gaudy appearance or use excessively odorous cosmetics.

1014.3 TATTOOS

While on-duty or representing the Department in any official capacity, with the exception of court appearances, members may have visible tattoos. Visible tattoos are not permitted on a member's head, face (including inside the mouth, eyelids, or ears) neck or hands. Tattoos on the finger intended to look like a replica ring e.g. a wedding band are permitted.

At no time, while on duty or representing the Department in any official capacity, shall any offensive tattoo or body art be visible. Examples of offensive tattoos would include, but are not be limited to those which depict racial, sexual, discriminatory, gang related, or obscene language.

Members appearing in court in their official capacity must conceal tattoos or other body art. Uniformed members may cover tattoos or other body art with a long sleeve uniform shirt or a plain "tattoo sleeve."

The Chief of Police, or his/her designee, retains the right to have members cover all tattoos or body art when doing so, in his/her opinion, furthers the particular mission or assignment.

1014.4 BODY PIERCING OR ALTERATION

Body piercing or alteration to any area of the body visible in any authorized uniform or attire that is a deviation from normal anatomical features and which is not medically required is prohibited. Such body alteration includes, but is not limited to:

(a) Tongue splitting or piercing.

(b) The complete or transdermal implantation of any material other than hair replacement.

(c) Abnormal shaping of the ears, eyes, nose or teeth

(d) Branding or scarification.

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1014.5 EXEMPTIONS

Members who seek cultural (e.g., culturally protected hairstyles) or other exemptions to this policy that are protected by law should generally be accommodated (Government Code § 12926). A member with an exemption may be ineligible for an assignment if the individual accommodation presents a security or safety risk. The Chief of Police should be advised any time a request for such an accommodation is denied or when a member with a cultural or other exemption is denied an assignment based on a safety or security risk.

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Uniform Regulations

1015.1 PURPOSE AND SCOPE

The uniform policy of the Antioch 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 Antioch 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.

1015.2 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

1015.2.1 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.

1015.3 UNIFORM CLASSES

1015.3.1 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) Dress jacket

(b) Long sleeve shirt with tie

(c) Uniform hat

(d) Polished shoes

Boots with pointed toes are not permitted.

1015.3.2 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) Dress jacket and uniform hat are not to be used.

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(b) The long or short sleeve shirt may be worn with the collar open. No tie is required.

(c) A black crew neck t-shirt must be worn with the uniform.

(d) All shirt buttons must remain buttoned except for the last button at the neck.

(e) Shoes for the Class B uniform may be as described in the Class A uniform.

(f) Approved all black unpolished shoes, capable of holding a shine, may be worn.

(g) Boots with pointed toes are not permitted

1015.3.3 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.

1015.3.4 SPECIALIZED UNIT UNIFORMS
The Chief of Police may authorize special uniforms to be worn by Officers in specialized units such as SWAT, Motor Officers and other specialized assignments.

1015.3.5 FOUL WEATHER GEAR
The Uniform and Equipment Specifications lists the authorized uniform jacket and rain gear.

1015.4 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 - Service stripes indicating 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. 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.

(f) Flag Pin - A flag pin may be worn, centered above the nameplate.

(g) Badge - The department issued badge, or an authorized sewn on cloth replica, must be worn and visible at all times while in uniform.

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(h) Rank Insignia - The designated insignia indicating the employee's rank must be worn at all times while in uniform. The Chief of Police may authorize exceptions.

1015.4.1 MOURNING BADGE

Uniformed employees may wear a black mourning band across the uniform badge whenever a law enforcement officer is killed in the line of duty. The following mourning periods will be observed:

(a) An officer of this department - From the time of death until midnight on the 14th day after the death.

(b) An officer from this or an adjacent county - From the time of death until midnight on the day of the funeral.

(c) Funeral attendee - While attending the funeral of an out of region fallen officer.

(d) National Peace Officers Memorial Day (May 15th) - From 0001 hours until 2359 hours.

(e) As directed by the Chief of Police.

1015.5 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. All attire shall have a conservative, business-like appearance.

(b) All male administrative, investigative and support personnel who elect to wear civilian clothing to work shall wear authorized polo style shirts, button-up style dress 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, authorized polo style shirts, 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 Antioch Police Department or the morale of the employees.

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1015.6 COURT ATTIRE

Employees appearing before any court or public hearing shall be dressed either in full uniform or appropriate professional or business attire to include suit jacket or sportcoat and necktie.

1015.7 POLITICAL ACTIVITIES, ENDORSEMENTS, AND ADVERTISEMENTS

Unless specifically authorized by the Chief of Police, Antioch Police Department employees may not wear any part of the uniform, be photographed wearing any part of the uniform, utilize a department badge, patch or other official insignia, or cause to be posted, published, or displayed, the image of another employee, or identify himself/herself as an employee of the Antioch 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.

1015.8 OPTIONAL EQUIPMENT - MAINTENANCE, AND REPLACEMENT

(a) Any of the items listed in the Uniform and Equipment Specifications as optional shall be purchased totally at the expense of the employee. No part of the purchase cost shall be offset by the Department for the cost of providing the Department issued item.

(b) Maintenance of optional items shall be the financial responsibility of the purchasing employee. For example, repairs due to normal wear and tear.

(c) Replacement of items listed in this order as optional shall be done as follows:

1. When the item is no longer functional because of normal wear and tear, the employee bears the full cost of replacement.

2. When the item is no longer functional because of damage in the course of the employee's duties, it shall be replaced following the procedures for the replacement of damaged personal property (see the Department Owned and Personal Property Policy).

1015.9 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES

Antioch Police Department employees may not wear any uniform item, accessory or attachment unless specifically authorized in the Uniform and Equipment Specifications or by the Chief of Police or designee.

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Uniform Regulations

Antioch 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.

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Shift By Seniority

1016.1 PURPOSE AND SCOPE

To establish a method by which sworn officers and Dispatch Personnel of the Antioch Police Department are able to select their Community Policing and Dispatch shifts based upon seniority, while at the same time providing the best possible police services to the citizens of Antioch.

1016.2 POLICY

This policy will provide guidelines for bidding and assigning Community Policing and Dispatch Personnel shifts by seniority and provide restrictions for persons working in the Community Policing Bureau and Dispatch relative to nepotism.

1016.3 CONDITIONS/RESTRICTIONS

1016.3.1 AVAILABLE SHIFTS

Currently, the Community Policing Bureau operates within the existing six-team alignment (Red/Blue – Day, Swing, Graveyard). This does not preclude the possibility that the police department may need to change the team structure at some time in the future to provide the best possible coverage of police services.

1016.3.2 ELIGIBLE EMPLOYEES

Sworn officers and dispatchers off probation, sergeants, corporals, and lead dispatchers will participate in the shift bidding process. Officers and dispatchers, who end their probation within thirty days of the start of a shift rotation, will be allowed to bid for that shift rotation and any subsequent shift rotation. Officers and dispatchers on probation as a result of a promotion to a police supervisor or lead dispatch position may participate in the shift selection process.

1016.3.3 SPECIALIZED ASSIGNMENTS

K-9 and UAV Officers will be limited to one per patrol team. Their seniority for bidding purposes will be based upon their total time spent as a sworn officer with the City of Antioch, not their time as a K-9 or UAV officer.

Officers and supervisors assigned to SWAT, or who have special skills, such as bilingual abilities, may also be limited to shift selections while bidding in order to accommodate training and the need for those persons with specific skills to be assigned throughout the schedule. These restrictions may fluctuate over time based on the needs of the department.

1016.3.4 RESTRICTED PARTICIPATION

Regardless of the guidelines established herein, the Chief of Police or his or her designee may assign any sworn officer or dispatcher to any position within their assigned bureau based upon the needs of the department and/or the employee. The Chief of Police may also restrict an employee from participating in the shift by seniority bidding process, if such a restriction is warranted.

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Examples of situations that might fall within the above category are listed below. This list is not inclusive and does not cover all possible situations.

(a) Employees on improvement-needed programs.

(b) Employees receiving below standard performance evaluations.

(c) Employees returning from lengthy absences due to illness, injury or other circumstances not associated with a normal rotation from a specialized assignment.

1. Employees who are unable to work due to injury must have a return to work date within 60 calendar days of the shift bid to participate.

(d) Employees that have pending internal affairs investigations subject to disciplinary action.

1016.3.5 TRANSFERS

Officers rotating out of special assignments will fill the position vacated by the person replacing them. They will not be eligible to bid for shifts until the next scheduled bid time. If the officer returning to the Community Policing Bureau is not replacing another officer, then the bureau commander may assign that officer to a team based upon the needs of the department.

(a) In an effort to allow officers every effort to participate in the bidding process as often as possible, officers in special assignments with mandated participation times, i.e., one year, two years, etc., may be allowed to rotate out of that specialized assignment up to a maximum of three months early or late, in order to coincide with patrol shift changes.

1016.3.6 NEPOTISM

Employees will not be limited in their choice of shifts or colors except where nepotism exists within their assigned bureau. The following conditions and restrictions will apply when nepotism exists:

(a) Employees who have a personal relationship as defined in the Nepotism and Conflicting Relationships policy may not work on the same shifts. They may work on the same colored shifts; however, the overlap for their shifts will be limited to three hours.

1016.4 PROCEDURE

1016.4.1 DETERMINATION OF SENIORITY

Seniority for officers and dispatchers is determined based upon the employee's date of hire, or adjusted hire date as a full-time sworn officer or dispatcher with the City of Antioch. Academy, reserve or other City of Antioch employment time does not count toward seniority. In the event of a tie, seniority will correspond with city seniority as determined by Human Resources (lowest last 3 of Social Security Number gets highest seniority).

Seniority for sergeants, corporals, and lead dispatchers will be based upon time in grade. If time in grade is the same, then the date of hire as a sworn officer or dispatcher with the City of Antioch will be the determining factor. If they have the same date of hire, then seniority will correspond with city seniority as determined by Human Resources.

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1016.4.2 SHIFT PERIODS

The shift periods will be determined prior to bidding. Changes to the shift periods would be subject to the Meet and Confer process.

1016.4.3 NOTIFICATION

At least one month prior to bidding, all personnel will be advised of the upcoming shift bidding process. This will be done through both the departmental e-mail system and on the briefing board. This actual shift bidding will occur approximately two months prior to the first date of the new shift period. Patrol and Dispatch shift bidding processes will run independent of one another.

Included in that notification is the fact that the officers/dispatchers can bid for shifts in one of three ways:

(a) They can appear in person during their assigned bid time.

(b) They can bid through a third party of their choice, utilizing the attached bid form.

1. This form will consist of the officer/dispatcher ranking their choice of shifts by order of preference. The first open slot of the employee's highest priority will be assigned to that employee.

(c) They can bid via telephone during their assigned times.

See attachment: SHIFT BY SENIORITY Absentee Form.pdf

1016.4.4 FAILURE TO BID

If the officer, dispatcher, or supervisor fails to bid a shift in one of the manners described above, or misses his/her assigned bid time, the Community Policing Bureau Commander or Dispatch Supervisor will select shifts for that employee(s) at the end of the bidding process in order of seniority. If the employee or supervisor bids late, his or her pick will be based on seniority; however, all previous bids will stand. No attempts to contact employees or supervisors who miss their appointments will be made by the person conducting the shift bids.

1016.4.5 DESIGNATED BID TIMES

On the dates selected for the actual bidding, each officer, dispatcher or supervisor eligible to bid will be assigned a specific time period within which to utilize one of the previously mentioned methods to bid his/her shifts. This period will be announced in advance of the shift bidding dates.

(a) The officer/dispatcher or supervisor will contact the person designated to conduct the shift bidding process in order to place their bid. That lieutenant or dispatch supervisor will be identified in advance and will be dedicated to the bidding process until it is completed.

(b) During the assigned dates, Sergeants will bid first. Corporals will bid second. Officers will bid third.

(c) For Dispatch, Dispatch Leads will bid first followed by Dispatchers.

1016.4.6 COMPENSATION

Under no circumstances will employees be compensated with overtime in order to bid for shifts.

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1016.4.7 LEAVE REQUESTS

Patrol leave requests will take place in the following way:

(a) At their assigned bids times, Officers and Supervisors may present requests for leave for the next schedule period. They can be presented in person or through a third party accompanied by a completed bid form. Leave requests for the upcoming schedule period may be turned in to the person assigned to conduct the shift bidding in advance; however, these requests will not be considered until the employee's assigned bid time.

(b) Leave requests presented in advance by Officers or Supervisors who miss their assigned bid times will not be considered until they are assigned to a crew as explained in this policy. Officers or Supervisors who bid late will not have their leave requests considered until the time they bid and all previously approved leave will stand.

(c) All leave requests submitted after the shift bidding process will be reviewed by the supervisor who is scheduled to supervise the requesting employee during the period of requested leave. The leave will be based on a first come, first served basis.

(d) In the event two employees on the same shift submit requests for leave at the same time, for the same and or overlapping dates, the employee with the most seniority will be granted the request.

(e) Trades will be allowed as outlined in the Shift Trades policy. There will be no trades allowed for the entire shift or significant portion thereof without prior approval of the division commander.

Dispatch leave requests will take place in the following way:

(a) At their assigned bid times, Dispatchers and Dispatch Leads may present requests for leave for the next schedule period. The leave submitted must not exceed their annual accrual of vacation and floating holidays.

(b) Once the bidding has been completed, a second round of leave signups will occur for up to four shifts based on total seniority in the dispatch bureau.

(c) A third round will occur based on the same criteria as the second round for up to four shifts.

(d) Once the third round is completed, requests for leave from probationers will be accepted and reviewed. These will be granted based on seniority

(e) Any subsequent leave requests will be considered on a first come first served basis.

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Nepotism and Conflicting Relationships

1017.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure equal opportunity and effective employment practices by avoiding actual or perceived favoritism, discrimination or actual or potential conflicts of interest by or between members of this department. These employment practices include: recruiting, testing, hiring, compensation, assignment, use of facilities, access to training opportunities, supervision, performance appraisal, discipline and workplace safety and security.

1017.1.1 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.

1017.2 RESTRICTED DUTIES AND ASSIGNMENTS

While the Department will not prohibit personal or business relationships between employees, the following reasonable restrictions shall apply (Government Code § 12940(a)):

(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 exists temporarily, the supervisor shall make every reasonable effort to defer matters involving 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 as it may deem necessary 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, FTO's and other trainers will not be assigned to train relatives. FTO's 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) In order to avoid actual or perceived conflicts of interest, members of this department shall refrain from developing or maintaining personal or financial relationships with victims, witnesses or other individuals during the course of or as a direct result of any official contact.

(e) Except as required in the performance of official duties or, in the case of immediate relatives, employees shall not develop or maintain personal or financial relationships with any individual(s) who they know or reasonably should know are under criminal investigation, convicted felons, parolees, fugitives, registered sex offenders, or who engage in serious violations of state or federal laws.

(f) As it relates to the annual shift selection process as explained in the Shift by Seniority policy, officers and supervisors will not be limited in their choice of shifts or colors except where a business or personal relationship exists between two employees of the police department. The following conditions and restrictions will apply if either of these exists:

1. Employees who are in a relationship may not work on the same shifts. They may work on the same colored shifts; however, the overlap for their shifts will be limited to three hours.

(g) Employees who fall under these guidelines will not be allowed to volunteer or be forced to work overtime or make shift trades which would cause them to work the same shift or a shift which would cause them to overlap more than three hours.

(a) There may be circumstances such as natural disasters or other critical incidents where employees that fall under this policy would be allowed to work the same or similar shifts; however, this shall only be done with the Division Commander's approval. SWAT, CNT, Investigations and Canine callouts where nepotism might exist would not require the Division Commander's prior approval.

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(h) Special details, such as high school sports events and graduations, City sponsored celebrations and events, and other security details will not be worked together by employees who fall under these guidelines.

(i) Persons who fall under these guidelines shall not approve reports, leave requests or similar documents on one another.

1017.2.1 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.

1017.2.2 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, through the chain of command, of such actual or potential violations through the chain of command.

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Shift Trades-Sworn and Dispatch Personnel

1018.1 PURPOSE AND SCOPE

The purpose of this policy is to establish procedures for shift trades between similar rank and classification of employees.

1018.2 POLICY

It shall be the policy of this Department to allow employees to trade individual shifts for their convenience, as long as the trade does not negatively impact the operation of the Department. Trades will be considered on a case-by-case basis. The Chief of Police, or authorized designee, shall have sole discretion in shift trade approval. Trades involving more than one shift or more than one consecutive day must be approved by the Chief of Police or authorized designee.

1018.3 PROCEDURE

In order for a trade to be considered, the following conditions must be adhered to:

(a) Sworn Personnel: Trade requests must be for an entire shift.

(b) Dispatch Personnel: Trade requests can be for an entire shift or a partial shift. Partial shift trades must be in full hour increments.

All trade requests must not require either of the employees to work more than one shift in a 24-hour period without at least a 10 hour break between shifts.

The trade payback date must occur within 12 weeks of the first trade date.

Employees, both sworn and dispatch, who are involved in trades must be of equal rank or classification. The equal rank or classification may include an employee assigned to an acting position.

When a trade occurs, it may cause both employees to work more than forty hours in a work week. According to the Fair Labor Standards Act, the hours worked by the substitute shall not be credited toward overtime compensation.

When working a trade for another employee, the employee must work all hours agreed to in the trade. Redeeming accrued vacation or overtime off is very difficult to code for payroll purposes. Therefore, requests for time off when working a trade, will be denied.

Shift trades shall be between employees with "like" schedules within the same bureau.

(a) An employee working a twelve, eleven or ten hour shift can only trade shifts with a person who is also assigned to work the same number of hours and in the same Bureau.

With the exception of Dispatch Personnel, a trade request shall not involve more than two employees.

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When a trade involves more than one shift or more than one consecutive day, the requesting employee must submit a memo to the Chief of Police or designee, through the chain of command articulating the circumstances necessitating the trade. If the trade is for educational purposes, the employee shall attach a copy of the course description and a schedule outlining available dates and times the course is offered.

For sworn personnel and employees assigned to Dispatch, all trade requests shall be made through Executime. At the time a shift trade is desired, each involved employee shall enter their requested "Trade-Not Worked" as well as their requested "Trade Worked" through the "Time-Off Request" menu on the "Employee Actions" page in Executime. Included in the "Comments" section of these Executime entries should be the following information:

(a) The name and employee number of the employee who will work in his/her place

(b) The "payback" date (for Trade-Not Worked); or

(c) The "time-off" date (for Trade Worked)

(d) Specific hours of the trade for Dispatch personnel requesting partial shift trades

The supervisor shall notify the employee of approval or denial of their requested shift trade through the "Manage Time-Off" menu on the "Supervisor Actions" page in Executime.

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Intra-Departmental Assignments/Transfers

1019.1 POLICY

This policy applies only to rank and file officers and is based on the premise that the officers of this department are capable of performing all police officer duties, that a varied experience provides for individual professional development and that rotation of assignments facilitates innovation and strengthens the department. All employees serve in their positions at the discretion of the Chief of Police. In deference to this policy, the Chief of Police has sole discretion and reserves the right to make all personnel assignments. The provisions of this policy do not apply to supervisors or managers.

1019.1.1 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.

1019.1.2 ASSIGNMENTS

Utilization of and participation in special assignments is fluid and can be implemented and/or suspended based on staffing levels or at the sole discretion of the Chief of Police. Assignments can include:

(a) Investigation/Special Operations

(b) Community Engagement Team (CET)

(c) Problem Oriented Policing (POP) Team

(d) Traffic/Motor Officer

(e) K-9 Officer

(f) Field Training Officer (FTO)

(g) SWAT/CNT

(h) School Resource Officer (SRO)

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(i) Gang Officer

(j) Other training or duty assignments at the discretion of the Chief of Police.

1019.2 PROCEDURES

1019.2.1 GUIDELINES

Every position, with the exception of SWAT/CNT, SRO, FTO, Gang Officer and canine shall be a three-year assignment with the possibility of up to two, one-year extensions. The extensions shall always be at the discretion of the Chief of Police.

(a) SWAT/CNT assignments will be a minimum of five years with the possibility of two, one year extensions; exclusive of a transfer to another assignment. Additional assignments and/or promotions within the SWAT Team or CNT will carry with each the possibility of three, two-year extensions: these additional time extensions can occur concurrently or upon reassignment to the SWAT Team or CNT.

(b) SRO assignments will be a minimum of one year with the possibility of two, one year extensions; exclusive of a transfer to another assignment.

(c) FTO and Gang Officer assignments will be a minimum of two years; exclusive of transfer to another assignment. Due to the special nature of the assignment, the maximum time commitment shall be determined by the Field Services Division Commander.

(d) Canine officer assignment will be a minimum of four years with the duration of the assignment coinciding with the work life of the canine, and/or exclusive of a transfer to another assignment.

1019.2.2 ELIGIBILITY FOR ASSIGNMENT/TRANSFER

Applicants cannot be on improvement needed status at the time of appointment.

Minimum criteria to qualify for the position of Field Training Officer for the Antioch Police Department shall be as follows:

(a) Must possess a POST Basic Certificate.

(b) A minimum of three years of patrol experience is desirable.

(c) Upon being selected to become an FTO and prior to working in that capacity, the officer(s) chosen shall attend a POST approved Field Officer Training course.

1019.2.3 APPLICATION PROCESS

The Office of the Chief of Police will announce the vacancy and filing period for the assignment. Applicants are to submit a letter to the Office of the Chief of Police, explaining their interest and any individual qualifications they possess, which pertain to the position. If more than one letter of interest is received, all interested personnel may take part in an oral board process for the specific position. The letters of interest and results from the oral board interviews shall be reviewed by managerial staff and the Chief of Police, who shall ultimately make the final decision and appointment.

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1019.2.4 EXTENDED ABSENCES

The Chief of Police has sole discretion and reserves the right to fill a specialty assignment if an employee is absent from duty or is not capable of returning to full duty status after six months.

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Leave Requests

1020.1 PURPOSE AND SCOPE

It is the purpose of the policy to set up specific guidelines in requesting leave from the Department. It is essential for the Department to have advance knowledge of leaves to ensure adequate staffing and deployment of personnel.

1020.2 PROCEDURE

Executime shall be utilized for all leave requests..

(a) Vacation, Overtime Off, Military Leave, Floating Holiday, and Other

1. Shall be submitted through Executime to the employee's immediate supervisor up to one day prior to the first day requested off.
2. Any requests submitted within 72 hours of the requested date(s) are subject to denial based on staffing considerations and needs.

(b) The supervisor shall notify the employee of approval or denial through the "Manage Time-Off" menu on the "Supervisor Actions" page in Executime.

1. The Executime system will automatically send an email to the employee notifying him/her of the approval or denial of the specific leave request.

(c) Notification of sick leave shall be made, under normal circumstances, at least one hour prior to the scheduled work shift.

1. The employee shall call their immediate supervisor to notify him/her of the intended sick leave. The supervisor receiving the information shall not ask to the nature of the illness, but shall ask if the leave is for personal sick leave, or kin care (care of a spouse, child, parent, registered domestic partner, or child of a registered domestic partner, etc.).
2. In the event the employee's supervisor cannot be immediately reached by phone, the employee shall leave a voicemail on the supervisor's department cell phone, informing him/her of the sick leave. The employee should also follow-up with a text message to their supervisor's cell phone.
3. Once the supervisor notifications are made, the employee shall make the appropriate entries in Executime as soon as practical. The Executime system can be accessed remotely from any computer, phone, or other device that is connected to the internet.
4. It is the employee's responsibility to make all appropriate entries in Executime to reflect all leaves used for each pay period. In the event an employee is incapacitated due to illness or injury and does not return to work prior to the Executime payroll approval deadline, the employee should complete a payroll revision form and submit it to Finance upon his or her return to work.

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1020.3 ENTRY IN EXECUTIME

All leave requests should be submitted through Executime by utilizing the "Time-Off Request" menu on the "Employee Actions" page. All leave requests submitted through Executime should be reviewed by the employee's immediate supervisor in the "Manage Time-Off" menu on the "Supervisor Actions" page. The supervisor should ensure the employee's Executime entry matches that employee's actual time-off taken during that pay period.

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Sick Leave

1021.1 PURPOSE AND SCOPE

This policy provides general guidance regarding the use and processing of sick leave. The accrual and terms of use of sick leave for eligible employees are detailed in the City personnel manual or applicable collective bargaining agreement.

This policy is not intended to cover all types of sick or other leaves. For example, employees may be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (FMLA) (29 USC § 2601 et seq.) and the California Family Rights Act, and leave related to domestic violence, sexual assault, stalking or for organ or bone marrow donor procedures (29 CFR 825; Government Code § 12945.2; Labor Code § 230.1; Labor Code § 1510).

1021.2 EMPLOYEE RESPONSIBILITIES

Sick leave may be used in accordance with each bargaining units Memorandum of Understanding.

Sick leave is not considered vacation, and abuse of sick leave may result in discipline and/or denial of sick-leave benefits. Employees on sick leave shall not engage in other employment or self-employment, or participate in any sport, hobby, recreational or other activity which may impede recovery from the injury or illness.

1021.2.1 NOTIFICATION

Employees shall notify their immediate supervisor or other appropriate supervisor in their chain of command as soon as they are aware that they will not be able to report to work. At a minimum, employees should make such notification no less than one hour before the start of their scheduled shift. If an employee is unable to contact the supervisor in the case of an emergency, every effort should be made to have a representative contact the supervisor.

When the necessity for leave is foreseeable, such as an expected birth or planned medical treatment, the employee shall, whenever possible, provide the Department with no less than 30-days notice of the intent to take leave.

Once supervisor notifications are made, the employee shall make the appropriate entries in Executime as soon as practical. The Executime system can be accessed remotely from any computer, phone, or other device that is connected to the internet.

1021.3 EXTENDED ILLNESS

Employees absent from duty due to personal illness in excess of three consecutive days may be required to furnish a statement from their health care provider supporting the use of sick leave and/or the ability to return to work.

Nothing in this section precludes a supervisor, with cause, from requiring a physician's statement.

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1021.4 SUPERVISOR RESPONSIBILITY

Supervisors should monitor sick leave usage and regularly review the attendance of employees under their command to ensure that the use of sick leave is consistent with this policy. Supervisors should address sick-leave use in the employee's performance evaluation when it has negatively affected the employee's performance or ability to complete assigned duties, and when unusual amounts of sick leave by the employee has had a negative impact on department operations. When appropriate, supervisors should counsel employees regarding the excessive use of sick leave and should consider referring the employee to the Employee Assistance Program.

1021.5 REQUIRED NOTICES

The Personnel Manager shall ensure:

(a) Written notice of the amount of paid sick leave available is provided to employees as provided in Labor Code § 246.

(b) A poster is displayed in a conspicuous place for employees to review that contains information on paid sick leave as provided in Labor Code § 247.

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Meal Periods and Breaks

1022.1 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.

1022.1.1 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 Dispatch Center prior to taking a meal period. Uniformed officers shall take their breaks within, or reasonably close proximity to, the City limits unless on assignment outside of the City.

The time spent for the meal period shall not exceed the authorized time allowed.

1022.1.2 15 MINUTE BREAKS

Each employee is entitled to a 15 minute break, near the midpoint, for each four-hour work period. Only one 15 minute break shall be taken during each four hours of duty. No breaks shall be taken during the first or last hour of an employee's shift unless approved by a supervisor.

Employees normally assigned to the police facility shall remain in the police facility for their breaks. This would not prohibit them from taking a break outside the facility if on official business.

Field officers will take their breaks in the City limits, subject to call and shall monitor their radios. When field officers take their breaks away from their vehicles, they shall do so only with the knowledge and clearance of the Dispatch Center.

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Lactation Break Policy

1023.1 PURPOSE AND SCOPE

The purpose of this policy is to provide reasonable accommodations to employees desiring to express breast milk for the employee's infant child (Labor Code § 1034).

1023.2 POLICY

It is the policy of this department to provide, in compliance with the Fair Labor Standards Act, reasonable break time and appropriate facilities to accommodate any employee desiring to express breast milk for her nursing infant child (29 USC § 207; Labor Code § 1030).

1023.3 LACTATION BREAK TIME

A rest period should be permitted each time the employee has the need to express breast milk (29 USC § 207; Labor Code § 1030). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time. Such breaks, if feasible, should be taken at the same time as the employee's regularly scheduled rest or meal periods.

While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled and paid break time will be unpaid (Labor Code § 1030).

Employees desiring to take a lactation break shall notify dispatch or a supervisor prior to taking such a break. Such breaks may be reasonably delayed if they would seriously disrupt department operations (Labor Code § 1032).

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

1023.4 PRIVATE LOCATION

The department will make reasonable efforts to accommodate employees with the use of an appropriate room or other location to express milk in private. Such room or place should be in close proximity to the employee's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view and free from intrusion from co-workers and the public (29 USC § 207; Labor Code § 1031).

Employees occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. All other employees should avoid interrupting an employee during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for employees assigned to the field may be taken at the nearest appropriate private area.

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1023.5 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.

1023.5.1 STATE REQUIREMENTS

Employees have the right to request lactation accommodations. If a break time or location accommodation cannot be provided, the supervisor shall provide the member with a written response regarding the reasons for the determination (Labor Code § 1034).

Lactation rooms or other locations should comply with the prescribed feature and access requirements of Labor Code § 1031.

Employees who believe that their rights have been violated under this policy or have been the subject of discrimination or retaliation for exercising or attempting to exercise their rights under this policy, are encouraged to follow the chain of command in reporting a violation, but may also file a complaint directly with the Labor Commissioner (Labor Code § 1033).

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Payroll Record Procedures

1024.1 PURPOSE AND SCOPE

Payroll records are submitted through Executime workforce management software on a bi-weekly basis for the payment of wages.

1024.1.1 RESPONSIBILITY FOR COMPLETION OF PAYROLL RECORDS

Employees are responsible for the accurate and timely submission of payroll records for the payment of wages.

1024.1.2 TIME REQUIREMENTS

All employees are paid on a bi-weekly basis usually on Friday with certain exceptions such as holidays. Payroll entries should be submitted in Executime no later than 12:00 p.m. every non-payday Friday, unless specified otherwise.

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Overtime Compensation Requests

1025.1 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 overtime hours in Executime immediately at the conclusion of the overtime worked.

1025.1.1 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.

The individual employee may request compensatory time in lieu of receiving overtime payment, however, the employee may not exceed 80 hours of compensatory time.

1025.2 REQUEST FOR OVERTIME COMPENSATION

Employees shall contact in person or by phone their immediate supervisors for verification and approval of all overtime requests. In the event an employee's immediate supervisor is unavailable, the employee shall seek the approval of another supervisor or manager in their chain of command. All overtime requests should be entered into Executime immediately at the conclusion of the overtime worked (these entries are time stamped and should serve as verification of the actual overtime hours worked).

Failure to submit a request for overtime compensation accurately and in a timely manner through Executime may result in the denial of that overtime request.

1025.2.1 EMPLOYEES RESPONSIBILITY

Employees shall complete their overtime requests in Executime immediately after working the overtime. Employees requesting on-call pay when off duty shall make their entries in Executime in conjunction with payroll review/approval. All employees shall include the appropriate "Overtime Tracking Code" in their Executime entries. For employees working court overtime, added to the "Comments" section of these Executime entries shall be the following information:

(a) File or citation number

(b) Defendant's name

(c) Testified time or time of call-off

(d) Location of court appearance

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For employees working regular (non-court) overtime, added to the "Comments" section of the Executime entries shall be the following information:

(a) Name of the supervisor who authorized the overtime

(b) Any specific case number(s) or type of special assignment worked

1025.2.2 SUPERVISORS RESPONSIBILITY
The supervisor who verifies the overtime earned shall verify that the overtime was worked before approving the request. Supervisors should compare all overtime requests in Executime with the time the entry was made to ensure accuracy and completeness of payroll submissions.

1025.3 ACCOUNTING FOR OVERTIME WORKED
Employees are to record the actual time worked in an overtime status in addition to the amount of hours to be paid. In some cases, the Memorandum of Understanding provides that a minimum number of hours will be paid, (e.g., Court Appearance, Call Back, etc.).

1025.3.1 ACCOUNTING FOR PORTIONS OF AN HOUR
When accounting for less than a full hour, time worked shall be rounded up to the nearest quarter of an hour as indicated by the following chart:

TIME WORKED	INDICATE ON CARD
1 to 15 minutes	.25
16 to 30 minutes	.50
31 to 45 minutes	.75
46 to 60 minutes	1 hour

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Outside Employment

1026.1 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.

1026.1.1 DEFINITIONS

Outside Employment - Any member of this department who receives wages, compensation or other consideration of value from another employer, organization or individual not affiliated directly with this department for services, product(s) or benefits rendered. For purposes of this section, the definition of outside employment includes those employees who are self-employed and not affiliated directly with this department for services, product(s) or benefits rendered.

1026.2 OBTAINING APPROVAL

No member of this department may engage in any outside employment without first obtaining prior written approval of the Chief of Police. Failure to obtain prior written approval for outside employment or engaging in outside employment prohibited by this policy may lead to disciplinary action.

In order to obtain approval for outside employment, the employee must complete a memorandum submitted to the employee's immediate supervisor. The memorandum will then be forwarded through channels to the Chief of Police for consideration.

Any employee seeking approval of outside employment, whose request has been denied, shall be provided with a written reason for the denial of the request at the time of the denial (Penal Code § 70(e)(3)).

1026.2.1 APPEAL OF DENIAL OF OUTSIDE EMPLOYMENT

If an employee’s Outside Employment request 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.

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).

1026.2.2 REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT

Any outside employment approval 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. That revocation will stand until the employee's

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performance has been reestablished at a satisfactory level and his/her supervisor recommends reinstatement of the outside employment permit

(b) Suspension or revocation of previously approved outside employment may be included as a term or condition of sustained discipline

(c) If, at any time during the term of approved outside employment, an employee's conduct or outside employment conflicts with the provisions of department policy, the approval 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 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

1026.3 PROHIBITED OUTSIDE EMPLOYMENT

Consistent with the provisions of Government Code § 1126, the Department expressly reserves the right to deny any Outside Employment request submitted by an employee seeking to engage in any activity which:

(a) Involves the employee's use of departmental time, facilities, equipment or supplies, the use of the Department badge, uniform, prestige or influence for private gain or advantage

(b) Involves the employee's receipt or acceptance of any money or other consideration from anyone other than this department for the performance of an act which the employee, if not performing such act, would be required or expected to render in the regular course or hours of employment or as a part of the employee's duties as a member of this department

(c) Involves the performance of an act in other than the employee's capacity as a member of this department that may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other employee of this department

(d) Involves time demands that would render performance of the employee's duties for this department less efficient

1026.3.1 OUTSIDE SECURITY EMPLOYMENT

Consistent with the provisions of Penal Code § 70, and because it would further create a potential conflict of interest, no member of this department may engage in any outside or secondary employment as a private security guard, private investigator or other similar private security position.

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1026.4 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.

1026.4.1 REVIEW OF FINANCIAL RECORDS

Employees approved for outside employment expressly agree that their personal financial records may be requested and reviewed/audited for potential conflict of interest (Government Code § 3308; Government Code § 1126). Prior to providing written approval for an outside employment position, the Department may request that an employee provide his/her personal financial records for review/audit in order to determine whether a conflict of interest exists. Failure of the employee to provide the requested personal financial records could result in denial of the off-duty work permit. If, after approving a request for an outside employment position, the Department becomes concerned that a conflict of interest exists based on a financial reason, the Department may request that the employee provide his/her personal financial records for review/audit. If the employee elects not to provide the requested records, his/her off-duty work permit may be revoked pursuant to the Revocation/Suspension of Outside Employment section of this policy.

1026.5 CHANGES IN OUTSIDE EMPLOYMENT STATUS

If an employee terminates his or her outside employment, the employee shall promptly submit written notification of such termination to the Chief of Police through channels. Any subsequent request for renewal or continued outside employment must thereafter be processed and approved through normal procedures set forth in this policy.

Employees shall also promptly submit in writing to the Chief of Police any material changes in outside employment including any change in the number of hours, type of duties, or demands of any approved outside employment. Employees who are uncertain whether a change in outside employment is material are advised to report the change.

1026.6 OUTSIDE EMPLOYMENT WHILE ON DISABILITY

Department members engaged in outside employment who are placed on disability leave or modified/light-duty shall inform their immediate supervisor in writing within five days whether or not they intend to continue to engage in such outside employment while on such leave or light-duty status. The immediate supervisor shall review the duties of the outside employment along with any related doctor's orders, and make a recommendation to the Chief of Police whether such outside employment should continue.

In the event the Chief of Police determines that the outside employment should be discontinued or if the employee fails to promptly notify his/her supervisor of his/her intentions regarding their outside work, a notice of revocation of the member's permission will be forwarded to the involved employee.

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Criteria for revoking permission for outside employment include, but are not limited to, the following:

(a) The outside employment is medically detrimental to the total recovery of the disabled member, as indicated by the City's professional medical advisors.

(b) The outside employment performed requires the same or similar physical ability, as would be required of an on-duty member.

(c) The employee’s failure to make timely notice of their intentions to their supervisor.

When the disabled member returns to full duty with the Antioch Police Department, a request (in writing) may be made to the Chief of Police to resume outside employment.

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Personal Involvements

1027.1 PURPOSE AND SCOPE

This policy is intended to provide employees with certain guidelines, which relate to their off-duty activities that are necessary in order for them to maintain their professional reputation as well as that of the department.

1027.2 POLICY

It is the policy of this department that all employees shall not involve themselves in subversive organizations, non-violent neighborhood or personal disputes.

1027.3 ORGANIZATIONS

No employee will be permitted to maintain membership in, or close association with, any organization which has been declared subversive by any competent agency of the Government of the United States or of the Government of the State of California.

1027.4 NEIGHBORHOOD QUARRELS OR OTHER DISPUTES

Officers shall not intercede in non-violent neighborhood quarrels or other disputes when off duty. Rather, such disputes should be handled by on-duty officers of the appropriate jurisdiction.

If an incident or neighborhood dispute occurs which requires emergency action, the employee shall take necessary action to stabilize the situation and then make the proper notifications, providing all pertinent information.

1027.5 PERSONAL RELATIONSHIP INCIDENTS - ON OR OFF DUTY

Occasionally, officers and other employees will participate in incidents or investigations because of their relationship (family or friend) with one or more persons involved in the situation. In order to protect the employee and department from being placed in a stressful or anxious position, and to preserve the integrity of an investigation which may develop, the following protocol shall be followed:

(a) Whenever an employee becomes involved in an incident which may result in official departmental and/or City action, and the employee has a personal relationship with any of the involved parties, the employee shall inform his/her supervisor as soon as possible. If the immediate supervisor is not available, notification shall be made to the on-duty patrol supervisor. This shall occur whether the employee is either on or off duty. The supervisor shall ensure the incident is handled or investigated by another officer/employee. The involved employee shall be considered as a witness, reporting party, or participant.

(b) If an incident occurs where an employee may have pertinent information, or knows the participant(s), but is not directly involved with the situation, the employee shall provide this information to the investigating officer as soon as possible.

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(c) Other than taking immediate action to stabilize the situation, no employee shall conduct an independent investigation or take independent action in any personal relationship incident without the approval of the supervisor who is directly responsible for the assignment. If the supervisor is not available, the manager in charge of the assignment shall be contacted. If neither party is available, the watch commander shall be apprised and will be responsible for decision making regarding the incident.

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Personal Data/Mail

1028.1 PURPOSE AND SCOPE

To ensure the department is provided with current information regarding all employees , which is necessary for efficient operation.

1028.2 POLICY

It is the policy of this Department that all employees shall keep the Department apprised of any changes in personal data contained in the below procedure. Furthermore, no employee shall utilize the address of the Police Department for any purpose not related to their employment.

