

UC San Diego Police Department

UC San Diego PD Policy Manual

CHIEF'S PREFACE

A well-written, proactive, and professional policy manual is essential to meet the expectations of a police department in an increasingly complex, ever-changing society. These policies, coupled with professional training and a dedication to duty, will provide you with the tools to meet the needs of our campus community.

This manual contains the most current policies and best practices, and is designed to incorporate and be compatible with UC systemwide policies and protocols, as well as San Diego County law enforcement protocols. The UCSD Police Department's policy manual is a living document that is subject to constant change, new requirements, and new regulations. The nature of police work is such that no policy manual can address every situation that our department may encounter. When faced with these situations, members of our department are expected to use good faith and good judgment in their decision-making.

All members of this department are held to the highest standards of conduct, personal integrity, and service to our campus community.

Lamine B. Secka, M.S.

Chief of Police

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MISSION, VISION, AND VALUES STATEMENT

MISSION: Our mission is to work in partnership with the campus community to provide a safe and secure environment for all campus community members to achieve their well-intentioned goals.

VISION: We envision a department that prioritizes the safety of students, faculty, and staff above all else, and is committed to inclusivity, diversity, and community engagement.

OUR CORE VALUES: We take P.R.I.D.E. in our work and base our practices on these essential values - Professionalism, Respect, Inclusion & Improvement, Diversity & Dignity, and Equity & Excellence.

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Chapter 1 - Law Enforcement Role and Authority

Law Enforcement Authority

100.1 PURPOSE AND SCOPE

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

100.2 POLICY

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

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

100.3 BOUNDARIES OF JURISDICTION

The University of California, San Diego, Police Department has primary responsibility for the main San Diego campus, as well as all University of California owned or controlled structures and properties which are occupied within the City of San Diego limits and other adjacent jurisdictions. Through agreement, the University of California, San Diego, Police Department handles all incidents within those structures and properties.

100.4 PEACE OFFICER POWERS

Sworn members of this department are authorized to exercise peace officer powers pursuant to applicable state law (Penal Code § 830.2 (b) et seq.).

100.4.1 ARREST AUTHORITY INSIDE THE JURISDICTION OF THE UC SAN DIEGO POLICE DEPARTMENT

The arrest authority within the jurisdiction of the UC San Diego Police Department includes (Penal Code § 830.2 (b); Penal Code § 836; Education Code 92600):

- (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.

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100.4.2 ARREST AUTHORITY OUTSIDE THE JURISDICTION OF THE UC SAN DIEGO POLICE DEPARTMENT

The arrest authority outside the jurisdiction of the UC San Diego Police Department includes (Penal Code § 830.2 (b); Penal Code § 836; Education Code 92600):

- (a) When the officer has probable cause to believe the person committed a felony.
- (b) When the officer has probable cause to believe the person has committed a misdemeanor in the presence of the officer and the officer reasonably believes there is immediate danger to person or property or of escape.
- (c) When the officer has probable cause to believe the person has committed a misdemeanor for which an arrest is authorized even if not committed in the presence of the officer such as certain domestic violence offenses and there is immediate danger to person or property or of escape or the arrest is mandated by statute.
- (d) When authorized by a cross jurisdictional agreement with the jurisdiction in which the arrest is made.
- (e) In compliance with an arrest warrant.

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

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

100.4.3 DELIVERY TO NEAREST MAGISTRATE

When an officer makes an arrest pursuant to a warrant with bail set, and the warrant was issued in a county other than where the person was arrested, the officer shall inform the person in writing of the right to be taken before a magistrate in the county where the arrest occurred (Penal Code § 821; Penal Code § 822).

100.4.4 TIME OF MISDEMEANOR ARRESTS

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

- (a) The arrest is made without a warrant pursuant to Penal Code § 836 which includes:
 - 1. A misdemeanor committed in the presence of the officer.
 - 2. Misdemeanor domestic violence offenses (See the Domestic Violence Policy).
- (b) The arrest is made in a public place.
- (c) The arrest is made with the person in custody pursuant to another lawful arrest.
- (d) The arrest is made pursuant to a warrant which, for good cause shown, directs that it may be served at any time of the day or night.

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100.4.5 OREGON AUTHORITY

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

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

UC San Diego Police Department officers have no authority to enforce Oregon traffic or motor vehicle laws.

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

100.5 INTERSTATE PEACE OFFICER POWERS

Peace officer powers may be extended to other states:

- (a) As applicable under interstate compacts, memorandums of understanding or mutual aid agreements in compliance with the laws of each state.
- (b) When an officer enters an adjoining state in close or fresh pursuit of a person believed to have committed a felony (ARS § 13-3832; NRS 171.158; ORS 133.430).

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

100.6 CONSTITUTIONAL REQUIREMENTS

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

100.7 NON-SWORN POWERS

Department members not sworn as peace officers have no vested law enforcement authority or police powers beyond those rights held by all citizens. However, department members not sworn as peace officers may be assigned limited and specific duties involving the direct provision of public safety services and/or the enforcement of University rules and regulations, and are delegated the necessary authority to perform those duties within the confines of applicable law, regulations, and policy (including position descriptions)

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100.8 UCPD STATUTORY AUTHORITY AND CASE LAW

100.8.1 EDUCATION CODE 92600

The Regents of the University of California are authorized and empowered to appoint one or more persons to be members of the University of California police department as such police department is constituted on September 19, 1947, or may thereafter be constituted. Persons employed and compensated as members of said police department, when so appointed and duly sworn, are peace officers; provided, that such officers shall not exercise their powers or authority except:

- (a) Upon the campuses of the University of California and an area within one mile of the exterior boundaries.
- (b) In or about other grounds or properties owned, operated, controlled or administered by the Regents of the University of California.
- (c) As provided in Section 830.2 of the Penal Code.

100.8.2 PENAL CODE 830.2

100.7.2 PENAL CODE 830.2 The following persons are peace officers whose authority extends to any place in the state:

...(b) A member of the University of California Police Department appointed pursuant to Section 92600 of the Education Code, provided that the primary duty of the peace officer shall be the enforcement of the law within the area specified in Section 92600 of the Education Code

Chief Executive Officer

101.1 PURPOSE AND SCOPE

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

101.1.1 CHIEF EXECUTIVE OFFICER REQUIREMENTS

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

Oath of Office

102.1 PURPOSE AND SCOPE

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

102.1 POLICY

It is the policy of the UC San Diego Police Department that, when appropriate, department members affirm the oath of their office as an expression of commitment to the constitutional rights of those served by the Department and the dedication of its members to their duties.

102.3 OATH OF OFFICE

All department members, when appropriate, shall take and subscribe to the oaths or affirmations applicable to their positions prior to assuming their duties. All sworn members shall be required to affirm the oath of office expressing commitment and intent to respect constitutional rights in discharging the duties of a law enforcement officer (Cal. Const. Art. 20, § 3; Government Code § 3102). In addition, for all sworn officers and other department members with duties that include the direct provision of enforcement services, this shall include a declaration to enforce institutional policies and support the mission of the University. The oath shall be as follows:

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

I do further swear (or affirm) that I will enforce the laws of the State of California and the Rules and Regulations of the Regents of the University of California. I will abide by the Law Enforcement Code of Ethics and I will support the University's mission of teaching, research, and public service."

Department members may reaffirm the oath of office upon promotion to a higher rank or new position, and at other appropriate times.

102.4 MAINTENANCE OF RECORDS

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

Policy Manual

103.1 PURPOSE AND SCOPE

The manual of the UC San Diego 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.

103.2 POLICY

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

103.2.1 DISCLAIMER

The provisions contained in the Policy Manual are not intended to create an employment contract nor any employment rights or entitlements. The policies contained within this manual are for the internal use of the UC San Diego Police Department and shall not be construed to create a higher standard or duty of care for civil or criminal liability against the University, 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 UC San Diego Police Department reserves the right to revise any policy content, in whole or in part.

103.3 AUTHORITY

The Chief of Police shall be considered the ultimate authority for the content and adoption of the provisions of this manual and shall ensure compliance with all applicable federal, state and local laws. The Chief of Police or the authorized designee is authorized to issue 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.

103.4 DEFINITIONS

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

Adult - Any person 18 years of age or older.

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

CHP- The California Highway Patrol.

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CFR - Code of Federal Regulations.

Campus / University - The University of University of California, San Diego.

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

Department/UCSDPD - The UC San Diego Police Department.

DMV - The Department of Motor Vehicles.

Employee - Any person employed by the Department.

Juvenile- Any person under the age of 18 years.

Manual - The UC San Diego Police Department Policy Manual.

May - Indicates a permissive, discretionary or conditional action.

Member - Any person employed or appointed by the UC San Diego Police Department, including:

- Full- and part-time employees
- Sworn peace officers
- Auxiliary officers
- Non-sworn employees
- Volunteers.

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

On-duty - A member's status during the period when they are actually engaged in the performance of their assigned duties.

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

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

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

Shall or will - Indicates a mandatory action.

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

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

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

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

USC - United States Code.

103.5 ISSUING THE POLICY MANUAL

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

Each member shall acknowledge that they have been provided access to, and have 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.

103.6 PERIODIC REVIEW OF THE POLICY MANUAL

The Chief of Police, or his/her designee, will ensure that the Policy Manual is reviewed annually. All policies, procedures, and directives must be reviewed annually to ensure compliance with the law, accreditation, and University policy. It will be the role of each division head to ensure agency compliance with best practice and continuous improvement. The policy and procedure manual is meant to reflect our efforts to support our community, and thus policies and procedures may be updated and changed to meet their needs.

A review of all policy and procedure changes will be signed off by the Accreditation Manager for accreditation compliance.

103.7 REVISIONS TO POLICIES

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

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

Each Lieutenant will ensure that members under their 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 Lieutenants, who will consider the recommendations and forward them to the command staff as appropriate.

103.8 POLICY DEVELOPMENT - INPUT AND FEEDBACK

Department members with, or having been assigned, the responsibility for development and revision of department policies and procedures should:

(a) Solicit input and feedback from relevant resources, experts, potentially affected department members, and campus community stakeholders. Feedback and input from the general public

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should also be considered when available and pertinent. Potential sources of input and feedback include:

1. Campus administrative and academic units and experts
2. Campus committees and formal or informal groups including the Chancellor's Independent Advisory Board on Police Accountability and Community Safety. (IAB)
3. Student groups including student government representatives
4. Information received from community feedback mechanisms and surveys
5. UC San Diego department members
6. Other public safety and law enforcement agencies, organizations and resources

(b) Try to help persons providing input and feedback understand that certain department policy manual elements may be mandated by law, regulation, agreement, superseding University policy, or binding expectation. In those situations the department member should provide guidance on how input and feedback might be productively directed, such as to the UC Office of the President for input on system-wide policy changes.

103.9 POLICY RECONCILIATION WITH BARGAINING AGREEMENTS

In the event of a conflict between the Policy Manual and a collective bargaining agreement, the collective bargaining agreement will supersede the Policy Manual.

103.10 AGENCY SPECIFIC CONTENT

The general structure, organization, and content of the Policy Manual is provided by Lexipol. When unique agency content is required, it should be provided in separate sections or at the end of each policy. When updates to the Policy Manual are made, employees will receive an email message noting there has been a change in policy.

Law Enforcement Code of Ethics

104.1 PURPOSE AND SCOPE

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

104.2 POLICY

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

104.3 LAW ENFORCEMENT CODE OF ETHICS

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

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

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

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

104.3.1 OBJECTION TO RELIGIOUS AFFIRMATION

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

Chapter 2 - Organization and Administration

Organizational Structure and Responsibility

200.1 PURPOSE AND SCOPE

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

[See attachment: UCSD PD September 2023 TC-2.pdf](#)

200.2 COMMAND STAFF

Command Staff shall consist of the following:

- Chief of Police
- Assistant Chief of Police
- Lieutenant(s)
- Civilian Manager(s)

In the event of a Command Staff vacancy, the Chief of Police may name a qualified alternate employee to temporarily fill the vacancy. This temporary assignment is not considered an interim or acting promotion to any rank.

200.2.1 FUNCTIONAL RESPONSIBILITIES

The department's organizational structure includes divisions, units, and individual department members, and each may be assigned specific functional responsibilities. Functional responsibilities shall directly relate to carrying out or supporting the Department's mission and objectives. It is the responsibility of the department to maintain accurate job descriptions for all current department members' positions. Each job description shall describe in detail all significant duties and responsibilities for that particular position.

200.3 DIVISIONS

The Chief of Police is responsible for administering and managing the UC San Diego Police Department and is the Chief Executive Officer of the Department and final departmental authority in all matters of policy, operations, budget & finance, and personnel, including discipline. There are four divisions in the Police Department as follows:

- Administration Division
- Operations Division
- Specialized Services
- Campus Physical Security Division

200.3.1 ADMINISTRATION DIVISION

The Administration Division is commanded by a Civilian Manager, whose primary responsibility is to provide general management direction and control for the Administration Division. The Administration Division consists of the: Administrative Services Unit and Records Unit.

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200.3.2 OPERATIONS DIVISION

The Operations Division is commanded by a Lieutenant, whose primary responsibility is to provide general management direction and control for the Operations Division. The Operations Division consists of the Patrol Unit, and Traffic Unit.

200.3.3 SPECIALIZED SERVICES DIVISION

The Specialized Services Division is commanded by a Lieutenant, whose primary responsibility is to provide general management direction and control for the Specialized Services Division. The Specialized Services Division consists of the: Investigations Unit, Community Services Program (which consists of Bicycle Enforcement, Crime Prevention Unit, Community Safety Officers, and Special Events Unit), Communications Unit, Evidence Unit, University Safety Official Unit, Senior Volunteers, and Training Unit.

200.3.4 CAMPUS PHYSICAL SECURITY DIVISION

The Campus Physical Security Division is commanded by a Civilian Manager, whose primary responsibility is to provide general management direction and control for the Campus Physical Security Division. The Campus Physical Security Division consists of the: Campus Physical Security Unit and Crime Analysis Program.

200.4 COMMAND PROTOCOL

200.4.1 SUCCESSION OF COMMAND

The Chief of Police exercises command over all personnel in the Department. During planned absences and emergencies in which both the Chief of Police and Assistant Chief of Police are absent, the Chief of Police will designate a Lieutenant to serve as the acting Chief of Police.

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

- (a) Assistant Chief of Police
- (b) Specialized Services Division Lieutenant
- (c) Operations Lieutenant
- (d) Watch Commander

200.4.2 UNITY OF COMMAND

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

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200.4.3 ORDERS

Members shall respond to and make a good faith and reasonable effort to comply with the lawful order of superior officers and other proper authority, even when conveyed by another employee, regardless of rank.

200.5 ORGANIZATIONAL CHART

The department shall maintain an organizational chart, updated as necessary to accurately reflect the chain of command, lines of authority, positions, ranks, and authorized personnel strength. Functional responsibilities may be depicted in addition to operational responsibilities. A copy of the organization chart shall be attached to this order and incorporated herein by reference.

Emergency Management Plan

201.1 PURPOSE AND SCOPE

The University 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).

201.2 ACTIVATING THE EMERGENCY PLAN

The Emergency Management Plan can be activated on the order of the University Chancellor or authorized designee.

201.2.1 RECALL OF PERSONNEL

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

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

201.3 LOCATION OF THE PLAN

The Emergency Management Plan is available online: <https://blink.ucsd.edu/safety/emergencies/preparedness/get-ready/plan.html>

All supervisors should familiarize themselves with the Emergency Management Plan. The Administration supervisor should ensure that department personnel are familiar with the roles police personnel will play when the plan is implemented.

201.4 EMERGENCY RESPONSE PLAN TRAINING EXERCISE

The UC San Diego Office of Emergency Management is responsible for coordinating campus-wide training and exercises to test campus emergency response capacities and evacuation procedures. UC San Diego Police Department will participate and assist OEM with such training and exercises at least once a year.

201.5 INCIDENT COMMAND SYSTEM TRAINING

The Training Manager is responsible to ensure that all mandated training in the Incident Command System (ICS) is provided for:

- (a) Sworn officers
- (b) Department members responsible for the direct provision of public safety services
- (c) Department members who will or who may be assigned to an emergency operations center or incident command post

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Emergency Management Plan

201.6 UPDATING OF MANUALS

The Emergency Operations and Incident Management Plan is maintained by the UCSD Environmental Health and Safety Department (EH&S). The Chief of Police or designee shall work in conjunction with EH&S to review the Emergency Operations & Incident Management Plan annually 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.

Electronic Mail

202.1 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.

202.1.1 UNIVERSITY OF CALIFORNIA SAN DIEGO ELECTRONIC COMMUNICATIONS POLICY (135-5)

In addition to this policy, all users of electronic communications are to review the UC San Diego Electronic Communications Procedures and Practices. This policy can be found at: [Electronic Communications and Procedures](#)

202.2 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.

202.3 PROHIBITED USE OF EMAIL

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

Email messages addressed to the entire department are only to be used for official business related items that are of particular interest to all users. 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.

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Electronic Mail

202.4 EMAIL RECORD MANAGEMENT

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

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

Training

203.1 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.

203.2 POLICY

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

203.3 PHILOSOPHY

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

203.4 OBJECTIVES

The objectives of the Training Program are to:

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

Training on fair and objective policing and review of this policy should be conducted as directed by the Training Manager.

- (a) All sworn members of this department will be scheduled to attend Peace Officer Standards and Training (POST)-approved training on the subject of bias-based policing.
- (b) Pending participation in such POST-approved training and at all times, all members of this department are encouraged to familiarize themselves with and consider racial and cultural differences among members of this community.
- (c) Each sworn member of this department who received initial bias-based policing training will thereafter be required to complete an approved refresher course every two years, or sooner if deemed necessary, in order to keep current with changing racial, identity and cultural trends (Penal Code 13519.4(i)).

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This department will provide advanced officer training on interaction with person with mental disabilities, 5150 commitments and crisis intervention biennially.

203.5 TRAINING MANAGER

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

203.5.1 TRAINING RESTRICTION

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

203.6 LESSON PLANS

Lesson plans will be established for all training courses conducted by our agency to include:

- (a) Expected performance objectives
- (b) Training content and instructional techniques
- (c) Review and approval processes for the lesson plans
- (d) Specification of assessments, if any, used in determining competency.

203.7 SPECIALIZED TRAINING

- (a) Specialized training is required for proficiency in a variety of assignments and promotions, as noted in the Department Training Plan.
- (b) Assignments that require specialized training include:
 - 1. Special Response Team
 - 2. Field Training Officer.
 - 3. Range Master (Firearms Instruction).
 - 4. Armorer.
 - 5. Defensive Tactics Instructor.
 - 6. Bicycle Patrol.
 - 7. RAD.
 - 8. Less Lethal Instructor.
 - 9. Evidence.
 - 10. Any other assignment to which the Chief of Police deems specialized training would be appropriate.
- (c) Specialized training considerations should include:
 - 1. Development and enhancement of the skills, knowledge, and abilities particular to the specialization or assignment.

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2. Management, administration, supervision, personnel policies and support services of the function or assignment.
 3. Agency policies, procedures, rules and regulations specifically related to the function or assignment.
 4. The requirements or mandates of law.
 5. Supervised on-the-job training.
- (d) Retraining is required to maintain certifications for certain specialized assignments. For many assignments this is accomplished through update training. This retraining shall be accomplished as mandated by the Department training plan and P.O.S.T. requirements and will be documented in the employee's training file.
- (e) P.O.S.T. Supervisory and Management Courses:
1. P.O.S.T. procedure 1005(b) (1) requires newly promoted sworn supervisors to attend a P.O.S.T. certified 80-hour Supervisory Course within 12 months of the promotion date.
 2. P.O.S.T. procedure 1005(c) requires newly appointed Lieutenants to attend a P.O.S.T. certified 80-hour management course within 12 months of the promotion date.

203.8 REMEDIAL TRAINING

- (a) Remedial training will be provided to any employee who has been identified by his/her supervisor to be deficient in any area of required competence.
- (b) Remedial training can be provided through additional training by a Department supervisor, FTO or required attendance at a P.O.S.T. in-service training course.
- (c) At the time an employee is identified as requiring remediation, a timetable will be established by the employee's supervisor for completion of training and performance improvement.
- (d) All remedial training recommendations must be approved and documented by the Training Manager.
- (e) Probationary employees must satisfactorily complete remedial training as a condition of continued employment.

203.9 CERTIFIED TRAINING

Any member presenting training to the department will have completed a certified instructor course in that training discipline. Instructor certification can be obtained from CA POST, the product manufacturer, or other reputable entity.

203.10 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:

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- (a) Legislatively Mandated Training
- (b) POST Regulations
- (c) University Policy or Procedures
- (d) Critical Issues Training
- (e) Specialized training for specific job assignment

203.11 TRAINING NEEDS ASSESSMENT

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

203.12 TRAINING COMMITTEE

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

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

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

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

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

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

203.13 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:

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

203.14 DAILY TRAINING BULLETINS

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

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

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

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

203.15 TRAINING DOCUMENTATION

When employees attend courses by certified POST presenters, their participation is automatically updated in EDI when rosters are processed by the provider. Training provided by supervisors and trainers at UC San Diego also assists in meeting state-mandated training standards and must also be documented in officer's training files. Other training will be documented as follows:

- (a) Daily training bulletins will be documented in Lexipol's Knowledge Management System when officers log on and complete the daily bulletins.

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- (b) Training conducted by POST-certified UCSD Police Instructors, at training events scheduled by the Training Manager will be documented.
 - 1. Instructors will forward rosters to the Training Manager so that each participant will have successful completion documented in their training file.
 - 2. Persons who fail to meet minimum training scores will be rescheduled for remediation training by training staff as scheduled by the Training Manager.
- (c) Training Officers will properly document the performance of police trainees in accordance with POST requirements for inclusion in the officer's training file.
- (d) The Training Manager will schedule new supervisors or employees requiring mandated training by POST regulations within the time period allowed.
- (e) The Training Manager will schedule all personnel for required training as mandated by POST regulations and/or department needs

The Training Manager will maintain records of each training program presented by the department to include:

- (a) Course content (lesson plans);
- (b) Names of agency attendees;
- (c) Performance of individual attendees as measured by tests or assessments, if administered; and
- (d) Identification of the instructors or outside organization presenting the course.

The Training Manager will update individual department member training records following their participation in training programs.

Departmental Directive

205.1 PURPOSE AND SCOPE

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

205.1.1 DEPARTMENTAL DIRECTIVE PROTOCOL

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

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

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

205.2 RESPONSIBILITIES

205.2.1 STAFF

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

205.2.2 CHIEF OF POLICE

The Chief of Police shall issue all Interim Directives.

205.3 ACCEPTANCE OF DEPARTMENTAL 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 in the supervisory file.

Staffing Levels

204.1 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.

204.2 MINIMUM STAFFING LEVELS

The minimum staffing level is three sworn officers. This will consist of a sergeant or higher acting as Watch Commander and two additional sworn officers of any rank. Staffing below these stated minimums requires approval from the Operations Lieutenant.

204.2.1 SUPERVISION DEPLOYMENTS

With prior authorization from the Operations Lieutenant, a corporal may act as the Watch Commander for a limited period of time.

Administrative Communications

205.1 PURPOSE AND SCOPE

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

205.2 DEPARTMENT EMAIL

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

205.3 CORRESPONDENCE

In order to ensure that the letterhead and name of the Department are not misused, all external correspondence shall be on Department letterhead. All Department letterhead shall bear the signature element of the Chief of Police. Personnel should use Department letterhead only for official business and with approval of their supervisor. [See attachment: Letter head.pdf](#).

205.4 SURVEYS

All surveys made in the name of the Department shall be authorized by the Chief of Police or a Lieutenant.

Retiree Concealed Firearms

206.1 PURPOSE AND SCOPE

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

206.1.1 DEFINITIONS

A "Qualified Retired Peace Officer" for purposes of issuance of a CCW endorsement or certification is defined as an officer who meets all of the following:

- (a) At the time of retirement, the officer was a full time sworn employee of a University of California Police Department who was authorized to, and did, carry a firearm during the course and scope of that employment; and
- (b) The officer honorably retired from the University directly from active service as a peace officer and receiving or is immediately eligible to receive benefits under the provisions of the University of California Retirement System.
 - 1. An officer receiving duty disability income has not retired or separated from the University of California and is therefore not eligible for a retiree identification card or retiree CCW privileges and is not considered a "qualified retired and separated peace officer; and
- (c) The officer did not retire due to a psychological disability (Penal Code §26305(a)), and had no mental health incapacity limiting their ability to work as a sworn police officer preceding retirement in good standing; and
- (d) The officer is not otherwise subject to a lawful restriction on the possession of firearms that conflicts with a carry concealed weapons endorsement; and
- (e) The officer meets their individual campus Police Department's firearm proficiency qualification standard.

206.2 POLICY

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

206.3 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.

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- (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.

206.3.1 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 UC San Diego 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.

206.3.2 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 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.

206.4 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.

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

206.4.1 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."

206.4.2 QUALIFIED RETIREES FROM INCORPORATED JURISDICTION

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

- (a) The retiree's previous agency is no longer providing law enforcement services or the relevant government body is dissolved.
- (b) This department is in possession of the retiree's complete personnel record or can verify the retiree's honorably retired status.
- (c) The retiree is in compliance with all of the requirements of this department for the issuance of a CCW Approved endorsement.

206.4.3 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).

206.5 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.

206.5.1 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.

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- (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.

206.5.2 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.

206.6 DENIAL, SUSPENSION, OR REVOCATION OF A LEOSA IDENTIFICATION CARD

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

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

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

- (a) In the event that a CCW endorsement is initially denied, the retired officer shall have 15 days from the date of denial to request a formal hearing. The failure to submit a timely written request for a hearing shall be deemed a waiver of such right. The hearing, absent written agreement between the parties, shall be held no later than 120 days after the request is received.
- (b) Prior to revocation of any CCW endorsement, the Department shall provide the affected retiree with written notice of a hearing by either personal service or first class mail, postage prepaid, return receipt requested to the retiree's last known address (Penal Code § 26315).
 1. The retiree shall have 15 days from the date of service to file a written request for a hearing.
 2. The hearing, absent written agreement between the parties, shall be held no later than 120 days after the request is received (Penal Code § 26315).
 3. The failure to submit a timely written request for a hearing shall be deemed a waiver of such right.

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Retiree Concealed Firearms

- (c) A hearing for the denial or revocation of any CCW endorsement shall be conducted before a hearing board composed of three members, one selected by the Department, one selected by the retiree or his/her employee organization, and one selected jointly (Penal Code § 26320).
 - 1. The decision of such hearing board shall be binding on the Department and the retiree.
 - 2. Any retiree who waives the right to a hearing or whose CCW endorsement has been revoked at a hearing shall immediately surrender his/her identification card. The Department will then reissue a new identification card which shall be stamped "No CCW Privilege."
- (d) Members who have reason to suspect the conduct of a retiree has compromised public safety shall notify the Watch Commander as soon as practicable. The Watch Commander should promptly take appropriate steps to look into the matter and, if warranted, contact the retiree in person and advise him/her of the temporary suspension and hearing information listed below.
 - 1. Notification of the temporary suspension should also be promptly mailed to the retiree via first class mail, postage prepaid, return receipt requested (Penal Code § 26312).
 - 2. The Watch Commander should document the investigation, the actions taken and, if applicable, any notification made to the retiree. The memo should be forwarded to the Chief of Police.
 - 3. The personal and written notification should be as follows:
 - (a) The retiree's CCW endorsement is immediately and temporarily suspended.
 - (b) The retiree has 15 days to request a hearing to determine whether the temporary suspension should become permanent revocation.
 - (c) The retiree will forfeit his/her right to a hearing and the CCW endorsement will be permanently revoked if the retiree fails to respond to the notice of hearing within the 15-day period.
 - 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.

206.8 FIREARM QUALIFICATIONS

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

Chapter 3 - General Operations

Use of Force

300.1 PURPOSE AND SCOPE

This policy provides guidelines on the reasonable use of force by members of this Department. 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 (Cal. Government Code § 7286).

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

Retaliation prohibitions for reporting suspected violations of this policy are located in the Anti-Retaliation Policy.

300.1.1 DEFINITIONS

Definitions related to this policy include:

Active Resistance - intentionally and unlawfully opposing the lawful order of a peace officer in a physical manner. Physically evasive movements to defeat an officer's attempt at control, including but not limited to bracing, tensing, running away, or verbally or physically signaling an intention to avoid or prevent being taken into or retained in custody.

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 (Cal. Penal Code § 835a).

Excessive force – A level of force is found to have violated the requirements of Penal Code § 835a, or any other applicable law or statute.

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, except in the following situations:

- (a) When applying physical techniques or tactics to escort, direct movement, handcuff, restrain or search with no visible injury or complaint of injury to a compliant subject.
- (b) When applying a spit mask or spit hood on a subject to prevent spitting.
- (c) When applying of a firm grip control does not result in injury, the appearance of injury, or complaint of injury (e.g., the use of a grip to control a person's hands while searching or handcuffing)
- (d) When applying the use of physical techniques or tactics to assist an intoxicated person or a person with a physical disability that does not result in the appearance of injury, or complaint of injury (e.g., lifting an intoxicated person to a standing position).

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- (e) When applying physical techniques on a subject who is non-compliant exhibiting passive resistance (e.g., includes subjects who remain in a sitting, standing, or limp or prone positions without holding on to fixed objects or other persons in an attempt to delay or resist arrest).

Imminent - Pursuant to Cal. Penal Code § 835a(e)(2), a threat of death or serious bodily injury is imminent 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 peace officer or another person. Imminent harm, therefore, is not merely a fear of future harm, no matter how great the fear, and no matter how great the likelihood of the harm, but is one that, from a totality of the circumstances known to the officer at any given time, must be instantly confronted and addressed.

Intercede - Includes, but is not limited to, physical and/or verbal intervention to stop the excessive use of force when safe and reasonable to do so, recording the excessive force if equipped with a body-worn camera, notifying dispatch, notifying a supervisor and documenting all efforts to intervene.

Necessary - It is the intent of the Legislature that peace officers use deadly force only when necessary, in defense of human life and based on the totality of the circumstances of a particular situation. Necessity is based on the objectively reasonable standard established by *Graham v. Connor*, 490 U.S. 386 (1989).

Objectively Reasonable - The legal standard used to determine the lawfulness of a use of force is based on the Fourth Amendment to the United States Constitution. See *Graham v. Connor*, 490 U.S. 386 (1989). *Graham* states, in part, "The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments in circumstances that are tense, uncertain, and rapidly evolving about the amount of force that is necessary in a particular situation. The test of reasonableness is not capable of precise definition or mechanical application."

The force must be reasonable under the circumstances known to or reasonably believed by the officer at the time the force was used. Therefore, an agency will examine all uses of force from an objective standard rather than a subjective standard.

Non-Compliant -The subject refuses to comply with officer's lawful commands or cooperate with an officer's directions. Includes passive resistance where subject uses dead weight to prevent being taken into custody. (e.g. includes subjects who remain in a sitting, standing, or limp or prone positions without holding on to fixed objects or other persons in an attempt to delay or resist arrest.

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)).

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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.

300.2.1 FAIR AND UNBIASED USE OF FORCE

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

300.2.2 DUTY TO INTERCEDE

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

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

300.2.3 FAILURE TO INTERCEDE

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

300.2.4 DUTY TO REPORT EXCESSIVE FORCE

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

300.3 USE OF FORCE

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

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

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

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

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

300.3.1 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.

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300.3.2 USE OF FORCE TO EFFECT AN ARREST

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

300.3.3 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.

300.3.4 PAIN COMPLIANCE TECHNIQUES

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

- (a) The degree to which the application of the technique may be controlled given the level of resistance.
- (b) Whether the person can comply with the direction or orders of the officer.
- (c) Whether the person has been given sufficient opportunity to comply.

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

300.3.5 RESTRICTIONS ON THE USE OF CAROTID CONTROL HOLD

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

300.3.6 RESTRICTIONS ON THE USE OF A CHOKE HOLD

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

300.3.7 ADDITIONAL RESTRICTIONS

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

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300.3.8 USE OF FORCE TO SEIZE EVIDENCE

In general, officers may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, officers are discouraged from using force solely to prevent a person from swallowing evidence or contraband. In the instance when force is used, officers should not intentionally use any technique that restricts blood flow to the head, restricts respiration or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted. Officers are encouraged to use techniques and methods taught by the UC San Diego Police Department for this specific purpose.

300.4 DEADLY FORCE APPLICATIONS

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

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

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

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

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

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

300.4.1 SHOOTING AT OR FROM MOVING VEHICLES

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

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

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

300.4.2 DISPLAYING OF FIREARMS

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

- (a) If an 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, threatened use of force), firearms may be pointed in a manner reasonable for the situation. Once it is reasonably safe to do so, officers should carefully secure all firearms.

Drawing, displaying, or exhibiting a firearm in itself is not a use of force. However, when a firearm is drawn or exhibited to gain compliance from a subject, the circumstances shall be documented in a CAD, criminal, or incident report. The requirement to report the incident does not apply to a firearm kept at the low-ready or other positions where an officer does not intentionally point a firearm directly at an individual.

300.5 REPORTING THE USE OF FORCE

Officers shall document any use of force promptly, completely, and accurately in an appropriate report, depending on the nature of the incident. The officer should articulate the factors perceived and why the officer believed the use of force was reasonable under the circumstances.

300.5.2 NOTIFICATION TO SUPERVISORS

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

- (a) The application caused a visible injury.
- (b) The application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort.
- (c) The individual subjected to the force complained of injury or continuing pain.
- (d) The individual indicates intent to pursue litigation in regards to force used.
- (e) Any application of a Conducted Energy Device or control device.
- (f) Any application of a restraint device that is not approved by the Department.
- (g) The individual subjected to the force was rendered unconscious.
- (h) An individual was struck or kicked.
- (i) An individual alleges unreasonable force was used or that any of the above has occurred.

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

300.5.3 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

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

300.6 MEDICAL CONSIDERATIONS

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

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

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

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

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

See the Medical Aid and Response Policy for additional guidelines.

300.7 SUPERVISOR RESPONSIBILITY

A supervisor should respond to any reported use of force, if reasonably available. The responding supervisor is expected to complete a Supervisor's Use of Force Report to include the following:

- (a) 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.

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- (b) Ensure that any injured parties are medically examined and treated.
- (c) When possible, separately obtain a recorded interview with the subject upon whom force was applied. If this interview is conducted without the person having voluntarily waived his/her *Miranda* rights, the following shall apply:
 - 1. The content of the interview should not be summarized or included in any related criminal charges.
 - 2. The fact that a recorded interview was conducted should be documented in a property or other report.
 - 3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.
- (d) Once initial medical assessment has been completed and/or treatment has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain from both the subject(s) and involved officer(s), as well as overall photographs of the involved subject(s) and officer(s). These photographs should be retained until all potential for civil litigation has expired.
- (e) Identify any witnesses not already included in related reports and obtain a statement.
- (f) Review and approve all related reports to ensure thorough and accurate documentation of the use of force.
- (g) Determine if there is any indication that the subject may pursue civil litigation.
 - 1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.
- (h) Evaluate the use of force incident and document any violation of policy.

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

300.7.1 WATCH COMMANDER RESPONSIBILITY

The Chief of Police or designee shall assign a member of his or her command staff to review each use of force incident by any personnel within his or her command to ensure compliance with this policy and to address any training issues. The assigned command staff member is responsible for reviewing the Use of Force Report (e.g., Supervisor's Use of Force Review, crime and arrest reports, photographs, and/or other pertinent information). After final review, the Chief of Police or designee will ensure custody and storage of the Use of Force Report.

300.7.2 REASSIGNMENT FROM REGULAR DUTIES

Employees involved in a use of force or critical incident that results in the death or serious physical injury of another person may be reassigned from regular duties or temporarily placed on administrative leave pending a documented administrative review of the incident.

See in accordance with the Personnel Complaints Policy for additional guidelines.

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300.8 USE OF FORCE COMPLAINTS

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

300.9 TRAINING

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

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

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

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

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

300.10 USE OF FORCE ANALYSIS

At least annually, the Operations Lieutenant should prepare an analysis report on use of force incidents. The report should be submitted to the Chief of Police by the end of February. The report should not contain the names of officers, suspects, or case numbers, and should include:

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

300.11 POLICY REVIEW

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

300.12 POLICY AVAILABILITY

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

300.13 PUBLIC RECORDS REQUESTS

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

Use of Force Review Boards

301.1 PURPOSE AND SCOPE

This policy establishes a process for the UC San Diego Police Department to review the use of force by its employees.

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

301.2 POLICY

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

301.3 REMOVAL FROM LINE DUTY ASSIGNMENT

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

301.4 REVIEW BOARD

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

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

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

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

301.4.1 COMPOSITION OF THE BOARD

The Administration Lieutenant should select five Use of Force Review Board members from the following, as appropriate:

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

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

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

301.4.2 RESPONSIBILITIES OF THE BOARD

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

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

The board does not have the authority to recommend discipline.

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

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

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

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

The board shall make one of the following recommended findings:

- (a) The employee's actions were within department policy and procedure.
- (b) The employee's actions were in violation of department policy and procedure.
- (c) The employee's tactics (immediately before, during, and after) were within department policy.
- (d) The employee's tactics (immediately before, during, and after) were in violation of department policy.

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- (e) Is training recommended?
- (f) Is a review of policy/procedure recommended?

A recommended finding requires a majority vote of the board. The board may also recommend additional investigations or reviews, such as disciplinary investigations, training reviews to consider whether training should be developed or revised, and policy reviews, as may be appropriate. The board chairperson will submit the written recommendation to the Chief of Police.

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

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

Handcuffing and Restraints

302.1 PURPOSE AND SCOPE

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

302.2 POLICY

The UC San Diego 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.

302.3 USE OF RESTRAINTS

Only members who have successfully completed UC San Diego 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.

302.3.1 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.

302.3.2 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).

302.3.3 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.

302.3.4 NOTIFICATIONS

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

302.4 APPLICATION OF HANDCUFFS OR PLASTIC CUFFS

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

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

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

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

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

302.5 APPLICATION OF SPIT HOODS

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

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

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

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

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

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

302.6 APPLICATION OF AUXILIARY RESTRAINT DEVICES

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

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

302.6.1 WRAP LEG RESTRAINTS

The UC San Diego Police Department maintains the WRAP leg restraint system in patrol vehicles.

- (a) Officers should inspect and verify WRAPs are in safe operating condition before they are deployed in the patrol vehicles.
- (b) Officers will successfully complete training in the use of the WRAP system prior to using them in a field situation.

302.7 APPLICATION OF LEG RESTRAINT DEVICES

The UC San Diego Police Department authorizes the use of 'hobble' leg restraints by trained officers.

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

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

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

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302.7.1 GUIDELINES FOR USE OF LEG RESTRAINTS

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

- (a) If practicable, officers should notify a supervisor of the intent to apply the leg restraint device. In all cases, a supervisor shall be notified as soon as practicable after the application of the leg restraint device.
- (b) Once applied, absent a medical or other emergency, restraints should remain in place until the officer arrives at the jail or other facility or the person no longer reasonably appears to pose a threat.
- (c) Once secured, the person should be placed in a seated or upright position, secured with a seat belt, and shall not be placed on his/her stomach for an extended period, as this could reduce the person's ability to breathe.
- (d) The restrained person should be continually monitored by an officer while in the leg restraint. The officer should ensure that the person does not roll onto and remain on his/her stomach.
- (e) The officer should look for signs of labored breathing and take appropriate steps to relieve and minimize any obvious factors contributing to this condition.
- (f) When transported by emergency medical services, the restrained person should be accompanied by an officer when requested by medical personnel. The transporting officer should describe to medical personnel any unusual behaviors or other circumstances the officer reasonably believes would be potential safety or medical risks to the person (e.g., prolonged struggle, extreme agitation, impaired respiration).

302.8 REQUIRED DOCUMENTATION

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

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

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

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

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302.9 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, or handcuffs behind the body.
- (d) Options for restraining amputees or those with medical conditions or other physical conditions that may be aggravated by being restrained.

Control Devices and Techniques

303.1 PURPOSE AND SCOPE

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

303.2 POLICY

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

The use of force by law enforcement personnel is a matter of critical concern, to the public, our campus community and to the law enforcement community. Threatened physical harm to an officer or citizen must be imminent to justify the use of any weapons. Officers are involved on a daily basis in numerous and varied interactions and, when warranted, may use reasonable force to effect an arrest, prevent escape, overcome resistance or prevent serious injury to themselves or others. Officers must have an understanding of, and true appreciation for, their authority and limitations. It is our desire to always try to work collaboratively with members of the university community to ensure a safe and secure environment. 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.

303.3 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.

303.4 RESPONSIBILITIES

303.4.1 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.

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303.4.2 RANGEMASTER RESPONSIBILITIES

The Senior Defensive Tactics Instructor or designee 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 Senior Defensive Tactics Instructor or designee for a particular control device. The inspection shall be documented.

303.4.3 USER RESPONSIBILITIES

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

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

All department issued control devices (e.g., baton, restraints, chemical agents) will be safely stored and secured by the officer to whom they were issued to prevent unauthorized access. OC and Kinetic Energy Projectiles that have not been issued will be stored and secured in the department armory.

303.5 BATON GUIDELINES

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

When carrying a baton, uniformed personnel shall carry the baton in its authorized holder on the equipment belt. Plainclothes and non-field personnel may carry the baton as authorized and in accordance with the needs of their assignment or at the direction of their supervisor.

303.5.1 AUTHORIZED BATONS

There are three types of batons authorized by the Department and approved for use by uniformed personnel:

- (a) Straight 24"-26" X 1 1/4" Wooden Baton
- (b) Straight 36" Wooden Baton (crowd control only)
- (c) Collapsible Baton approved by Senior Defensive Tactics Instructor or designee

Officers shall demonstrate proficiency in the use of the baton they select pursuant to training guidelines. The Defensive Tactics Instructor will certify each officer's proficiency with the type of baton they carry.

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303.6 OLEORESIN CAPSICUM (OC) GUIDELINES

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

303.6.1 OC SPRAY

Uniformed personnel carrying OC spray shall carry the device in its holster on the equipment belt or 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.

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

303.6.2 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.

303.6.3 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.

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Pepper Projectile Systems are authorized for use only by officers who are specifically trained to use these systems.

303.7 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.

303.8 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.

303.8.1 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. The following existing systems are authorized for use only by officers who are specifically trained to use these systems:

- Def-Tec/LMT 40mm Launcher
- FN Herstal 303 Launcher

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.

The use of a bean bag is not authorized.

303.8.2 DEPLOYMENT CONSIDERATIONS

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

- (a) Distance and angle to target.

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

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

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

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

303.9 TRAINING FOR CONTROL DEVICES

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

- (a) Proficiency training shall be monitored and documented by a certified, control-device weapons or tactics instructor.
- (b) All training and proficiency for control devices will be documented in the officer's training file. Annual refresher training is required for use of any authorized weapons other than firearms.
- (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.

303.10 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.

303.11 INVENTORY AND INSPECTION

Control Devices will be inventoried and inspected annually with documentation.

Conducted Energy Device

304.1 PURPOSE AND SCOPE

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

304.2 POLICY

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

304.3 ISSUANCE AND CARRYING CEDS

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

The Rangemaster should keep a log of issued CED devices and the serial numbers of cartridges/magazines issued to members.

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

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

Uniformed officers who have been issued the CED shall wear the device in an approved holster.

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

- (a) All CEDs shall be clearly distinguishable to differentiate them from the duty weapon and any other device.
- (b) For single-shot devices, whenever practicable, officers should carry an additional cartridge on their person when carrying the CED.
- (c) Officers should not hold a firearm and the CED at the same time.

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

304.3.1 USER RESPONSIBILITIES

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

CEDs that are damaged or inoperative, or cartridges/magazines that are expired or damaged, shall be returned to the Rangemaster for disposition. Officers shall submit documentation stating the reason for the return and how the CED or cartridge/magazine was damaged or became inoperative, if known.

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304.4 VERBAL AND VISUAL WARNINGS

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

The purpose of the warning is to:

- (a) Provide the individual with a reasonable opportunity to voluntarily comply.
- (b) Provide other officers and individuals with a warning that the CED may be deployed.

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

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

304.5 USE OF THE CED

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

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

304.5.1 APPLICATION OF THE CED

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

- (a) Is violent or is physically resisting.
- (b) Has demonstrated, by words or action, an intention to be violent or to physically resist, and reasonably appears to present the potential to harm officers, themselves, or others.

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

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

304.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS

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

- (a) Individuals who are known to be pregnant.

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

Any CED capable of being applied in the drive-stun mode (i.e., direct contact without probes as a primary form of pain compliance) should be limited to supplementing the probe-mode to complete the circuit, or as a distraction technique to gain separation between officers and the subject, thereby giving officers time and distance to consider other force options or actions.

304.5.3 TARGETING CONSIDERATIONS

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

304.5.4 MULTIPLE APPLICATIONS OF THE CED

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

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

Given that on certain devices (e.g., TASER 10™) each trigger pull deploys a single probe, the officer must pull the trigger twice to deploy two probes to create the possibility of neuro-muscular incapacitation.