1028.3 PROCEDURE

All employees shall maintain a functional telephone where they can be contacted and/or receive messages.

Employees shall report any change of telephone number or residential address, in writing, to the Office of the Chief of Police within 24 hours.

Employees shall report all changes in their marital status and birth or death of dependants to the Office of the Chief of Police as soon as possible.

Employees, whose duties include driving a Departmental vehicle, shall possess a valid California Driver's License which shall be carried with them while on duty. Additionally, those employees shall maintain automobile insurance as required by law.

Employees shall not use the Police Department's address as their mailing address for receiving personal correspondence.

Employees shall not use the Police Department's address on any Department of Motor Vehicle's documents, including, but not limited to, driver's licenses and vehicle registrations, except when completing documents required during an application for confidentiality of the employee's DMV information (CVC 1808.4).

Personal driver's licenses and vehicle registration documents shall not in any fashion identify the employee as a member of the Antioch Police Department without prior approval and completion of the appropriate DMV form(s).

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Smoking and Tobacco Use

1029.1 PURPOSE AND SCOPE

This policy establishes limitations on smoking and the use of tobacco products by members and others while on-duty or while in Antioch 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.

1029.2 POLICY

The Antioch Police Department recognizes that tobacco use is a health risk and can be offensive to others.

Smoking and tobacco use also presents an unprofessional image for the Department and its members. Therefore smoking and tobacco use is prohibited by members and visitors in all department facilities, buildings and vehicles, and as is further outlined in this policy (Government Code § 7597; Labor Code § 6404.5).

1029.3 SMOKING AND TOBACCO USE

Smoking and tobacco use by members is prohibited anytime members are in public view representing the Antioch 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.

1029.4 ADDITIONAL PROHIBITIONS

No person shall use tobacco products within 20 feet of a main entrance, exit or operable window of any public building (including any department facility), or buildings on the campuses of the University of California, California State University and California community colleges, whether present for training, enforcement or any other purpose (Government Code § 7596 et seq.).

1029.4.1 NOTICE

The Chief of Police or the authorized designee should ensure that proper signage is posted at each entrance to the Department facility (Labor Code § 6404.5).

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Retiree Concealed Firearms

1030.1 PURPOSE AND SCOPE

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

1030.2 POLICY

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

1030.3 LEOSA

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

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

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

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

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

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

1030.3.1 LEOSA IDENTIFICATION CARD FORMAT

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

If the Antioch 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.

1030.3.2 AUTHORIZATION

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

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

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

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

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

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

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

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

1030.4 CALIFORNIA IDENTIFICATION CARD ISSUANCE

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

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

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

1030.4.1 CALIFORNIA IDENTIFICATION CARD FORMAT

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

(a) A photograph of the retiree.

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

(c) The date of retirement.

(d) The name and address of this department.

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

1030.4.2 QUALIFIED RETIREES FROM INCORPORATED JURISDICTION

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

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

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

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

1030.4.3 QUALIFIED RETIRED RESERVES
Qualified retired reserve officers who meet the department requirements shall be provided an identification card with a CCW Approved endorsement (Penal Code § 26300).

1030.5 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.

1030.5.1 RESPONSIBILITIES UNDER LEOSA
In order to obtain or retain a LEOSA identification card, the former officer shall:

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

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

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

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

1030.5.2 MAINTAINING A CALIFORNIA IDENTIFICATION CARD CCW ENDORSEMENT
In order to maintain a CCW Approved endorsement on an identification card issued under California law, the retired officer shall (Penal Code § 26305):

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

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

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

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

1030.6 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

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

1030.7 DENIAL, SUSPENSION OR REVOCATION OF A CALIFORNIA CCW ENDORSEMENT CARD

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

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

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

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

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

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

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

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

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

1030.8 FIREARM QUALIFICATIONS

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

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Attachments

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PROTOCOL MANUAL (2014-2015 VERSION).pdf

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THE POLICE CHIEFS' ASSOCIATION

CONTRA COSTA COUNTY, CALIFORNIA

PROTOCOL FOR

LAW ENFORCEMENT INVOLVED FATAL INCIDENTS

2014

Dedication

The Contra Costa County Police Chiefs' Association dedicates this manual to the memory of Contra Costa County Deputy District Attorney Robert Hole who passed away in August of 2012. For over 30 years, Bob held the unique position of "investigative prosecutor" (a term he coined, and which aptly fit).

In the early 1980's Bob recognized that one of the most important functions for the county's law enforcement agencies was the investigation of Officer-Involved Shootings, and other law enforcement actions which resulted in death or serious injuries to either officers or civilians. Working in conjunction with the Police Chiefs Association, Bob was instrumental in establishing a county-wide policy to investigate these cases which to this day are known as "Protocols." For the next three decades, Bob directed hundreds of such investigations at all hours of the day and night, in all parts of the county, and in all types of weather. He was a meticulous taskmaster, and he ensured that every possible investigative avenue was explored.

Every year there is an average of 20 or so "Protocols," the majority of which are Officer-Involved shootings. Bob was always the first to respond to protocol investigations, and he was always the last to leave. Bob literally "Wrote the Book" on the investigation of such cases, and he had more experience in this unique area than virtually any other person in the entire state. Bob's mentoring of law enforcement on probes of this nature will ensure that our county will benefit for decades to come.

Bob's systems approach to such investigations proved to be extremely effective and it ensures that many of the county's most sensitive cases are thoroughly investigated by very experienced investigators working with a deputy district attorney. The "Protocol" concept has since been copied nationwide.

Bob also taught classes on Search Warrants, Search and Seizure, and on Officer-Involved Shooting investigations. Thousands of investigators, officers, and deputies attended his courses. Literally hundreds of investigators throughout California had Bob's cell phone number, and he made it clear that he was available to offer advice at any hour of the day or night, and he did so on hundreds of occasions.

Bob was cantankerous, opinionated, and never at a loss for words. With Bob you always knew where you stood, and he was never afraid to ask the tough questions, or point out the deficiencies in the investigative efforts. Bob was the ultimate mentor who was totally committed to his profession, and his personal quest for justice. His contributions to the county cannot be overstated.

Paul Mulligan
District Attorney's Office
Chief of Inspectors

TABLE OF CONTENTS

Ref # Reference Numbers (**Ref #**s) will help readers locate specific Protocol provisions. They are cited in the Table of Contents (below) and are also used within many of the Protocol's provisions for cross-referencing purposes. They are not used for the content of the six ***Attachments***.

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HISTORY OF THE PROTOCOL

Ref 1

In the 1970's and early 1980's, the number of law enforcement related civilian fatalities increased around the country and in Contra Costa County during arrests, vehicle pursuits, and other types of law enforcement activity. At the same time, more law enforcement officers were killed while on duty as the result of both attacks on them, and as the result of auto accidents. Not only were the numbers of civilian and officer fatalities rising; but the incidents drew greater scrutiny from both inside and outside of law enforcement. The impact of such incidents was widespread, both in terms of legal and societal consequences. As a result, the investigation of such cases became considerably more complicated, and challenging.

In early 1982 the members of the Contra Costa County Police Chiefs' Association recognized these trends, and collectively concluded that the interests of everyone would best be served by a standardized system to investigate law enforcement involved fatal incidents throughout Contra Costa County. The members wanted a fair and thorough investigative process which would promptly gather all the relevant facts of each incident while simultaneously recognizing the legal rights and responsibilities of the involved individuals and agencies. In addition, for the first time the process was designed to address the emotional needs of those involved.

It was very important to the Chiefs that these investigations were viewed as being highly credible and impartial. From the beginning, the Chiefs favored using a multi-agency system for the Criminal Investigation of such incidents and they soon decided that all agencies investigating each fatal incident would have equal standing and authority within the investigative process. They believed this would produce the best and most credible investigative product, would maximize the use of investigative resources and skills, and would provide the impartiality that was critical to the integrity of the process.

To establish the new investigative system, a collaborative effort by officials representing all the County's law enforcement agencies began in 1982. The first step was a lengthy and intense meeting with the county's chiefs which helped identify and define many of the issues and expectations for the new system. In the beginning of the process, there was often heated debate among the chiefs on various issues and approaches, as many held very strong opinions as to how the Protocol process should work.

The first draft of the proposed new Protocol was then distributed countywide to be reviewed by a wide variety of personnel in various ranks and assignments in all the County's law enforcement agencies. These reviews resulted in many suggestions, criticisms, and comments. At a subsequent Chiefs' meeting the collective input was considered, after which the second draft was created and again distributed to all agencies. This evolutionary process continued through several more drafts, ending two years after it began when the ninth draft was unanimously approved and implemented in March of 1984. That document, which became commonly known as "The Protocol," was formally titled the "Officer-Involved Fatal Incident Protocol."

That first version of the Protocol contained some revolutionary provisions which drew

skepticism from outsiders. One was the broad range of fatal incidents to which the Protocol process applied, and another was the clear delineation of the three investigative formats. The most radical was the provision that an *ad hoc* multi-agency task force would conduct the Criminal Investigation of each incident, and that all involved agencies would have equal standing in the management of the investigations. The past three decades, and hundreds of investigations later, have shown the skeptics were wrong; those provisions (among others) are the principal reasons for the Protocol's well-acknowledged and lasting success.

The original 1984 Protocol edition was superseded in November 1989 and March 1991 by two slightly revised editions which contained a few substantive changes that clarified and strengthened previous editions. The Protocol's title remained unchanged.

This 2007 version was created through the same collaborative and evolutionary process that was used to create the original Protocol. It contained significant changes, and included a number of enhancements to various previous provisions to clarify, strengthen and build upon the 1984 Protocol's solid and enduring foundation. That version was formatted and reorganized to make its content more accessible and readable. The Table of Contents had considerably more detail (its Section D also serves as a substitute for an Index) and it referred readers to both a page number and a Reference Number (abbreviated "**Ref**") indicating where each topic can be located. For cross-referencing purposes, Reference Numbers were added throughout the Protocol's text to guide readers to other relevant provisions. The Protocol's title has been changed from "Officer-Involved Fatal Incident Protocol" to "Law Enforcement Involved Fatal Incident Protocol" because:

1. not all peace officers are referred to as "officers"

2. the Protocol also applies to non-sworn employees of law enforcement agencies in some situations

3. some fatalities occur in connection with law enforcement activities and operations rather than from the conduct of any specific law enforcement individual(s).

Substantively, the fourth edition of the Protocol:

1. extended the application of the Protocol to a broader range of law enforcement involved fatalities, and provided for investigative participation by out-of-county law enforcement agencies.
2. created investigative manpower resource pools of Crime Scene Investigators (CSIs), Vehicle Collision Investigators, and Protocol Investigators.
3. enhanced the structure of the Protocol's multi-agency criminal investigative system
4. contained six very useful Attachments:
    - an expanded *Patrol Supervisors' LEIF Checklist for Shootings and Generic Incidents*
    - a *Patrol Supervisors' LEIF Checklist for Fatal Vehicle Collisions*

- a *Supervisors' LEIF Checklist for Custodial Institutional Deaths*
- a *CSI Checklist - Before The Crime Lab Arrives*
- an *Autopsy Evidence Collection Checklist*
- a Sheriff/Coroner's Office document entitled *Death Investigation Roles of the Coroner and Law Enforcement Agencies*

Very significantly, the fundamental elements of the original Protocol were retained, and some were enhanced, through the revisions. Among them:

1. the need for high quality investigations
2. the establishment of three investigative formats (Criminal, Administrative and Civil Litigation), each having its own specified goals and investigative procedural rules and each its own staffing;
3. the recognition and explanation of the rights and authorities of the Criminal and Administrative formats and of the law enforcement personnel with whom they have investigative contact;
4. the designation of the Sheriff's Crime Lab to process, collect, document and examine physical evidence; and
5. the use of public Coroner's Inquests following fatal incidents to inform the public, the media, and the decedent's family of the facts of each incident.

Since 1984, approximately 350 cases have been investigated under the Protocol format. While the majority of those cases involved fatalities and were therefore investigated under the Protocol's mandatory invocation provision, a significant number of investigations were performed under a provision that allows agencies to request that a Protocol investigation be initiated on a variety of non-fatal law enforcement involved incidents - even in some incidents where no injuries at all were involved.

Deputy District Attorney Bob Hole was the author of the original 1984 Protocol, the revised versions in 1989 and 1991, and the 2005-2007 fourth edition. Five members of the Police Chiefs' Association constituted a Protocol Revision Committee that collaborated with Bob Hole on the fourth edition. Those members were then **Chief Ron Ace** of Concord (who was also the Chairman of the Chiefs' Association until his retirement from the Concord Police Department in May 2005); then **Chief Dave Cutaia** of Martinez (Chairman of the Chief's Association from May 2005 to May 2006); then **District Attorney Robert Kochly**; then **Chief Doug Krathwohl** of San Pablo; and then **Sheriff Warren Rupf**. Gratitude is extended to Lana Fisher of the Information Technology Office of the City of Concord who formatted the Protocol's fourth edition, and to Debbie Peña, Executive Secretary to then Concord Police Chief David Livingston, who did the proofreading.

In adopting the 2007 edition, the Chiefs' Association recognized and expressed its appreciation to the members of the 1984 Chiefs' Association, all of whom were responsible for the creation of this very successful system. The "1984 Chiefs" created a model with high standards, and they provided clear guidelines as to when the process should be initiated by an agency. Some set aside personal or institutional egos and territorialism for the ultimate benefit of everyone. They had the foresight to create and adopt Protocol provisions which

would still be valid and in use more than three decades later, and would still be fully supported by the county's law enforcement executives. The beneficiaries of their efforts have been the residents and the law enforcement personnel and agencies of Contra Costa County, and many other jurisdictions inside and outside of California which adopted various forms of the Protocol format.

In August of 2014, the manual was revised. The key addition was the adoption of a policy by the Police Chiefs' Association concerning when an officer involved in a critical incident was allowed to view a recording of the event. The chiefs also formally recognized Deputy District Attorney Robert Hole's by dedicating the manual to him.

MEMBERS OF THE CONTRA COSTA COUNTY POLICE CHIEFS' ASSOCIATION

Ref 2

The substantive changes in this fifth edition of the Protocol manual were approved by the members of the Chiefs' Association in August of 2014. The years "2005" and "2007" following the Chiefs' names below indicate when the various Chiefs approved the fourth edition of the Protocol. The year "1984" identifies the "founding father" Chiefs who were responsible for the creation and implementation of the first Protocol.

Antioch Police Department

Chief Allan Cantando 2014
Chief Jim Hyde 2007
Chief Mark Moczulski 2005
Chief Len Herendeen 1984

Bay Area Rapid Transit District Police Department

Chief Kenton Rainey 2014
Chief Gary Gee 2005, 2007
Chief Harold Taylor 1984

Brentwood Police Department

Chief Mark Evenson 2007 and 2014
Chief Mike Davies 2005
Chief James Frank 1984

California Highway Patrol, Contra Costa (Martinez) Office

Captain Chris Costigan 2014
Captain Jim Cahoon 2005, 2007
Captain Ron Oliver 1984

Clayton Police Department

Chief Chris Thorsen 2014
Chief Dan Lawrence 2007
Chief Gary Knox 1984

Concord Police Department

Chief Guy Swanger 2014
Chief David Livingston 2005, 2007
Chief George Straka 1984

Contra Costa Community College District Police Services

Chief Charles Gibson 2007, 2014
Chief Joseph McKeown 1984

Contra Costa County District Attorney

District Attorney Mark A. Peterson 2014
District Attorney Robert Kochly 2005, 2007
District Attorney William A. O'Malley 1984

Contra Costa County Sheriff

Sheriff David Livingston 2014
Sheriff Warren Rupf 2005, 2007
Sheriff Richard Rainey 1984

East Bay Regional Park District Department of Public Safety

Chief Tim Anderson 2005, 2007, 2014
Chief Larry Olson 1984

El Cerrito Police Department

Chief Sylvia Moir 2014
Chief Scott Kirkland 2005, 2007
Chief Patrick Reeve 1984

Hercules Police Department

Chief Bill Goswick 2014
Chief Fred Deltorchio 2005, 2007
Chief Russell Quinn 1984

Kensington Police Department

Chief Greg Harman 2014
Interim Chief Brown Taylor 2007
Chief Barry Garfield 2005
Chief Jack Christian 1984

Martinez Police Department

Interim Chief Eric Ghisletta 2014
Chief Dave Cutaia 2005, 2007
Chief Jack Garner 1984

Moraga Police Department

Chief Robert Priebe 2014

Chief Mark Ruppenthal 2005, 2007
Chief Larry Olson 1984

Pinole Police Department

Chief Neil Gang 2014
Chief Jim Rose 2005, 2007
Chief Theodore Barnes 1984

Pittsburg Police Department

Chief Brian Addington 2014
Chief Aaron Baker 2005, 2007
Chief Leonard Castiglioni 1984

Pleasant Hill Police Department

Chief John Moore 2014
Chief Peter Dunbar 2007
Acting Chief John Moore 2005
Chief James Nunes 1984

Richmond Police Department

Chief Chris Magnus 2007, 2014
Acting Chief Terry Hudson 2005
Chief Earnest Clements 1984

San Pablo Police Department

Chief Lisa Rosales 2014
Chief Joseph P. Aita 2007
Chief Douglas Krathwohl 2005
Chief David Sylstra 1984

San Ramon Police Department

(This department began operations on July 1, 2007)
Chief Joe Gorton 2014
Chief Scott Holder 2007

Walnut Creek Police Department

Chief Thomas Chaplin 2014
Chief Tom Soberanes 2005, 2007
Chief Karel Swanson 1984

A. PROLOGUE

Ref 3

Fatal incidents involving law enforcement personnel and law enforcement operations place extraordinary demands upon law enforcement agencies and their personnel. In addition to the knowledge, skill and resources required to investigate civilian homicide cases, Law Enforcement-Involved Fatal (LEIF) incidents present unique and often difficult

complexities and challenges.

Many LEIF cases attract considerable attention and scrutiny from family members, segments of the public, the news media, and from various civilian and governmental organizations, institutions and agencies. Occasionally, such incidents will spark riots or other disturbances resulting in significant injuries or deaths to civilians or law enforcement, looting, and extensive property damage.

The right of the public to know what occurred often requires a meticulous balancing of such rights against investigative necessities, and also a consideration of the privacy rights of the individuals involved in such cases.

Often, some members of the public are skeptical or distrustful of the ability of Law Enforcement Agencies (LEAs) to investigate incidents involving employees of their own departments. This is one of the key reasons why such investigations must be impartial, and viewed as true “fact finding missions” regardless of where the facts take the inquiries.

Some of our country’s persistent and profound social problems often are significant factors in encounters between law enforcement and civilians. These factors include mental health issues and the availability of treatment; poverty; language difficulties; actual and presumed biases; scarcity of governmental resources; use of intoxicants; the proliferation of deadly weapons, illegal drugs and criminal street gangs; and the increasing propensity of people to resort to violence to address problems.

LEIF incidents may result in negative social, civil, administrative and/or criminal law consequences for law enforcement agencies and officers, but the possibility of such consequences cannot be allowed to inappropriately affect the pursuit of the truth that is the ultimate goal of the investigation of all LEIF incidents.

During the Criminal, Administrative and Civil Litigation investigations of LEIF incidents, the rights and obligations of Law Enforcement Personnel (as the result of statutes, case law and employment agreements) must be reconciled with the law enforcement officers’ personal rights and obligations under the federal and state constitutions, statutes and case law. This can be a significant investigative complication not encountered during law enforcement’s investigations of purely civilian conduct.

Unless resolved in advance, confusion and even conflict can occur among the involved officers and agencies due to a variety of factors including unfamiliarity with the Protocol process; unawareness of the LEIF guidelines and the three separate investigative functions; individual and/or institutional personalities; training; prior experience; and limited resources. Issues involving the management of the investigation can delay and compromise in-progress investigations and may have long-term detrimental effects upon both the instant and future LEIF incidents.

Because these and other demands and complications exist, the Protocol was developed and has been periodically updated by the Contra Costa County Police Chiefs’ Association to serve as a guide for the investigation of law enforcement involved fatal

incidents in Contra Costa County.

B. SUMMARY OF THE PROTOCOL'S MAJOR PROVISIONS

Ref 4

This Protocol applies to incidents within Contra Costa County in which:

1-fatalities of civilians occur "actually or conceivably as a result of" (defined in **REF 8**) conduct of law enforcement personnel, or "actually or conceivably as a result of" law enforcement operations or activities;

2-fatalities of law enforcement personnel which occur "actually or conceivably as a result of" conduct of another person or which occur while on-duty (with some specific exceptions). When incidents fit within any of those categories, use of this Protocol is mandatory. For other incidents involving law enforcement personnel or activities that do not meet the mandatory criteria, involved Member Agencies can optionally invoke the Protocol. Affiliate Protocol Members and Participating *ad hoc* Agencies (i.e. law enforcement agencies which are not members of the Chiefs' Association) may request that Member Agencies invoke the Protocol process for incident(s) which occurred in their respective jurisdiction(s).

Three investigative formats (designated the Criminal Investigation, the Administrative Investigation, and the Civil Litigation Investigation) are defined and differentiated by their goals, staffing and procedural authorities. The latter two investigations are performed by the Employer Law Enforcement Agency, that is, the agency whose operation, activity or employee is involved in the fatality. The Criminal Investigation is performed by an *ad hoc* Multi-Agency Task Force (MATF) (**Ref 157**) staffed by investigators from the (1) Employer Agency, (2) the Venue agency within whose territorial jurisdiction the incident occurred, (3) the District Attorney's Office, (4) the Sheriff's Criminalistics Laboratory, (5) involved out-of county Employer LEAs in the capacity of Affiliate Protocol Members (**Ref 57**) or Participating *ad hoc* Agencies (**Ref 58)**, and (6) other agencies as needed. Within each *ad hoc* MATF, the Venue Agency(ies), Employer Agency(ies) and the District Attorney, and their investigators, have equal investigative authority and standing.

Due to the nature of Criminal Investigation and its possible consequences, it is required to adhere to the most stringent standards for acquiring its investigative products (such as physical evidence, statements and observations). As a result, the Criminal Investigation has investigative priority over the other two formats. The other two formats have full and timely access to the Criminal Investigation's products and are free to investigate for their own purposes as long as it does not conflict with the Criminal Investigation.

The Protocol provides many procedural guidelines for the conduct of the Criminal Investigation and some for the Administrative Investigation.

Law Enforcement Personnel have the right to be represented and/or supported by an attorney or someone else during Protocol investigations. They may choose to provide statements, physical evidence and other relevant material and information to Criminal

Investigators and/or Administrative Investigators consensually, or they may choose to provide such material and information to Administrative Investigators only when compelled to do so under the authority of the *Lybarger/Garrity/Kalkines* cases (**Ref 52**).

After each LEIF, a public Coroner's Inquest will normally be held to present the facts of the incident to the public, the news media, the decedent's family and other interested parties.

C. POLICY

Ref 5

The Chief Executive Officers [1] of the law enforcement agencies of Contra Costa County, acting together as the Contra Costa County Police Chiefs' Association, continue to strongly believe that justice for everyone is best served by ensuring that Law Enforcement Involved Fatal Incidents occurring within Contra Costa County are investigated under the provisions of this Protocol system. It is the policy of the Contra Costa County Police Chiefs' Association, and of its individual Chief Executive Officer members, that such incidents shall be investigated under the provisions of this Protocol with professionalism, objectivity, fairness, thoroughness, compassion, and adherence to legal rights.

While this Protocol represents the understanding and agreement among Member Agencies and Affiliate Protocol Members about how Law Enforcement Involved Fatal Incidents are to be investigated, this Protocol is neither a statute, ordinance nor regulation and it is not intended to increase the civil or criminal liability of Members, Affiliate Protocol Members and Participating *ad hoc* Agencies or their employees, and it shall not be construed as creating any mandatory obligations to, or on behalf of, third parties. Members, Affiliate Protocol Members and Participating *ad hoc* Agencies expect that its provisions will be followed when Protocol incidents occur but it is anticipated that agencies may make minor modifications, which will not affect the Protocol's basic principles, to meet agency requirements.

D. DEFINITIONS AND ABBREVIATIONS

Ref 6

1. **"Actors".** See **"LEA Actors"** at **Ref 48**. **Ref 7**

2. **"Actually or conceivably a factor"** **Ref 8**
   "Actually or conceivably a result"

b

These phrases define the nexus that is required for mandatory Protocol invocation purposes between

- civilian deaths **and** either the conduct of a "Law Enforcement Person" **or** the operations or activities of a Law Enforcement Agency. **REF 69-81**

[1] The term "Chief Executive Officers" refers to the Chiefs of Police of Contra Costa County's various cities, towns, and districts; the elected Sheriff; the elected District Attorney; and the Captain of the California Highway Patrol's Contra Costa Office.

- deaths of anyone from vehicle collisions **and** either the conduct of a "Law Enforcement Person" **or** the operations or activities of a Law Enforcement Agency. **REF 82-93**
- deaths of LEOs **and** the conduct of a person or law enforcement operations or activities. **REF 94-103**
- specified on-duty and off-duty deaths of Non Sworn Personnel **and** the conduct of another person **or** the operations or activities of a Law Enforcement Agency. **REF 104-113**
- Deaths of anyone from the crash or operation of aircraft or watercraft under control of a Law Enforcement Person. **Ref 114**

As used in these phrases, the word "**conceivably**" means "possibly, believably, credibly, plausibly or feasibly" and the word "**factor**" means an "element, fact or circumstance".

3. **"*ad hoc*"**. As used in the Protocol, this Latin term means "for the specific purpose, case, or situation at hand and for no other". In the Protocol it does not have its alternative meaning which is "improvised and often impromptu". **Ref 9**

4. **"Administrative Investigation."** This type of investigation is performed by Employer Agencies for administrative (i.e. non-criminal) purposes. See **Refs 150, 301-315** for specifics. **Ref 10**

5. "**Administrative Investigators".** These investigators are assigned by the Employer LEA(s) to conduct Administrative Investigations. **Ref 11**

6. "**Affiliate Protocol Members"**. These are out-of-county LEAs which have accepted an invitation to participate in Protocol investigations of future LEIF incidents involving those LEAs which occur in Contra Costa County. See **Ref 118** for details. **Ref 12**

7. "**Case Managers Team".** The Criminal Investigation of each Protocol incident is led by an *ad hoc* Case Managers Team composed of one lieutenant level official from each of the MATF agencies involved in the investigation. See details at **Ref 169.** **Ref 13**

8 "**Civil Litigation Investigation"**. This type of investigation is performed by or for LEAs in anticipation of possible civil law suits. See details at **Ref 316***.* **Ref 14**

9. "**Civil Litigation Investigators".** These investigators are employed by, or function on behalf of, involved LEAs for the purpose of conducting Civil Litigation Investigations. **Ref 15**

10. "**Criminal Investigation".** These investigations, performed by MATFs, are conducted to determine whether or not anyone committed a crime during Protocol incidents. See details at **Refs 149**, **154-300**. **Ref 16**

11. "**Criminal Investigators".** These investigators are assigned to the *ad hoc* MATFs by the Venue LEA(s), the Employer LEA(s), involved out-of county LEAs in the capacity of Affiliate Protocol Members or Participating *ad hoc* Agencies, the District Attorney's Office and assisting LEAs, to conduct the Criminal Investigations of each incident. **Ref 17**

12. "**Detention"**. A detention occurs during a person's contact with law enforcement personnel whenever a reasonable and innocent person would believe he/she is not free to either leave or to otherwise disregard the police authority and go about his/her business. Detention is accomplished by exertion of police authority that is less than an arrest but is more substantial than a simple contact or consensual encounter. For further definition, see *The Peace Officers Legal Sourcebook* [2]**,** *Section 2, Search And Seizure, Persons, III. Detentions and Stops, A. Definition and Purpose*. **Ref 18**

13. "**Duty Status"**. See definitons at **Refs 42-46**. **Ref 19**

14. "**Employer Agency"**. This is the LEA by whom the involved Law Enforcement Personnel (Actors and Witnesses) are employed or affiliated. In many cases, the Venue Agency is also the Employer Agency. **Ref 20**

15. "**Fatality"** is synonymous with "death" and means **Ref 21**

    a. death has been pronounced or is obvious beyond doubt, or **Ref 22**

    b. there is probable cause to believe **(Ref 61)** the person will die. **Ref 23**

16. "**Law Enforcement-Involved Fatal Incidents" ("LEIF"s) summarized definition:** This term refers to incidents occurring within Contra Costa County which involve law enforcement operations or personnel in which "fatalities" (**Refs 21-23**) occur to civilians or law enforcement personnel under specified circumstances. A summary of those circumstances follows immediately below; see **Refs 68-115** for details. **Ref 24**

    a. **Fatalities of civilians** which are "actually or conceivably a result of" (**Ref 8**) either : **Ref 25**

        1) conduct of LEOs (either on-duty or off-duty), or of on-duty Non Sworn Personnel, **or** **Ref 26**

        2) law enforcement operations or activities of any type, and specifically including fatalities while under detention, arrest, custody; attempts to detain, control or arrest; and fatalities occuring within 48 hours of a person's release from arrest or custody. See **Ref 79** for an exception. **Ref 27**

[2] This excellent publication, written and regularly updated by the California Attorney General's Office, is distributed to all California law enforcement agencies and is also available for purchase by agencies and individuals. For more information refer to the Attorney General's website: http://ag.ca.gov/publications/index.php#lawenforcement.

b. **Fatalities of LEOs, civilians and on-duty Non Sworn Personnel** which are "actually or conceivably a result of" (**Ref 8**) vehicle collisions which are "actually or conceivably the result of" conduct of LEOs or on-duty Non Sworn Personnel or of law enforcement operations or activities. **Ref 28**

c. **Fatalities of LEOs,** whether **"**on-duty" or "off-duty", and "on-duty" Reserve LEOs, which are "actually or conceivably a result of" (**Ref 8**) conduct of another person or which occur while on-duty or during law enforcment operations or activities (with exceptions listed at **Refs 98-101**). **Ref 29**

d. **Fatalities of Non Sworn Personnel** which occur or are caused while "on-duty" and which are "actually or conceivably as a result of" conduct of any other person, or from other circumstances while on-duty, and during law enforcment operations or activities (with exceptions). **Ref 30**

e. **Fatalities of anyone** caused by the crash or operation of aircraft or water-craft which is under operational control of Law Enforcement Personnel. **Ref 31**

17. "**Law Enforcement Person**" and "**Law Enforcement Personnel**"**.** These terms encompass the people in the categories below. **Ref 32**

a. **"Law Enforcement Officers"** (the plural is **"LEOs"** and the singular is "**LEO"**). These are sworn peace officers including those who work part-time or on per diem, and those on sick, disability or disciplinary leaves or on vacation at the time of their involvement in a Protocol incident. **Ref 33**

Reserve LEOs are in this category when they are "on-duty" (**Refs 102, 112**) but are categorized as "Non Sworn Personnel" when "off-duty". **Ref 34**

b. "**Non Sworn Personnel".** This term refers to non-peace officer LEA personnel and others who are so closely associated with LEAs in other roles that some Protocol incidents involving them warrant application of the Protocol. **Ref 35**

1) Examples of people in this category: **Ref 36**

a) non-peace officer personnel who are employed full time, part time, or temporarily by LEAs, in the following illustrative positions: (1) civilian jailers and other civilian custodial staff such as cooks, teachers, maintenance; (2) medical personnel; (3) security personnel; (4) civilian crime lab, evidence and property room personnel; (5) dispatchers; (6) civilian pilots and crew members of law enforcement owned or operated aircraft or watercraft; (7) civilian technicians, mechanics and fleet staff; (8) civilian managers, analysts and planners; (9) traffic and parking control personnel; (10) non-peace officer Community Service Officers; (11) LEA animal control personnel; (12) clerks, secretaries and receptionists; (13) facility and **Ref 37**

equipment personnel; (14) civilian Public Information Officers; (15) non-peace officer employees of the District Attorney's Office including prosecutors and support staff; (16) non-peace officer staff of the Coroner's Division; (17) non-peace officer trainers and their staff; (18) paid cadets and interns; (19) members of the clergy . This category does not include outside vendors and their employees who are performing work for LEAs or within LEA facilities, or employees of the LEA's parent governmental entity (e.g. town, city, county, state or federal).

b) volunteers performing non-paid service to LEAs under the supervison of a LEA, such as civilians, auxiliary officers, former peace officers or other former LEA employees volunteering their services, Volunteers In Police Service (VIPS), Explorer Scouts, non-paid interns and cadets, and Search and Rescue personnel who are neither sworn peace officers or Reserve LEOs. Also included are people serving as volunteers performing job functions listed in **Ref 37**. **Ref 38**

c) informants. For Protocol purposes, informants are categorized as "Non Sworn Personnel" who are "on-duty" only when they are working under the supervison and control of a LEO. At other times they are "off-duty" and are therefore categorized as civilians. **Ref 39**

d) visitors in LEA facilities and passengers of LEOs or "on-duty" Non Sworn Personnel. **Ref 40**

e) Reserve LEOs are in this category when they are "off-duty" (**Ref 34**) but are classified as LEOs when they are "on-duty". (**Ref 102,112)** **Ref 41**

c. Duty status **Ref 42**

1) "On-duty" for Protocol purposes, includes **Ref 43**

a) the usual and common definitions used in law enforcement for "on-duty", <u>and</u> **Ref 44**

b) occasions when the Law Enforcement Person is actually, purportedly or apparently acting for a law enforcement purpose at the time of the incident, when he/she would otherwise normally be considered to be "off-duty". (See **Ref 39** for a specific provision regarding informants.) **Ref 45**

2) "Off-duty" for Protocol purposes are those times when neither 1-a (**Ref 44**) nor 1-b (**Ref 45**) apply. **Ref 46**

18. **"LEA".** This acronym means "Law Enforcement Agency". **Ref 47**

19. **"LEA Actors".** These are Law Enforcement Personnel whose conduct was "actually or conceivably a factor" (**Ref 8**) in a fatality. **Ref 48**

20. **"LEA Witnesses".** These are Law Enforcement Personnel who have knowledge of the circumstances of a Protocol incident but whose conduct was not "actually or conceivably a factor" (**Ref 8**) in the fatality. **Ref 49**

21. **"LEIF".** This acronym means **"Law Enforcement-Involved Fatal Incident" ("LEIFs"** is the plural). (See **Refs 24-31** for summary definition and **Refs 68-115** for details.) **Ref 50**

22. **"LEO"**and **"LEOs".** These acronyms mean "Law Enforcement Officer" and "Law Enforcement Officers" respectively. **Ref 33** **Ref 51**

23. ***Lybarger*** [3]**/** ***Garrity*** [4]/ ***Kalkines*** [5]. These appellate court cases (hereafter referred to collectively as ***Lybarger***) address and resolve the legal and investigative conflicts that are created when public employees (including Law Enforcement Personnel) invoke their Constitutional rights (such as "taking the 5th" Amendment) during investigations conducted by their public agency employers. The courts recognize that these employers have legitimate and sometimes very urgent need to obtain information from their employees concerning work-related matters, so they allow public agency employers to legally compel their employees to answer employment-related questions by threatening to take significant disciplinary action against them (which usually involves job termination) if they do not comply. In such situations, the cases hold, employees' Constitutional rights are sufficiently respected and protected by court decisions that prohibit compelled evidence of any type from being used in criminal proceedings against the person from whom it was compelled. California law allows employers to discipline employees who refuse to answer when compelled to do so, but only if (1) they have been ordered to answer; and (2) they have been told that the resulting compelled information cannot be used against them in criminal proceedings; and (3) the questions are sufficiently related to employee job performance or fitness for duty. Statements made under administrative compulsion can be used administratively against the employee if the statements are false or incomplete or if they contain admissions of wrongdoing. Further, compelled statements can usually be used against the employee in civil law suits. **Ref 52**

In January 2007, a California Court of Appeal decision (*Spielbauer vs. County of Santa Clara*, 146 Cal. App. 4th 914) ruled that the *Lybarger* procedure does not provide legally sufficient assurance to employees that their administratively compelled incriminating statements will not be used against them in any subsequent criminal case in which they are defendants, and therefore employees who refuse to give such statements cannot be terminated for insubordination. The decision said that, without new legislation, only the grant or offer of formal "use immunity" granted by the courts is legally sufficient. However, that decision was vacated on May 9, 2007 by the California Supreme Court when that Court granted a petition to review the DCA's decision, leaving the *Spielbauer* decision

[3] *Lybarger v. City Of Los Angeles*, 40 C3d 1822 (California Supreme Court, 1985)

[4] *Garrity v. New Jersey*, 385 US 493 (United States Supreme Court, 1967)

[5] *Kalkines v. United States*, 473 F2d 1391 (United States Court of Claims, 1973)

without any legal effect. Thus, the *Lybarger* case remains the controlling authority on this issue until and unless the California Supreme Court and/or the Legislature decide otherwise.

24. **"Major Case Page Numbering System"**. This is the method used in Protocol investigations for numbering the pages of police reports and their attachments. See details at **Ref 299**. **Ref 53**

25. **"MATF".** This acronym refers to the *ad hoc* **Multi Agency Task Forces** which perform the Criminal Investigations of LEIFs. Each MATF is composed of Criminal Investigators from the involved Venue Agency(ies), the Employer Agency(ies), involved out-of county Employer LEAs in the capacity of Affiliate Protocol Members or Participating *ad hoc* Agencies, the District Attorney's Office, and assisting agencies. For incidents involving traffic collisions, the assigned Protocol Collision Investigators are also members of the MATFs. See **Ref 157.** **Ref 54**

26. **"Members", "Affiliates"** and "**Participating *ad hoc*" LEAs"** **Ref 55**

    a. **"Members"**, also referred to as "Member Agencies", are the Law Enforcement Agencies whose chief officers are members of the Contra Costa County Police Chiefs' Association, all of which have chosen to join this Protocol agreement. **Ref 56**

    b. **"Affiliate Protocol Members"** are LEAs which are not Contra Costa LEAs (and whose Chiefs therefore are not "Members" of the Contra Costa County Police Chiefs' Association) which have chosen in advance, upon invitation, to join this Protocol agreement so they will have Employer Agency status in Protocol investigations of future incidents in which those LEAs or their Law Enforcement Personnel are involved. **Ref 118** **Ref 57**

    c. **"Participating a*d hoc* Agencies"** are LEAs which are neither "Members" nor "Affiliate Protocol Members" but, when they or their Law Enforcement Personnel are involved in Protocol incidents in Contra Costa County, they choose at that time upon invitation on a case-by-case basis to participate as Employer Agencies in Protocol investigations of such incidents. **Ref 119** **Ref 58**

27. **"Non Sworn Personnel".** See definition at **Refs 35-41.** **Ref 59**

28. **"Participating *ad hoc* Agencies".** See definition at **Ref 58.** **Ref 60**

29. **"Probable Cause".** The Protocol definition of this standard of proof is the equivalent of that used so commonly in criminal law i.e., the totality of facts and circumstances, of a reasonably trustworthy nature, known to the decision maker, which are sufficient to warrant a person of reasonable caution or prudence to believe whatever point is at issue. This standard is found in Protocol provisions which define "fatality" **(Ref 21-23),** which pertain to murder and non-vehicular manslaughter cases involving "off-duty" Law Enforcement Personnel (**Refs 72, 96, 180**), which apply to certain deaths in custody **(Ref 79)** and to deaths of Law Enforcement Personnel in solo traffic collisions **(Ref 93).** **Ref 61**

30. **"Protocol Case"** and "**Protocol incident".** These terms refer to an incident that is or was investigated, or will be investigated, or should be investigated, under the provisions of this Protocol, whether by mandatory or optional invocation. **Ref 62**

31. **"Protocol Collision Investigators".** These are investigators from law enforcement agencies and from the private sector who are qualified to investigate vehicle collisions (and vehicle movement in non-collision incidents) as members of the MATF investigations of Protocol cases. See **Refs 189-192** for details. **Ref 63**

32. **"Protocol Collision Investigators Group".** This is a manpower pool of pre-selected Protocol Collision Investigators from various Member LEAs who are potentially available to join MATF investigations of Protocol cases involving LEAs other than their own when their assistance is needed by the MATF or by an LEA participating in the MATF investigation. See details at **Refs 193-202.** **Ref 64**

33. **"Protocol CSI Group".** This is a manpower pool of pre-selected Crime Scene Investigators from various Member LEAs who are potentially available to join the MATF investigations of Protocol cases involving LEAs other than their own when their assistance is needed by the Crime Lab. See **Ref 212** for more details. **Ref 65**

34. **"Protocol Investigators' Group".** This is a manpower pool of pre-selected investigators from various Member LEAs who are potentially available to join MATF investigations of Protocol cases which involve LEAs other than their own when their assistance is needed by the MATF or by a LEA participating in the MATF investigation. See **Ref 167** for details. **Ref 66**

35. "**Venue Agency".** The Venue LEA is/are the one(s) within whose geographical jurisdiction the Protocol incident occurs. Only Members of the Contra Costa Police Chiefs' Association can be Venue Agencies. See **Refs 170-179** for Venue Agency Determination In Particular Situations. **Ref 67**

E. "LAW ENFORCEMENT-INVOLVED FATAL INCIDENTS" "(LEIFIs)" - MANDATORY **Ref 68**

Law Enforcement-Involved Fatal incidents (LEIFIs) are "fatalities" (**Refs 21-23**) of civilians and of Law Enforcement Personnel which occur in Contra Costa County under any of the circumstances listed below. Fatalities which met the criteria listed below shall be investigated under this Protocol, i.e. they are **mandatory Protocol cases,** the criteria for which are:

1. **Incidents fatal to civilians** in which (a) the conduct of a "Law Enforcement Person" <u>or</u> (b) the operations or activities of an LEA, is/are "actually or conceivably a factor" **(Ref 8)** in the fatality. **Ref 69**

   a. Conduct of Law Enforcement Personnel: **Ref 70**

      1) LEOs (**Ref 51**) who are either "on-duty" (**Refs 42-45**) or "off-duty" (**Ref 46**). **Ref 71**

a) Special rule for some murder or non-vehicular manslaughter cases: When there is probable cause to believe (**Ref 61**) that a "Law Enforcement Person" (**Ref 32+**) is either a murder or non-vehicular manslaughter victim or suspect, and when it appears that the fatality was not during an "on-duty" **(Refs 42-45)** event for either involved person, the Venue Agency, if it is not also the Employer Agency, has the option, after consultation with the District Attorney's Office, of investigating the incident itself without utilizing the Protocol. Determining the Venue Agency shall be on the same basis as in any civilian homicide case. The same provision is at **Refs 96, 180**. **Ref 72**

2) Reserve LEOs only when "on-duty" (**Ref 34**). **Ref 73**

3) "Non Sworn Personnel" (**Refs 35-41**) only when "on-duty" (**Refs 43-45**). **Ref 74**

b. Law enforcement operations or activities of any type in which a fatality occurs, such as these examples: **Ref 75**

1) during attempts by LEOs, "on-duty" Reserve LEOs or by "on-duty" Non Sworn Personnel to detain, arrest or gain physical control of a person. **Ref 76**

2) while the person is under "detention" (**Ref 18**), arrest or physical control by LEOs, "on-duty" Reserve LEOs or by "on-duty" Non Sworn Personnel. **Ref 77**

3) while the person is in custody including, for example, in the field, in vehicles, sally ports, holding cells, jails, interview rooms, court facilities, or medical facilities. **Ref 78**

a) Exception: Excluded from mandatory Protocol investigations are post-booking deaths of prisoners which occur in jails, hospitals or other facilities while prisoners are under the care of LEA-provided medical personnel for diagnosed diseases or conditions which have been known and monitored and/or treated by the LEA's medical care provider prior to death, but only when the deaths were medically expected and when there is probable cause to believe **(Ref 61)** that custodial suicide, trauma, accident, or use of intoxicants was not involved. **Ref 79**

4) fatalities occurring within 48 hours after the decedent's release from detention, arrest or custody. **Ref 80**

a) Qualification: Such fatalities are mandatory Protocol cases only if any LEA categorized in **Refs 175 to 179** conclude(s), based upon evaluation of the circumstances after law enforcement's awareness of the fatality, that the fatality is "actually or conceivably a result" (**Ref 8**) of something that occurred during the decedent's recently-ended detention, arrest or custody. In each specific case, any or all the LEAs within the listed **Ref 81**

categories may elect to participate in these Protocol investigations.

2. **Vehicle collisions: Incidents fatal to anyone from vehicle collisions** which are "actually or conceivably a result of" **(Ref 8)** collisions of one or more vehicles with something or someone, when (a) the conduct of on-duty or off-duty LEOs, on-duty Reserve LEOs or on-duty Non Sworn Personnel, <u>or</u> (b) the operations or activities of law enforcement, are "actually or conceivably a factor" (**Ref 8**) in the result. For incidents to be within this category it is not necessary that vehicles operated by Law Enforcement Personnel collide with anything or anyone, nor is it necessary for a vehicle pursuit to be involved. Examples of included situations are: **Ref 82**

   a. routine or normal driving **Ref 83**

   b. emergency response driving **Ref 84**

   c. training **Ref 85**

   d. pursuits **Ref 86**

   e. driving with intent to catch up to another vehicle for the purpose of identifying it or its occupants, or for surveillance purposes. **Ref 87**

   f. fatalities which occur very soon after Law Enforcement terminates pursuits before stopping the target vehicles when it appears from the manner of driving and the close time and distance proximity of the collision to law enforcement vehicle(s) that the drivers of the pursued vehicles who directly or indirectly caused the fatalities (including to himself/herself) were still driving in apparent attempt to evade the LEOs or to avoid being stopped or identified. **Ref 88**

   g. fatalities caused by vehicle collisions "actually or conceivably the result of" (**Ref 8**) utilization of law enforcement attempts, techniques or equipment to stop or alter the course of vehicles. Examples include pursuits, stationary or rolling road blocks, check-points, barricades, ramming, precision immobilization technique (PIT maneuver), in-line active vehicle containment, tire deflation devices, etc. **Ref 89**

   h. attempts by Law Enforcement Personnel, with or without use of vehicles driven by them, to slow, redirect or stop vehicles for purposes of traffic control. **Ref 90**

   i. fatalities of passengers of LEOs or of "on-duty" Reserve LEOs or "on-duty" Non Sworn Personnel, such as ride-alongs, victims, witnesses, injured people, stranded motorists, etc. **Ref 91**

   j. fatalities in which law enforcement gunfire directed at a person or at a vehicle is "actually or conceivably a factor" (**Ref 8**) in the collision's occurrence. **Ref 92**

   k. excluded: solo traffic collisions in which driver LEOs, "on-duty" Reserve LEOs **Ref 93**

or “on-duty” Non Sworn Personnel are the decedents and only occupants of the involved vehicles and when there is probable cause to believe **(Ref 61)** that no other people or occupied vehicles were involved in the collisions or in their causation.

3. **Incidents fatal to LEOs** **Ref 94**

a. in which the conduct of another person is “actually or conceivably a factor” (**Ref 8**) in the fatality, whether the victim LEO is “on-duty” or “off-duty” at the time of the incident, and whether or not there was a law enforcement purpose for the conduct of either party. (This category includes the fatality of one LEO caused by another LEO). **Ref 95**

1) Special rule for some murder or non-vehicular manslaughter cases: When there is probable cause to believe (**Ref 61**) that a “Law Enforcement Person” (**Ref 32+**) is either a murder or non-vehicular manslaughter victim or suspect, and when it appears that the fatality was not during an “on-duty” (**Ref 43-45**) event for either involved person, the Venue Agency, if it is not also the Employer Agency, has the option, after consultation with the District Attorney’s Office, of investigating the incident itself without utilizing the Protocol. Determining the Venue Agency shall be on the same basis as in any civilian homicide case. The same provision is at **Refs 72, 180**. **Ref 96**

b. which occur “on-duty”, or when law enforcement operations or activities (including training) are “actually or conceivably a factor” (**Ref 8**) in the result, even when there is no indication that the conduct of another person is “actually or conceivably a factor”. **Ref 97**

1) Exception: LEO fatalities from the causes and circumstances listed below are not mandatory Protocol cases unless criminal conduct (including the LEO’s) is “actually or conceivably a factor” (**Ref 8**) in the fatality: **Ref 98**

a) deaths from apparent natural physiological causes such as heart attacks. **Ref 99**

b) accidental deaths caused by weather and other natural events such as floods, mud or land or rock slides, earthquakes, tornadoes, tsunamis, lightening, high winds, falling trees, etc. **Ref 100**

c) accidental deaths caused by falling, drowning, fire, smoke, hyperthermia (heat stroke), electrocution, exposure to the toxins including those from insects, structure collapse, being struck by falling objects, and animals. **Ref 101**

c. which occur to “on-duty” Reserve LEOs (**Ref 34**) with exceptions listed in **Refs 98-101**. **Ref 102**

d. "off-duty" suicides of LEOs are mandatory Protocol cases only when the conduct of another person is "actually or conceivably a factor" (**Ref 8**) in the death. **Ref 103**

4. **Incidents fatal to Non Sworn Personnel:** **Ref 104**

a. "On-duty" (**Ref 43-45**) when the fatality is "actually or conceivably the result of" (**Ref 8**) the following: **Ref 105**

1) conduct of another person. **Ref 106**

2) other circumstances while "on-duty", or during law enforcement operations or activities, including training. **Ref 107**

a) exception: **"**on-duty" fatalities to Non Sworn Personnel from the causes and circumstances listed below are not mandatory Protocol cases unless criminal conduct is "actually or conceivably a factor" (**Ref 8**) in the fatality: **Ref 108**

1. deaths from apparent natural physiological causes such as heart attacks. **Ref 109**

2. deaths apparently caused by weather and other natural events such as floods, mud or land slides, earthquakes, tsunamis, lightening, tornadoes, falling trees, high winds, etc **Ref 110**

3. accidental fatalities apparently caused by falling, drowning, fire, smoke, electrocution, exposure to toxins, being struck by falling objects, including during search and rescue attempts. **Ref 111**

b. Fatalities of "on-duty" Reserve LEOs are considered to be the same as fatalities of regular LEOs (**Ref 34**). **Ref 112**

c. "Off-duty" fatalities of Non Sworn Personnel are not mandatory Protocol cases. **Ref 113**

5. **Aircraft and watercraft deaths: Incidents fatal to anyone** which are "actually or conceivably a result of" (**Ref 8**) the **crash or operation of an aircraft** (whether in the air or on the ground) <u>or</u> **watercraft**, which at the time of the incident is under the operational control of Law Enforcement Personnel. **Ref 114**

6. See **Chart** entitled **"Duty Status Criteria For Mandatory Protocol Invocation"** on the following page: **Ref 115**

Ref 115

Duty Status Criteria for
Mandatory Protocol Invocation

when "***conduct of a law enforcement employee***" (**Refs 69-74, 82, 95, 105-106**) is the required nexus between a fatality and law enforcement's possible causal relationship to it. This chart is not applicable when the required nexus is "***the operations or activities of a Law Enforcement Agency***" (**Refs 69, 75-81, 82-93, 97-103**).

Actor

the individual whose conduct was "actually or conceivably a factor" (Ref 8) in the fatality

Decedent	Civilian	LEO on duty	LEO off duty	NSP on duty	NSP off duty
Civilian	This is a civilian homicide, not an LEIF	Mandatory	Mandatory but exception	Mandatory	Optional
LEO on duty	Mandatory	Mandatory	Mandatory	Mandatory	Mandatory
LEO off duty	Mandatory but exception	Mandatory	Mandatory but exception	Mandatory	Mandatory but exception
NSP on duty	Mandatory	Mandatory	Mandatory	Mandatory	Mandatory
NSP off duty	Optional	Mandatory	Mandatory but exception	Mandatory	Optional

"LEO" means a Law Enforcement Officer, i.e., a sworn peace officer. **Ref 33.**

"NSP" means Non Sworn Personnel of a Law Enforcement Agency. **Refs 35-41.** Reserve officers are categorized as LEOs when they are "on-duty" but are considered Non Sworn Personnel when "off-duty". See duty definitions below.

"On-duty" means (1) when actually "on-duty", or (2) when acting actually, apparently or purportedly for a law enforcement purpose when otherwise off-duty (**Refs 43-45**). "Off-duty" means at other times (**Ref 46**).

"Mandatory but exception" means these are mandatory Protocol cases except when there is "probable cause" **(Ref 61)** to believe that the LEO or NSP is either the victim or suspect in a murder or non-vehicular manslaughter and when it appears that the fatality was not during an "on-duty" (see definition above) event for either involved party. In such cases the Venue Agency, if it is not also the Employer Agency, has the option, after consultation with the District Attorney's Office, of investigating the Incident itself without utilizing the Protocol. **Refs 72, 96,180.**

F. LEIF INCIDENTS INVOLVING NON-MEMBER (OUT-OF-COUNTY) LEAS **Ref 116**

1. The activities or operations of out-of-county LEAs, or the conduct of their Law Enforcement Personnel, may result in LEIF incidents that occur within Contra Costa County. For Protocol purposes non-Member Agencies fall within one of the classifications below: **Ref 117**

   a. **Affiliate Protocol Member:** The Chiefs' Association may invite selected out-of-county LEAs to become Affiliate Protocol Members. LEAs that accept will have full participation as Employer Agencies in future Protocol investigations of LEIF incidents involving their personnel or their activities and operations that occur in Contra Costa County. **Ref 118**

   b. **Participating *ad hoc* Agency**: Out-of-county LEAs which are not Affiliate Protocol Members may be invited by the Case Managers Team (**Ref 169**) to be a Participating *ad hoc* Agency when involved in an LEIF incident in the County. If it agrees, it will have full participation as an Employer Agency in that Protocol investigation. **Ref 119**

   c. Out-of-county LEAs that are neither Affiliate Protocol Members nor Participating *ad hoc* Agencies will not have a full participatory role in Protocol investigations of incidents involving their personnel or their operations or activities in the County, although some accommodation may be made by the Case Managers Team regarding their involvement in the Protocol investigations of each incident. **Ref 120**

2. LEAs, including out-of-county LEAs in any capacity, may conduct their own Administrative and Civil Litigation investigations of Protocol incidents as they wish but those investigations shall not be conducted in conflict or competition with the Criminal Investigation (**Refs 308, 316**). **Ref 121**

3. See **Refs 125-146** for the optional invocation provisions applicable to Affiliate Protocol Members and Participating *ad hoc* Agencies. **Ref 122**

G. INVOKING THE PROTOCOL **Ref 123**

1. Automatic and Immediate ("mandatory") Invocation: **Ref 124**

   Upon the occurrence of each "Law Enforcement Involved Fatal Incident" (defined in summary at **Ref 24-31** and in detail at **Refs 68-115***)* this Protocol is automatically and immediately effective. Prompt notification to appropriate LEAs and officials is the responsibility of the Venue Agency(ies).

2. Optional Invocation: **Ref 125**

   This Protocol may be optionally invoked for incidents involving law enforcement personnel or LEA activities and operations which are not included within the

definition of “Law Enforcement Involved Fatal Incidents” (**Refs 68-115**) if possible criminal conduct of anyone involved in the incident is an issue that should reasonably be determined. Neither death nor bodily injury is a pre-requisite to optional invocation under this category, thus the Protocol may be invoked for incidents involving any type of potential crime, including but not limited to: property and person crimes; integrity crimes; crimes against the government or the justice system; contraband crimes; crimes against public health, safety or peace; threat crimes; and state civil rights crimes.

a. **Member Agencies**: each Member Agency of this Protocol, when in the capacity of a Venue Agency or Employer Agency, may optionally invoke this Protocol for incidents of the type described above **(Ref 125)**. Upon these optional invocations, incidents will be investigated under the provisions of this Protocol. **Ref 126**

b. **Affiliate Protocol Members** (**Ref 118**) and **Participating *ad hoc* Agencies** (**Ref 119**) may request that the optional invocation provision of this Protocol be utilized for incidents involving their personnel or their law enforcement operations or activities occurring within the County, but the decision to optionally invoke the Protocol must be made by a Member Agency who has Venue or Employer Agency status concerning the incident. Upon these optional invocations, the incidents will be investigated under the provisions of the Protocol with the Affiliate Protocol Members and Participating *ad hoc* Agencies having investigative roles in the Protocol investigation, as would be the case with a mandatory invocation. **Ref 127**

c. Examples of optional invocation situations: (Also see decision-making factors at **Refs 133-143**.) **Ref 128**

   1) Fatalities to civilians or to Law Enforcement Personnel which are outside the definition of “Law Enforcement Involved Fatal Incidents” (**Refs 68-115**). **Ref 129**

   2) Incidents involving physical injuries which are not “fatal”. **Refs 21-23** **Ref 130**

   3) Other sensitive events involving LEAs operations or activities or their personnel where the issue of anyone’s possible criminal conduct should reasonably be determined. **Ref 131**

d. The District Attorney may decline to participate in optional invocations. Declination would most likely occur when it appears to the District Attorney that the possibility of criminal conduct is either absent or not sufficiently high to warrant the District Attorney’s participation in the Protocol investigation, or when it lacks the necessary resources to participate. The District Attorney will not investigate, nor participate in another LEA’s investigation of, matters which are purely of an Administrative or Civil Litigation nature. **Ref 132**

e. These factors may be relevant to those considering optional invocations: **Ref 133**

1) Injuries to an involved person have not resulted in death, and imminent death is not then medically expected, but the LEA wants a Protocol investigation to begin immediately despite the medical prognosis. **Ref 134**

2) The LEA lacks the resources, experience and/or manpower to conduct a proper and timely Criminal Investigation by itself. **Ref 135**

3) Circumstances concerning the incident cause the LEA to have a special need to utilize the Protocol to ensure a thorough, impartial and credible Criminal Investigation. **Ref 136**

4) The personnel, or the operations and activites, of multiple LEAs are involved in the incident. **Ref 137**

5) One or more other LEAs may be affected by the results of the investigation. **Ref 138**

6) The LEA may be concerned about an actual or perceived conflict of interest which a Protocol investigation could minimize. **Ref 139**

7) The involvement of a notable person in the incident may actually or perceivably have a negative impact upon the ability of the LEA to properly conduct a credible investigation by itself. **Ref 140**

8) The incident is connected to another matter which is being or was investigated as a Protocol case. **Ref 141**

9) The incident is factually and/or legally complicated, or involves many people. **Ref 142**

10) For other articulated reasons the LEA believes that the interests of justice would be best served by utilizing the Protocol. **Ref 143**

f. When in doubt about optionally invoking on a specific case, it is usually advisable to promptly invoke so a Protocol investigation can start immediately. Subsequently, if the facts or the perceptions of the incident change after the investigation begins, the Protocol investigation can be terminated by mutual agreement and the involved agency(ies) may complete the investigation as they consider appropriate. **Ref 144**

g. In lieu of invoking the Protocol in optional situations, the involved LEA(s) may, of course, unilaterally investigate the incident or may seek investigative services from other LEAs as they choose. **Ref 145**

h. If the Employer Agency could use the optional invocation provision for a specific incident but has declined to do so, a displeased Law Enforcement **Ref 146**

Person who is an Actor (**Ref 48**) in the incident or who is otherwise involved in it in a substantial way may ask his/her Employer Agency, directly or through his/her attorney or other representative, to reconsider the decision and take into account the person's desire for optional invocation. If the LEA is still not convinced that optional invocation is appropriate, it is suggested that the LEA, the involved person (directly or through his/her legal or other representative) and the District Attorney's Office promptly hold a three-way discussion to resolve the matter.

H. INVESTIGATIVE AGENCIES, FORMATS AND RESPONSIBILITIES **Ref 147**

1. Three types or formats of investigations are available for LEAs to use for Protocol incidents. Each of the three has a distinct purpose: **Ref 148**

   a. A **Criminal Investigation** is performed to determine whether or not any of the involved individuals did or did not commit a crime. (See **Ref 154-300** for specifics about this format.) This format is always utilized but the other two are at the discretion of the involved LEAs. **Ref 149**

   b. An **Administrative Investigation** may be performed to (1) determine if involved Law Enforcement Personnel acted within the LEA's policies, procedures, training and orders; (2) determine if and how the LEA can improve any aspect of its operations (i.e. a quality control analysis); and (3) provide information about the incident to the LEA's leadership for other management purposes. See **Refs 301-315** for specifics about this format. **Ref 150**

   c. A **Civil Litigation Investigation** may be performed to prepare the LEA, its parent government, and usually its employees, to defend against civil claims or civil law suits that may arise from Protocol incidents. See **Ref 316** for specifics about this format. **Ref 151**

2. To ensure that each of these three different investigations have the best opportunity to achieve their respective purposes, to conform to and benefit from the different legal procedural rules applicable to each, and to avoid problems that result from investigators crossing back and forth between investigative formats in the same case, **separate investigations** must be performed for each of these investigative purposes. Each investigation must use its own investigators, each investigates for its own purposes, and each follows the investigative procedural legal rules applicable to it. **Ref 152**

   a. The Criminal Investigation can and will share its information freely with the other two investigative formats (**Ref 164**) but the converse is not true. The Administrative Investigation generally cannot share any information with the Criminal Investigation that was obtained directly or indirectly as a result of a *Lybarger* (**Ref 52**) admonition, however exceptions may occasionally apply, so consult a knowledgeable prosecutor or legal advisor if this issue arises. To preserve a primary advantage of using the Civil Litigation Investigation, the **Ref 153**

sharing of its investigative product with the other two formats may need to be significantly restrained; confer with the LEA's civil litigation attorney or risk manager.

3. **The Criminal Investigation** **Ref 154**

a. The Criminal Investigation has investigative priority over both the Administrative Investigation and the Civil Litigation Investigation. The latter two formats may take whatever investigative action they wish when the Case Managers Team (**Ref 169**) determines that the Criminal Investigation would not be compromised by such actions. Regarding interviews with anyone, in most cases this means that once the Criminal Investigation has finished its interview with a person, or the person declines to be interviewed by the MATF investigators, the other investigative formats are free to interview that person as they wish. **Ref 155**

b. It begins immediately after an LEIF has occurred. **Ref 156**

c. It is performed by Criminal Investigators supplied by the Venue LEA(s), the Employer LEA(s) (including involved out-of county LEAs in the capacity of Affiliate Protocol Members or Participating *ad hoc* Agencies), and the District Attorney's Office. The Protocol Investigators Group (**Ref 167**), the Protocol Collision Investigators Group (**Ref 193**) and other LEAs and personnel may be utilized as needed. These investigators are formed into an *ad hoc* **Multi-Agency Task Force** (**"MATF"**) for each LEIF investigation. **Ref 157**

d. The Sheriff's Crime Lab (**Ref 211)** is responsible for physical evidence. See **Ref 203** concerning use of the Crime Lab for vehicle collision cases. **Ref 158**

e. Venue and Employer LEAs (including Affiliate Protocol Members and Participating *ad hoc* Agencies) and the District Attorney's Office are co-equal within MATF investigations. **Ref 159**

f. The goal of the Criminal Investigation is to develop all available relevant information about the Protocol incident so a subsequent determination about the presence or absence of criminal liability on the part of anyone involved in the incident can be properly made. Specifically it investigates: **Ref 160**

1) whether or not conduct of anyone involved in the incident is prohibited by California criminal law, and if criminal conduct did occur: **Ref 161**

a) determine who is responsible for that conduct; and **Ref 162**

b) determine the degree of the crime(s); the existence of any factual or legal defenses; and the presence or absence of any factors which would mitigate or aggravate punishment for such crime(s). **Ref 163**

g. Its entire investigative product will be promptly shared with all LEA(s) participating in the MATF and with other LEAs as appropriate for their uses, including use in any Administrative or Civil Litigation Investigations they may conduct. While the Criminal Investigation does not directly address Administrative or Civil Litigation concerns, its investigative product is often very relevant to issues those other investigative formats may address. **Ref 164**

h. The Criminal Investigation is required to follow the rules of law that apply to all criminal investigations, i.e., those established and defined by the federal and state constitutions, federal and state statutes, and case law. **Ref 165**

i. It is performed in a manner that provides both the appearance and the reality of a thorough, fair, complete and professional investigation that is free of conflicts of interest. **Ref 166**

j. **Protocol Investigators' Group**: **Ref 167**

Investigators from Member Agencies and Affiliate Member Agencies who are experienced and skilled in Protocol investigations may be invited to join the Protocol Investigators Group. Thereafter, when their investigative expertise and experience is needed, members of this Group may be called upon to join MATF investigations of incidents in which their LEAs are neither a Venue nor Employer Agency. (Of course investigators may participate in MATF investigations of incidents in which their LEA is a Venue or Employer Agency whether they are members of this Group or not.) To be eligible for membership in this Group, there must be an adequate indication from the investigator, as well from his/her LEA, that the investigator is potentially willing and available to assist in such investigations. The District Attorney's Office selects the members for this Group and maintains the list of its members. Decisions to call upon Group members for assistance on specific Protocol incidents, and selection of specific investigators to be used, shall be made by the Case Managers Team (**Ref 169**).

k. For each incident, the MATF investigators will be assigned as appropriate to investigative teams by the Case Managers Team. The number of teams utilized will depend upon the specific circumstances of each incident, the number and complexity of investigative tasks to be performed, how rapidly various tasks must be performed, and upon manpower availability. Normally each team will consist of one criminal investigator from each of the MATF agencies. The MATF agencies may elect to participate or not participate on various teams and in various aspects of the MATF's investigation as they consider appropriate. **Ref 168**

l. **Case Managers Team:** **Ref 169**

Each MATF investigation is led by an *ad hoc* Case Managers Team. Each of the MATF agencies will contribute one person to this team. Generally the

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

These individuals should be experienced and knowledgeable in LEIF investigations, should have supervisory authority over investigators from their respective agencies and should have sufficient knowledge and authority to make a variety of decisions pertaining to the MATF investigation of the incident on behalf of their agencies and to implement those decisions.

As members of the Case Managers Teams they will become aware of issues that may affect their LEAs which are collateral to or outside the realm of the Criminal Investigation. They will need both the authority and the management perspective of a lieutenant-level individual to properly address those issues.

Officials assigned to the Case Managers Team work together as a team and the members are co-equal. While their primary function is to work with each other to manage and coordinate the Criminal Investigation, occasionally one or more members may need to perform some Criminal Investigative functions. See **Refs 228-236** regarding criteria for selecting Criminal Investigators and Case Managers.

m. Venue Agency Choices in Particular Situations: **Ref 170**

1) When a Protocol incident occurs in part in two or more jurisdictions, or if it occurs on the boundary of two jurisdictions (per the definition of California Penal Code §782), or at a location where the boundary is not readily ascertainable or is in dispute, the Venue Agency(ies) shall be: **Ref 171**

a) the Employer Agency if the LEA Actor (**Ref 48**) is employed by either boundary LEA; or **Ref 172**

b) both boundary agencies if LEA Actors are employed by both; or **Ref 173**

c) the LEA which has the greater interest in the case by virtue of having the predominant police involvement in the LEIF or by virtue of having had the majority of acts leading up to the fatality occur within its jurisdiction. **Ref 174**

2) For detention, arrest and institutional custodial fatalities, the following LEAs may be Venue and/or Employer Agencies and may participate in the Protocol investigations of such incidents as they decide: **Ref 175**

a) the LEA having custody of the person at the time his/her distress was first discovered. **Ref 176**

b) the LEA(s) having terrritorial jurisdiction to investigate the death or **Ref 177**

any event which may have caused or contributed to it.

c) the LEA which had actual custody at the time of the fatality. **Ref 178**

d) an LEA which surrendered the detainee, arrestee or prisoner into the possession of another LEA. **Ref 179**

3) Special rule for some murder or non-vehicular manslaughter cases: **Ref 180**
When there is probable cause to believe (**Ref 61**) that a "Law Enforcement Person" (**Ref 32+**) is either a murder or non-vehicular manslaughter victim or suspect, and when it appears that the fatality was not during an "on-duty" (**Refs 43-45**) event for either involved person, the Venue Agency, if it is not also the Employer Agency, has the option, after consultation with the District Attorney's Office, of investigating the incident itself without utilizing the Protocol. Determining the Venue Agency shall be on the same basis as in any civilian homicide case. The same provision is at **Refs 72, 96.**

4) When an "on-duty" LEO is an Actor (**Ref 48**) in a Protocol incident that occurs within the jurisdiction of another Member LEA, and when that LEO was apparently "on-duty" (as defined in **Refs 43-45**) at the time of the Protocol incident, the Venue Agency may elect to relinquish its Venue Agency role in the Criminal Investigation to the Employer Agency if both LEAs agree. The Employer LEA would then act as both the Venue and the Employer LEA for purposes of the Protocol investigation. The same option applies when the nexus between the fatality and the non-Venue LEA is its operations or activites. **Ref 181**

5) Protocol incidents occurring within the jurisdiction of Districts: **Ref 182**

The LEAs of the East Bay Regional Park District (EBRPD), the Bay Area Rapid Transit District (BART), and the Contra Costa Community College District shall be Venue Agencies for incidents occurring within their jurisdictions. Other LEAs, such as the Sheriff's Office and city police departments may, at their option, also be Venue Agencies for incident investigations when they have concurrent jurisdiction over such incidents, or when they are Employer Agencies, or when requested by the involved District.

n. When a Venue or Employer Agency lacks sufficient investigative resources to perform its role in a Protocol investigation, or when it believes it is more appropriate for another LEA to participate in the investigation in its place, it has these options: **Ref 183**

1) Obtain investigators from the Protocol Investigators Group to staff MATF positions which would otherwise be staffed by the LEA's own personnel. These borrowed officers would work on behalf of the requesting LEA as **Ref 184**

if they were employed by it.

2) Obtain Criminal Investigators directly from one or more other Member Agencies. These borrowed officers would work on behalf of the requesting LEA as if they were employed by it. **Ref 185**

3) Inform the Case Managers Team that it lacks sufficient manpower to staff its normal positions on the MATF. If the Case Managers Team believes more investigators are necessary to fill those positions, it can obtain them from the Protocol Investigators Group or elsewhere. Those investigators would then work as MATF investigators under the Case Managers Team but would not work as if they were employed by the requesting Agency. **Ref 186**

4) Relinquish its criminal investigative responsibility to another Member Agency which is willing to substitute itself into the position the requesting LEA would otherwise have had on the MATF. **Ref 187**

o. Vehicle collision fatalities: **Ref 188**

1) **Vehicle Collision Investigators**: Fatalities associated with vehicle operations (as defined in **Refs 82-93**) shall be investigated by one or more well qualified vehicle collision investigator(s) working as members of the MATFs investigating those incidents. The Case Managers Team will determine which of the following collision investigators shall be used: **Ref 189**

a) members of the **Protocol Collision Investigators Group. Refs 193-202** **Ref 190**

b) members of a **California Highway Patrol Multidisciplinary Accident Investigation Team** ("MAIT"). For Protocol purposes this category includes active MAIT members as well as CHP officers who are former MAIT members who have retained their qualifications and are in good standing. **Ref 191**

c) other qualifed vehicle collision investigators (not from **Refs 190-191**) selected by the Case Managers Team. **Ref 192**

2) **The Protocol Collision Investigators Group** is composed of vehicle collision investigators from law enforcement agencies and from the private sector who have been pre-selected to perform Protocol investigations of traffic collision incidents and other selected Protocol incidents which involve vehicle movement. **Ref 193**

a) A qualifications committee, appointed by the Chiefs' Association and meeting as necessary, will screen interested investigators and will establish the membership of the Group. The listing of qualified **Ref 194**

investigators in this manpower pool will be maintained by the District Attorney's Office and shall be updated as necessary.

b) The qualifications for membership in the Protocol Collision Investigators Group are: **Ref 195**

1. successful completion of a California POST (or equivalent) approved Traffic Accident Reconstruction (TAR) course or an Advanced Traffic Collision Investigation course. **Ref 196**
2. a demonstrated sufficient quantity of practical field experience, including the identification, documentation, collection and interpretation of collision physical evidence, and interviewing. **Ref 197**
3. previous qualification as an expert witness on the subject in court and/or in approximately equivalent non-courtroom proceedings, or a showing that he/she is capable of being so qualified. **Ref 198**
4. evidence that he/she keeps current with the subject. **Ref 199**
5. familiarity with, and acceptance of, this Protocol's method of conducting investigations and willingness to work within its MATF format. **Ref 200**
6. an adequate indication from the investigator, as well from his/her LEA, that the investigator is potentially willing and available to assist in such investigations. **Ref 201**

c) the Case Managers Teams will select the members of the Protocol Collision Investigators Group to be utilized for individual Protocol cases. **Ref 202**

3) The assigned vehicle collision investigators may be assisted by other vehicle collision investigators (even if not from MAIT or from the Protocol Investigators Group) working under their/his/her supervision. For scene measuring, diagramming, photography, videography and evidence collection, assistance may also be provided by Crime Lab personnel, forensic scene diagrammers or mappers, Crime Scene Investigators, or by other LEA personnel. On-scene collaboration with the Sheriff's Crime Lab regarding the identification, documentation, collection and laboratory analysis of physical evidence is encouraged. **Ref 203**

4) One or more vehicle collision investigators from the Employer Agency cannot investigate the incident alone; at least one other qualified vehicle collision investigator from another agency must jointly investigate. **Ref 204**

5) If additional experts are needed they shall be selected by the MATF's Case Managers Team after consultation with the assigned vehicle collision investigators. **Ref 205**

6) The Case Managers Team will determine the responsibility for the quality control review of investigative reports written by members of the Protocol Collision Investigators Group on a case by case basis. **Ref 206**

p. First Responders' Scene Responsibilities, Procedures and Checklists **Ref 207**

1) After Protocol incident scenes are tactically stable, each LEA is responsible for immediately securing scene(s) within their territorial jurisdiction and for effectively and appropriately managing the numerous first responder tasks that need to be performed. Before the Crime Lab arrives and before the MATF investigation begins, this responsibility may be shifted by mutual consent of the involved LEAs, and it may be modified later by the Case Managers Team. **Ref 208**

2) The scope of the first responders' scene-related tasks is shown in the content of four Checklists which are Attachments to this Protocol and are listed below. Three of them apply to the most common types of incidents (shootings, vehicle collision fatalities and institutional custodial fatalities) and the fourth is a checklist to guide CSIs (and others) before the Crime Lab arrives. While these Checklists contain many specific directions and suggestions, no Checklist can anticipate everything that needs to be done, therefore sound judgment must be exercised because some tasks will need to be performed which are not on the Checklists and some deviations from the Checklists will occasionally be appropriate. For some incidents it will be appropriate to utilize all or portions of several Checklists. **Ref 209**

- ***Patrol Supervisors' LEIF Checklist*** - **Shootings and Generic Incidents**. Attachment A on Pages 50-62.
- ***Patrol Supervisors' LEIF Checklist - Fatal Vehicle Collisions*****.** Attachment B on Pages 63-69.
- ***Supervisors' LEIF Checklist - Institutional Custodial Deaths*****.** Attachment C on Pages 70-76.
- ***CSI Checklist: Before The Crime Lab Arrives***. Attachment D on Pages 77-79.

q. Physical Evidence Responsibility: **Ref 210**

1) The Contra Costa Sheriff's Criminalistics Laboratory (the **Crime Lab**) has the responsibility for processing scenes and physical evidence in most Protocol cases (**Ref 158**). This includes: documenting the scene(s) and their contents; locating, collecting, preserving and analyzing physical evidence; conferring with LEIF investigators; writing reports; and testifying as needed. See **Ref 203** for the Crime Lab's role in vehicle collision cases. **Ref 211**

2) The **Protocol CSI Group** **Ref 212**

This Group is established to assist individual Member Agencies, the MATF investigators, and/or the Crime Lab, with evidence and scene processing aspects of Protocol investigations. Members of this Group are LEA employees, either peace officers or not, for whom there is adequate indication from the CSI as well from his/her LEA that the CSI is potentially willing and available to assist with physical evidence work on Protocol cases on an as-needed basis. Qualifications for membership in this Group will be determined by the Director of the Crime Lab who shall also maintain and update the list of Group members as necessary.

3) In rare Protocol cases, very little physical evidence work may need to be performed in the field. In those cases the Crime Lab need not be utilized to process the scene(s) or to collect evidence if all the members of the Case Managers Team agree. If any member of the Case Managers Team does not agree, the Crime Lab shall be used. **Ref 213**

a) When the Crime Lab is not utilized in such cases, the MATF may utilize members of the Protocol CSI Group, but the Group member(s) who selected may not all be employed by the Employer Agency. **Ref 214**

b) If the Case Managers Team is inclined toward not using the Crime Lab to process specific scenes, it should consider that criminalists who are later asked to do forensic reconstructions may be at a disadvantage if they did not perform the scene processing themselves or were not present when it was was being done. **Ref 215**

4) The Crime Lab may request that MATF Agencies furnish personnel (whether CSIs or not) to assist it with scene and evidence work. Furnished personnel will work under the direction of the Crime Lab. MATF investigators designated by the Case Managers Team may also be assigned to scene or evidence tasks; their work may be performed under the direction of the Crime Lab or not, as the Case Managers Team and the Crime Lab jointly decide. The primary considerations in this decision are whether the Crime Lab has already completed its searching and processing before the MATF investigators begin to search, and what type of evidence the MATF investigators will be seeking. **Ref 216**

5) If an employee of the Crime Lab is involved in a Protocol incident as an "LEA Actor" (**Ref 48**) or as a victim [6], at least one physical evidence **Ref 217**

[6] Criminalists of the Contra Costa County Sheriff's Criminalistics Laboratory are Deputy Sheriffs who are sworn and armed peace officers. If the Crime Lab employs any civilian criminalists in the future this provision (**Ref 217**) will still apply.

specialist designated by the Case Managers Team and not affiliated with the Sheriff's Office will be actively involved in processing physical evidence with Crime Lab personnel. Members of the Protocol CSI Group may be used for this purpose.