304.5.5 ACTIONS FOLLOWING DEPLOYMENTS

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

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be submitted into evidence (including confetti tags, when equipped on the device). The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin.

304.5.6 DANGEROUS ANIMALS

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

304.5.7 OFF-DUTY CONSIDERATIONS

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

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

304.6 DOCUMENTATION

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

Notification shall also be made to a supervisor in compliance with the Use of Force Policy. Unintentional discharges, pointing the device at a person, audible warning, laser activation and arcing the device other than for testing purposes will also be documented. Any report documenting the discharge of a Taser will include the Taser serial number, the cartridge serial number (if used), and an explanation of the circumstances surrounding the discharge. The onboard Taser memory may be downloaded through the data port by trained personnel and provided to the officer for reference. All Taser device discharges or use of the Taser to gain compliance, including performing a warning arc or pointing the device or laser at a person, shall also be documented in a separate use of force report.

The Training Manager should periodically analyze the Use of Force Reports to identify trends, including deterrence and effectiveness. The Training Manager should also conduct audits of data downloads and reconcile TASER-related reports with recorded activations.

Data downloads from the CED after use on a subject should be done as soon as practicable using a department-approved process to preserve the data.

304.6.1 REPORTS

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

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

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304.7 MEDICAL TREATMENT

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

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

- (a) The person is suspected of being under the influence of controlled substances and/or alcohol.
- (b) The person may be pregnant.
- (c) The person reasonably appears to be in need of medical attention.
- (d) The CED probes are lodged in a sensitive area (e.g., groin, female breast, head, face, neck).
- (e) The person requests medical treatment.

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

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

304.8 SUPERVISOR RESPONSIBILITIES

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

A supervisor should review each incident where a person has been exposed to a CED. The device's internal logs should be downloaded by a supervisor or Rangemaster and saved with the related arrest/crime report. The supervisor should arrange for photographs of probe sites to be taken and witnesses to be interviewed.

304.9 TRAINING

Personnel who are authorized to carry the CED shall be permitted to do so only after successfully completing the initial department-approved training. Any personnel who have not carried the CED

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as a part of their assignments for a period of six months or more shall be recertified by a qualified CED instructor prior to again carrying or using the device.

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

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

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

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

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

The Training Manager should include the following training:

- (a) A review of this policy.
- (b) A review of the Use of Force Policy.
- (c) Performing weak-hand draws or cross-draws until proficient to reduce the possibility of unintentionally drawing and firing a firearm.
- (d) Target area considerations, to include techniques or options to reduce the unintentional application of probes to the head, neck, area of the heart, and groin.
- (e) Scenario-based training, including virtual reality training when available.
- (f) Handcuffing a subject during the application of the CED and transitioning to other force options.
- (g) De-escalation techniques.
- (h) Restraint techniques that do not impair respiration following the application of the CED.
- (i) Proper use of cover and concealment during deployment of the CED for purposes of officer safety.
- (j) Proper tactics and techniques related to multiple applications of CEDs.

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305.1 PURPOSE AND SCOPE

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

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

305.2 POLICY

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

305.3 TYPES OF INVESTIGATIONS

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

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

305.4 CONTROL OF INVESTIGATIONS

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

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

305.4.1 CRIMINAL INVESTIGATION OF SUSPECT ACTIONS

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

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

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305.4.2 CRIMINAL INVESTIGATION OF OFFICER ACTIONS

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

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

305.4.3 ADMINISTRATIVE AND CIVIL INVESTIGATION

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

305.5 INVESTIGATION PROCESS

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

305.5.1 UNINVOLVED OFFICER RESPONSIBILITIES

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

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

305.5.2 SUPERVISOR RESPONSIBILITIES

Upon arrival at the scene, the first uninvolved UCSDPD 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 UCSDPD 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.

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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 Communications Unit. If feasible, sensitive information should be communicated over secure networks.
 - (d) Take command of and secure the incident scene with additional UCSDPD 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 UCSDPD officer should be given an administrative order not to discuss the incident with other involved officers or UCSDPD members pending further direction from a supervisor.
 2. When an involved officer's weapon is taken or left at the scene for other than officer-safety reasons (e.g., evidence), ensure that he/she is provided with a comparable replacement weapon or transported by other officers.

305.5.3 WATCH COMMANDER RESPONSIBILITIES

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

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

305.5.4 NOTIFICATIONS

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

- Chief of Police
- San Diego Police Department and the District Attorney Investigator
- Outside agency investigator (if appropriate)
- Specialized Services Lieutenant
- Civil liability response team
- Psychological/peer support personnel
- Chaplain
- Coroner (if necessary)
- Involved officer's agency representative (if requested)
- Public Information Officer

305.5.5 NOTIFICATION TO DEPARTMENT OF JUSTICE

The California Department of Justice (DOJ) is required to investigate an officer-involved shooting resulting in the death of an unarmed civilian. The Watch Commander should promptly notify the

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DOJ in all incidents involving an officer-involved shooting resulting in the death of an unarmed civilian, including where it is undetermined if the civilian was unarmed.

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

The contact information for DOJ is located in RIMS and the Communications Center has the information readily available.

305.5.6 INVOLVED OFFICERS

The following shall be considered for the involved officer:

- (a) Any request for legal or union representation will be accommodated.
 1. Involved UCSDPD officers shall not be permitted to meet collectively or in a group with an attorney or any representative prior to providing a formal interview or report.
 2. Requests from involved non-UCSDPD officers should be referred to their employing agency.
- (b) Discussions with licensed attorneys will be considered privileged as attorney-client communications.
- (c) Discussions with agency representatives/employee groups will be privileged only as to the discussion of non-criminal information (Government Code § 3303(i)).
- (d) A licensed psychotherapist shall be provided by the Department to each involved UCSDPD officer. A licensed psychotherapist may also be provided to any other affected UCSDPD members, upon request.
 1. Interviews with a licensed psychotherapist will be considered privileged.
 2. An interview or session with a licensed psychotherapist may take place prior to the member providing a formal interview or report. However, involved members shall not be permitted to consult or meet collectively or in a group with a licensed psychotherapist prior to providing a formal interview or report.
 3. A separate fitness-for-duty exam may also be required (see the Fitness for Duty Policy).
- (e) Communications between the involved officer and a peer support member are addressed in the Wellness Program Policy.

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

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

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305.6 CRIMINAL INVESTIGATION

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

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

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

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

305.6.1 REPORTS BY INVOLVED UCSDPD OFFICERS

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

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

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

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

305.6.2 INVESTIGATIVE PERSONNEL

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

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

305.6.2 WITNESS IDENTIFICATION AND INTERVIEWS

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

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

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305.7 ADMINISTRATIVE INVESTIGATION

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

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

- (a) Any officer involved in a shooting or death may be requested or administratively compelled to provide a blood sample for alcohol/drug screening. Absent consent from the officer, such compelled samples and the results of any such testing shall not be disclosed to any criminal investigative agency.
- (b) If any officer has voluntarily elected to provide a statement to criminal investigators, the assigned administrative investigator should review that statement before proceeding with any further interview of that involved officer.
 - 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 Specialized Services Lieutenant shall compile all relevant information and reports necessary for the Department to determine compliance with applicable policies.

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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.

305.8 CIVIL LIABILITY RESPONSE

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

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

305.9 AUDIO AND VIDEO RECORDINGS

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

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

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

305.10 DEBRIEFING

Following an officer-involved shooting or death, the UC San Diego Police Department should conduct both a Critical Incident Stress Debriefing and a tactical debriefing. See the Wellness Program Policy for guidance on Critical Incident Stress Debriefings.

305.10.1 TACTICAL DEBRIEFING

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

305.11 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

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available to the Watch Commander, Investigation Lieutenant and Public Information Officer in the event of inquiries from the media.

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

305.12 REPORTING

If the death of an individual occurs in the UC San Diego Police Department jurisdiction and qualifies to be reported to the state as a justifiable homicide or an in-custody death, the Operations Lieutenant will ensure that the Records Supervisor is provided with enough information to meet the reporting requirements (Penal Code § 196; Penal Code § 13022; Government Code § 12525).

Firearms

306.1 PURPOSE AND SCOPE

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

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

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

Throughout this policy, use of the term, "Rangemaster", refers to the Department Rangemaster, the Department Armorer, and/or a designated member of the Department's Range Team.

306.2 POLICY

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

306.3 AUTHORIZED FIREARMS, AMMUNITION AND OTHER WEAPONS

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

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

Department members shall not permit department-issued firearms to be handled by anyone not authorized to do so.

306.3.1 HANDGUNS

The authorized department-issued handgun is the Glock, Model 17, 9mm. Additional approved handguns include Glock models 19, 34, and 26 in 9mm for detectives.

306.3.2 SHOTGUNS

Shotguns are not authorized.

306.3.3 PATROL RIFLES

The authorized department-issued patrol rifle is the AR-15 Platform.

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

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

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

306.3.4 PERSONALLY OWNED DUTY FIREARMS

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

- (a) The firearm shall be a Glock series pistol chambered for 9mm, be in good working order and approved by the Rangemaster.
- (b) The firearm shall be inspected by the Rangemaster prior to being carried and thereafter shall be subject to inspection annually and whenever it is deemed necessary.
- (c) Prior to carrying the firearm, members shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule. Members must demonstrate proficiency and safe handling, and that the firearm functions properly.
- (d) Members shall provide written notice of the make, model, serial number, and caliber of the firearm to the Rangemaster, who will maintain a list of the information.
- (e) Officers who are authorized to carry a personal-owned duty weapon shall be responsible for the cleaning and maintenance (to include replacement parts) at their own expense.

306.3.5 AUTHORIZED SECONDARY HANDGUN

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

- (a) The handgun shall be in an approved caliber (.380,.38, 9mm,.40SW, or.45acp), in good working order and approved by Rangemaster.
- (b) Only one secondary handgun may be carried at a time.

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

306.3.6 AUTHORIZED OFF-DUTY FIREARMS

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

- (a) Members may use their duty firearms or may use personally owned firearms that are carried and inspected in accordance with the Personally Owned Duty Firearms requirements in this policy. Members carrying their duty firearms will be deemed to have complied with (c), (d) and (e) of this section.
 - 1. The purchase of the personally owned firearm shall be the responsibility of the member.
- (b) The handgun shall be in an approved caliber (.380,.38, 9mm,.40SW, or.45acp), in good working order and approved by Rangemaster.
- (c) The firearm shall be carried concealed at all times and in such a manner as to prevent accidental unintentional cocking, discharge or loss of physical control.
- (d) It will be the responsibility of the member to submit the firearm to the Rangemaster for inspection prior to being personally carried. Thereafter the firearm shall be subject to an annual inspection by the Rangemaster.
- (e) Prior to carrying an off-duty firearm, the member shall demonstrate to the Rangemaster that he/she is proficient in handling and firing the firearm and that it will be carried in a safe manner.
- (f) The member will successfully qualify with the firearm prior to it being carried.
- (g) Members shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Rangemaster, who will maintain a list of the information.

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- (h) If a member desires to use more than one firearm while off-duty, he/she may do so, as long as all requirements set forth in this policy for each firearm are met.
- (i) Members shall only carry department-authorized ammunition.
- (j) When armed, officers shall carry their badges and UC San Diego Police Department identification cards under circumstances requiring possession of such identification.

306.3.7 AMMUNITION

Members shall carry only department-authorized ammunition in an approved caliber (.380,.38, 9mm, .40 SW, or.45acp). Members shall be issued fresh duty ammunition in the specified quantity for all department-issued firearms during the member's firearms qualification. Replacements for unserviceable or depleted ammunition issued by the Department shall be dispensed by the Rangemaster when needed, in accordance with established policy.

Members carrying personally owned authorized firearms shall be responsible for obtaining approved duty ammunition in accordance with the above, at their own expense, if the ammunition is unable to be provided by the department

306.4 EQUIPMENT

Firearms carried on- or off-duty shall be maintained in a clean, serviceable condition.

306.4.1 MAINTENANCE

The primary responsibility for the maintenance of all department-owned firearms shall be the responsibility of the Rangemaster. Maintenance of authorized personally-owned firearms is the responsibility of the individual member.

It is the responsibility of each officer to promptly report any damage or malfunction of an assigned firearm, be it either department or personal-owned, to their supervisor and the department Range Team. Any firearm found to be unserviceable shall be removed from service and clearly labeled as out of service. Details regarding the weapon, the officer reporting the issue, and a brief description of the issue shall be emailed to the Rangemaster.

No modification shall be made to any department-owned or personal-owned and approved firearm without prior authorization from the Rangemaster. Any unapproved modifications on a firearm may result in the firearm being removed from service and no longer approved for use.

Each patrol officer carrying a patrol rifle may be required to field strip and clean an assigned patrol rifle as needed.

306.4.2 REPAIRS OR MODIFICATIONS

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

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The following modifications are not permitted on either department or personal-owned firearms: trigger or trigger pull, removal of material from the slide or frame, altering any internal parts (other than those noted below) or altering the color (i.e. cerakote) of the finish.

Modifications that will be considered for approval are the: sights, recoil spring, magazine release, slide lock/release, and magazine base plates.

Any repairs or modifications to the member's personally owned firearm shall be done at the member's own expense.

306.4.3 HOLSTERS

Only department-approved holsters shall be used and worn by members. Both members and Range Team staff shall periodically inspect holsters to make sure they are serviceable and provide the proper security and retention of the handgun.

Drop-leg, or thigh-rig style holsters are not permitted.

306.4.4 TACTICAL LIGHTS

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

306.4.5 OPTICAL SIGHTS

Optical sights may only be installed on a department-owned Patrol Rifle after they have been examined and approved by the Rangemaster. Any approved sight shall only be installed in strict accordance with manufacturer specifications. Once approved sights have been properly installed on any firearm, the member shall qualify with the firearm to ensure proper functionality and familiarization with the sighting of the firearm prior to carrying it.

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

306.4.6 RAPID DEPLOYMENT SYSTEM (RDS)

Each department patrol vehicle will be assigned with a corresponding Rapid Deployment System (RDS) maintained by the department Range Team. The RDS will be kept in the cargo area of the vehicle and will contain (at a minimum):

- (a) Ballistic rifle plate and carrier
- (b) Two (2) CAT-V Tourniquet.
- (c) Two (2) loaded AR15 magazines.
- (d) Two (2) loaded Glock magazines.
- (e) Individual officer medical trauma equipment.

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When deploying the patrol rifle, and based on the situation, the officer should retrieve the RDS from its location in the vehicle as long as doing so does not compromise officer safety. Upon returning the patrol rifle to the vehicle, the RDS will be returned to its previous location.

An officer may carry a personal-owned Rapid Deployment System with approval by the Rangemaster. The RDS and all items will be purchased at the officer's own expense and, at a minimum, will contain: two (2) spare AR15 magazines, two spare duty weapon magazines, and an individual officer medical trauma kit. Ammunition will be provided by the department.

306.4.7 BLEEDING CONTROL TRAUMA KIT

When signing out a patrol rifle, each officer will be also sign out a bleeding control trauma kit. This kit will be stored in the department armory and will be inspected/maintained by the Range Team.

This kit will contain (at a minimum) the Naloxone kits (Narcan), appropriate emergency bleeding controls items, and PPE. All items will be determined by the Range Team and current training standards.

When returning the patrol rifle to the department armory at the end of an officer's shift, the trauma kit will also be removed from the patrol vehicle and returned to the armory.

306.5 SAFE HANDLING, INSPECTION AND STORAGE

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

- (a) Members shall not unnecessarily display or handle any firearm.
- (b) Members shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Rangemaster. Members shall not dry fire or practice quick draws except as instructed by the Rangemaster or other firearms training staff.
- (c) Members shall not clean, repair, load or unload a firearm anywhere in the Department, except where clearing barrels are present.
- (d) Shotguns or rifles removed from vehicles or the equipment storage room shall be loaded and unloaded outside of the vehicle, using clearing barrels.
- (e) Members shall not place or store any firearm or other weapons on department premises except where the place of storage is locked. No one shall carry firearms into the Prisoner Processing section or any part thereof when securing or processing an arrestee but shall place all firearms in a secured location. Members providing access to the jail section to persons from outside agencies are responsible for ensuring firearms are not brought into the jail section.
- (f) Members shall not use any automatic firearm, heavy caliber rifle, gas or other types of chemical weapon or firearm from the armory, except with the approval of a supervisor.
- (g) Any firearm authorized by the Department to be carried on- or off-duty that is determined by a member to be malfunctioning or in need of service or repair shall not be carried. It shall be promptly presented to the Rangemaster for inspection and repair. Any firearm deemed in need of repair or service will be immediately removed

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from service. If the firearm is the member's primary duty firearm, a replacement firearm will be issued to the member until the duty firearm is serviceable.

306.5.1 INSPECTION AND STORAGE

All firearms should be inspected regularly, to include the taking or giving possession to another person. All firearms, both department issued and personal-owned approved for carrying will be inspected at a minimum annually by the Rangemaster for serviceability and cleanliness.

Handguns should be inspected daily by the assigned officer and annually by the Range Team. Rifles shall be inspected at the beginning of the shift by the officer to whom the weapon is issued. The officer shall ensure that the firearm is carried in the proper condition and loaded with approved ammunition. Inspection of the shotgun and rifle shall be done while standing outside of the patrol vehicle. All firearms shall be pointed in a safe direction or into clearing barrels.

Firearms shall be safely stored in lockers or another approved location at the end of the shift. Handguns may remain loaded if they are secured in a designated lockable area (e.g. officer's locker). While on duty and not in use, department long guns (patrol rifles and shotguns) will be stored in the patrol vehicle's gun lock. When off duty, all long rifles will be stored in the department armory within one of the department storage racks.

306.5.2 STORAGE IN VEHICLES

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

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

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

306.5.3 STORAGE AT HOME

Members shall ensure that all firearms and ammunition are locked and secured while in their homes, vehicles or any other area under their control, and in a manner that will keep them inaccessible to children and others who should not have access. Members shall not permit department-issued firearms to be handled by anyone not authorized by the Department to do so.

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

306.5.4 ALCOHOL AND DRUGS

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

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306.5.5 DRAWING AND EXHIBITING FIREARMS

Unnecessarily or prematurely drawing or exhibiting a firearm limits an officer's alternatives in controlling a situation, creates unnecessary anxiety on the part of the public, and may result in an unwarranted or accidental discharge of the firearm. Officers shall not draw or exhibit a firearm unless the circumstances surrounding an incident creates a reasonable belief that it may be necessary to use the firearm in conformance with the policies on the use of firearms. When a firearm is drawn or exhibited to gain compliance from a subject, the circumstances shall be documented.

306.6 FIREARMS TRAINING AND QUALIFICATIONS

All members who carry a firearm while on duty are required to successfully complete scheduled department tactical and firearms training with all duty firearms. In addition, all members will qualify at least annually with their duty firearms, off-duty, and secondary firearms. Training and qualifications must be on an approved range course.

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

306.6.1 MANDATORY QUALIFICATION RANGES AND TRAINING

Participation in department range training is mandatory and may only be missed with supervisor approval for an approved reason (see the Training Policy).

306.6.2 NON-CERTIFICATION OR NON-QUALIFICATION

Members who fail to meet minimum standards for firearms training or qualification for any reason, including injury, illness, duty status or scheduling conflict, shall notify their immediate supervisor or the Rangemaster prior to the end of the required training or qualification period.

Those who fail to meet minimum standards or qualify during scheduled training or qualification periods shall be provided remedial training and will be subject to the following requirements:

- (a) Additional range assignments shall be scheduled to assist the member in demonstrating consistent firearm proficiency.
- (b) Members shall be given credit for range training or qualification when obtaining a qualifying score or meeting standards after receiving remedial training.
- (c) No range credit will be given for the following:
 - (a) Qualification or range use without the presence of a member of the department Range Team.
 - (b) Failure to meet minimum standards or qualify after remedial training

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

306.7 FIREARM DISCHARGE

Except during training or recreational use, any member who discharges a firearm intentionally or unintentionally, on- or off-duty, shall make a verbal report to their supervisor as soon as

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circumstances permit. Any unintentional discharge during training or qualification shall be reported to the Rangemaster immediately. If the discharge results in injury or death to another person, additional statements and reports shall be made in accordance with the Officer-Involved Shootings and Deaths Policy. If a firearm was discharged as a use of force, the involved member shall adhere to the additional reporting requirements set forth in the Use of Force Policy.

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

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

306.7.1 DESTRUCTION OF ANIMALS

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

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

306.7.2 INJURED ANIMALS

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

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

306.7.3 WARNING AND OTHER SHOTS

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

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306.8 RANGEMASTER DUTIES

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

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

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

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

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

306.9 FLYING WHILE ARMED

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

- (a) Officers wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure, and must have a need to have the firearm accessible, as determined by the Department based on the law and published TSA rules.
- (b) Officers must carry their UC San Diego Police Department identification card, bearing the officer's name, a full-face photograph, identification number, the officer's signature and the signature of the Chief of Police or the official seal of the Department and must present this identification to airline officials when requested. The officer should also carry the standard photo identification needed for passenger screening by airline and TSA officials (e.g., driver license, passport).
- (c) The UC San Diego Police Department must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the officer's travel. If approved, TSA will send the UC San Diego Police Department an NLETS message containing a unique alphanumeric identifier. The officer must present the message on the day of travel to airport personnel as authorization to travel while armed.

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

306.10 CARRYING FIREARMS OUT OF STATE

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

- (a) The officer shall carry their UC San Diego Police Department identification card whenever carrying such firearm.
- (b) The officer is not the subject of any current disciplinary action.
- (c) The officer may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.
- (d) The officer will remain subject to this and all other department policies (including qualifying and training).

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

Active law enforcement officers from other states are subject to all requirements set forth in 18 USC § 926B.

Vehicle Pursuits

307.1 PURPOSE AND SCOPE

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

307.1.1 DEFINITIONS

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

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

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

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

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

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

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

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

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

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

307.2 POLICY

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

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307.3 OFFICER RESPONSIBILITIES

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

307.3.1 WHEN TO INITIATE A PURSUIT

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

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

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

307.3.2 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

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

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

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

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

307.3.3 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.

307.4 PURSUIT UNITS

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

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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.

307.4.1 MOTORCYCLE OFFICERS

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

307.4.2 VEHICLES WITHOUT EMERGENCY EQUIPMENT

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

307.4.3 PRIMARY UNIT RESPONSIBILITIES

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

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

- (a) The location, direction of travel, and estimated speed of the suspect's vehicle.
- (b) The description of the suspect's vehicle including license plate number, if known.
- (c) The reason for the pursuit.
- (d) Known or suspected weapons. 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.

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307.4.4 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.

307.4.5 PURSUIT DRIVING

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

- (a) Officers, considering their driving skills and vehicle performance capabilities, will space themselves from other involved vehicles such that they are able to see and avoid hazards or react safely to maneuvers by the fleeing vehicle.
- (b) Because intersections can present increased risks, the following tactics should be considered:
 - 1. Available units not directly involved in the pursuit may proceed safely to controlled intersections ahead of the pursuit in an effort to warn cross traffic.
 - 2. Pursuing units should exercise due regard and caution when proceeding through controlled intersections.
- (c) As a general rule, officers should not pursue a vehicle driving left of center (wrong way) against traffic. In the event that the pursued vehicle does so, the following tactics should be considered:
 - 1. Requesting assistance from available air support.
 - 2. Maintain visual contact with the pursued vehicle by paralleling it on the correct side of the roadway.
 - 3. Request other units to observe exits available to the suspects.
- (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.

307.4.6 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

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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.

307.4.6 PURSUIT TRAILING

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

307.4.7 UNITS NOT INVOLVED IN THE PURSUIT

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

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

307.5 SUPERVISORY CONTROL AND RESPONSIBILITIES

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

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

- (a) Immediately notifying involved unit and the dispatcher of supervisory presence and ascertaining all reasonably available information to continuously assess the situation and risk factors associated with the pursuit.
- (b) Engaging in the pursuit, when appropriate, to provide on-scene supervision.
- (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.

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

307.5.1 WATCH COMMANDER RESPONSIBILITIES

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

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

307.6 COMMUNICATIONS UNIT

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

307.6.1 COMMUNICATIONS UNIT 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.

307.6.2 LOSS OF PURSUED VEHICLE

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

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307.7 INTER-JURISDICTIONAL CONSIDERATIONS

When a pursuit enters another agency's jurisdiction, the primary officer or supervisor, taking into consideration distance traveled, unfamiliarity with the area and other pertinent facts, should determine whether to request the other agency to assume the pursuit. Unless entry into another jurisdiction is expected to be brief, it is generally recommended that the primary officer or supervisor ensure that notification is provided to each outside jurisdiction into which the pursuit is reasonably expected to enter, regardless of whether such jurisdiction is expected to assist.

307.7.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

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

307.7.2 PURSUITS EXTENDING INTO THIS JURISDICTION

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

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

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

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

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

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

307.7.3 PURSUITS APPROACHING THE INTERNATIONAL BORDER

Under no circumstances will pursuing units cross the International Border.

Pursuit units should not approach closer than fifty feet of the International Border.

Due to traffic conditions and physical barriers that exist between traffic lanes near the San Ysidro Port of Entry, pursuits where the fleeing vehicle is wanted for minor, non-violent violations should be discontinued a minimum of one mile prior to the International Border.

In order to give warning to U.S. and Mexican border authorities and to provide them an increased degree of safety, the involved agency should advise US Customs and Border Protection and the San Diego Police Department of any pursuit heading southbound, south of Interstate 8. This should occur whether or not the pursuit is discontinued.

Every effort should be made to update US Customs and Border Protection and the San Diego Police Department when a pursuit is terminated prior to crossing the International Border.

307.7.4 PURSUITS ONTO MILITARY INSTALLATIONS

Current Navy and Marine Corps installation policy in San Diego County allow marked local, County, State and or Federal law enforcement vehicles to continue pursuits of any suspect that flees onto a military installation.

Once on a military installation, the Military Police units will assume the primary pursuit position and take control of the pursuit.

Pursuing units should use caution when approaching installation entry gates. Navy and Marine Corps facilities entrance gates have automated barrier systems installed that are designed to immediately stop a vehicle. The vehicle stopping systems can cause extensive damage to the vehicle and possible serious injury to any occupants.

307.8 WHEN PURSUIT INTERVENTION IS AUTHORIZED

Pursuit Intervention techniques are generally NOT authorized unless extenuating circumstances exist and if 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.

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307.8.1 USE OF FIREARMS

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

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

307.8.2 INTERVENTION STANDARDS

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

- (a) Blocking should only be used after giving consideration to the following:
 - 1. The technique should only be used by officers who have received training in the technique.
 - 2. The need to immediately stop the suspect vehicle or prevent it from leaving reasonably appears to outweigh the risks of injury or death to occupants of the suspect vehicle, officers, or other members of the public.
 - 3. It reasonably appears the technique will contain or prevent the pursuit.
- (b) The PIT should only be used after giving consideration to the following:
 - 1. The technique should only be used by officers who have received training in the technique, including speed restrictions.
 - 2. Supervisory approval should be obtained before using the technique.
 - 3. The need to immediately stop the suspect vehicle reasonably appears to outweigh the risks of injury or death to occupants of the suspect vehicle, officers, or other members of the public.
 - 4. It reasonably appears the technique will terminate or prevent the pursuit.
- (c) Ramming a fleeing vehicle should only be done after giving consideration to the following:
 - 1. Supervisory approval should be obtained before using the technique.
 - 2. The need to immediately stop the suspect vehicle reasonably appears to substantially outweigh the risks of injury or death to occupants of the suspect vehicle, officers, or other members of the public.
 - 3. It reasonably appears the technique will terminate or prevent the pursuit.
 - 4. Ramming may be used only under circumstances when deadly force would be authorized.
 - 5. Ramming may be used when all other reasonable alternatives have been exhausted or reasonably appear ineffective.

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

307.8.3 CAPTURE OF SUSPECTS

Proper self-discipline and sound professional judgment are the keys to a successful conclusion of a pursuit and apprehension of evading suspects. Officers shall use only that amount of force,

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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.

307.9 REPORTING REQUIREMENTS

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

- (a) The primary officer should complete appropriate crime/arrest reports.
- (b) The Watch Commander shall ensure that an Allied Agency Vehicle Pursuit Report (form CHP 187A) is filed with the CHP not later than 30 days following the pursuit (Vehicle Code § 14602.1). The primary officer should complete as much of the required information on the form as is known and forward the report to the Watch Commander for review and distribution.
- (c) After first obtaining the available information, the Watch Commander shall promptly notify their manager. This notification should include, at a minimum:
 1. Date and time of pursuit.
 2. Initial reason and circumstances surrounding the pursuit.
 3. Length of pursuit in distance and time, including the starting and termination points.
 4. Involved units and officers.
 5. Alleged offenses.
 6. Whether a suspect was apprehended, as well as the means and methods used.
 7. Any use of force that occurred during the vehicle pursuit.
 - (a) Any use of force by a member should be documented in the appropriate report (See the Use of Force Policy).
 8. Any injuries and/or medical treatment.
 9. Any property or equipment damage.
 10. Name of supervisor at scene or who handled the incident.
- (d) After receiving copies of reports, logs, and other pertinent information, the Chief of Police or the authorized designee should conduct or assign the completion of a post-pursuit review.

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

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307.9.1 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, Vehicle Code § 17004.7(d), and 11 CCR 1081, 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.

307.9.2 POLICY REVIEW

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

307.10 APPLICATION OF VEHICLE PURSUIT POLICY

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

Officer Response to Calls

308.1 PURPOSE AND SCOPE

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

308.2 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.

308.3 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 Communications Unit.

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

308.3.1 NUMBER OF UNITS ASSIGNED

Normally, only one unit should respond to an emergency call Code-3 unless the Watch Commander or the field supervisor authorizes an additional unit(s).

308.4 INITIATING CODE 3 RESPONSE

If an officer believes a Code-3 response to any call is appropriate, the officer shall immediately notify Communications Unit. Generally, only one unit should respond Code-3 to any situation. Should another officer believe a Code-3 response is appropriate, Communications Unit shall be notified and the Watch Commander or field supervisor will make a determination as to whether one or more officers driving Code-3 is appropriate.

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308.5 RESPONSIBILITIES OF RESPONDING OFFICERS

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

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

308.6 COMMUNICATIONS RESPONSIBILITIES

If an officer responds Code-3 or a Watch Commander advises a Code-3 response, 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

308.7 SUPERVISORY RESPONSIBILITIES

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

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

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

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

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Officer Response to Calls

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

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

308.8 FAILURE OF EMERGENCY EQUIPMENT

If the emergency equipment on the vehicle should fail to operate, the officer must terminate the Code-3 response and respond accordingly. In all cases, the officer shall notify the Watch Commander, field supervisor, or Communications Unit of the equipment failure so that another unit may be assigned to the emergency response.

Domestic Violence

309.1 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.

309.1.1 DEFINITIONS

Definitions related to this policy include:

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

309.2 POLICY

The UC San Diego Police Department's response to incidents of domestic violence and violations of related court orders shall emphasize 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.

309.3 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.

309.4 INVESTIGATIONS

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

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

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- (e) All injuries 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.
- (h) Seize any firearms or other dangerous weapons in the home, if appropriate and legally permitted, for safekeeping or as evidence. If the domestic violence involved threats of bodily harm, any firearm discovered in plain view or pursuant to consent or other lawful search must be taken into temporary custody (Penal Code § 18250).
- (i) When completing an incident or arrest report for violation of a court order, officers should include specific information that establishes that the offender has been served, including the date the offender was served, the name of the agency that served the order, and the provision of the order that the subject is alleged to have violated. When reasonably available, the arresting officer should attach a copy of the order to the incident or arrest report.
- (j) Officers should take appropriate enforcement action when there is probable cause to believe an offense has occurred. Factors that should not be used as sole justification for declining to take enforcement action include:
 - 1. Whether the suspect lives on the premises with the victim.
 - 2. Claims by the suspect that the victim provoked or perpetuated the violence.
 - 3. The potential financial or child custody consequences of arrest.
 - 4. The physical or emotional state of either party.
 - 5. Use of drugs or alcohol by either party.
 - 6. Denial that the abuse occurred where evidence indicates otherwise.
 - 7. A request by the victim not to arrest the suspect.
 - 8. Location of the incident (public/private).
 - 9. Speculation that the complainant may not follow through with the prosecution.
 - 10. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or marital status of the victim or suspect.
 - 11. The social status, community status, or professional position of the victim or suspect.

309.4.1 IF A SUSPECT IS ARRESTED

If a suspect is arrested, officers should:

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

309.4.2 IF NO ARREST IS MADE

If no arrest is made, the officer should:

- (a) Advise the parties of any options, including but not limited to:
 - 1. Voluntary separation of the parties.
 - 2. Appropriate resource referrals (e.g., counselors, friends, relatives, shelter homes, victim witness unit).
- (b) Document the resolution in a report.

309.5 VICTIM ASSISTANCE

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

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

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

309.6 DISPATCH ASSISTANCE

All calls of domestic violence, including incomplete 9-1-1 calls, should be dispatched as soon as practicable.

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

309.7 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).

309.8 VERIFICATION OF COURT ORDERS

Determining the validity of a court order, particularly an order from another jurisdiction, can be challenging. Therefore, in determining whether there is probable cause to make an arrest for a violation of any court order, officers should carefully review the actual order when available, and where appropriate and practicable:

- (a) Ask the subject of the order about his/her notice or receipt of the order, his/her knowledge of its terms and efforts to respond to the order.
 1. If a determination is made that a valid foreign order cannot be enforced because the subject has not been notified or served the order, the officer shall inform the subject of the order, make a reasonable effort to serve the order upon the subject, and allow the subject a reasonable opportunity to comply with the order before enforcing the order. Verbal notice of the terms of the order is sufficient notice (Family Code § 6403).
- (b) Check available records or databases that may show the status or conditions of the order.
 1. Registration or filing of an order in California is not required for the enforcement of a valid foreign order (Family Code § 6403).
- (c) Contact the issuing court to verify the validity of the order.
- (d) Contact a law enforcement official from the jurisdiction where the order was issued to verify information.

Officers should document in an appropriate report their efforts to verify the validity of an order, regardless of whether an arrest is made. Officers should contact a supervisor for clarification when needed.

309.9 STANDARDS FOR ARRESTS

Officers investigating a domestic violence report should consider the following:

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

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309.10 REPORTS AND RECORDS

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

309.11 RECORD-KEEPING AND DATA COLLECTION

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

309.12 SERVICE OF COURT ORDERS

- (a) An officer who obtains an emergency protective order from the court shall serve it on the restrained person if the person can be reasonably located and shall provide the person protected or the person's parent/guardian with a copy of the order. The officer shall file a copy with the court as soon as practicable and shall have the order entered into the computer database system for protective and restraining orders maintained by the Department of Justice (Family Code § 6271; Penal Code § 646.91).
- (b) A temporary restraining order, emergency protective order, or an order issued after a hearing shall, at the request of the petitioner, be served on the restrained person by an officer who is present at the scene of a reported domestic violence incident or when the officer receives a request from the petitioner to provide service of the order (Family Code § 6383; Penal Code § 13710).
- (c) Any officer serving a protective order that indicates that the respondent possesses weapons or ammunition shall request that the firearm/ammunition be immediately surrendered (Family Code § 6389(c)).
- (d) During the service of a protective order any firearm discovered in plain view or pursuant to consent or other lawful search shall be taken into temporary custody (Penal Code § 18250).

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1. An officer should ensure that the Records Section is notified of any firearm obtained for entry into the Automated Firearms System (Family Code § 6383) (see the Records Section Policy for additional guidance).
- (e) If a valid Canadian order cannot be enforced because the person subject to the order has not been notified or served with the order, the officer shall notify the protected individual that reasonable efforts shall be made to contact the person subject to the order. The officer shall make a reasonable effort to inform the person subject to the order of the existence and terms of the order and provide the person with a record of the order, if available, and shall allow the person a reasonable opportunity to comply with the order before taking enforcement action (Family Code § 6452).

309.13 PUBLIC ACCESS TO POLICY

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

309.14 DECLARATION IN SUPPORT OF BAIL INCREASE

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

Search and Seizure

310.1 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 UC San Diego Police Department personnel to consider when dealing with search and seizure issues.

310.2 POLICY

It is the policy of the UC San Diego 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.

310.3 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
- Plain view
- Pat-down
- Probation/Parole

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.

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

310.3.1 CONSENT SEARCHES

Officers may seek consent to search from a person who has authority over the location or item to be searched. Officers should confirm the consent in writing with the subject's signature and/or record verbal consent via body camera or other approved recording device. The consenting party may limit or revoke the consent at any time. Any evidence discovered prior to a revocation of consent may still be used to support probable cause for a search warrant and/or arrest.

310.3.2 VEHICLE SEARCHES

If officers have established probable cause to believe that a vehicle contains evidence or contraband, the officers may search the vehicle without a warrant (*Carroll v. United States*). The search must be limited to areas that are capable of containing the item(s) to be seized.

Conducting a vehicle inventory pursuant to an impound is covered in the Vehicle Towing and Release policy.

310.3.3 EXIGENT SEARCHES

Officers may enter a structure without a search warrant when one or more of the following circumstances exist:

- (a) Officers have reasonable belief that entry is necessary to assist a person in danger of death or serious bodily harm.
- (b) Officers have probable cause to obtain a search warrant, but destruction or removal of the item(s) to be seized will likely result if the officers wait to obtain a search warrant and the premises cannot be secured until a warrant can be obtained.
- (c) Officers are in fresh pursuit of a criminal suspect.

Officers may seize contraband or evidence they see in plain view while they are addressing the exigency. Once the exigent circumstance has abated, officers must obtain a search warrant before conducting any additional search.

310.3.4 PLAIN VIEW SEARCHES

If officers view contraband or evidence from a location where they have a lawful right to be, they may seize the item, provided that they have a lawful right to access the location and the item is immediately recognizable as contraband or evidence. If the item is not immediately recognizable as contraband or evidence, officers may not conduct additional search without a warrant. If the item is not in a location where officers have a lawful right to be, they should secure the scene until a search warrant can be obtained.

310.4 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:

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- (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.

310.5 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.

310.6 ACCESS TO UNIVERSITY PROPERTIES AND FACILITIES

Within the scope of their responsibilities and authority, department members may enter portions of University properties and facilities with restricted access as necessary to respond to emergencies, investigate potential criminal activity, address public safety hazards and threats, perform security checks, conduct community caretaking and facility stewardship, or other work-related purposes. When inside areas with restricted access, department members should limit their actions and activities to those that are reasonable and necessary to accomplish those purposes, and should attempt to avoid unnecessary disruption of University operations.

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(a) Assigned residential units and spaces leased to third parties for exclusive use should be treated as private property.

(b) Individually-assigned offices should only be entered when a specific and compelling need exists.

(c) Other semi-private areas should only be entered when a reasonable need exists, including:

1. Office suites and shared workspaces

2. Alarmed spaces

3. Common areas within housing facilities designated for the exclusive use of residents and their guests

4. Laboratories and other areas containing hazardous materials or sensitive equipment

5. Libraries, museums, dining facilities, recreational & athletic facilities, and performance spaces, when not open to the general public

Persons who utilize University-controlled storage spaces (including closets, cupboards, furniture, etc.) and University-owned computers or devices with electronic storage may have a reduced expectation of privacy for items or information stored in such storage spaces, and campus units with administrative authority over those locations may have the lawful ability to access such storage spaces, but UC San Diego Police department members should not open or search such storage spaces unless:

(a) Authorized to do so by the campus unit with administrative authority,

(b) A specific and compelling need exists, or

(c) Pursuant to a court order.

Possession of Weapons by Non-sworn Employees While On-duty

311.1 PURPOSE AND SCOPE

This policy establishes restrictions regarding the possession of weapons by non-sworn department employees while on duty.

California law restricts weapons on College and University campuses per §626.9 and §626.10 of the California Penal Code. While exceptions are identified by law for sworn peace officers, non-sworn employees of the department do not qualify for exceptions as outlined in the law.

All employees of the department will comply with all weapons laws and regulations. The Chief of Police may grant exceptions to this policy, on a case-by-case basis and within the scope of the law.

311.1.1 POSSESSION OF WEAPONS

Non-sworn employees shall not carry weapons of any kind while on duty, nor shall they bring any firearms into the station without the prior permission of the Chief of Police. Doing so may result in the immediate dismissal of employment.

The term "weapons" includes, but is not limited to knives, tasers, stun guns, firearms, and explosive or incendiary devices. This does not include lawful items (such as 2.5 ounces or smaller can of Pepper spray) or any items issued to employees by the department to be used in the course of employment, such as University Safety Officers or Bicycle Enforcement Officers.

Senior and Disability Victimization

312.1 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 UC San Diego Police Department members as required by law (Penal Code § 368.6).

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

312.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

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

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

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

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

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

312.2 POLICY

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

312.2.1 ARREST POLICY

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

312.2.2 ADHERENCE TO POLICY

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

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

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

312.3 INVESTIGATIONS AND REPORTING

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

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

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

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

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

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

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

312.3.1 ADDITIONAL INVESTIGATIVE CONSIDERATIONS

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

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

312.4 QUALIFIED INVESTIGATORS

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

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

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

312.5 MANDATORY NOTIFICATION

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

Notification shall be made by telephone or through a confidential internet reporting tool as soon as practicable. If notification is made by telephone, a written report shall be sent or internet report shall be made through the confidential internet reporting tool within two working days, as provided in Welfare and Institutions Code § 15630(b).

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 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 the abuse is allegedly caused by a resident with dementia and there is no serious bodily injury, notification shall be made by a written report to the local ombudsman within 24 hours.
 3. If there is any other abuse in a long-term care facility (not a state mental health or a state developmental center), a written report shall be made to the local ombudsman and corresponding state licensing agency within 24 hours.
- (b) The California Department of Public Health (DPH) shall be notified of all known or suspected abuse in a long-term care facility.
- (c) The CDSS shall be notified of all known or suspected abuse occurring in a residential care facility for the elderly or in an adult day program.
- (d) If the abuse occurred in an adult day health care center, DPH and the California Department of Aging shall be notified.
- (e) The Division of Medi-Cal Fraud and Elder Abuse shall be notified of all abuse that constitutes criminal activity in a long-term care facility.

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

The 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).

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

312.5.1 NOTIFICATION PROCEDURE

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

- (a) The name of the person making the report.
- (b) The name and age of the elder or dependent adult.
- (c) The present location of the elder or dependent adult.
- (d) The names and addresses of family members or any other adult responsible for the care of the elder or dependent adult.
- (e) The nature and extent of the condition of the elder or dependent adult.
- (f) The date of incident.

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

312.6 PROTECTIVE CUSTODY

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

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

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

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

312.6.1 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)).

312.6.2 VERIFICATION OF PROTECTIVE ORDER

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

- (a) Inquire whether the restrained person possesses firearms. The officer should make this effort by asking the restrained person and the protected person.
- (b) Query the California Law Enforcement Telecommunications System to determine if any firearms are registered to the restrained person.

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- (c) Receive or seize prohibited firearms located in plain view or pursuant to a consensual or other lawful search in compliance with Penal Code § 18250 et seq. and in accordance with department procedures.

312.7 INTERVIEWS

312.7.1 PRELIMINARY INTERVIEWS

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

312.7.2 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.

312.7.3 INTERVIEWS WITH A PERSON WITH DEAFNESS OR HEARING LOSS

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

312.8 MEDICAL EXAMINATIONS

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

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

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312.9 DRUG-ENDANGERED VICTIMS

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

312.9.1 SUPERVISOR RESPONSIBILITIES

The Investigation Unit supervisor should:

- (a) Work with professionals from the appropriate agencies, including APS, other law enforcement agencies, medical service providers, and local prosecutors, to develop community specific procedures for responding to situations where there are elder or dependent adult abuse victims endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.
- (b) Activate any available interagency response when an officer notifies the Investigation Unit supervisor that he/she has responded to a drug lab or other narcotics crime scene where an elder or dependent adult abuse victim is present or where evidence indicates that an elder or dependent adult abuse victim lives.
- (c) Develop a report format or checklist for use when officers respond to drug labs or other narcotics crime scenes. The checklist will help officers document the environmental, medical, social, and other conditions that may affect the adult.

312.9.1 OFFICER RESPONSIBILITIES

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

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

312.10 RECORDS BUREAU RESPONSIBILITIES

The Records Section is responsible for:

- (a) Providing a copy of the elder or dependent adult abuse report to the APS, ombudsman, or other agency as applicable within two working days or as required by law (Welfare and Institutions Code § 15630; Welfare and Institutions Code § 15640(c)).
- (b) Retaining the original elder or dependent adult abuse report with the initial case file.

312.11 JURISDICTION

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

Adult protective services agencies and local long-term care ombudsman programs also have jurisdiction within their statutory authority to investigate elder and dependent adult abuse and criminal neglect and may assist in criminal investigations upon request, if consistent with federal

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law, in such cases. However, this department will retain responsibility for the criminal investigations (Penal Code § 368.5).

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

312.12 RELEVANT STATUTES

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

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

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

Penal Code § 368 (c)

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

Penal Code § 368 (f)

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

Protections provided by the above Penal Code § 288 and Penal Code § 368 protect many persons with disabilities regardless of the fact they live independently.