6) Prior to the final relinquishment of pivotal scenes: **Ref 218**

   a) MATF investigators and scene processors should brief each other and jointly walk-through the scene(s) to further their mutual understanding of the physical evidence aspects of the incident and its relationship to testimonial information, as well as to assess the need for further scene work. **Ref 219**

   b) Management staff, Administrative Investigators and Civil Litigation Investigators of the involved MATF agencies will be given scene walk-throughs and scene briefings if they desire. **Ref 220**

7) In some cases the Crime Lab and the Case Managers Team may determine that customized procedures are necessary for tagging evidence items, documenting collected items on evidence lists, and/or storing collected evidence. Such procedures will be jointly determined by them on a case-by-case basis. **Ref 221**

r. Notifications **Ref 222**

Promptly upon identifying an event as a Protocol case, the Venue Agency/Agencies shall make notifications as promptly as possible to:

1) intra-departmental personnel as required by each agency's procedures; **Ref 223**

2) other involved and affected LEAs if not yet aware; **Ref 224**

3) the District Attorney's Office, directly or through Sheriff's Dispatch; **Ref 225**

4) the Sheriff's Crime Lab; **Ref 226**

5) the Coroner's Office upon confirmation of a fatality. This notification must be made promptly but removal of the remains will not occur until authorized by the Crime Lab and the Case Managers Team. Refer to Attachment F, ***Death Investigation Roles of the Coroner and Law Enforcement Agencies*** on Page 97+ for more details. **Ref 227**

s. Selection of MATF investigators and Case Managers **Ref 228**

The complexities and challenges of LEIF investigations demand that well qualified investigators be assigned to the MATFs by their LEAs. It is most important that members of the Case Managers Team, as well as the primary

investigator from each LEA, be well qualified and carefully selected. The best available people should be selected for those assignments. The following qualifications are important:

1) Experience in Protocol investigations, homicide investigations, non-homicidal crimes against persons, (or vehicular collisions, when applicable) is especially helpful. **Ref 229**

2) Ability to effectively interview people of various backgrounds. **Ref 230**

3) Good working knowledge of physical evidence collection and preservation techniques, an appreciation of the abilities and limitations of physical evidence and scientific analysis of it, and an understanding of the inter-relationship between physical evidence and other types of evidence, especially testimonial accounts of participants and witnesses. **Ref 231**

4) Good knowledge of police operational procedures and the criminal justice system. **Ref 232**

5) Good understanding and personal acceptance of this Protocol. **Ref 233**

6) Excellent report writing and communication skills. **Ref 234**

7) For Case Managers, good organizational and supervisory skills. **Ref 235**

8) Possess deserved professional respect of those with whom he/she works for being competent, thorough, objective, fair and honest. **Ref 236**

t. Interviewing Law Enforcement Personnel **Ref 237**

1) Law Enforcement Personnel have the same rights and privileges regarding Criminal Investigation interviews that other citizens have. **Ref 238**

2) Criminal Investigations of Protocol incidents must adhere to legal rules that apply to all criminal investigations (**Ref 165**). One of the most basic of these rules is that statements (as well as physical evidence) cannot be used in criminal proceedings against people from whom they have been unconstitutionally coerced. Because Criminal Investigations must acquire testimonial and physical evidence through methods that ensure admissibility in potential criminal prosecutions, MATF interviewers must usually not even attempt to obtain statements or physical evidence from Law Enforcement Personnel by using direct or indirect coercion; specifically, in most situations, they must not utilize the authority of the *Lybarger* cases (**Ref 52**) to obtain non-consensual (i.e. involuntary) statements (or physical evidence) from LEA Actors (**Ref 48**). Any exception in individual cases to this very significant limitation must be jointly approved in advance by the District Attorney's Office and by the **Ref 239**

LEA(s) which employ(s) the involved Law Enforcement Person prior to a *Lybarger* admonition being given [7].

3) To ensure the voluntariness of interviews, MATF interviewers may advise Law Enforcement Personnel interviewees of the following: **Ref 240**

   a) The interviewee is not in custody and is free to leave at any time (if true). **Ref 241**

   b) The interviewee is not required to participate in the MATF interview and is not obligated to answer any questions asked by MATF investigators. Further, no punitive action can be taken by the Employer Agency against the interviewee if he/she exercises the right against self-incrimination when speaking to MATF investigators. **Ref 242**

4) *Miranda* is applicable if and when the interview becomes a custodial interrogation, as *Miranda* case law prescribes. **Ref 243**

5) Law Enforcement Personnel have the right to consult with representatives and/or support people prior to interviews and to have them present during Criminal Investigation interviews. Representatives are usually lawyers or officials of peace officers' associations or labor unions, while supporters are usually spouses, co-workers, friends, or members of the clergy. **Ref 244**

   a) Privileged communications: **Ref 245**

      Under California statutes, "private communications" (as defined in the statues) between individuals (including Law Enforcement Personnel) and the categories of representatives and supporters listed below can be kept confidential (i.e. privileged against compelled disclosure) only when the applicable statutory criteria are met.

      - Lawyer [8] **Ref 246**

        The California Evidence Code provides that the content of "**confidential communications**" between people and their lawyers can be kept confidential if the communication meets several other statutory criteria. Among them: the communication must have been made within the lawyer/client

[7] The policy of the United States Justice Department does not allow federal LEAs to grant *Lybarger*-type "use immunity" to employees in return for administratively compelled statements or other evidence without the prior consent of the Justice Department. U.S. Attorney's Manual Chapter 9-23.140; 28 C.F.R. § 0.175; 18 USC § 6004; and Attorney General's memorandum of June 4, 1980.

[8] **Lawyer:** California Evidence Code §§950-962. See §952 for the criteria for confidential communications.

relationship and it must have been made in confidence, meaning that no third parties were present except those present as a legitimate agent of the lawyer.

- Physician [9], Psychotherapist [10], Member of the Clergy [11] **Ref 247**

  These professionals infrequently act as representatives for Law Enforcement Personnel during interviews but often support them later in other ways. Confidential communications between individuals and these professionals may also be protected from disclosure. The statutory criteria for confidentiality differs slightly for each category so refer to the statutes for details.

- Spouse [12] **Ref 248**

  Confidential communications between husband and wife are privileged when the communication was made in confidence between the spouses while they were husband and wife but some exceptions apply. Refer to the statutes for details.

b) Non-privileged communications: **Ref 249**

Communications made to others who are not within the categories above, such as to peace officer association representatives, non-lawyer labor union representatives, co-workers, girl friends or boy friends, other friends, companion officers, sequestering officers and peer support officers are not privileged under California law except when such people are present and acting as legitimate agents of the person's lawyer, physician, psychotherapist or member of the clergy.

c) Representatives should be allowed to consult privately about the facts of the incident with only one Law Enforcement Person at a time. **Ref 250**

6) The Peace Officers' Bill Of Rights (California Government Code §3300 et seq) is formally titled the Public Safety Officers Procedural Bill of Rights. **Ref 251**

a) This statute is abbreviated in the Protocol as POBR. **Ref 252**

b) POBR has virtually no restrictive effect upon most interviews con- **Ref 253**

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[9] **Physician**: California Evidence Code §§990-1007. See §992 for the criteria for confidential communications.

[10] **Psychotherapist**: California Evidence Code §§990-1007. See §1012 for the criteria for confidential communications.

[11] **Member of the Clergy**: California Evidence Code §§1030-1034. See §1032 for the criteria for confidential communications.

[12] **Marital communication:** California Evidence Code §§980-987

ducted by MATF interviewers with Law Enforcement Personnel for the following reasons:

1. POBR is applicable to "Public Safety Officers" which Government Code §3301 defines as all California peace officers (LEOs) with a few minor exceptions not relevant to this Protocol. POBR is not applicable to Law Enforcement Personnel who are not peace officers, i.e. people who are referred to in the Protocol as Non Sworn Personnel. (Some LEAs grant their Non Sworn Personnel rights and benefits that are the same as or similar to those accorded to "public safety officers" by POBR.) **Ref 254**

2. When referring to the questioning of LEOs, POBR exclusively uses the term "interrogation" instead of the word "interview". Although these terms may be synonymous to some people, they are not synonymous for Protocol purposes. MATF investigators usually conduct interviews (not interrogations) with LEOs and other Law Enforcement Personnel (and with nearly all civilians) and do not utilize many of the techniques which are typical of police interrogations [13]. **Ref 255**

3. POBR applies to "interrogations" of LEOs who are "under investigation". In most Protocol investigations, the subject of the MATF's investigation is not the Law Enforcement Personnel but the entire incident. Law Enforcement Personnel are usually interviewed as victims or witnesses to the incidents (**Ref 267**). **Ref 256**

4. POBR does not apply to interviews with LEOs who are being "interrogated" by LEAs other than their Employing Agency. **Ref 257**

   In rare situations where there is a desire to avoid any possible complication or restriction this provision might impose on MATF interviews, Employer Agencies might withdraw their interviewers from MATF interviews.

5. POBR does not apply to "interrogations" of LEOs, even when conducted by their Employing LEA, when the "investigation is concerned solely and directly with alleged criminal activities". **Ref 258**

6. POBR applies to "interrogations" of LEOs who are under investigation if the "interrogation" could lead to punitive action. **Ref 259**

[13] One explanation of the differences between interviews and interrogations is found in the training materials and literature of John E. Reid Associates.

- Since Protocol investigations are Criminal Investigations, not Administrative Investigations, the possibility that "interrogations" could lead to punitive action is usually beyond the intention, knowledge, scope and interest of the MATF investigators. In most cases the LEO/ interviewee and his/her representative know more about the possibility of punitive Administrative action than the MATF interviewers. If the LEO and his/her representative believe that punitive Administrative action could result from the LEO's participation in the MATF interview, the LEO has these options: (1) decline the MATF interview; (2) agree to be interviewed by MATF interviewers but avoid discussing aspects of the incident that might be administratively incriminating; (3) attempt to resolve possible administrative issues prior to the MATF interview; and (4) elect, with the advice of his/her attorney, to give a complete voluntary statement to MATF investigators despite the possibility of administrative punitive action, believing that doing so is in his/her best interest. **Ref 260**

7. In those few instances when the "interrogation" restrictions of paragraphs a,b,c,d,e,g,h,i of POBR §3303 might apply to MATF interviews of LEOs, those interviews are usually conducted in a manner that complies with those statutory requirements. **Ref 261**

8. Since interviews with MATF investigators are voluntary, Law Enforcement Personnel have the power to decline to be interviewed at all, and/or can attempt to negotiate acceptable conditions for interviews. **Ref 262**

9. MATF interviews of LEOs are normally preceded by a statement that informs them that the interviews are conducted on a consensual and voluntary basis and are NOT conducted under the compulsion of the *Lybarger* cases, except in rare cases when a witness Law Enforcement Person might be administratively compelled by his/her LEA to cooperate with MATF: see **Ref 239**. Interviewees are also clearly informed whether or not the interview is a custodial interrogation within the meaning of the *Miranda* cases. **Ref 263**

c) POBR §3304(a) permits heads of LEAs to order their LEOs to cooperate with Criminal Investigations being performed by other agencies and provides that an LEO's failure to comply with such orders may result in a charge of insubordination. When applicable, interviewees may be advised of this provision by their Employer. **Ref 264**

However, Law Enforcement Personnel must usually not be compelled by threats of administrative punitive action (or otherwise) to answer questions of MATF interviewers which would be criminally self-incriminating. Also see **Refs 52, 237-242, 312-313**.

7) Interviews will be conducted separately. **Ref 265**

8) Interviews will normally be fully recorded [14] by MATF investigators. Interviewees and/or their representatives may also record. **Ref 266**

9) Interviewees will be considered as witnesses or victims unless the circumstances dictate otherwise. **Ref 256**

10). At the initial stages of the investigation it is extremely important to interview witnesses when their memories of the incident are fresh, and their recollections are not impacted by any outside influences, be it other witnesses or recording(s) of the incident. This is the key reason why witnesses are sequestered between the incident and the interview.

11). The initial interview of an officer involved in a LEIFI should occur before the officer has reviewed any audio/video recordings of the incident. An involved officer will have an opportunity to review recordings after the initial statement has occurred, and he/she can be re-interviewed if either the officer or members of the investigating team believe it is necessary. Investigators should be mindful that audio/video recordings have limitations and may depict events differently than the events recalled by involved officers. If an investigator shows any audio/video recording to an Involved Officer after the initial interview, the investigator should admonish an Involved Officer about the limitations of audio/visual recordings.

12). The following is an example of an admonition that might be given in such situations:

- *In this case, there is recorded evidence that you will have an opportunity to view after you have given your initial statement. Recorded evidence has limitations and may depict the events differently than you recall, and it may not depict all of the events that you saw or heard. Recordings have a limited field of view and may not capture events normally seen by the human eye. The "frame rate" of the recording may limit the camera's ability to capture movements normally seen by the human eye. Lighting as seen on the recording may be different than that which is seen by the human eye. Recordings are two-dimensional and may not capture depth, distance, or positional orientation as well as the human eye. Remember, the video evidence is intended to assist your memory and your ability to recall and describe the incident.*

[14] Audio and/or video recordings may be made using analog and/or digital equipment but digital is preferred.

u. Intoxicant Testing of Law Enforcement Personnel **Ref 268**

1) Law Enforcement Personnel have the same rights and privileges that civilians have regarding intoxicant testing. When MATF investigators determine that a Law Enforcement Person's state of sobriety or intoxication is relevant to their investigation, they have these options: **Ref 269**

a) Obtain blood, breath and/or urine (**Ref 279**) samples through valid consent. **Ref 270**

b) Obtain blood, breath and/or urine (**Ref 279**) samples Incidental To Arrest. **Ref 271**

c) Obtain a search warrant for biological samples if they have probable cause to do so. **Ref 272**

d) In traffic incidents, utilize California Vehicle Code §23612 (implied consent) when applicable. **Ref 273**

e) When an arrestee refuses to submit to collection of samples sought Incidental To Arrest, attempts may be made to obtain blood samples for intoxicant testing in accordance with case law [15]. When the collection of blood or other biological samples is authorized by a Search Warrant, the use of reasonable force to obtain the evidence may be authorized by the Search Warrant. **Ref 274**

2) An Administrative representative of the Employer Agency will be promptly notified (usually by its representative on the Case Managers Team) if the MATF does not seek or obtain biological samples for intoxicant testing. After the MATF investigators have had the opportunity to obtain samples, the Employer Agency may then seek to obtain administrative samples for its use. **Ref 275**

a) The legal authority for the Employer Agency to obtain samples includes (1) valid consent, and (2) ordering employees to provide the samples utilizing the authority of the *Lybarger* (**Ref 52**) cases. **Ref 276**

b) Some LEAs have blanket provisions in their General Orders or Policy And Procedure Manuals requiring intoxicant testing after **Ref 277**

[15] As used here, "case law" refers to California and federal appellate cases that authorize peace officers to use *reasonable force* to obtain blood samples from non-compliant arrestees. To be reasonable, the amount of force *must not shock the conscience* and the sample *must be taken in a medically acceptable manner*. The leading case is *Schmerber v. California* (1966) 384 U.S. 757; 16 L.Ed.2d 908; 86 S.Ct. 1826.

specifed events, while others make such decisions on a case-by-case basis.

3) Toxicology test results from biological samples obtained by MATF investigators are available to Administrative and Civil Litigation Investigators. **Ref 278**

4) Blood is best for alcohol testing while urine is best for drug screening. Optimally, samples of both should be obtained for most complete results. Breath testing for alcohol yields less meaningful results. **Ref 279**

5) Samples should be collected promptly after incidents for most meaningful results. **Ref 280**

6) Whether or not the MATF or the Employer Agency have obtained samples for toxicological testing, Law Enforcement Personnel may have their own samples collected for toxicology testing by a qualified person or facility of their choice. Such requests will be promptly honored but the taking of samples, their storage and chain of custody, and their subsequent testing will be the responsibility of the individual Law Enforcement Peson and/or their agents and not the MATF or the Employer Agency. **Ref 281**

v. Autopsies **Ref 282**

1) For information about the Coroner's Office in general, and about autopsies specifically, see Attachment F, ***Death Investigation Roles of the Coroner and Law Enforcement Agencies*** on Page 97. **Ref 283**

2) The extensive ***Autopsy Evidence Collection Checklist*** (Attachment E on Page 80) will assist evidence collectors, working with the pathologist at autopsy, in discovering, documenting and processing body conditions and physical evidence, as well as in collecting and preserving autopsy evidence. **Ref 284**

3) At least one member of the Case Managers Team, a member of the MATF's primary investigative team, and a representative of the District Attorney's Office will attend the autopsies. Other MATF Investigators may also attend. **Ref 285**

4) MATF investigators and the Crime Lab will brief the autopsy pathologist prior to the autopsy, incorporating all information known by the investigators and by the physical evidence processors which may be relevant to the pathologist's examination of the decedent and to the determination of the cause, manner and means of death. It is very important that investigators and evidence processors who are very knowledgeable about relevant case facts be involved in these briefings. **Ref 286**

5) For LEIF autopsies conducted in Contra Costa, and for autopsies conducted in other counties where the pathologists agree, the Crime Lab has the responsibility for physical evidence. **Ref 287**

a) Exception: For vehicular collision fatalities, the Protocol Collision Investigators have that responsibility with assistance, if appropriate, from the Crime Lab or other qualified physical evidence processors. **Ref 288**

6) Although the Coroner's Office has authority to determine who attends autopsies, it is usually advisable to allow legitimate professionals who have been retained by or for the decedents' families to attend. Examples are licensed medical doctors, licensed private investigators, and recognized professional criminalists. **Ref 289**

w. The District Attorney's Office **Ref 290**

1) The District Attorney's Office has the following roles in Protocol cases: **Ref 291**

a) Participate as a coequal investigating agency in the MATFs with the Venue and Employer Agencies and with assisting LEA(s). **Ref 292**

b) Assist and advise MATF investigators and others on various criminal law and investigatory issues which may arise, such as: (1) search and seizure, including consensual searches; (2) interviewing including *Miranda*, voluntariness of statements and interview content; (3) detentions and releases; (4) decisions to arrest, including evaluation of probable cause; (5) elements of crimes; (6) legal defenses; (7) immunity issues; (8) sharing of information between the various investigative formats; (9) physical evidence matters; (10) investigative strategy and tactics; (11) sources for acquiring information and investigative resources; (12) methods to compell and preserve testimonial information including use of the Grand Jury; (13) crime charging matters; and (14) recognition and resolution of other criminal law issues. **Ref 293**

c) Upon completion of the Criminal Investigation, analyze the facts of the incident and apply the relevant law to determine whether or not criminal laws were violated. Prosecute or decline to prosecute as appropriate. For fatal incidents, the final analysis usually occurs after the Coroner's Inquest. **Ref 294**

2) The District Attorney's Office has its own separate investigative authority and may perform independent investigations of incidents, separate from the MATF or any other investigations, when deemed appropriate by the District Attorney or his/her designated alternate in his/her absence. **Ref 295**

x. MATF reports and documents. Also see **Refs 344-350**. **Ref 296**

1) All Criminal Investigators will write reports documenting their participation in MATF investigations. **Ref 297**

2) Investigators within each MATF team will allocate among themselves the responsibility for documenting the team's investigative activity. **Ref 298**

3) The **Major Case Page Numbering System** **Ref 299**

The Case Managers Team will designate an MATF investigator to assemble and disseminate all MATF reports and documents. All MATF agencies will submit one legible copy of each page of its reports and other documents to the designated investigator but will maintain possession of their originals. (Original evidentiary documents will not receive these page numbers; instead, copies of such documents will be submitted and will receive page numbers.) The investigator will collect and organize all documents from all LEAs and an alpha character identifying each reporting or source agency, followed by sequential page numbers starting at the number 1, will then be placed onto all pages in each LEA's set [16]. Copies of those page numbered sets will then be created and all numbered sets will be distributed to all MATF agencies. The LEA of the designated investigator will maintain the complete library/archival collection of all pages in all sets onto which the original page numbers were placed.

4) Prompt completion, submission and distribution of reports is essential. All MATF and assisting agencies and investigators will strive for report completion and distribution within 30 days after each Protocol incident. **Ref 300**

4. **The Administrative Investigation** **Ref 301**

a. In addition to its participation in the MATF's Criminal Investigation of Protocol incidents, involved LEAs may also wish to conduct investigations of Protocol incidents for their own administrative (non-criminal law) purposes. Such purposes include: **Ref 302**

1) **Internal Affairs**: to determine whether or not its employees violated LEA regulations, orders or training instructions. **Ref 303**

[16] For example, the Sheriff's Office might be designated with S, the Crime Lab with L, the District Attorney with D, the Coroner's Office with C, the Antioch Police with A, and the Richmond Police with R. Document pages from each agency would be numbered with its assigned letter followed by a sequential number starting at 1 and going upward as far as necessary.

2) **Agency Improvement / Quality Assurance**: to examine the adequacy and functioning of its policies, procedures, programs, operations, training, equipment and personnel, to confirm their efficacy or to identify needed improvements. **Ref 304**

3) **Accountability and Communications**: to meet LEA management's responsibility of informing and discussing the facts of incidents with people outside the LEA such as those in the LEA's parent government, other LEAs, other government agencies, risk managers, insurance carriers, the public, decedents' families, the news media, etc. **Ref 305**

4) **Civil Claims and Litigation**: to prepare the LEA for claims and/or civil litigation that may be filed. (Some LEAs utilize the Administrative Investigation for this task if they don't utilize the separate Civil Litigation Investigation format.) **Ref 306**

b. The initiation of Administrative Investigations and the extent of those investigations are at the discretion of Employer Agencies. **Ref 307**

c. LEAs may conduct Administrative (and Civil Litigation Investigations - **Ref 316**) as they wish but not in conflict or competition with the Criminal Investigations. Similar provisions are at **Refs 121, 316.** **Ref 308**

d. Employer Agencies needing investigative assistance to perform Administrative Investigations may seek advice and/or obtain investigators from other LEAs or from other sources. Those investigators would perform, or help perform, the Administrative Investigations under the authority and direction of the Employer LEA. **Ref 309**

1) Legal and investigative advice on conducting Administrative Investigations may be obtained from the LEAs' legal advisors (county counsel, city attorney, Chief's attorney, associations to which the Chief or the LEA's parent government belongs, etc.), from other LEAs or from elsewhere. **Ref 310**

2) The District Attorney's Office may be contacted for advice concerning criminal law matters (**Ref 293**) related to Administrative Investigations but it does not otherwise give legal advice on Administrative Investigations. It does not perform Administrative Investigations for other LEAs nor does it participate in them. **Ref 311**

e. Any evidence or information that was administratively compelled (**Refs 52, 239**) from Law Enforcement Personnel shall not be revealed in writing, orally or otherwise to Criminal Investigators or to any member of the District Attorney's Office without prior approval of the District Attorney's Office. This prohibition applies to interview statements, physical evidence (including biological samples taken from Law Enforcement Personnel and the results of their testing), police reports or witness statements, scene re-enactments, and **Ref 312**

other information including investigative leads. Some exceptions to this prohibition (**Ref 239**) may apply.

1) Products of the Administrative Investigation that were not acquired directly or indirectly through administrative compulsion (i.e. *Lybarger*) are subject to disclosure to Criminal Investigators and the District Attorney's Office. Confer with the District Attorney's Office prior to disclosure. **Ref 313**

f. Upon being notified of Protocol incidents, Employer Agencies should consider assigning at least one LEO to represent the Employer LEA's Administrative interests for the first 6 to 12 hours of the MATF's investigation. This investigator should "roll out" at the same time that MATF investigators do, should attend the MATF's briefings and observe the scenes and physical evidence, and be thoroughly knowledgeable about the MATF's investigative product and progress. He/she should be alert for, and brief LEA management on, matters of Administrative (and Civil Litigation if tasked) interest and should be prepared to advise upon or make acute Administrative Investigative decisions and to begin an active Administrative Investigation if and when assigned to do so. This investigator can also serve as an MATF contact with the Employer Agency for certain personnel matters. **Ref 314**

g. The MATF will promptly and periodically brief Administrative Investigator(s), as requested, about its investigative products and progress. Administrative Investigators will have access to MATF briefings, the scene(s), physical evidence, and interviewees' statements and all other material. **Ref 315**

5. **The Civil Litigation Investigation** **Ref 316**

In anticipation of possible civil claims and civil law suits, a separate Civil Litigation Investigation may be performed by involved LEA(s). These investigations are performed under the direction of, and on behalf of, lawyer(s) who would represent the LEA and its parent governmental body (and often LEA employees) in the event a civil claim or lawsuit is filed against them. Risk Management personnel are often also involved. Investigators for this format are usually supplied by the involved LEA or its parent government, or they may be from the private sector. Certain privileges, such as the Attorney/Client privilege [17] and the Attorney Work Product privilege [18] may apply to its investigative results. Civil Litigation Investigators have access to MATF briefings, the scene(s), physical evidence, and to all the MATF's investigative products.

LEAs may conduct Civil Litigation Investigations as they wish but not in conflict or competition with the Criminal Investigations. The same provision is at **Refs 121, 308**.

I. GUIDELINES FOR INFORMATION RELEASE TO THE PUBLIC AND NEWS MEDIA **Ref 317**

[17] California Evidence Code §915

[18] California Code of Civil Procedure §§2018.030 (a) and (b).

1. The public's right to know what occurred must be balanced with the investigative requirements of the three different investigative formats (Criminal, Administrative and Civil Litigation) and with the rights of involved and affected individuals and/or the public. **Ref 318**

2. As in all other law enforcement contexts, great care must be taken to ensure that intentionally or recklessly misleading, erroneous or false statements are not made. **Ref 319**

3. Agencies and individuals who are not well informed and not intimately involved with the progress and results of the MATF investigations should not make statements to the press or public about that investigation. **Ref 320**

4. Regarding specific agencies: **Ref 321**

   a. <u>Venue Agency(ies)</u> **Ref 322**

      Unless the involved LEAs otherwise agree, Venue Agencies have the responsibility for making press releases about the facts of the incident and MATF's investigation of it for the first 48 hours.

   b. <u>Employer Agency(ies)</u> **Ref 323**

      When the Employer Agency is not also the Venue Agency, fewer problems will arise, especially within the first 48 hours of the investigation, if the Employer Agency limits its comments to the following:

      1) The employer-employee relationship; **Ref 324**

      2) Factual material revealed by the Employer Agency's own Administrative and/or Civil Litigation Investigations of the incident; **Ref 325**

      3) Information that has been cleared for release by the MATF. **Ref 326**

   c. <u>The Crime Lab</u> **Ref 327**

      Its press releases should usually be confined to general information about the laboratory's role and functions, scientific facts and principles, and testing procedures. Specific results of searching, testing and analysis should generally not be released without clearance from the MATF's Case Managers Team unless release of information is considered necessary to publicly correct information which the Crime Lab considers to be incorrect or misleading.

   d. <u>The Coroner's Office</u> **Ref 328**

      Information generally should be limited to the following:

      1) General information about the functions of the Coroner's Office. **Ref 329**

2) Autopsy findings, including the condition of decedent, the cause, manner and mode of death and toxicology test results, but only after the MATF agencies have received this information. **Ref 330**

3) The identity of those present at the autopsy and the identity and affiliation of the pathologist and other experts used by the Coroner. **Ref 331**

4) The general nature of further medical testing or medical investigation to be performed. **Ref 332**

5) Information obtained directly by Coroner's investigators from medical sources, the decedent's family members, participants, witnesses or others, and the general nature of further investigation to be done by Coroner's investigators. **Ref 333**

6) Any information which was obtained by the Coroner's Office from MATF investigators or from the involved agencies should generally not be released by the Coroner's Office without clearance from the MATF's Case Managers Team. **Ref 334**

5. If the Case Managers Team determines that the release of specific information would materially jeopardize the MATF's investigation, it shall notify the agencies possessing it about the hazards of releasing it. **Ref 335**

6. Interruptions to MATF investigations and investigators will be minimized if LEAs assign individuals to be Public Information Officers who are not MATF investigators. **Ref 336**

7. Releasing the identities of LEA Actors (**Ref 48**) and LEA Witnesses (**Ref 49**) to the news media and the public is often a sensitive issue. Before making such disclosures, the involved MATF agencies should: (1) determine if there are investigative reasons or personal safety reasons for delaying release of the identities, and (2) confer with the involved employees and their representatives about the timing and content of such releases. **Ref 337**

J. CORONER'S INQUESTS **Ref 338**

1. For general information about the role of the Coroner's Office, see Attachment F, ***Death Investigation Roles of the Coroner and Law Enforcement Agencies*** on Page 97. **Ref 339**

2. A public Coroner's Inquest will normally be held after the Criminal Investigation of each fatal incident is completed. Because evidence at Inquests is received under penalty of perjury, Inquests are a valuable mechanism for informing the public, decedents' families, the news media and other interested parties of the facts of LEIF cases. They also provide another opportunity to develop further information **Ref 340**

about such Incidents.

By Protocol agreement, Coroner's juries are utilized for these Inquests. By statute[19] Inquest verdicts include findings regarding (a) the name of the decedent; (b) the time and place of death; (c) the medical cause of death; and (d) whether the death was by natural causes, suicide, accident, or death at the hands of another other than by accident.

While the Coroner's hearing officer has the discretion to determine which witnesses will testify, it is the Protocol's general intention that all Law Enforcement Personnel who were Actors (**Ref 48**) and Witnesses (**Ref 49**) to the incident be subpoenaed, as well as citizens who are believed to have relevant personal knowledge.

3. In a few cases where the facts of an LEIF incident are very clear and law enforcement's role was obviously appropriate and non-controversial, Inquests may not be necessary. In a few other cases the filing of criminal charges against someone in connection with the Protocol incident may provide an adequate opportunity for public access to the facts of the Incident. In either case, the Sheriff/Coroner, <u>and</u> the Police Chief(s) of all involved LEAs, <u>and</u> the District Attorney would have to all agree that an Inquest is not needed. **Ref 341**

4. Not less than 96 hours prior to the beginning of Inquests, Law Enforcement Personnel who are subpoenaed to testify shall be given access to a copy of any recording(s) or a transcript(s) of their own MATF investigative interviews. **Ref 342**

5. In addition to the Protocol's provisions for Inquests, California Government Code §27491.6 provides that the Coroner shall hold an Inquest if requested to do so by the Attorney General, the District Attorney, the Sheriff, City Prosecutor or City Attorney, or a Chief of Police in the county where the Coroner has jurisdiction. **Ref 343**

K. REPORTS AND EVIDENCE **Ref 344**

Also see **Refs 296-300** for other provisions concerning MATF reports.

1. Material created and collected by the MATF investigation, as well as by the Crime Lab, Coroner and other agencies and investigators, will be made available in a timely manner to involved LEAs and other appropriate LEAs. **Ref 345**

2. Such material includes: **Ref 346**

   a. Reports written by MATF personnel, and reports and documents collected by them from other sources. **Ref 347**

   b. Access to physical evidence. **Ref 348**

[19] California Government Code §27504

c. Photographs and diagrams. **Ref 349**

d. Audio and video recordings. **Ref 350**

3. When the Case Managers Team and the District Attorney's Office conclude that physical evidence collected by the MATF no longer needs to be retained for criminal law purposes, the involved LEAs shall be notified of that decision. At that time, responsibility for the continued custody and preservation of physical evidence may shift by mutual agreement to the Employer Agency if it believes continued retention is appropriate for potential for Administrative and/or Civil Litigation purposes. **Ref 351**

PATROL SUPERVISORS' LEIF CHECKLIST
SHOOTINGS AND GENERIC INCIDENTS

1. **Emergency life saving measures are the first priority.**

   A. First aid

   B. Consider need for more EMS resources: fire; additional ambulances; medical helicopter.

2. **Request** (enroute if possible) **additional personnel**, **equipment** and other **resources** as needed for Patrol Division's scene management responsibilities. Make requests promptly then periodically review situation for further needs. Consider the need for:

   A. **More Patrol Officers** for LEIF Incident and/or Patrol responsibilities not connected with the LEIF Incident:

      1. Borrowing LEOs from other jurisdictions; mutual aid.
      2. Calling in next Patrol shift early and/or delaying release of current shift.
      3. Recalling off-duty LEOs.
      4. Reserve officers, parking/traffic control officers, etc.

   B. **More Patrol Supervisor(s)** to assist with LEIF scene(s) and/or Patrol responsibilities not connected with the LEIF Incident

   C. **Traffic control**: (1) personnel; (2) flares, barricades, traffic advisory or warning signs, scene tape; (3) traffic detours; (4) notification to Public Works, other LEAs, CHP, CalTrans, etc. if major traffic disruption will occur.

   D. **Translators** for victims, witnesses and canvassing.

3. **Ensure** (enroute if possible) that **notifications are made** about the LEIF (by your Dispatcher, a designated LEO, or other) to:

   A. **Your LEA's personnel** per your LEA's procedures, including as appropriate:

      1. **Chain of command**−management and supervisors.

      2. **Criminal Investigators** (Homicide or Crimes Against Persons, and other relevant investigative specialties).

      3. **CSIs** - for immediate scene needs and/or to assist Crime Lab.

      4. **Vehicle Collision Investigators**−for immediate scene needs and/or to work with designated Protocol Collision Investigators.

      5. **I. A.** (Administrative Investigators) and/or **Civil Litigation Investigators**.

6. **Press Information Officer**.

7. **Community Relations Officers**.

8. **Representatives for involved LEOs**: POA officials (Police Officers' Association, the Deputy Sheriffs' Association (DSA) etc.

9. **Peer Support**, Trauma Team, or other supportive personnel for traumatized law enforcement personnel.

B. **Other LEA(s)** whose employees are involved in the Incident (if not already aware).

C. The **District Attorney's Office** (either directly or through the Sheriff's Office Dispatcher).

D. The **Crime Lab**.

E. The **Coroner's Office** upon a death. This is a preliminary or courtesy notification; body removal by the Coroner will be made at the direction of MATF investigators.

4. **Anticipate receiving many inquiries** via cell phone from various officials needing more information after they are notified about the LEIF. They will require phone briefing, then more details upon their arrival at the scene.

5. **Consider** the need to:

A. **Check the field(s) of gun fire** for injured people and evidence.

B. Arrange **additional lighting** for scene(s).

C. Establish a **Command Post** (mobile command vehicle or other type).

D. **Assign a scribe** to record actions taken.

E. **Designate a Press Information Officer** if LEA has no designated PIO.

F. Establish a **news media area**.

G. **Shield the public's view** of unpleasant, distracting, or investigation-hampering sights.

H. **Assign an LEO to write the police report** on the event which started the LEIF. (In many cases an investigator assigned to the MATF will write this report.)

6. Determine which LEO(s) and supervisor(s) have **responsibility for performing routine police work** in the rest of your jurisdiction while attention and resources are involved with LEIF.

7. **Assign an LEO with a tape recorder to ride in the ambulance or helicopter** when a person is transported to a hospital. Purposes:

   A. **Physical evidence tasks:** (1) recognize, locate, secure and protect it properly so its value is not diminished; (2) maintain chain of custody; (3) report its discovery to a supervisor, investigator or physical evidence processor.

   B. **Custody of the injured person** if he/she has been or might be arrested.

      1. Prevent escape.

      2. Prevent destruction of evidence.

      3. Protect that person.

      4. Adjust or remove physical restraints for medical purposes as necessary and if safe.

      5. Prevent unauthorized contacts.

      6. If the injuries are fatal, maintain the chain of custody on the body until relieved.

   C. **Safety** of EMTs/paramedics, hospital staff and other patients

   D. Provide **aid and comfort to injured Law Enforcement Personnel**; protect the person, physical evidence and property belonging to the person or LEA.

   E. **Document any statements made** by the person, especially spontaneous statements (California Evidence Code §1240), dying declarations (California Evidence Code §1242), contemporaneous statements (California Evidence Code §1241); or statements of then-existing or previous mental or physical state (California Evidence Code §§1250-1251), and those made in connection with medical attention. In most cases the LEO should **not** attempt to interview the person unless directed to do so by investigators.

   F. Provide **information to medical** personnel as relevant for medical treatment, and obtain information **from medical** personnel relevant to the investigation.

      1. **Identify medical personnel**, including EMTs, paramedics and Emergency Room staff involved.
      2. **Serve as the contact for LEIF investigators** calling for information about the injured person, physical evidence, people present, etc.

      3. **Obtain copies of EMS and medical reports** if then available to law enforcement.

   G. **Contacts with the injured person's family** and friends at the hospital, and with

witnesses.

1. **Identify** people.

2. Serve as the **contact for LEIF investigators** who may want information about the LEIF or the injured person from these people, or may want assistance to arrange personal contacts with them.

3. Collect and preserve **information they give.**

4. Occasionally there may be a need to **keep the peace** at the hospital.

8. **Protect sensitive investigative information.** Use caution on radio broadcasts and cellular phone calls. Use hard wire telephone, secure radio or in-person contact when confidentiality is needed.

   A. Be aware of the technical and investigative capabilities of the news media, including zoom lenses, long range microphones, use of concealed recording devices and transmitting microphones, night vision cameras, access to public and news media records and files, and aggressiveness in interviewing civilian witnesses.

9. **Scene(s): Immediately identify and secure.** Establish a perimeter for each a sufficient distance away to safeguard evidence, law enforcement personnel and operations. In some circumstances an inner and outer perimeter are appropriate. Adjust scene boundaries as necessary as more information becomes available. Establish and maintain true control of the scene.

   A. **Multiple scenes** are often involved, such as

      1. Location(s) of the body or injured person.

      2. Location(s) where injuries occurred or where force was used.

      3. Vehicles: LEO's; suspect's; struck by gunfire; involved in collision.

      4. Residences.

      5. Location of personal property.
      6. Location where crimes or incidents connected to the LEIF or the injured/ deceased person were committed prior to the fatal Incident.

         a. Location of victims and witnesses of the crimes.

         b. Location of evidence of those crimes.

7. Hospital where the injured person was taken.

8. Location of involved weapon evidence such as firearms (and bullets, casings, magazines); knives, etc.

9. Routes (vehicle or pedestrian) taken by LEIF participants.

10. **Protect scene(s) and their contents**. No alterations shall be made to scenes, and no items shall be moved inside scenes or removed from scenes, without prior approval of the MATF and the Crime Lab, unless absolutely necessary for public or officer safety, for preservation of evidence, for emergency medical reasons, or for other very compelling reason.

    If some alteration of a condition, or movement or removal of an item without prior approval is necessary, the removal must be witnessed and documented. Document the identity of the person making the change and the person who authorized it, the reason for the change, the identity of the official who witnessed the change, and the time of change of condition. When possible, these actions shall be photographed or videotaped. Extreme care must be taken to avoid compromising any physical evidence.

    A. **Evidence contamination** may occur from movement, alteration, removal or addition of items. Especially subject to contamination are fingerprints, footprints, blood, trace evidence, cigarette material, bullets and casings, firearms, lights and light switches, vehicle positions and vehicle conditions.

    B. **Medical aid debris** - leave in place.

11. **Access to the scene(s) must be strictly limited** to only those officials who must enter for an investigative, medical or other emergency purpose.

    A. A **single access point**, chosen to avoid contamination of evidence, should be used in most cases.

    B. When not necessary for patient care efforts, **entry and re-entry by EMS personnel** (fire and ambulance) should be restricted to the absolute minimum necessary to perform needed duties, especially after the patient has been removed from the scene.

    C. **Do not allow the news media to enter** crime scenes.

    D. Only MATF investigators can authorize crime scene entry for the following:

        1. Representatives of Law Enforcement Personnel including attorneys or police association representatives.

        2. Civilian review board personnel.

3. LEAs' civil attorneys.

4. LEAs' Risk Management representatives.

12. A **written scene log** must be established as quickly as possible. Use pre-printed forms when possible.

A. Promptly and very diligently **reconstruct who was inside the scene** before the scene log was started. List by name, affiliation and contact information as appropriate. Include:

1. Law enforcement personnel.

2. Ambulance and fire department personnel.

3. Civilians (witnesses, victims, bystanders, residents, passersby, suspects).

4. News media personnel.

B. Identify and list **everyone who enters the scene** after the log is started, including their names and agency affiliation, the times of their entries and exits, and the reasons for entry.

13. **Discharged firearms in possession of LEOs**

A. When an involved **LEO still has personal possession of a weapon** he/she used in the Incident, normally the supervising patrol officer at the scene should promptly and discretely (i.e., in private, out of view of the public and other LEOs) consensually obtain possession of the weapon. Exigent circumstances may justify a seizure if consent is denied. If handled indelicately, the process of collecting the weapon can have an unfair and very damaging impact on the LEO and may also create negative and false impressions on members of the public who see it.

If already holstered when the supervisor does this, side arms must not be removed from their holsters. Obtain the entire gun belt.

Only qualified LEOs should handle special weapons such as sub-machine guns, MP-5s, etc.

B. **Side arms should be replaced** as quickly as possible if the LEO so wishes, unless reasons dictate otherwise.

C. The person **collecting any weapon must document** its readily visible general description, condition and appearance, and the details of any trace evidence adhering, to the extent these observations can be made without removing a firearm from its holster or otherwise compromising physical evidence. The location where the weapon or instrument was first observed by the supervising patrol officer, and the identity of the person or location from which the weapon or instrument was received, shall also be

recorded.

1. In firearms cases, also make note of whether the firearm is cocked, has its safety on or off, has its hammer back, any apparent jamming of either fired or unfired ammunition; the location and position of the weapon's magazine(s) (e.g., fully or partially inserted, completely separate from the firearm, missing, etc.), to the extent possible without removal of the weapon from its holster.

    a. If the firearm is obviously jammed, no attempt shall be made to unload the weapon or clear the jam.

    b. If the firearm is cocked (or if a semi-automatic pistol cannot be determined to be cocked or not), the safety may be put ON but this act must be documented. If the firearm's hammer is back, it may be lowered and that fact must be noted.

2. Anyone receiving a weapon or instrument from another person, or obtaining it otherwise, shall **note its serial number** if readily visible without removing the weapon from its holster or otherwise compromising physical evidence, and shall maintain the chain of evidence.

3. Otherwise, **weapons and instruments will not be disturbed** in any way. They shall not be handled by anyone other than the official who obtains them and he/she shall handle them minimally to preserve the exact state of the weapon or instrument when received.

4. The collected weapons or instruments shall be **transferred to the Crime Lab staff** as soon as practicable, along with the information required above.

5. If the supervising patrol officer at the scene was an Actor or Victim in the Incident, the responsibility for security and/or collection of weapons and instruments shall rest with an uninvolved supervisor or the next-in-line uninvolved LEO at the scene. This may also be done by an uninvolved investigator.

6. Normally twelve rounds of the same type(s) of ammunition fired by LEOs will be collected later by the MATF investigators or physical evidence processors from each shooting LEO. When possible another source will be used if the LEO has insufficient similar rounds remaining.

7. The Crime Lab understands that prompt return of LEO's firearms is important so it endeavors to complete examinations as soon possible.

    When examinations of LEO's firearms are completed, the Crime Lab will notify the MATF which will then determine whether each firearm will be retained for criminal investigation purposes.

    When the MATF decides against long term retention of a firearm for Criminal Investigation purposes, it will notify the Employer LEA (usually via the Administrative Investigators) of that decision. From that time, the disposition of the weapon is at the discretion of the Employer Agency which has the option of keeping

it for Administrative Investigation purposes and/or for Civil Litigation purposes. When the Employer Agency no longer desires to maintain custody of the weapon, it shall decide upon its disposition.

14. **If another weapon or instrument was involved**, promptly see to the **security and/or collection** of such items as follows:

    A. If the area is secure, such items shall be left in place and undisturbed. Consider stationing a guard.

    B. If the area is not secure, decide whether the weapons can be safely left in place with a guard stationed if necessary, or whether prompt removal is necessary. If such items must be moved or removed for protection, they should be photographed or videotaped in place first and the removal witnessed.

15. **Check the firearms and ammunition of all LEOs** who were present at the time of the LEIF shooting Incidents. This will ensure that all discharged firearms are identified and collected, as well as to identify weapons which were not fired. This includes back-up firearms and those inside vehicles. Detailed documentation is essential.

16. Prior to the Crime Lab's arrival, **physical evidence at risk** of being compromised in any way must be promptly and effectively observed and documented, then collected promptly if absolutely necessary, Otherwise protect it for subsequent Crime Lab collection. Examples include evidence which is endangered by

    A. Its adherence to live participants (such as bloodstains, gun shot residue, and some other types of trace evidence).

    B. Crowds, vehicular traffic, the weather (wind, rain, snow, dew, sunshine or heat), sprinklers, evaporation or melting, fire, animals or insects.

    C. Electrical power being turned on or off (e.g. computer information).

    D. Being recorded over (e.g. contents of audio or video tapes, certain telephone call data).

    E. Being erased or deleted.

    F. Peoples' normal activities.

17. All **officers must conduct themselves with appropriate decorum**. They may be closely watched by the media, residents of the neighborhood, people associated with the decedent, members of police oversight groups, family, and others.

18. Separately ask the Involved and Witness LEOs **"What happened"?**

    A. ***Miranda*** applies only to custodial interrogations.

B. **If the LEO answers freely** and without being ordered *(Lybarger)* to do so, there are no legal restrictions on the scope of the conversation.

1. Seek information relating to (a) exigent circumstances; (b) public safety; (c) crime scene management issues (d) capture of outstanding suspects; and (e) a summary of the incident for briefing investigators and management.

2. Many LEOs want to volunteer much more information than the patrol supervisor needs for the above purposes. This may be psychologically beneficial to some LEOs and may be very informative for the LEA, but the patrol supervisor may not have time to listen to it all and it may be difficult for the supervisor to later accurately document what the LEO said.

3. Try to mark relevant positions which the LEO identifies.

C. **If an LEO** from your LEA **refuses to answer unless ordered** to so do:

1. Determine if the necessary and urgent crime scene functions (listed below under b-1) can be performed without obtaining compelled information from LEA Actors, such as by using only what you have learned or expect to learn from other sources such as non-Actor LEOs, civilian witnesses, physical evidence, dispatch recordings, other audio or video recordings, etc.

   a. If you do not absolutely need involuntary information from an LEA Actor to perform critical crime scene functions, do not compel the LEO to give a statement or answer your questions. Investigators will attempt to interview the LEO later.

   b. If the LEO's information is absolutely necessary to the performance of critical crime scene functions, give the LEO a *Lybarger* admonition.

      1. Compelled answers must be limited to critically needed information concerning **public safety**, **exigent circumstances**, and **scene management**.

         a. Examples of information to obtain:

            1. Injured **people who may need medical attention**

            2. **Suspect information**, such as identity, crimes committed, flight information, vehicle, level of hazard, probable cause for arrest, etc.

            3. **Crime scene(s)** identity, location and size.

            4. **Physical evidence** identity and location, and information relating

to preservation of evidence.

5. **Weapons**, including who fired, the number of shots, the direction(s) of fire, the current location of weapons, etc.

6. The identity of people who were involved in the Incident as **actors**, **victims** and **witnesses**.

b. Do not compel information for these purposes:

1. To determine if the LEO committed a crime.

2. To determine possible Internal Affairs violations.

3. To obtain information to brief LEA investigators or management (other than information for reasons listed in paragraph "a" (above).

D. **Treat the involved LEOs appropriately** (as well as everyone else).

1. Ask about their physical and emotional condition and any needs.

2. Isolate and protect them from the news media, the public in general, hostile people, and well-meaning but intrusive or inappropriate comments or questions by other officers.

3. It is psychologically important to have a Companion Officer remain with involved LEOs at the scene as well as at the LEA facility where they will be taken.

a. Companion Officer is a generic term used to describe an LEO who accompanies and supports another LEO. A Companion Officer may be a member of a Peer Support Team, Trauma Team, or Crisis Intervention Team, but need not be.

b. In choosing Companion Officers for LEOs, solicit the wishes of the involved LEO(s). Select individuals who are a good fit with specific LEOs, otherwise the benefits of using Companion Officers are lost and discomfort may result.

4. Suggest that involved personnel call home when appropriate.

E. **Order the LEOs not to talk to others** about the case other than their attorneys and assigned investigators.

F. **Don't give legal advice.**

G. **Prepare to document** LEOs' information accurately.

1. Methods:

a. The supervisor writes a written report.

b. MATF Investigators may interview the supervisor instead.

2. Accuracy and completeness is very important.

19. Make **radio broadcasts** on outstanding suspects, vehicles, witnesses, evidence items, etc.

20. Collect **perishable evidence** (e.g. GSR) from shooter(s) and victim(s) before they are taken from the scene if doing so does not cause a medically detrimental delay.

21. **Transporting** and "**sequestering"** the Involved and Witness **LEOs**:

"Sequester" means to remove or withdraw into protection; isolate; set apart from others; seclude.

A. LEOs who were present at the scene at the time of the Incident, whether Actors or Witnesses, will be relieved of their duties at the scene as promptly as possible and shall be sent to their own LEA facility unless other suitable and agreeable arrangements are made for them (such as another LEA facility or a hotel). Companion Officers will accompany these people either in a group or individually. LEOs who are either Actors and/or distressed Witnesses should be driven by others to their destinations and should not be permitted to drive until they are ready to do so.

B. Collect perishable evidence before transporting.

C. If circumstances prohibit simultaneous removal of all Involved and Witnessing officers from the scene, Actors and distressed individuals should be relieved first. Some Witness officers may be needed temporarily for scene security until they can be relieved.

D. Uninvolved Companion Officer(s) should remain with the sequestered LEOs (except during confidential conversations with a physician, lawyer, psychotherapist, clergyman or spouse), either in a group or individually, until they can be interviewed.

1. Functions of Companion Officers:

a. Provide companionship and emotional support.

b. Ensure the sequestered officers have privacy.

c. Accommodate LEOs' needs for food, exercise, rest, sleep, clothing change.

d. Assist with notification to close family members, attorney and/or POA representative.

e. Refresh the LEOs' knowledge about upcoming investigative procedures.

f. Ensure the integrity of each LEO's later statements to investigators.

E. Involved and Witness officers must **not discuss the case** among themselves, with Companion Officers, or with others, except their lawyers and the Investigators.

F. LEOs should be sequestered in locations which are **quiet, private, of suitable size, not emotionally negative** and which are **away from areas where Investigators are working**. Rest rooms, telephone access, non-alcoholic beverages, food or snacks should be nearby or provided. Conference rooms, meeting rooms, libraries, and break rooms often work well, but interview or interrogation rooms, the Chief's Office and the Internal Affairs Office are usually not satisfactory.

G. While awaiting interviews, Involved and Witness LEOs should be encouraged to relax and to carefully reflect upon what occurred. For their own use they **may wish to make notes** about the Incident which may be helpful during consultations with their attorneys and during interviews with MATF investigators.

22. **Locate, identify, detain, statementize** and **sequester witnesses** as well as possible.

A. Prompt, aggressive and thorough efforts are needed.

B. LEOs should interview them and then obtain statements from each which (1) detail their knowledge, or (2) clearly document their claim to have no knowledge of the Incident. This may be the only interview that will ever be possible with some witnesses. Audio recordings are best, followed by written and signed statements, followed by the officer taking notes and writing a comprehensive and accurate report of a non-recorded interview.

C. When there are many witnesses, it may be necessary to triage them to determine the order of Patrol interviews.

D. Identify witnesses thoroughly.

E. Try to sequester witnesses who give patrol officers significant information pending formal interviews with MATF investigators.

23. **CSIs** (and other qualified personnel) can perform valuable functions at LEIF scenes prior to the Crime Lab's arrival, after which they may be asked to assist Crime Lab personnel.

A. For immediate CSI duties, see the ***CSI Checklist – Before The Crime Lab Arrives***, Attachment D on Page 77.

B. OK to photograph and/or video until the Crime Lab arrives *without disturbing, contaminating, or collecting*. Photos of the crowd may be useful.

ATTACHMENT A
PATROL SUPERVISORS' LEIF CHECKLIST
Shootings and Generic Incidents

24. Plan and then start an **area canvass** to find more witnesses, relevant vehicles, weapons, evidence, routes of travel, or people.

25. Consider need to arrange for short-term **assistance for civilians** who are emotionally traumatized or displaced by the Incident.

26. Consider **needs of your personnel**: relief, food, water, shelter, restrooms.

27. **Debrief your Patrol officers** to determine what they have learned, what they have accomplished, and what remains to be done.

28. **Collect your information** and your thoughts and **prepare to present your detailed and specific information to a briefing** of investigators, crime scene processors, and LEA management and supervisors.

Reduced Size Pocket Version

Patrol Supervisors' LEIF Checklist for Shootings and Generic Incidents

1. **Emergency life saving** is first priority.
2. Enroute if possible **request needed additional resources**: ♦ more patrol cops ♦ equipment ♦ traffic control ♦ translators, etc. Make prompt decisions then review as necessary.
3. **Notifications**: ♦ to your LEA's command staff, detectives, CSIs, vehicle collision investigators, IA, PIO, POA, Peer Support ♦ other LEAs if involved or effected ♦ DA ♦ Crime Lab ♦ Coroner.
4. **Expect many inquiries** by cell phone from notified officials.
5. **Consider**: ♦ checking field of fire ♦ additional lighting ♦ Command Post ♦ record actions taken ♦ designate a PIO? ♦ news media area ♦ shielding public's view ♦ who writes original report?
6. Determine LEO and supervisor **responsibility for non-LEIF duties elsewhere**.
7. Assign **LEO with tape recorder to ride ambulance** or helicopter with injured person for: ♦ physical evidence ♦ custody of person ♦ safety of EMS & hospital people ♦ aid, comfort & protection for injured LEO ♦ document statements made by the person ♦ information to & from medical personnel ♦ contacts with person's family & witnesses.
8. **Protect sensitive information**. Caution on radio broadcasts & cell phones. Use hardwire or personal contact when confidentiality is needed.
9. **Scenes**: **Immediately identify and secure all scenes**. Have multiple scenes? Establish & maintain true control. Consider inner & outer perimeters. **Big perimeters**. Adjust boundaries as necessary.
10. **Protect scene & contents**. No alteration or removal of items without approval of MATF & Crime Lab unless absolutely necessary for officer or public safety, evidence preservation, emergency medical reasons, or other very compelling reason. Necessary changes must be witnessed & documented. Inspect items, vehicles and people leaving. Use extreme caution to avoid compromising evidence. Determine and document scene changes.
11. **Strict control of scene access**. ♦ single safe ingress/egress point ♦ limit EMS entry/exit to minimum after patient is removed ♦ no news media inside scenes ♦ MATF OK needed for LEO reps, civilian reviewers, civil attorneys, risk management.
12. **Scene log**: ♦ diligently reconstruct who was inside scene(s) before log was started ♦ all entries & exits made after log is started.
13. **LEO's discharged firearms** in possession: ♦ normally in the field promptly & discretely obtain weapon and holster with gun belt ♦ re-place LEO's sidearm if appropriate ♦ minimal manipulation – OK to engage safety or lower hammer if really necessary ♦ don't open or disturb its condition ♦ document readily visible details - model and serial number, trace evidence & condition ♦ transfer to Crime Lab.
14. **Other weapons involved?** Secure in place and guard if necessary. Collect if necessary if area not secure.
15. When LEO(s) shot: **check firearms & ammunition of all LEOs present** at shooting. Collect discharged weapons. Document all accurately.
16. **Physical evidence at risk:** Promptly observe & document, then collect only if absolutely necessary.
17. All LEOs must act with **proper decorum**. Many people are watching.
18. The **"What happened?" question.** ♦ Treat everyone appropriately ♦ Ask each Actor & Witness LEO separately ♦ ***Miranda*** only if custodial interrogation ♦ voluntary statements are usually given ♦if not, don't ***Lybarger*** unless absolutely necessary for public safety, exigent circumstances or crime scene management ♦ order LEOs not to talk except to their reps and to investigators ♦ don't give legal advice ♦ prepare to document their information accurately.
19. **Radio broadcasts** on wanted suspects, witnesses, vehicles, etc.
20. **Collect perishable evidence** from shooters and injured people before they are transported if not medically detrimental.
21. **Transporting & sequestering** involved and witness LEOs ♦ send with uninvolved Companion LEOs to their own LEA facility unless another suitable & agreeable location (e.g. other LEA, hotel) is chosen ♦ have perishable evidence collected first ♦ remove Actors and distressed witness LEOs first ♦ LEOs not to talk about case ♦ sequester appropriately ♦ encourage them to make notes to prepare for interviews.
22. **Witnesses**: locate, fully identify and "statementize", then detain & sequester if appropriate.
23. **CSIs** and others: ♦ Use CSI Checklist ♦ OK to photograph/video and document detail without disturbing, contaminating or collecting, until Crime Lab arrives ♦ crowd photos?
24. **Area canvass** and search for more witnesses, relevant vehicles, weapons, dropped evidence or clothing, route of travel, etc.
25. Need for **short-term assistance for affected civilians**?
26. **Needs of LEA personnel**: relief, food, water, shelter, restrooms.
27. **Debrief your personnel** on their task results and progress.
28. **Prepare yourself to brief investigators** and others with specific and detailed information. Collect case information and your thoughts.

ATTACHMENT A
PATROL SUPERVISORS' LEIF CHECKLIST
Shootings and Generic Incidents

PATROL SUPERVISORS' LEIF CHECKLIST
FATAL VEHICLE COLLISIONS

This Checklist is a guide to help Patrol Supervisors manage patrol officers' response to vehicle collision Incidents where Contra Costa County's **"Law Enforcement Involved Fatal Incident Protocol"** has been or will be invoked. It also has some application to non-Protocol collisions.

1. **Enroute** to collision scene(s)

    a. **By radio, establish control of vehicular and pedestrian traffic**, then modify as needed upon arrival and throughout operation.

        - Establish **detour routes** for public travel when practical.

    b. **Anticipate manpower needs** at collision site(s) and elsewhere; request more LEA personnel promptly.

2. Approach to scene(s):

    a.) All responders to scan for various **hazards** and **criminal threats** to anyone. Avoid or eliminate/mitigate hazards.

    b. All responders to **treat collision scenes as crime scenes**.

    c. Involved vehicles: lights, siren, engine, switches/controls, interiors = see Section 8(a)

3. Emergency **medical / life saving**

    a. Ensure **adequate emergency medical response** is already present or is enroute.

    b. Ensure **first aid** is provided as appropriate.

    c. Confer with Fire Dept. on **need for additional ambulance, medical helicopter**, etc.

    d. Consider **searching area** (bushes, fields, ravines, in water, over fence, etc.) for other **involved vehicles, people**.

4. Identifying and handling **the parties**

    a. **Differentiate suspects, victims and witnesses**, then have them identified, secured, separated and sequestered as appropriate.

    b. Suspects: Check for **probable cause** and/or outstanding warrants; **search for safety**; consider blood alcohol (**B/A) testing**; other **physical evidence**; **spontaneous and/or medical statements**;

c. Witnesses: see Item #8 below.

d. **Radio broadcasts** for outstanding suspect(s), vehicle(s), witnesses, evidence.

5. Re-evaluate need for **additional LEA personnel** throughout operation.

6. Ensure appropriate **notifications are made** (per Protocol and LEA policies), including:

a. Other involved and affected LEAs.

- Investigation of the Incident will be performed by the Protocol's Multi-Agency Task Force (MATF).

b. Command duty officer.

c. Specialized investigative units or investigators per LEA policy.

The MATF's Case Managers Team will coordinate the selection and callout of Protocol Collision Investigators).

d. District Attorney's Office.

e. The LEA's own collision investigator(s) (other than Vehicle Collision Investigators selected by the Case Managers Team).

f. Crime Lab and/or/CSIs as appropriate.

g. LEA's Press Information Officer.

h. Public Works, CalTrans or others for barricades, traffic diversion, traffic signal devices, lighting, traffic advisory or warning signs, spilled material, roadway structural damage, downed signage, downed trees.

i. Public utility company for water, gas and/or electrical problems.

j. CalTrans and/or CHP if regional traffic impact is expected.

k. A representative of the Police Officers' Association (POA), the Deputy Sheriffs' Association (DSA) etc., to support involved LEOs.

7. **Prepare yourself to brief responding officials** on arrival; expect many cell phone calls.

8. **Witnesses**

a. Promptly locate and adequately identify. **Collision witnesses are very mobile and do not remain long at collision scenes**.

b. Include people who stopped to **render aid**.

c. **Initial statements** to be taken by patrol officers.

d. Significant witnesses must also be interviewed by Vehicle Collision Investigators working with the MATF. Arrange for them to wait or transport to suitable location.

e. Have **medical and fire responders identified**.

f. Be alert for anyone who may have **photographed or videotaped** scene before responding officers' arrival. Try to ID who made them and attempt to access the images.

9. Immediate **physical evidence** concerns: (Also refer to the CSI Check list.)

a. Involved vehicles: Caution for delayed air bag deployment

1. **All involved vehicles**:

- If possible before vehicles are altered for rescue, etc., have someone carefully document (photos are best) for each vehicle: in or out of gear; seatbelt use; radio(s) on or off; lights and signals on or off; wipers on or off; other interior controls; ignition and keys; cell phone and computer and other possibly relevant factors in cabin.

2. **Emergency vehicles involved:**

- If necessary for safety, OK to cut off power to vehicle after carefully documenting (photos are best) whether lights and siren were activated, <u>and</u> exact configuration of their controls/switches.

- Otherwise, don't turn off LEA vehicle lights (including Code 3). OK to turn off siren but document per above paragraph.

- If vehicle lights are off, do not turn them on.

3. Non emergency involved vehicle(s): if necessary for safety OK to carefully enter and turn off engine(s) and/or disengage gear(s).

b. Consider evidence on people to be transported or leaving scene(s), especially if **perishable.**

c. Assign someone to **photograph the scene**(s) and/or **people** before any potential alteration or departure.

d. **Leave all evidence items in place** unless in imminent danger; stop any scene clean up unless it is necessary to eliminate an immediate hazard.

- All gear, equipment and property is to be left in place in and on involved vehicles, including LEA or LEO vehicles.

e. **Tow truck(s)** should not be used to tow or move vehicles until MATF investigators approve, but OK to use for emergency rescue.

f. Be alert for stationary **video cameras** that may cover area.

g. Try to **obtain consent** from involved but non-suspect civilians **for B/As** and have samples taken promptly.

h. Unless under arrest, **B/As for involved LEOs** will be decided by MATF investigators and/by Administrative Investigators from the Employer LEA.

10. Assign **officer** with **tape recorder** to ride in **ambulance or helicopter** with injured persons for: See ***Patrol Supervisors' LEIF Checklist for Shootings and Generic Incidents*****,** Item 7 for more specifics.)

    a. Physical evidence

    b. Custody of arrestee and prevent unauthorized contacts.

    c. Release from law enforcement restraints if necessary for treatment.

    d. Safety of Emergency Medical Services and hospital personnel.

    e. Aid, comfort and protection for injured LEO.

    f. Document statements made: spontaneous; in response to medical questions; dying declaration.

    g. Guard deceased body; chain of custody.

    h. Information to and from medical personnel.

    i. Contacts with family, witnesses.

11. **Scene control** issues

    a. Identify and secure all scenes, including:

        1) crash site(s), including minor collisions.

        2) vehicle pursuit route.

        3) foot chase route(s).

        4) original substantive crime scene (e.g. robbery, murder, manslaughter, theft, etc.).

        5) involved vehicles of LEAs or LEOs.

- "non contact" LEA vehicles must be kept in place and safe from alteration for processing by Vehicle Collision Investigators.

6) suspect(s) vehicle(s).

7) victim vehicle(s).

8) location of body or injured people.

b. Scene perimeter(s): make sufficiently large to protect people and evidence.

1) Consider possibility of evidence in **pre-impact** and **post-impact** zones. Evidence may be some distance from the point-of-impact.

c. Establish ingress/egress routes for personnel safety and evidence integrity.

1) Limit movement inside scene(s) by fire and ambulance personnel not necessary for patient care.

d. Have crime scene log started. (See ***Patrol Supervisors' LEIF Checklist for Shootings and Generic Incidents*** for more details.)

1) Strictly limit access.

e. Determine what changes to scene have occurred; have changes documented (what, who, why).

f. Consider need for shielding to prevent public viewing of disturbing or distracting sights and to improve safe traffic movement.

g. Requests by non-involved people to leave and/or remove vehicles from inside crime scene; decide on case-by-case basis. Adequately document identity of the people and vehicles (photos are best), inspect vehicles to ensure non-involvement, chalk location of those vehicles before movement.

12. LEOs, whether Actors or Witnesses:

a. Determine their condition.

b. Ask "**What Happened?"** to each separately. See the separate ***Patrol Supervisors' LEIF Checklist for Shootings and Generic Incidents*** for more details about asking this question.

c. Have them transported to their own LEA unless other agreeable arrangements are made.

d. Assign Companion Officer(s). See the separate ***Patrol Supervisors' LEIF Checklist***

for Shootings and Generic Incidents for more details.

e. Have LEOs sequestered pending MATF contact.

13. Establish Incident Command Post and/or staging area if needed.

    a. Consider establishing news media area.

14. Neighborhood or area canvas, as appropriate.

15. If the Incident also involves a Law Enforcement Involved Shooting, also use the ***Patrol Supervisors' LEIF Checklist for Shootings and Generic Incidents***.

16. Protect sensitive information: consider using land line phones/cell phones.

17. Do not search dead body(ies*)* or make notifications to next of kin.

18. Consider need to remind LEOs to act with proper decorum*.*

19. Debrief your officers: what they have done and learned about the Incident and what needs to be done.

20. Prepare yourself to brief investigators. You will need considerable **detailed and specific information***.*

21. **Logistics.**

    a. Consider personal needs of LEOs at scene: fluids, meal, restrooms, shelter, breaks. etc.

    b. Rotation of scene personnel.

    c. Responsibility for law enforcement service elsewhere, and supervision of it.

See Reduced Size Pocket Version on the next page

REDUCED SIZE POCKET VERSION

PATROL SUPERVISORS' CHECK-LIST
LEIF FATAL VEHICLE COLLISIONS

1. **Enroute** to collisions:
   a. Establish scene control via radio.
      - Establish alternate routes for public travel if necessary.
   b. Anticipate manpower needs for scene(s) and elsewhere. Request more if needed.
2. **Approach to scene**(s):
   a. Scan for hazards and criminal threats. Avoid, mitigate or eliminate them.
   b. Collision scenes are crime scenes (for all responders).
   c. Involved vehicles: lights, siren, engine, controls/switches, interiors = see Section 8(a)
3. Emergency **medical and life saving**.
   a. Ensure adequate EMS response is on-scene or enroute.
   b. Ensure first aid is provided as appropriate.
   c. Confer with EMS on need for additional ambulance, medical helicopter.
   d. Consider area search for more involved vehicles, people in bushes, fields, ravines, in water, over fence, etc.).
4. **Identifying and handling the parties**:
   a. Differentiate suspects, victims and witnesses: identify, secure, separate, sequester.
   b. Suspects: P/C to arrest for on-view? Warrants? Search for safety. B-A testing; other physical evidence. Spontaneous and/or medical statements.
   c. Witnesses: see Item #7 below.
   d. Radio broadcast for outstanding suspect(s), vehicle(s), witnesses, evidence.
5. **Re-evaluate need for additional LEA personnel** throughout operation.
6. Ensure appropriate **notifications** are made (per Protocol and LEA policies) to:
   a. Other involved or affected LEAs.
   b. Command duty officer.
   c. Investigative units or investigators. (T/C investigation will be performed by the Protocol's MATF).
   d. District Attorney's Office.
   e. LEA collision investigators if desired.
   f. Crime Lab/ and CSIs as appropriate.
   g. LEA's Press Information Officer.
   h. Public Works, CalTrans or others for barricades, traffic diversion, traffic signal devices, lighting, warning signs, spilled material, roadway structural damage, downed signs, or trees.
   i. Utility company for gas and/or electrical problems.
   j. CalTrans and/or CHP if regional traffic impact is expected.
   k. POA/DSA representatives.
7. **Prepare to brief responding officials** on arrival; expect many cell phone calls.
8. **Witnesses**
   a. Promptly locate and fully identify. Collision witnesses don't remain long at scenes.
   b. People who stopped to render aid.
   c. Patrol officers to take initial statements from all witnesses.
   d. Significant witnesses must later be interviewed by MATF investigators.
   e. Identity medical and fire responders.
   f Photos or videos made by anyone before officers' arrival? ID maker and get images.
9. **Immediate physical evidence concerns**: Also see CSI Checklist.
   a. Involved vehicles: caution for **delayed air bag deployment**
      1. **All involved vehicles**:
         - Before alteration for rescue, document if possible (photos best) in/out of gear; seat-belt use; radios on/off; lights & signals on/off; wipers on/off; other controls; cell phone, computer, other factors in cabin.
      2. **Emergency vehicles**:
         - If needed for safety, OK to cut off power after documenting (photos best) whether lights and siren were activated, and configuration of their controls and switches.
         - Otherwise LEA lights stay on (especially Code 3). OK to turn off siren after documenting.
         - If vehicle lights are off, do not turn them on.
      3. **Non emergency vehicles**: OK to turn off engine or disengage gears for safety.
   b. Evidence on people leaving scene(s) (especially perishable)?
   c. Photograph scene(s) and/or people before any potential alteration or departure.
   d. Leave evidence in place unless imminent danger; stop scene clean-up unless to eliminate immediate hazards.
      - All gear, equipment and property is to be left in place in and on all vehicles, including involved LEA or LEO vehicles.
   e. Tow truck(s) should not be used to tow until MATF investigators approve but OK for emergency rescue.
   f. Be alert for stationary video cameras that may cover area.
   g. Try to obtain consent for B-As from involved but non-suspect civilians.
   h. Unless under arrest, B-As for involved LEOs will be decided by MATF and/or Employer LEA.
10. **Officer with tape recorder to ride in ambulance** with injured for: ►Physical evidence; ►Custody of arrestee and prevent unauthorized contacts; ►Release from handcuffs; ►Safety of EMS and medical personnel; ►Aid, comfort and protection for injured LEO; ►Document statements made: spontaneous; in response to medical questions; dying declaration; ►Guard deceased body, chain of custody;►information to and from medical personnel; ►Contacts with family, witnesses
11. **Scene control issues**
    a. Identify and secure all scenes, including: ►Crash site(s), including minor collisions; ►Vehicle pursuit route; ►Foot-chase route(s); ►Original substantive crime scene (e.g. 211, 187, 192, 10851, etc.); ►Involved LEA or LEO vehicles; ►Non contact LEA vehicles must be kept in place for processing by MATF; ►Suspect(s) vehicle(s); ►"Victim" vehicle(s); ►Location of body or injured people.
    b. Scene perimeter(s) must be sufficiently large.
       1. Consider evidence in pre-impact and post-impact zones. Evidence scatters.
    c. Establish ingress/egress routes for safety and for evidence integrity.
       1. Limit scene movement by EMS personnel not necessary for patient care.
    d. Have crime scene log started. Strictly limit access.
    e. Determine what changes to scene have occurred; have changes documented (what, who, why).
    f. Need to shield any of scene from public view?
    g. Non-involved people and/or vehicles wanting to leave crime scene perimeter: decide on case-by-case basis. Document (photo?) identity of the people and vehicles, inspect vehicles to ensure non-involvement, chalk location of those vehicles before movement.
12. **Involved LEOs,** whether Actors or Witnesses:
    a. Determine their condition.
    b. Ask "What Happened?"
    c. Transport to their own LEA unless they agree otherwise.
    d. Assign Companion Officer(s).
    e. Have LEOs sequestered pending MATF contact.
13. Establish **Incident Command Post** and/or staging area and **news media area** if needed.
14. Neighborhood or **area canvas** needed?
15. **Law Enforcement Involved Shooting involved?** – see Patrol Supervisors' Checklist for Law Enforcement Involved Shootings.
16. **Protect sensitive information** - consider using land-line or secure phones.
17. **Dead body(ies)**: don't search or make notifications to next of kin. Notify Coroner but body removal is MATF's decision.
18. LEOs to act with **proper decorum**.
19. **Debrief your officers**.
20. **Prepare to brief MATF investigators**; detailed and specific information needed
21. **Logistics:**
    a. Meal/break relief for LEOs.
    b. Rotate scene personnel.
    c. Responsibility for law enforcement service elsewhere and supervision of it.

This Checklist was created through the efforts and collaboration of the following individuals:

Sgt. Marty Birch, Richmond Police Department; Sgt. Chris Childs, California Highway Patrol; Lt. David Chilimidos, Concord Police Department; Officer Mark Covington, Walnut Creek Police Department; Lt. Dave Fox, California Highway Patrol; Sgt. Darrel Graham, Concord Police Department; Sgt. Lee Hendricson, Richmond Police Department; DDA Bob Hole, Contra Costa District Attorney's Office; Lt. Rob Patrick, California Highway Patrol; Sgt. Mike Perry, Pittsburg Police Department; and the California Highway Patrol's Golden Gate Division MAIT team led by Sgt. John Blencowe.

ATTACHMENT B
PATROL SUPERVISORS' LEIF CHECKLIST
Fatal Vehicle Collisions

SUPERVISORS' LEIF CHECKLIST
INSTITUTIONAL CUSTODIAL DEATHS

Contra Costa County's **"Law Enforcement Involved Fatal Incident Protocol"** applies to most institutional custody deaths.

This Checklist is to assist Custodial Institutional Supervisors manage the initial response to deaths of people in the custody of LEA custodial institutions, whether such deaths occur within county or city jails, holding rooms, court facilities, transportation vehicles, medical facilities, interview rooms, or elsewhere. The tasks listed below are typically performed in the interval between the discovery of the death (or discovery of the person's medical distress which is expected to result in death) and the time the Protocol's Multi-Agency Task Force's investigation begins.

- This Checklist is not primarily intended to apply to deaths which occur prior to the time arrestees enter a custody facility for the purpose of custodial processing, although portions of it may be useful in those situations.
- It applies to all institutional deaths occurring by accident, suicide or at the hands of another and it applies to some "natural physiological deaths".

Because nearly all deaths in custodial institutions are of inmates, this Checklist does not directly and specifically address the deaths of non-inmates (e.g. Law Enforcement Personnel or civilians) in custodial environments because these deaths occur so infrequently.

Abbreviations

- MATF = Multi- Agency Task Force.
- LEIF = Law Enforcement Involved Fatal Incident. Under Contra Costa County's LEIF Protocol, this term includes most deaths which occur in custodial institutions.
- LEA = Law Enforcement Agency
- LEO = Law Enforcement Officer

Protocol Invocation

The death, or imminent death, of a person who is in institutional custody in Contra Costa County is a mandatory Protocol case, except custodial deaths which were medically expected and were caused by previously diagnosed medical conditions (such as cancer, AIDS, a heart condition, emphysema, etc.), and which were being treated by institutional medical personnel, provided that institutional suicide, trauma, accident, or use of intoxicants was not involved. **Protocol Ref 79**.

Protocol investigations are also performed on some deaths which occur within 48 hours of the person's release from a Contra Costa custodial facility. **Protocol Refs 80-81**.

The Protocol contains an optional invocation provision allowing LEAs to initiate a Protocol investigation of Incidents which are not mandatory Protocol cases (even those in which death is

not involved). Make the optional invocation decision promptly. When invoking, quickly notify the appropriate officials within your LEA and outside your LEA.

1. **Life saving efforts** are the first priority.

   a. **Immediate life saving efforts by first responders** - first aid, CPR, etc.
      - Reminder: unless death is pronounced by competent medical authority, immediately cut down hanging inmates if it is safe to do so and not wait for photos, a supervisor, medical assistance, etc.

   b. Ensure **notification to institutional medical staff** (EMTs, paramedics, nurses, doctors, nurse practitioners and physicians' assistants).

   c. Ensure **notification to the fire department and/or ambulance**.

   d. If medical transport to an outside facility is needed, assign an **LEO to accompany the patient** in the same vehicle for these purposes: (See ***Patrol Supervisors LEIF Checklist for Shootings and Generic Incidents*** Item 7 for more details on these points.)

      1) Physical evidence protection.
      2) Custody of inmate.
      3) Aid, comfort, protection.
      4) Spontaneous statements, statements during medical treatment, dying declarations.
      5) Information to and from medical personnel.
      6) Potential contact with witnesses and family at hospital.
      7) Identification of EMTs, Paramedics and ER staff.

   e. Consider that the inmate or area may pose a health hazard such as from chemicals or a communicable disease.

2. **Security**:

   a. **Lock down** involved incident areas (not just the specific Incident scene) as appropriate for: (1) institutional security; (2) personnel safety (staff, inmates and civilians) (3) evidence protection; and (4) investigative procedures.

   b. If a completed or attempted **escape** is involved, follow LEA's procedures.

   c. Consider **need to close the facility** to new inmates and to visitors.

   d. Consider **blocking all inmates' phone calls.**

3. If **deadly force was used** by law enforcement personnel, also refer to the separate ***Patrol Supervisors LEIF Checklist for Shootings and Generic Incidents***.

ATTACHMENT C
SUPERVISORS' LEIF CHECKLIST
Institutional Custodial Deaths

4. Promptly **request additional LEA personnel** as needed, for:

   a. Security: **scene(s) protection, lockdown procedures, cell searching** for weapons or contraband (when necessary for custodial security purposes, not as part of the LEIF investigation), sequestering people.

   b. **Assisting investigators**: access and escorting, inmate movement for interviews, etc.

   c. Handling **non-LEIF duties** in the rest of the facility.

   d. Consider need for **more supervisory staff** for the LEIF and/or routine detention duties.

5. **Notifications**

   a. Chain of the LEA's Command.

   b. PIO.

   c. LEA's Civil Litigation investigators and/or Risk Manager.

   d. Notification about Protocol invocation to:
      1. District Attorney.
      2. Crime Lab.
      3. Coroner.
      4. Any other LEA(s) if recently involved in the inmate's arrest or transportation.
      5. POA/DSA representatives for involved personnel per LEA procedure.

   e. Notification of facility's closure to other potentially affected LEAs.

   f. MATF investigators will make death notifications to next of kin.

      1. Exception: When a <u>verified</u> family member learns that his/her inmate relative has a medical problem in the jail and then either telephones or makes a personal visit to the facility to check, notification should be made at that time by a suitable official.

   g. Anticipate receiving phone requests for more information from officials who are notified of the Incident.

6. **Incident scene(s) and physical evidence**: **Treat involved scene(s) as Crime Scenes**.

   a. **Limit access** to scenes to only those officials who must enter.

   b. Have **photos** taken of involved inmate(s), scene, medical response, etc. as promptly as possible. Be careful not to disturb evidence.

   c. **Remove and/or sequester other inmate(s)** from scene(s) and/or area(s) as necessary

for security, evidence protection, interviewing, and emotional concerns.

- This may be difficult in small jails. More officers may be needed for sequestering, and transferring to other facilities may be necessary.

d. Consider need and authority for **prompt searching of inmates** being removed from the scene or area of the Incident.

e. Initiate a **Crime Scene log**.

f. Are there **secondary scene locations** inside and outside the institution such as:

1. Cell(s) where the inmate had recently stayed.
2. Booking.
3. Sally port.
4. Holding cells or areas.
5. Interview or visiting rooms.
6. Medical treatment rooms and facilities.
7. Areas involved in escape or an attempt.
8. Recreation or eating area.
9. Law enforcement vehicle(s) which transported inmate to jail and/or medical facility.
10. Arrest scene.
11. Ambulance.
12. Court areas.
13. Other vehicles, residence, business.

g. Caution for **health hazards**, such as chemical agents (OC spray, etc.), biological materials.

h. Ensure **relevant evidence is safeguarded:** instruments, weapons, and/or evidence. Include items that may be even possibly relevant. Examples:

1. Medical paraphernalia. **DO NOT COLLECT OR DISCARD** − leave in place.
2. Intoxicants (alcohol, drugs, chemicals, etc.).
3. Medications.
4. Containers for medications and intoxicants.
5. Law enforcement restraints.
6. Law enforcement weapons including impact, electronic, chemical.
7. Inmate weapons.
8. Ligatures and their source material.
9. Documents such as notes and letters and especially suicide notes (i.e. anything that shows inmate's state of mind including inmate's reading material).
10. Biological matter such as blood, vomit, urine and fecal material, on floors, walls, furniture, clothing and bedding, etc.

11. Inmate's clothing which was removed from him/her during medical efforts.
12. Foods and beverages and their containers and wrappings, especially in inmate's housing area.
13. Trace evidence:
    a) Fingerprints.
    b) Footprints.
    c) Suspicious substances.
14. Inmate's personal property stored by the facility.
15. Other property of the inmate:
    a) If in cell = leave undisturbed.
    b) Elsewhere (such as in booking) = locate, identify the container, safeguard, and hold for investigators.
16. Any video or audio recordings or photos made of the Incident?