Welfare and Institutions Code § 15610.05

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

Welfare and Institutions Code § 15610.06

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

Welfare and Institutions Code § 15610.30

- (a) "Financial abuse" of an elder or dependent adult occurs when a person or entity does any of the following:
 - 1. Takes, secretes, appropriates, obtains, or retains real or personal property of an elder or dependent adult for a wrongful use or with intent to defraud, or both.
 - 2. Assists in taking, secreting, appropriating, obtaining, or retaining real or personal property of an elder or dependent adult for a wrongful use or with intent to defraud, or both.
 - 3. Takes, secretes, appropriates, obtains, or retains, or assists in taking, secreting, appropriating, obtaining, or retaining, real or personal property of an elder or dependent adult by undue influence, as defined in Section 15610.70.
- (b) A person or entity shall be deemed to have taken, secreted, appropriated, obtained, or retained property for a wrongful use if, among other things, the person or entity takes, secretes, appropriates, obtains, or retains the property and the person or entity knew or should have known that this conduct is likely to be harmful to the elder or dependent adult.
- (c) For purposes of this section, a person or entity takes, secretes, appropriates, obtains, or retains real or personal property when an elder or dependent adult is deprived of any property right, including by means of an agreement, donative transfer, or testamentary bequest, regardless of whether the property is held directly or by a representative of an elder or dependent adult.
- (d) For purposes of this section, "representative" means a person or entity that is either of the following:
 - 1. A conservator, trustee, or other representative of the estate of an elder or dependent adult.
 - 2. An attorney-in-fact of an elder or dependent adult who acts within the authority of the power of attorney.

Welfare and Institutions Code § 15610.43

- (a) "Isolation" means any of the following:
 - 1. Acts intentionally committed for the purpose of preventing, and that do serve to prevent, an elder or dependent adult from receiving his or her mail or telephone calls.
 - 2. Telling a caller or prospective visitor that an elder or dependent adult is not present, or does not wish to talk with the caller, or does not wish to meet with the visitor where the statement is false, is contrary to the express wishes of the elder

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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:
1. The negligent failure of any person having the care or custody of an elder or a dependent adult to exercise that degree of care that a reasonable person in a like position would exercise.
 2. The negligent failure of an elder or dependent adult to exercise that degree of self care that a reasonable person in a like position would exercise.
- (b) Neglect includes, but is not limited to, all of the following:
1. Failure to assist in personal hygiene, or in the provision of food, clothing, or shelter.
 2. Failure to provide medical care for physical and mental health needs. A person shall not be deemed neglected or abused for the sole reason that the person voluntarily relies on treatment by spiritual means through prayer alone in lieu of medical treatment.
 3. Failure to protect from health and safety hazards.
 4. Failure to prevent malnutrition or dehydration.
 5. Substantial inability or failure of an elder or dependent adult to manage personal finances.
 6. Failure of an elder or dependent adult to satisfy any of the needs specified in paragraphs (1) to (5), inclusive, for themselves as a result of poor cognitive functioning, mental limitation, substance abuse, or chronic poor health.
- (c) Neglect includes being homeless if the elder or dependent adult is also unable to meet any of the needs specified in paragraphs (1) to (5), inclusive, of subdivision (b).

Welfare and Institutions Code § 15610.63

"Physical abuse" means any of the following:

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- (a) Assault, as defined in Section 240 of the Penal Code.
- (b) Battery, as defined in Section 242 of the Penal Code.
- (c) Assault with a deadly weapon or force likely to produce great bodily injury, as defined in Section 245 of the Penal Code.
- (d) Unreasonable physical constraint, or prolonged or continual deprivation of food or water.
- (e) Sexual assault, that means any of the following:
 - 1. Sexual battery, as defined in Section 243.4 of the Penal Code.
 - 2. Rape, as defined in Section 261 of the Penal Code, or former Section 262 of the Penal Code.
 - 3. Rape in concert, as described in Section 264.1 of the Penal Code.
 - 4. Incest, as defined in Section 285 of the Penal Code.
 - 5. Sodomy, as defined in Section 286 of the Penal Code.
 - 6. Oral copulation, as defined in Section 287 or former Section 288a of the Penal Code.
 - 7. Sexual penetration, as defined in Section 289 of the Penal Code.
 - 8. Lewd or lascivious acts as defined in paragraph (2) of subdivision (b) of Section 288 of the Penal Code.
- (f) Use of a physical or chemical restraint or psychotropic medication under any of the following conditions:
 - 1. For punishment.
 - 2. For a period beyond that for which the medication was ordered pursuant to the instructions of a physician and surgeon licensed in the State of California, who is providing medical care to the elder or dependent adult at the time the instructions are given.
 - 3. For any purpose not authorized by the physician and surgeon.

312.13 TRAINING

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

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

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312.13.1 MANDATORY TRAINING

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

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

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

312.14 CHIEF OF POLICE RESPONSIBILITIES

The Chief of Police or the authorized designee responsibilities include but are not limited to (Penal Code § 368.6):

- (a) Taking leadership within the Department and in the community, including by speaking out publicly in major cases of senior and disability victimization, to assure the community of department support for the victims and their families and for others in the community who are terrorized and traumatized by the crimes, and to encourage victims and witnesses to the crimes or similar past or future crimes to report those crimes to help bring the perpetrators to justice and prevent further crimes.
- (b) Developing and including department protocols in this policy, including but not limited to the following:
 1. Protocols for seeking emergency protective orders by phone from a court at any time of day or night pursuant to Family Code § 6250(d).
 2. Protocols for arrest warrants and arrests for senior and disability victimization for matters other than domestic violence and consistent with the requirements of Penal Code § 368.6(c)(9)(B) that include the following:
 - (a) In the case of a senior and disability victimization committed in an officer's presence, including but not limited to a violation of a relevant protective order, the officer shall make a warrantless arrest based on probable cause when necessary or advisable to protect the safety of the victim or others.

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- (b) In the case of a felony not committed in an officer's presence, the officer shall make a warrantless arrest based on probable cause when necessary or advisable to protect the safety of the victim or others.
 - (c) In the case of a misdemeanor not committed in the officer's presence, including but not limited to misdemeanor unlawful interference with a mandated report or a misdemeanor violation of a relevant protective order, or when necessary or advisable to protect the safety of the victim or others, the agency shall seek an arrest warrant based on probable cause.
 - (d) Protocol for seeking arrest warrants based on probable cause for crimes for which no arrest has been made.
3. Procedures for first responding officers to follow when interviewing persons with cognitive and communication disabilities until officers, or staff of other responsible agencies with more advanced training, are available. The procedure shall include an instruction to avoid repeated interviews whenever possible.
- (c) For each department protocol, include either a specific title-by-title list of officer responsibilities or a specific office or unit in the Department responsible for implementing the protocol.
 - (d) Ensuring an appendix is created and attached to this policy that describes requirements for elder and dependent adult abuse investigations consistent with Penal Code § 368.6(c)(8)(B).
 - (e) Ensuring a detailed checklist is created and attached to this policy regarding first responding responsibilities that includes but is not limited to the requirements of Penal Code § 368.6(c)(23).
 - (f) Ensuring that all members carry out their responsibilities under this policy.
 - (g) Verifying a process is in place for transmitting and periodically retransmitting this policy and related orders to officers, including a simple and immediate way for officers to access the policy in the field when needed.
 - (h) Ensuring this policy is available to the Protection and Advocacy Agency upon request.

312.15 ELDER AND DEPENDENT ADULT ABUSE LIAISON

A department member appointed by the Chief of Police or the authorized designee will serve as the Elder and Dependent Adult Abuse Liaison. Responsibilities of the liaison include but are not limited to (Penal Code § 368.6):

- (a) Acting as a liaison to other responsible agencies (defined by Penal Code § 368.6(b)(15)) to increase cooperation and collaboration among them while retaining the law enforcement agency's exclusive responsibility for criminal investigations (Welfare and Institutions Code § 15650).
- (b) Reaching out to the senior and disability communities and to the public to encourage prevention and reporting of senior and disability victimization.

Discriminatory Harassment

313.1 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.

313.2 POLICY

The UC San Diego Police Department is an equal opportunity employer and is committed to creating and maintaining a work environment that is free of all forms of discriminatory harassment, including sexual harassment and retaliation (Government Code § 12940(k); 2 CCR 11023). The Department will not tolerate discrimination against a member in hiring, promotion, discharge, compensation, fringe benefits and other privileges of employment. The Department will take preventive and corrective action to address any behavior that violates this policy or the rights it is designed to protect.

The nondiscrimination policies of the Department may be more comprehensive than state or federal law. Conduct that violates this policy may not violate state or federal law but still could subject a member to discipline.

313.3 DEFINITIONS

Definitions related to this policy include:

313.3.1 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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313.3.2 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.

313.3.3 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.

313.3.4 ADDITIONAL CONSIDERATIONS

Discrimination and discriminatory harassment do not include actions that are in accordance with established rules, principles, or standards, including:

- (a) Acts or omission of acts based solely upon bona fide occupational qualifications under the Equal Employment Opportunity Commission (EEOC) and the California Civil Rights Council guidelines.
- (b) Bona fide requests or demands by a supervisor that the member improve the member's work quality or output, that the member report to the job site on time, that the member comply with University or department rules or regulations, or any other appropriate work-related communication between supervisor and member.

313.4 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 appropriate Division manager, or the Office for the Prevention of Harassment and Discrimination (OPHD).

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.

313.4.1 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 Business Manager, the Vice Chancellor, Resource Management and Planning, or the California Civil Rights Department for further information, direction, or clarification (Government Code § 12950).

313.4.2 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 Business Manager in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment, or retaliation no later than the next business day.

313.4.3 SUPERVISOR'S ROLE

Because of differences in individual values, supervisors and managers may find it difficult to recognize that their behavior or the behavior of others is discriminatory, harassing or retaliatory. Supervisors and managers shall be aware of the following considerations:

- (a) The behavior of supervisors and managers should represent the values of the Department and professional law enforcement standards.
- (b) False or mistaken accusations of discrimination, harassment or retaliation can have negative effects on the careers of innocent members.

Nothing in this section shall be construed to prevent supervisors or managers from discharging supervisory or management responsibilities, such as determining duty assignments, evaluating or counseling members, or issuing discipline in a manner that is consistent with established procedures.

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313.5 INVESTIGATION OF COMPLAINTS

Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved member should take prompt and reasonable steps to mitigate or eliminate any continuing abusive or hostile work environment. It is the policy of the Department that all complaints of discrimination, retaliation, or harassment shall be fully documented and promptly and thoroughly investigated.

313.5.1 SUPERVISOR RESOLUTION

Members who believe they are experiencing discrimination, harassment, or retaliation should be encouraged to inform the individual that the behavior is unwelcome, offensive, unprofessional, or inappropriate. However, if the member feels uncomfortable or threatened or has difficulty expressing the member's concern, or if this does not resolve the concern, assistance should be sought from a supervisor or manager who is a rank higher than the alleged transgressor.

313.5.2 FORMAL INVESTIGATION

If the complaint cannot be satisfactorily resolved through the supervisory resolution process, a formal investigation will be conducted.

The person assigned to investigate the complaint will have full authority to investigate all aspects of the complaint. Investigative authority includes access to records and the cooperation of any members involved. No influence will be used to suppress any complaint and no member will be subject to retaliation or reprisal for filing a complaint, encouraging others to file a complaint, or for offering testimony or evidence in an investigation.

Formal investigation of the complaint will be confidential to the extent possible and will include but is not limited to details of the specific incident, frequency and dates of occurrences, and names of any witnesses. Witnesses will be advised regarding the prohibition against retaliation, and that a disciplinary process, up to and including termination, may result if retaliation occurs.

Members who believe they have been discriminated against, harassed, or retaliated against because of their protected status, are encouraged to follow the chain of command but may also file a complaint directly with the Chief of Police, the Business Manager, or the Vice Chancellor, Resource Management and Planning.

313.5.3 ALTERNATIVE COMPLAINT PROCESS

No provision of this policy shall be construed to prevent any member from seeking legal redress outside the Department. Members who believe that they have been harassed, discriminated against, or retaliated against are entitled to bring complaints of employment discrimination to federal, state, and/or local agencies responsible for investigating such allegations. Specific time limitations apply to the filing of such charges. Members are advised that proceeding with complaints under the provisions of this policy does not in any way affect those filing requirements.

313.5.4 SEXUAL HARASSMENT INVESTIGATIONS

Title IX investigations are typically completed within 60 days, unless extended with proper notification and criminal investigations will often be conducted concurrently. Collaboration with the

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institution's Title IX coordinator is critical. The Title IX investigation shall not be delayed pending the outcome of a criminal investigation, except for the collection of evidence. The Title IX Coordinator is permitted access to the police department investigative notes and findings as necessary for the Title IX investigation, as long as it does not compromise the criminal investigation.

313.6 DOCUMENTATION OF COMPLAINTS

All complaints or allegations shall be thoroughly documented and in a manner designated by the Chief of Police. The outcome of all reports shall be:

- Approved by the Chief of Police, the Vice Chancellor, Resource Management and Planning or the Business Manager, depending on the ranks of the involved parties.
- Maintained in accordance with the department's established records retention schedule.

313.6.1 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.

313.7 WORKING CONDITIONS

The Specialized Services Lieutenant or the authorized designee should be responsible for reviewing facility design and working conditions for discriminatory practices. This person should collaborate with other University employees who are similarly tasked (2 CCR 11034).

313.8 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.

313.8.1 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.

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- (c) All employees shall receive refresher training every two years thereafter.

If the required training is to be provided by the Civil Rights Department online training courses, the Training Manager should ensure that employees are provided the following website address to the training course: <https://calcivilrights.ca.gov> (Government Code § 12950; 2 CCR 11023).

313.8.2 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).

313.9 REQUIRED POSTERS

The Department shall display the required posters regarding discrimination, harassment and transgender rights in a prominent and accessible location for members (Government Code § 12950).

Child Abuse

314.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation of suspected child abuse. This policy also addresses when UC San Diego Police Department members are required to notify the county Child Protective Services (CPS) of suspected child abuse.

314.1.1 DEFINITIONS

Definitions related to this policy include:

Campus Advocacy Resources and Education (CARE) - Advocacy and education office for sexual violence and gender-based violence (dating violence, domestic violence, stalking).

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).

314.2 POLICY

The UC San Diego Police Department will investigate all reported incidents of alleged criminal child abuse and ensure CPS is notified as required by law.

314.3 MANDATORY NOTIFICATION

The child protection agency shall be notified when (Penal Code § 11166):

- (a) There is a known or suspected instance of child abuse or neglect reported, which is alleged to have occurred as a result of the action of a person responsible for the child's welfare, or
- (b) A person responsible for the child's welfare fails to adequately protect the child from abuse when the person knew or reasonably should have known that the child was in danger of abuse.

The District Attorney's office shall be notified in all instances of known or suspected child abuse or neglect reported to this department. Notification of the District Attorney is not required for reports only involving neglect by a person, who has the care or custody of a child, to provide adequate food, clothing, shelter, medical care, or supervision where no physical injury to the child has occurred (Penal Code § 11166).

When the abuse or neglect occurs at a licensed facility or is alleged to have resulted from the actions of a person who is required to have a state license (e.g., foster homes, group homes, day care), notification shall also be made to the California Department of Social Services or other applicable licensing authority. When the alleged abuse or neglect involves a child of a minor parent

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or a dependent adult, notification shall also be made to the attorney of the minor or the dependent adult within 36 hours (Penal Code 11166.1; Penal Code 11166.2).

For purposes of notification, the abuse or neglect includes physical injury or death inflicted by other than accidental means upon a child by another person; sexual abuse (Penal Code § 11165.1); neglect (Penal Code § 11165.2); the willful harming or injuring of a child or the endangering of the person or health of a child (Penal Code § 11165.3); and unlawful corporal punishment or injury (Penal Code § 11165.4). Child abuse or neglect does not include a mutual affray between minors, nor does it include an injury caused by the reasonable and necessary force used by a peace officer acting within the course and scope of the peace officer's employment as a peace officer.

314.3.1 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.
- (c) Officers should notify the child and/or guardian of CARE resources if the child and/or guardian are UCSD students, staff or faculty. CARE notification should be made if the child and/or guardian permits or requests the Officer to make CARE notification.

314.4 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).

314.5 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:

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- (a) The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected child abuse victim was contacted.
- (b) The exigent circumstances that existed if officers interviewed the child victim without the presence of a parent or guardian.
- (c) Any relevant statements the child may have made and to whom he/she made the statements.
- (d) If a child was taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.
- (e) Documentation of any visible injuries or any injuries identified by the child. This should include photographs of such injuries, if practicable.
- (f) Whether the child victim was transported for medical treatment or a medical examination.
- (g) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other children who may reside in the residence.
- (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).

314.5.1 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).

314.5.2 INITIAL REPORTS OF ABUSE FROM A NONMANDATED REPORTER

Members who receive a report of child abuse or neglect shall request the following information from the reporter (Penal Code § 11167):

- (a) Name and telephone number
- (b) Information and the source of information that gives rise to the knowledge or reasonable suspicion of child abuse or neglect

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If the reporter refuses to provide their name and telephone number, the member should make a reasonable effort to determine the basis for the refusal and inform them that their information will remain confidential.

314.6 PROTECTIVE CUSTODY

Before taking any child into protective custody, the officer should make reasonable attempts to contact CPS. Generally, removal of a child from the child's family, guardian, or other responsible adult should be left to the child welfare authorities when they are present or have become involved in an investigation.

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

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

Children may only be removed from a parent or guardian in the following situations when a court order cannot reasonably be obtained in a timely manner (Welfare and Institutions Code § 305):

- (a) The officer reasonably believes the child is a person described in Welfare and Institutions Code § 300, and further has good cause to believe that any of the following conditions exist:
 1. The child has an immediate need for medical care.
 2. The child is in immediate danger of physical or sexual abuse.
 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.

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4. The child is an abducted child.
- (c) The child is in the company of, or under the control of, a person arrested for Penal Code § 278 (Detainment or concealment of child from legal custodian) or Penal Code § 278.5 (Deprivation of custody of a child or right to visitation) (Penal Code § 279.6).

A child taken into protective custody shall be delivered to CPS unless otherwise directed by court order.

314.6.1 CALIFORNIA SAFELY SURRENDERED BABY LAW

An individual having lawful custody of an infant less than 72 hours old is not guilty of abandonment if the individual voluntarily surrenders physical custody of the infant to personnel on-duty at a safe-surrender site, such as a hospital or fire department (Penal Code § 271.5). The law requires the surrender site to notify CPS.

314.6.2 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.

314.7 INTERVIEWS

314.7.1 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.

314.7.2 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.

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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.

314.7.3 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).

314.8 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 Rady Children's Hospital, 3020 Children's Way, San Diego, CA 92123, (858)576-1700. All child abuse cases requiring medical examination will be handled at Rady.

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.

314.9 DRUG-ENDANGERED CHILDREN

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of children exposed to the manufacturing, trafficking or use of narcotics.

314.9.1 SUPERVISOR RESPONSIBILITIES

The Investigation Unit supervisor should:

- (a) Work with professionals from the appropriate agencies, including CPS, other law enforcement agencies, medical service providers and local prosecutors to develop community specific procedures for responding to situations where there are children endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.
- (b) Activate any available interagency response when an officer notifies the Investigation Unit supervisor that the officer has responded to a drug lab or other narcotics crime scene where a child is present or where evidence indicates that a child lives there.

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

314.9.2 OFFICER RESPONSIBILITIES

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

- (a) Document the environmental, medical, social and other conditions of the child using photography as appropriate and the checklist or form developed for this purpose.
- (b) Notify the Investigation Unit supervisor so an interagency response can begin.

314.10 STATE MANDATES AND OTHER RELEVANT LAWS

California requires or permits the following:

314.10.1 RELEASE OF REPORTS

Information related to incidents of child abuse or suspected child abuse shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy (Penal Code § 841.5; Penal Code § 11167.5).

314.10.2 REQUESTS FOR REMOVAL FROM THE CHILD ABUSE CENTRAL INDEX (CACI)

Any person whose name has been forwarded to the California Department of Justice (DOJ) for placement in California's CACI, as a result of an investigation, may request that his/her name be removed from the CACI list. Requests shall not qualify for consideration if there is an active case, ongoing investigation or pending prosecution that precipitated the entry to CACI (Penal Code § 11169). All requests for removal shall be submitted in writing by the requesting person and promptly routed to the CACI hearing officer.

314.10.3 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.

314.10.4 CACI HEARING PROCEDURES

The hearing is an informal process where the person requesting removal from the CACI list will be permitted to present relevant evidence (e.g., certified copy of an acquittal, factual finding of innocence) as to why his/her name should be removed. The person requesting the hearing may record the hearing at his/her own expense.

Formal rules of evidence will not apply and the hearing officer may consider, in addition to evidence submitted by the person requesting the hearing, any relevant information including, but not limited to, the following:

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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.

314.10.5 CHILD DEATH REVIEW TEAM

This department should cooperate with any interagency child death review team investigation. Written and oral information relating to the death of a child that would otherwise be subject to release restrictions may be disclosed to the child death review team upon written request and approval of a supervisor (Penal Code § 11174.32).

314.11 TRAINING

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

- (a) Participating in multidisciplinary investigations, as appropriate.
- (b) Conducting forensic interviews.
- (c) Availability of therapy services for children and families.
- (d) Availability of specialized forensic medical exams.
- (e) Cultural competence (including interpretive services) related to child abuse investigations.
- (f) Availability of victim advocate or guardian ad litem support.

Missing Persons

315.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

315.1.1 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).

315.2 POLICY

The UC San Diego 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 UC San Diego 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).

315.3 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)
- Missing person school notification form

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- Medical records release form from the California Department of Justice
- California DOJ missing person forms as appropriate
- Biological sample collection kits

315.4 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).

315.5 INITIAL INVESTIGATION

Officers or other members conducting the initial investigation of a missing person should take the following investigative actions, as applicable:

- (a) Respond to a dispatched call for service as soon as practicable.
- (b) Interview the reporting party and any witnesses to determine whether the person qualifies as a missing person and, if so, whether the person may be at risk.
- (c) Notify a supervisor immediately if there is evidence that a missing person is either at risk or may qualify for a public alert, or both (see the Public Alerts Policy).
- (d) Broadcast a "Be on the Look-Out" (BOLO) bulletin if the person is under 21 years of age or there is evidence that the missing person is at risk. The BOLO should be broadcast as soon as practicable but in no event more than one hour after determining the missing person is under 21 years of age or may be at risk (Penal Code § 14211).
- (e) Ensure that entries are made into the appropriate missing person networks as follows:
 1. Immediately, when the missing person is at risk.
 2. In all other cases, as soon as practicable, but not later than two hours from the time of the initial report.
- (f) Complete the appropriate report forms accurately and completely and initiate a search as applicable under the facts.
- (g) Collect and/or review:
 1. A photograph and a fingerprint card of the missing person, if available.
 2. A voluntarily provided biological sample of the missing person, if available (e.g., toothbrush, hairbrush).

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3. Any documents that may assist in the investigation, such as court orders regarding custody.
 4. Any other evidence that may assist in the investigation, including personal electronic devices (e.g., cell phones, computers).
- (h) When circumstances permit and if appropriate, attempt to determine the missing person's location through his/her telecommunications carrier.
- (i) Contact the appropriate agency if the report relates to a previously made missing person report and another agency is actively investigating that report. When this is not practical, the information should be documented in an appropriate report for transmission to the appropriate agency. If the information relates to an at-risk missing person, the member should notify a supervisor and proceed with reasonable steps to locate the missing person.

315.6 REPORT PROCEDURES AND ROUTING

Employees should complete all missing person reports and forms promptly and advise the appropriate supervisor as soon as a missing person report is ready for review.

315.6.1 SUPERVISOR RESPONSIBILITIES

The responsibilities of the supervisor shall include, but are not limited to:

- (a) Reviewing and approving missing person reports upon receipt.
 1. The reports should be promptly sent to the Records Section.
- (b) Ensuring resources are deployed as appropriate.
- (c) Initiating a command post as needed.
- (d) Ensuring applicable notifications and public alerts are made and documented.
- (e) Ensuring that records have been entered into the appropriate missing persons networks.
- (f) Taking reasonable steps to identify and address any jurisdictional issues to ensure cooperation among agencies.

If the case falls within the jurisdiction of another agency, the supervisor should facilitate transfer of the case to the agency of jurisdiction.

315.6.2 RECORDS SECTION RESPONSIBILITIES

The receiving member shall:

- (a) As soon as reasonable under the circumstances, notify and forward a copy of the report to the law enforcement agency having jurisdiction over the missing person's 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).

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- (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.
- (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).

315.7 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.
- (h) Should obtain and forward medical and dental records, photos, X-rays, and biological samples pursuant to Penal Code § 14212 and Penal Code § 14250.
- (i) Shall attempt to obtain the most recent photograph for persons under 18 years of age if it has not previously been obtained and forward the photograph to California DOJ (Penal Code § 14210) and enter the photograph into applicable missing person networks (34 USC § 41308).
- (j) Should consider making appropriate entries and searches in the National Missing and Unidentified Persons System (NamUs).

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- (k) In the case of an at-risk missing person or a person who has been missing for an extended time, should consult with a supervisor regarding seeking federal assistance from the FBI and the U.S. Marshals Service (28 USC § 566).

315.8 WHEN A MISSING PERSON IS FOUND

When any person reported missing is found, the assigned investigator shall document the location of the missing person in the appropriate report, notify the relatives and/or reporting party, as appropriate, and other involved agencies and refer the case for additional investigation if warranted.

The Records Supervisor shall ensure that, upon receipt of information that a missing person has been located, the following occurs (Penal Code § 14213):

- (a) Notification is made to California DOJ.
- (b) The missing person's school is notified.
- (c) Entries are made in the applicable missing person networks.
- (d) Immediately notify the Attorney General's Office.
- (e) Notification shall be made to any other law enforcement agency that took the initial report or participated in the investigation within 24 hours.

315.8.1 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.

315.9 MISSING UCSD STUDENTS (CLERY REQUIREMENTS)

- (a) All students who live on campus are given the opportunity to register a confidential contact through Housing Dining and Hospitality. Confidential contact information will be only released to authorized campus or law enforcement officials in furtherance of the missing person investigation.
- (b) When it has been determined a student is missing, the UCSD Police Department will contact the following within 24 hours:
 1. The student's emergency confidential contact
 2. The parent(s) or guardian(s) of the student if the student is under the age of 18 and is not emancipated
 3. Surrounding law enforcement agencies, including the law enforcement agency with jurisdiction over the missing person

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- (c) In addition to the notifications above, once an investigation is launched it may include any or all of the following:
 - 1. Contacting the student's parent(s) or guardian(s)
 - 2. Contacting the law enforcement agency having jurisdiction where the student's permanent residence is located
 - 3. Contacting law enforcement agencies along a route that the student may be considered likely to have traveled
 - 4. Contacting any other person or entity that may have information as to the whereabouts of the missing person.

315.10 CASE CLOSURE

The Investigation Unit supervisor may authorize the closure of a missing person case after considering the following:

- (a) Closure is appropriate when the missing person is confirmed returned or evidence has matched an unidentified person or body.
- (b) If the missing person is a resident of University of California, San Diego or this department is the lead agency, the case should be kept under active investigation for as long as the person may still be alive. Exhaustion of leads in the investigation should not be a reason for closing a case.
- (c) If this department is not the lead agency, the case can be made inactive if all investigative leads have been exhausted, the lead agency has been notified and entries are made in the applicable missing person networks as appropriate.
- (d) A missing person case should not be closed or reclassified because the person would have reached a certain age or adulthood or because the person is now the subject of a criminal or civil warrant.

315.11 TRAINING

Subject to available resources, the Training Manager should ensure that members of this department whose duties include missing person investigations and reports receive regular training that includes:

- (a) The initial investigation:
 - 1. Assessments and interviews
 - 2. Use of current resources, such as Mobile Audio Video (MAV)
 - 3. Confirming missing status and custody status of minors
 - 4. Evaluating the need for a heightened response
 - 5. Identifying the zone of safety based on chronological age and developmental stage
- (b) Briefing of department members at the scene.

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- (c) Identifying NCIC Missing Person File categories (e.g., disability, endangered, involuntary, juvenile and catastrophe).
- (d) Verifying the accuracy of all descriptive information.
- (e) Initiating a neighborhood investigation.
- (f) Investigating any relevant recent family dynamics.
- (g) Addressing conflicting information.
- (h) Key investigative and coordination steps.
- (i) Managing a missing person case.
- (j) Additional resources and specialized services.
- (k) Update procedures for case information and descriptions.
- (l) Preserving scenes.
- (m) Internet and technology issues (e.g., Internet use, cell phone use).
- (n) Media relations.

Public Alerts

316.1 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.

316.2 POLICY

Public alerts may be employed using the Emergency Alert System (EAS), local radio, television and press organizations and other groups to notify the public of incidents, or enlist the aid of the public, when the exchange of information may enhance the safety of the community. Various types of alerts may be available based upon each situation and the alert system's individual criteria.

316.3 RESPONSIBILITIES

316.3.1 EMPLOYEE RESPONSIBILITIES

Employees of the UC San Diego Police Department should notify their supervisor, on-duty 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.

316.3.2 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, and the appropriate Lieutenant when any public alert is generated.

The supervisor in charge of the investigation to which the alert relates is responsible for the following:

- (a) Updating alerts
- (b) Canceling alerts
- (c) Ensuring all appropriate reports are completed
- (d) Preparing an after-action evaluation of the investigation to be forwarded to the Lieutenant

316.4 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.

316.4.1 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.

316.4.2 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 authorized individual to handle media inquiries
 - 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)

316.5 BLUE ALERTS

Blue Alerts may be issued when an officer is killed, injured or assaulted and the suspect may pose a threat to the public or other law enforcement personnel.

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316.5.1 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.

316.5.2 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 authorized individual to handle media inquiries
 - 6. A telephone number for the public to call with leads or information
- (b) The local California Highway Patrol communications center is contacted to initiate a multi-regional or statewide EAS broadcast.
- (c) The information in the press release is forwarded to the Sheriff's Department Emergency Communications Bureau so that general broadcasts can be made to local law enforcement agencies.
- (d) The following resources should be considered as circumstances dictate:
 - 1. Entry into the California Law Enforcement Telecommunication System (CLETS)
 - 2. The FBI local office

316.6 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).

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316.6.1 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.

316.6.2 PROCEDURE FOR SILVER ALERT

Requests for a Silver Alert shall be made through the California Highway Patrol (Government Code § 8594.10).

316.7 MUTUAL AID

The experiences of other law enforcement jurisdictions that have implemented similar plans indicate a public alert will generate a high volume of telephone calls to the handling agency.

The Sheriff's Department emergency communications facilities and staff can be made available in the event of a high call volume.

If the Watch Commander or 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. The Watch Commander will provide a telephone number for the public to call.
- (b) In the press release, direct the public to the telephone number provided by the Sheriff's Department Watch Commander.
- (c) The Public Information Officer will continue to handle all press releases and media inquiries. Any press inquiries received by the Sheriff's Department will be referred back to this department.

The UC San Diego Police Department shall assign a minimum of two detectives/officers to respond to the Sheriff's Department emergency communications facility to screen and relay information and any clues received from incoming calls. As circumstances dictate, more staff resources from the handling law enforcement agency may be necessary to assist the staff at the emergency communications facility.

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316.8 ADDITIONAL ALERTS FOR PUBLIC SAFETY EMERGENCIES

Additional public safety emergency alerts may be authorized that utilize wireless emergency alert system (WEA) and emergency alert system (EAS) equipment for alerting and warning the public to protect lives and save property (Government Code § 8593.7).

316.8.1 CRITERIA

Public safety emergency alerts may be issued to alert or warn the public about events including but not limited to:

- (a) Evacuation orders (including evacuation routes, shelter information, key information).
- (b) Shelter-in-place guidance due to severe weather.
- (c) Terrorist threats.
- (d) HazMat incidents.

316.8.2 PROCEDURE

Public safety emergency alerts should be activated by following the guidelines issued by the Office of Emergency Services (Government Code § 8593.7).

316.9 YELLOW ALERT

A Yellow Alert may be issued when a person is killed due to a hit-and-run incident and the department has specified information concerning the suspect or the suspect's vehicle (Government Code § 8594.15).

316.9.1 CRITERIA FOR YELLOW ALERT

All of the following conditions must be met before activating a Yellow Alert (Government Code § 8594.15):

- (a) A person has been killed due to a hit-and-run incident.
- (b) There is an indication that a suspect has fled the scene utilizing the state highway system or is likely to be observed by the public on the state highway system.
- (c) The department has additional information concerning the suspect or the suspect's vehicle including but not limited to the following:
 - 1. The complete license plate number of the suspect's vehicle.
 - 2. A partial license plate number and additional unique identifying characteristics, such as the make, model, and color of the suspect's vehicle, which could reasonably lead to the apprehension of a suspect.
 - 3. The identity of a suspect.
 - 4. Public dissemination of available information could either help avert further harm or accelerate apprehension of a suspect based on any factor, including but not limited to the time elapsed between a hit-and-run incident and the request or the likelihood that an activation would reasonably lead to the apprehension of a suspect.

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316.9.2 PROCEDURE FOR YELLOW ALERT

Requests for a Yellow Alert shall be made through the California Highway Patrol (Government Code § 8594.15).

316.10 FEATHER ALERT

A Feather Alert may be issued when an indigenous person is reported missing under unexplained or suspicious circumstances (Government Code § 8594.13).

316.10.1 CRITERIA FOR FEATHER ALERT

All of the following conditions must be met before activating a Feather Alert (Government Code § 8594.13):

- (a) The missing person is an indigenous person.
- (b) The Department has utilized local and tribal resources.
- (c) The investigating officer has determined the person has gone missing under unexplained or suspicious circumstances.
- (d) The investigating officer or supervisor believes that the person is in danger because of age, health, mental or physical disability, environment or weather conditions, that the person is in the company of a potentially dangerous person, or that there are other factors indicating that the person may be in peril.
- (e) There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person.

316.10.2 PROCEDURE FOR FEATHER ALERT

Requests for a Feather Alert shall be made through the California Highway Patrol (Government Code § 8594.13).

316.11 ENDANGERED MISSING ADVISORY

An Endangered Missing Advisory may be requested when a person is reported missing who is developmentally disabled, or cognitively impaired, or has been abducted, or is unable to otherwise care for themselves, placing their physical safety at risk (Government Code § 8594.11).

316.11.1 CRITERIA FOR ENDANGERED MISSING ADVISORY

All of the following conditions must be met before activating an Endangered Missing Advisory (Government Code § 8594.11):

- (a) The missing person is developmentally disabled, cognitively impaired, has been abducted or is otherwise unable to care for themselves, placing their physical safety at risk.
- (b) The Department has utilized all available local resources.
- (c) The investigating officer has determined the person has gone missing under unexplained or suspicious circumstances.
- (d) The investigating officer or supervisor believes that the person is in danger because of age, health, mental or physical disability, environment or weather conditions, that

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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.

316.11.2 PROCEDURE FOR ENDANGERED MISSING ADVISORIES

Requests for an endangered missing advisory shall be made through the California Highway Patrol (Government Code § 8594.11).

316.12 EBONY ALERT

An Ebony Alert may be requested when it is determined the alert would be an effective tool in the investigation of missing Black youth, including a young woman or girl (Government Code § 8594.14).

316.12.1 CRITERIA FOR EBONY ALERT

The investigating officer may consider the following factors to make the determination that an Ebony Alert would be an effective tool (Government Code § 8594.14):

- (a) The missing person is between the ages of 12 and 25 years old, inclusive.
- (b) The missing person is missing under circumstances that indicate their physical safety is endangered or they have been subject to trafficking.
- (c) The missing person suffers from a mental or physical disability.
- (d) Determination that the person has gone missing under unexplained or suspicious circumstances.
- (e) Belief 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.
- (f) The Department has utilized all available local resources.
- (g) There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person.

316.12.2 PROCEDURE FOR EBONY ALERT

Requests for an Ebony Alert shall be made through the California Highway Patrol (Government Code § 8594.14).

Victim and Witness Assistance

317.1 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.

317.2 POLICY

The UC San Diego Police Department is committed to providing guidance and assistance to the victims and witnesses of crime. The members of the UC San Diego 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.

317.3 CRIME VICTIM LIAISON

The Chief of Police shall appoint a member of the Department to serve as the crime victim liaison (2 CCR 649.36). The crime victim liaison will be the point of contact for individuals requiring further assistance or information from the UC San Diego Police Department regarding benefits from crime victim resources. This person shall also be responsible for maintaining compliance with all legal mandates related to crime victims and/or witnesses.

317.3.1 CRIME VICTIM LIAISON DUTIES

The crime victim liaison is specifically tasked with the following:

- (a) Developing and implementing written procedures for notifying and providing forms for filing with the California Victim Compensation Board (CalVCB) to crime victims, their dependents, or family. Access to information or an application for victim compensation shall not be denied based on the victim's or derivative victim's designation as a gang member, associate, or affiliate, or on the person's documentation or immigration status (Government Code § 13962; 2 CCR 649.35; 2 CCR 649.36).
- (b) Responding to inquiries concerning the procedures for filing a claim with CalVCB (2 CCR 649.36).
- (c) Providing copies of crime reports requested by CalVCB or victim witness assistance centers. Disclosure of reports must comply with the Records Maintenance and Release Policy.
- (d) Annually providing CalVCB with the crime victim liaison's contact information (Government Code § 13962).
- (e) Developing in consultation with sexual assault experts a sexual assault victim card explaining the rights of victims under California law (Penal Code § 680.2).
 1. Ensuring that sufficient copies of the rights of sexual assault victim card are provided to each provider of medical evidentiary examinations or physical examinations arising out of sexual assault in the UC San Diego Police Department jurisdiction (Penal Code § 680.2).

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- (f) Providing information required by Penal Code § 679.09 of a deceased minor to a parent or guardian of the minor whose death is being investigated.
 - 1. In cases where the parent or guardian of the deceased minor cannot be located, information required by Penal Code § 679.09 shall be provided to the victim's immediate family, upon their request.
- (g) Providing notification to victims of human trafficking or abuse of their right to have a human trafficking advocate and a support person that the victim chooses present during an interview by the Department, prosecutor, or the suspect's defense attorney (Penal Code § 236.21).

317.4 CRIME VICTIMS

Officers should provide all victims with the applicable victim information handouts.

Officers should never guarantee a victim's safety from future harm but may make practical safety suggestions to victims who express fear of future harm or retaliation. Officers should never guarantee that a person qualifies as a victim for the purpose of compensation or restitution but may direct him/her to the proper written department material or available victim resources.

317.4.1 VICTIMS OF HUMAN TRAFFICKING

Officers investigating or receiving a report involving a victim of human trafficking shall inform the victim, or the victim's parent or guardian if the victim is a minor, that upon the request of the victim the names and images of the victim and his/her immediate family members may be withheld from becoming a matter of public record until the conclusion of the investigation or prosecution (Penal Code § 293).

317.5 VICTIM INFORMATION

The Administration Supervisor shall ensure that victim information handouts are available and current 24 hours per day. These should include as appropriate:

- (a) Shelters and other community resources for victims of domestic violence.
- (b) Community resources for victims of sexual assault.
- (c) Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams, and information about evidence collection, storage, and preservation in sexual assault cases (34 USC § 10449; 34 USC § 20109; Penal Code § 13823.95(a)).
- (d) An explanation that victims of sexual assault who seek a standardized medical evidentiary examination shall not be required to participate or agree to participate in the criminal justice system, either prior to the examination or at any other time (Penal Code § 13823.95(b)).
- (e) An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.
- (f) A clear explanation of relevant court orders and how they can be obtained.

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- (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).

317.6 WITNESSES

Officers should never guarantee a witness' safety from future harm or that his/her identity will always remain confidential. Officers may make practical safety suggestions to witnesses who express fear of future harm or retaliation.

Officers should investigate allegations of witness intimidation and take enforcement action when lawful and reasonable.

Hate Crimes

318.1 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.

318.2 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 UC San Diego 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; Penal Code § 422.87).

318.2.1 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, discriminatory selection of victims, resentment, revulsion, contempt, unreasonable fear, paranoia, callousness, thrill-seeking, desire for social dominance, desire for social bonding with those of one's "own kind," or a perception of the vulnerability of the victim due to the victim being perceived as being weak, worthless, or fair game because of a protected characteristic, including but not limited to disability or gender.

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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, regardless of whether it is stereotypically associated with the person's assigned sex at birth.

Gender identity - Gender identity means each person's internal understanding of their gender, or the perception of a person's gender identity, which may include male, female, a combination of male and female, neither male nor female, a gender different from the person's sex assigned at birth, or transgender (2 CCR § 11030).

Hate crime - "Hate crime" includes but is not limited to a violation of Penal Code § 422.6, and means a criminal act committed, in whole or in part, because of one or more of the following actual or perceived characteristics of the victim:

- (a) Disability
- (b) Gender
- (c) Nationality
- (d) Race or ethnicity
- (e) Religion
- (f) Sexual orientation
- (g) Association with a person or group with one or more of these actual or perceived characteristics:

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1. "Association with a person or group with one or more of these actual or perceived characteristics" includes advocacy for, identification with, or being on the premises owned or rented by, or adjacent to, any of the following: a community center, educational facility, family, individual, office, meeting hall, place of worship, private institution, public agency, library, or other entity, group, or person that has, or is identified with people who have, one or more of the characteristics listed in the definition of "hate crime" under paragraphs 1 to 6, inclusive, of Penal Code § 422.55(a).

Note: A "hate crime" need not be motivated by hate but may be motivated by any bias against a protected characteristic.

Hate incident - A hate incident is an action or behavior motivated by hate or bias but legally protected by the First Amendment right to freedom of expression. Examples of hate incidents include:

- Name-calling
- Insults and epithets
- Distributing hate material in public places
- Displaying hate material on your own property

Hate speech - The First Amendment to the U.S. Constitution protects most speech, even when it is disagreeable, offensive, or hurtful. The following types of speech are generally not protected:

- Fighting words
- True threats
- Perjury
- Blackmail
- Incitement to lawless action
- Conspiracy
- Solicitation to commit any crime

In whole or in part - "In whole or in part because of" means that the bias motivation must be a cause in fact of the offense whether or not other causes also exist. When multiple concurrent motives exist, the prohibited bias must be a substantial factor in bringing about the particular result. There is no requirement that the bias be a main factor, or that a crime would not have been committed but for the actual or perceived characteristic.

Nationality - Nationality means country of origin, immigration status, including citizenship, and national origin.

Race or ethnicity - Race or ethnicity includes ancestry, color, and ethnic background.

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Religion - Religion includes all aspects of religious belief, observance, and practice and includes agnosticism and atheism.

Religious bias - In recognizing suspected religion-bias hate crimes, officers should consider whether there were targeted attacks on, or biased references to, symbols of importance to a particular religion or articles considered of spiritual significance in a particular religion (e.g., crosses, hijabs, Stars of David, turbans, head coverings, statues of the Buddha).

Sexual orientation - Sexual orientation means heterosexuality, homosexuality, or bisexuality.

Victim - Victim includes but is not limited to:

- Community center
- Educational facility
- Entity
- Family
- Group
- Individual
- Office
- Meeting hall
- Person
- Place of worship
- Private institution
- Public agency
- Library
- Other victim or intended victim of the offense

318.3 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.

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318.3.1 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) Meeting with residents in target communities to allay fears; emphasizing the department's concern over hate crimes and related incidents; reducing the potential for counter-violence; and providing safety, security, and crime-prevention information. Cultural diversity education and immersion programs (if available) could facilitate this process.
- (b) Finding, evaluating, and monitoring public social media sources to identify possible suspects in reported hate crimes; to identify suspects or suspect groups in future hate crimes or hate incidents affecting individuals, groups, or communities that may be victimized; and to predict future hate-based events.
- (c) Providing direct and referral assistance to the victim and the victim's family.
- (d) Conducting public meetings on hate crime threats and violence in general.
- (e) Establishing relationships with formal community-based organizations and leaders.
- (f) Expanding, where appropriate, preventive programs such as hate, bias, and crime-reduction seminars for students.
- (g) Reviewing the Attorney General's latest opinion on hate crime statistics and targets in order to prepare and plan for future crimes, specifically for Arab/Middle Eastern and Muslim communities (Penal Code § 13519.6(b)(8)).
- (h) Providing orientation of and with communities of specific targeted victims such as immigrant, Muslim, Arab, LGBTQ, Black or African-American, Jewish, and Sikh persons and persons with disabilities.
- (i) Coordinating with the Training Manager to develop a schedule of required hate-crime training and include in a training plan recognition of hate crime bias characteristics, including information on general underreporting of hate crimes.
- (j) Verifying a process is in place to provide this policy and related orders to officers in the field and taking reasonable steps to rectify the situation if such a process is not in place.
- (k) Taking reasonable steps to ensure hate crime data is provided to the Records Section for mandated reporting to the Department of Justice.
 - 1. Ensure the California Department of Justice crime data is posted monthly on the department website (Penal Code § 13023).
- (l) Reporting any suspected multi-mission extremist crimes to the department Terrorism Liaison Officer, the assigned designee, or other appropriate resource; and verifying that such data is transmitted to the Joint Regional Information Exchange System in accordance with the protocols of the Records Section Policy.
- (m) Maintaining the department's supply of up-to-date hate crimes brochures (Penal Code § 422.92; Penal Code § 422.87).

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- (n) Submitting required hate crime materials to the California Department of Justice in accordance with the timeline established by state law (Penal Code § 13023).
- (o) Annually assessing this policy, including:
 1. Keeping abreast of POST model policy framework for hate crimes for revisions or additions, including definitions, responsibilities, training resources, the supplemental hate crime report, and planning and prevention methods.
 2. Analysis of the department's data collection as well as the available outside data (e.g., annual California Attorney General's report on hate crime) in preparation for and response to future hate crimes.

318.3.2 RELEASE OF INFORMATION

Establishing a relationship with stakeholders, before any incident occurs, to develop a network and protocol for disclosure often assists greatly in any disclosure.

The benefit of public disclosure of hate crime incidents includes:

- (a) Dissemination of correct information.
- (b) Assurance to affected communities or groups that the matter is being properly and promptly investigated.
- (c) The ability to request information regarding the commission of the crimes from the victimized community.

Information or records relating to hate crimes subject to public disclosure shall be released as provided by the Records Maintenance and Release Policy or as allowed by law. In accordance with the Media Relations Policy, the supervisor, public information officer, or the authorized designee should be provided with information that can be responsibly reported to the media. When appropriate, the department spokesperson should reiterate that hate crimes will not be tolerated, will be investigated seriously, and will be prosecuted to the fullest extent of the law.

The Department should consider the following when releasing information to the public regarding hate crimes and hate incidents that have been reported within the jurisdiction:

- Inform community organizations in a timely manner when a community group has been the target of a hate crime.
- Inform the community of the impact of these crimes on the victim, the victim's family, and the community, and of the assistance and compensation available to victims.
- Inform the community regarding hate crime law and the legal rights of, and remedies available to, victims of hate crimes.
- Provide the community with ongoing information regarding hate crimes and/or hate incidents.

318.4 RESPONSE, VICTIM ASSISTANCE, AND FOLLOW-UP

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318.4.1 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.
 3. The offer of victim confidentiality per Government Code § 7923.615.
 4. Prior occurrences in this area or with this victim.
 5. Statements made by suspects; exact wording is critical.

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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.

318.4.2 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 (hard core).
- (b) Utilize investigative techniques and methods to handle hate crimes or hate incidents in a professional manner.
- (c) Utilize proper techniques for interviewing people with disabilities and be aware of and provide appropriate accommodations (e.g., ADA standards, Braille, visuals, translators for the deaf or hard of hearing).
- (d) Properly investigate any report of a hate crime committed under the color of authority per Penal Code § 422.6 and Penal Code § 13519.6.
- (e) Document physical evidence or indicators of hate crimes, in accordance with the provisions of the Property and Evidence Policy, such as:
 1. Hate literature.
 2. Spray paint cans.
 3. Threatening letters.
 4. Symbols used by hate groups.
 5. Desecration of religious symbols, objects, or buildings.
- (f) Request the assistance of translators or interpreters when needed to establish effective communication.
- (g) Conduct a preliminary investigation and record information regarding:
 1. Identity of suspected perpetrators.

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2. Identity of witnesses, including those no longer at the scene.
 3. Offer of victim confidentiality per Government Code § 7923.615.
 4. Prior occurrences, in this area or with this victim.
 5. Statements made by suspects; exact wording is critical.
 6. 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.

318.4.3 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:
1. Expressing the department's official position on the importance of these cases and the measures that will be taken to apprehend the perpetrators.
 2. Expressing the department's interest in protecting victims' anonymity (confidentiality forms, Government Code § 7923.615) to the extent reasonably possible. Allow the victims to convey their immediate concerns and feelings.

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3. Identifying individuals or agencies that may provide victim assistance and support. Local victim assistance resources may include family members or close acquaintances, clergy, or a department chaplain, as well as community service agencies that provide shelter, food, clothing, child care, or other related services (per Penal Code § 422.92).
- (b) Take reasonable steps to ensure that all relevant facts are documented on an incident and/or arrest report and make an initial determination as to whether the incident should be classified as a hate crime for federal and state bias-crimes reporting purposes.
- (c) Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.
- (d) In cases of large-scale hate crime waves, or in circumstances where the potential exists for subsequent hate crimes or incidents, consider directing resources to protect vulnerable sites (such as assigning an officer to specific locations that could become targets).
- (e) Verify hate crimes are being properly reported, including reporting to the Department of Justice, pursuant to Penal Code § 13023.
- (f) Verify adherence to Penal Code § 422.93, which protects hate crime victims and witnesses from being reported to federal immigration authorities if they have not committed any crime under state law. Supervisors should also be aware of the immigration remedies available to victims of crime (e.g., U-Visa, T-Visa, S-Visa).
- (g) Respond to and properly initiate an investigation of any reports of hate crimes committed under the color of authority.
- (h) Provide appropriate assistance, including activating the California Department of Justice hate crime rapid response protocol if necessary. For additional information refer to the California Department of Justice website.
- (i) Verify reporting of any suspected multi-mission extremist crimes to the agency Hate Crimes Coordinator.
- (j) Make a final determination as to whether the incident should be classified as a hate crime and forward to the Chief of Police for approval.

318.5 TRAINING

All members of this department will receive POST-approved training on hate crime recognition and investigation as provided by Penal Code § 13519.6. Training should include (Penal Code § 422.87):

- (a) Recognition of bias motivators such as ranges of attitudes and perceptions toward a specific characteristic or group, including disability bias, gender bias, and religion bias.
- (b) Accurate reporting by officers, including information on the general underreporting of hate crimes.
- (c) Distribution of hate crime brochures.

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318.6 APPENDIX

See attachments:

[Statutes and Legal Requirements.pdf](#)

[Hate Crime Checklist.pdf](#)

[Supplemental Hate Crime Report.pdf](#)

Standards of Conduct

319.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the UC San Diego 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.

319.2 POLICY

The continued employment or appointment of every member of the UC San Diego Police Department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether on- or off-duty, may be cause for disciplinary action.

319.3 DIRECTIVES AND ORDERS

Members shall comply with lawful directives and orders from any department supervisor or person in a position of authority, absent a reasonable and bona fide justification.

319.3.1 UNLAWFUL OR CONFLICTING ORDERS

Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or department policy. Supervisors should not issue orders that conflict with any previous order without making reasonable clarification that the new order is intended to countermand the earlier order.

No member is required to obey any order that appears to be in direct conflict with any federal law, state law or local ordinance. Following a known unlawful order is not a defense and does not relieve the member from criminal or civil prosecution or administrative discipline. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or shall confer with a higher authority. The responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

Unless it would jeopardize the safety of any individual, members who are presented with a lawful order that is in conflict with a previous lawful order, department policy or other directive shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the lawful order is intended to countermand the previous lawful order or directive, in which case the member is obliged to comply. Members who are compelled to follow a conflicting lawful order after having given the issuing supervisor the opportunity to correct the conflict, will not be held accountable for disobedience of the lawful order or directive that was initially issued.

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The person countermanning the original order shall notify, in writing, the person issuing the original order, indicating the action taken and the reason.

319.3.2 SUPERVISOR RESPONSIBILITIES

Supervisors and managers are required to follow all policies and procedures and may be subject to discipline for:

- (a) Failure to be reasonably aware of the performance of their subordinates or to provide appropriate guidance and control.
- (b) Failure to promptly and fully report any known misconduct of a member to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.
- (c) Directing a subordinate to violate a policy or directive, acquiesce to such a violation, or are indifferent to any such violation by a subordinate.
- (d) The unequal or disparate exercise of authority on the part of a supervisor toward any member for malicious or other improper purpose.

319.4 GENERAL STANDARDS

Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and California constitutions and all applicable laws, ordinances, and rules enacted or established pursuant to legal authority.

Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Members should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

Discipline may be initiated for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct.

319.5 CAUSES FOR DISCIPLINE

The following are illustrative of causes for disciplinary action. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for violation of other rules, standards, ethics and specific action or inaction that is detrimental to efficient department service:

319.5.1 LAWS, RULES AND ORDERS

- (a) Violation of, or ordering or instructing a subordinate to violate any policy, procedure, rule, order, directive, requirement or failure to follow instructions contained in department or University manuals.
- (b) Disobedience of any legal directive or order issued by any department member of a higher rank.
- (c) Violation of federal, state, local or administrative laws, rules or regulations.

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319.5.2 ETHICS

- (a) Using or disclosing one's status as a member of the UC San Diego Police Department in any way that could reasonably be perceived as an attempt to gain influence or authority for nondepartment business or activity.
- (b) The wrongful or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit or any other improper purpose.
- (c) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the member's duties (lawful subpoena fees and authorized work permits excepted).
- (d) Acceptance of fees, gifts or money contrary to the rules of this department and/or laws of the state.
- (e) Offer or acceptance of a bribe or gratuity.
- (f) Misappropriation or misuse of public funds, property, personnel or services.
- (g) Any other failure to abide by the standards of ethical conduct.

319.5.3 DISCRIMINATION, OPPRESSION, OR FAVORITISM

Unless required by law or policy, discriminating against, oppressing, or providing favoritism to any person because of actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, economic status, cultural group, veteran status, marital status, and any other classification or status protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing the conduct is unlawful.

319.5.4 RELATIONSHIPS

- (a) Unwelcome solicitation of a personal or sexual relationship while on duty or through the use of one's official capacity.
- (b) Engaging in on-duty sexual activity, including but not limited to sexual intercourse, excessive displays of public affection, or other sexual contact.
- (c) Establishing or maintaining an inappropriate personal or financial relationship, as a result of an investigation, with a known victim, witness, suspect, or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact.
- (d) Associating with or joining a criminal gang, organized crime, and/or criminal syndicate when the member knows or reasonably should know of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by this department.
- (e) Associating on a personal, rather than official basis with persons who demonstrate recurring involvement in serious violations of state or federal laws after the member knows, or reasonably should know of such criminal activities, except as specifically directed and authorized by this department.
- (f) Participation in a law enforcement gang as defined by Penal Code § 13670. Participation is grounds for termination (Penal Code § 13670).

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319.5.5 ATTENDANCE

- (a) Leaving the job to which the member is assigned during duty hours without reasonable excuse and proper permission and approval.
- (b) Unexcused or unauthorized absence or tardiness.
- (c) Excessive absenteeism or abuse of leave privileges.
- (d) Failure to report to work or to the place of assignment at the time specified and fully prepared to perform duties without reasonable excuse.

319.5.6 UNAUTHORIZED ACCESS, DISCLOSURE, OR USE

- (a) Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms, or reports obtained as a result of the member's position with this department.
 - (a) Members of this department shall not disclose the name, address, or image of any victim of human trafficking except as authorized by law (Penal Code § 293).
- (b) Disclosing to any unauthorized person any active investigation information.
- (c) The use of any information, photograph, video, or other recording obtained or accessed as a result of employment or appointment to this department for personal or financial gain or without the express authorization of the Chief of Police or the authorized designee.
- (d) Loaning, selling, allowing unauthorized use, giving away, or appropriating any department property for personal use, personal gain, or any other improper or unauthorized use or purpose.
- (e) Using department resources in association with any portion of an independent civil action. These resources include but are not limited to personnel, vehicles, equipment, and nonsubpoenaed records.

319.5.7 EFFICIENCY

- (a) Neglect of duty.
- (b) Unsatisfactory work performance including but not limited to failure, incompetence, inefficiency, or delay in performing and/or carrying out proper orders, work assignments, or the instructions of supervisors without a reasonable and bona fide excuse.
- (c) Concealing, attempting to conceal, removing, or destroying defective or incompetent work.
- (d) Unauthorized sleeping during on-duty time or assignments.
- (e) Failure to notify the Department within 24 hours of any change in residence address or contact numbers.
- (f) Failure to notify the Department of Human Resources of changes in relevant personal information (e.g., information associated with benefits determination) in a timely fashion.

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319.5.8 PERFORMANCE

- (a) Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any workrelated investigation.
- (b) The falsification of any work-related records, making misleading entries or statements with the intent to deceive or the willful and unauthorized removal, alteration, destruction and/or mutilation of any department record, public record, book, paper or document.
- (c) Failure to participate in, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any department related business.
- (d) Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of this department or its members.
- (e) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this department or subverts the good order, efficiency and discipline of this department or that would tend to discredit any of its members.
- (f) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:
 - 1. While on department premises.
 - 2. At any work site, while on duty or while in uniform, or while using any department equipment or system.
 - 3. Gambling activity undertaken as part of an officer official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.
- (g) Improper political activity including:
 - 1. Unauthorized attendance while on duty at official legislative or political sessions.
 - 2. Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on duty or, on department property except as expressly authorized by University policy, the memorandum of understanding, or the Chief of Police.
- (h) Engaging in political activities during assigned working hours except as expressly authorized by University policy, the memorandum of understanding, or the Chief of Police.
- (i) Any act on or off duty that brings discredit to this department.

319.5.9 CONDUCT

- (a) Failure of any member to promptly and fully report activities on his/her part or the part of any other member where such activities resulted in contact with any other law

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- enforcement agency or that may result in criminal prosecution or discipline under this policy.
- (b) Unreasonable and unwarranted force to a person encountered or a person under arrest.
 - (c) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.
 - (d) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily harm on another.
 - (e) Engaging in horseplay that reasonably could result in injury or property damage.
 - (f) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this department or the University.
 - (g) Use of obscene, indecent, profane or derogatory language while on duty or in uniform.
 - (h) Criminal, dishonest, or disgraceful conduct, whether on- or off-duty, that adversely affects the member's relationship with this department.
 - (i) Unauthorized possession of, loss of, or damage to department property or the property of others, or endangering it through carelessness or maliciousness.
 - (j) Attempted or actual theft of department property; misappropriation or misuse of public funds, property, personnel or the services or property of others; unauthorized removal or possession of department property or the property of another person.
 - (k) Activity that is incompatible with a member's conditions of employment or appointment as established by law or that violates a provision of any memorandum of understanding or contract to include fraud in securing the appointment or hire.
 - (l) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without first notifying the Chief of Police of such action.
 - (m) Any other on or off duty conduct which any member knows or reasonably should know is unbecoming a member of this department, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this department or its members.

319.5.10 SAFETY

- (a) Failure to observe or violating department safety standards or safe working practices.
- (b) Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver license, first aid).
- (c) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.
- (d) Unsafe firearm or other dangerous weapon handling to include loading or unloading firearms in an unsafe manner, either on- or off- duty.
- (e) Carrying, while on the premises of the work place, any firearm or other lethal weapon that is not authorized by the member's appointing authority.

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- (f) Unsafe or improper driving habits or actions in the course of employment or appointment.
- (g) Any personal action contributing to a preventable traffic collision.
- (h) Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable but within 24 hours.

319.5.11 INTOXICANTS

- (a) Reporting for work or being at work while intoxicated or when the member's ability to perform assigned duties is impaired due to the use of alcohol, medication or drugs, whether legal, prescribed or illegal.
- (b) Possession or use of alcohol at any work site or while on-duty, except as authorized in the performance of an official assignment. A member who is authorized to consume alcohol is not permitted to do so to such a degree that it may impair on-duty performance.
- (c) Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug or non-prescribed medication to any work site.

Information Technology Use

320.1 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.

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

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

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

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

320.2 POLICY

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

320.3 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).

320.4 RESTRICTED USE

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

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

320.4.1 SOFTWARE

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

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

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

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

Introduction of software by employees should only occur as part of the automated maintenance or update process of department- or University-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.

320.4.2 HARDWARE

Access to technology resources provided by or through the Department shall be strictly limited to department-related activities. Data stored on or available through department computer systems shall only be accessed by authorized employees who are engaged in an active investigation, assisting in an active investigation, or who otherwise have 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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320.4.3 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.

320.4.4 OFF-DUTY USE

Employees 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.

320.5 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.

320.5.1 LOCAL NETWORK DATA BACKUP

All data stored on department servers will be backed up at least daily, and securely stored for a minimum of three (3) years or as otherwise required by law, regulation or policy. Recovery of backed-up department data may only be conducted as authorized by the department Administrative and Business Manager or as directed by a member of UC San Diego Police Department command staff.

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320.5.2 DEPARTMENT SERVERS - PHYSICAL SECURITY

Department servers shall be stored in a secure location with access control measures in place to prevent unauthorized access. Access to department servers shall be restricted to Information Technology Services (ITS) personnel, members of the UC San Diego Police Department command staff, and others as specifically authorized by the Chief of Police

320.6 INFORMATION TECHNOLOGY MANAGEMENT

The department Administrative and Business Manager is the primary computer network administrator for all department servers, workstations and connected computer systems (hardware and software). The Administrative and Business manager is responsible for coordinating department network security (both physical and digital), data back-up and recovery, internal & external connectivity, and system access passwords. The Administrative and Business Manager is also responsible for ensuring department compliance with all applicable laws, regulations and policies including security standards as established by the UC San Diego Information Security Office.

320.6.1 DELEGATED SYSTEMS MANAGEMENT

Managers or other qualified department members may be designated as administrators for specific systems within the department computer network as necessary and appropriate. If no system administrator has been designated, the management responsibilities for that system default to the department Administrative and Business Manager. The Administrative and Business Manager is responsible to coordinate support for all department connected computer systems and system administrators as necessary.

320.7 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 the cause.

Reasons for inspection or review may include, but are not limited to, computer system malfunctions, problems or general computer system failure, a lawsuit against the Department involving one of its employees or an employee's duties, an alleged or suspected violation of any department policy, a request for disclosure of data, or a need to perform or provide a service.

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

Department Use of Social Media

321.1 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 employees (see 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).

321.1.1 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

321.2 POLICY

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

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

321.3 AUTHORIZED USERS

Only employees authorized by the Chief of Police or the authorized designee may utilize social media on behalf of the Department. Authorized employees 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 employees who are not authorized to post should be made through the member's chain of command.

321.4 AUTHORIZED CONTENT

Only content that is appropriate for public release, that supports the department mission and conforms to all department policies regarding the release of information may be posted.

Examples of appropriate content include:

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- (a) Announcements.
- (b) Tips and information related to crime prevention.
- (c) Investigative requests for information.
- (d) Requests that ask the community to engage in projects that are relevant to the department mission.
- (e) Real-time safety information that is related to in-progress crimes, geographical warnings or disaster information.
- (f) Traffic information.
- (g) Press releases.
- (h) Recruitment of personnel.

321.4.1 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 University Communications or the authorized designee will be responsible for the compilation of information to be released, subject to the approval of the Chief of Police or designated member of the command staff.

321.5 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 UC San Diego Police Department or its employees.
- (e) Any information that could compromise the safety and security of department operations, employees of the Department, victims, suspects or the public.
- (f) Any content posted for personal use.
- (g) Any content that has not been properly authorized by this policy or a supervisor.

Any employee who becomes aware of content on this department's social media site that he/she believes is unauthorized or inappropriate should promptly report such content to a supervisor. The supervisor will ensure its removal from public view and investigate the cause of the entry.

321.5.1 PUBLIC POSTING PROHIBITED

Department social media sites shall be designed and maintained to prevent posting of content by the public.

The Department may provide a method for employees of the public to contact department members directly.

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321.6 MONITORING CONTENT

The Chief of Police will appoint a supervisor to review, at least annually, the use of department social media and report back on, at a minimum, the resources being used, the effectiveness of the content, any unauthorized or inappropriate content and the resolution of any issues.

321.7 RETENTION OF RECORDS

The Business Manager should work with the Records Unit Supervisor to establish a method of ensuring that public records generated in the process of social media use are retained in accordance with established records retention schedules.

321.8 TRAINING

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

Report Preparation and Case Management

322.1 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.

322.1.1 REPORT PREPARATION

Employees should ensure that reports are sufficiently detailed for their purpose and free from errors prior to submission. It is the responsibility of the assigned employee to complete and submit all reports taken during the shift before going off-duty unless permission to hold the report has been approved by a supervisor. Generally, reports requiring prompt follow-up action on active leads, or arrest reports where the suspect remains in custody should not be held. It is the employee's responsibility to ensure that arrest reports are approved before the employee goes off-duty whenever the suspect remains in custody, unless permission has been given by a supervisor to complete the report at a later time.

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.

322.2 REQUIRED REPORTING

Written reports are required in all of the following situations on the appropriate department approved form unless otherwise approved by a supervisor.

322.2.1 CRIMINAL ACTIVITY

When an employee 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

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- (d) Situations covered by separate policy. These include:
 - 1. Use of Force Policy
 - 2. Domestic Violence Policy
 - 3. Child Abuse Policy
 - 4. Senior and Disability Victimization Policy
 - 5. Hate Crimes Policy
 - 6. Suspicious Activity Reporting Policy
- (e) All misdemeanor crimes where the victim desires a report
- (f) Any collection of evidence (including the circumstances of each item's collection)

Misdemeanor crimes where the victim does not desire a report shall be documented using the department-approved alternative reporting method (e.g., dispatch log).

322.2.2 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 collection of property for safekeeping or destruction (including the circumstances of each item's collection)
- (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

322.2.3 DEATH CASES

Death investigations require specific investigation methods depending on circumstances and should be handled in accordance with the Death Investigations Policy. The handling officer should notify and apprise a supervisor of the circumstances surrounding the incident to determine how to proceed. The following cases shall be appropriately investigated and documented using the approved report:

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- (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.

322.2.4 INJURY OR DAMAGE BY UNIVERSITY PERSONNEL

Reports shall be taken if an injury occurs that is a result of an act of a University employee. Additionally, in some cases, reports may be taken involving damage to University property or University equipment.

322.2.5 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
- (e) In any situation where there may be a question of liability on the part of the University

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.

322.2.6 MANDATORY REPORTING OF JUVENILE GUNSHOT INJURIES

A report shall be taken when any incident in which a child 18 years or younger suffered an unintentional or self-inflicted gunshot wound. The Records Section shall notify the California Department of Public Health (CDPH) of the incident as required by CDPH (Penal Code § 23685).

322.2.7 ALTERNATE REPORTING FOR VICTIMS

Reports that may be submitted by the public via online or other self-completed reporting processes include:

- (a) Lost property.
- (b) Misdemeanor thefts of property, other than firearms or materials that threaten public safety, when there is no suspect information, serial number or ability to trace the item.
 - 1. Misdemeanor thefts of cellular telephones may be reported even though they have a serial number.
- (c) Misdemeanor vandalism with no suspect information and no hate crime implications.
- (d) Vehicle burglaries with no suspect information or evidence.

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- (e) Stolen vehicle attempts with no suspect information or evidence.
- (f) Annoying telephone calls with no suspect information.
- (g) Identity theft without an identifiable suspect.
- (h) Online or email fraud solicitations without an identifiable suspect and if the financial loss classifies the crime as a misdemeanor.
- (i) Hit-and-run vehicle collisions with no suspect or suspect vehicle.
- (j) Supplemental property lists.

Members at the scene of one of the above incidents should not refer the reporting party to an alternate means of reporting without authorization from a supervisor. Members may refer victims to online victim assistance programs (e.g., Federal Communications Commission (FCC) website for identity theft, Internet Crime Complaint Center (IC3) website for computer crimes).

322.3 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.

322.3.1 GENERAL POLICY OF HANDWRITTEN REPORTS

Generally all reports will be typed into RIMS. Some report forms and other departmental forms must be filled out by hand. Reports that are handwritten must be printed legibly in block printing.

Supervisors may require, with the foregoing general policy in mind, block printing or typing of reports of any nature for departmental consistency.

322.3.2 GENERAL USE OF OTHER HANDWRITTEN FORMS

County, state and federal agency forms may be block printed as appropriate. In general, the form itself may make the requirement for typing apparent.

322.4 REPORT CORRECTIONS

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should inform the reporting officer 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. Each officer is responsible during their shift to see if they have reports that require correction.

322.5 REPORT CHANGES OR ALTERATIONS

Reports that have been approved by a supervisor and locked following review by the Records Division shall not be modified or altered except with the approval of the Records/Communication Manager. If the report has been released outside the department, any changes will be made by way of a supplemental report. Reviewed reports that have not yet been submitted to the Records Division may be corrected or modified by the authoring officer only with the knowledge

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and authorization of the reviewing supervisor. Once a supervisor has approved the report, no changes may be made to the narrative section of the report without the consent of the approving supervisor.

322.6 CASE FILE MANAGEMENT

Unless reassigned by a supervisor, the assigned primary officer for an incident shall be designated as the case officer, responsible to complete and/or coordinate the completion of all investigation and necessary documentation arising from that incident. The case officer is responsible to ensure that all necessary follow-up investigation and efforts are completed and documented within the Records Management System (RMS), including any tasks assigned by a supervisor.

322.6.1 CASE REASSIGNMENT

If necessary to complete any investigation or follow-up effort, a patrol supervisor may assign any officer on their team to take primary responsibility as the case officer for any case. A patrol supervisor may also assign one or more specific investigatory or follow-up tasks to any number of officers on their team. Patrol supervisors should utilize the Records Management System (RMS) to document all such assignments, and may optionally set a completion date for each task. Patrol supervisors should alert the Investigations supervisor or manager of any case that appears to require reassignment to a detective, via RMS. The Investigations supervisor or manager should review all such cases and determine if a detective will be assigned to take primary responsibility, or if the case will be returned to the original case officer, or if the case will be given a final case status, and utilize/update RMS accordingly.

322.6.2 CASE STATUS SELECTION AND UPDATES

Upon submission in the Records Management System (RMS), all cases (whether criminal or non-criminal) require a status. The case officer is responsible for designating and updating the case status to accurately reflect the current state of the investigation or follow-up efforts.

Active - A case with outstanding investigatory or other follow-up efforts pending or in progress.

Inactive - A case for which no additional investigation or follow-up efforts are currently planned, and all assigned tasks have been completed or canceled.

Closed - A criminal case in which there is sufficient probable cause to make an arrest (or the equivalent).

If the case is Inactive or Closed, the case officer must also specify the reason, by selecting the most appropriate option that appears in the RMS menus. The statuses of Inactive and Closed are considered "final" statuses for the case, but cases may be re-activated by a supervisor if necessary. The case officer's supervisor is responsible for verifying that the appropriate case status (and reason) has been selected upon reviewing and approving the report, and may update it if necessary.

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322.6.3 UNFOUNDED CASES

"Unfounded" refers to a criminal case for which there is sufficient evidence to reasonably conclude that the alleged crime is false or baseless, meaning it did not occur or was never attempted. Criminal allegations shall not be designated as "Unfounded" simply because they are unsubstantiated or implausible. The case status of inactive for the reason "Unfounded" may only be selected with specific approval from a supervisor or manager.

322.7 INVESTIGATORY INFORMATION ACCESS AND SECURITY

Access to investigatory reports and materials is limited to authorized department members. Refer to the department Records Section policy and Records Maintenance and Release policy for details. During the course of an active investigation, involved department members shall maintain the security of all related reports, documents, drafts, notes, diagrams, images, digital evidence, physical evidence and any other information of material relevance (including personal identifiable information of involved parties) which they might possess. When a case is set to the status of Inactive or Closed, involved department members shall upload all relevant investigatory materials to be retained into the RMS case file, or preserve them as evidence if appropriate. No other physical or electronic investigative materials or copies thereof shall be retained or disseminated, and instead shall be securely destroyed or deleted.

322.7.1 SUPPLEMENTARY INVESTIGATIONS FILES

Notwithstanding, the Investigations Unit supervisor or manager may securely maintain supplementary physical investigation files pertaining to Inactive or Closed cases for the purpose of investigative expediency. These supplementary files shall be considered an extension of the corresponding case files permanently maintained within the RMS, and may consist of the following types:

- (a) Major crime archives, for felony criminal cases with an elevated potential to be re-opened within the applicable statute of limitations. The content of major crime archive files shall not exceed what has been preserved within the corresponding RMS file and/or as evidence related to that case.
- (b) Threat investigation Records are secured within the Investigations Unit.

322.8 ELECTRONIC SIGNATURES

The UC San Diego Police Department has established an electronic signature procedure for use by all employees of the UC San Diego Police Department. The Operations Lieutenant shall be responsible for maintaining the electronic signature system and ensuring that each employee creates a unique, confidential password for his/her electronic signature.

- Employees may only use their electronic signature for official reports or other official communications.
- Each employee shall be responsible for the security and use of his/her electronic signature and shall promptly notify a supervisor if the electronic signature has or may have been compromised or misused.

Media Relations

323.1 PURPOSE AND SCOPE

This policy provides guidelines for the release of official department information to the media. It also addresses coordinating media access to scenes of disasters, criminal investigations, emergencies, and other law enforcement activities.

323.2 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Chief of Police. In situations not warranting immediate notice to the Chief of Police and in situations where the Chief of Police has given prior approval, Lieutenants, Watch Commanders, and designated University Communication official may prepare and release information to the media in accordance with this policy and the applicable laws regarding confidentiality.

323.3 ACCESS

Authorized media representatives shall be provided access to scenes of disasters, criminal investigations, emergencies, and other law enforcement activities as required by law.

Access by the media is subject to the following conditions (Penal Code § 409.5(d)):

- (a) The media representative shall produce valid press credentials that shall be prominently displayed at all times while in areas otherwise closed to the public. Media representatives may not bring or facilitate the transport of an unauthorized person into a closed area unless it is for the safety of the person.
- (b) Media representatives may be prevented from interfering with emergency operations and criminal investigations.
 1. Based upon available resources, reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency or criminal investigation operations. All information released to the media should be coordinated through the PIO or other designated spokesperson.
- (c) No member of this department who is under investigation shall be subjected to media visits or interviews without the consent of the involved member (Government Code § 3303(e)).
- (d) Media interviews with individuals who are in custody should not be permitted without the approval of the Chief of Police and the express consent of the person in custody.

323.3.1 CRITICAL OPERATIONS

A critical incident or tactical operation should be handled in the same manner as a crime scene, except the media should not be permitted within the inner perimeter of the incident, subject to any restrictions as determined by the supervisor in charge. Department members shall not jeopardize a critical incident or tactical operation in order to accommodate the media. All comments to the media shall be coordinated through the Chief of Police or University Communications.

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323.3.2 TEMPORARY FLIGHT RESTRICTIONS

Whenever the presence of media or other aircraft pose a threat to public or member safety or significantly hamper incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for a TFR should be routed through the Watch Commander. The TFR request should include specific information regarding the perimeter and altitude necessary for the incident and should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration (FAA) should be contacted (14 CFR 91.137).

323.4 POLICY

It is the policy of the UC San Diego Police Department to protect the privacy rights of individuals, while releasing non-confidential information to the media regarding topics of public concern. Information that has the potential to negatively affect investigations will not be released.

323.5 PROVIDING ADVANCE INFORMATION

To protect the safety and rights of department members and other persons, advance information about planned actions by law enforcement personnel, such as movement of persons in custody or the execution of an arrest or search warrant, should not be disclosed to the media, nor should media representatives be invited to be present at such actions except with the prior approval of the Chief of Police.

Any exceptions to the above should only be considered for the furtherance of legitimate law enforcement purposes. Prior to approving any exception, the Chief of Police will consider, at a minimum, whether the release of information or presence of the media would unreasonably endanger any individual, prejudice the rights of any person, or is otherwise prohibited by law.

323.6 MEDIA REQUESTS

Any media request for information or access to a law enforcement incident shall be referred to the Chief of Police or University Communications, or if unavailable, to the first available supervisor. Prior to releasing any information to the media, members shall consider the following:

- (a) At no time shall any member of this department make any comment or release any official information to the media without prior approval from a supervisor or University Communications.
- (b) In situations involving multiple agencies or government departments, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this department.
- (c) Under no circumstance should any member of this department make any comments to the media regarding any law enforcement incident not involving this department without prior approval of the Chief of Police. Under these circumstances the member should direct the media to the agency handling the incident.

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323.7 CONFIDENTIAL OR RESTRICTED INFORMATION

It shall be the responsibility of the Chief of Police or authorized designee to ensure that confidential or restricted information is not inappropriately released to the media (see the Records Maintenance and Release and Personnel Records policies). When in doubt, authorized and available legal counsel should be consulted prior to releasing any information.

323.7.1 EMPLOYEE INFORMATION

The identities of officers involved in shootings or other critical incidents may only be released to the media upon the consent of the involved officer or upon a formal request filed.

Any requests for copies of related reports or additional information not contained in the information log (see the Information Log section in this policy), including the identity of officers involved in shootings or other critical incidents, shall be referred to the Chief of Police or authorized designee.

Requests should be reviewed and fulfilled by the Custodian of Records, or if unavailable, the Watch Commander or the authorized designee. Such requests will be processed in accordance with the provisions of the Records Maintenance and Release Policy and public records laws.

323.8 RELEASE OF INFORMATION

The Department may routinely release information to the media without receiving a specific request. This may include media releases regarding critical incidents, information of public concern, updates regarding significant incidents, or requests for public assistance in solving crimes or identifying suspects. This information may also be released through the department website or other electronic data sources.

323.8.1 INFORMATION LOG

The Department will maintain a daily information log of significant law enforcement activities. Log entries shall only contain information that is deemed public information and not restricted or confidential by this policy or applicable law. Upon request, the log entries shall be made available to media representatives through the Watch Commander.

The daily information log will generally include:

- (a) The date, time, location, case number, type of crime, extent of injury or loss, and names of individuals involved in crimes occurring within this jurisdiction, unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation, or the information is confidential (e.g., juveniles or certain victims).
- (b) The date, time, location, case number, name, birth date, and charges for each person arrested by this department, unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation or the information is confidential (e.g., juveniles).
- (c) The time and location of other significant law enforcement activities or requests for service with a brief summary of the incident.

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At no time shall identifying information pertaining to a juvenile arrestee (13 years of age and under), victim, or witness be publicly released without prior approval of a competent court. The identity of a minor 14 years of age or older shall not be publicly disclosed unless the minor has been arrested for a serious felony and the release of such information has been approved by the Watch Commander (Welfare and Institutions Code § 827.5).

Identifying information concerning deceased individuals shall not be released to the media until notification of next of kin or otherwise cleared through the Medical Examiner.

Any requests for copies of related reports or additional information not contained in this log shall be referred to the designated department media representative, the custodian of records, or if unavailable, to the Watch Commander. Such requests will generally be processed in accordance with the provisions of the Public Records Act (see the Records Maintenance and Release Policy).

Subpoenas and Court Appearances

324.1 PURPOSE AND SCOPE

This policy establishes the guidelines for department members who must appear in court. It will allow the UC San Diego Police Department to cover any related work absences and keep the Department informed about relevant legal matters.

324.2 POLICY

UC San Diego Police Department members will respond appropriately to all subpoenas and any other court-ordered appearances.

324.3 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 department 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)).

324.3.1 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 Campus Counsel or the prosecutor shall notify his/her immediate supervisor without delay regarding:

- (a) Any civil case where the University 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 UC San Diego Police Department.
- (e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the UC San Diego 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.

324.3.2 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.

324.3.3 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.

324.4 FAILURE TO APPEAR

Any member who fails to comply with the terms of any properly served subpoena or court-ordered appearance may be subject to discipline. This includes properly served orders to appear that were issued by a state administrative agency.

324.5 STANDBY

To facilitate standby agreements, members are required to provide and maintain current information on their addresses and contact telephone numbers with the Department.

If a member on standby changes his/her location during the day, the member shall notify the designated department member of how he/she can be reached. Members are required to remain on standby until released by the court or the party that issued the subpoena.

324.6 COURTROOM PROTOCOL

When appearing in court, members shall:

- (a) Be punctual and prepared to proceed immediately with the case for which they are scheduled to appear.
- (b) Dress in the department uniform or business attire.

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- (c) Observe all rules of the court in which they are appearing and remain alert to changes in the assigned courtroom where their matter is to be heard.

324.6.1 TESTIMONY

Before the date of testifying, the subpoenaed member shall request a copy of relevant reports and become familiar with the content in order to be prepared for court.

324.7 OVERTIME APPEARANCES

When a member appears in court on his/her off-duty time, he/she will be compensated in accordance with the current memorandum of understanding or collective bargaining agreement.

Administrative Hearings

325.1 PURPOSE AND SCOPE

Department employees are occasionally needed as witnesses in various University related hearings. These hearings include, but are not limited to Student Conduct Hearings, Employment Hearings, and Labor Relations Hearings.

325.2 POLICY

It is the policy of the UC San Diego Police Department, when requests are received for participation in an University related hearing, members of this Department shall participate as directed by a supervisor.

Officers shall have a minimum of 7 business days advanced notice of any required hearing.

Although administrative hearings do not have the same legal requirements as criminal or civil subpoenas, employees are expected to participate to ensure the successful conclusion of a campus investigation or hearing. Hearing requests should be treated with similar priority as criminal and civil subpoenas.

Rules or regulations for parties participating in an administrative hearing may be different than what employees are used to. Employees participating in administrative hearings should familiarize themselves with applicable rules prior to the hearing date and should request clarification on any questions.

325.3 PROCEDURE

Requests for administrative hearings typically come from the Office of Student Conduct and are received by the officer(s) involved in the incident and the appropriate supervisor.

All requests should be forwarded to the appropriate supervisor for awareness and approval.

325.4 SUPERVISOR RESPONSIBILITIES

The member's supervisor shall review the request for the following:

- (a) If the incident is a criminal matter, ensure the case has a final adjudication by either the District Attorney's Office or the City Attorney's Office.
- (b) Determine if there are any obvious scheduling conflicts (training, scheduled vacation, etc.).

Absent any conflicts, the supervisor shall provide a written notice (email) to the member directing them to attend the hearing on the appointed date and time.

325.5 MEMBER RESPONSIBILITIES

The member shall review all reports and evidence prior to reporting to the hearing. Members shall wear appropriate Court Attire or Department Uniform.

Registered Offender Information

326.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the UC San Diego 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.

326.2 POLICY

It is the policy of the UC San Diego 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.

326.3 REGISTRATION

The Investigation Unit supervisor shall establish a process to reasonably accommodate registration of certain offenders. The process should rebut any allegation on the part of the offender that the registration process was too confusing, burdensome, or difficult for compliance. If it is reasonable to do so, an investigator assigned to related investigations should conduct the registration in order to best evaluate any threat the person may pose to the community. Those assigned to register offenders should receive appropriate training regarding the registration process.

Upon conclusion of the registration process, the investigator shall ensure that the registration information is provided to the California Department of Justice (DOJ) in accordance with applicable law (Penal Code § 457.1; Penal Code § 290 et seq.).

The refusal of a registrant to provide any of the required information or complete the process should initiate a criminal investigation for failure to register.

326.3.1 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.).

326.4 MONITORING OF REGISTERED OFFENDERS

The Investigation Unit supervisor should establish a system to periodically, and at least once annually, verify that a registrant remains in compliance with his/her registration requirements after the initial registration. This verification should include:

- (a) Efforts to confirm residence using an unobtrusive method, such as an internet search or drive-by of the declared residence.
- (b) Review of information on the California DOJ website for sex offenders.
- (c) Contact with a registrant's parole or probation officer.

Any discrepancies should be reported to the California DOJ.

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The Investigation Unit supervisor should also establish a procedure to routinely disseminate information regarding registered offenders to UC San Diego Police Department personnel, including timely updates regarding new or relocated registrants.

326.5 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 UC San Diego Police Department's website. Information on sex registrants placed on the UC San Diego 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 and in compliance with a California Public Records Act request (Government Code § 7920.000 et seq.; Penal Code § 290.45; Penal Code § 290.46; Penal Code § 457.1).

326.5.1 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).

326.5.2 RELEASE NOTIFICATIONS

Registrant information that is released should include notification that:

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- (a) The offender registry includes only those persons who have been required by law to register and who are in compliance with the offender registration laws.
- (b) The information is provided as a public service and may not be current or accurate.
- (c) Persons should not rely solely on the offender registry as a safeguard against offenses in their communities.
- (d) The crime for which a person is convicted may not accurately reflect the level of risk.
- (e) Anyone who uses information contained in the registry to harass registrants or commit any crime may be subject to criminal prosecution.
- (f) The purpose of the release of information is to allow members of the public to protect themselves and their children from sex offenders (Penal Code 290.45).

Outside Agency Assistance

327.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members when requesting or responding to a request for mutual aid or when assisting another law enforcement agency.

327.1 POLICY

It is the policy of the UC San Diego Police Department to promptly respond to requests for assistance by other law enforcement agencies, subject to available resources and consistent with the applicable laws and policies of this department.

327.3 REQUESTING OUTSIDE ASSISTANCE

If assistance is needed from another agency, the member requesting assistance should, if practicable, first notify the Watch Commander. The handling member or Watch Commander should direct assisting personnel to where they are needed and to whom they should report when they arrive.

The requesting member should arrange for appropriate radio communication capabilities per the current County (LEAN Committee/RCS) protocols.

327.4 ASSISTING OUTSIDE AGENCIES

Generally, requests for any type of assistance from another agency should be routed to the Watch Commander for approval. In some instances, a memorandum of understanding or other established protocol may exist that eliminates the need for approval of individual requests.

When another law enforcement agency requests assistance from this department, the Watch Commander may authorize, if available, an appropriate number of personnel to assist. Members are reminded that their actions when rendering assistance must conform with applicable laws and be consistent with the policies of this department.

Officers may respond to a request for emergency assistance, however, they shall notify the Watch Commander of their activity as soon as practicable.

Arrestees may be temporarily detained by this department until arrangements for transportation are made by the outside agency. Probation violators who are temporarily detained by this department will not ordinarily be booked at this department. Only in exceptional circumstances, and subject to the Watch Commander approval, will this department provide transportation of arrestees to other facilities on behalf of another agency.

When transportation assistance is rendered, a report shall be prepared and submitted by the handling member unless otherwise directed by the Watch Commander.

327.4.1 INITIATED ACTIVITY

Any on-duty officer who engages in law enforcement activities of any type that are not part of a mutual aid request and take place outside the jurisdiction of the UC San Diego Police Department shall notify the Watch Commander and Communications Unit as soon as practicable.

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This requirement does not apply to special enforcement details or multi-agency units that regularly work in multiple jurisdictions.

327.5 REPORTING REQUIREMENTS

Incidents of outside assistance or law enforcement activities that are not documented in a crime report shall be documented in an informational report or as directed by the Watch Commander.

327.6 MANDATORY SHARING

Equipment and supplies purchased with federal funds or grants that require such equipment and supplies be shared with other agencies should be documented and updated as necessary by the Administration Lieutenant or the authorized designee.

The documentation should include:

- (a) The conditions relative to sharing.
- (b) The training requirements for:
 - 1. The use of the supplies and equipment.
 - 2. The members trained in the use of the supplies and equipment.
- (c) Any other requirements for use of the equipment and supplies.

Copies of the documentation should be provided to Communications Unit and the Watch Commander to ensure use of the equipment and supplies is in compliance with the applicable sharing agreements.

The Training Manager should maintain documentation that the appropriate members have received the required training.

327.7 11-99 CALLS FOR ASSISTANCE

An 11-99 call for assistance is a request for all available officers from outside agencies to respond to a major incident that is overwhelming the requesting agency. Watch Commanders have the authority to send officers to any San Diego County 11-99. At no time will the Watch Commander respond to an 11-99. Officers shall receive approval from the Watch Commander prior to responding to any 11-99.

327.7.1 11-99 CALLS WITHIN UC SAN DIEGO'S PRIMARY JURISDICTION

Watch Commanders may send all patrol officers to any 11-99 in UC San Diego's primary jurisdiction. When determining the number of officers to respond, Watch Commanders shall consider the following:

- (a) Expected calls for service volume on campus
- (b) Proximity of the incident to the campus
- (c) Potential threat to the campus community

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327.7.2 11-99 CALLS OUTSIDE UC SAN DIEGO'S PRIMARY JURISDICTION

If a Watch Commander authorizes response to 11-99 calls outside of UC San Diego's primary jurisdiction, the Watch Commander shall remain on campus with at least one other officer.

Major Incident Notification

328.1 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.

328.2 POLICY

The UC San Diego 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.

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

- Any on-campus death
- Traffic accidents with fatalities or major injuries
- Officer-involved shooting - on or off duty (see Officer-Involved Shootings and Deaths Policy for special notifications)
- Significant injury or death to University or Department employee - on or off duty
- Death of a prominent University of California, San Diego official
- Arrest of a department employee or prominent University of California, San Diego official
- Aircraft crash
- In-custody deaths
- Serious violent felonies occurring on campus
- Ongoing incidents that could result in any of the following:
 - Closure of a building and/or area due a significant hazard
 - Major structural damage to a building, road, or property
 - Any incident that will significantly impact an academic program
- Any other incident a Watch Commander deems appropriate

Any of the following Clery Crimes also require notification:

- Aggravated Assault
- Arson
- Burglary – Residential
- Robbery

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- Act Sex Offense Clery
- Any Hate Crime

328.4 WATCH COMMANDER RESPONSIBILITY

The Watch Commander is responsible for making the appropriate notifications. The Watch Commander shall make reasonable attempts to obtain as much information on the incident as possible before notification. The Watch Commander shall attempt to make the notifications as soon as practicable. Notification should be made by calling the calling the work cell phone number first and then any other available contact numbers.