7. Refer **press inquiries to PIO** or other official specified by LEA procedures.

8. Determine which **people are relevant to investigation** of the Incident, then: (a) get their identities; (b) determine their roles in the Incident; (c) know the end of shift time for staff members; (d) obtain a summary of what they know about the Incident in preparation for briefing (see # 11-a below).

   a. **Sequester** involved and witnessing persons (see sections b and c immediately below for examples)

   b. **Jail staff** and involved LEOs (whether assigned to the institution or not):
      1) Separately ask involved staff "What happened?" for these purposes:
         a) Managing the Crime Scene(s) and physical evidence
         b) Identifying and handling any Exigent Circumstances
         c) Ensuring safety of people and property
         d) Briefing MATF investigators and others

         This information is usually provided consensually by staff members. Do not compel this information through *Lybarger* unless absolutely necessary. (See ***Patrol Supervisors LEIF Checklist For Shootings and Generic Incidents*** for more details.)
      2) Anticipate holding some involved staff members past shift end for interviews (especially custody staff and medical personnel).
      3) Have staff listen for comments from inmates about the Incident.
      4) Have staff try to collect intelligence material from inmate sources about the Incident and the decedent.

   c. **Inmates**

      1) Have relevant inmates screened for injuries, involvement and any knowledge of

Incident.

a) Medical or mental health attention as appropriate.

b) Consider moving inmates to other areas pending MATF interviews.

c) Special consideration to inmates who may have had recent contact with involved inmate.

d) OK to take brief patrol-type statements from inmates with significant information. (MATF investigators will re-interview those inmates later, as well as other inmates who were not interviewed by staff.) It is often important to determine where each inmate was when the Incident occurred. Audio recordings may be very useful, especially if surreptitiously done.

e) Consider delaying transfers and releases of inmates pending custodial staff's consultation with MATF investigators.

2) Sensitive areas (such as death scene, body, etc.) should not be viewable by inmates. Inmates should not view even a covered body. Cover windows, erect screening or move inmates to other locations. Try to prevent inmates from hearing official conversations about the Incident.

3) Sequester appropriate inmates for MATF interviews

d. **Medical staff /EMS/fire department.** Have all identified and their duty stations and contact information ascertained.

e. **Civilians**, such as janitors, trades and repair people, inmates' visitors.

9. OK to have **photos** taken but don't compromise any physical evidence. MATF and Crime Lab will do scene and evidence processing.

10. Assign an **LEO to write reports** (criminal and/or administrative) required by LEA procedures. Usually an MATF investigator from the custodial LEA will write any crime report that is necessary.

11. **Preparation for the MATF investigation**: A Supervisor will have a major role in briefing the investigators.

a. For **briefing MATF investigators** and others:

1) Collect detailed information about the Incident and about the inmate from staff and documents including:

a) Chronology of Incident.

b) Information on inmate's condition (alive? prognosis? presence or absence of trauma?).

c) Observations and actions of staff members.

d) What staff members have learned from inmates and from other interviews.

e) Inmate's history in the institution.

f) Language difficulties requiring interpreter(s).

g) Actions taken pursuant to this Checklist.

2) Collect, review and have copies made of relevant documents, including:
   a) Inmate's complete booking file, including arrest records. Records of the inmate's prior incarceration in the facility may also be needed. (Note: copies must be made for investigators of ALL documents in the file.)
   b) History of the inmate's movement and housing inside the institution.
   c) List of who has visited inmate, and of who is authorized to visit.
   d) Disciplinary or other Incident records on the inmate.
   e) Any history of telephone calls made by inmate.
   f) Inmate's institutional medical records (if obtainable). If not obtainable, try to ensure their integrity until they can be obtained by legal process (such as consent, coroner's subpoena, search warrant, court order, etc.).
   g) Inmate's classification documents.
   h) Separation logs.
   i) Observation checklist or log.
   j) Computerized Incident history (if any).
   k) Copy of Dispatcher recordings of relevant radio and telephone traffic.
   l) Roster of inmates in relevant housing areas and room/bunk assignments.
   m) Listing of LEA staff (sworn, non-sworn, medical, etc.) involved in Incident and the response to it.
   n) Housing unit's event log or note book (computerized or handwritten).
   o) Logs or printouts showing relevant entries into controlled areas (whether handwritten, computerized, or by card readers).

b. **Notify front counter/lobby** personnel to expect arriving investigators.

c. Arrange **adequate rooms for MATF** briefing and operations.
   1) Chart paper, broad tip marking pens, tape to attach paper to walls.
   2) Telephone access (if possible).

12. Consider **emotional impact** of Incident on staff and inmates. Take appropriate action.

13. **Meals** for staff, investigators and inmates may be needed during the investigation.

This Checklist was created by a committee consisting of:

Sergeant Dimitri Barakos, Antioch Police Department; Commander Scott Daly, Contra Costa Sheriff's Office; Captain Greg Gilbert, Contra Costa Sheriff's Office DDA Bob Hole, Contra Costa District Attorney's Office; Sergeant Garrett Voerge, Concord Police Department; Lt. Pat Welch, Antioch Police Department

ATTACHMENT C
SUPERVISORS' LEIF CHECKLIST
Institutional Custodial Deaths

CSI CHECKLIST

BEFORE THE CRIME LAB ARRIVES

Pending arrival of the Crime Lab, certain physical evidence tasks should be performed by early responding officers to protect the evidentiary value of physical evidence and conditions at the scene(s). Preferably these officers have had CSI or evidence technician training. The quality of the physical evidence that will ultimately be collected by the Crime Lab often depends upon prompt and effective action by LEA personnel who are at the scenes shortly after LEIF Incidents occur.

- **<u>Extreme caution</u> must be used by all personnel (including CSIs and Evidence Technicians) to avoid contaminating, altering or removing evidence at the scene, and to avoid creating artifacts.**

- **Crime Lab personnel are usually available to consult with on-scene personnel via cellular phone while they are enroute to the scene. Obtain their phone numbers through the Sheriff's Dispatch Center or from District Attorney personnel investigating the Incident.**

1. Take immediate steps to **secure the scene(s)** and to **control scene access** and routes. (This must be done in conjunction with the Venue Agency's patrol supervisor who is in charge at the scene.)

2. **Record transient detail** through photographs, videos, note taking, and/or sketches to document items, conditions, actions and observations which are likely to change before the Crime Lab arrives. Examples:

   a. General appearance of the scene and surrounding area prior to darkness falling, the arrival of a storm, start of heavy commute traffic, etc.
   b. Location and condition of weapons.
   c. Location of bullet casings.
   d. Condition of relevant people (injuries, clothing, actions, appearance, etc).
   e. Blood drops, flow or spatter patterns.
   f. Location/condition of other biological evidence.
   g. Location and condition of involved vehicles (including LEA vehicles).
   h. Operation of lighting and other features of relevant vehicles, including patrol car emergency equipment (Code 3 equipment), hazard warning lights, loud radio.
   i. Other vehicles in the area (possibly involved, belonging to witnesses or victims, etc.).
   j. Doors (open, opened partially, closed).
   k. Lighting (man-made and natural).
   l. Windows, blinds, curtains and shutters (open or closed).

m. Weather conditions.

n. Traffic conditions (if relevant).

o. Skid marks, collision debris and the extent of debris scatter field, impact and gouge marks, vehicle fluids on ground.

p. "**Artifacts**." As used here, these are artificial changes of an item or condition caused by something that is extraneous to the Incident, i.e., something that was not present when the Incident occurred and had no direct bearing upon the Incident's occurrence. Examples:

1. Results of emergency medical efforts, including the movement of an injured person, movement of furniture, cutting or total removal of clothing, creating or obliterating foot tracks, dropping or smearing of blood, removal of doors or gates, abandonment of medical debris, turning lights on or off.
2. Weather.
3. Water from sprinkler systems, dew, river or stream flow.
4. Arrest, struggle, and/or removal of suspect.
5. Animal (especially dog) or insect activity.
6. Clean up efforts.
7. Vehicle movement or change in the vehicle's condition (such as turning off emergency equipment).
8. People walking inside scene.
9. Evaporation.
10. Items dropped, such as gum, cigarette butts, matches, food wrappers and containers, scrap paper, hair.
11. Shoe prints, tire prints.
12. Evidence items changed by being picked up, stepped on, kicked.

q. People present at the scene, including crowds (if relevant).

3. If possible, **collect Gunshot Residue** samples from gunshot victim(s) and shooters who are being transported from the scene. Use Gunshot Residue collection kits. Other types of trace evidence may also need to be collected, as stated in #4.

4. When necessary, **protect** if possible (and **collect <u>if absolutely necessary</u>**) any **evidence which is <u>in imminent danger</u>** of being lost, destroyed or contaminated. Examples include footprints, blood drops, expended bullets or shell casings, vehicles, vehicle tire tracks, items which will be blown away by wind or washed away by rain, firearms or valuables which are subject to theft, trace evidence on people leaving the scene, etc. Consider the ambulance and Emergency Room as locations of evidence which may need protection.

5. **Scene log**: Help **ensure that a written log is started** to adequately record every entry and exit at the scene. Information must include identity of each person, their agency or other affiliation to the case or scene, the time(s) of entry and exit, and the reason for entry. (Refer to ***Patrol Supervisors LEIF Checklist for Shootings and Generic Incidents*** for more details.)

ATTACHMENT D
CSI CHECKLIST
Before The Crime Lab Arrives

a. The log must include the names and identifying information of everyone (police, fire and ambulance personnel; civilian passersby, victims, witnesses; etc.) who entered the scene prior to the log being started, whether they are still present or have already left the area. (Contact may later be needed with those people to obtain elimination shoe prints or fingerprints, or to ask about certain observations and actions.)

6. Take full length (stand-up, head-to-toe, and of all sides) color **photographs of involved people** (officers and civilians). Pay particular attention to wounds, damaged clothing, trace evidence, etc. and document them with close-up photographs.

7. Assist the scene supervisor or investigators in the documentation and/or collection of **LEOs' firearms**, duty belts, and/or clothing, if these items are being collected at that time and place.

8. As needed, assist in the collection of **blood or urine** from LEOs or others.

9. Document the **position of participants and witnesses** at the scene as revealed by them during initial scene explanations.

10. Make a **preliminary sketch** of easily visible aspects of the scene without entering the scene (unless OK'd by MATF investigators or by the Protocol-designated evidence collectors). Do not take measurements or do anything else that might contaminate the scene. Use a straight edge and make the sketch in correct proportion but not necessarily to scale.

    a. MATF investigators will probably ask for another sketch which shows scene landmarks but which does not show evidentiary detail at the scene (such as the location of a body, blood, gun(s), bullets, etc.). Copies of these sketches will be used primarily by investigators during interviews.

11. When the Crime Lab arrives, they will assume responsibility for processing the scene.

    a. **Brief them** in detail on what you have observed and done and on any evidence processing you believe should receive priority attention.

    b. Confer with them on the immediate **disposition of evidence** you collected.

    c. Qualified officers may be asked to **assist the Crime Lab** with preparation of diagrams, processing of latent and patent prints, photography, logging of measurements and photographs and evidence, scene lighting, transportation of evidence and other duties. They will be working under the direction of the Protocol-designated evidence collectors.

This Checklist was originally created in 1984 by John Patty of the Contra Costa Sheriff's Criminalistics Laboratory. This 2007 revision was written by Crime Lab Director Paul Holes and Deputy District Attorney Bob Hole.

ATTACHMENT D
CSI CHECKLIST
Before The Crime Lab Arrives

AUTOPSY EVIDENCE COLLECTION CHECKLIST
CONTRA COSTA COUNTY

Decedent's Name _____ Coroner Case No. _____

LEA and Case No. _____ CSI/Criminalist(s) _____

Autopsy Date _____ Pathologist _____ Lab No. _____

Use notes:

A. This guide corresponds with the procedures followed in Contra Costa County, and it is organized to follow those procedures sequentially. Modifications may be necessary for use in other jurisdictions. In many jurisdictions the pathologist and his/her staff collect and document all evidence at autopsy, while in other jurisdictions the police investigators and/or CSIs or criminalists do much of that work.

B. Use a separate fresh copy of this guide for each autopsy.

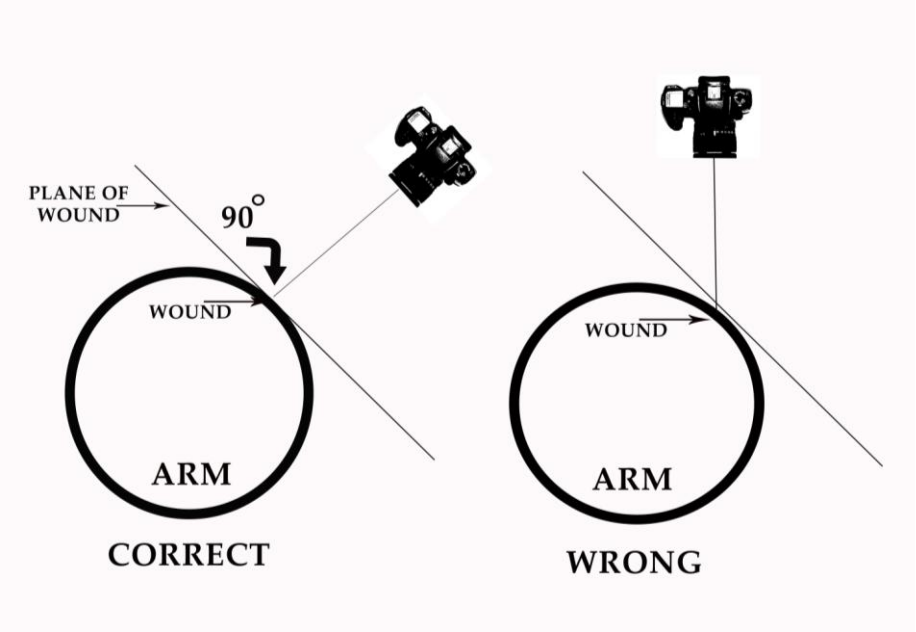
C. Prior to each autopsy, review this guide to determine which steps will be relevant to that specific case. Place a Checkmark (√) in the "To Do" column beside each step that is applicable. When each step has been completed, place a checkmark in the "Done" column.

D. You may make notations on this document.

To do	Done		
			A. PREPARATORY TO AUTOPSY
√	___	1	
___	___	2	1. Bring to autopsy: Decedent's clothing; OTC and RX medications; weapons or objects which may have marked the body; relevant photos. Also see the Contra Costa County Sheriff/Coroner's document entitled ***Death Investigation Roles Of The Coroner And Law Enforcement Agencies.***
___	___	3	2. Arrive at morgue at least ½ hour before scheduled autopsy time.
√	___	4	**B. PRE-AUTOPSY PROCESSING OF BODY**
___	___	5	Many of these procedures may be performed prior to the pathologist's arrival but they <u>must be done without disturbing the body or clothing</u>.
___	___	6	1. Ensure that trace evidence is not compromised when x-rays are taken.
___	___	7	2. Without moving or undressing body, conduct a visual examination, and do head to toe photography before subsequent undressing, washing, evidence removal or removal of medical therapy devices. Ensure complete body coverage. Use good lighting. Use magnifying glass and/or stereo microscope if appropriate. See Item #12 regarding trace evidence.
___	___	8	a. Use normal and close-up lenses as appropriate.

___ ___ 9 b. To confirm or determine the decedent's identity, or for other immediate investigative needs, take digital or other instant photos of face and/or identifiable body features. Delay this until Item #146 if cleaning is needed before presentable ID photos are taken.

___ ___ 10 c. **Note regarding photography**: When photographing wounds and marks on any body surface (but especially on curved surfaces) at any stage of the autopsy, it is essential to position the camera perpendicular (i.e. at 90 degrees) to the plane of the wound or mark, and to aim the lens directly into the center of the wound or mark.



___ ___ 11 3. Examine the body and clothing using good lighting and magnification if necessary. Make written notes and/or sketches of the condition of the body and clothing, relevant positions, location of observable evidence, body or clothing defects which appear significant, and possible "artifacts" (see Item #123 for artifacts).

___ ___ 12 4. Examine carefully for trace evidence which undressing or body clean-up will disturb.

___ ___ 13 a. Use good lighting and magnifying glass.

___ ___ 14 b. Trace evidence types (examples):

___ ___ 15 1. Soil

___ ___ 16 2. Vegetable/vegetation matter.

___ ___ 17 3. Blood. Remember that blood on the decedent may be from the decedent or from someone else (such as the suspect).

___ ___ 18 4. Hair (human, animal)

___ ___ 19 a. Loose hairs: collect with new comb and/or clear tape lift and/or tweezers. Package into a paper bindle and then place into a paper envelope.

___ ___ 20 b. Hair standards from the body will be collected later at Item #183+.

___ ___ 21 5. Fibers

___ ___ 22 6. Glass

___ ___ 23 7. Grease, oil

___ ___ 24 8. Gunshot residue. Collection of GSR will be done later at Item # 70+.

___ ___ 25 9. Face powder, lipstick (decedent's or from another person)

___ ___ 26 10. Semen

___ ___ 27 11. Visible prints (finger, shoe, tire, etc). See Items # 46-56 for collection

___ ___ 28 12. Paint

___ ___ 29 c. Document trace evidence by photography and sketching prior to collecting. (Collection is immediately below at Item #30.) Consider macro photography.

___ ___ 30 d. Collection methods. If removal of clothing may disrupt important trace evidence, ask that clothing be cut off carefully, avoiding wounds, defects, GSR patterns, blood on clothing, or other evidence.

___ ___ 31 1. Collect by gloved hand or clean/new fine tip forceps.

___ ___ 32 2. Tape lifts. Use clean tape. To store, suspend tape pieces inside closed containers made of clear glass or plastic, or to inside of clean plastic bags.

___ ___ 33 3. Swabs

___ ___ 34 a. If only a small quantity of material exists, concentrate stain by collecting it on tip of cotton swab using small amount of water. Distilled water is preferable.

___ ___ 35 b. If stains are at multiple sites on body, collect from many areas using separate swabs for each stain.

___ ___ 36 c. Label each swab or their individual containers, showing case number and collection site of each swab.

___ ___ 37 d. Air dry swabs if possible before packaging. Must not contaminate one swab with another.

___ ___ 38 e. Control swabs are necessary – collect one from each area where a

stain sample is collected. (Controls are swabs of unstained surfaces adjacent to each stain site.)

___ ___ 39 e. Hands, fingernails

___ ___ 40 1. Examine with good lighting and a magnifying glass or stereo microscope. ONLY IF no trauma is present, collect and package trace evidence from hands and nails. If trauma is present, delay collection until pathologist's approval.

___ ___ 41 2. Fingernail cuttings: delay collection if trauma present. Cut nails with clean instrument.

- Clean the cutter with bleach before and after using.
- Collect and package clippings from the right hand separately from clipping from the left hand.

___ ___ 42 3. Examine for, photograph, and consider subsequent collection of broken nails if possibly relevant to case.

___ ___ 43 4. Fingernail scrapings (only if nails are too short to clip): use clean/new wood-tipped device such as toothpick. Package the scrapings in clean paper with pharmaceutical folds. Use a separate device for each hand.

___ ___ 44 5. Remember to look between all fingers.

___ ___ 45 f. On clothing: Collect loosely adhering trace evidence which may be dislodged.

___ ___ 46 g. Prints on cadaver's body surface (e.g. fingerprints, shoe prints, tire prints, etc.)

___ ___ 47 1. Bloody: After you are certain that good close-up (macro) photos have been taken of prints one-to-one, both with and without scale, consider use of a blood reagent to develop or enhance bloody prints, smears or stains. CONTACT LAB for advice or assistance.

___ ___ 48 2. Other visible prints (e.g. grease): contact Lab for advice.

___ ___ 49 3. Latent fingerprints on the body: if latent fingerprints are a possibility the body <u>should not be refrigerated</u>.

___ ___ 50 a. Photography: (See Item #10 regarding photos of curved surfaces.) Take good close-up (macro) photos of prints, one-to-one, with and without scale.

___ ___ 51 b. Methods of developing, lifting and/or photographing: CONTACT LAB.

___ ___ 52 1. Electrostatic lifting of dust prints.

___ ___ 53 2. Iodine fuming with silver plate lifting. Photograph the silver plate lifts.

___ ___ 54 3. Super glue fuming.

___ ___ 55 4. Magna brush with metal powder.

___ ___ 56 *5.* Sampson Lift Method. (Contact Lab for details.)

___ ___ 57 h. Alternative light sources (ALS):

Use ALS and/or black light (ultra-violet) exam of body and clothing before wash-up and clothing removal.

___ ___ 58 1. View in dark using protective lenses to protect your eyes.

___ ___ 59 2. Be sure the pathologist is shown anything you find, prior to further processing.

Photograph (see Item #10 regarding curved surfaces) significant findings such as healing wounds, trauma, stains, trace evidence, etc., under the ultraviolet light. Contact Lab for photography method.

___ ___ 60 3. Sketch.

___ ___ 61 4. Outline any luminescent stains with a permanent ink marker for exam under normal light. Photograph marked areas under room light or with flash.

___ ___ 62 5. Swab luminescent stains as described in Items #33-38.

___ ___ 63 6. Obtain control swabs as described in Item #38.

___ ___ 64 i. Gunshot cases

___ ___ 65 1. Gunshot residue (GSR) may help determine:

___ ___ 66 a. Proximity of decedent's body or clothing to the muzzle or to the side of a discharged firearm.

___ ___ 67 b. Orientation (positioning) of various body parts to the firearm at the time of discharge.

___ ___ 68 c. If the decedent fired a gun.

___ ___ 69 d. Type of ammunition fired.

___ ___ 70 2. GSR on body surfaces:

___ ___ 71 a. If GSR was not previously collected from the body at the scene prior to removal of the body to the hospital or morgue (as is preferable), the body should not be refrigerated prior to GSR collection at the morgue.

___ ___ 72 b. Photograph (see Item #10) regarding photography of curved surfaces) any visible GSR with and without scale. Some of your photos must show 100% of the GSR pattern.

___ ___ 73 c. Consider tracing visible gun powder particle pattern on clear acetate sheets.

___ ___ 74 d. Collect visible and invisible GSR.

___ ___ 75 1. Use magnifying glass or stereo microscope (one is located at the Morgue) to look for non-obvious GSR.

___ ___ 76 2. Consider tape lifting but do not do tape lifting on areas that might be processed for latent prints.

___ ___ 77 3. Use adhesive SEM disks for back of hands, palms and other surfaces as appropriate.

___ ___ 78 3. GSR on clothing:

___ ___ 79 a. Photograph with and without scale.

___ ___ 80 b. Remove garment later (at Item #124+) and package it without disturbing GSR.

___ ___ 81 4. Photograph wounds and the immediately surrounding GSR pattern(s) with scale. Describe in notes. Have area around wound shaved if necessary.

___ ___ 82 5. Collect dry residue from wound site(s). Look for tattooing.

___ ___ 83 6. With pathologist's approval, swab interior of wound for GSR. Consider swab of wound track.

___ ___ 84 7. Have hair shaved from wound site. Look for tattooing.

___ ___ 85 8. Collect shaved hair for later Lab exam for GSR and shattering.

___ ___ 86 9. Photograph wound after shaving and cleaning, with and without scale. Consider one-to-one photography to show specific detail.

___ ___ 87 10. Take additional photographs of all wounds after cleanup.

___ ___ 88 j. Explosives cases:

___ ___ 89 1. Dynamite is often tagged with small multi-layer chips. Use a magnet placed inside a new plastic bag to collect these.

___ ___ 90 2. Using swabs with wooden or paper shafts, moisten swab with acetone and swab relevant areas. Air-dry the swabs and place in plastic or glass containers. Wear rubber gloves.

___ ___ 91 3. Collect control swabs from body areas which are not contaminated by the explosive.

___ ___ 92 4. Bite marks:

___ ___ 93 a. Examine suspected bite areas with ultraviolet light. Wear protective lenses to avoid damaging your eyes. Photograph positive areas using the black light for illumination. Call Lab for advice about this photography.

___ ___ 94 b. Swab the bite mark area for possible saliva using a swab moistened with a small amount of distilled water. To concentrate the saliva on the swab, use only the tip of the swab.

___ ___ 95 c. Obtain control swab(s) in same manner as evidence swabs. See Item #38.

___ ___ 96 d. Label swab(s) and air-dry. See Item #s 36-38.

___ ___ 97 e. Photograph suspected bite marks, with and without scale, in color (and in black and white if using film). (Color digital photos can later be converted to black and white using Photoshop.) Take macro (one to one) photos in addition to standard photos at normal range.

___ ___ 98 f. Photograph suspected bite marks in color, with and without scale. Take macro (one to one) photos in addition to standard photos at normal range. If using a digital camera, ensure the camera settings are at a high enough resolution to allow for adequate enlargement and image enhancement without loss of image quality.

___ ___ 99 g. Cast bite marks with Mikrosil casting putty.

___ ___ 100 h. Have the pathologist excise the bite mark at autopsy. It should then be frozen and retained. Store in formalin to preserve tissue shape (Formalin is OK because DNA is not needed from the tissue).

___ ___ 101 5. X-rays. If x-rays will be taken at autopsy, use care not to disturb trace evidence. With the pathologist, examine any autopsy or hospital x-rays, MRIs or CT scans for:

___ ___ 102 a. Bullets, knife tips, wound paths, bone and metal fragments. (Keep in mind that some people have old bullets in their bodies from previous Incidents.)

___ ___ 103 b. Broken bones.

___ ___ 104 c. Old fractures which have healed (especially relevant in child abuse, spousal and elder abuse cases).

___ ___ 105 d. Photograph significant x-rays while they are on the x-ray viewer using the viewer's light but no flash. Be sure x-rays are retained (usually by the Coroner's Office).

___ ___ 106 6. Ligatures/hangings

___ ___ 107 a. Photograph ligature in place on the body if it has not already been removed.

___ ___ 108 b. Pathologist should determine tightness and exact orientation.

___ ___ 109 c. Pathologist should cut the ligature a distance away from the knot,

then tie those newly cut ends together with string or wire to clearly identify ends which were cut at autopsy. Be careful not to contaminate ligature with sources of DNA, especially blood or other body fluids/tissue from the decedent, as someone else's DNA may be present on ligature.

___ ___ 110 d. Preserve ligature for non-victim DNA, prints and trace evidence.

___ ___ 111 e. With ligature on an absolutely clean surface, photograph ligature after removal from body. Be sure to include the knot.

___ ___ 112 f. Photograph the skin surface previously beneath the ligature, especially any furrows, marks, fingernail scrapings, etc., with and without scale.

___ ___ 113 g. If decedent apparently tried to loosen the ligature, check fingernails for tissue from neck. If found, photograph, then follow Item # 39+ for collection.

___ ___ 114 h. Tape-lift the area previously beneath the ligature for trace evidence.

115 i. Consider tape-lifting hands for hairs and fibers (especially fibers from the ligature).

___ ___ 116 7. Photography of other markings, trauma, and conditions, with and without scale. Consider use of various lighting techniques, filters, and different films. Examples:

___ ___ 117 a. Writing on skin, including faint tattoos.

___ ___ 118 b. Stains and smears.

___ ___ 119 c. Footwear impressions.

___ ___ 120 d. Blood flows, patterns or spatter: photograph blood patterns with and without a scale. If removal of clothing may disrupt important bloodstain evidence, ask that clothing be cut off carefully to avoid any wound defects, GSR patterns, blood stains on clothing, or other evidence. Avoid contaminating the clothing with additional blood from the victim as clothing is removed.

___ ___ 121 e. Lividity. This photography is especially relevant if the fixed lividity is inconsistent with the position of the body when found. Show scene photos of body's position to the pathologist.

___ ___ 122 8. Decomposing body: Collect representative samples of all the ***various types*** of insects on the body, and for each type, collect samples of each of their ***stages of life*** (e.g. eggs, larvae, pupae, and adults). An entomologist may be able to use this evidence to help determine time of death.

_√_ ___ 123 9. CAUTION FOR ARTIFACTS: At all stages of the autopsy, be alert for

post-mortem artifacts. These are conditions, marks, items, and substances which are present on the body or clothing but which were made, left or deposited during medical procedures, transportation or handling of the cadaver, during morgue procedures or evidence processing, or even during the autopsy itself. They have nothing to do with the cause and circumstances of the person's death, but because they are in fact present, they cannot be ignored and must be documented. Their origin must be accounted for if possible to avoid possible subsequent misinterpretation. Confer with the pathologist about identifying them and their sources and about how to best document them.

Some examples of artifacts: the presence on the body of fingerprint ink or powder caused by fingerprinting the cadaver; impressions on the torso caused by EKG pads; medical incisions (such as cut-downs for catheters or drainage tubes) or needle marks made during life saving efforts; blood or hair transferred onto the body from the autopsy table, from dirty equipment or supplies, or from someone attending the autopsy; glove impressions on the skin left when handling the body; impressions on the body made by the autopsy table, the gurney or backboard or by tie downs; incisions made in the skin during the autopsy; and blood on a previously clean body surface which flowed from an autopsy incision.

___ ___ 124 **C. REMOVAL OF CLOTHING AND CLEAN UP OF BODY – done only at the pathologist's direction**

___ ___ 125 1. Photograph the layer by layer undressing of the body.

___ ___ 126 2. Clothing is to be removed intact if possible, without cutting or tearing. If cutting is necessary, cut to avoid any wounds, defects, GSR patterns, blood on clothing, or other evidence. Record what cutting was done.

___ ___ 127 3. Collect all clothing and footwear. Collect clothing in a manner to avoid losing, disturbing, contaminating or cross-contaminating evidence.

___ ___ 128 4. Air-dry wet items before packaging if possible.

___ ___ 129 5. Clothing with important blood patterns, biological stains or other significant evidence should be separately sandwiched between sheets of clean butcher paper before each item is folded and separately packaged.

___ ___ 130 6. Package each item separately in paper bags (not plastic).

___ ___ 131 7. The clothing should be cautiously and thoroughly searched for evidence and personal items.

___ ___ 132 8. Determine which items of decedent's personal property at the morgue should be collected and retained as evidence. Remember that items not collected for evidence will be released to the next-of-kin or disposed of by the Coroner's Office.

___ ___ 133 a. Examples: clothing, jewelry, wallet or purse, address books, money, notes, cell phones.

___ ___ 134 b. Consider photographing or photocopying items you elect not to collect as

evidence as they might later have value as evidence or investigative leads.

___ 135 9. Possible sexual assault:

___ ___ 136 a. The pathologist will examine body orifices for trauma and for evidence.

___ ___ 137 b. Swabs and smears: Vaginal, rectal and oral. The pathologist will do the swabbing of body orifices, then will transfer collected material to glass microscope slides. Multiple swabs are required. Label the slides and swabs. Air-dry the slides and swabs before packaging. If pertinent, request esophageal,
vaginal, cervical, and uterine swabs.

___ ___ 138 c. Examine the body for seminal stains, especially on external genitalia and thighs. Also look for foreign material or encrustation. Use ultraviolet light to aid. Photograph first, then collect possible stains with swabs or otherwise.

___ ___ 139 d. Swab breasts/penis for saliva.

Perform blind swabs of areas the offender may have mouthed or licked, such as neck, lower abdomen, fingers, external genitalia, external anal, inner thighs, and toes. (Blind swabs are swabs that are collected from areas even though one does not see any foreign material present.) These swabs are collected from areas in case there is foreign material present that cannot be seen, such as saliva stains.

___ ___ 140 e. Obtain control swabs from areas adjacent to areas from which evidence was collected on swabs.

___ ___ 141 f. Tape-lift pubic area, followed by combing of pubic hair with clean combs. Wrap the comb or brush into a clean paper towel and place into a paper envelope.

___ ___ 142 g. Obtain hair standards from decedent later in autopsy at Item #183+.

___ ___ 143 10. Ensure that only new sponges and scrub pads are used to clean body.

___ ___ 144 11. Collect debris washed from body if appropriate for the case.

___ ___ 145 12. Before continuing the photography, dry body surfaces to avoid reflections on the photos from photo flash and room light. Be sure clean towels are used.

___ ___ 146 13. Be sure the height and weight of the body is taken and is accurate and is not simply taken from driver's license or other ID.

___ 147 **D. PROCESSING OF UNCLAD AND CLEANED BODY**

___ ___ 148 1. Complete photographic coverage of the body, head to toe, front and back.

___ ___ 149 a. Use normal and close-up lenses as appropriate.

___ ___ 150 2. Take portrait of face for identification and courtroom purposes.

___ ___ 151 a. In these identification photos, minimize wounds, distortions, instruments, other bodies, and unpleasant background. Make the facial pose as natural and life-like as possible. Fill the frame with the face. Take front and profile views.

___ ___ 152 b. Take digital or other instant photos for immediate identification if needed, if not already done at Item #9.

___ ___ 153 3. Wounds (including defense wounds):

___ ___ 154 a. Photographs – See Item #10 regarding curved surfaces.

___ ___ 155 1. If gunshot or stab wounds are numerous, consider numbering the wounds on the skin, with pathologist's concurrence. When photographing wounds, be sure to include the wound number marked on the skin in each wound photograph. Alternatively the pathologist may only number the wounds on his/her diagram of the body; you should use these for photo referencing and/or to correlate wounds to collected evidence such as projectiles.

___ ___ 156 2. Photograph wounds in relation to other wounds and in relation to body landmarks.

___ ___ 157 3. Photograph wounds one-to-one if possible, with and without scale. Close-up photographs are especially important: (a) when there may be an issue about entry or exit wound determination; (b) when the wound is or may be a shored exit; (c) to show trace evidence in a wound, (d) to show tissue bridging or its absence; (e) to show directionality of the force causing the wounds; (f) to show any pattern to the wound(s); (g) to show characteristics of the weapon or object that caused the wound.

___ ___ 158 4. When photographing bruises, use a Kodak color scale (or similar) to ensure accuracy of bruise colors on color photos.

___ ___ 159 5. For admissibility of photos in court, exclude unnecessary blood, incisions, surgical instruments, internal organs, genitalia, and other bodies. However **do not** limit your photos to only those that will be admissible in court. Ensure full photographic documentation of the body.

___ ___ 160 6. Photograph penetrating wounds with probes placed by the pathologist. Photos of in-place probes will also be taken at the completion of the autopsy, after the body is sewn up at Item # 225.

___ ___ 161 a. Trace evidence must be collected from wounds before probing.

___ ___ 162 b. Probes will be used only when the pathologist believes they are useful in establishing wound trajectory. The pathologist, not a Criminalist or CSI, will place probes.

___ ___ 163 c. Photograph each probe in place, as follows:

___ ___ 164 1. Place a large protractor at the base of the probe to show the angle.

___ ___ 165 2. Use a normal lens, not a wide angle. Set focal length to 50mm.

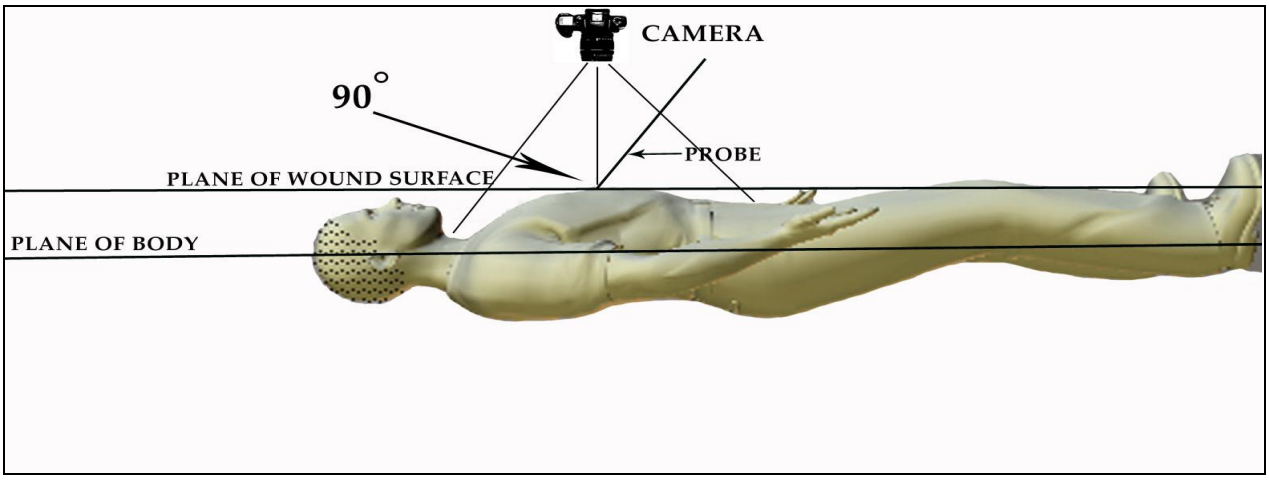
___ ___ 166 3. Use the smallest possible lens aperture to obtain the greatest depth of field.

___ ___ 167 4. The entire visible length of the probe must show in each photograph, along with the skin surface it penetrates.

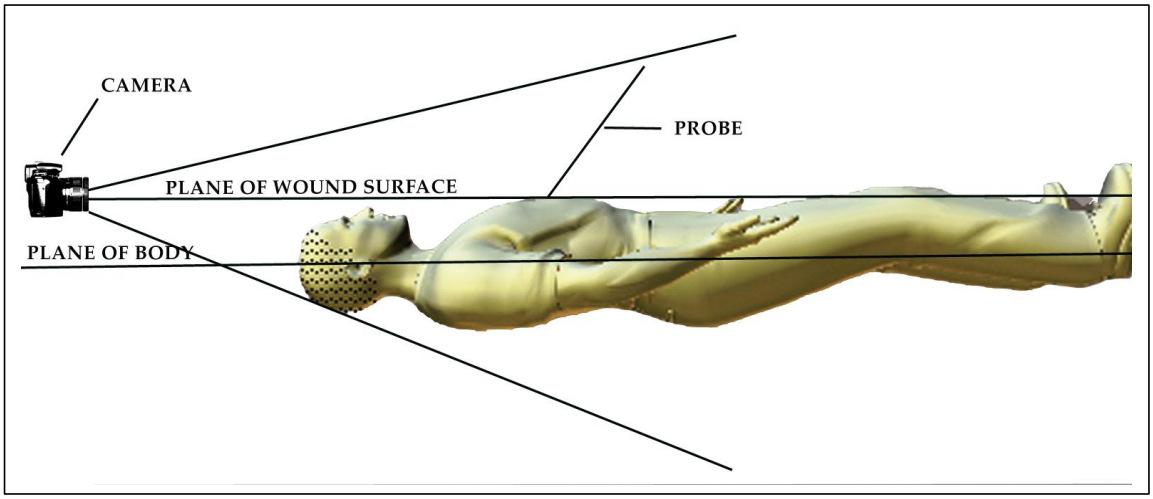
___ ___ 168 5. Probes may be more visible when photographed against a clean solid background, such as a sheet, blanket, towel or even clean surgical scrubs. Light-colored backgrounds may reflect too much light – consider using light blue or green colored fabric.