328.4.1 STAFF NOTIFICATION

In the event an incident occurs described in this policy, the Watch Commander shall notify the Operations Lieutenant unless unavailable/unreachable, then notification will be made to any other member of the sworn Command Staff.

328.4.2 DETECTIVE NOTIFICATION

If the Watch Commander believes the incident requires that a detective respond from home, the Watch Commander shall contact the Investigations Sergeant to coordinate the appropriate response..

328.4.3 PUBLIC INFORMATION OFFICER (PIO)

The University Communications and the Chief of Police or authorized designee shall be called after members of staff have been notified that it appears the media may have a significant interest in the incident.

Death Investigation

329.1 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.

329.2 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.

329.2.1 MEDICAL EXAMINER REQUEST

Government Code § 27491 and Health & Safety Code § 102850 direct the Medical Examiner to inquire into and determine the circumstances, manner, and cause of certain deaths. The Medical Examiner shall be called in any of the following cases:

- (a) Unattended deaths (No physician in attendance or during the continued absence of the attending physician. Also, includes all deaths outside hospitals and nursing care facilities).
- (b) Deaths where the deceased has not been attended by either a physician or a registered nurse, who is a member of a hospice care interdisciplinary team, as defined by Health and Safety Code § 1746 in the 20 days prior to death.
- (c) A physician is 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 are known or suspected as resulting (in whole or in part) from or related to accident or injury, either old or recent.
- (j) Drowning, fire, hanging, gunshot, stabbing, cutting, starvation, exposure, alcoholism, drug addiction, strangulation or aspiration.
- (k) Accidental poisoning (food, chemical, drug, therapeutic agents).
- (l) Occupational diseases or occupational hazards.

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- (m) Known or suspected contagious disease and constituting a public hazard.
- (n) All deaths in operating rooms and all deaths where a patient has not fully recovered from an anesthetic, whether in surgery, recovery room or elsewhere.
- (o) In prison or while under sentence. Includes all in-custody and police involved deaths.
- (p) All deaths of unidentified persons.
- (q) All deaths of state hospital patients.
- (r) Suspected Sudden Infant Death Syndrome (SIDS) deaths.
- (s) All deaths where the patient is comatose throughout the period of the physician's attendance. Includes patients admitted to hospitals unresponsive and expire without regaining consciousness.

The body shall not be disturbed or moved from the position or place of death without permission of the Medical Examiner.

329.2.2 SEARCHING DEAD BODIES

The Medical Examiner or his/her designee 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 Medical Examiner or a designee shall be promptly notified. Should exigent circumstances indicate to an officer that any search of a known dead body is warranted prior to the arrival of the Medical Examiner or a designee; the investigating officer shall first obtain verbal consent from the Medical Examiner or a designee (Government Code § 27491.2).

Whenever possible, a witness, preferably a relative to the deceased or a member of the household, should be requested to remain at the scene with the officer pending the arrival of the Medical Examiner or a designee. The name and address of this person shall be included in the narrative of the death report. Whenever personal effects are removed from the body of the deceased by the Medical Examiner or a designee, a receipt shall be obtained. This receipt shall be attached to the death report.

329.2.3 DEATH NOTIFICATION

When practical, and if not handled by the Medical Examiner's Office, notification to the next-of-kin of the deceased person shall be made, in person, by the officer assigned to the incident. If the next-of-kin lives in another jurisdiction, a law enforcement official from that jurisdiction shall be requested to make the personal notification. If the relatives live outside this county, the Medical Examiner may be requested to make the notification. The Medical Examiner needs to know if the notification has been made. Assigned detectives may need to talk to the next-of-kin.

329.2.4 UNIDENTIFIED DEAD BODIES

If the identity of a dead body cannot be established after the Medical Examiner arrives, the Medical Examiner's office will issue a "John Doe" or "Jane Doe" number for the report.

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329.2.5 DEATH INVESTIGATION REPORTING

All incidents involving a death shall be documented on the appropriate form.

329.2.6 SUSPECTED HOMICIDE

If the initially assigned officer suspects that the death involves a homicide or other suspicious circumstances, the Investigations Unit shall be notified to determine the possible need for a detective to respond to the scene for further immediate investigation.

329.2.7 EMPLOYMENT RELATED DEATHS OR INJURIES

Any member of this agency who responds to and determines that a death, serious illness, or serious injury has occurred as a result of an accident at or in connection with the victim's employment shall ensure that the nearest office of Cal-OSHA is notified by telephone immediately or as soon as practicable with all pertinent information (8 CCR 342(b)).

Identity Theft

330.1 PURPOSE AND SCOPE

Identity theft is a growing trend that frequently involves related crimes in multiple jurisdictions. This policy is intended to provide guidelines for the reporting and investigation of such crimes.

330.2 REPORTING

- (a) In an effort to maintain uniformity in reporting, officers presented with the crime of identity theft (Penal Code § 530.6) shall initiate a report for victims residing within the jurisdiction of this department when the crime occurred. For incidents of identity theft occurring outside this jurisdiction, officers should observe the following:
 1. For any victim not residing within this jurisdiction, the officer may either take a courtesy report to be forwarded to the victim's residence agency or the victim should be encouraged to promptly report the identity theft to the law enforcement agency where he or she resides.
- (b) While the crime of identity theft should be reported to the law enforcement agency where the victim resides, officers of this department should investigate and report crimes occurring within this jurisdiction which have resulted from the original identity theft (e.g., the identity theft occurred elsewhere, but the credit card fraud occurred and is reported in this jurisdiction).
- (c) Officers should include all known incidents of fraudulent activity (e.g., credit card number applied for in victim's name when the victim has never made such an application).
- (d) Officers should also cross-reference all known reports made by the victim (e.g., U.S. Secret Service, credit reporting bureaus, U.S. Postal Service and DMV) with all known report numbers.
- (e) The reporting officer should inform victims of identity theft that the California Identity Theft Registry is available to help those who are wrongly linked to crimes. The registry can be checked by law enforcement and other authorized persons to investigate whether a criminal history or want was created in the victim's name (Penal Code § 530.7). Information regarding the California Identity Theft Registry can be obtained by calling toll free (888) 880-0240.
- (f) Following supervisory review and department processing, the initial report should be forwarded to the appropriate detective for follow up investigation, coordination with other agencies and prosecution as circumstances dictate.

Communications with Persons with Disabilities

331.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with disabilities, including those who are deaf or hard of hearing, have impaired speech or vision, or are blind.

331.1.1 DEFINITIONS

Definitions related to this policy include:

Auxiliary aids - Tools used to communicate with people who have a disability or impairment. They include, but are not limited to, the use of gestures or visual aids to supplement oral communication; a notepad and pen or pencil to exchange written notes; a computer or typewriter; an assistive listening system or device to amplify sound; a teletypewriter (TTY) or videophones (video relay service or VRS); taped text; qualified readers; or a qualified interpreter.

Disability or impairment - A physical or mental impairment that substantially limits a major life activity, including hearing or seeing, regardless of whether the disabled person uses assistive or adaptive devices or auxiliary aids. Individuals who wear ordinary eyeglasses or contact lenses are not considered to have a disability (42 USC § 12102).

Qualified interpreter - A person who is able to interpret effectively, accurately and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include oral interpreters, translators, sign language interpreters and intermediary interpreters.

331.2 POLICY

It is the policy of the UC San Diego Police Department to reasonably ensure that people with disabilities, including victims, witnesses, suspects and arrestees have equal access to law enforcement services, programs and activities. Members must make efforts to communicate effectively with individuals with disabilities.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon disabilities.

331.3 AMERICANS WITH DISABILITIES (ADA) COORDINATOR

The Chief of Police shall delegate certain responsibilities to an ADA Coordinator (28 CFR 35.107). The ADA Coordinator shall be appointed by, and directly responsible, to the Operations Lieutenant or the authorized designee.

The responsibilities of the ADA Coordinator shall include, but not be limited to:

- (a) Working with the University ADA coordinator regarding the UC San Diego Police Department's efforts to ensure equal access to services, programs and activities.
- (b) Developing reports, new procedures, or recommending modifications to this policy.

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- (c) Acting as a liaison with local disability advocacy groups or other disability groups regarding access to department services, programs and activities.
- (d) Ensuring that a list of qualified interpreter services is maintained and available to each Watch Commander and Communications Sergeant. The list should include information regarding the following:
 - 1. Contact information
 - 2. Availability
- (e) Developing procedures that will enable members to access auxiliary aids or services, including qualified interpreters, and ensure the procedures are available to all members.
- (f) Ensuring signage is posted in appropriate areas, indicating that auxiliary aids are available free of charge to people with disabilities.
- (g) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities.

331.4 FACTORS TO CONSIDER

Because the nature of any law enforcement contact may vary substantially from one situation to the next, members of this department should consider all information reasonably available to them when determining how to communicate with an individual with a disability. Members should carefully balance all known factors in an effort to reasonably ensure people who are disabled have equal access to services, programs and activities. These factors may include, but are not limited to:

- (a) Members should not always assume that effective communication is being achieved. The fact that an individual appears to be nodding in agreement does not always mean he/she completely understands the message. When there is any doubt, members should ask the individual to communicate back or otherwise demonstrate their understanding.
- (b) The nature of the disability (e.g., deafness or blindness vs. hard of hearing or low vision).
- (c) The nature of the law enforcement contact (e.g., emergency vs. non-emergency, custodial vs. consensual contact).
- (d) The availability of auxiliary aids. The fact that a particular aid is not available does not eliminate the obligation to reasonably ensure access. However, in an emergency, availability may factor into the type of aid used.

331.5 INITIAL AND IMMEDIATE CONSIDERATIONS

Recognizing that various law enforcement encounters may be potentially volatile and/or emotionally charged, members should remain alert to the possibility of communication problems.

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Members should exercise special care in the use of all gestures, and verbal and written communication to minimize initial confusion and misunderstanding when dealing with any individual with known or suspected disabilities.

In a non-emergency situation, when a member knows or suspects an individual requires assistance to effectively communicate, the member shall identify the individual's choice of auxiliary aid or service.

The individual's preferred communication method must be honored unless another effective method of communication exists under the circumstances (28 CFR 35.160).

Factors to consider when determining whether an alternative method is effective include:

- (a) The methods of communication usually used by the individual.
- (b) The nature, length and complexity of the communication involved.
- (c) The context of the communication.

In emergency situations involving an imminent threat to the safety or welfare of any person, members may use whatever auxiliary aids and services that reasonably appear effective under the circumstances. This may include, for example, exchanging written notes or using the services of a person who knows sign language but is not a qualified interpreter, even if the person who is deaf or hard of hearing would prefer a qualified sign language interpreter or another appropriate auxiliary aid or service. Once the emergency has ended, the continued method of communication should be reconsidered. The member should inquire as to the individual's preference and give primary consideration to that preference.

If an individual who is deaf, hard of hearing or has impaired speech must be handcuffed while in the custody of the UC San Diego Police Department, consideration should be given, safety permitting, to placing the handcuffs in the front of the body to facilitate communication using sign language or writing.

331.6 TYPES OF ASSISTANCE AVAILABLE

UC San Diego Police Department members shall never refuse to assist an individual with disabilities who is requesting assistance. The Department will not charge anyone to receive auxiliary aids, nor shall they require anyone to furnish their own auxiliary aid or service as a condition for receiving assistance. The Department will make every reasonable effort to provide equal access and timely assistance to individuals who are disabled through a variety of services.

A person who is disabled may choose to accept department-provided auxiliary aids or services or they may choose to provide their own.

Department-provided auxiliary aids or services may include, but are not limited to, the assistance methods described in this policy.

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331.7 AUDIO RECORDINGS AND ENLARGED PRINT

The Department may develop audio recordings to assist people who are blind or have a visual impairment with accessing important information. If such a recording is not available, members may read aloud from the appropriate form, for example a personnel complaint form, or provide forms with enlarged print.

331.8 QUALIFIED INTERPRETERS

A qualified interpreter may be needed in lengthy or complex transactions (e.g., interviewing a victim, witness, suspect or arrestee), if the individual to be interviewed normally relies on sign language or speechreading (lip-reading) to understand what others are saying. The qualified interpreter should not be a person with an interest in the case or investigation involving the disabled individual. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a court proceeding.

Qualified interpreters should be:

- (a) Available within a reasonable amount of time but in no event longer than one hour if requested.
- (b) Experienced in providing interpretation services related to law enforcement matters.
- (c) Familiar with the use of VRS and/or video remote interpreting services.
- (d) Certified in either American Sign Language (ASL) or Signed English (SE).
- (e) Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (f) Knowledgeable of the ethical issues involved when providing interpreter services.

Members should use department-approved procedures to request a qualified interpreter at the earliest reasonable opportunity, and generally not more than 15 minutes after a request for an interpreter has been made or it is reasonably apparent that an interpreter is needed. No individual who is disabled shall be required to provide his/her own interpreter (28 CFR 35.160).

331.9 TTY AND RELAY SERVICES

In situations where an individual without a disability would have access to a telephone (e.g., booking or attorney contacts), members must also provide those who are deaf, hard of hearing or have impaired speech the opportunity to place calls using an available TTY (also known as a telecommunications device for deaf people, or TDD). Members shall provide additional time, as needed, for effective communication due to the slower nature of TTY and TDD communications.

The Department will accept all TTY or TDD calls placed by those who are deaf or hard of hearing and received via a telecommunications relay service (28 CFR 35.162).

Note that relay services translate verbatim, so the conversation must be conducted as if speaking directly to the caller.

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331.10 COMMUNITY VOLUNTEERS

Interpreter services may be available from community volunteers who have demonstrated competence in communication services, such as ASL or SE, and have been approved by the Department to provide interpreter services.

Where qualified interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the individual with the disability and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

331.11 FAMILY AND FRIENDS

While family or friends may offer to assist with interpretation, members should carefully consider the circumstances before relying on such individuals. The nature of the contact and relationship between the individual with the disability and the person offering services must be carefully considered (e.g., victim/suspect).

Children shall not be relied upon except in emergency or critical situations when there is no qualified interpreter reasonably available.

Adults may be relied upon when (28 CFR 35.160):

- (a) There is an emergency or critical situation and there is no qualified interpreter reasonably available.
- (b) The person with the disability requests that the adult interpret or facilitate communication and the adult agrees to provide such assistance, and reliance on that adult for such assistance is reasonable under the circumstances.

331.12 REPORTING

Whenever any member of this department is required to complete a report or other documentation, and communication assistance has been provided, such services should be noted in the related report. Members should document the type of communication services utilized and whether the individual elected to use services provided by the Department or some other identified source. If the individual's express preference is not honored, the member must document why another method of communication was used.

All written communications exchanged in a criminal case shall be attached to the report or placed into evidence.

331.13 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve individuals with disabilities. The scope and nature of these activities and contacts will inevitably vary.

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The Department recognizes that it would be virtually impossible to provide immediate access to complete communication services to every member of this department. Members and/or supervisors must assess each situation and consider the length, complexity and importance of the communication, as well as the individual's preferred method of communication, when determining the type of resources to use and whether a qualified interpreter is needed.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to verbally request consent to search if the officer is unable to effectively communicate with an individual who is deaf or hard of hearing and requires communications assistance.

If available, officers should obtain the assistance of a qualified interpreter before placing an individual with a disability under arrest. Individuals who are arrested and are assisted by service animals should be permitted to make arrangements for the care of such animals prior to transport.

331.13.1 FIELD RESOURCES

Examples of methods that may be sufficient for transactions, such as checking a license or giving directions to a location or for urgent situations such as responding to a violent crime in progress, may, depending on the circumstances, include such simple things as:

- (a) Hand gestures or visual aids with an individual who is deaf, hard of hearing or has impaired speech.
- (b) Exchange of written notes or communications.
- (c) Verbal communication with an individual who can speechread by facing the individual and speaking slowly and clearly.
- (d) Use of computer, word processing, personal communication device or similar device to exchange texts or notes.
- (e) Slowly and clearly speaking or reading simple terms to individuals who have a visual or mental impairment.

Members should be aware that these techniques may not provide effective communication as required by law and this policy depending on the circumstances.

331.14 CUSTODIAL INTERROGATIONS

In an effort to ensure that the rights of individuals who are deaf, hard of hearing or have speech impairment are protected during a custodial interrogation, this department will provide interpreter services before beginning an interrogation, unless exigent circumstances exist or the individual has made a clear indication that he/she understands the process and desires to proceed without an interpreter. The use of a video remote interpreting service should be considered, where appropriate, if a live interpreter is not available. *Miranda* warnings shall be provided to suspects who are deaf or hard of hearing by a qualified interpreter or by providing a written *Miranda* warning card.

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In order to ensure that communications during custodial investigations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

331.15 ARREST AND BOOKINGS

If an individual with speech or hearing disabilities is arrested, the arresting officer shall use department-approved procedures to provide a qualified interpreter at the place of arrest or booking as soon as reasonably practicable, unless the individual indicates that he/she prefers a different auxiliary aid or service or the officer reasonably determines another effective method of communication exists under the circumstances.

When gathering information during the booking process, members should remain alert to the impediments that often exist when communicating with those who are deaf, hard of hearing, who have impaired speech or vision, are blind, or have other disabilities. In the interest of the arrestee's health and welfare, the safety and security of the facility and to protect individual rights, it is important that accurate medical screening and booking information be obtained. If necessary, members should seek the assistance of a qualified interpreter whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by the individual.

Individuals who require and possess personally owned communication aids (e.g., hearing aids, cochlear processors) should be permitted to retain them while in custody.

331.16 COMPLAINTS

The Department shall ensure that individuals with disabilities who wish to file a complaint regarding members of this department are able to do so. The Department may provide a qualified interpreter or forms in enlarged print, as appropriate. Complaints will be referred to the department ADA Coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Qualified interpreters used during the investigation of a complaint should not be members of this Department.

331.17 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional law enforcement duties. This department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

331.18 TRAINING

To ensure that all members who may have contact with individuals who are disabled are properly trained, the Department will provide periodic training that should include:

- (a) Awareness and understanding of this policy and related procedures, related forms and available resources.

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- (b) Procedures for accessing qualified interpreters and other available resources.
- (c) Working with in-person and telephone interpreters and related equipment.

The Training Manager shall be responsible for ensuring new members receive training related to interacting with individuals who have disabilities, including individuals who are deaf, hard of hearing, who have impaired speech or vision, or are blind. Those who may have contact with such individuals should receive refresher training at least once every two years thereafter. The Training Manager shall maintain records of all training provided, and will retain a copy in each member's training file in accordance with established records retention schedules.

331.18.1 CALL-TAKER TRAINING

Emergency call-takers shall be trained in the use of TTY equipment protocols for communicating with individuals who are deaf, hard of hearing or who have speech impairments. Such training and information should include:

- (a) The requirements of the ADA and Section 504 of the Rehabilitation Act for telephone emergency service providers.
- (b) ASL syntax and accepted abbreviations.
- (c) Practical instruction on identifying and processing TTY or TDD calls, including the importance of recognizing silent TTY or TDD calls, using proper syntax, abbreviations and protocol when responding to TTY or TDD calls.
- (d) Hands-on experience in TTY and TDD communications, including identification of TTY or TDD tones.

Training should be mandatory for all Communications Unit members who may have contact with individuals from the public who are deaf, hard of hearing or have impaired speech. Refresher training should occur every six months.

Private Persons Arrests

332.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the handling of private person's arrests made pursuant to Penal Code § 837.

332.2 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.

332.3 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.

332.4 OFFICER RESPONSIBILITIES

Any officer presented with a private person wishing to make an arrest must determine whether or not there is reasonable cause to believe that such an arrest would be lawful (Penal Code § 847).

- (a) Should any officer determine that there is no reasonable cause to believe that a private person's arrest is lawful, the officer should take no action to further detain or restrain the individual beyond that which reasonably appears necessary to investigate the matter, determine the lawfulness of the arrest and protect the public safety.
 1. Any officer who determines that a private person's arrest appears to be unlawful should promptly release the arrested individual pursuant to Penal Code § 849(b)(1). The officer must include the basis of such a determination in a related report.

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Private Persons Arrests

2. Absent reasonable cause to support a private person's arrest or other lawful grounds to support an independent arrest by the officer, the officer should advise the parties that no arrest will be made and that the circumstances will be documented in a related report.
- (b) Whenever an officer determines that there is reasonable cause to believe that a private person's arrest is lawful, the officer may exercise any of the following options:
1. Take the individual into physical custody for booking
 2. Release the individual pursuant to a Notice to Appear
 3. Release the individual pursuant to Penal Code § 849

332.5 REPORTING REQUIREMENTS

In all circumstances in which a private person is claiming to have made an arrest, the individual should complete and sign the Private Person's Arrest section located on a department Notice to Appear 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.

Limited English Proficiency Services

334.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

334.1.1 DEFINITIONS

Definitions related to this policy include:

Authorized interpreter - A person who has been screened and authorized by the Department to act as an interpreter and/or translator for others.

Interpret or interpretation - The act of listening to a communication in one language (source language) and orally converting it to another language (target language), while retaining the same meaning.

Limited English proficient (LEP) - Any individual whose primary language is not English and who has a limited ability to read, write, speak or understand English. These individuals may be competent in certain types of communication (e.g., speaking or understanding) but still be LEP for other purposes (e.g., reading or writing). Similarly, LEP designations are context-specific; an individual may possess sufficient English language skills to function in one setting but these skills may be insufficient in other situations.

Qualified bilingual member - A member of the UC San Diego Police Department, designated by the Department, who has the ability to communicate fluently, directly and accurately in both English and another language. Bilingual members may be fluent enough to communicate in a non-English language but may not be sufficiently fluent to interpret or translate from one language into another.

Translate or translation - The replacement of written text from one language (source language) into an equivalent written text (target language).

334.2 POLICY

It is the policy of the UC San Diego Police Department to reasonably ensure that LEP individuals have meaningful access to law enforcement services, programs and activities, while not imposing undue burdens on its members.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon national origin or any other protected interest or right.

334.3 LEP COORDINATOR

The Chief of Police shall delegate certain responsibilities to an LEP Coordinator. The LEP Coordinator shall be appointed by, and directly responsible to, the Operations Lieutenant or the authorized designee.

The responsibilities of the LEP Coordinator include, but are not limited to:

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- (a) Coordinating and implementing all aspects of the UC San Diego Police Department's LEP services to LEP individuals.
- (b) Developing procedures that will enable members to access LEP services, including telephonic interpreters, and ensuring the procedures are available to all members.
- (c) Ensuring that a list of all qualified bilingual members and authorized interpreters is maintained and available to each Watch Commander and Communications Sergeant. The list should include information regarding the following:
 - 1. Languages spoken
 - 2. Contact information
 - 3. Availability
- (d) Ensuring signage stating that interpreters are available free of charge to LEP individuals is posted in appropriate areas and in the most commonly spoken languages.
- (e) Reviewing existing and newly developed documents to determine which are vital documents and should be translated, and into which languages the documents should be translated.
- (f) Annually assessing demographic data and other resources, including contracted language services utilization data and community-based organizations, to determine if there are additional documents or languages that are appropriate for translation.
- (g) Identifying standards and assessments to be used by the Department to qualify individuals as qualified bilingual members or authorized interpreters.
- (h) Periodically reviewing efforts of the Department in providing meaningful access to LEP individuals, and, as appropriate, developing reports, new procedures or recommending modifications to this policy.
- (i) Receiving and responding to complaints regarding department LEP services.
- (j) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities.

334.4 FOUR-FACTOR ANALYSIS

Since there are many different languages that members could encounter, the Department will utilize the four-factor analysis outlined in the U.S. Department of Justice (DOJ) Guidance to Federal Financial Assistance Recipients, available at the DOJ website, to determine which measures will provide meaningful access to its services and programs. It is recognized that law enforcement contacts and circumstances will vary considerably. This analysis, therefore, must remain flexible and will require an ongoing balance of four factors, which are:

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- (a) The number or proportion of LEP individuals eligible to be served or likely to be encountered by department members, or who may benefit from programs or services within the jurisdiction of the Department or a particular geographic area.
- (b) The frequency with which LEP individuals are likely to come in contact with department members, programs or services.
- (c) The nature and importance of the contact, program, information or service provided.
- (d) The cost of providing LEP assistance and the resources available.

334.5 TYPES OF LEP ASSISTANCE AVAILABLE

UC San Diego Police Department members should never refuse service to an LEP individual who is requesting assistance, nor should they require an LEP individual to furnish an interpreter as a condition for receiving assistance. The Department will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services.

The Department will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language.

LEP individuals may choose to accept department-provided LEP services at no cost or they may choose to provide their own.

Department-provided LEP services may include, but are not limited to, the assistance methods described in this policy.

334.6 WRITTEN FORMS AND GUIDELINES

Vital documents or those that are frequently used should be translated into languages most likely to be encountered. The LEP Coordinator will arrange to make these translated documents available to members and other appropriate individuals, as necessary.

334.6 AUDIO RECORDINGS

The Department may develop audio recordings of important or frequently requested information in a language most likely to be understood by those LEP individuals who are representative of the community being served.

334.6 QUALIFIED BILINGUAL MEMBERS

Bilingual members may be qualified to provide LEP services when they have demonstrated through established department procedures a sufficient level of skill and competence to fluently communicate in both English and a non-English language. Members utilized for LEP services must demonstrate knowledge of the functions of an interpreter/translator and the ethical issues involved when acting as a language conduit. Additionally, bilingual members must be able to communicate technical and law enforcement terminology, and be sufficiently proficient in the non-English language to perform complicated tasks, such as conducting interrogations, taking statements, collecting evidence or conveying rights or responsibilities.

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When a qualified bilingual member from this department is not available, personnel from other University departments, who have been identified by the Department as having the requisite skills and competence, may be requested.

334.6 AUTHORIZED INTERPRETERS

Any person designated by the Department to act as an authorized interpreter and/or translator must have demonstrated competence in both English and the involved non-English language, must have an understanding of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the department case or investigation involving the LEP individual. A person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation in a court proceeding.

Authorized interpreters must pass a screening process established by the LEP Coordinator which demonstrates that their skills and abilities include:

- (a) The competence and ability to communicate information accurately in both English and in the target language.
- (b) Knowledge, in both languages, of any specialized terms or concepts peculiar to this department and of any particularized vocabulary or phraseology used by the LEP individual.
- (c) The ability to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (d) Knowledge of the ethical issues involved when acting as a language conduit.

334.6.1 SOURCES OF AUTHORIZED INTERPRETERS

The Department may contract with authorized interpreters who are available over the telephone. Members may use these services with the approval of a supervisor and in compliance with established procedures.

Other sources may include:

- Qualified bilingual members of this department or personnel from other University departments.
- Individuals employed exclusively to perform interpretation services.
- Contracted in-person interpreters, such as state or federal court interpreters, among others.
- Interpreters from other agencies who have been qualified as interpreters by this department, and with whom the Department has a resource-sharing or other arrangement that they will interpret according to department guidelines.

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334.6.2 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF LANGUAGE ASSISTANCE

Language assistance may be available from community volunteers who have demonstrated competence in either monolingual (direct) communication and/or in interpretation or translation (as noted in above), and have been approved by the Department to communicate with LEP individuals.

Where qualified bilingual members or other authorized interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the LEP individual and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

While family or friends of an LEP individual may offer to assist with communication or interpretation, members should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in exigent or very informal and non-confrontational situations.

334.7 CONTACT AND REPORTING

While all law enforcement contacts, services and individual rights are important, this department will utilize the four-factor analysis to prioritize service to LEP individuals so that such services may be targeted where they are most needed, according to the nature and importance of the particular law enforcement activity involved.

Whenever any member of this department is required to complete a report or other documentation, and interpretation services are provided to any involved LEP individual, such services should be noted in the related report. Members should document the type of interpretation services utilized and whether the individual elected to use services provided by the Department or some other identified source.

334.8 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

The UC San Diego Police Department will take reasonable steps and will work with the Department of Human Resources to develop in-house language capacity by hiring or appointing qualified members proficient in languages representative of the community being served.

334.8.1 EMERGENCY CALLS TO 9-1-1

Department members will make every reasonable effort to promptly accommodate LEP individuals utilizing 9-1-1 lines. When a 9-1-1 call-taker receives a call and determines that the caller is an LEP individual, the call-taker shall quickly determine whether sufficient information can be obtained to initiate an appropriate emergency response. If language assistance is still needed, the language is known and a qualified bilingual member is available in Communications Unit, the call shall immediately be handled by the qualified bilingual member.

If a qualified bilingual member is not available or the call-taker is unable to identify the caller's language, the call-taker will contact the contracted telephone interpretation service and establish a three-way call between the call-taker, the LEP individual and the interpreter.

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Dispatchers will make every reasonable effort to dispatch a qualified bilingual member to the assignment, if available and appropriate.

While 9-1-1 calls shall receive top priority, reasonable efforts should also be made to accommodate LEP individuals seeking routine access to services and information by utilizing the resources listed in this policy.

334.9 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary. Members and/or supervisors must assess each situation to determine the need and availability of language assistance to all involved LEP individuals and utilize the methods outlined in this policy to provide such assistance.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to request consent to search if the officer is unable to effectively communicate with an LEP individual.

If available, officers should obtain the assistance of a qualified bilingual member or an authorized interpreter before placing an LEP individual under arrest.

334.10 INVESTIGATIVE FIELD INTERVIEWS

In any situation where an interview may reveal information that could be used as the basis for arrest or prosecution of an LEP individual and a qualified bilingual member is unavailable or lacks the skills to directly communicate with the LEP individual, an authorized interpreter should be used. This includes interviews conducted during an investigation with victims, witnesses and suspects. In such situations, audio recordings of the interviews should be made when reasonably possible. Identification and contact information for the interpreter (e.g., name, address) should be documented so that the person can be subpoenaed for trial if necessary.

If an authorized interpreter is needed, officers should consider calling for an authorized interpreter in the following order:

- An authorized department member or allied agency interpreter
- An authorized telephone interpreter
- Any other authorized interpreter

Any *Miranda* warnings shall be provided to suspects in their primary language by an authorized interpreter or, if the suspect is literate, by providing a translated *Miranda* warning card.

The use of an LEP individual's bilingual friends, family members, children, neighbors or bystanders may be used only when a qualified bilingual member or authorized interpreter is unavailable and there is an immediate need to interview an LEP individual.

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334.11 CUSTODIAL INTERROGATIONS

Miscommunication during custodial interrogations may have a substantial impact on the evidence presented in a criminal prosecution. Only qualified bilingual members or, if none is available or appropriate, authorized interpreters shall be used during custodial interrogations. *Miranda* warnings shall be provided to suspects in their primary language by the qualified bilingual member or an authorized interpreter.

In order to ensure that translations during custodial interrogations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

334.12 BOOKINGS

When gathering information during the booking process, members should remain alert to the impediments that language barriers can create. In the interest of the arrestee's health and welfare, the safety and security of the facility, and to protect individual rights, it is important that accurate medical screening and booking information be obtained. Members should seek the assistance of a qualified bilingual member whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by an LEP individual.

334.13 COMPLAINTS

The Department shall ensure that LEP individuals who wish to file a complaint regarding members of this department are able to do so. The Department may provide an authorized interpreter or translated forms, as appropriate. Complaints will be referred to the LEP Coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Authorized interpreters used for any interview with an LEP individual during an investigation should not be members of this department.

Any notice required to be sent to an LEP individual as a complaining party pursuant to the Personnel Complaints Policy should be translated or otherwise communicated in a language-accessible manner.

334.14 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional law enforcement duties. This department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

334.15 TRAINING

To ensure that all members who may have contact with LEP individuals are properly trained, the Department will provide periodic training on this policy and related procedures, including how to access department-authorized telephonic and in-person interpreters and other available resources.

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The Training Manager shall be responsible for ensuring new members receive LEP training. Those who may have contact with LEP individuals should receive refresher training at least once every two years thereafter. The Training Manager shall maintain records of all LEP training provided, and will retain a copy in each member's training file in accordance with established records retention schedules.

334.15.1 TRAINING FOR AUTHORIZED INTERPRETERS

All members on the authorized interpreter list must successfully complete prescribed interpreter training. To complete interpreter training successfully, an interpreter must demonstrate proficiency in and ability to communicate information accurately in both English and in the target language, demonstrate knowledge in both languages of any specialized terms or phraseology, and understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

Members on the authorized interpreter list must receive refresher training annually or they will be removed from the authorized interpreter list. This annual training should include language skills competency (including specialized terminology) and ethical considerations.

The Training Manager shall be responsible for coordinating the annual refresher training and will maintain a record of all training the interpreters have received.

Mandatory Employer Notification

335.1 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.

335.2 POLICY

The UC San Diego Police Department will meet the reporting requirements of California law to minimize the risks to children and others.

335.3 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.

335.3.1 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).

335.3.2 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).

335.3.3 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 and to immediately give written notice of the arrest to the private school authority employing the teacher (Health and Safety Code § 11591; Penal Code § 291.1).

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335.3.4 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).

335.4 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).

Public Safety Video Surveillance System

336.1 PURPOSE AND SCOPE

This policy provides guidance for the placement and monitoring of department public safety video surveillance, as well as the storage and release of the captured images.

This policy only applies to overt, marked public safety video surveillance systems operated by the Department. It does not apply to mobile audio/video systems, covert audio/video systems or any other image-capturing devices used by the Department.

336.2 POLICY

The UC San Diego Police Department operates a public safety video surveillance system to complement its anti-crime strategy, to effectively allocate and deploy personnel, and to enhance public safety and security in public areas. Cameras may be placed in strategic locations throughout the University to detect and deter crime, to help safeguard against potential threats to the public, to help manage emergency response situations during natural and man-made disasters and to assist University officials in providing services to the community.

Video surveillance in public areas will be conducted in a legal and ethical manner while recognizing and protecting constitutional standards of privacy.

336.3 OPERATIONAL GUIDELINES

Only department-approved video surveillance equipment shall be utilized. Members authorized to monitor video surveillance equipment should only monitor public areas and public activities where no reasonable expectation of privacy exists. The Chief of Police or the authorized designee shall approve all proposed locations for the use of video surveillance technology and should consult with and be guided by legal counsel as necessary in making such determinations.

336.3.1 PLACEMENT AND MONITORING

Camera placement will be guided by the underlying purpose or strategy associated with the overall video surveillance plan. As appropriate, the Chief of Police should confer with other affected University divisions and designated community groups when evaluating camera placement. Environmental factors, including lighting, location of buildings, presence of vegetation, or other obstructions, should also be evaluated when determining placement.

The cameras shall only record video images and not sound. Recorded images may be used for a variety of purposes, including criminal investigations and monitoring of activity around high-value or high-threat areas. The public video surveillance system may be useful for the following purposes:

- (a) To prevent, deter, and identify criminal activity.
- (b) To target identified areas of gang and narcotics complaints or activity.
- (c) To respond to critical incidents.
- (d) To assist in identifying, apprehending, and prosecuting offenders.

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Public Safety Video Surveillance System

- (e) To document officer and offender conduct during interactions to safeguard the rights of the public and officers.
- (f) To augment resources in a cost-effective manner.
- (g) To monitor pedestrian and vehicle traffic activity.

Images from each camera should be recorded in a manner consistent with the underlying purpose of the particular camera. Images should be transmitted to monitors installed in the Communications Unit or designated monitoring workstations. When activity warranting further investigation is reported or detected at any camera location, the available information should be provided to responding officers in a timely manner. The trained personnel in the Communications Unit or other units are authorized to adjust the cameras to more effectively view a particular area for any legitimate public safety purpose.

The Chief of Police may authorize video feeds from the public safety video surveillance system to be forwarded to a specified location for monitoring by other than police personnel, such as allied government agencies, road or traffic crews, or fire or emergency operations personnel.

Unauthorized recording, viewing, reproduction, dissemination, or retention is prohibited.

336.3.2 TEMPORARY SYSTEMS FOR INVESTIGATIVE PURPOSES

The Chief of Police or their designee, in coordination with the Specialized Services Division Lieutenant, will review all requests by the Investigations Unit for the placement and use of temporary cameras in support of criminal investigations. No installation of temporary cameras for investigative purposes shall be carried out without the express written approval of the Chief of Police.

Covert or other deliberate concealment of public safety cameras is not permitted unless specifically approved by the Chief of Police or their designee. Temporary concealed cameras for use in criminal investigations or in exigent situations involving credible threats to the safety of the Campus, to the life, health or safety of any person, or of the theft or destruction of property, where, in each case, making the camera visible would undermine the response to the situation.

Any use of temporary or covert systems shall be consistent with the UC Statement of Privacy Values which is guided by Fourth Amendment principles regarding surveillance of persons or places.

336.3.3 INTEGRATION WITH OTHER TECHNOLOGY

The Department may elect to integrate its public safety video surveillance system with other technology to enhance available information. Systems such as gunshot detection, incident mapping, crime analysis, license plate recognition, facial recognition and other video-based analytical systems may be considered based upon availability and the nature of department strategy.

The Department should evaluate the availability and propriety of networking or otherwise collaborating with appropriate private sector entities and should evaluate whether the use

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of certain camera systems, such as pan-tilt-zoom systems and video enhancement or other analytical technology, requires additional safeguards.

336.4 VIDEO SUPERVISION

Supervisors should monitor video surveillance access and usage to ensure members are within department policy and applicable laws. The Physical Security Program Unit should ensure such use and access is appropriately documented.

336.4.1 VIDEO LOG

The video management system shall record every action that an authorized user takes when utilizing the system.

336.4.2 PROHIBITED ACTIVITY

Public safety video surveillance systems will not intentionally be used to invade the privacy of individuals or observe areas where a reasonable expectation of privacy exists.

Public safety video surveillance equipment shall not be used in an unequal or discriminatory manner and shall not target individuals or groups based solely on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.

Video surveillance equipment shall not be used to harass, intimidate, or discriminate against any individual or group.

336.4.3 VIDEO SYSTEM TESTING

Camera operators should test the video system during the normal course of their monitoring or investigative duties. Any malfunctions/concerns with the system shall be promptly reported to the Chief of Police or their designee via email.

Additionally, on a monthly basis, all cameras are checked for operability and the appropriate owners of the cameras are notified to coordinate any necessary repairs.

336.5 STORAGE AND RETENTION OF MEDIA

All downloaded media shall be stored in a secure area with access restricted to authorized persons. A recording needed as evidence shall be copied to a suitable medium and booked into evidence in accordance with established evidence procedures. All actions taken with respect to retention of media shall be appropriately documented.

The type of video surveillance technology employed and the manner in which recordings are used and stored will affect retention periods. The recordings should be stored and retained in accordance with the established records retention schedule and for a minimum of thirty days. Prior to destruction, written consent shall be obtained from the Campus Counsel. If recordings are evidence in any claim filed or any pending litigation, they shall be preserved until pending litigation is resolved (Government Code § 34090.6).

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Any recordings needed as evidence in a criminal or civil proceeding shall be copied to a suitable medium and booked into evidence in accordance with current evidence procedures.

336.5.1 EVIDENTIARY INTEGRITY

All downloaded and retained media shall be treated in the same manner as other evidence. Media shall be accessed, maintained, stored and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements. Electronic trails, including encryption, digital masking of innocent or uninvolved individuals to preserve anonymity, authenticity certificates and date and time stamping, shall be used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.

336.6 RELEASE OF VIDEO IMAGES

All recorded video images gathered by the public safety video surveillance equipment are for the official use of the UC San Diego Police Department.

Requests for recorded video images from the public or the media shall be processed in the same manner as requests for department public records.

Requests for recorded images from other law enforcement agencies shall be referred to the Chief of Police or authorized designee for release in accordance with a specific and legitimate law enforcement purpose.

Recorded video images that are the subject of a court order or subpoena shall be processed in accordance with the established department subpoena process.

336.7 VIDEO SURVEILLANCE AUDIT

The Chief of Police or the authorized designee will conduct an annual review of the public safety video surveillance system. The review should include an analysis of the cost, benefit and effectiveness of the system, including any public safety issues that were effectively addressed or any significant prosecutions that resulted, and any systemic operational or administrative issues that were identified, including those related to training, discipline or policy.

The results of each review shall be appropriately documented and maintained by the Chief of Police or the authorized designee and other applicable advisory bodies. Any recommendations for training or policy should be promptly addressed.

336.8 TRAINING

All department members authorized to operate or access public video surveillance systems shall receive appropriate training. Training should include guidance on the use of cameras, interaction with dispatch and patrol operations and a review regarding relevant policies and procedures, including this policy. Training should also address state and federal law related to the use of video surveillance equipment and privacy.

Child and Dependent Adult Safety

337.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that children and dependent adults are not left without appropriate care in the event their caregiver or guardian is arrested or otherwise prevented from providing care due to actions taken by members of this department (Penal Code § 833.2(a)).

This policy does not address the actions to be taken during the course of a child abuse or dependent adult investigation. These are covered in the Child Abuse and Senior and Disability Victimization policies.

337.2 POLICY

It is the policy of this department to mitigate, to the extent reasonably possible, the stressful experience individuals may have when their parent or caregiver is arrested. The UC San Diego Police Department will endeavor to create a strong, cooperative relationship with local, state and community-based social services to ensure an effective, collaborative response that addresses the needs of those affected, including call-out availability and follow-up responsibilities.

337.3 PROCEDURES DURING AN ARREST

When encountering an arrest or prolonged detention situation, officers should make reasonable attempts to determine if the arrestee is responsible for children or dependent adults. In some cases this may be obvious, such as when children or dependent adults are present. However, officers should inquire if the arrestee has caregiver responsibilities for any children or dependent adults who are without appropriate supervision. The following steps should be taken (Penal Code § 13517.7(b)(1)):

- (a) Inquire about and confirm the location of any children or dependent adults.
- (b) Look for evidence of children and dependent adults. Officers should be mindful that some arrestees may conceal the fact that they have a dependent for fear the individual may be taken from them.
- (c) Consider inquiring of witnesses, neighbors, friends and relatives of the arrestee as to whether the person is responsible for a child or dependent adult.

Whenever reasonably possible, officers should take reasonable steps to accomplish the arrest of a parent, guardian or caregiver out of the presence of his/her child or dependent adult. Removing children or dependent adults from the scene in advance of the arrest will generally ensure the best outcome for the individual.

Whenever it is safe to do so, officers should allow the parent or caregiver to assure children or dependent adults that they will be provided care. If this is not safe or if the demeanor of the parent or caregiver suggests this conversation would be non-productive, the officer at the scene should explain the reason for the arrest in age-appropriate language and offer reassurance to the child or dependent adult that he/she will receive appropriate care.

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337.3.1 AFTER AN ARREST

Whenever an arrest is made, the officer should take all reasonable steps to ensure the safety of the arrestee's disclosed or discovered children or dependent adults.

Officers should allow the arrestee reasonable time to arrange for care of children and dependent adults. Temporary placement with family or friends may be appropriate. However, any decision should give priority to a care solution that is in the best interest of the child or dependent adult. In such cases the following guidelines should be followed:

- (a) Allow the person reasonable time to arrange for the care of children and dependent adults with a responsible party, as appropriate.
 - 1. Officers should consider allowing the person to use his/her cell phone to facilitate arrangements through access to contact phone numbers, and to lessen the likelihood of call screening by the recipients due to calls from unknown sources.
- (b) Unless there is evidence to the contrary (e.g., signs of abuse, drug use, unsafe environment), officers should respect the parent or caregiver's judgment regarding arrangements for care. It is generally best if the child or dependent adult remains with relatives or family friends that he/she knows and trusts because familiarity with surroundings and consideration for comfort, emotional state and safety are important.
 - 1. Except when a court order exists limiting contact, the officer should attempt to locate and place children or dependent adults with the non-arrested parent, guardian or caregiver.
- (c) Provide for the immediate supervision of children or dependent adults until an appropriate caregiver arrives.
- (d) Notify Child Protective Services or the Division of Aging and Adult Services, if appropriate.
- (e) Notify the field supervisor or Watch Commander of the disposition of children or dependent adults.

If children or dependent adults are at school or another known location outside the household at the time of arrest, the arresting officer should attempt to contact the school or other known location and inform the principal or appropriate responsible adult of the caregiver's arrest and of the arrangements being made for the care of the arrestee's dependent. The result of such actions should be documented in the associated report.

337.3.2 DURING THE BOOKING PROCESS

During the booking process the arrestee shall be allowed to make additional telephone calls to relatives or other responsible individuals as is reasonably necessary to arrange for the care of any child or dependent adult. These telephone calls should be given as soon as practicable and are in addition to any other telephone calls allowed by law (Penal Code § 851.5(c)).

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If an arrestee is unable to resolve the care of any child or dependent adult through this process, a supervisor should be contacted to determine the appropriate steps to arrange for care. These steps may include additional telephone calls or contacting a local, county or state services agency.

337.3.3 REPORTING

- (a) For all arrests where children are present or living in the household, the reporting member will document the following information:
1. Name
 2. Sex
 3. Age
 4. Special needs (e.g., medical, mental health)
 5. How, where and with whom or which agency the child was placed
 6. Identities and contact information for other potential caregivers
 7. Notifications made to other adults (e.g., schools, relatives)
- (b) For all arrests where dependent adults are present or living in the household, the reporting member will document the following information:
1. Name
 2. Sex
 3. Age
 4. Whether he/she reasonably appears able to care for him/herself
 5. Disposition or placement information if he/she is unable to care for him/herself

337.3.4 SUPPORT AND COUNSELING REFERRAL

If, in the judgment of the handling officers, the child or dependent adult would benefit from additional assistance, such as counseling services, contact with a victim advocate or a crisis telephone number, the appropriate referral information may be provided.

337.4 DEPENDENT WELFARE SERVICES

Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any child or dependent adult, the handling officer should contact the appropriate welfare service or other department-approved social service to determine whether protective custody is appropriate (Welfare and Institutions Code § 305).

Only when other reasonable options are exhausted should a child or dependent adult be transported to the police facility, transported in a marked patrol car, or taken into formal protective custody.

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Under no circumstances should a child or dependent adult be left unattended or without appropriate care.

337.5 TRAINING

The Training Manager is responsible to ensure that all personnel of this department who may be involved in arrests affecting children or dependent adults receive approved POST-approved training on effective safety measures when a parent, guardian or caregiver is arrested (Penal Code § 13517.7).

Service Animals

338.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to ensure the rights of individuals who use service animals to assist with disabilities are protected in accordance with Title II of the Americans with Disabilities Act of 1990 (ADA).

338.1.1 DEFINITIONS

Definitions related to this policy include:

Service animal - A dog that is trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability. The work or tasks performed by a service animal must be directly related to the individual's disability (28 CFR 35.104; Health and Safety Code § 113903).

Service animal also includes a miniature horse if the horse is trained to do work or perform tasks for people with disabilities, provided the horse is housebroken, is under the handler's control, the facility can accommodate the horse's type, size and weight, and the horse's presence will not compromise legitimate safety requirements necessary for safe operation of the facility (28 CFR 35.136(i)).

338.2 POLICY

It is the policy of the UC San Diego Police Department to provide services and access to persons with service animals in the same manner as those without service animals. Department members shall protect the rights of persons assisted by service animals in accordance with state and federal law.

338.3 IDENTIFICATION AND USE OF SERVICE ANIMALS

Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness or collar.

Service animals may be used in a number of ways to provide assistance, including:

- Guiding people who are blind or have low vision.
- Alerting people who are deaf or hard of hearing.
- Retrieving or picking up items, opening doors or flipping switches for people who have limited use of their hands, arms or legs.
- Pulling wheelchairs.
- Providing physical support and assisting with stability and balance.
- Doing work or performing tasks for persons with traumatic brain injury, intellectual disabilities or psychiatric disabilities, such as reminding a person with depression to take medication.

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- Alerting a person with anxiety to the onset of panic attacks, providing tactile stimulation to calm a person with post-traumatic stress disorder, assisting people with schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items or follow daily routines.

338.4 MEMBER RESPONSIBILITIES

Service animals that are assisting individuals with disabilities are permitted in all public facilities and areas where the general public is allowed. Department members are expected to treat individuals with service animals with the same courtesy and respect that the UC San Diego Police Department affords to all members of the public (28 CFR 35.136).

338.4.1 INQUIRY

If it is apparent or if a member is aware that an animal is a service animal, the individual generally should not be asked any questions as to the status of the animal. If it is unclear whether an animal meets the definition of a service animal, the member should ask the individual only the following questions (28 CFR 35.136(f)):

- Is the animal required because of a disability?
- What task or service has the service animal been trained to perform?

If the individual explains that the animal is required because of a disability and has been trained to work or perform at least one task, the animal meets the definition of a service animal and no further questions as to the animal's status should be asked. The individual should not be questioned about his/her disability nor should the person be asked to provide any license, certification or identification card for the service animal.

338.4.2 CONTACT

Service animals are not pets. Department members should not interfere with the important work performed by a service animal by talking to, petting or otherwise initiating contact with a service animal.

338.4.3 REMOVAL

If a service animal is not housebroken or exhibits vicious behavior, poses a direct threat to the health of others, or unreasonably disrupts or interferes with normal business operations, an officer may direct the handler to remove the animal from the premises. Barking alone is not a threat nor does a direct threat exist if the person takes prompt, effective action to control the service animal (28 CFR 35.136(b)).

Each incident must be considered individually and past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse service to an individual with disabilities. Members of this department are expected to provide all services as are reasonably available to an individual with a disability, with or without a service animal.

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338.4.4 COMPLAINTS

When handling calls of a complaint regarding a service animal, members of this department should remain neutral and should be prepared to explain the ADA requirements concerning service animals to the concerned parties. Businesses are required to allow service animals to accompany their handlers into the same areas that other customers or members of the public are allowed (28 CFR 36.302).

Absent a violation of law independent of the ADA, officers should take no enforcement action beyond keeping the peace. Individuals who believe they have been discriminated against as a result of a disability should be referred to the Civil Rights Division of the U.S. Department of Justice (DOJ).

Off-Duty Law Enforcement Actions

340.1 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 UC San Diego Police Department with respect to taking law enforcement action while off-duty.

340.2 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.

340.3 FIREARMS

Officers of this department may carry firearms while off-duty in accordance with federal regulations and department policy. All firearms and ammunition must meet guidelines as described in the department Firearms Policy. When carrying firearms while off-duty officers shall also carry their department-issued badge and identification.

Officers should refrain from carrying firearms when the consumption of alcohol is likely or when the need to carry a firearm is outweighed by safety considerations. Firearms shall not be carried by any officer who has consumed an amount of an alcoholic beverage or taken any drugs or medications or any combination thereof that would tend to adversely affect the officer's senses or judgment.

340.4 DECISION TO INTERVENE

There is no legal requirement for off-duty officers to take law enforcement action. However, should officers decide to intervene, they must evaluate whether the action is necessary or desirable, and should take into consideration the following:

- (a) The tactical disadvantage of being alone and the fact there may be multiple or hidden suspects.
- (b) The inability to communicate with responding units.
- (c) The lack of equipment, such as handcuffs, OC or baton.

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- (d) The lack of cover.
- (e) The potential for increased risk to bystanders if the off-duty officer were to intervene.
- (f) Unfamiliarity with the surroundings.
- (g) The potential for the off-duty officer to be misidentified by other peace officers or members of the public.

Officers should consider waiting for on-duty uniformed officers to arrive, and gather as much accurate intelligence as possible instead of immediately intervening.

340.4.1 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 UC San Diego Police Department officer until acknowledged. Official identification should also be displayed.

340.4.2 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.

340.4.3 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.

340.4.4 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.

340.5 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.

Illness and Injury Prevention

342.1 PURPOSE AND SCOPE

The health and safety of the employees of the UC San Diego Police Department is important to executive and management staff, and critical to the operation of this department and the delivery of services to the community.

The purpose of this policy is to establish an ongoing and effective Injury and Illness Prevention Program (IIPP) for the UC San Diego Police Department, in accordance with the requirements of 8 CCR § 3203. This policy specifically applies to illnesses and injuries that result in lost time beyond the date of the incident or that require medical treatment beyond first aid. Though this policy provides the essential framework required for an IIPP, it may be supplemented by procedures outside the Policy Manual.

The IIPP guidelines are to be followed and adopted by all personnel. Supervisory and management personnel are charged with ensuring that these guidelines and directives are implemented.

342.2 RESPONSIBILITY

The Administration Supervisor, acting as the Department's IIPP administrator, has the authority and responsibility for implementing the provisions of this policy and the IIPP. Supervisors are responsible for implementing and maintaining the IIPP in their work areas and for answering questions from employees about the IIPP.

342.3 COMPLIANCE

The Administration Supervisor is responsible for ensuring that all safety and health policies and procedures are clearly communicated and understood by all employees. The Administration Supervisor should take reasonable steps to ensure that all workers comply with safety rules and maintain a safe work environment, including, but not limited to:

- (a) Informing workers of the provisions of the IIPP.
- (b) Recognizing employees who perform safe work practices.
- (c) Ensuring that the employee evaluation process includes the employee's safety performance.
- (d) Ensuring the Department's compliance with mandates regarding:
 1. Bloodborne pathogens (8 CCR § 5193).
 2. Airborne transmissible diseases (8 CCR § 5199).
 3. Heat illness (8 CCR § 3395).
 4. Respiratory protection (8 CCR § 5144).

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Supervisors are responsible for training, counseling, instructing or making informal verbal admonishments anytime safety performance is deficient. Supervisors may also initiate discipline when it is reasonable and appropriate under the Conduct Policy.

All employees should use safe work practices, follow all directives and policies and assist in maintaining a safe work environment.

342.4 COMMUNICATION

Supervisors shall establish and maintain communication with employees on health and safety issues. This is essential for an injury-free, productive workplace.

- (a) The Administration Supervisor will ensure that a system of communication is in place which facilitates a continuous flow of safety and health information between supervisors and employees. This system shall include:
 1. New worker orientation, including a discussion of safety and health policies and procedures.
 2. Regular employee review of the IIPP.
 3. Workplace safety and health training programs.
 4. Regularly scheduled safety meetings.
 5. Posted or distributed safety information.
 6. A system for workers to anonymously inform management about workplace hazards.
 7. Establishment of a labor/management safety and health committee, which will:
 - (a) Meet regularly.
 - (b) Prepare a written record of the safety and health committee meeting.
 - (c) Review the results of periodic scheduled inspections.
 - (d) Review investigations of accidents and exposures.
 - (e) Make suggestions to management for the prevention of future incidents.
 - (f) Review investigations of alleged hazardous conditions.
 - (g) Submit recommendations to assist in the evaluation of employee safety suggestions.
 - (h) Assess the effectiveness of the Department's efforts to meet the following mandates:
 1. Bloodborne pathogens (8 CCR § 5193)
 2. Airborne transmissible diseases (8 CCR § 5199)
 3. Heat illness prevention (8 CCR § 3395).

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342.5 HAZARD ASSESSMENT

Safety inspections are crucial to a safe work environment. These inspections identify and evaluate workplace hazards utilizing the applicable sections of the Hazard Assessment Checklist to ensure a thorough inspection. These checklists can be found at <http://www.dir.ca.gov/DOSH/etools/09-031/tools.htm>.

342.5.1 ADMINISTRATION SUPERVISOR INSPECTION DUTIES

The Administration Supervisor shall ensure an Identified Hazard and Correction Record (<http://www.dir.ca.gov/DOSH/etools/09-031/IndHazCorRec.pdf>) is completed for each inspection.

342.5.2 PATROL OFFICERS INSPECTION DUTIES

Officers are charged with daily vehicle inspection of an assigned vehicle and of personal protective equipment prior to working in the field. Officers shall complete an Identified Hazard and Correction Form if an unsafe condition cannot be immediately corrected. Officers should forward this report to their supervisor.

342.5.3 SUPERVISOR ASSESSMENT DUTIES

Supervisors should inform the Administration Supervisor when the following occurs:

- New substances, processes, procedures or equipment that present potential new hazards are introduced into the work environment.
- New, previously unidentified hazards are recognized.
- Occupational injuries and illnesses occur.
- New and/or permanent or intermittent workers are hired or reassigned to processes, operations or tasks for which a hazard evaluation has not been previously conducted.
- Whenever workplace conditions warrant an inspection.

The Administration Supervisor will take appropriate action to ensure the IIPP addresses potential hazards upon such notification.

342.6 ACCIDENT/EXPOSURE INVESTIGATIONS

Employees must report all injuries that are a result of a workplace accident and any hazardous substance exposure to a supervisor. A supervisor receiving such a report should personally investigate the incident or ensure that an investigation is conducted. Investigative procedures for workplace accidents and hazardous substance exposures should include:

- A visit to the accident scene as soon as possible.
- An interview of the injured worker and witnesses.
- An examination of the workplace for factors associated with the accident/exposure.
- Determination of the cause of the accident/exposure.
- Corrective action to prevent the accident/exposure from reoccurring.

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- A record of the findings and corrective actions taken, using the Investigation/Corrective Action Report (<http://www.dir.ca.gov/DOSH/etools/09-031/InvestigationReport.pdf>).

342.7 HAZARD CORRECTION

All employees should report and/or take reasonable steps to correct unsafe or unhealthy work conditions, practices or procedures in a timely manner. Employees should make their reports to a supervisor (as a general rule, their own supervisor).

Supervisors should make reasonable efforts to correct unsafe or unhealthy work conditions in a timely manner based on the severity of the hazards. Hazards should be corrected when observed or discovered, when it is reasonable to do so. When a hazard exists that cannot be immediately abated without endangering employees or property, supervisors should protect or remove all exposed workers from the area or item, except those necessary to correct the existing condition.

Employees who are necessary to correct the hazardous condition shall be provided with the necessary protection.

All significant actions taken and dates they are completed shall be documented on an Identified Hazard and Correction Form. This should be forwarded to the Administration Supervisor via the chain of command.

342.8 TRAINING AND INSTRUCTION

The Administration Supervisor shall work with the Training Manager to ensure that all workers, including supervisors, are trained on general and job-specific, workplace safety and health practices. Training shall be provided as follows:

- To all new employees for those tasks that were not sufficiently covered by previous training from an academy or another training provider.
- To all workers given new job assignments for which training has not previously been provided.
- Whenever new substances, processes, procedures or equipment are introduced to the workplace and represent a new hazard.
- Whenever the department is made aware of a new or previously unrecognized hazard.
- To supervisors to familiarize them with the safety and health hazards to which workers under their immediate direction and control may be exposed.
- To all workers with respect to hazards that are specific to each employee's job assignment.
- An explanation of the department's IIPP, emergency action plan and fire prevention plan; measures for reporting any unsafe conditions, work practices and injuries; and informing a supervisor when additional instruction is needed.
- The use of appropriate clothing, including gloves, footwear and personal protective equipment.

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- Information about chemical hazards to which employees could be exposed.
- The availability of toilet, hand-washing and drinking-water facilities.
- Provisions for medical services and first aid, including emergency procedures.
- Steps to prevent heat illness (8 CCR § 3395).

342.9 RECORDKEEPING

The Administration Supervisor will do the following to implement and maintain IIPP records:

- (a) Make available the Identified Hazards and Correction Record Form to document inspections, any unsafe condition or work practice, and actions taken to correct unsafe conditions and work practices.
- (b) Make available the Investigation/Corrective Action Report (<http://www.dir.ca.gov/DOSH/etools/09-031/InvestigationReport.pdf>) to document individual incidents or accidents.
- (c) Develop a Worker Training and Instruction Form to document the safety and health training of each employee. This form will include the employee's name or other identifier, training dates, type of training, and training providers.
- (d) Retain inspection records and training documentation for a minimum of one year.

342.10 TRAINING SUBJECTS

The Administration Supervisor should work with the Training Manager to ensure training is provided on the following topics:

- Driver safety
- Safe procedures for handling, cleaning and/or storing weapons
- Good housekeeping and fire prevention
- Back exercises/stretching and proper lifting techniques
- Lock-out/tag-out procedures
- Hazardous materials
- Building searches
- Slips and falls
- Ergonomic hazards, including working on ladders or in a stooped posture for prolonged periods
- Personal protective equipment
- Respiratory equipment
- Hazardous chemical exposures

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- Hazard communication
- Physical hazards, such as heat/cold stress, noise, and ionizing and non-ionizing radiation
- Bloodborne pathogens and other biological hazards
- Other job-specific hazards

Gun Violence Restraining Orders

341.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for petitioning and serving gun violence restraining orders and accounting for the firearms obtained pursuant to those orders (Penal Code § 18108).

341.1.1 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).

341.2 POLICY

It is the policy of the UC San Diego Police Department to petition for and serve gun violence restraining orders in compliance with state law and to properly account for firearms and ammunition obtained by the Department pursuant to such orders.

341.3 GUN VIOLENCE RESTRAINING ORDERS

An officer who reasonably believes a person is a present danger to self or another person by controlling, owning, purchasing, possessing, receiving, or otherwise having custody of a firearm may request permission from the officer's supervisor to petition the court for a gun violence restraining order.

Officers petitioning the court should use the forms established by the Judicial Council (Penal Code § 18105). The petition should describe the number, types, and locations of any firearms and ammunition that the officer believes to be possessed or controlled by the person (Penal Code § 18107). The petition should also describe why less-restrictive alternatives are ineffective or inadequate for the circumstances (Penal Code § 18125; Penal Code § 18150; Penal Code § 18175).

If it is not practical under the circumstances to submit a written petition, an officer may submit the petition electronically or orally request a temporary order (Penal Code § 18122; Penal Code § 18140).

341.3.1 ADDITIONAL CONSIDERATIONS

Officers should also consider requesting permission to petition the court for a gun violence restraining order (Penal Code § 18108):

- (a) When responding to a domestic disturbance where the residence is associated with a firearm registration or record.
- (b) When responding to any call or incident when a firearm is present or when one of the involved parties owns or possesses a firearm.

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- (c) During a contact with a person exhibiting mental health issues, including suicidal thoughts, statements, or actions if that person owns or possesses a firearm.

Officers should consider obtaining a mental health evaluation if the encounter involves a situation where there is a reasonable cause to believe that the person poses an immediate and present danger of causing personal injury to themselves or another person by having custody or control of a firearm (see the Mental Illness Commitments Policy) (Penal Code § 18108).

341.4 SERVICE OF GUN VIOLENCE RESTRAINING ORDERS

An officer serving any gun violence restraining order shall:

- (a) Request that any firearms or ammunition be immediately surrendered and issue a receipt for the surrendered items (Penal Code § 18120).
- (b) 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).
- (c) Inform the restrained person of any scheduled hearing regarding the order (Penal Code § 18160).
- (d) Transmit the original proof of service form to the issuing court as soon as practicable but within one business day (Penal Code § 18115).
- (e) 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 or sell to a licensed firearms dealer any other firearms and ammunition he/she owns or that are in his/her custody or control (Penal Code § 18160). This notification should be documented.

All firearms and ammunition collected shall be handled and booked in accordance with the Property and Evidence Policy.

341.4.1 TEMPORARY EMERGENCY GUN VIOLENCE RESTRAINING ORDERS

An officer requesting a temporary emergency gun violence restraining order shall (Penal Code § 18140):

- (a) For oral requests, sign a declaration under penalty of perjury reciting the oral statements provided to the judicial officer and memorialize the order of the court on the form approved by the Judicial Council.
- (b) Serve the order on the restrained person if the person can be reasonably located.
- (c) Forward a copy of the order to the Records Supervisor for filing with the court and appropriate databases.

341.5 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

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warrant is to be obtained, the preparation and service of the search warrant shall be done in accordance with the Warrant Service Policy. Additionally, (Penal Code § 1542.5):

- (a) The officer serving the warrant shall take custody of any firearm or ammunition that is controlled, possessed or owned by the person who is the subject of the gun violence restraining order, including any discovered pursuant to the warrant, a consensual search or other lawful search.
- (b) If the location being searched is jointly occupied and the firearm or ammunition is owned by a person other than the restrained person, the firearm or ammunition should not be seized if the following conditions are met:
 - 1. The firearm or ammunition can be stored in a manner that does not allow the restrained person to have control or access.
 - 2. There is no evidence that the owner unlawfully possesses the firearm or ammunition.
- (c) If a locked gun safe belonging to someone other than the subject of a gun violence restraining order is discovered, the officer shall not search the contents of the safe unless the owner consents or there is a valid search warrant for the safe. Any search of the safe must be done in the owner's presence.

341.6 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) Temporary orders are entered into the California Restraining and Protective Order System (Penal Code § 18140).
- (c) Copies of temporary orders are filed with the court as soon as practicable, but no later than three court days, after issuance (Penal Code § 18140).
- (d) Copies of receipts of surrendered firearms or ammunition issued by other agencies for gun violence restraining orders issued by the Department are properly maintained (Penal Code § 18120).
- (e) Any relinquishment of firearm rights form received from the court is entered into the California Restraining and Protective Order System within one business day of receipt (Penal Code § 18115).

341.7 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.

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- (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.

341.8 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.

341.9 GUN VIOLENCE RESTRAINING ORDER COORDINATOR

The Chief of Police will appoint a gun violence restraining order coordinator. The responsibilities of the coordinator include:

- (a) Developing and maintaining procedures for the filing of a petition for an order or a renewal of an order by department members, also including procedures for requesting and serving (Penal Code § 18108):
 1. A temporary emergency gun violence restraining order.
 2. An ex parte gun violence restraining order.
 3. A gun violence restraining order issued after notice and hearing.
- (b) Developing and maintaining factors to consider when assessing the need to seek an order, including:
 1. Whether threats have been made, and if so, whether the threats are credible and specific.
 2. Whether the potential victim is within close proximity.
 3. Whether the person has expressed suicidal tendencies.
 4. Whether the person has access to firearms.
 5. The criminal history of the person, in particular any history of criminal violence, including whether the person is currently on parole, probation, or monitored release.
 6. The mental health history of the person, in particular whether the person has any history of mental illness or has ever been detained for being a danger to themselves or others.
 7. Any upcoming holidays, anniversaries, or other dates of significance that may serve as a trigger for the person, such as the death of a family member.
 8. Whether the person has any history of drug or alcohol abuse.

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Gun Violence Restraining Orders

- (c) Developing and maintaining procedures for the receipt and service of orders consistent with the requirements of Penal Code § 18115; Penal Code § 18120; Penal Code § 18135; Penal Code § 18140; and Penal Code § 18160. Procedures should include:
 - 1. Evaluation of an order to determine appropriate service and necessary precautions (see the Warrant Service Policy and the Operations Planning and Deconfliction Policy).
 - 2. Forwarding orders to the Records Supervisor for recording in appropriate databases and required notice to the court, as applicable.
 - 3. Preparing or obtaining a search warrant prior to attempting service of an order, when appropriate (Penal Code § 18108).
 - 4. Seizure procedures of firearms and ammunition at the time of issuance of a temporary emergency gun violence restraining order.
 - 5. Verification procedures for the removal of firearms and ammunition from the subject of a gun violence restraining order.
- (d) Coordinating with the Training Manager to provide officers who may be involved in petitioning for or serving orders with training on such orders. Training should include determining when a petition is appropriate, the process for seeking an order, and the service of such orders.
- (e) Reviewing each petition and any associated court documents for an order prepared by members, for compliance with this policy, department procedures, and state law.
- (f) Developing and maintaining procedures for members to accept voluntarily surrendered prohibited items at times other than when an order is being served by the Department.
 - 1. Procedures should include preparing and providing a receipt identifying all prohibited items to the person surrendering the items.
- (g) Coordinating review of notices of court hearings and providing notice to the appropriate officer of the hearing date and the responsibility to appear (Penal Code § 18108).

341.10 RENEWAL OF GUN VIOLENCE RESTRAINING ORDERS

The Investigation Unit supervisor is responsible for the review of a gun violence restraining order obtained by the Department to determine if renewal should be requested within the time prescribed by law (Penal Code § 18190).

341.11 POLICY AVAILABILITY

The Chief of Police or the authorized designee shall be responsible for making this policy available to the public upon request (Penal Code § 18108).

341.12 TRAINING

The Training Manager should ensure that members receive periodic training on the requirements of this policy (Penal Code § 18108).

Native American Graves Protection and Repatriation

342.1 PURPOSE AND SCOPE

This policy is intended ensure the protection and security of ancient or historic grave sites, including notification of personnel responsible for cultural items, in compliance with the Native American Graves Protection and Repatriation Act (NAGPRA) (25 USC § 3001 et seq.).

342.1.1 DEFINITIONS

Definitions related to this policy include (43 CFR 10.2):

Funerary objects and associated funerary objects - Objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed intentionally at the time of death or later with or near individual human remains, or that were made exclusively for burial purposes or to contain human remains.

Native American human remains - The physical remains of the body of a person of Native American ancestry.

Objects of cultural patrimony - Objects having ongoing historical, traditional or cultural importance that is central to the Native American group or culture itself and therefore cannot be appropriated or conveyed by any individual, including members of the Native American group or Native Hawaiian organization. Such objects must have been considered inalienable by the Native American group at the time the object was separated from the group.

Sacred objects - Specific ceremonial objects needed by traditional Native American religious leaders for the practice of traditional Native American religions.

342.2 POLICY

It is the policy of the UC San Diego Police Department that the protection of Native American human remains, funerary objects, associated funerary objects, sacred objects or objects of cultural patrimony is the responsibility of all members. Such protection includes minimizing destruction, contamination, inadvertent disruption or complicated custody transfer processes.

342.3 COMPLIANCE WITH THE NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT

Upon discovery or arrival upon a scene where it reasonably appears that a Native American grave, human remains, funerary objects, associated funerary objects, sacred objects or objects of cultural patrimony are exposed or otherwise unsecured, members shall secure the site in the same manner as a crime scene. All activity at the scene other than scene preservation activity must cease (43 CFR 10.4).

No photography or video recording may be permitted by the media or any group or individual who may wish to exhibit the remains.

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Without delay, the appropriate agency or group shall be notified to respond and take control of the scene. These include the following (43 CFR 10.4):

- Federal land - Appropriate agency at the U.S. Department of the Interior or U.S. Department of Agriculture
- State land/Private land - Medical Examiner, when appropriate (Health and Safety Code § 7050.5)
- Tribal land - Responsible Indian tribal official

342.4 EVIDENCE AND PROPERTY

If the location has been investigated as a possible homicide scene prior to identification as a NAGPRA site, investigators shall work with other appropriate agencies and individuals to ensure the proper transfer and repatriation of any material collected. Members shall ensure that any remains or artifacts located at the site are expediently processed (43 CFR 10.6).

Notification of Student Custodial Arrest and 5150 Transports

343.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the notification of Residential Life Professional staff and/or other campus administrators through the Office of Student Conduct regarding the transport of a student for an exceptional event. Residential Life Professional staff, deans, and other administrators are familiar with their residents/students and are an important part of maintaining a safe environment conducive to UCSD's educational mission.

343.2 POLICY

When any exceptional events occur involving any student (either undergraduate or graduate) who is transported off campus, the primary responding officer shall notify the on-duty Watch Commander in order to provide the necessary information to the Office of Student Conduct as soon as circumstances permit. In these incidents, Student Conduct will serve as a single point of contact for officers and will make all additional notifications as needed.

343.3 NOTIFICATIONS

Exceptional events which require notification to Student Conduct include but are not limited to:

- Students transported to jail (does not include students taken to the Detox facility)
- Student transported to a medical facility.
- Student committing act of violence (assuming an investigation would not be compromised)
- When we become aware of a mental health transport of a student by another agency.
- Students placed on a 72-hour hold per 5150 W&I
- Students transported for a Voluntary Psychiatric Referral
- Death of a student

Following such an event, the on-duty Watch Commander shall notify the Office of Student Conduct prior to clearing the scene or as soon as practicable afterward in accordance with prescribed department procedures. Information provided should comply with applicable privacy laws, policies, and at a minimum will contain: student's name, the reason for transport, and the location they were taken to.

This notification is independent of any notifications made by a University Safety Official (USO).

All notifications, or attempted notifications, will be documented in the CAD incident record at a minimum. In situations where a USO makes a notification, the USO will document the notification in their daily logs.

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343.3.1 OTHER EMERGENCIES

When the police department responds to an emergency situation in a campus housing area which could materially affect the health and welfare of residents, the primary officer at the scene shall attempt to notify on-duty Residential Life Professional staff directly, as soon as practical. Officers may direct dispatch or USOs to make this notification if deemed appropriate. In these types of events, the Office of Student Conduct does not need to be notified.

Campus Notifications

344.1 PURPOSE AND SCOPE

The purpose of this policy is to outline department responsibilities and procedures regarding campus notifications. Timely warnings and emergency notifications are required by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (U.S. CFR Title 34, § 668.46).

344.2 POLICY

It is the policy of the UCSD Police Department to use available and effective technology to deliver notifications in serious and/or emergency situations or when an event impacts a significant portion of the campus community in order to maintain a safe campus environment. When notifications are authorized pursuant to §345.5, they will be issued immediately. The Police Department will partner with other campus departments in attempting to identify and improve methods of delivery. (Related information: UCSD PPM 516-29)

344.3 NOTIFICATION SYSTEMS

The following systems are available for sending notifications:

(a) Timely Warning

- Email to the assigned ucsd.edu address of all students, faculty and staff with the subject heading "Timely Warning" (primary form of notification).
- Triton Alert - A web-based interface that sends text messages to all students, faculty and staff who have not opted out of receiving such notifications (secondary form of notification).
- Patrol vehicle public address system (secondary form of notification).
- Twitter - A social networking website that can be used to send short messages to self-registered followers of the UCSD PD account. Messages can be forwarded by members to other Twitter members via web or SMS text messages (secondary form of notification).
- Everbridge Mobile App

(a) Emergency Notification/Triton Alert

- Email to the assigned ucsd.edu address of all students, faculty and staff with the subject heading "Triton Alert" (primary form of notification).
- Triton Alert - A web-based interface that sends text messages to all students, faculty and staff who have not opted out of receiving such notifications (primary form of notification).
- Telephone (secondary form of notification)
- Loudspeakers (secondary form of notification)
- Bullhorns (secondary form of notification)

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- UCSD Police vehicle public address systems (secondary form of notification)
- Building fire alarm systems (secondary form of notification)
- Paper postings (secondary form of notification)
- Campus Emergency Status Message - Campus number hosted out of state with pre-recorded emergency information (secondary form of notification).
- UCSD Police Website - Informational website about the UCSD Police Department and campus safety (secondary form of notification).
- UCSD Emergency Status Website - Provides information on campus emergencies (secondary form of notification).
- UC San Diego homepage: <http://www.ucsd.edu/>(secondary form of notification)
- San Diego County Emergency homepage: <http://www.sdcountyemergency.com>(secondary form of notification)
- TritonLink <https://students.ucsd.edu/>(secondary form of notification)
- Twitter - A social networking website that can be used to send short messages to self- registered followers of the UCSD PD account. Messages can be forwarded by members to other Twitter members via web or SMS text messages(secondary form of notification).
- Everbridge Mobile App

344.4 DETERMINING NEED FOR NOTIFICATIONS

- (a) Timely Warnings – Timely Warnings are primarily issued via email to all students, faculty, and staff to their assigned ucsd.edu email accounts with the subject heading including the phrase "Timely Warning." If a Timely Warning is deemed necessary, the Watch Commander will initiate the notification.
- (b) Emergency Notifications/Triton Alert - Upon confirmation of a significant emergency or dangerous situation which presents an immediate threat to the health or safety of students or employees, the individuals identified in section 345.5 will initiate the notification.

344.4.1 SERIOUS OR ONGOING THREAT ANALYSIS

The on-duty patrol sergeant or designee, in collaboration with command staff as necessary, is responsible for determining what constitutes a serious or ongoing threat to the campus community. This evaluation is completed on a case-by-case basis in consideration of the circumstances of the situation at hand. There may be times when a Clery Act crime occurred on Clery geography, but the situation does not present an ongoing threat to the campus community and thus would not necessitate a timely warning.

The factors used when analyzing whether a reported crime presents a serious or continuing threat to the campus community include, but are not limited to, the following:

- (a) How much time has passed between the incident and the report?

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- (b) Was the suspect apprehended?
- (c) If known, does the suspect have prior arrests, reports or complaints, or any other history of violent behavior?
- (d) If known, does the suspect have a history of failure to comply with a university no contact directive, other protective measures, or judicial protective order?
- (e) Did the incident involve physical violence?
- (f) Has the suspect threatened to commit physical violence?
- (g) Did the incident involve multiple victims?
- (h) Does it appear to be an isolated incident involving a specifically targeted victim?
- (i) Does the report reveal a pattern of behavior (e.g., by suspect, by a particular group or organization, around a particular recurring event or activity, or at a particular location)?
- (j) Did the suspect use date-rape or similar drugs or intoxicants? k) Did the incident occur while the victim was unconscious, physically helpless, or unaware that it was occurring?
- (k) Was the victim under 18 years of age?
- (l) Were there other aggravating circumstances or signs of predatory behavior that may constitute a serious or ongoing threat?

344.5 AUTHORITY TO ACTIVATE NOTIFICATIONS

- (a) Timely Warning – The Chancellor, Police Chief, Assistant Police Chief, Captain, Lieutenant, or Watch Commander all have authority to issue a Timely Warning.
- (b) Emergency Notification/Triton Alert – Upon confirmation of a significant emergency or dangerous situation which presents an immediate threat to the health or safety of students or employees, the following individuals or offices are authorized to draft and send a Triton Alert Emergency Notification message: UC San Diego Police Department Police Chief; UC San Diego Police Department Watch Commander; Environment, Health & Safety (EH&S) Director; Campus Emergency Manager; or if none of these individuals are available, any direct designee of the UC San Diego Police Department Police Chief who is within the UC San Diego Police Department or any direct designee of the Environment, Health & Safety Director who is within the Environment, Health & Safety Department.

344.6 EVENTS THAT QUALIFY FOR EMERGENCY NOTIFICATIONS

An Emergency Notification is a message sent to the campus community about an immediate threat to their health, safety or general welfare.

Events that qualify for Emergency Notifications include, but are not limited to, the following:

- Outbreak of meningitis, norovirus, or other serious contagious illness
- Approaching tornado, hurricane, or other extreme weather conditions
- Natural disaster

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- Gas leak
- Terrorist incident
- Active shooter/Armed intruder
- Bomb threat
- Civil unrest or rioting
- Explosion
- Nearby chemical or hazardous waste spill
- Significant impact power outage
- A structure or wildland fire

In the event that a significant emergency or dangerous situation occurs on the University's campus or in the local area which constitutes an immediate threat to the health or safety of the campus community members, the campus will issue an emergency notification without delay; unless issuing a notification will compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency.

Follow-up/status update notifications to the University are sent after an initial notification message has been previously disseminated. These notifications are released when there is new information or instructions for the University population, such as changes in protective actions. Messages are also sent at appropriate intervals to reiterate the current state of the emergency, especially if significant time has passed since the last update.

344.7 EVENTS THAT QUALIFY FOR TIMELY WARNINGS

A Timely Warning is a message sent to students and employees about a serious or continuing threat.

In accordance with the Jeanne Clery Act (20 USC § 1092 (f)) crimes that qualify for Timely Warnings include the following incidents if they occur on Clery geography:

- Homicide
- Manslaughter (both negligent and non-negligent)
- Sex Offenses (rape, fondling, incest, statutory rape)
- Robbery
- Burglary
- Aggravated Assaults
- Motor Vehicle Theft
- Arson
- Hate Crimes

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- Violence Against Women Act (VAWA) crimes (dating violence, domestic violence and stalking)
- Arrests/referrals for disciplinary action for liquor law, drug law or weapons law violations

These incidents are defined in 34 CFR § 668.46(a) and Appendix A to Subpart D of 34 CFR Part 668.

344.8 SENDING NOTIFICATIONS

- (a) Timely Warnings – Timely Warnings are primarily issued via email to all students, faculty, and staff to their assigned ucsd.edu email accounts with the subject heading including the phrase “Timely Warning.” If a Timely Warning is deemed necessary, the Watch Commander will initiate the notification.
- (b) Emergency Notifications/Triton Alert - Upon confirmation of a significant emergency or dangerous situation which presents an immediate threat to the health or safety of students or employees, the individuals identified in section 345.5 will initiate the notification.
- (c) Notifications that do not meet the requirements for a Timely Warning, Emergency Notification/Triton Alert should be made judiciously to avoid compromising the effectiveness of the system and should be called Community Alert Bulletin.

344.9 MESSAGE COMPOSITION

- (a) Timely Warning -The Watch Commander will determine the content of any message. The message will withhold the names of victims and include tips/resources to aid in the prevention of similar occurrences.
- (b) Emergency Notification/Triton Alert – The individuals identified in section 345.5 will determine the content of the Emergency Notification/Triton Alert. The Triton Alert will contain a brief description of the emergency with instructions about what to do.
- (c) Whenever possible, a pre-formatted message template will be used.
- (d) All messages will generally include:
 - Type of situation
 - Location of situation
 - Time and date
 - Instructions for the recipient
 - Additional method for the public to obtain information (if applicable)
 - For a Triton Alert message, the type of alert must be in the narrative. (The title will not display in a text message.)

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344.10 NOTIFICATIONS SYSTEMS MAINTENANCE

- (a) Currently, the vendor of Triton Alert is Everbridge . Their telephone number is 1-866-436-4911. Triton Alert is managed by UCSD EH&S Emergency Management & Business Continuity.
- (b) Talkphone is currently maintained by joint efforts between the Police Department and UCSD IT Services (ITS).
- (c) Twitter is an Internet-based social networking site that is not affiliated with the campus or Police Department, and neither the campus nor the Police department has control of the Twitter system maintenance.
- (d) UCSD Emergency Telephone is managed by EH&S Emergency Management & Business Continuity.
- (e) The UCSD Emergency Status website is managed by EH&S Emergency Management & Business Continuity..
- (f) The UCSD Police Department website is managed by the Police Department.

344.11 ANNUAL REVIEW

This policy will be reviewed annually by the Communications Unit Supervisor to ensure it continues to comply with the law and reflects accuracy and best practices.

Biological Samples

349.1 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.

349.2 POLICY

The UC San Diego 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.

349.3 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.

349.4 PROCEDURE

When an individual is required to provide a biological sample, a trained employee shall obtain the sample in accordance with this policy.

349.4.1 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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349.5 USE OF FORCE TO OBTAIN SAMPLES

If a person refuses to cooperate with the sample collection process, officers should attempt to identify the reason for refusal and seek voluntary compliance without resorting to using force. Force will not be used in the collection of samples except as authorized by court order and only with the approval of a supervisor. Methods to consider when seeking voluntary compliance include contacting:

- (a) The person's parole or probation officer when applicable.
- (b) The prosecuting attorney to seek additional charges against the person for failure to comply or to otherwise bring the refusal before a judge.
- (c) The judge at the person's next court appearance.
- (d) The person's attorney.
- (e) A chaplain.
- (f) Another custody facility with additional resources, where an arrestee can be transferred to better facilitate sample collection.
- (g) A supervisor who may be able to authorize custodial disciplinary actions to compel compliance, if any are available.

The supervisor shall review and approve any plan to use force and be present to document the process.

349.5.1 VIDEO RECORDING

A video recording should be made anytime force is used to obtain a biological sample. The recording should document all staff participating in the process, in addition to the methods and all force used during the collection. The recording should be part of the investigation file, if any, or otherwise retained in accordance with the department's records retention schedule (15 CCR § 1059).

349.5.2 CELL EXTRACTIONS

If the use of force includes a cell extraction, the extraction shall be video recorded, including audio. Video shall be directed at the cell extraction event. The video recording shall be retained by the Department for the length of time required by statute. Notwithstanding the use of the video as evidence in a criminal proceeding, the tape shall be retained administratively (15 CCR § 1059).

349.6 LEGAL MANDATES AND RELEVANT LAWS

California law provides for the following:

349.6.1 DOCUMENTATION RELATED TO FORCE

Supervisors shall prepare prior written authorization for the use of any force (15 CCR § 1059). The written authorization shall include information that the subject was asked to provide the requisite specimen, sample or impression and refused, as well as the related court order authorizing the force.

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349.6.2 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)).

349.6.3 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.

Plainclothes Officer Identification

346.1 PURPOSE AND SCOPE

This policy is to outline the policy and procedure for officers working assignments. Generally the purpose of working plainclothes assignments is so the officer is not readily identifiable as a police officer. This poses particular risks to officers when they take enforcement action while working plainclothes.

346.1.1 PROCEDURE

Officers in plainclothes should identify themselves as peace officers by displaying their badge and official credentials prior to taking any enforcement action unless such identification would place the officer at a tactical disadvantage or endanger his or her life or the life of another person.

Members of the public may not immediately recognize officers who are working plainclothes assignments as peace officers. Officers should consider the potential risk to themselves and the public should a citizen attempt to defend themselves against any attempts to restrain them.

346.1.2 PUBLIC RIGHTS

In addition to traditional forms of self defense, members of the public may use legal less than lethal items; such as a stun gun or oleoresin capsicum spray against an unidentified plainclothes officer.

California Penal Code Section 244.5(c) makes it a crime to assault a peace officer with a stun gun when the person "knows or reasonably should know that the person is a peace officer."

244.5 (a) As used in this section, "stun gun" means any item, except a less lethal weapon, as defined in Section 12601, used or intended to be used as either an offensive or defensive weapon that is capable of temporarily immobilizing a person by the infliction of an electrical charge.

(b) Every person who commits an assault upon the person of another with a stun gun or less lethal weapon, as defined in Section 12601, shall be punished by imprisonment in a county jail for a term not exceeding one year, or by imprisonment in the state prison for 16 months, two, or three years.

(c) Every person who commits an assault upon the person of a peace officer or firefighter with a stun gun or less lethal weapon, as defined in Section 12601, who knows or reasonably should know that the person is a peace officer or firefighter engaged in the performance of his or her duties, when the peace officer or firefighter is engaged in the performance of his or her duties, shall be punished by imprisonment in the county jail for a term not exceeding one year, or by imprisonment in the state prison for two, three, or four years.

(d) This section shall not be construed to preclude or in any way limit the applicability of Section 245 in any criminal prosecution.

California Penal Code Section 12403.7 allows a person to purchase, possess and use tear gas "solely for self-defense purposes." The section further states that use of tear gas on a peace officer

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is a crime when the "person committing the offense knows or reasonably should know that the victim is a peace officer."

12403.7. Notwithstanding any other law, any person may purchase, possess, or use tear gas and tear gas weapons for the projection or release of tear gas if the tear gas and tear gas weapons are used solely for self-defense purposes, subject to the following requirements:

(a) No person convicted of a felony or any crime involving an assault under the laws of the United States, the State of California, or any other state, government, or country or convicted of misuse of tear gas under subdivision (g) shall purchase, possess, or use tear gas or tear gas weapons.

(b) No person who is addicted to any narcotic drug shall purchase, possess, or use tear gas or tear gas weapons.

(c) No person shall sell or furnish any tear gas or tear gas weapon to a minor.

(d) No person who is a minor shall purchase, possess, or use tear gas or tear gas weapons.

(e) (1) No person shall purchase, possess, or use any tear gas weapon that expels a projectile, or that expels the tear gas by any method other than an aerosol spray, or that contains more than 2.5 ounces net weight of aerosol spray.

Evidence Collection

349.1 PURPOSE AND SCOPE

To establish guidelines for identifying, collecting and preserving evidence, including at crime scenes.

349.1.1 DEFINITIONS

Major Crime Scene - A location for which there is probable cause to believe it contains evidence of a violent felony, an extensive or significant felony property crime, or another serious and notable crime that occurred there.

349.2 POLICY

It is the policy of the University of California Police Department, San Diego to ensure that crime scenes are processed thoroughly and that evidence is properly collected to ensure its integrity and aid in the prosecution of offenders.

349.3 FACILITATING EVIDENCE COLLECTION

Generally, the designated case officer (or lead detective) is responsible for identifying evidence and facilitating any necessary collection of evidence at the scene of a crime, and as otherwise needed during the course of a criminal investigation.

When evidence collection is necessary at a major crime scene, or whenever the skill required for evidence collection exceeds the capacities of the designated case officer (or lead detective), the case officer (or lead detective) should consult with their supervisor to determine if additional evidence collection resources should be requested.

349.4 EVIDENCE COLLECTION PROCEDURES

Specific methods, techniques and procedures used for evidence collection and processing crime scenes should be performed in a manner consistent with those described in Learning Domain 30 of the Basic Course Workbook Series (v. 5.0, California Commission on Peace Officer Standards and Training), or a newer reference standard if approved by POST.

See attachment: [CA-POST LD 30 V-5.0.pdf](#)

Upon the collection of evidence, any department member who maintains or subsequently accepts custody of that evidence is responsible to take reasonable steps to safeguard that evidence from loss, damage, or contamination, and to maintain and document an unbroken chain of custody to ensure admissibility of that evidence in a court of law.

349.5 MAJOR CRIME SCENE CONSIDERATIONS

When a major crime scene is discovered, the relevant supervisor shall notify an on-duty Lieutenant or the on-call command staff member.

After any immediate threats or hazards have been mitigated and any necessary medical aid has been rendered, officers at a major crime scene shall take steps to secure the area (utilizing natural

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barriers, personnel and/or crime scene tape as needed) and to limit entrance to necessary persons only. One officer or another department member should be designated to document the names and times of those who enter and exit the scene.

Refer to the Crime and Disaster Scene Integrity policy for additional guidance on securing major crime scenes before and during collection of evidence.

349.6 MAJOR CRIME SCENE PROCESSING

The processing of a major crime scene should include the following elements:

- (a) A preliminary scene survey for identification of potential hazards and evidence
- (b) Photographs and/or video recording the condition of the scene and all evidence at the time of collection
- (c) If beneficial for investigatory purposes, a sketch and/or diagram of the scene (including locations of discovered evidence)
- (d) Systematic identification, collection and packaging of physical, trace and/or biological evidence that may be present
- (e) A list and description of all collected evidence

The specific methods for each of these elements should be in a manner consistent with established and applicable law, policy, procedures, and training.

349.7 BOOKING EVIDENCE

The designated case officer (or lead detective), their supervisor, and any other department members collecting evidence are responsible to ensure that all collected evidence is handled, packaged and booked according to established standards and procedures.

Refer to the Property and Evidence policy and the Computers and Digital Evidence policy for additional guidance on handling, packaging and booking certain types of collected evidence.