___ ___ 169 6. Photograph <u>each probe</u> from at least three angles which are 90 degrees apart, as follows:

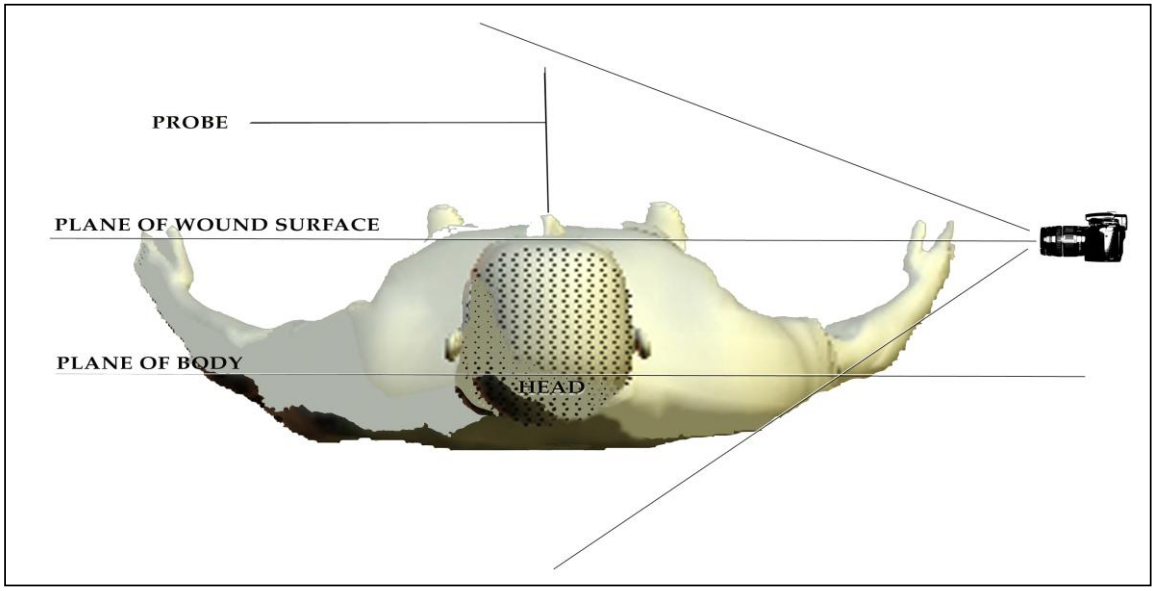
___ ___ 170 a. Perpendicular to the wound surface, that is, 90 degrees to the wound surface. For example, for an anterior chest wound (graphic below), the perpendicular view would be from directly and straight above the wound, with the camera pointing straight downward to the center of the wound, showing the wound and the visible full length of the probe. A photograph looking <u>straight down the probe</u> towards the body should also be taken.



___ ___ 171 b. From the body's head or feet, with the camera at the level of the visible wound surface, shoot toward the body's opposite end, showing the full length of the visible portion of the probe.



___ ___ 172 c. From the body's right or left side, with camera at the level of the visible wound surface, shooting toward the body's opposite side, showing the full length of the visible portion of the probe.



___ ___ 173 d. For entry-exit-reentry situations: If a bullet passed through one part of the body (e.g. a forearm) and then passed into or through another (e.g. the chest), or if that is a possibility, have the pathologist position the body parts as they would have been when hit by the bullet, then photograph from the different angles described above.

___ ___ 174 7. Photograph gunpowder stippling (tattooing) with and without scale. Consider using a plastic overlay.

___ ___ 175 8. Photograph each shotgun pellet pattern in its entirety, with and without scale. Consider using a plastic overlay.

___ ___ 176 b. Diagramming:

___ ___ 177 1. Obtain a copy of the pathologist's diagram of the body for your use. If not available, use standard pre-printed body diagrams to locate wounds. Strictly adhere to the pathologist's wound numbering.

___ ___ 178 2. Make written notes of wound(s), including appearance, color, pattern, location, size, and assigned numbers if any.

___ ___ 179 c. Measurements:

___ ___ 180 1. For wounds, whether from gunshot, knife, blunt force, vehicle impact, etc:

- Obtain a copy of the pathologist's diagram, and/or
- Make notes of the pathologist's measurements of all wounds, using distance from heels or top of head, as well as from the body's mid-line.

___ ___ 181 2. In cases of questioned suicides where long guns are used, obtain the pathologist's measurements of the length of decedent's arms.

___ ___ 182 3. In cases of hot water bathtub burns, obtain height of water marks on the body.

___ ___ 183 4. Hair standards

___ ___ 184 a. Body hair: obtain 10-20 hairs from following areas, depending upon facts of the case: pubic, facial, chest.

___ ___ 185 b. Head hair: collect at least 20 hairs from each of the following areas: right and left sides, front, back, top. If facial hair is present perform the same collection procedure trying to obtain at least 20 hairs from the moustache, chin, side of face, and neck.

___ ___ 186 5. Teeth impressions. If the decedent may have left teeth marks on another person or on an object, a forensic odontologist should photograph the decedent's teeth and take dental impressions. The intact jaws may be collected and retained by the pathologist or odontologist.

___ ___ 187 6. Photograph any identifying marks on the body, such as tattoos, unique scars, and any unique body features. This is especially important if the decedent has not yet been identified. Consider photographic filters to make some tattoos more legible. After photographing tattoos on decomposed or burned bodies, have the pathologist rub off the outer layer of the skin as this will often reveal much more detail.

___ ___ 188 **E. DURING THE AUTOPSY**

___ ___ 189 1. Photograph evidence items as they are found.

___ ___ 190 2. Photograph specific injuries and relevant body features and conditions.

___ ___ 191 3. Photograph specific findings that the pathologist says are medically significant.

___ ___ 192 a. Keep in mind that absence of a specific condition or a specific type or location of trauma may be very significant. (E.g. the decedent had not been struck in the head as someone may have claimed.)

___ ___ 193 b. In cases involving strangulation or neck holds, photograph the presence or absence of hemorrhaging, bone fractures and other signs of neck trauma.

___ ___ 194 c. If the decedent was dismembered, be alert for tool marks on the cut ends of bones. Photograph the cut ends with direct as well as oblique lighting, then obtain the cut ends of the bones. If not possible, make casts of them.

___ ___ 195 4. Blood samples: The pathologist will collect blood samples from the heart or from an uncontaminated blood vessel.

Depending upon the types of testing that is desired for collected blood, different blood preservatives must be used. Vacutainer tubes for blood collection have different colored caps to show what type of preservative is inside: PURPLE capped tubes are used for blood which will be tested for genetic markers, and GREY capped tubes are used for drug and alcohol testing.

___ ___ 196 a. For DNA or typing:

_√_ ___ 197 1. Obtain blood in all cases for this purpose.

___ ___ 198 2. In decomposition cases, collect bone samples and/or teeth for DNA reference samples. Avoid bones that have been on the downside of the body during decomposition, or which have been exposed to a moist external environment.

___ ___ 199 3. Refrigerate ASAP in an evidence locker.

___ ___ 200 4. Submit to the Laboratory ASAP.

___ ___ 201 b. For toxicology:

_√_ ___ 202 1. Blood should be collected in all cases for toxicology testing.

___ ___ 203 2. The Coroner's Office will submit this sample for toxicology testing, along with other appropriate body fluids and tissue.

___ ___ 204 5. Gunshot evidence

___ ___ 205 a. Carefully collect, and separately package, bullets, bullet jacketing, shotgun pellets and wadding. Collect as many shotgun pellets as possible. Do not handle projectiles with forceps and do not place any markings directly onto any of these items.

___ ___ 206 b. If the bullet has no visible adhering trace evidence (such as glass, fabric, wood, vegetation, etc.), wash body fluids from bullets with a very gentle stream of cold water, being very careful to catch and preserve any trace evidence that might be present. Don't let the bullet go down the drain!

___ ___ 207 c. Consider having the entry and exit wounds excised and retained by the pathologist. This is important in cases where there may be a question about differentiation of entry and exit wounds.

___ ___ 208 6. Teeth and dentures - if relevant to the case

___ ___ 209 a. Retain broken portions of teeth or dentures, and/or make castings of fractured tooth surfaces.

___ ___ 210 b. If teeth are broken, note direction of the fracture and the angle of the broken teeth.

___ ___ 211 c. Collect broken dentures for matching with pieces that may be found elsewhere.

___ ___ 212 7. Drug overdoses:

___ ___ 213 a. Ask that non-medical needle puncture sites be excised and retained.

___ ___ 214 b. Consider having the nose swabbed.

___ ___ 215 8. Patterned impressions in bone (such as by a hammer with a checkered striking surface, a hatchet, a pipe, etc): have the pathologist excise and retain the bone.

___ ___ 216 9. Ask the pathologist to check stomach contents, as appropriate, for:

___ ___ 217 a. Swallowed items, such as gum, jewelry, controlled substances and/or their packaging, broken teeth, paper.

___ ___ 218 b. What type of food was ingested before death. (In some cases there may also be a limited possibility of determining how long before death the food had been eaten.)

___ ___ 219 **F. AFTER AUTOPSY**

_√_ ___ 220 1. Note regarding taking of the decedent's fingerprints:

Criminalists, CSIs and police evidence technicians must obtain their own set of fingerprints and palm prints from the decedent in every criminal case. Fingerprints taken by the Coroner's Office are for a different purpose and may not be suitable for all Laboratory comparisons.

___ ___ 221 a. Fingerprints: Take full set including fingertips and edges on all criminal cases.

___ ___ 222 b. Palm prints: take in all cases. Always include the heel of the hand and the wrist.

___ ___ 223 c. Desiccated or decomposed fingers: Contact the Laboratory.

___ ___ 224 d. Take footprints if appropriate to the case.

___ ___ 225 e. Take photographs of probes placed by the pathologist into penetrating or perforating wounds AFTER the body is sewn back up. (These photos are in addition to photos of the probes taken previously at Item #s160-172.)

___ ___ 226 f. Consider having body held (e.g. for at least 24 hours) for reasons such as:

- further development of bruises
- further crime scene work that may be needed due to some autopsy finding
- information from expected interviews or interrogations
- evaluation of decedent's rolled fingerprints (especially on decomposing bodies)
- need for (further) dental examination
- need for a forensic anthropologist

___ ___ 227 2. All evidence items must be properly marked and packaged according to local Laboratory requirements and accepted practices.

___ ___ 228 3. If you retain personal property items of the decedent which you collected at the morgue, you must sign for them on a Coroner's form.

Written by:

- Paul Holes, Director of the Costa County Sheriff's Criminalistics Laboratory
- Members of the Contra Costa County Sheriff's Criminalistics Laboratory
- Bob Hole, Deputy District Attorney, Contra Costa County

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CONTRA COSTA COUNTY
SHERIFF- CORONER

DEATH INVESTIGATION ROLES
OF THE
CORONER AND LAW ENFORCEMENT AGENCIES

Coroner's Division
1960 Muir Road
Martinez, CA 94553
(925) 313-2850
Fax (925) 313-2886

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A. INTRODUCTION

The Coroner is an administrative officer within County government whose position was created by California statutes to determine the cause and circumstances of certain statutorily defined deaths which occur within the County. In Contra Costa, as in 42 of California's other 58 counties, the Coroner is also the county Sheriff. By state statute, the Coroner is not required to be a medical doctor, and in fact, none of the 43 Sheriff/Coroners in California are medical doctors. Coroners perform the investigative and administrative aspects of death investigations by using civilians and/or peace officers staff members but they employ licensed physicians, most of whom are board-certified forensic pathologists, to perform post-mortem medical examinations (autopsies) and to provide the medical expertise and testimony as necessary. The Coroner also has some ancillary duties.

Law enforcement agencies are often involved with the discovery of deaths. They perform criminal investigations on many deaths, especially homicides and other cases where crimes have been, or may have been, committed. This means that for many death cases, the Coroner's Office and law enforcement agencies have complementary but potentially intersecting investigative roles which can cause needless confusion and conflict. The information below is provided to avoid that.

B. PRIMARY ROLE OF THE CORONER

The Coroner's primary duty is to **determine the cause, manner and means** of certain deaths which are specified by California Government Code §27491. Generally those deaths are by homicide, suicide, accident, and deaths which are unexplained or medically unattended. When a death falls within one of those categories, it is "**reportable**" and is "a **Coroner's case**".

Only **"reportable deaths"** are within the Coroner's jurisdiction. The categories of reportable deaths (from California Government Code §27491) are summarized below:

1. **violent**, **sudden** or **unusual** deaths.

2. **unattended** deaths which occur in the continued absence of a physician for twenty days or more. The decedent has no recent medical history which documents medical problems that could have caused death.

3. deaths related to (or following) known or suspected **self-induced or criminal abortion.**

4. deaths known or suspected to be from:
   a. **homicide**
   b. **suicide**
   c. **accidental poisoning**

5. deaths known or suspected as resulting, in whole or in part, from or related to, **accident** or **injury**, either old or recent.

6. deaths due to:
   a. **drowning**
   b. **fire**

c. **hanging**
d. **gunshot**
e. **stabbing**
f. **cutting**
g. **exposure**
h. **starvation**
i. **acute alcoholism**
j. **drug addiction**
k. **strangulation**
l. **aspiration**
m. **suspected Sudden Infant Death Syndrome**

7. deaths caused by **criminal means**, in whole or in part.

8. deaths associated with known or alleged **rape**, or **crime against nature**.

9. deaths occurring **in prison** or while **under sentence**.

10. deaths known or suspected due to **contagious disease** and constituting a public hazard.

11. deaths from **occupational diseases or hazards**.

12. deaths of **patients in mental hospitals** operated by State Department of Mental Health and serving the mentally disabled.

13. deaths of **developmentally disabled patients** in state hospitals operated by the State Department of Developmental Services.

14. deaths occurring under circumstances affording **reasonable grounds to suspect death was caused by the criminal act of another**.

15. deaths **reported by physicians or other persons** with knowledge of death for inquiry by the Coroner.

C. ADDITIONAL CORONER'S DUTIES

The decedent's identity

Another duty of the Coroner is to establish and confirm the decedent's identity for legal and other purposes. This may be done by visual identification, photographic comparison, fingerprint comparison, unique body markings or conditions, dental comparison, DNA, x-ray comparison, or by personal effects.

Notifications

The Coroner is required to make reasonable attempts to locate the family of the decedent after taking custody of the dead body. Government Code §27471.

The Coroner's Office takes this responsibility very seriously and strives to ensure that death notifications are promptly, compassionately and supportively made to the legal next-of-kin, whether notification is made

by a member of the Coroner's staff, by a law enforcement officer or another official, or by someone at the request of an official.

Notifications can be difficult following any type of death but they are often especially difficult following sud den and unexpected deaths.

When possible, the Coroner's Office will have its investigators make local death notifications. Law enforcement agencies may wish to make death notifications in selected death cases they investigate because they can also provide the family with some explanation of the case circumstances and can attempt to obtain needed information. Law enforcement agencies must promptly notify the Coroner's Office if they wish to do this so the Coroner's Office won't attempt to make notification. After the law enforcement agency has made the death notification, the person who made it shall immediately notify a Coroner's investigator that the notification has been made and shall provide: (1) the name of the person receiving the notification, as well as his/her address, age, phone number and relationship to the decedent; (2) the identity and affiliation of the person making the notification; and (3) the time, date and place of notification.

Safeguard Property

The Coroner is responsible for safeguarding the property of the decedent. In some cases this involves taking actual possession of property and safekeeping it pending other disposition, and in other cases the property may be left in place with a Coroner's seal affixed to safeguard it. In many cases a legal next-of-kin simply takes responsibility for the property.

Uniform Anatomical Gift Act

The Coroner assists with the implementation of the Uniform Anatomical Gift Act (Health and Safety Code §7150) and with lawful utilization of organ and tissue transplantation procedures. Government Code §7491.44. et al.

Training

The Coroner's Office participates in scientific and medical research, training and education. Government Code §27491.45.

Death Review Boards

The Coroner's Office participates in mandated and other Medical Reviews such as Child Death Review and Domestic Violence Death Review.

Coroner's Inquests

The Coroner has discretion to conduct Coroner's Inquests, and must hold Inquests if requested to do so by the Attorney General, the District Attorney, the city prosecutor or city attorney, or a chief of police of a city in the county. Inquests may be with or without a jury, at the Coroner's discretion. Government Code §27491.6.

- **Inquests on Law Enforcement Involved Fatal Incidents**

The vast majority of Inquests in the County are held following deaths which involve law enforcement personnel or law enforcement operations or activities.

By its own policy, and pursuant to the county-wide Contra Costa Law Enforcement Involved Fatal Incident Protocol (which has been in effect since 1984), the Contra Costa County Sheriff/Coroner's Office holds Inquests following most deaths which involve law enforcement personnel or law enforcement operations or activities. These Inquests are open to the public, are conducted by a private attorney acting as the hearing officer for the Coroner's Office, and are held in front of a jury of citizens randomly selected from the Superior Court jury pool.

In addition to the statutory purposes for holding Inquests, Inquests are held on these cases to provide the public, the news media, and various interested parties with information about such incidents through sworn testimony of participants, witnesses and investigators. Inquest testimony also provides another opportunity for investigators and decision-makers to acquire more information about the incidents.

- **Other Inquests**

  The Coroner occasionally holds Inquests on other types of cases when considered appropriate or when requested under Government Code §27491.6. These Inquests are usually conducted by the Coroner's Office Commander or his/her designee and are held without a jury. Government Code §27491.7

- **Inquest Verdicts**

  Government Code §27504 requires the Inquest jury, or the hearing officer if no jury is used, to render a verdict on the following matters:

  - the name of the deceased
  - the time and place of death
  - the medical cause of death
  - whether the death was by (1) natural physiological causes, (2) suicide, (3) accident, or (4) the hands of another person other than by accident (i.e. homicide).

Government Code §27504 provides that Inquest findings shall not include, nor shall they make any reference to, civil or criminal responsibility on the part of the deceased or any other person.

D. LEVELS OF CORONER'S INVESTIGATIONS

Depending upon the type of each death and the circumstances of it, the Coroner's Office performs its role using one of five standardized levels of investigation. In Contra Costa County, these levels are known as:

1. Full Coroner's Case
2. Inspection
3. Not Brought In
4. Co-Sign
5. Brief Case

Levels 2 through 5 are used primarily for natural physiological deaths which occur following treatment by physicians, and are occasionally used in traumatic deaths. Homicides, suicides, and most other traumatic deaths are handled as Full Coroner's Cases, as are all Law Enforcement Involved Fatal Incidents (as that term is defined in the Contra Costa Law Enforcement Involved Fatal Incident Protocol).

For Full Coroner's Cases, the Coroner's Office **determines the cause, manner and means** of deaths using information obtained from multiple sources:

- Reports by Coroner Investigators and/or law enforcement officers.
- Reports by emergency medical responders.
- The decedent's previous medical history.
- Photographs, clothing, and objects associated with the death.
- A forensic medical autopsy performed by a forensic pathologist. In addition to the autopsy examination, autopsies may include x-rays, toxicology and other laboratory testing, and microscopic examination of tissue. Experts in relevant medical sub-specialties, or in forensic fields such as odontology, entomology and anthropology, are sometimes utilized.

E. LAW ENFORCEMENT'S REPORTING OF DEATHS

1. The initial report:

   Law Enforcement agencies who have charge of a deceased person's body must immediately notify the Coroner's Office. (This requirement also applies to others, such as funeral directors and physicians.) Violation of this requirement is a misdemeanor. Government Code §27491, Health and Safety Code §102850.

   The Coroner's 24 hour phone number is **925-313-2850**. **If no answer, call Sheriff's Dispatch at 925-646-2441**

   - **Initial Telephone Summary (I.T.S.)**

     Law enforcement's initial notification to the Coroner's Office should include a summary of the information which is then available, including the identity of the law enforcement agency and, if known, the decedent's name, location of the body, circumstances of the death, special problems anticipated in body removal, etc. (See sample of the I.T.S. form on Page 111.)

2. Continuing obligation to provide information:

   To properly perform its statutory responsibilities, the Coroner's Office must be promptly and fully informed in each case of all the facts and physical evidence that relate to (1) the cause, manner and means of death; (2) the identity of the decedent; (3) identity of next-of-kin; and (4) information concerning any notification of the death to next-of-kin that has already been made. Law enforcement agencies have an on-going obligation to provide this information to the

Coroner's Office. This obligation starts with the initial notification of the death and continues even after the autopsy is completed. Most of the needed information is collected by the assigned Coroner's investigator(s) from law enforcement officers, but often the forensic pathologist needs specific and updated information directly from law enforcement officers, as well as access to some physical evidence, at the time of autopsy.

F. CORONER'S RESPONSE AFTER NOTIFICATION

After being notified of a reportable case by a law enforcement agency which is conducting a criminal investigation of the death, the law enforcement agency may request the Coroner to delay removal of the body until sufficient investigation and evidence processing can be performed. A Coroner's investigator may elect to come to the scene for a brief inspection or for photography and to collect preliminary information. (Government Code §27491.2) The Coroner's Office then will usually not make removal until after it receives a follow-up notification that the law enforcement agency is ready for body removal.

When the reportable death is one for which a criminal investigation will not be performed by the law enforcement agency, a Coroner's deputy will usually respond promptly following the initial notification to investigate and make body removal without a follow-up call requesting removal.

Whether the law enforcement agency handles the death as a criminal case or not, the Coroner's Office requests that a law enforcement officer maintain the **chain of custody** on the body (and the scene of death if the body hasn't been removed from it) until a Coroner's deputy arrives to make removal.

G. CORONER'S DUTY TO NOTIFY LAW ENFORCEMENT

When the Coroner's Office determines that reasonable grounds exist to suspect that a death has been caused by a criminal act of another person, it is required to immediately notify the law enforcement agency having jurisdiction over the matter (if that agency is not already aware). Notification shall be made by the most direct communication available. The notification shall include the name of the deceased person (if known), the location of the remains, and other information received by the coroner relating to the death including any medical information of the decedent that is directly related to the death. Information from the Coroner cannot include any information contained in the decedent's medical records which relates to another person unless that information is relevant and directly related to the decedent's death. Government Code §27491.1.

H. LEGAL RESTRICTIONS REGARDING THE BODY, ITEMS ON IT AND ITEMS WITHIN THE DECEDENT'S ESTATE

1. THE STATUTES AND THEIR EFFECT:

- **Misdemeanor crime:** the body shall not be disturbed or moved from the position or place of death without permission of the coroner or the coroner's appointed deputy. (This applies whether or not notification to the Coroner has been made, and it applies to everyone including law enforcement officers, firefighters and emergency medical personnel.) Violation of this provision is a misdemeanor. (Government Code §27491/2(b)).

Exception for Exigent Circumstances: If, prior to the Coroner's arrival, it is urgently and clearly necessary (i.e. exigent circumstances exist) for a peace officer to move or disturb a body (e.g. to prevent if from being consumed by fire, lost in a body of water, damaged by traffic, etc.) permission must first be sought from the Coroner's Office either by telephone or by radio. If contact cannot be made quickly, the Coroner's Office hereby grants permission to move the body only as minimally necessary to avoid the immediate harm. See Section 2 below regarding searching for or removing any items from the body.

- **Misdemeanor crime:** any person who searches for or removes any papers, moneys, valuable property or weapons constituting the estate of the deceased from the person of the deceased or from the premises, prior to arrival of the coroner or without the permission of the coroner, is guilty of a misdemeanor. 27491.3(c).

- **Statutory Exception:** Peace officers may search the person or property on or about the person of the deceased, whose death is due to a traffic accident, for a driver's license or identification card to determine if an anatomical donor card is attached. If a peace officer locates such an anatomical donor card which indicates that the deceased is an anatomical donor, the peace officer shall immediately furnish such information to the coroner having jurisdiction. Government Code §27491.3(d). "Peace officer," as used in this subdivision, means only those officers who are designated in Penal Code §§830.1 and 830.2. (27492.3(d).

- **Law enforcement's right in criminal cases to process the body and collect evidence:** At the scene of any death, when a police investigation or criminal prosecution may ensue, the Coroner shall not further disturb the body or any related evidence until the law enforcement agency has had reasonable opportunity to respond to the scene, if their purposes so require and they so request. Custody and control of the body shall remain with the Coroner at all times. Reasonable time at the scene shall be allowed by the Coroner for criminal investigation by other law enforcement agencies, with the time and location of removal of the remains to a convenient place to be determined at the discretion of the coroner. Government Code §27491(3) (c).

2. PROCEDURES FOR LAW ENFORCEMENT IN CRIMINAL CASES

- **Evidence from the body prior to body removal**

When <u>necessary</u> for immediate investigative needs, law enforcement officers may search for and remove weapons, wallets, papers, money and valuables from the body (see the paragraph immediately below regarding removal of other types of evidence from the body), but **must seek permission of the Coroner's Office before doing so.** Permission may be sought in person, by telephone, or by radio. Examples of necessity include: (A) urgent need to identify the decedent; (B) protection of evidence from loss or contamination (such as from the weather, from movement and/or removal of the body, or from crowds); and (C) obtaining probable cause information. When permission is obtained, or if contact with the Coroner's Office cannot be reasonably made, such items may be removed from the body to satisfy the immediate need. Great care must be taken to preserve the condition of the body, the evidentiary value of removed items, to prevent contamination, and to maintain the chain of custody. Items removed from the body shall not be removed from the immediate location of the body without the express permission

of the Coroner's Office.

Exigent Circumstances: Evidence on the body, such as loose hairs, fibers, vegetation, blood, gunshot residue, etc., may only be removed from the body **without the prior permission of the Coroner's Office** when necessary to protect it from loss or contamination which could be caused by the removal and transportation process, by the weather, or otherwise. Evidence which can safely be left on the body for later observation and collection at the autopsy shall be left in place for the pathologist's inspection.

Fingerprint exemplars may be taken from the body's fingers by law enforcement agencies without the Coroner's approval when there is an immediate and urgent need to identify the decedent which cannot be satisfied by postponing fingerprinting until the after removal of the body. These conditions must be met:

1. There can be no trauma to the areas of the fingers or to portions of the hands which will have to be manipulated.

2. The fingers and hands must be adequately photographed before being disturbed.

3. The hands and fingers must first be examined for trace evidence, such as gunshot residue. If trace evidence is found, it must be photographed and collected prior to fingerprinting.

- **Evidence not on the body** which is within the decedent's estate or is at the decedent's premises:

  Searching for and removing items present at the place of death but which are (1) not on the body <u>and</u> (2) not within the decedent's estate, is **not controlled by statutes applicable to the Coroner's function**. Officers are responsible for assuring the lawfulness of all searches and seizures they perform as determined by standard search and seizure rules.

  Items such as weapons, wallets, papers, money and valuables, at decedent's premises which are not on the body which have evidentiary value to the investigating agency may be inspected and collected by the investigating agency without the prior approval of the Coroner's Office. However, these items shall not be removed from the scene without the Coroner's express approval.

  Statutory exception: The search for and the removal of evidence from a decedent's estate which is conducted under authority of a search warrant is not subject to Government Code §§27491.3(c) and (d) and does not require approval of the Coroner.

3. PROCEDURES IN SUICIDE CASES

- **Suicide notes and related writings**

  If the death is believed to be suicidal and the law enforcement agency will not conduct a criminal investigation of it, any note, letter or document apparently written by the

deceased which may tend to indicate the decedent's intention to take his own life, including directions for disposition of his property or the disposal of his remains shall be delivered to the Coroner's Office (Government Code §27464). By long-standing policy in Contra Costa County, the seizure of these documents shall be done by the Coroner's Office. Copies will be then made available to any interested law enforcement agency upon request. Originals will be available for Criminalistics examination. If the law enforcement agency conducts a criminal investigation of the death in the belief that it involved criminal conduct, the note evidence may be collected by that agency, with a copy provided to the Coroner's Office.

- **Suicide implements**

  If the death is believed to be suicidal and the law enforcement agency will not conduct a criminal investigation of it, implements used in the suicide shall be collected by the Coroner's Office. If the law enforcement agency conducts a criminal investigation of the death in the belief that it involved criminal conduct, implements may be collected by that agency.

I. SAFEGUARDING THE DECEDENT'S PROPERTY

- The Coroner may take charge of any and all personal effects, valuables, and property of the deceased at the scene of death or related to the inquiry and hold or safeguard them until lawful disposition thereof can be made. The coroner may lock the premises and apply a seal to the door or doors prohibiting entrance to the premises, pending arrival of a legally authorized representative of the deceased.

  However, this shall not be done in such a manner as to interfere with the investigation being conducted by other law enforcement agencies. Government Code §27491.3(a).

- Any property or evidence related to the investigation or prosecution of any known or suspected criminal death may, with knowledge of the coroner, be delivered to a law enforcement agency or district attorney, receipt for which shall be acknowledged. Government Code §27491.3(b)

J. AUTOPSIES

1. **Rules for attendees**

   a. Attendance at an autopsy by persons other than Coroner's Division personnel is subject to the approval of the Coroner (Government Code §27491.4.) The number of people attending an autopsy must be kept to a minimum due to space limitation, evidentiary considerations, and the need to eliminate distractions.

   b. People attending are required to sign a Coroner's Office Autopsy Permission Form.

   c. No audio or video recordings of an autopsy are allowed without the express prior permission of the Coroner's Division Commander and the pathologist.

   d. Photographs may be taken of remains at the morgue only for official use by the

Coroner's Office or a law enforcement agency, or for purposes of forensic pathology, or for use in medical or scientific education or research. They may not be taken for personal purposes. All photographs taken at the morgue are subject to discovery by the Coroner's Office and by involved law enforcement agencies, and are subject to discovery in administrative, civil and criminal proceedings.

e. Law enforcement personnel attending an autopsy are present to give information to the pathologist, to observe and understand the findings, to collect and record evidence, and/or for training purposes. The extent of their participation will be governed by the pathologist.

f. Those attending must adhere to the Coroner's safety rules in order to minimize exposure to biohazards. These rules include wearing protective clothing. Different standards may apply to those who will be in contact with the body verses those who will only be viewing the autopsy.

g. Autopsy attendees are strongly urged to use great diligence to ensure that any notes and diagrams they make of the pathologist's findings and opinions are accurate and are not in conflict with the pathologist's findings, report and diagram(s). Attendees usually need not create their own diagrams as the pathologist will usually give investigators a copy of any diagram(s) he/she makes at the completion of the autopsy.

2. ***Autopsy Evidence Collection Checklist***

An *Autopsy Evidence Collection Checklist* is available at the morgue and as an Attachment to the Law Enforcement Involved Fatal Incident Protocol to help guide CSIs and investigators through autopsy evidence collection procedures. Its use is encouraged, especially for those who are not well experienced in such procedures.

3. **Before the pathologist's arrival**

a. Until the pathologist has inspected the body and given approval, the body at the morgue shall not be disturbed nor its condition altered in any of the following illustrative ways:

- Movement or removal of clothing.
- Movement or removal of any weapon or object.
- Fingerprinting.
- Collection of hair standards.
- Collection of gunshot residue associated with wound sites.
- Clipping or scraping of fingernails.
- Washing or cleaning.
- Removal of medical devices from the body.

b. Without the pathologist's approval, trace evidence may be collected from areas of the body that are not directly involved with trauma and which are easily accessible without moving or turning the body. Exception: do not collect gunshot evidence without the pathologist's approval.

c. Photography of the body, without disturbing it, is encouraged.

4. Informing the forensic pathologist

a. **Investigative information**:

When the law enforcement agency is aware of information that may be relevant to the Coroner's determination of the cause, manner and means of a person's death that has not previously been adequately communicated to a Coroner's investigator, that information must be promptly transmitted to a Coroner's investigator prior to autopsy or during it, <u>or</u> it must be provided directly to the pathologist by a knowledgeable officer at autopsy.

b. **Items for the pathologist's inspection**:
Below is a list of types of items that should be present at the Coroner's Office for inspection by the pathologist at the time of autopsy. These may be brought by an investigating law enforcement agency, by evidence collectors or by Coroner's investigators. In unusual cases, where bringing items to the morgue is not practical, arrangements must be made with the pathologist for other timely inspection.

<u>Extreme care</u> must be taken to prevent the contamination of any evidence that is brought to the morgue for the pathologist's inspection. Items must be <u>absolutely protected</u> from contamination at the autopsy, especially transfers of biological material from the autopsy process to evidence items. Latent fingerprints and trace evidence on displayed items may also be at risk. Proper pre-packaging of items will help avoid problems, as will physical separation of items from the autopsy process. Clean paper is available at the morgue for use in displaying items.

1. **Weapons and objects** which may have come into contact with the body of the decedent, such as:

a. Firearms

b. Cutting and stabbing instruments

c. Blunt force objects, such as rocks, clubs, furniture, footwear

d. Tools

e. Adequate photographs of items and their surfaces which may have contacted the decedent's body but which cannot be displayed to the pathologist at autopsy, such as the portion(s) of a vehicle which struck the decedent, a fence or tree trunk the decedent fell against, etc.

e. Ligatures, bindings and other restraint devices.

2. **Clothing**.

a. Articles of clothing which are known or suspected to have been worn by the

decedent at the time of death and/or at the time of injury. This includes inner and outer clothing, footwear and jewelry. The pathologist's examination of clothing worn by gunshot victims is often relevant to the determination of muzzle-to-body distances and to the body's possible positions when it was struck.

b. If the decedent was hospitalized prior to death, be sure to include decedent's clothing that came with him/her to the hospital.

3. **Medications, poisons and intoxicants**.

Law enforcement and Coroner's investigators must make diligent efforts to locate and collect any medications, poisons and/or intoxicants (and their containers) which could relate to the cause of death and/or to autopsy toxicology testing. These items may be found in the decedent's clothing, vehicle(s), residence, or elsewhere. When medication or poison containers are found, they shall be brought to the autopsy. Exception: This does not apply to medications directly administrated by medical professionals. Neither these medicines nor their containers need be brought to autopsy.

4. **Hospital and other medical evidence**:

Blood and urine samples collected from the decedent by medical personnel during medical treatment prior to blood transfusions and the administration of medications are important in some cases. Law enforcement personnel who are aware that such samples were collected can help assure their later availability by asking medical personnel to retain those samples for the Coroner to pick up.

Medical records and body scans from medical providers can also be very important.

Coroner's personnel will collect these items from medical providers, using a Coroner's subpoena when necessary.

During their investigation of death cases, law enforcement personnel should be alert for information about the decedent's prior medical history and the identities of medical service providers. This information should be provided to a Coroner's investigator for appropriate follow-up.

If an item would normally be displayed to the pathologist, but cannot be brought to the morgue, photographs, sketches, diagrams or a detailed description must be available at the time of autopsy.

K. ATTACHMENT – Initial Telephone Survey - see next page

This document was prepared by Sergeant Chris Forsyth
of the Contra Costa Sheriff/Coroner's Office

ATTACHMENT – The INITIAL TELEPHONE SUMMARY form

INITIAL TELEPHONE SUMMARY **CORONER** case No:_____

NATURAL ACCIDENTAL SUICIDE HOMICIDE FETAL BRIEF

DATE & TIME REPORTED: _____DATE & TIME OF DEATH: _____

PERSON REPORTING: _____DEPT: _____PHONE: _____

INVEST. AGENCY & OFFICER: _____AGENCY CASE # _____

****

NAME OF DECEASED:_____

ADDRESS:_____**PHONE:**_____

SEX: ____RACE:_____DATE OF BIRTH:_____AGE: _____SSN: _____

PLACE OF DEATH: _____LOCATION OF BODY: _____

PLACE OF DEATH ADDRESS: _____

****

NEXT OF KIN: _____ RELATIONSHIP:_____

ADDRESS:_____ PHONE: _____

NOTIFIED: _____ BY WHOM: _____ HOW: _____

****

PRONOUNCED BY: _____DEPT: _____ PHONE: _____

REGULAR PHYSICIAN: _____DATE LAST SEEN:_____

ADDRESS: _____ PHONE: _____

MEDICAL RECORD NUMBER: _____MEDICAL HISTORY:_____

_____

_____

_____

MEDICATIONS:_____

_____

DC TO BE SIGNED BY: _____ CORONER'S HOLD: _____

CAUSE OF DEATH: _____

CONTRIBUTING CAUSES: _____

OPERATIONS/DATES: _____

****

SYNOPSIS:_____

_____

_____F.D.O.C: _____

DEPUTY ASSIGNED: _____ COURTESY PICKUP: _____

APD UAS Preflight Check List.pdf

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Antioch Police Department

Unmanned Aerial System
Preflight Checklist

Date: _____ **Mission:** _____ **Case/Event:** _____

Airspace Restrictions Reviewed
Weather Reviewed
Notifications Made (if needed)
- **Dispatch**
- **Watch Commander**
- **Nearby Air Control Tower / Airport**
- **Other:** _____

Battery Checked
- **Remote**
- **UAS / Aircraft**
- **Crystal Sky / Tablet**

Remove Gimbal Shield
Firmware Updated if needed
UAS / Viewer / Controller connected
Aircraft Lighting
Compass calibration
Flight limit(s) set:
Maximum Height: _____
Distance (if appl.): _____
Return to Home Confirmed/Set
Take of location clear of debris / obstacles
Motor Start
Home Point Set
5' Altitude Test
25' Altitude Test

Miscellaneous Comments:

_____

_____

_____

_____

_____

Completed by: _____

Police Dept Org Chart.jpg

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APD UAS Preflight Assessment.pdf

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Antioch Police Department

Unmanned Aerial System
Flight Risk Assessment

Date: _____ **Mission:** _____ **Case/Event:** _____

Scoring: ***YES = 0 / NO = 1***

	YES	NO	N/A
Daytime Detail			
Has PIC Trained 5+ hours with model of UAS			
Has PIC Worked with Visual Observer before			
Is PIC Familiar with Environment / Location			
Has PIC Flown within last 30 days			
PIC Rested 8+ hours prior to Mission			
Has PIC Performed similar Mission/ Flight before (If no = 3 points)			
Winds significantly below MFG recommendation			
Total			

Assessment Score - Check One:

0 to 4 = Low Risk **5 to 7 = Medium Risk** **8+ = High Risk**

Low Risk – Proceed with Mission
Medium Risk – Mitigate Risk or Supervisor Approval
High Risk – Cancel Mission – Mitigate Risk – Supervisor Approval

Miscellaneous Comments:

_____

_____

Completed by: _____

Report of Hours Form.pdf

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ANTIOCH POLICE DEPARTMENT

REPORT OF HOURS

Check One:

DUI Response: _____

AMC 5-13.03 _____

Other: _____

RESPONSIBLE PERSON

(Name) (Address) (City/State) (Zip Code)

Date Time Location File No.

NATURE OF INCIDENT

DUI USE ONLY

Type of Test Given: _____

Results: _____

ACCOUNTING

Officer	Hours	Duties Performed	Cost

Other related Expenses, i.e., (Damaged property, medical treatment, etc.)

Describe: _____ _____

_____ _____

_____ _____

Submitted By: _____ **Total Direct Department Expense:** _____

Approved By: _____

Account Code: _____

Outside Agency Vehicle Release Form.pdf

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Antioch Firearms Range Off Duty Use Waiver.pdf

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ANTIOCH FIREARMS RANGE OFF-DUTY USE

AGREEMENT AND RELEASE FROM LIABILITY

1. **VOLUNTARY PARTICIPATION:** I, _____ acknowledge that I have voluntarily applied to use the Firearms Range located within the City of Antioch Police Facility. Initialed: ___
2. **ASSUMPTION OF RISK:** I am aware that the use of the Firearms Range can be a hazardous activity. I am voluntarily participating in these activities with the knowledge of the danger involved, and hereby agree to accept and all risks of injury or death. I further understand that the participation in these activities will be on my own time and will not be covered by Worker's Compensation benefits. Initialed: ___
3. **CERTIFICATION OF RANGE TRAINING:** I understand that I will be required to attend and successfully complete a departmental Firearms Range Training class prior to being permitted off-duty use of the Firearms Range. Additionally, I understand that I will be required to attend this class on me own time with no compensation from the City of Antioch. Initialed: ___
4. **RELEASE:** In consideration for being permitted by the City of Antioch to participate in Firearms Range activities off-duty within the Police facility, I, _____ on behalf of myself, my assignees, descendants, dependants, heirs, distributees, executors, administrators, and legal representatives, will not make any claims against, or sue the Chief of Police, the City of Antioch, their Officers, Employees, or Agents, for injury or damage resulting from the negligence or other acts, howsoever caused by any Officer, Employee, Agent, or Contractor of the City of Antioch, as a result in my participation in the use of the Firearms Range within the City of Antioch's Police Facility. I hereby release the Chief of Police, the City of Antioch, its Officer, Employees, Agents, and Contractors from all actions, claims, or demands that I, my assignees, descendants, dependants, heirs, distributees, executors, administrators, and legal representatives now have or may hereafter have for injury or damages resulting in participation in the use of the Firearms Range within the City of Antioch Police Facility. Initialed: ___
5. **USE OF ALCOHOL AND/OR DRUGS:** I understand that I am prohibited from consuming any alcohol prior to using the Firearms Range where there would be an odor present or impairment of physical or mental capabilities while in the range. I will not use and drug, narcotic, or any other substance that would alter, impair, influence or affect physical or mental capability while using the Firearms Range at the City of Antioch Police Facility. Initialed: ___
6. **KNOWING AND VOLUNTARY EXECUTION:** I have carefully read this agreement and fully understand its contents. I am aware that this is a "Release of Liability" and a contract between myself and the City of Antioch and sign it of my own free will.