349.8 DOCUMENTATION

The designated case officer (or lead detective), their supervisor and any other department members collecting evidence are responsible to ensure that all crime scene and traffic collision scene processing and evidence collection is properly documented according to established standards and procedures.

349.9 EQUIPMENT AND SUPPLIES

The Evidence Manager is responsible to ensure that appropriate evidence equipment and supplies are available for use by detectives and patrol personnel as needed.

349.10 TRAINING

The department Training Coordinator is responsible to ensure that all officers and other department members responsible to perform evidence collection are provided the appropriate information and training to fulfill this expectation within the scope of their routine duties.

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349.11 OUTSIDE AGENCY ASSISTANCE

The Assistant Chief is responsible for establishing agreements with outside agencies to ensure sufficient and qualified evidence collection resources are available to assist UCPD San Diego at any time of day or night if needed.

When necessary for assistance with a major crime scene, or when the skill required for evidence collection exceeds the capacities of available department members, the relevant supervisor should seek approval from an on-duty Lieutenant or the on-call command staff member to request aid from an outside agency with the capacity to provide necessary evidence collection services.

For traffic collisions involving multiple and/or significant injuries, and traffic collisions involving Department members that result in injury or significant damage, the relevant supervisor should contact the California Highway Patrol to request assistance with the collision investigation and any related evidence collection.

Chapter 4 - Patrol Operations

Patrol Function

400.1 PURPOSE AND SCOPE

The purpose of this policy is to define the patrol function and address intraorganizational cooperation and information sharing.

400.2 POLICY

The UC San Diego Police Department provides patrol services 24 hours a day, seven days a week and will prioritize responses to requests for emergency services using available resources to enhance the safety of the public and department members.

400.3 FUNCTION

Patrol will generally be conducted by uniformed officers in clearly marked law enforcement vehicles in assigned jurisdictional areas of University of California, San Diego. The function of patrol is to respond to calls for assistance and reports of criminal activity, act as a deterrent to crime, enforce state and local laws, identify community needs, provide support and assistance to the community and respond to emergencies.

Patrol services include, but are not limited to:

- (a) Responding to emergency calls for service.
- (b) Apprehending criminal offenders.
- (c) Providing mutual aid and assistance to other agencies for emergency and law enforcement-related activities.
- (d) Preventing criminal acts, traffic violations and collisions, maintaining public order and discovering hazardous situations or conditions.
- (e) Responding to reports of criminal and non-criminal acts.
- (f) Responding to routine calls for service, such as public assistance or public safety.
- (g) Carrying out crime prevention activities such as residential inspections, business inspections and community presentations.
- (h) Carrying out community oriented policing and problem-solving activities including the application of resources to improve or resolve specific problems or situations and contacting or assisting members of the public in a positive way.
- (i) Directing and controlling traffic.

400.4 INFORMATION SHARING

To the extent feasible, all information relevant to the mission of the Department should be shared among all divisions and specialized units on a timely basis. Members should be provided with opportunities on a regular basis to share information during the daily briefings and to attend briefings of other divisions or specialized units.

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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.

400.5 CROWDS, EVENTS AND GATHERINGS

Refer to Lexipol Policy 416 Crowd Management Intervention and Control.

400.5.1 CAMPUS LIAISON

A college or university in this jurisdiction should designate a liaison between our department and students exercising rights guaranteed by the First Amendment to the United States Constitution, a similar provision of the California Constitution or both (Education Code § 66303). The designated department staff member will work with this liaison regarding relevant issues, scheduled events, training and crowd control.

Bias-Based Policing

401.1 PURPOSE AND SCOPE

This policy provides guidance to department members that affirms the UC San Diego 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 or improper profiling - An inappropriate reliance on actual or perceived characteristics such as race, ethnicity, national origin (including limited English proficiency), 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). This includes explicit and implicit biases (i.e., conscious and unconscious beliefs or attitudes towards certain groups).

401.2 POLICY

The UC San Diego Police Department is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this department to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group.

401.3 BIAS-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited.

However, nothing in this policy is intended to prohibit an officer from considering protected characteristics in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns or specific schemes.

401.3.1 CALIFORNIA RELIGIOUS FREEDOM ACT

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 RESPONSIBILITIES

Members of this department shall perform their duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based policing to a supervisor. Members should, when reasonable to do so, intervene to prevent any biased-based actions by another member.

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

The Racial and Identity Profiling Act of 2015 (AB 953) took effect on January 1, 2016, and requires:

- Collection of Data Regarding Citizen Complaints Alleging Racial and Identity Profiling;
- Collection of Data Regarding Law Enforcement Stops;
- Creation of the Racial and Identity Profiling Advisory (RIPA) Board.

AB 953 requires California city and county law enforcement agencies, the California Highway Patrol, and peace officers of California state and university educational institutions to collect and report to the California Attorney General detailed data regarding all stops, which AB 953 defines as a detention or search, and includes a consensual search. The data to be collected on each stop by law enforcement includes, among other things:

- Time, date, location, reason for and the result of the stop;
- Perceived race or ethnicity, gender and approximate age of the person stopped;
- Actions taken by the officer during the stop, including whether the officer asked for consent to search; whether a search was conducted; and whether any evidence or contraband was discovered or seized.
- The reporting requirements under this section will take effect on November 1, 2020.

Unless an exception applies under 11 CCR 999.227, an officer conducting a stop of a person shall collect the data elements required by Penal Code § 12525.5 and 11 CCR 999.226 for every person stopped and prepare a stop data report. When multiple officers conduct a stop, the officer

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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 UC San Diego Police Department is the primary agency, the UC San Diego 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).

The on-duty supervisor shall review all stop data to ensure it has been completed by every member of the shift prior to end of watch. If a supervisor cannot check RIPA data inputs for the officers on their shift in the last hour of the shift, without incurring over-time, they should request the on-coming supervisor to complete those checks.

The primary supervisor remains responsible for ensuring the RIPA data is completed, and each officer submits accurate data on their shift.

401.4.3 DISCLOSURE AND DOCUMENTATION OF TRAFFIC OR PEDESTRIAN STOP

An officer conducting a traffic or pedestrian stop shall state the reason for the stop prior to questioning the individual related to a criminal investigation or traffic violation unless the officer reasonably believes that withholding the reason for the stop is necessary to protect life or property from imminent threat, including but not limited to cases of terrorism or kidnapping (Vehicle Code § 2806.5).

Officers shall document the reason for the stop on any citation or report (Vehicle Code § 2806.5).

401.5 SUPERVISOR RESPONSIBILITIES

Supervisors should monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations in accordance with the Personnel Complaints Policy.

- (a) Supervisors should discuss any issues with the involved officer and his/her supervisor in a timely manner.
 - 1. Supervisors should document these discussions, in the prescribed manner.
- (b) Supervisors should periodically review MAV recordings, portable audio/video recordings, Mobile Digital Computer (MDC) data and any other available resource used to document contact between officers and the public to ensure compliance with the policy.
 - 1. Supervisors should document these periodic reviews.
 - 2. Recordings or data that capture a potential instance of bias-based policing should be appropriately retained for administrative investigation purposes.
- (c) Supervisors shall initiate investigations of any actual or alleged violations of this policy.

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- (d) Supervisors should take prompt and reasonable steps to address any retaliatory action taken against any member of this department who discloses information concerning bias-based policing.

401.6 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

The Operations Lieutenant shall ensure that all data required by the California Department of Justice (DOJ) regarding complaints of racial bias against officers is collected and provided to the Records Supervisor for required reporting to the DOJ (Penal Code § 13012; Penal Code § 13020). See the Records Section Policy.

Supervisors should ensure that data stop reports are provided to the Records Supervisor for required annual reporting to the DOJ (Government Code § 12525.5) (See Records Section Policy).

401.7 ADMINISTRATION

Each year, the Operations Lieutenant should review the efforts of the Department to provide fair and objective policing and submit an annual report, including public concerns and complaints, to the Chief of Police.

The annual report should not contain any identifying information about any specific complaint, member of the public or officers. It should be reviewed by the Chief of Police to identify any changes in training or operations that should be made to improve service.

Supervisors should review the annual report and discuss the results with those they are assigned to supervise.

401.8 TRAINING

Training on fair and objective policing and review of this policy shall be conducted annually and include:

- (a) Explicit and implicit biases.
- (b) Avoiding improper profiling.

401.8.1 ADDITIONAL STATE REQUIREMENTS

Training should be conducted as directed by the Training Unit.

- (a) All sworn members of this department will be scheduled to attend Peace Officer Standards and Training (POST)-approved training on the subject of bias-based policing.
- (b) Pending participation in such POST-approved training and at all times, all members of this department are encouraged to familiarize themselves with and consider racial and cultural differences among members of this community.
- (c) Each sworn member of this department who received initial bias-based policing training will thereafter be required to complete an approved POST 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)).

Briefing Training

402.1 PURPOSE AND SCOPE

Briefing training is generally conducted at the beginning of the officer's assigned shift. Briefing provides an opportunity for important exchange between employees and supervisors. A supervisor generally will conduct Briefing; however officers may conduct Briefing for training purposes with supervisor approval.

Briefing should accomplish, at a minimum, the following basic tasks:

- (a) Briefing officers with information regarding daily patrol activity, with particular attention given to unusual situations and changes in the status of wanted persons, stolen vehicles, and major investigations
- (b) Notifying officers of changes in schedules and assignments
- (c) Notifying officers of new Interim Directives or changes in Interim Directives
- (d) Reviewing recent incidents for training purposes
- (e) Providing training on a variety of subjects

402.2 PREPARATION OF MATERIALS

The supervisor conducting Briefing is responsible for preparation of the materials necessary for a constructive briefing. Supervisors may delegate this responsibility to a subordinate officer in his or her absence or for training purposes.

402.3 RETENTION OF BRIEFING TRAINING RECORDS

Briefing training materials and a curriculum or summary shall be forwarded to the Training Manager for inclusion in training records, as appropriate.

Crime and Disaster Scene Integrity

403.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance in handling a major crime or disaster.

403.2 POLICY

It is the policy of the UC San Diego Police Department to secure crime or disaster scenes so that evidence is preserved, and to identify and mitigate the dangers associated with a major crime or disaster scene for the safety of the community and those required to enter or work near the scene.

403.3 SCENE RESPONSIBILITY

The first officer at the scene of a crime or major incident is generally responsible for the immediate safety of the public and preservation of the scene. Officers shall also consider officer safety and the safety of those persons entering or exiting the area, including those rendering medical aid to any injured parties. Once an officer has assumed or been assigned to maintain the integrity and security of the crime or disaster scene, the officer shall maintain the crime or disaster scene until he/she is properly relieved by a supervisor or other designated person.

403.4 FIRST RESPONDER CONSIDERATIONS

The following list generally describes the first responder's function at a crime or disaster scene. This list is not intended to be all-inclusive, is not necessarily in order and may be altered according to the demands of each situation:

- (a) Broadcast emergency information, including requests for additional assistance and resources.
- (b) Provide for the general safety of those within the immediate area by mitigating, reducing or eliminating threats or dangers.
- (c) Locate or identify suspects and determine whether dangerous suspects are still within the area.
- (d) Provide first aid to injured parties if it can be done safely.
- (e) Evacuate the location safely as required or appropriate.
- (f) Secure the inner perimeter.
- (g) Protect items of apparent evidentiary value.
- (h) Secure an outer perimeter.
- (i) Identify potential witnesses.
- (j) Start a chronological log noting critical times and personnel allowed access.

403.5 SEARCHES

Officers arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims, and to determine if suspects are present and continue to pose a threat. Once officers are satisfied that no additional suspects are present and/or there are no injured

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persons to be treated, those exigent circumstances will likely no longer exist. Officers should thereafter secure the scene and conduct no further search until additional or alternate authority for the search is obtained, such as consent or a search warrant.

403.5.1 CONSENT

When possible, officers should seek written consent to search from authorized individuals. However, in the case of serious crimes or major investigations, it may be prudent to also obtain a search warrant. Consent as an additional authorization may be sought, even in cases where a search warrant has been granted.

403.6 EXECUTION OF HEALTH ORDERS

Any sworn 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).

Hazardous Material Response

404.1 PURPOSE AND SCOPE

Exposure to hazardous materials presents potential harm to department members and the public. This policy outlines the responsibilities of members who respond to these events and the factors that should be considered while on-scene, including the reporting of exposures and supervisor responsibilities. To comply with 8 CCR § 5194, the following is to be the policy of this department.

404.1.1 DEFINITIONS

Definitions related to this policy include:

Hazardous material – A substance which, by its nature, containment, or 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.

404.2 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) Notify UCSD Environmental Health and Safety.
- (d) Provide first-aid for injured parties if it can be done safely and without contamination.
- (e) 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.
- (f) Notify the local health authority. Such notification is mandatory when a spilled or released item is a pesticide (Health and Safety Code § 105215).
- (g) 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 Code § 79355).

404.3 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 a report that shall be forwarded via chain of command to the Commanding Officer.

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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 report.

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 as applicable.

404.3.1 SUPERVISOR RESPONSIBILITY

When a supervisor has been informed that an employee has been exposed to a hazardous material, the supervisor shall ensure that immediate medical treatment is obtained and appropriate action is taken to lessen the exposure.

To ensure the safety of employees, safety equipment is available through supervisory personnel. Safety items not maintained by the Department will be obtained through UCSD Environmental Health and Safety.

404.4 TRAINING

The Training Coordinator is responsible to ensure that all peace officers and other department members with duties that include the direct provision of public safety services receive appropriate training on the response to incidents involving chemical, biological, radiological, nuclear, or explosive hazards (CBRNE). Minimally this shall be awareness-level training, but advanced or specialized training on this topic should be considered a high-priority option for peace officers.

Ride-Along Policy

405.1 PURPOSE AND SCOPE

The Ride-Along Program provides an opportunity for citizens to experience the law enforcement function first hand. This policy provides the requirements, approval process, and hours of operation for the Ride-Along Program.

405.1.1 ELIGIBILITY

The UC San Diego Police Department Ride-Along Program is offered to residents, students and those employed within the University. Every attempt will be made to accommodate interested persons however any applicant may be disqualified without cause.

The following factors may be considered in disqualifying an applicant and are not limited to:

- Being under 15 years of age
- Prior criminal history
- Pending criminal action
- Pending lawsuit against the Department
- Denial by any supervisor

405.1.2 AVAILABILITY

The Ride-Along Program is available on most days of the week, with certain exceptions. The ride-along times are from 8:00 a.m. to 11:00 p.m. Exceptions to this schedule may be made as approved by the Chief of Police, Assistant Chief, Lieutenant or Watch Commander.

405.2 PROCEDURE TO REQUEST A RIDE-ALONG

Generally, ride-along requests will be scheduled by the Watch Commander. The participant will complete a ride-along waiver form. Information requested will include a valid ID or California driver's license, address, and telephone number. If the participant is under 18 years of age, a parent/guardian must be present to complete the Ride-Along Form.

The Watch Commander will schedule a date, based on availability, at least one week after the date of application. If approved, a copy will be forwarded to the respective Watch Commander as soon as possible for scheduling considerations.

If the ride-along is denied after the request has been made, a representative of the Department will contact the applicant and advise them of the denial.

405.2.1 PROGRAM REQUIREMENTS

Once approved, civilian ride-alongs will be allowed to ride no more than once every six months. An exception would apply to the following: CSO, RSVP, Chaplains, police applicants, and all others with approval of the Watch Commander.

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An effort will be made to ensure that no more than one citizen will participate in a ride-along during any given time period. Normally, no more than one ride-along will be allowed in the officer's vehicle at a given time.

Ride-alongs are limited to two hours but may be extended at the discretion of the officer assigned to the ride-along.

405.2.2 SUITABLE ATTIRE

Any person approved to ride along is required to be appropriately dressed.. Sandals, tank tops, shorts and ripped or torn blue jeans are not permitted. The Watch Commander or field supervisor may refuse a ride along to anyone not properly dressed.

405.2.3 PEACE OFFICER RIDE-ALONGS

Off-duty members of this department or any other law enforcement agency will not be permitted to ride-along with on-duty officers without the expressed consent of the Watch Commander. In the event that such a ride-along is permitted, the off-duty employee shall not be considered on-duty and shall not represent themselves as a peace officer or participate in any law enforcement activity except as emergency circumstances may require.

Participants who are currently employed in California as a sworn Peace Officer are authorized to carry a firearm concealed provided this does not conflict with other laws or policies of the participants current agency.

405.2.4 RIDE-ALONG CRIMINAL HISTORY CHECK

All Ride-along applicants are subject to a criminal history check. The criminal history check may include a local records check and a Department of Justice Automated Criminal History System check through CLETS prior to their approval as a ride-along with a law enforcement officer (provided that the ride-along is not an employee of the UC San Diego Police Department) (CLETS Policies, Practices and Procedures Manual § 1.6.1.F.2.).

If the ride along applicant is an employee of the UC San Diego Police Department, a CLETS criminal history check shall not be conducted.

If the ride along is a job applicant, the dispatcher may conduct a CLETS criminal history check for facility security, however, the dispatcher must not conduct the criminal history check for the purpose of circumventing the fingerprint or Livescan background process- i.e., the results of the CLETS criminal history check may not be shared for this purpose. (Reference CLETS Policies, Practices and Procedures Manual §1.6.1.D.3.)

405.3 OFFICER'S RESPONSIBILITY

The officer shall advise the dispatcher that a ride-along is present in the vehicle before going into service. Officers shall consider the safety of the ride-along at all times. Officers should use sound discretion when encountering a potentially dangerous situation, and if feasible, let the participant out of the vehicle in a well-lighted place of safety. The dispatcher will be advised of the situation

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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.

405.4 CONTROL OF RIDE-ALONG

The assigned employee shall maintain control over the ride-along at all times and instruct them 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 and booking process provided this does not jeopardize their safety
- (e) Officers will not allow any ride-alongs to be present in any residences or situations that would jeopardize their safety or cause undue stress or embarrassment to a victim or any other citizen
- (f) Under no circumstance shall a civilian ride along be permitted to enter a private residence with an officer without the expressed consent of the resident or other authorized person

Response to Bomb Calls

406.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to assist members of the UC San Diego 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.

406.2 POLICY

It is the policy of the UC San Diego Police Department to place a higher priority on the safety of persons and the public over damage or destruction to public or private property.

406.3 RECEIPT OF BOMB THREAT

Department members receiving a bomb threat should obtain as much information from the individual as reasonably possible, including the type, placement and alleged detonation time of the device.

If the bomb threat is received on a recorded line, reasonable steps should be taken to ensure that the recording is preserved in accordance with established department evidence procedures.

The member receiving the bomb threat should ensure that the Watch Commander is immediately advised and informed of the details. This will enable the Watch Commander to ensure that the appropriate personnel are dispatched, and, as appropriate, the threatened location is given an advance warning.

406.4 GOVERNMENT FACILITY OR PROPERTY

A bomb threat targeting a government facility may require a different response based on the government agency.

406.4.2 VETERANS HOSPITAL

If the bomb threat is against the Veterans Hospital, the Veteran's Administration Police should be immediately contacted. Assistance to the other entity may be provided as the Watch Commander deems appropriate.

406.5 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.

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- (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:
 - (a) Two-way radios
 - (b) Cell phones
 - (c) Other personal communication devices
- (d) The appropriate bomb squad or military explosive ordnance disposal team should be summoned for assistance.
- (e) The largest perimeter reasonably possible should initially be established around the device based upon available personnel and the anticipated danger zone.
- (f) A safe access route should be provided for support personnel and equipment.
- (g) Search the area for secondary devices as appropriate and based upon available resources.
- (h) Consider evacuation of buildings and personnel near the device or inside the danger zone and the safest exit route.
- (i) Promptly relay available information to the Watch Commander including:
 - 1. The time of discovery.
 - 2. The exact location of the device.
 - 3. A full description of the device (e.g., size, shape, markings, construction).
 - 4. The anticipated danger zone and perimeter.
 - 5. The areas to be evacuated or cleared.

406.6 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.

406.6.1 UCSD POLICE FACILITY

If the bomb threat is against the UC San Diego Police Department facility, the Watch Commander will direct and assign officers as required for coordinating a general building search or evacuation of the police department, as he/she deems appropriate.

406.6.1 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.

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- (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.

406.6.2 NOTIFICATIONS

When an explosion has occurred, the following people should be notified as appropriate:

- Fire department
- Bomb squad
- Additional department personnel, such as investigators and forensic services
- Field supervisor
- Watch Commander
- Other law enforcement agencies, including local, state or federal agencies, such as the FBI and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)
- Other government agencies, as appropriate

406.6.3 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.

406.6.4 PRESERVATION OF EVIDENCE

As in any other crime scene, steps should immediately be taken to preserve the scene. The Watch Commander should assign officers to protect the crime scene area, which could extend over a long distance. Consideration should be given to the fact that evidence may be imbedded in nearby structures or hanging in trees and bushes.

Crisis Intervention Incidents

407.1 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.

407.1.1 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.

407.2 POLICY

The UC San Diego 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.

407.3 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

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.

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407.4 COORDINATION WITH MENTAL HEALTH PROFESSIONALS

The Chief of Police should designate an appropriate Lieutenant to collaborate with mental health professionals to develop an education and response protocol. It should include a list of community resources, to guide department interaction with those who may be suffering from mental illness or who appear to be in a mental health crisis.

407.5 FIRST RESPONDERS

Safety is a priority for first responders. It is important to recognize that individuals under the influence of alcohol, drugs or both may exhibit symptoms that are similar to those of a person in a mental health crisis. These individuals may still present a serious threat to officers; such a threat should be addressed with reasonable tactics. Nothing in this policy shall be construed to limit an officer's authority to use reasonable force when interacting with a person in crisis.

Officers are reminded that mental health issues, mental health crises and unusual behavior alone are not criminal offenses. Individuals may benefit from treatment as opposed to incarceration.

An officer responding to a call involving a person in crisis should:

- (a) Promptly assess the situation independent of reported information and make a preliminary determination regarding whether a mental health crisis may be a factor.
- (b) Request available backup officers and specialized resources as deemed necessary and, if it is reasonably believed that the person is in a crisis situation, use conflict resolution and de-escalation techniques to stabilize the incident as appropriate.
- (c) If feasible, and without compromising safety, turn off flashing lights, bright lights or sirens.
- (d) Attempt to determine if weapons are present or available.
 1. Prior to making contact, and whenever possible and reasonable, conduct a search of the Department of Justice Automated Firearms System via the California Law Enforcement Telecommunications System (CLETS) to determine whether the person is the registered owner of a firearm (Penal Code § 11106.4).
- (e) Take into account the person's mental and emotional state and potential inability to understand commands or to appreciate the consequences of his/her action or inaction, as perceived by the officer.
- (f) Secure the scene and clear the immediate area as necessary.
- (g) Employ tactics to preserve the safety of all participants.
- (h) Determine the nature of any crime.
- (i) Request a supervisor, as warranted.
- (j) Evaluate any available information that might assist in determining cause or motivation for the person's actions or stated intentions.
- (k) If circumstances reasonably permit, consider and employ alternatives to force.

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407.6 DE-ESCALATION

Officers should consider that taking no action or passively monitoring the situation may be the most reasonable response to a mental health crisis.

Once it is determined that a situation is a mental health crisis and immediate safety concerns have been addressed, responding members should be aware of the following considerations and should generally:

- Evaluate safety conditions.
- Introduce themselves and attempt to obtain the person's name.
- Be patient, polite, calm, courteous and avoid overreacting.
- Speak and move slowly and in a non-threatening manner.
- Moderate the level of direct eye contact.
- Remove distractions or disruptive people from the area.
- Demonstrate active listening skills (e.g., summarize the person's verbal communication).
- Provide for sufficient avenues of retreat or escape should the situation become volatile.

Responding officers generally should not:

- Use stances or tactics that can be interpreted as aggressive.
- Allow others to interrupt or engage the person.
- Corner a person who is not believed to be armed, violent or suicidal.
- Argue, speak with a raised voice or use threats to obtain compliance.

407.7 INCIDENT ORIENTATION

When responding to an incident that may involve mental illness or a mental health crisis, the officer should request that the dispatcher provide critical information as it becomes available. This includes:

- (a) Whether the person relies on drugs or medication, or may have failed to take his/her medication.
- (b) Whether there have been prior incidents, suicide threats/attempts, and whether there has been previous police response.
- (c) Contact information for a treating physician or mental health professional.

Additional resources and a supervisor should be requested as warranted.

407.8 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene of any interaction with a person in crisis. Responding supervisors should:

- (a) Attempt to secure appropriate and sufficient resources.

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- (b) Closely monitor any use of force, including the use of restraints, and ensure that those subjected to the use of force are provided with timely access to medical care (see the Handcuffing and Restraints Policy).
- (c) Consider strategic disengagement. Absent an imminent threat to the public and, as circumstances dictate, this may include removing or reducing law enforcement resources or engaging in passive monitoring.
- (d) Ensure that all reports are completed and that incident documentation uses appropriate terminology and language.
- (e) Conduct an after-action tactical and operational debriefing, and prepare an after-action evaluation of the incident to be forwarded to the Lieutenant.

Evaluate whether a critical incident stress management debriefing for involved members is warranted.

407.9 INCIDENT REPORTING

Members engaging in any oral or written communication associated with a mental health crisis should be mindful of the sensitive nature of such communications and should exercise appropriate discretion when referring to or describing persons and circumstances.

Members having contact with a person in crisis should keep related information confidential, except to the extent that revealing information is necessary to conform to department reporting procedures or other official mental health or medical proceedings.

407.9.1 DIVERSION

Individuals who are not being arrested should be processed in accordance with the Mental Illness Commitments Policy.

407.10 NON-SWORN INTERACTION WITH PEOPLE IN CRISIS

Non-sworn members may be required to interact with persons in crisis in an administrative capacity, such as dispatching, records request, and animal control issues.

- (a) Members should treat all individuals equally and with dignity and respect.
- (b) If a member believes that he/she is interacting with a person in crisis, he/she should proceed patiently and in a calm manner.
- (c) Members should be aware and understand that the person may make unusual or bizarre claims or requests.

If a person's behavior makes the member feel unsafe, if the person is or becomes disruptive or violent, or if the person acts in such a manner as to cause the member to believe that the person may be harmful to him/herself or others, an officer should be promptly summoned to provide assistance.

407.11 EVALUATION

The Lieutenant designated to coordinate the crisis intervention strategy for this department should ensure that a thorough review and analysis of the department response to these incidents is

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conducted annually. The report will not include identifying information pertaining to any involved individuals, officers or incidents and will be submitted to the Chief of Police through the chain of command.

407.12 TRAINING

In coordination with the mental health community and appropriate stakeholders, the Department will develop and provide comprehensive education and training to all department members to enable them to effectively interact with persons in crisis.

This department will endeavor to provide Peace Officer Standards and Training (POST)-approved advanced officer training on interaction with persons with mental disabilities, welfare checks and crisis intervention (Penal Code § 11106.4; Penal Code § 13515.25; Penal Code § 13515.27; Penal Code § 13515.30).

Cite and Release Policy

408.1 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.

408.2 POLICY

It is the policy of the UC San Diego 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.

408.3 RELEASE BY CITATION

Except in cases where a reason for non-release as described below exists, adults arrested for a misdemeanor offense, including a private person's arrest, shall be released from custody on a citation (Penal Code § 853.6).

The citing officer shall, at the time the defendant signs the notice to appear, call attention to the time and place for appearance and take any other steps they deem necessary to ensure that the defendant understands their written promise to appear.

408.3.1 FIELD CITATIONS

In most cases an adult arrested for a misdemeanor offense may be released in the field on a citation in lieu of physical arrest when booking and fingerprinting is not practicable or immediately required provided the individual can be satisfactorily identified, there is no outstanding arrest warrant for the individual and none of the below described disqualifying circumstances are present (Penal Code § 853.6; Penal Code § 1270.1). In such cases the arresting officer should check the booking required box on the citation form to indicate that the person will be photographed and fingerprinted at a later time when ordered by the court.

When a booking photo or fingerprints are needed for the furtherance of any investigation, the person should be released on citation after booking instead of on a field citation.

408.3.2 RELEASE AFTER BOOKING

In some cases it may not be feasible or desirable to release a person in the field. The person should instead be released on citation after booking at the jail. All bookings shall be approved by the Watch Commander or the authorized designee.

408.4 NON-RELEASE

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408.4.1 DISQUALIFYING OFFENSES

An adult arrested on any of the following disqualifying charges shall not be released on citation and shall be transported to the appropriate detention facility or held for court or bail after booking (Penal Code § 1270.1):

- (a) Misdemeanor domestic battery (Penal Code § 243(e)(1))
- (b) Felony domestic battery (Penal Code § 273.5)
- (c) Serious or violent felonies (Penal Code § 1270.1(a)(1))
- (d) Felony intimidation of witnesses and victims (Penal Code § 136.1)
- (e) Violation of a protective order and the arrested person has made threats, used violence, or has gone to the protected person's workplace or residence (Penal Code § 273.6)
- (f) Stalking (Penal Code § 646.9)
- (g) Misdemeanor violations of a protective order relating to domestic violence if there is a reasonable likelihood the offense will continue or the safety of the individuals or property would be endangered (Penal Code § 853.6)

408.4.2 REASONS FOR NON-RELEASE

A person arrested for a misdemeanor shall be released on a citation unless there is a reason for non-release. The Watch Commander may authorize a release on citation regardless of whether a reason for non-release exists when it is determined to be in the best interest of the Department and does not present an unreasonable risk to the community (e.g., release of an intoxicated or ill person to a responsible adult).

Reasons for non-release include (Penal Code § 853.6(i)):

- (a) The person arrested is so intoxicated that they could be a danger to themselves or to others. Release may occur as soon as this condition no longer exists.
- (b) The person arrested requires medical examination or medical care or is otherwise unable to care for their own safety.
- (c) The person is arrested for one or more of the offenses listed in Vehicle Code § 40302, Vehicle Code § 40303, and Vehicle Code § 40305.
- (d) There are one or more outstanding arrest warrants for the person (see Misdemeanor Warrants elsewhere in this policy).
- (e) The person could not provide satisfactory evidence of personal identification.
 - 1. If a person released on citation does not have satisfactory identification in their possession, a right thumbprint or fingerprint should be obtained on the citation form.
- (f) The prosecution of the offense or offenses for which the person was arrested or the prosecution of any other offense or offenses would be jeopardized by the immediate release of the person arrested.

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- (g) There is a reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be imminently endangered by the release of the person arrested.
- (h) The person arrested demands to be taken before a magistrate or has refused to sign the notice to appear.
- (i) There is reason to believe that the person would not appear at the time and place specified in the notice to appear. The basis for this determination shall be specifically documented. Reasons may include:
 - 1. Previous failure to appear is on record
 - 2. The person lacks ties to the area, such as a residence, job, or family
 - 3. Unusual circumstances lead the officer responsible for the release of arrested persons to conclude that the suspect should be held for further investigation
- (j) A previous conviction, citation, or arrest for misdemeanor or felony retail theft from a store in the previous six months.
- (k) There is probable cause to believe that the person arrested is guilty of committing organized retail theft.

When a person is arrested on a misdemeanor offense and is not released by criminal citation, the reason for non-release shall be noted on the booking form. This form shall be submitted to the Watch Commander for approval and included with the case file in the Records Section.

408.5 MISDEMEANOR WARRANTS

An adult arrested on a misdemeanor warrant may be released, subject to Watch Commander approval, unless any of the following conditions exist:

- (a) The misdemeanor cited in the warrant involves violence.
- (b) The misdemeanor cited in the warrant involves a firearm.
- (c) The misdemeanor cited in the warrant involves resisting arrest.
- (d) The misdemeanor cited in the warrant involves giving false information to a peace officer.
- (e) The person arrested is a danger to themselves or others due to intoxication or being under the influence of drugs or narcotics.
- (f) The person requires medical examination or medical care or was otherwise unable to care for their own safety.
- (g) The person has other ineligible charges pending against themselves.
- (h) There is reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be immediately endangered by the release of the person.
- (i) The person refuses to sign the notice to appear.
- (j) The person cannot provide satisfactory evidence of personal identification.

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- (k) The warrant of arrest indicates that the person is not eligible to be released on a notice to appear.

Release under this section shall be done in accordance with the provisions of this policy.

408.6 JUVENILE CITATIONS

Completion of criminal citations for juveniles is generally not appropriate with the following exceptions:

- Misdemeanor traffic violations of the Vehicle Code
- Violations of the University of California, San Diego University codes

All other misdemeanor violations for juveniles shall be documented with a case number and the case should be referred to the Investigation Unit for further action including diversion.

Mental Illness Commitments

409.1 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).

409.2 POLICY

It is the policy of the UC San Diego Police Department to protect the public and individuals through legal and appropriate use of the 72-hour treatment and evaluation commitment (5150 commitment) process.

409.3 AUTHORITY

An officer having probable cause may take a person into custody and place the person in an approved mental health facility for 72-hour treatment and evaluation when the officer believes that, as a result of a mental disorder, the person is a danger to him/herself or others or the person is gravely disabled (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

409.3.1 VOLUNTARY EVALUATION

If an officer encounters an individual who may qualify for a 5150 commitment, he/she may inquire as to whether the person desires to voluntarily be evaluated at an appropriate facility. If the person so desires, the officers should:

- (a) Transport the person to an appropriate facility that is able to conduct the evaluation and admit the person pursuant to a 5150 commitment.
- (b) If at any point the person changes his/her mind regarding voluntary evaluation, officers should proceed with the 5150 commitment, if appropriate.
- (c) Document the circumstances surrounding the individual's desire to pursue voluntary evaluation and/or admission.

409.4 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.

409.4.1 SECURING OF PROPERTY

When a person is taken into custody for evaluation, or within a reasonable time thereafter, and unless a responsible relative, guardian or conservator is in possession of the person's personal property, the officer shall take reasonable precautions to safeguard the individual's personal property in his/her possession or on the premises occupied by the person (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).

409.5 TRANSPORTATION

When transporting any individual for a 5150 commitment, the transporting officer should have Communications Unit notify the receiving facility of the estimated time of arrival, the level of cooperation of the individual and whether any special medical care is needed.

Officers may transport individuals in a patrol unit and shall secure them in accordance with the Handcuffing and Restraints Policy. Should the detainee require transport in a medical transport vehicle and the safety of any person, including the detainee, requires the presence of an officer during the transport, Watch Commander approval is required before transport commences.

409.6 TRANSFER TO APPROPRIATE FACILITY

Upon arrival at the facility, the officer will escort the individual into a treatment area designated by a facility staff member. If the individual is not seeking treatment voluntarily, the officer should provide the staff member with the written application for a 5150 commitment and remain present to provide clarification of the grounds for detention, upon request.

Absent exigent circumstances, the transporting officer should not assist facility staff with the admission process, including restraint of the individual. However, if the individual is transported

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and delivered while restrained, the officer may assist with transferring the individual to facility restraints and will be available to assist during the admission process, if requested. Under normal circumstances, officers will not apply facility-ordered restraints.

409.7 DOCUMENTATION

The officer shall complete an application for a 72-Hour detention for evaluation and treatment, provide it to the facility staff member assigned to that patient and retain a copy of the application for inclusion in the case report.

The application shall include the circumstances for officer involvement; the probable cause to believe the person is, as a result of a mental health disorder, a danger to others or him/herself or gravely disabled; and all information used for the determination of probable cause (Welfare and Institutions Code § 5150; Welfare and Institutions Code § 5150.05).

The officer should also provide a verbal summary to any evaluating staff member regarding the circumstances leading to the involuntary detention.

409.7.1 ADVISEMENT

The officer taking a person into custody for evaluation shall advise the person of:

- (a) The officer's name and agency.
- (b) The fact that the person is not under criminal arrest but is being taken for examination by mental health professionals and the mental health staff will advise him/her of their rights.
- (c) The name of the facility to which the person is being taken.
- (d) If the person is being taken into custody at his/her residence, he/she should also be advised that he/she may take a few personal items, which the officer must approve, and may make a telephone call or leave a note indicating where he/she is being taken. The officer should also ask if the person needs assistance turning off any appliance or water.

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).

409.8 CRIMINAL OFFENSES

Officers investigating an individual who is suspected of committing a minor criminal offense and who is being taken on a 5150 commitment should resolve the criminal matter by issuing a warning or a Notice to Appear as appropriate.

When an individual who may qualify for a 5150 commitment has committed a serious criminal offense that would normally result in an arrest and transfer to a jail facility, the officer should:

- (a) Arrest the individual when there is probable cause to do so.
- (b) Notify the appropriate supervisor of the facts supporting the arrest and the facts that would support the 5150 commitment.

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- (c) Facilitate the individual's transfer to jail.
- (d) Thoroughly document in the related reports the circumstances that indicate the individual may qualify for a 5150 commitment.

In the supervisor's judgment, the individual may instead be arrested or booked and transported to the appropriate mental health facility. The supervisor should consider the seriousness of the offense, the treatment options available, the ability of this department to regain custody of the individual, department resources (e.g., posting a guard) and other relevant factors in making this decision.

409.9 FIREARMS AND OTHER WEAPONS

Whenever a person is taken into custody for a 5150 commitment, the handling officers should seek to determine if the person owns or has access to any firearm or other deadly weapon defined in Welfare and Institutions Code § 8100. Officers should consider whether it is appropriate and consistent with current search and seizure law under the circumstances to seize any such firearms or other dangerous weapons (e.g., safekeeping, evidence, consent).

Officers are cautioned that a search warrant may be needed before entering a residence or other place to search, unless lawful, warrantless entry has already been made (e.g., exigent circumstances, consent). A search warrant may also be needed before searching for or seizing weapons

The handling officers shall issue a receipt describing the deadly weapon or any firearm seized, and list any serial number or other identification that is on the firearm. Officers shall advise the person of the procedure for the return of any firearm or other weapon that has been taken into custody (Welfare and Institutions Code § 8102 (b)) (see Property and Evidence Policy).

409.9.1 PETITION FOR RETURN OF FIREARMS AND OTHER WEAPONS

Whenever the handling officer has cause to believe that the future return of any confiscated weapon might endanger the person or others, the officer shall detail those facts and circumstances in a report. The report shall be forwarded to the Investigation Unit, which shall be responsible for initiating a petition to the Superior Court for a hearing in accordance with Welfare and Institutions Code § 8102(c), to determine whether the weapon will be returned.

The petition to the Superior Court shall be initiated within 30 days of the release of the individual from whom such weapon has been confiscated, unless the Department makes an ex parte application to the court to extend the time to file such a petition, up to a maximum of 60 days. At the time any such petition is initiated, the Department shall send written notice to the individual informing him/her of the right to a hearing on the issue, that he/she has 30 days to confirm with the court clerk any desire for a hearing and that the failure to do so will result in the forfeiture of any confiscated weapon.

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409.10 TRAINING

This department will endeavor to provide Peace Officer Standards and Training (POST)-approved advanced officer training on interaction with persons with mental disabilities, 5150 commitments and crisis intervention.

Foreign Diplomatic and Consular Representatives

410.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that members of the UC San Diego Police Department extend appropriate privileges and immunities to foreign diplomatic and consular representatives in accordance with international law.

410.2 POLICY

The UC San Diego 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.

410.3 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.

410.4 ENFORCEMENT

If the DOS is not immediately available for consultation regarding law enforcement action, members shall be aware of the following:

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- (a) Generally, all persons with diplomatic and consular privileges and immunities may be issued a citation or notice to appear. However, the person may not be compelled to sign the citation.
- (b) All persons, even those with a valid privilege or immunity, may be reasonably restrained in exigent circumstances for purposes of self-defense, public safety or the prevention of serious criminal acts.
- (c) An impaired foreign diplomatic or consular representative may be prevented from driving a vehicle, even if the person may not be arrested due to privileges and immunities.
 - 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.

410.5 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.

410.6 DIPLOMATIC IMMUNITY TABLE

Reference table on diplomatic immunity:

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Category	Arrested or Detained	Enter Residence Subject to Ordinary Procedures	Issued Traffic Citation	Subpoenaed as Witness	Prosecuted	Recognized Family Members
Diplomatic Agent	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Member of Admin and Tech Staff	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Service Staff	Yes (note (a))	Yes	Yes	Yes	No for official acts. Yes otherwise (note (a))	No immunity or inviolability (note (a))
Career Consul Officer	Yes if for a felony and pursuant to a warrant (note (a))	Yes (note (d))	Yes	No for official acts Testimony may not be compelled in any case	No for official acts. Yes otherwise (note (a))	No immunity or inviolability
Honorable Consul Officer	Yes	Yes	Yes	No for official acts Yes otherwise.	No for official acts Yes otherwise	No immunity or inviolability
Consulate Employees	Yes (note (a))	Yes	Yes	No for official acts Yes otherwise.	No for official acts. Yes otherwise (note (a))	No immunity or inviolability (note (a))
Int'l Org Staff (note (b))	Yes (note (c))	Yes (note (c))	Yes	Yes (note (c))	No for official acts. Yes otherwise (note (c))	No immunity or inviolability
Diplomatic-Level Staff of Missions to Int'l Org	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Support Staff of Missions to Int'l Orgs	Yes	Yes	Yes	Yes	No for official acts Yes otherwise	No immunity or inviolability

Notes for diplomatic immunity table:

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- (a) This table presents general rules. The employees of certain foreign countries may enjoy higher levels of privileges and immunities on the basis of special bilateral agreements.
- (b) Reasonable constraints, however, may be applied in emergency circumstances involving self-defense, public safety, or in the prevention of serious criminal acts.
- (c) A small number of senior officers are entitled to be treated identically to diplomatic agents.
- (d) Note that consul residences are sometimes located within the official consular premises. In such cases, only the official office space is protected from police entry.

Immigration Violations

411.1 PURPOSE AND SCOPE

The immigration status of individuals alone is generally not a matter for police action. It is incumbent upon all employees of this department to make a personal commitment to equal enforcement of the law and equal service to the public regardless of immigration status. Confidence in this commitment will increase the effectiveness of the Department in protecting and serving the entire community.

411.1.1 DEFINITIONS

The following definitions apply to this policy (Government Code § 7284.4):

Criminal immigration violation - Any federal criminal immigration violation that penalizes a person's presence in, entry, or reentry to, or employment in, the United States. This does not include any offense where a judicial warrant already has been issued.

Immigration enforcement - Any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal civil immigration law, including any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal criminal immigration law that penalizes a person's presence in, entry or reentry to, or employment in the United States.

Judicial warrant - An arrest warrant for a violation of federal criminal immigration law and issued by a federal judge or a federal magistrate judge.

411.2 DEPARTMENT POLICY

The U.S. Immigration and Customs Enforcement (ICE) has primary jurisdiction for enforcement of the provisions of Title 8, United States Code dealing with illegal entry. UC San Diego PD, on the other hand, has primary responsibility for preserving and protecting public safety for the University community. Community trust and cooperation is essential to effective law enforcement on campus and other University property. The limited resources of UC San Diego PD should not be diverted from this mission to the enforcement of federal immigration laws; UC San Diego PD shall not enforce federal immigration law. Campus police should avoid actions that create a disincentive to report crime, or to offer testimony as a witness to a crime, such as requesting information about immigration status from crime victims and witnesses.

411.3 PROCEDURES FOR IMMIGRATION COMPLAINTS

Persons wishing to report immigration violations should be advised that immigration enforcement is the responsibility of the federal government.

411.3.1 BASIS FOR CONTACT, DETENTION, QUESTIONING OR ARREST

Officers shall not contact, detain, question or arrest an individual solely on the basis of suspected undocumented immigration status or to discover the immigration status of an individual.

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411.4 VICTIMS AND WITNESSES

To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not automatically lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and not in any way that would violate the United States or California constitutions.

411.5 IMMIGRATION INQUIRIES PROHIBITED

Officers shall not inquire into an individual's immigration status for immigration enforcement purposes (Government Code § 7284.6).

411.5.1 CALIFORNIA LAW ENFORCEMENT TELECOMMUNICATIONS SYSTEM (CLETS)

Members shall not use information transmitted through CLETS for immigration enforcement purposes except for criminal history information and only when consistent with the California Values Act (Government Code § 15160).

Members shall not use the system to investigate immigration violations of 8 USC § 1325 (improper entry) if that violation is the only criminal history in an individual's record (Government Code § 15160).

411.5.2 CALIFORNIA DEPARTMENT OF MOTOR VEHICLES

Members shall not obtain, access, use, or otherwise disclose noncriminal history information maintained by the DMV for immigration enforcement (Vehicle Code § 1808.48).

411.6 FEDERAL REQUESTS FOR ASSISTANCE

Absent an urgent issue of officer safety or other emergency circumstances, requests by federal immigration officials for assistance from this department should be directed to a supervisor. The supervisor is responsible for determining whether the requested assistance would be permitted under the California Values Act (Government Code § 7284.2 et seq.).

411.6.1 NO SWEEPS

The U.C. San Diego Police Department does not conduct sweeps or other concentrated efforts to detain suspected undocumented persons.

When the law enforcement efforts are increased in a particular area, equal consideration should be given to all suspected violations and not just those affecting a particular race, ethnicity, age, gender, sexual orientation, religion, or socioeconomic status.

The disposition of each contact (e.g., warning, citation, arrest), while discretionary in each case, should not be affected by such factors as race, ethnicity, age, gender, sexual orientation, religion or socioeconomic status.