_____ _____

(RELEASER) (WITNESS)

_____

(DATE)

DOMV Form.pdf

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DOMESTIC VIOLENCE REPORT / SUPPLEMENTAL 13700 P.C. PAGE ___ OF ___

Domestic Violence reports can include, but are not limited to, the following Penal Code violations, if they meet the definition of Domestic Violence as defined in 13700 PC: 136.1, 148, 166.4, 187, 187-664, 203, 207, 236/237, 240, 242, 243(b), 243(d), 243(e), 245(a)(1), 262, 273.5, 273.6, 415, 417, 418, 422, 591, 597, 602.5, 646.9, 647(f), 653m, 12020(a), 12025(a), 12031.

DATE/TIME REPORTED	LAW ENFORCEMENT AGENCY	CASE NUMBER
CODE SECTION	CRIME	CLASSIFICATION

LOCATION OF OCCURRENCE	TIME OF OCCURRENCE

SUSPECTS NAME (L, F, M)	DOB	RACE / SEX	HAIR / EYES	HT / WT	S.S. #
ADDRESS	PHONE		D.L. #	STATE	ARRESTED? ☐ YES ☐ NO
VICTIM'S NAME (L, F, M)	DOB	RACE/SEX	ALTERNATIVE ADDRESS (VICTIM CONTACT)		
ADDRESS	PHONE		ALTERNATIVE PHONE (VICTIM CONTACT)		

COMPLETE ABOVE SECTION ONLY IF INFORMATION IS NOT ATTACHED ON AGENCY REPORT FORM

RESPONDED TO A CALL OF AT (LOC)

I FOUND THE VICTIM AT (LOC)

VICTIM/SUSPECT

MARK ALL THAT APPLY

V	S	DEMEANOR	V	S	INJURIES
☐	☐	APOLOGETIC	☐	☐	BRUISE(S)
☐	☐	AFRAID	☐	☐	MINOR CUT(S)
☐	☐	ANGRY	☐	☐	LACERATION(S)
☐	☐	CALM	☐	☐	FRACTURE(S)
☐	☐	TEARFUL/CRYING	☐	☐	CONCUSSION(S)
☐	☐	HYSTERICAL	☐	☐	RED MARK(S)
☐	☐	EMOTIONAL	☐	☐	COMPLAINT(S) OF PAIN
☐	☐	NERVOUS	☐	☐	NO VISIBLE INJURIES
☐	☐	UPSET	☐	☐	PREGNANT
☐	☐	THREATENING	☐	☐	OTHER-EXPLAIN
☐	☐	OTHER-EXPLAIN			

WITNESSES /CHILDREN (Including people victim may have told to call 911)

MARK ALL THAT APPLY

1	2	3	DEMEANOR
☐	☐	☐	APOLOGETIC
☐	☐	☐	AFRAID
☐	☐	☐	ANGRY
☐	☐	☐	CALM
☐	☐	☐	TEARFUL/CRYING
☐	☐	☐	HYSTERICAL
☐	☐	☐	EMOTIONAL
☐	☐	☐	NERVOUS
☐	☐	☐	UPSET
☐	☐	☐	THREATENING
☐	☐	☐	OTHER-EXPLAIN

WITNESSES PRESENT DURING DOMESTIC VIOLENCE? ☐ YES ☐ NO

STATEMENT(S) TAKEN? ☐ YES ☐ NO

SPONTANEOUS STATEMENT(S) TAKEN? ☐ YES ☐ NO

CHILDREN PRESENT DURING DOMESTIC VIOLENCE? ☐ YES ☐ NO

STATEMENT(S) TAKEN? ☐ YES ☐ NO

NAMES OF ALL WITNESSES / CHILDREN PRESENT AGES / DOB

1 _____

2 _____

3 _____

RELATIONSHIP BETWEEN VICTIM AND SUSPECT:

MARK ALL THAT APPLY

- ☐ SPOUSE
- ☐ COHABITANTS
- ☐ PARENTS OF COMMON CHILD
- ☐ DATING / ENGANGED
- ☐ SAME SEX
- ☐ FORMER SPOUSE
- ☐ FORMER COHABITANTS
- ☐ EMANCIPATED MINOR
- ☐ FORMER DATING

LENGTH OF RELATIONSHIP: _____ YEAR(S) _____ MONTH(S)

_____ WEEK(S) _____ DAY(S)

IF APPLICABLE, DATE RELATIONSHIP ENDED:

PRIOR DOMESTIC VIOLENCE HISTORY

VICTIM DESCRIBED PRIOR HISTORY OF VIOLENCE? ☐ YES ☐ NO

HAVE POLICE BEEN CALLED BEFORE? ☐ YES ☐ NO

NUMBER OF PRIOR INCIDENTS: _____ REPORTED _____ NOT REPORTED

RESTRAINING ORDERS: ☐ YES ☐ NO

STATUS: ☐ CURRENT ☐ EXPIRED ☐ NOT VERIFIED ☐ ACKNOWLEDGED BY SUSPECT

TYPE: ☐ EMERGENCY ☐ TEMPORARY ☐ PERMANENT (3+ YRS.)

ISSUING COURT: _____

ORDER OR DOCKET NO.: _____

COPY ATTACHED WITH PROOF OF SERVICE? ☐ YES ☐ NO

EPO ISSUED? ☐ YES ☐ NO ISSUING JUDGE _____

EVIDENCE COLLECTED:

FROM: ☐ CRIME SCENE ☐ HOSPITAL ☐ OTHER _____

PHOTOS: ☐ YES HOW MANY? _____ ☐ NO

TYPE: ☐ 35MM ☐ POLAROID

DESCRIBE ALL PHOTOGRAPHS:

PHOTOS OF VICTIMS'S INJURIES? ☐ YES ☐ NO

PHOTOS OF SUSPECT'S INJURIES? ☐ YES ☐ NO

PHOTOS OF CRIME SCENE? ☐ YES ☐ NO

PHOTOS OF CHILDREN? ☐ YES ☐ NO

SUSPECT'S / VICTIM'S CLOTHING COLLECTED? ☐ YES ☐ NO (PARTICULARLY IF TORN, BLOODY, ETC.)

SCENE DIAGRAM? ☐ YES ☐ NO

HOW WERE POLICE SUMMONED? ☐ TELEPHONE ☐ ONVIEW ☐ OTHER: _____

WHO SUMMONED POLICE? ☐ VICTIM ☐ OTHER: _____

WEAPON(S) USED DURING INCIDENT: (Including suspect's shoes, rings, etc.)

☐ YES TYPE: _____ ☐ NO

WEAPON(S) IMPOUNDED? ☐ YES ☐ NO

FIREARM(S) IMPOUNDED FOR SAFETY? ☐ YES ☐ NO

EVIDENCE OF SUBSTANCE OR CHEMICAL USE:

SUSPECT ☐ YES TYPE: _____ ☐ NO

VICTIM ☐ YES TYPE: _____ ☐ NO

SYNOPSIS

REPORTING OFFICER	ID NUMBER	DATE / TIME WRITTEN	REVIEWED BY	ROUTING
				S.O. DV UNIT/

DOMESTIC VIOLENCE REPORT / SUPPLEMENTAL 13700 P.C. PAGE OF

MEDICAL TREATMENT

- ☐ NONE
- ☐ WILL SEEK OWN DOCTOR
  DOCTORS NAME: _____
  CITY / PHONE: _____
- ☐ FIRST AID
- ☐ PARAMEDICS
- ☐ HOSPITAL
- ☐ REFUSED MEDICAL AID

PARAMEDICS / FIRST AID / HOSPITAL INFORMANTION

PARAMEDIC UNIT NAME / NUMBER: _____

E.M.T. NAME(S), I.D.'(S): _____

FIRST AID RENDERED BY OTHER(S)? (NAMES): _____

HOSPITAL NAME: _____ CITY: _____

ATTENDING PHYSICIAN(S) / NURSE(S) (NAMES): _____

VICTIM ASSISTANCE

- ☐ GIVEN D.V. PAMPLET
- ☐ GIVEN VICTIM OF VIOLENT CRIME CARD
- ☐ GIVEN CASE NUMBER
- ☐ GIVEN BWA PHONE NUMBER
- ☐ BWA EMERGENCY RESPONSE TEAM CALLED
- ☐ GIVEN D.V. UNIT PHONE NUMBER
- ☐ CONFIDENTIALITY PROVISION EXPLAINED (293 PC)
  REQUESTED? ☐ YES ☐ NO

CASE DISPOSITION:

VICTIM EXPRESSED WILLINGNES TO COOPERATE? ☐ YES ☐ NO

CASE REFERRED TO INVESTIGATIONS / DETECTIVES? ☐ YES ☐ NO

CASE REFERRED TO DA'S OFFICE? ☐ YES ☐ NO

OTHER:

PROBATION / PAROLE INFORMATION:

☐ SUSPECT ☐ VICTIM

DATE OF PAROLE / PROBATION: _____

COUNTY: _____

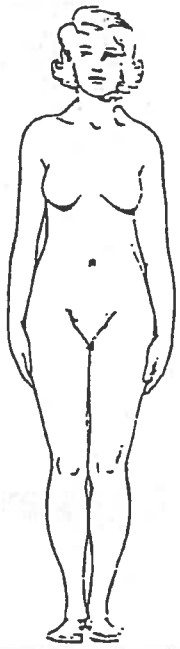
CONVICTED OF:

☐ VICTIM

☐ SUSPECT

HEIGHT_____

WEIGHT_____



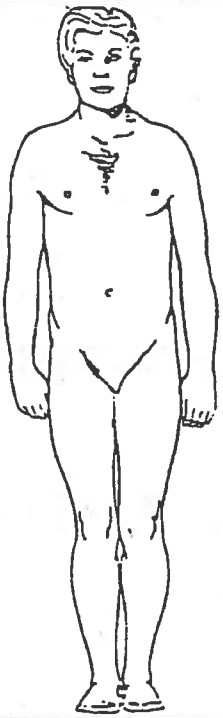
PLEASE DRAW ON DIAGRAM(S) THE LOCATION OF ANY INJURIES.

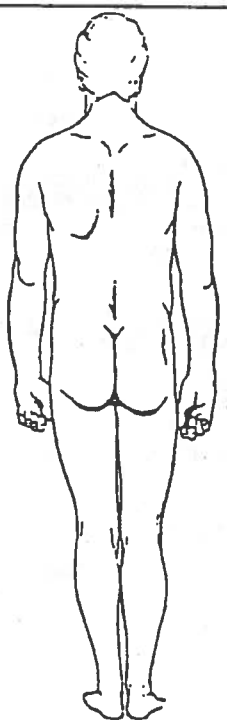
☐ VICTIM

☐ SUSPECT

HEIGHT_____

WEIGHT_____





TO ALL HEALTH CARE PROVIDERS:

Having been advised of my right to refuse, I hereby consent to the release to law enforcement and the District Attorney's Office, of information in my medical records pertaining to injuries sustained on _____(fill in date of incident being investigated).

Signature _____ **Date** _____ **Witness / Interpreter** _____

Statutes and Legal Requirements.pdf

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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.

Field Services Org Chart.jpg

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Temporary Holding Facility Organization Chart.pdf

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TABLE OF ORGANIZATION

Chief of Police
Facility Administrator

Field Services Division Commander
Facility Manager

Community Policing Bureau Commander
Lieutenant
Facility Supervisor

Community Policing Sergeant
Shift Supervisor

Community Policing Corporal

Community Policing Officer

Community Service Officer

SHIFT BY SENIORITY Absentee Form.pdf

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SHIFT BY SENIORITY

Absentee Selection

I, _____, because I am either unable, or choose not to personally bid my shifts, request the following supervisor / officer do so in my absence. Supervisor / Officer:_____

The following selections are my preferred choices of shifts with “1” being my first choice and “6” being my last.

[ ] Red Days

[ ] Red Swing

[ ] Red Graveyard

[ ] Blue Days

[ ] Blue Swing

[ ] Blue Graveyard

I understand that my absence from the bidding process is voluntary, and that the shifts selected by my assigned representative are binding.

Signed _____ Date: _____

Professional Standards Bureau Org Chart.jpg

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Deployment Protocols 2019 MEMO.pdf

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ANTIOCH POLICE DEPARTMENT
INTER-OFFICE MEMORANDUM

TO: All Field Services Lieutenants, Sergeants and Corporals

FROM: Desmond Bittner, Acting-Captain, Field Services

DATE: March 8, 2019

SUBJECT: **DEPLOYMENT PROTOCOLS**

The following are the personnel deployments for each shift under the Modified 4/10 schedule and protocols for assigning officers to beats and supervision.

Shifts	**Assigned Staffing**	
0630 to 1630 hrs	10 Officers	(Day Shift)
1430 to 2430 hrs	9 Officers	(Swing Shift)
2130 to 0730 hrs	7 Officers	(Graveyard Shift)

Minimum Officer/Supervisor Staffing

0630-1430 hrs	7 Officers and 1 Supervisor
1430-1630 hrs	14 Officers and 2 Supervisor
1630-2130 hrs	7 Officers and 1 Supervisor
2130-2430 hrs	13 Officers and 2 Supervisors
2430-0630 hrs	5 Officers and 1 Supervisor

*Any additional supervisors in excess of the minimums articulated above may count toward the officer total.

**There is a recognized gap in the schedule that occurs between 1630 and 2130 hours. It will be the supervisor's discretion, based on activity in the city, as to whether dayshift officers are held over.

Leave Requests

- Up to one officer and one supervisor per crew may be granted leave at a time. Additional leave requests will require Lieutenant approval.

- Requests for leave will not be approved if it is apparent we will not meet minimum staffing at any point during the duration of the time off. Although two supervisors may be scheduled to work a shift, in an effort to meet minimum staffing, this may prevent either supervisor from being granted leave.

- No requests for two or less days off will be approved at the time of shift bidding. All requests for two or less days off shall be submitted to the supervisors not less than 72 hours prior to the first day off requested off. They will not be accepted more than 30 days in advance.

- Schedule adjustments and trades are strongly encouraged in order to allow leave for officers and supervisors. Overtime will not be used to facilitate time off without the Division Commanders approval.

Deployment Protocol

- When available, Lieutenants shall attend patrol briefings.

- Officers for each crew shall be assigned beats until each beat has at least one officer designated.

- Extra officers will be assigned to share beats. Supervisors will assign these officers at their discretion until personnel are exhausted.

This protocol is subject to adjustments.

Commission on Peace Officer Standards and Training Hate Crimes Model Policy 2019.pdf

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Vehicle Release Form.pdf

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Support Services Org Chart.jpg

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Organizational Chart 2017.pdf

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Hate Crime Checklist.pdf

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HATE CRIME CHECKLIST

VICTIM

Victim Type:

☐ **Individual**
Legal name (Last, First): _____
Other Names used (AKA): _____

☐ **School, business or organization**
Name: _____
Type: _____
(e.g., non-profit, private, public school)
Address: _____

☐ **Faith-based organization**
Name: _____
Faith: _____
Address: _____

Target of Crime (Check all that apply):

☐ Person ☐ Private property ☐ Public property

☐ Other _____

Nature of Crime (Check all that apply):

☐ Bodily injury ☐ Threat of violence

☐ Property damage

☐ Other crime: _____

Property damage - estimated value _____

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)
☐ Other: _____

Specify disability (be specific):

_____

_____

Actual or Perceived Bias – Victim's Statement:

☐ Actual bias [Victim actually has the indicated characteristic(s)].

☐ Perceived bias [Suspect believed victim had the indicated characteristic(s)].

If perceived, explain the circumstances in narrative portion of Report.

Reason for Bias:

Do you feel you were targeted based on one of these characteristics?
☐ Yes ☐ No *Explain in narrative portion of Report.*

Do you know what motivated the suspect to commit this crime?
☐ Yes ☐ No *Explain in narrative portion of Report.*

Do you feel you were targeted because you associated yourself with an individual or a group?
☐ Yes ☐ No *Explain in narrative portion of Report.*

Are there indicators the suspect is affiliated with a Hate Group (i.e., literature/tattoos)?
☐ Yes ☐ No *Describe in narrative portion of Report.*

Are there Indicators the suspect is affiliated with a criminal street gang?
☐ Yes ☐ No *Describe in narrative portion of Report.*

Bias Indicators (Check all that apply):

☐ Hate speech ☐ Acts/gestures ☐ Property damage ☐ Symbol used
☐ Written/electronic communication ☐ Graffiti/spray paint ☐ Other: _____

Describe with exact detail in narrative portion of Report.

HISTORY

Relationship Between Suspect & Victim:

Suspect known to victim? ☐ Yes ☐ No
Nature of relationship: _____
Length of relationship: _____
If Yes, describe in narrative portion of Report

☐ Prior reported incidents with suspect? Total # _____
☐ Prior unreported incidents with suspect? Total # _____
Restraining orders? ☐ Yes ☐ No
If Yes, describe in narrative portion of Report
Type of order: _____ Order/Case# _____

WEAPONS

Weapon(s) used during incident? ☐ Yes ☐ No Type: _____
Weapon(s) booked as evidence? ☐ Yes ☐ No
Automated Firearms System (AFS) Inquiry attached to Report? ☐ Yes ☐ No

HATE CRIME CHECKLIST

EVIDENCE

Witnesses present during incident? ☐ Yes ☐ No Statements taken? ☐ Yes ☐ No

Evidence collected? ☐ Yes ☐ No

Photos taken? ☐ Yes ☐ No

Total # of photos: _____ D#: _____

Taken by: _____ Serial #: _____

Recordings: ☐ Video ☐ Audio ☐ Booked

Suspect identified: ☐ Field ID ☐ By photo ☐ Known to victim

OBSERVATIONS

VICTIM	SUSPECT
☐ Tattoos	☐ Tattoos
☐ Shaking	☐ Shaking
☐ Unresponsive	☐ Unresponsive
☐ Crying	☐ Crying
☐ Scared	☐ Scared
☐ Angry	☐ Angry
☐ Fearful	☐ Fearful
☐ Calm	☐ Calm
☐ Agitated	☐ Agitated
☐ Nervous	☐ Nervous
☐ Threatening	☐ Threatening
☐ Apologetic	☐ Apologetic
☐ Other observations: _____	☐ Other observations: _____

ADDITIONAL QUESTIONS (Explain all boxes marked "Yes" in narrative portion of report):

Has suspect ever threatened you? ☐ Yes ☐ No

Has suspect ever harmed you? ☐ Yes ☐ No

Does suspect possess or have access to a firearm? ☐ Yes ☐ No

Are you afraid for your safety? ☐ Yes ☐ No

Do you have any other information that may be helpful? ☐ Yes ☐ No

Resources offered at scene: ☐ Yes ☐ No Type: _____

MEDICAL

Victim	Suspect	
☐	☐	Declined medical treatment
☐	☐	Will seek own medical treatment
☐	☐	Received medical treatment

Authorization to Release Medical Information, Form 05.03.00, signed? ☐ Yes ☐ No

Paramedics at scene? ☐ Yes ☐ No Unit # _____

Name(s)/ID #: _____

Hospital: _____

Jail Dispensary: _____

Physician/Doctor: _____

Patient #: _____

Officer (Name/Rank)	Date
Officer (Name/Rank)	Date
Supervisor Approving (Name/Rank)	Date

Injury Incident Documentation Form.pdf

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Injury Incident Documentation Form

Use this form to document minor workplace injuries or illnesses where the employee ***does NOT wish to seek immediate medical attention****. The top portion of this form should be filled out at the time of report with the employee present.*

Employee Name: _____ Job Title: _____

Date & Time Reported: _____

Supervisor (or person documenting incident): _____

Department: _____

Date and Approximate Time of Injury: _____

Description of Injury, Pain or Ailment: _____

_____

Activity at time of injury (please include equipment used):_____

_____

Location of Incident: _____

Witnesses: _____

Other pertinent facts or statements: _____

_____

Is the injury the result of a hazardous condition, under City control, such as: defective equipment, dangerous environment, etc.? Yes No

If yes, describe hazard: _____

(If a hazard exists, either abate or report it to your supervisor. If an immediate solution is not available, pull the equipment from service or block off the area if possible, and contact your supervisor.)

Scheduled date for Check Back: _____

(Supervisors should check back with employee 3 to 6 days following the incident to ensure the issue is resolved. If the employee is still experiencing symptoms, the supervisor should encourage the employee to seek immediate medical treatment.)

Employee Signature:_____

STOP – Give the employee a copy of form as completed thus far, make 3 copies, distribute as indicated below

This Section is for Supervisor or Human Resources Use Only

Date of Employee Check Back: _____

Employee's Response to Check Back: _____

If applicable, date physical hazard was abated, or status of hazard: _____

_____

Form distribution: Department – Human Resources – Employee

Industrial Injury Checklist.pdf

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Checklist for Industrial Injuries

☐ **RN First Call:** Have the employee call the nurse toll-free at 877-854-6877 (available 24/7/365) to report the injury and receive first aid advice and medical treatment referral, if appropriate.

In cases of serious or life-threatening injury, seek emergency treatment first. The supervisor or employee may contact the toll-free number after appropriate treatment has been secured.

☐ **Referral to designated occupational medical facility:** If treatment is appropriate, the nurse will direct the injured employee to your clinic or nearest after-hours facility.

Predesignated personnel physician: If the injured employee indicates that he or she has pre-designated a personal physician to treat an industrial injury, confirm with personnel. If no valid pre-designation form is on file, redirect the employee to your designated occupational medical facility right away.

☐ **DWC1 Employee Claim Form:** For cases with lost time and/or treatment beyond first aid, provide the Employee's Claim for Workers' Compensation form (DWC1) within 1 working day of your knowledge of the injury, either personally or by U.S. mail.

- ☐ Hand-delivered
- ☐ Sent via U.S. mail to the employee's home

Upon receipt of the form back from the employee, complete the employer portion and forward to Human Resources. Do not complete the employee portion of this form.

☐ **Accident Investigation Report:** Complete as soon as possible following the accident. Document all details and identify all witnesses. Obtain written statements from the employee and any witnesses, if appropriate. Upon completion, forward the report to Human Resources.

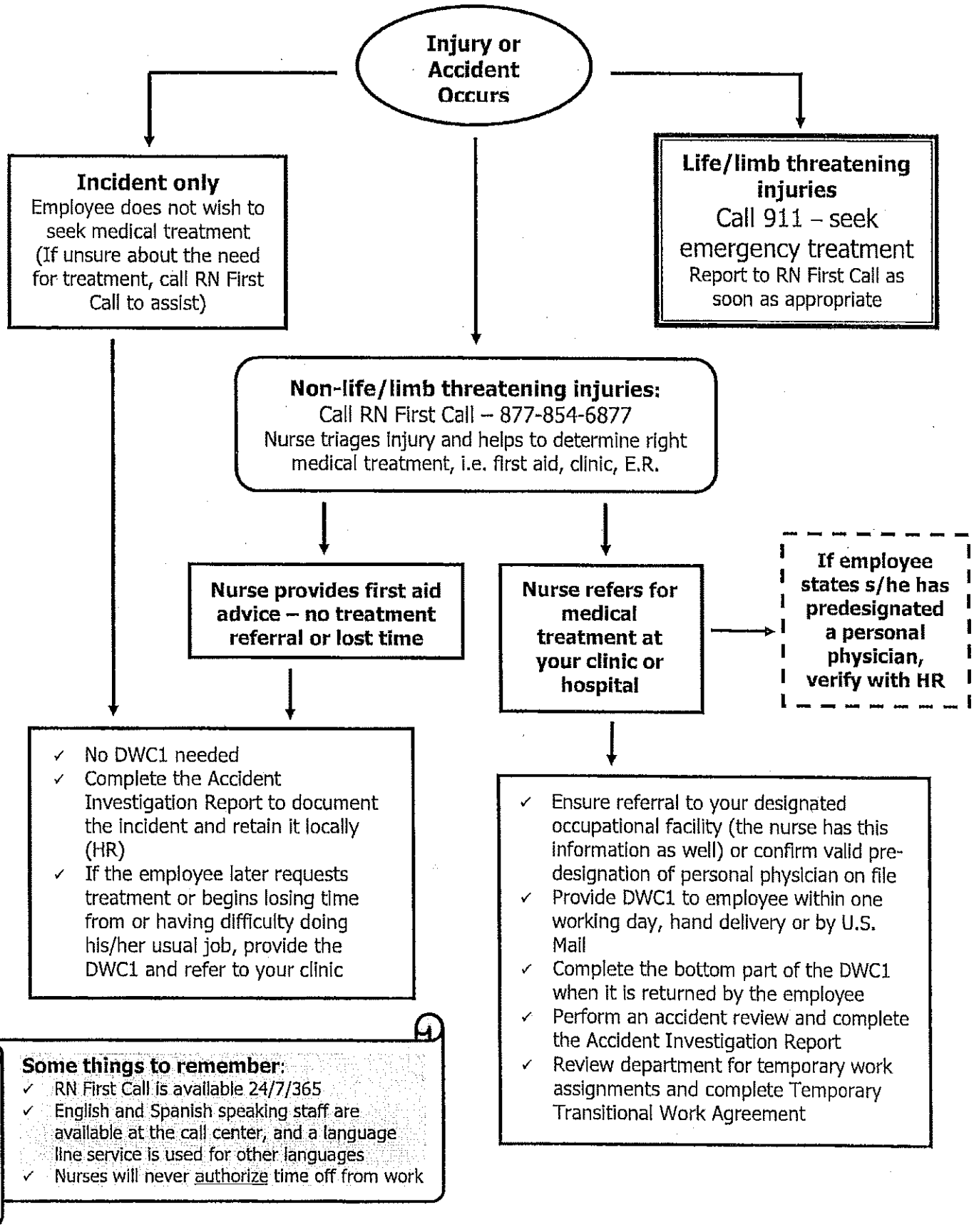
Third party involvement (other than a co-worker): If a third party is involved in the accident, including all motor vehicle accidents, obtain names, addresses, phone numbers and insurance information. If equipment or machinery is involved in the accident and there is any possibility of malfunction, isolate the equipment/machinery pending inspection.

☐ **Temporary Transitional Work (TTW):** On receipt of medical work restrictions, determine if appropriate tasks are available. The MPA Claims Examiner can also assist you as needed, particularly in obtaining or clarifying the nature and duration of restrictions. Follow all recommended policy guidelines.

When assigning or changing tasks, or removing the employee from the TTW program (because work is no longer available or because maximum time in the program has been exhausted), **interact** with the employee so that he/she understands the temporary nature of the work and the reason for any changes.

☐ **Temporary Transitional Work Agreement:** Complete with the employee and provide a copy to Human Resources. Advise HR of the date that the employee starts the TTW assignment.

FLOWCHART FOR INJURY REPORTING



Deployment Protocols Feb 2015.pdf

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PERS instructions version 2.0.pdf

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Prompt Event Reporting System (PERS) User Manual

Overview

The Prompt Event Reporting System (PERS) is a condition based method for the documentation of events. The conditions are based on defined terms. If any of the listed conditions are present in an event utilization of PERS **IS NOT** authorized.

Policy/Procedure requirements

The utilization of PERS shall not relieve employees from performing duties as required by the Policies, Procedures, Divisional Instructions, Service Modifications-Enhancements and/or Special Orders of the Antioch Police Department.

Conflict Resolution

In the event an unforeseen conflict exists between this manual and any Policy, Procedure, Special Order, and/or Service Modification-Enhancement of the Antioch Police Department, this manual is subordinate.

Supervisors can direct an employee to complete a full offense report for any authorized PERS event.

If a citizen should request a full offense report for any authorized PERS event while the investigating employee is on scene, the investigating employee should consult his or her supervisor.

Evidence Collection

Utilization of PERS requires employees to collect all evidence and if pertinent process for fingerprints, take photographs, or collect video if available.

All PC459 and VC10851 recoveries require processing for fingerprint(s). All PC459, PC594, VC10851 recoveries and VC20002(a) PERS events require photograph(s) be taken.

All video evidence must be reviewed by the employee that collects/receives the video as evidence. Should an employee not be able to view the video he/she will provide the reason why the video was not viewed in the narrative of the report.

PERS Condition Definitions

Abuse: Any event that includes the elements of Abuse as defined by the CA Penal Code or Abuse that is suspected or known to be criminal

Arrest: Person arrested

Arson: As defined in the CA penal code

Canvass: Check to locate a Witness, Immediate Evidence, Potential Evidence, Immediate Workable Lead and/or Potential Workable Leads

City Employee: Person employed/contracted by the City of Antioch

City Property: Property owned/leased/operated by the City of Antioch

Classification Loss: Property that can be entered into stole property system

Counterfeit Currency: Currency not authorized by a governmental agency

Domestic Violence: Any event that includes the elements of a Domestic Violence as defined by the CA Penal Code

Firearm: Any type of firearm

Force: The unwanted touching of a person

Identification: Antioch PD approved means of identification of person

Immediate Evidence: Item/Means that allows for the immediate identification of a "Responsible"

Injury: Visible injury caused by a person to another person or result of a vehicle collision

License Plate: if two or more characters of the responsible vehicle are known

Loss Form (APD Property Sheet): Used by victim to report "Non Classification Loss" and/or "Classification Loss"

Non Classification Loss: Property that cannot be entered into stolen property system

Passenger: Person(s) in a vehicle that were not driving

Potential Evidence: Item that may lead to the identification of a "Responsible"

Potential Workable Lead: Means that would allow for future identification of a "Responsible"

Prosecution: Victim and/or Reporting Party desires and has legal authorization to pursue prosecution of a "Responsible" and/or "Suspect"

Religious Organization/Structure: Any person(s) or structure related to a religion sanctioned by the State of California or the US Government

Reporting Party: Person reporting an event

Responsible Vehicle: Known responsible vehicle

Responsible: A known person involved in perpetration of an event

Serial Event: Known events with commonality of Modus Operani which occur within limited time period

Stolen Vehicle: A vehicle taken without the permission of owner or owner's agent

Suspect: An unknown person involved in the perpetration of an incident

Threat: Threat as defined in the CA Penal Code or Threat that is suspected or known to be criminal.

Transport: Taken from scene to the hospital by ambulance

Under Influence: Person(s) reported or known to be under the influence of drugs or alcohol

Victim: Person or business that sustained a loss or damage

Weapon: Any item (included animals) or bodily part used to threaten and/or harm a person

Witness: Person(s) that saw or has knowledge concerning an incident

Workable Lead: Item/Means that allows for immediate identification of a "Responsible"

Authorized PERS events

PC484/488
PC487
PC459
PC594
PC476
VC10851 – Stolen
VC10851 – Recovery
VC20002(a)

PERS event "Conditions"

PC484/488

"Responsible", "Arson", "Abuse", "Force", "Injury", "Threat", "Firearm", "Weapon", "Domestic Violence", "Workable Lead", "Serial Event", "City Property"

PC487

"Responsible", "Arson", "Abuse", "Force", "Injury", "Threat", "Firearm", "Weapon", "Domestic Violence", "Workable Lead", "Serial Event", "City Property",

PC459*

"Responsible", "Arson", "Abuse", "Force", "Injury", "Threat", "Firearm", "Weapon", "Domestic Violence" , "Workable Lead", "Serial Event", "Religious Organization/Structure", "City Property", "Witness", "Serial Event"

***No maximum loss**

PC476

"Responsible", "Arson", "Abuse", "Force", "Injury", "Threat", "Firearm", "Weapon", "Domestic Violence" , "Workable Lead" , "Serial Event"

PC594*

"Responsible", "Arson", "Abuse", "Force", "Injury", "Threat", "Firearm", "Weapon", "Domestic Violence" ,"Workable Lead", "Religious Organization/Structure", "Serial Event"

***No maximum estimated/known damage amount**

CVC10851 - Stolen

"Responsible", "Arson", "Abuse", "Force", "Injury", "Threat", "Firearm", "Weapon", "Domestic Violence" , "Workable Lead", "City Property", "Witness"

CVC10851-Recovery

"Responsible", "Arson", "Abuse", "Force", "Injury", "Threat", "Firearm", "Weapon", "Domestic Violence" , "Workable Lead" , "City Property", "Witness"

CVC20002(a)*

"Responsible", "Responsible Vehicle", "Arson", "Abuse", "Force", "Transport", "Injury", "City Employee", "City Property", "Threat", "Firearm", "Weapon", "Domestic Violence" , "Workable Lead" , "Under Influence", "License Plate"

***Only applicable RPW pages completed (no CHP-555)**

Cite Release Warrants – Scene Released *

***If person booked a complete offense report must be complete**

PERS event "RPW" reporting procedure

After an event is determined to be an authorized "PERS" reportable event the following procedure will be used to document the event.

An Antioch Police Department case number will be obtained.

The following applicable "RPW" pages will be completed:

Case page

- All required information will be added to the case page
- The "PERS Report" box will be checked for "Case Factor"

Person page

- All information related to the responsible, suspect, victim, reporting party, witness, passengerand arrest related to the event will be added to the person page
- The person description form will be utilized to enhance the description(s) of responsible(s) and suspect(s)

Vehicle page

- All required/known information related to the involved vehicle(s) will be added to the vehicle page
- The vehicle description form will be utilized to enhance the description(s) of the involved and/or stolen/recovered vehicle(s)

Narrative page

- For all events - a concise narrative will be complete for each type of PERS event
    - The narrative will include the date/time, location and type of event dispatched to
- For PC459 - method and /or tool utilized to gain entry will be listed in the narrative
- For CVC20002 - Area of Impact, Primary Collision Factor, Associated Collision Factor, Direction of travel for each involved vehicle, Party at fault, complaint of pain of involved parties and Insurance information for all known involved parties will be listed in the narrative
- For PC594 - method/type of vandalism will be listed in narrative
- For all events - information obtained from DMV, SVS, CLETS, NCIC, JAWS and WPS will be "pasted" to the narrative - Criminal History "RAP" records will not be "pasted" to the narrative due to being controlled documents
- Noteworthy information not listed on the Modus Operandi section should be included in the narrative.

Property page*

- All required information will be added to the property page for "Immediate Evidence" and/or "Potential Evidence" placed into evidence
- If the victim or reporting party provided "Classification Loss" property information while the city employee is on scene all required information will be added to the property page prior to submitting the report for approval

*The victim or reporting party can be given a “Loss Form” (APD Property Sheet) by the responding city employee and instructed on how to complete the “Loss Form” and return it to Antioch PD.

Modus Operandi (MO) page

- All required information for the event will be added to the “Primary” MO page
- All required information for the event will be added to the “Other” MO page

PERS event “RPW” closings

- The current “RPW” closing codes will be utilized

PERS event“UCR” AND “BCS” closings

- The current “UCR” and “BCS” closing codes will be utilized

Enhancement Request

The PERS “Enhancement Request” form will be placed in the report writing room. All completed forms will be directed to a Lieutenant.

The form will include:

- Date
- Requestor
- Enhancement/Need
    - Approval
    - Check box
    - Training
    - Analysis
    - Investigative
    - Clerical
    - General
- Description of Enhancement/Need

Examples of PERS event narratives

PC459

On 01/01/2013, at approximately 1414 hours, I was dispatched to 123 Main Street, Antioch, CA to investigate a residential burglary.

Entry into the residence was made by prying open the locked front door of the residence. I collected a crowbar I found on the front porch as evidence.
The responsible(s) are unknown and no witness(es) were located.

The victim/RP was advised to re-contact the PD should he obtain additional information.

My investigative actions are listed on the Modus Operandi section of this report.

PC488 & PC487

On 01/01/2013, at approximately 1414 hours, I was dispatched to 123 Main Street, Antioch, CA to investigate a petty theft.

The responsible was not on scene when I arrived. The victim/RP was able to provide a surveillance video of the responsible. The identity of the responsible *is unknown*.

The victim/RP was advised to re-contact the PD should he obtain additional information.

My investigation actions are listed on the Modus Operandi section of this report.

PC476

On 01/01/2013, at approximately 1414 hours, I was dispatched to 123 Main Street, Antioch, CA to investigate the use (or attempted usage) of counterfeit currency.

The responsible was not on scene when I arrived. The victim/RP was able to provide a surveillance video of the responsible. The identity of the responsible *is unknown*.

The victim/RP was advised to re-contact the PD should they obtain additional information for the responsible.

My investigation actions are listed on the Modus Operandi section of this report.

PC594

On 01/01/3013, at approximately 1414 hours, I was dispatched to 123 Main Street, Antioch, CA to investigate a reported vandalism.

The responsible used spray paint to vandalism the victim's residence with gang symbols. The victim/RP was able to provide a surveillance video of the responsible. The identity of the responsible *is unknown*.

The victim/RP was advised to re-contact the PD should he obtain additional information.

My investigation actions are listed on the Modus Operandi section of this report.

CVC10851 - Theft

On 01/01/2013, at approximately 1414 hours, I was dispatched to 123 Main Street, Antioch, CA to investigate an auto theft.

During my investigation I was unable to obtain any leads that would identify the *unknown responsible*.

The victim/RP was advised to re-contact the PD should he obtain additional information.

My investigation actions are listed on the Modus Operandi section of this report.

CVC10851 – Recovery

On 01/01/2013, at approximately 1414 hours, I was dispatched to 123 Main Street, Antioch, CA to recover a reported stolen vehicle.

During my investigation I was unable to obtain any leads that would identify the *unknown responsible(s)*. No witness(es) were located.

The victim/RP was advised to re-contact the PD should he obtain additional information.

My investigation actions are listed on the Modus Operandi section of this report.

CVC20002

On 01/01/2013, at approximately 1414 hours, I was dispatched to A Street and 33 Avenue, Antioch, CA to investigate a reported non-injury hit and run collision involving two vehicles.

V-1 was traveling North in 33 Ave in the #2 lane, V-2 was traveling East in the eastbound lane of A Street.

The Area of Impact was 17 feet west of the east prolongation of A Street and 8 feet south of the north raised curb of 33 Avenue.

The Primary Collision Factor was CVC22350 on D-1 (Unknown)

No Associated Collision Factor

No parties on scene complained of pain or had visible injuries.

Insurance information
D-1 (Unknown) left scene
D-2 (Smith) Sky Insurance #23455

Cite Release Warrant Arrest

On 01/01/2013, at approximately 1414 hours, I made a traffic enforcement stop on a vehicle for violating CVC22350. The driver of the vehicle had a cite release warrant in JAWS. The driver was identified with a CA Driver License.

The driver was released on a signed promise to appear.

PERS updates/changes notification

- Notification of Updates and/or changes to PERS will be placed on the briefing board

Approval of PERS reports

- Supervisors should review the CAD event for the PERS report event prior to approving the report

Release of PERS reports to public

- Records personnel will follow all current requirements when releasing PERS reports to the public

Deployment Protocols Jan 2016.pdf

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