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411.6.2 ICE REQUESTS FOR ASSISTANCE

In a specific request is made by ICE or any other federal agency for assistance with enforcement of Title 8 of the UC Code, this department may provide available support services only for purposes such as managing the flow of traffic, peacekeeping, officer safety or as otherwise necessary to prevent injuries or property damage.

Members of this department shall not participate in federal operations as of any federal immigration detention team. Any detention by a member of this department must be based upon the reasonable belief that an individual is involved in criminal activity in violation of laws other than federal immigration laws. County jail authorities have responsibility for compliance with the California Truth Act and the California Trust Act should either be required.

411.7 INFORMATION SHARING

The University of California, San Diego Police Department is concerned for the safety of local citizens and thus detection of criminal behavior is of primary interest in dealing with any person. The decision to arrest shall be based upon those factors which establish probable cause and not on arbitrary aspects. Race, ethnicity, age, gender, sexual orientation, religion, and socioeconomic status alone are of no bearing on the decision to arrest. All individuals, regardless of their immigration status, must feel secure that contacting law enforcement will not make them vulnerable to deportation. Members should not attempt to determine the immigration status of crime victims and witnesses or take enforcement action against them absent exigent circumstances or reasonable cause to believe that a crime victim or witness is involved in violating criminal laws.

Nothing in this policy on Immigration Violations is intended to restrict officers from exchanging with ICE information regarding the citizenship or immigration status, lawful or unlawful, of any individual, to the extent such restriction is inconsistent with the requirements of 8 USC 1373 and 8 USC 1644.

411.8 IDENTIFICATION

Whenever an individual is reasonably suspected of a criminal violation (infraction, misdemeanor or felony), the investigating officer should take reasonable steps to determine the person's identify through valid identification or other reliable sources.

If an individual would have otherwise been released for an infraction or misdemeanor on a citation, the person should be given reasonable opportunity to verify his/her true identity (e.g., telephone calls). If the person's identify is thereafter reasonably established, the original citation release should be completed without consideration of immigration status.

411.9 ARREST AND BOOKING

Whenever an individual is arrested for a misdemeanor violation, the arresting officer shall process that individual pursuant to California Penal Code 853.6 and the department's Cite and Release Policy. County jail bookings for misdemeanors should be approved by the watch commander. Individuals arrested for felony violations should be booked in the County jail according to local

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policy. Upon booking, County jail authorities have the responsibility for any actions required by the California Truth Act and the California Trust Act.

411.10 REQUIRED NOTIFICATION

Whenever an officer has reason to believe that any person arrested for any offense set forth in the Uniform Controlled Substances Act that is listed in the Health & Safety Code 11369 may not be a citizen of the United States and the individual is not going to be booked into the County Jail, the arresting officer shall cause ICE to be notified as required by Health & Safety Code 11369.

411.11 U VISA AND T VISA NONIMMIGRANT STATUS

Under certain circumstances, federal law allows temporary immigration benefits, known as a U visa, to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U)).

Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)).

Any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the Investigation Unit supervisor assigned to oversee the handling of any related case. The Investigation Unit supervisor should:

- (a) Consult with the assigned investigator to determine the current status of any related case and whether further documentation is warranted.
- (b) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the certification or declaration has not already been completed and whether a certification or declaration is warranted.
- (c) Address the request and complete the certification or declaration, if appropriate, in a timely manner.
 1. The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website.
 2. Form I-918 Supplement B certification shall be completed if the victim qualifies under Penal Code § 679.10 (multiple serious offenses). The certification shall be completed and not refused for the specified reasons in Penal Code § 679.10(k)(3).
 3. Form I-914 Supplement B declaration shall be completed if the victim qualifies under Penal Code § 236.5 or Penal Code § 679.11 (human trafficking). The declaration shall be completed and not refused for completion for the specified reasons in Penal Code § 679.11(j)(3).
 4. Forward the completed Form I-918 Supplement B certification or completed Form I-914 declaration B to the victim, family member, or authorized representative (as defined in Penal Code § 679.10 and Penal Code § 679.11) without requiring the victim to provide government-issued identification (Penal Code § 679.10; Penal Code § 679.11)

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- (d) Ensure that any decision to complete, or not complete, a certification or declaration form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed form in the case file.
 - 1. If Form I-918 Supplement B is not certified, a written explanation of denial shall be provided to the victim or authorized representative. The written denial shall include specific details of any reasonable requests for cooperation and a detailed description of how the victim refused to cooperate (Penal Code § 679.10).
- (e) Inform the victim liaison of any requests and their status.

411.11.1 TIME FRAMES FOR COMPLETION

Officers and their supervisors who are assigned to investigate a case of human trafficking as defined by Penal Code § 236.1 shall complete the above process and the documents needed for indicating the individual is a victim for the T visa application within 15 business days of the first encounter with the victim, regardless of whether it is requested by the victim (Penal Code § 236.5).

Officers and their supervisors shall complete the above process and the documents needed certifying victim cooperation for a U visa or T visa application pursuant to Penal Code § 679.10 and Penal Code § 679.11 within 30 days of a request from the victim, victim's family, or authorized representative related to one of their assigned cases. If the victim is in removal proceedings, the certification shall be processed within seven days of the first business day following the day the request was received.

411.11.2 REPORTING TO LEGISLATURE

The Investigation Unit supervisor or the authorized designee should ensure that certification requests are reported to the Legislature in January of each year and include the number of certifications signed and the number denied. The report shall comply with Government Code § 9795 (Penal Code § 679.10; Penal Code § 679.11).

411.11.3 POLICE REPORTS

Upon request, an officer or supervisor should provide a victim or authorized representative with a copy of the report filed by the victim within seven days of the request (Penal Code § 679.10).

Rapid Response and Deployment

412.1 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.

412.2 POLICY

The UC San Diego 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. The Chief of Police, or designee, shall be responsible for planning the departmental response to critical incidents.

Nothing in this policy shall preclude the use of reasonable force, deadly or otherwise, by members of the Department in protecting themselves or others from death or serious injury.

412.3 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.

412.4 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:

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- (a) Whether to advance on or engage a suspect who is still a possible or perceived threat to others. Any advance or engagement should be based on information known or received at the time.
- (b) Whether to wait for additional resources or personnel. This does not preclude an individual officer from taking immediate action.
- (c) Whether individuals who are under imminent threat can be moved or evacuated with reasonable safety.
- (d) Whether the suspect can be contained or denied access to victims.
- (e) Whether the officers have the ability to effectively communicate with other personnel or resources.
- (f) Whether planned tactics can be effectively deployed.
- (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).

412.4.1 RESPONSE TO SCHOOL THREATS

Upon receiving a threat or perceived threat from a school official that involves grades 6 to 12, officers shall immediately investigate and conduct a threat assessment. The investigation shall include a review of the firearm registry of the California Department of Justice. A reasonable search of the school at issue shall be conducted when the search is justified by reasonable suspicion that it would produce evidence related to the threat or perceived threat (Education Code § 49394).

For purposes of this subsection a "threat" or "perceived threat" means any writing or action of a pupil that creates a reasonable suspicion that the pupil is preparing to commit a homicidal act related to school or a school activity. This may include possession, use, or depictions of firearms, ammunition, shootings, or targets in association with infliction of physical harm, destruction, or death in a social media post, journal, class note, or other media associated with the pupil. It may also include a warning by a parent, pupil, or other individual (Education Code § 49390).

412.5 PLANNING

The Operations Lieutenant 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.

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- (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.
- (k) Community education programs and training.

412.6 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.
 - (a) This should include the POST terrorism incident training required for officers assigned to field duties (Penal Code § 13519.12).
- (d) First aid, including gunshot trauma.
- (e) Reality-based scenario training (e.g., active shooter, disgruntled violent worker).

Aircraft Accidents

413.1 PURPOSE AND SCOPE

The purpose of this policy is to provide department members with guidelines for handling aircraft accidents.

This policy does not supersede, and is supplementary to, applicable portions of the Crime and Disaster Scene Integrity, Emergency Management Plan and Hazardous Material Response policies.

413.1.1 DEFINITIONS

Definitions related to this policy include:

Aircraft - Any fixed wing aircraft, rotorcraft, balloon, blimp/dirigible or glider that is capable of carrying a person or any unmanned aerial vehicle other than those intended for non-commercial recreational use.

413.2 POLICY

It is the policy of the UC San Diego Police Department to provide an appropriate emergency response to aircraft accidents. This includes emergency medical care and scene management.

413.3 ARRIVAL AT SCENE

Officers or other authorized members tasked with initial scene management should establish an inner and outer perimeter to:

- (a) Protect persons and property.
- (b) Prevent any disturbance or further damage to the wreckage or debris, except to preserve life or rescue the injured.
- (c) Preserve ground scars and marks made by the aircraft.
- (d) Manage the admission and access of public safety and medical personnel to the extent necessary to preserve life or to stabilize hazardous materials.
- (e) Maintain a record of persons who enter the accident site.
- (f) Consider implementation of an Incident Command System (ICS).

413.4 INJURIES AND CASUALTIES

Members should address emergency medical issues and provide care as a first priority.

Those tasked with the supervision of the scene should coordinate with the National Transportation Safety Board (NTSB) before the removal of bodies. If that is not possible, the scene supervisor should ensure documentation of what was disturbed, including switch/control positions and instrument/gauge readings.

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Aircraft Accidents

413.5 NOTIFICATIONS

When an aircraft accident is reported to this department, the responding supervisor shall ensure notification is or has been made to NTSB, the Federal Aviation Administration (FAA), and when applicable, the appropriate branch of the military.

Supervisors shall ensure other notifications are made once an aircraft accident has been reported. The notifications will vary depending on the type of accident, extent of injuries or damage, and the type of aircraft involved. When an aircraft accident has occurred, it is generally necessary to notify the following:

- (a) Fire department
- (b) Appropriate airport tower
- (c) Emergency medical services (EMS)

413.6 CONTROLLING ACCESS AND SCENE AUTHORITY

Prior to NTSB arrival, scene access should be limited to authorized personnel from the:

- (a) FAA.
- (b) Fire department, EMS or other assisting law enforcement agencies.
- (c) Medical Examiner.
- (d) Air Carrier/Operators investigative teams with NTSB approval.
- (e) Appropriate branch of the military, when applicable.
- (f) Other emergency services agencies (e.g., hazardous materials teams, biohazard decontamination teams, fuel recovery specialists, explosive ordnance disposal specialists).

The NTSB has primary responsibility for investigating accidents involving civil aircraft. In the case of a military aircraft accident, the appropriate branch of the military will have primary investigation responsibility.

After the NTSB or military representative arrives on-scene, the efforts of this department will shift to a support role for those agencies.

If NTSB or a military representative determines that an aircraft or accident does not qualify under its jurisdiction, the on-scene department supervisor should ensure the accident is still appropriately investigated and documented.

413.7 DANGEROUS MATERIALS

Members should be aware of potentially dangerous materials that might be present. These may include, but are not limited to:

- (a) Fuel, chemicals, explosives, biological or radioactive materials and bombs or other ordnance.
- (b) Pressure vessels, compressed gas bottles, accumulators and tires.
- (c) Fluids, batteries, flares and igniters.

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- (d) Evacuation chutes, ballistic parachute systems and composite materials.

413.8 DOCUMENTATION

All aircraft accidents occurring within the University of University of California, San Diego shall be documented. At a minimum the documentation should include the date, time and location of the incident; any witness statements, if taken; the names of UCSDPD members deployed to assist; other University resources that were utilized; and cross reference information to other investigating agencies. Suspected criminal activity should be documented on the appropriate crime report.

413.8.1 WRECKAGE

When reasonably safe, members should:

- (a) Obtain the aircraft registration number (N number) and note the type of aircraft.
- (b) Attempt to ascertain the number of casualties.
- (c) Obtain photographs or video of the overall wreckage, including the cockpit and damage, starting at the initial point of impact, if possible, and any ground scars or marks made by the aircraft.
 - 1. Military aircraft may contain classified equipment and therefore shall not be photographed unless authorized by a military commanding officer (18 USC § 795).
- (d) Secure, if requested by the lead authority, any electronic data or video recorders from the aircraft that became dislodged or cell phones or other recording devices that are part of the wreckage.
- (e) Acquire copies of any recordings from security cameras that may have captured the incident.

413.8.2 WITNESSES

Members tasked with contacting witnesses should obtain:

- (a) The location of the witnesses at the time of their observation relative to the accident site.
- (b) A detailed description of what was observed or heard.
- (c) Any photographs or recordings of the accident witnesses may be willing to voluntarily surrender.
- (d) The names of all persons reporting the accident, even if not yet interviewed.
- (e) Any audio recordings of reports to 9-1-1 regarding the accident and dispatch records.

413.9 MEDIA RELATIONS

The Chief of Police or authorized designee should coordinate a response to the media, including access issues, road closures, detours and any safety information that is pertinent to the surrounding community. Any release of information regarding details of the accident itself should be coordinated with the NTSB or other authority who may have assumed responsibility for the investigation.

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Depending on the type of aircraft, the airline or the military may be responsible for family notifications and the release of victims' names. The Chief of Police or authorized designee should coordinate with other involved entities before the release of information.

Field Training Officer Program

414.1 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 UC San Diego Police Department.

It is the policy of this department to assign all new police officers to a structured Field Training Officer Program that is designed to prepare the new officer to perform in a patrol assignment, and possessing all skills needed to operate in a safe, productive, and professional manner.

414.2 FIELD TRAINING OFFICER - SELECTION AND TRAINING

The Field Training Officer (FTO) is an experienced officer trained in the art of supervising, training, and evaluating entry level and lateral police officers in the application of their previously acquired knowledge and skills. Officers with 2 years of patrol experience and who possess a POST Basic Certificate and have completed the probationary time may apply for selection as an FTO. The FTO assignment is 3 years in duration, or per the contractual agreement.

414.2.1 SELECTION PROCESS

The FTO selection process will be determined by the Chief of Police. The process may include, but is not limited to the following:

- (a) Desire to be an FTO expressed in a letter of interest and resume'
- (b) Demonstrated ability as a positive role model
- (c) Participate and pass an internal oral interview selection process comprised of the FTO Sergeant, Patrol Sergeant and one senior FTO.

414.2.2 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 mandates regarding crisis intervention behavioral health training pursuant to Penal Code § 13515.28.

414.3 FIELD TRAINING OFFICER PROGRAM COORDINATOR

The FTO Program coordinator should be selected from the rank of sergeant by the Operations Lieutenant or a designee and should possess, or be eligible to receive, a POST Supervisory Certificate.

The responsibilities of the FTO Program supervisor include the following:

- (a) Assignment of trainees to FTOs
- (b) Conduct FTO meetings

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- (c) Maintain and ensure FTO/trainee performance evaluations are completed
- (d) Maintain, update, and issue the Field Training Manual (electronically or hardcopy) 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) The FTO Program coordinator 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)).

414.4 TRAINEE DEFINED

Any entry level or lateral police officer newly appointed to the UC San Diego Police Department who has successfully completed a POST approved Basic Academy.

414.5 REQUIRED TRAINING

The UCSD Police Department FTO program is 18 weeks in duration. The first two weeks of the program are orientation weeks in which new hires will perform defensive tactics training, firearms qualification, attend a Human Resources new employee orientation, and be introduced to various department data bases, computer systems, and networks.

The training period for a lateral officer may be modified depending on the trainee's demonstrated performance and level of experience. A lateral officer may be exempt from the Field Training Program requirement if the officer qualifies for an exemption as provided in 11 CCR 1005(a)(B).

To the extent practicable, entry level and lateral officers should be assigned to a variety of Field Training Officers, shifts, and geographical areas during their Field Training Program.

414.5.1 FIELD TRAINING MANUAL

Each new officer will be issued a Field Training Manual at the beginning of their Primary Training Phase. This manual is an outline of the subject matter and/or skills necessary to properly function as an officer with the UC San Diego 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 UC San Diego Police Department.

414.6 EVALUATIONS

Evaluations are an important component of the training process and shall be completed as outlined below.

414.6.1 FIELD TRAINING OFFICER

The FTO will be responsible for the following:

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- (a) Complete and submit a written evaluation (Daily Observation Report) on the performance of their assigned trainee to the FTO Coordinator on a daily basis.
- (b) Review the Daily Observation Reports with the trainee each day.
- (c) Complete a detailed end-of-phase evaluation on their assigned trainee at the end of each phase of training.
- (d) Sign off all completed topics contained in the Field Training Manual, noting the method(s) of learning and evaluating the performance of their assigned trainee.

414.6.2 FIELD TRAINING PROGRAM COORDINATOR (FTO SERGEANT(S))

The Field Training Program Coordinators shall review and approve the Daily Trainee Performance Evaluations and End of Phase Evaluations. These evaluations shall be forwarded to the Field Training Administrator.

Annually, the Field Training Program Coordinator shall provide a detailed evaluation to each Field Training Officer on their performance as an FTO (11 CCR §1004 (a)(7)(B)).

When the Field Training Coordinator has determined all program requirements have been completed and the trainee can perform as an independent officer, they shall forward their recommendation for release to the Field Training Administrator.

414.6.3 FIELD TRAINING ADMINISTRATOR

The Field Training Administrator is the Operation Lieutenant unless otherwise delegated by the Chief of Police. The Field Training Administrator will review and give final approval to all Daily Observation Reports and End of Phase Evaluations produced by Field Training Officers.

As each trainee completes the FTO Program, the Field Training Administrator shall review the recommendation for release from training. If release is recommended by the Field Training Administrator, they shall forward the required attestation of completion (11 CCR 1004(a)(9) to the Chief of Police or designee for final approval.

414.6.4 TRAINEE

At the completion of the Field Training Program, the trainee shall submit a confidential performance evaluation on each of their FTOs and on the Field Training Program to the Field Training Program Coordinator (FTO Sergeant).

414.7 DOCUMENTATION

All documentation of the Field Training Program will be retained in the officer's training files and will consist of the following:

- (a) Daily Observation Reports
- (b) End of phase evaluations
- (c) Attestation certifying that the trainee has successfully completed the required number of hours of field training

Contacts and Temporary Detentions

415.1 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.

415.1.1 DEFINITIONS

Definitions related to this policy include:

Consensual encounter - When an officer contacts an individual but does not create a detention through words, actions, or other means. In other words, a reasonable individual would believe that his/her contact with the officer is voluntary.

Field interview - The brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion for the purpose of determining the individual's identity and resolving the officer's suspicions.

Field photographs - Posed photographs taken of a person during a contact, temporary detention, or arrest in the field. Undercover surveillance photographs of an individual and recordings captured by the normal operation of a Mobile Audio Video (MAV) system, body-worn camera, or public safety camera when persons are not posed for the purpose of photographing are not considered field photographs.

Pat-down search - A type of search used by officers in the field to check an individual for dangerous weapons. It involves a thorough patting-down of clothing to locate any weapons or dangerous items that could pose a danger to the officer, the detainee, or others.

Reasonable suspicion - When, under the totality of the circumstances, an officer has articulable facts that criminal activity may be afoot and a particular person is connected with that possible criminal activity.

Temporary detention - When an officer intentionally, through words, actions, or physical force, causes an individual to reasonably believe he/she is required to restrict his/her movement without an actual arrest. Temporary detentions also occur when an officer actually restrains a person's freedom of movement.

415.2 POLICY

The UC San Diego Police Department respects the right of the public to be free from unreasonable searches or seizures. Due to an unlimited variety of situations confronting the officer, the decision to temporarily detain a person and complete a field interview (FI), pat-down search, or field photograph shall be left to the officer based on the totality of the circumstances, officer safety considerations, and constitutional safeguards.

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415.3 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 UC San Diego Police Department to strengthen community involvement, community awareness, and problem identification.

415.3.1 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

415.4 PAT-DOWN SEARCHES

Once a valid stop has been made, and consistent with the officer's training and experience, an officer may pat a suspect's outer clothing for weapons if the officer has a reasonable, articulable suspicion the suspect may pose a safety risk. The purpose of this limited search is not to discover evidence of a crime, but to allow the officer to pursue the investigation without fear of violence. Circumstances that may establish justification for performing a pat-down search include but are not limited to:

- (a) The type of crime suspected, particularly in crimes of violence where the use or threat of deadly weapons is involved.
- (b) Where more than one suspect must be handled by a single officer.
- (c) The hour of the day and the location or neighborhood where the stop takes place.
- (d) Prior knowledge of the suspect's use of force and/or propensity to carry weapons.
- (e) The actions and demeanor of the suspect.

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- (f) Visual indications which suggest that the suspect is carrying a firearm or other weapon.

Whenever practicable, a pat-down search should not be conducted by a lone officer. A cover officer should be positioned to ensure safety and should not be involved in the search.

415.5 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.

415.5.1 FIELD PHOTOGRAPHS TAKEN WITH CONSENT

Field photographs may be taken when the subject being photographed knowingly and voluntarily gives consent.

415.5.2 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.

415.5.3 DISPOSITION OF PHOTOGRAPHS

All detainee photographs shall be entered into the records management system with an explanation of the nature of the contact.

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 officer will enter the photograph in the person file in the records management system. 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 Records

When a photograph is taken in association with a particular case, the investigator may use such photograph in a photo lineup. Thereafter, the individual photograph should be retained as a part of the case file. All other photographs shall be retained in accordance with the established records retention schedule.

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Contacts and Temporary Detentions

415.5.4 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.

415.6 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 UC San Diego Police Department members.
 1. A written, verbal, or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transport.

Obtaining Air Support

416.1 PURPOSE AND SCOPE

The use of a police helicopter can be invaluable in certain situations. This policy specifies potential situations where the use of a helicopter may be requested and the responsibilities for making a request.

416.2 REQUEST FOR HELICOPTER ASSISTANCE

If a supervisor or officer in charge of an incident determines that the use of a helicopter would be beneficial, a request to obtain helicopter assistance may be made.

416.2.1 REQUEST FOR ASSISTANCE FROM ANOTHER AGENCY

After consideration and approval of the request for a helicopter, the Watch Commander, or his/her designee, will call the closest agency having helicopter support available. The Watch Commander on duty will apprise that agency of the specific details of the incident prompting the request.

416.2.2 CIRCUMSTANCES UNDER WHICH AID MAY BE REQUESTED

Police helicopters may be requested under any of the following conditions:

- (a) When the helicopter is activated under existing mutual aid agreements
- (b) Whenever the safety of law enforcement personnel is in jeopardy and the presence of the helicopters may reduce such hazard
- (c) When the use of the helicopters will aid in the capture of a suspected fleeing felon whose continued freedom represents an ongoing threat to the community
- (d) When a helicopter is needed to locate a person who has strayed or is lost and whose continued absence constitutes a serious health or safety hazard
- (e) Vehicle pursuits

While it is recognized that the availability of helicopter support will generally provide valuable assistance to ground personnel, the presence of a helicopter will rarely replace the need for officers on the ground.

Crowd Management, Intervention and Control

417.1 PURPOSE AND SCOPE

INTRODUCTION:

In the United States all people have the right of free speech and assembly guaranteed by the First Amendment of the Constitution. The First Amendment states "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

A fundamental role of law enforcement is the protection of the rights all people have to peacefully assemble, demonstrate, protest, or rally. In turn, law enforcement also has the responsibility to ensure public safety and to protect the lives and property of all people. The sometimes competing goals of maintaining order while protecting the freedoms of speech and assembly stand as one of law enforcement's greatest challenges.

PURPOSE AND SCOPE:

This Policy is to provide an outline of basic steps to be taken and/or considered by the UC Police Department in the management of demonstrations. "Demonstration", for the purposes of this policy, is any public assembly or gathering and includes a wide range of First Amendment activities. Such activities generally include participants, onlookers, observers, media, and other persons who may agree or disagree with the point of view of the activity. This policy also covers all events or crowd situations, including sporting events, festivals, concerts, celebratory crowds, and demonstrations as defined above.

Crowd behavior exists on a continuum ranging from lawful assembly to civil disobedience to rioting. Not all crowd situations involve unlawful behavior. Law enforcement's responsibility is to objectively discern at what juncture a demonstration leaves the realm of legal protest and becomes an abridgment of the rights of others. Law enforcement should seek to facilitate lawful expression by groups who are present even when unlawful activity occurs. The goal should be to protect lawful activity while identifying and isolating unlawful behavior.

417.2 OBJECTIVES

Law enforcement must carefully balance the First Amendment rights and other civil liberties of individuals with the interventions required to protect public safety and property. When establishing policies and procedures, every agency should consider that all persons have the right to assemble, demonstrate, protest, rally, or perform other activities protected by the First Amendment of the United States Constitution. Law enforcement has the responsibility to protect the lives and property of all people. Peace officers must not be affected by the content of the opinions being expressed nor by the race, gender, sexual orientation, physical disabilities, appearances, religion, or political affiliation of anyone exercising their lawful First Amendment rights. They must have the integrity to not let personal, political, or religious views affect how they perform their duties.

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Law enforcement planners should be proactive in consulting and collaborating with their campus' administrative leaders of the identified strategies and plans for specific events. Such interactions will help establish responsibility and accountability at all levels.

Issues to consider (not in priority order):

- Protection of Constitutional rights
- Fair and impartial enforcement of laws
- Protection of life and property
- Protection of vital facilities
- Prosecution of violators
- Public and peace officer safety
- Potential for disruption to commerce and community affairs

417.3 PRINCIPLES OF CROWD MANAGEMENT

Any public assembly or gathering, whether for lawful or unlawful purposes, may require the response of law enforcement. The response can range from observation to engaging in various crowd management strategies.

Not all crowd situations involve unlawful behavior. The Department's responsibility is to objectively discern at what juncture a demonstration leaves the realm of legal protest and becomes an abridgment of the rights of others. The Department should seek to facilitate lawful expression by groups who are present even when unlawful activity occurs. The goal should be to protect lawful activity while identifying and isolating unlawful behavior.

Effective response to crowd management events necessitates adherence to certain foundational principles (not in priority order):

- Leadership
- Knowledge of Constitutional law
- Knowledge of law and University policies as they relate to use of force and information gathering
- Proper planning
- Participation in the University event planning team
- A willingness to reach out to protest groups and stakeholders
- Using time, patience, and communication to attempt to facilitate lawful protest activities and obtain voluntary compliance when feasible
- Use of the Incident Command System (ICS) and Standardized Emergency Management System (SEMS) to maximize proper command and control

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- Appropriate use of the UC and the statewide mutual aid systems
- Seeking support of University and public agency resources
- Training
- Situational awareness
- Proper incident documentation
- Thorough and complete criminal investigations
- Effective strategies and tactics
- Objectively reasonable use of force
- Liaison with the media and a well-managed media relationship
- Understanding and working with social media and electronic communication

417.4 UNIVERSITY AND COMMUNITY STAKEHOLDERS

Stakeholder involvement is critical for effective law enforcement response to crowd management events. The Department shall embrace collaboration with stakeholders when planning for and responding to public assemblies and gatherings.

Stakeholders may include (not in priority order):

- Chancellor's office
- University administration
- Academic Senate leadership
- Student government
- Labor organizations
- Student group leadership
- Religious groups/clergy
- Local city/county administration
- Special interest groups

417.5 INCIDENT COMMAND SYSTEM

The ICS is considered the model for managing the response to critical incidents including crowd management and civil demonstrations.

Law enforcement's use of ICS is outlined in the Law Enforcement Guide for Emergency Operations.

ICS consists of the following five organizational levels that are activated as necessary:

- (a) Field Response

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- (b) Local Government
- (c) Operational Area
- (d) Region
- (e) State

The Field Response Level also consists of five primary Incident Command System functions:

- (a) Command
- (b) Operations
- (c) Planning/Intelligence
- (d) Logistics
- (e) Finance/Administration

417.6 INCIDENT/EVENT PLANNING

Planning and preparation are essential elements of effective crowd management. The planning process establishes a foundation for informed decision-making and accountability. For pre-noticed events, the Department has the opportunity to develop in-depth operational plans. Prior planning experiences and after-action reports can provide a basic level of guidance and operational consistency when planning for pre-noticed events and responding to spontaneous incidents.

The Department leadership, in conjunction with the University's event planning team, will apply the principles of the Incident Command System when developing operational plans, to include the use of ICS forms.

Incident/event planning steps may include (not in priority order):

- Determining command and control
 - Establishing senior campus administration leadership
 - Identifying incident, operations, and tactical commanders
 - Outlining the circumstances in which command and control responsibilities transfers to another level
 - Identifying staffing requirements for department operations center and/or emergency operations center
- Identifying and establishing incident objectives
- Developing a flexible operations plan
- Identifying partner law enforcement agencies (local, state, and federal as applicable)
- Considering cross-jurisdictional issues
- Contacting police agencies that have prior experience with similar events or groups

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- Identifying and conferring with other city/county/state agencies that can contribute logistical support
- Determining operational security needs
- Developing protocols for event information gathering and disseminating
- Meeting with event organizers
- Identify potential protest groups and offering to meet with them
- Meeting with advocacy groups and other stakeholders
- Researching applicable laws/ordinances/regulations
 - Considering reasonableness of any "Time, Place and Manner" restrictions
- Reviewing use of force policies and procedures, including:
 - Level of authorization required
 - Authorized equipment/tools/techniques
 - Reporting protocols
- Reviewing parameters and methods for declaring an "unlawful" assembly
- Planning for media contact, including:
 - Establishing procedures for information dissemination
 - Identifying Public Information Officer(s)
 - Establishing procedures for media access
 - Establishing staging area(s)
- Outlining crime investigation/arrest protocols
- Multi-agency/jurisdictional events
 - Identifying and arranging for specialized support units (e.g., mounted, bicycles, other special vehicles, air or marine support, mobile field force, haz-mat)
- Considering the use of plain-clothes resources
- Arranging for adequate administrative/support personnel (e.g., communications, transportation, booking, records, detention, medical)
- Setting up logistical support for officers
 - Food and water
 - Rest intervals
 - Specialized equipment

Personal protective equipment

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- Mass-arrest supplies
- Spare vehicles and fuel
- Property and evidence control
 - Storage
 - Consideration for bio-hazards
- Security of key facilities and staging areas
- Decontamination
- Considering interoperability issues (e.g., individual communications—“radios, cell phones)
- Developing a communications plan
- Identifying available translators when needed
- Arranging for other equipment (e.g., barriers, fencing, cutting equipment, containment alternatives)
- Arranging for vehicle removal/towing capability
- Developing a demobilization plan
- Considering post-event scene stabilization to prevent recurrence of unlawful activity
 - Methods and resources
 - Short-term requirements
 - Long-term requirements
- Ensuring timely post-event debriefing
- Considering soliciting input from event organizers
- Producing a written after-action report outlining lessons learned and training opportunities
 - Establish a retention plan for operational plans and after-action reports
- Reviewing standing plans for effectiveness

417.6.1 CROWD BEHAVIOR

The Department must be aware of the various types of behaviors associated with crowds that may result in a law enforcement response. Although crowds tend to be categorized as either lawful or unlawful, they are often a blend of both and the individuals involved can engage in various behaviors. These behaviors can vary from lawful assembly to individual criminal acts to civil disobedience to rioting. If feasible, officers should identify and isolate unlawful behavior.

A sampling of crowds and crowd behaviors (not in priority order):

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Crowds

- Anarchists
- Community celebrations
- Controversial speakers and events
- Crime scenes
- Disasters
- Entertainment events
- Labor disputes
- Media events
- Mobile crowds
- Flash mobs
- Parades
- Parties/social gatherings
- Political events
- Product release/commercial activity
- Social agenda driven events (e.g., abortion, animal rights, jury decisions, environmental issues, religious, etc.)
- Sporting events
- Traffic collisions

Crowd Behaviors

- Lawful
- Violations of student conduct/civil disobedience
- Isolated unlawful
- Unlawful
- Riotous

417.7 MUTUAL AID AND MULTI-AGENCY COORDINATION

The size and magnitude of an event requiring Police response will dictate the need for multi-agency coordination and cooperation to efficiently provide adequate mutual aid resources. Critical elements of applying mutual aid to an event will include pre-event planning (if possible), well-defined missions and objectives, specific uniform and equipment requirements, identified staging areas and incident facilities, adequate briefings, an incident action plan, use of force

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considerations, communication plan, arrest protocols, logistical support (food, lodging, rest intervals, etc.), and financial agreements (if contractual mutual aid for a planned event).

417.7.1 PUBLIC AGENCY AND COMMUNITY BASED RESOURCES

Collaborating with other public agencies and community-based resources is necessary for effective law enforcement response to crowd management events. The Department should use available public agency and community-based resources when planning for and responding to crowds.

Public agency and community-based resources may include (not in priority order):

- Adjacent law enforcement agencies (i.e., mutual aid)
- District Attorney/ University Counsel
- EMS providers/ambulance services
- Fire services
- Hospitals
- Judiciary
- Parole and probation
- Public health services
- Transportation Departments
- Facility Departments/Public works
- Red Cross/Salvation Army or other similar service providers
- Animal control
- Utility companies
- Social services
- California Emergency Management Agency

417.8 TRAINING FOR MANAGING CROWDS

It is important to prepare for incidents through recurring training and simulation exercises. Command personnel need to understand resources, operational strategies, capabilities, force options, and limitations of field forces as well as the law and policies. Operational personnel need to understand the law, policy, tactics, and mission objectives. Officer discipline and restraint is an essential component in successfully managing crowds. Discipline is achieved through regular training in the areas of tactical fundamentals and First Amendment rights. Training should be an ongoing process. Training should be relevant and realistic.

Training may include (not in priority order):

- Agency policies and procedures

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- Arrest and control techniques
- Baton/impact weapon techniques
- Case and statutory law
- Command decision-making
- Crowd dynamics
- Incident Command Post and field exercises
- Intervention strategies
- ICS/SEMS
- Less-lethal kinetic energy munitions
- Mass-arrest
- Media relations
- Mobile Field Force
- Mutual aid
- Nonlethal chemical agents
- Supervisory leadership
- Tactical decision-making
- Team arrest techniques

417.9 INFORMATION GATHERING AND ASSESSMENT

Gathering and analyzing information about an event can dramatically increase the effectiveness of planning and response to incidents involving crowd management. When estimating the impact of an anticipated event, officers must consider the need to:

- Protect the rights of persons to lawfully assemble and express their opinions
- Preserve the peace
- Deploy officers for crowd and traffic control

The collecting of information must be for a reasonable law enforcement purpose and be mindful of Constitutional rights. A reasonable law enforcement purpose means that the information being collected is intended to:

- Assist the agency in facilitating event-related activities
- Assist the agency in providing a public safety response
- Address unlawful conduct - either past, present, or anticipated
- Not solely focused on the exercise of rights guaranteed by the First Amendment

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A pre-event assessment may include:

- Determining the time of assembly, duration of event, location, and type of activities planned
- Estimating the number of persons expected to participate or observe
- Reviewing any previous events involving the same or similar groups
 - Assess actions and equipment utilized by groups in prior incidents
- Analyzing the expected time of arrival and departure, and the means and routes of travel for participants
 - Attempt to determine impact on public transportation, freeways and roadways
 - Attempt to determine impact on commerce and public accessibility
 - Analyze potential activities and hazards along the route
- Analyzing the potential for opposing/counter groups
- Assessing public safety concerns associated with the event

When gathering information about groups and their actions, the Department should confer with University legal counsel regarding guidelines and court decisions related to the collection and dissemination of information.

417.10 INCIDENT DOCUMENTATION

Thorough documentation is a key element which supports not only criminal investigation and prosecution, but also gives an account of the Department's response to an event. Documentation should begin with the planning process. Proper documentation can aid the Department in addressing complaints, civil litigation, and requirements for potential reimbursement. Officers should ensure record retention protocols are followed.

Use of force should be reported consistent with agency policy. Officers shall ensure that use of force is accounted for and reported to the Incident Commander prior to the conclusion of the law enforcement response.

The Department should anticipate that all documentation, including electronic communications, may be subject to subpoena and Public Records Act, Government Code §6250 - 6270 requests.

Methods of documentation may include (not in priority order):

- Still photography
- Audio recording
- Video recording
- Written log/journal
- Reports (including after-action reports and any appropriate ICS forms)

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- Media reports/open source footage
- Communication, dispatch tapes and printouts

Subjects to be documented may include (not in priority order):

- Pre-event planning
- Incident/Event Action Plan
- Records of law enforcement decisions and information
- Records of law enforcement actions in response to the event
- Property damage
- Injuries and claims of injuries (participants and law enforcement)
- Collective and individual behavior of participants
- Individual arrests
- Individual officer's actions
- Use of force
- Evidence/property collected
- After-action report

417.11 COMMAND AND CONTROL

The UC San Diego Police Department should use the Incident Command System (ICS) as a basis to structure a law enforcement response to crowd management events. The Incident Commander is in command of the event. The Incident Commander must establish the objectives of the incident action plan, consider new information, continually re-evaluate the situation, assess available resources, and balance competing demands to best achieve incident objectives.

Establishing a clear command structure during an incident is essential. Unity of command is the concept that each officer is assigned to only one supervisor. It clearly identifies the individual in charge of any specific group of officers, function or assignment. Unity of command provides for effective management of both pre-planned and spontaneous events.

When responding to a spontaneous event, individuals of any rank may serve as Incident Commander until relieved by a ranking officer. All personnel should be trained in the Incident Command System.

A key principle for establishing unity of command is that each individual in a command or supervisory role knows the following:

- To whom he/she reports
- His/her role, responsibilities, and objectives
- What resources are allocated and available

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- His/her geographical or functional area of operation

The transfer of command, at any level, requires the person assuming command to:

- Assess the situation with the current Incident Commander
- Receive a briefing from the current Incident Commander
- Determine an appropriate time for the transfer of command
- Document the transfer of command
- Notify others of the change of command

417.12 LEADERSHIP RESPONSIBILITIES

A key component to the success of any crowd management event is that all personnel demonstrate competent leadership, regardless of rank. Effective leaders are accountable, organized, and decisive; they delegate appropriately, provide clear direction, and lead by example. Leadership at critical incidents should be guided by department policies, procedures, and the law.

Leadership responsibilities may include (not in priority order):

- Understanding and maintaining focus on the objectives
- Being available for decision-making
- Accepting responsibility
- Being proactive to reasonably control emotional responses of on-scene personnel
- Making adjustments to operational tempo as needed
- Communicating throughout the chain of command as required
- Instilling confidence
- Emphasizing teamwork and avoiding individual action
- Recognizing and addressing safety concerns of personnel
- Continuously reassessing the situation and adjusting the response as necessary

417.13 CRIMINAL INVESTIGATION

Crowd behaviors that result in criminal activity should be investigated and documented. Statutory offenses may include, but not be limited to, trespass, unlawful assembly, failure to disperse, assault, rioting, vandalism, and conspiracy.

Private person's arrests should be considered when appropriate. Arrests should be based upon applicable laws and advice from prosecutors. Conspiracy charges may be appropriate but are sometimes overlooked. Student conduct violations should be documented and reported to student affairs administrators.

Investigative considerations may include (not in priority order):

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- Identifying crimes
- Consulting with University legal counsel/district attorney prior to and after the event
- Identifying a master report writer/case agent
- Identifying an evidence coordinator
- Gathering documents that may aid in an investigation (including press releases, Internet material, signs, banners, etc.)
- Obtaining available video evidence
- Reviewing each arrest
- Recording specific chants with nexus to unlawful activity and, when possible, identifying who is leading them
- Photographing/video recording the event
- Maintaining evidence beyond the criminal prosecution, pending potential civil litigation
- Collecting samples of weapons (rocks, bottles, etc.) utilized in the commission of a crime

Evidence considerations for conspiracy investigations may include (not in priority order):

- Clothing and items showing affiliation with similar groups
- Computers and storage devices
- Documents (correspondence, address books, journals, etc.)
- E-mail, manifestos, photographs (including criminal activity and assembly site before and after), posts on social media and Internet sites, telephone records, video recordings

Note: *Seizures of some of these items may require a search warrant*

417.14 CROWD MANAGEMENT, INTERVENTION AND CONTROL STRATEGIES

Lawful gatherings may often conclude without any need for law enforcement intervention. Every event should be independently assessed to determine the tactics that will effectively support and facilitate First Amendment activity, and provide for public safety. Tactics employed may evoke a positive or negative response (e.g., a strong "show of force" may calm and disperse a crowd or incite them). The intervention strategies agencies utilize will depend upon available resources and the totality of the circumstances. Crowds and criminal acts committed by participants within the crowd require a flexible response. Strategies include containment, control, communication, tactical information, coordination and response. Planning for crowd management incidents should include consideration of contingencies.

Crowd management, intervention, and control strategies and tactical considerations may include (not in priority order):

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- Establishing contact with the crowd
- Gaining verbal compliance
- Supporting and facilitating First Amendment activities
- Developing a traffic management and/or control plan
- Using crowd control and dispersal methods
- Protecting critical facilities
- Providing a high-visibility law enforcement presence

Note: For a more comprehensive list of considerations, see Appendix B (§423.21.2)

417.15 DISPERSAL ORDERS

Employees should understand the law as it pertains to an unlawful assembly. The decision to declare a crowd unlawful must be based upon reasonable and articulable facts. The definition of an unlawful assembly has been set forth in Penal Code section 407 and interpreted in court decisions. The terms "boisterous" and "tumultuous" as written in Penal Code section 407 have been interpreted as conduct that poses a clear and present danger of imminent violence [*In re Brown* (1973) 9 Cal. 3d 612, 623.].

The intent of a dispersal order is to permanently disperse a crowd, not to merely relocate the problem. It should be made clear that the crowd is expected to immediately leave the area, and include a warning that force may be used which may inflict significant pain or result in serious injury [*Deorle v. Rutherford*, 272 F.3d 1272, 1284 (9th Cir. 2001)]. The dispersal order must be given in a manner reasonably believed to be heard and understood by the intended audience. Based upon the circumstances, law enforcement may need to consider multiple announcements from various locations. Dispersal orders may be delivered in English and in other languages that are appropriate for the audience. Regardless of how delivered, law enforcement should record the name of the individual making the statement and the date and time each order was administered. Dispersal orders should not be given until control forces are in position to support crowd movement.

Dispersal Order Example "I am (peace officer's name and rank), a peace officer for the University of California. 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 (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; chemical agents, police batons, Tasers, or any force deemed necessary, which could cause significant risk of serious injury to those who remain.. Penal Code §409 prohibits remaining present at an unlawful assembly. If you remain in the area just described, regardless of your purpose, you will be in violation of Penal Code §409. The following routes of dispersal are available (routes). You have (reasonable amount of time) minutes to disperse." Methods that may be used to deliver and document dispersal orders includes (not in priority order):

- Loud speech

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- Amplified sound
- Display of signage indicating unlawful assembly and dispersal
- Gaining the attention of the crowd and documenting affirmative responses of crowd members prior to the declaration of unlawful assembly
- Positioning law enforcement personnel to the rear of a crowd to confirm and document hearing the transmission of the dispersal order
- Acquiring multiple-language capability
- Using video/audio recording equipment for documentation of the dispersal order

417.16 MASS ARRESTS AND BOOKINGS

The most successful law enforcement strategy for dealing with mass arrests and bookings is proper planning, training, and comprehensive briefing of involved peace officers prior to the event. Mass arrests are dynamic situations that are resource intensive. Any process must be flexible enough to handle challenges that may confront the field force.

Be prepared to utilize various arrest tactics to address unlawful behavior, including: passive/non-compliant resistance, active resistance, and assaultive and life-threatening confrontation.

Maintain accountability of arrestees from the arrest site (crime scene) through the booking process. Many cases are lost due to the inability to match up the arresting peace officer to the arrestee. The arrest report should articulate each arrestee's specific criminal act(s) and the witnessing officers. This process will aid in criminal prosecution and the reduction of civil liability.

A coordinated effort by all involved criminal justice entities is essential to ensure proper arrest, booking, and prosecution of violators.

Maintain accountability of evidence. Consideration should be given to maintaining evidence beyond criminal prosecution, pending potential civil litigation.

Mass arrest and booking considerations may include (not in priority order):

- Booking/processing area:
 - On-site, off-site or temporary holding facility
 - Medical staff
 - Security (protest groups often target booking facilities)
 - Weather issues
 - Media issues
- Designated arrest teams
 - Armed
 - Unarmed

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- Protective clothing
- Handcuff-release devices
- Documentation (photo/video/written) of arrests
 - Date
 - Time
 - Location
 - Offense(s)
 - Arresting peace officer(s)
 - Identification of arrestees
 - Disposition
- Computer access for records checks, etc.
- Telephone access
- Designated booking teams
- Prisoner transportation
 - Special needs (e.g., wheelchairs)
- Segregation issues
 - Gender
 - Gangs
 - Juveniles
- Personal needs issues
 - Restrooms
 - Water
 - Food
- Coordination with:
 - Medical
 - Jail
 - Court
 - District/City Attorney
 - Probation/parole
 - Public Defender's Office

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- Private attorneys
- Sufficient handcuffs/restraint equipment
- Sufficient forms/paperwork
 - Booking forms
 - Field release from custody
 - Field interview cards
 - Evidence collection/storage of materials
- Master report writer/case agent
- Public affairs/media relations representative
 - Public service announcements

417.17 USE OF FORCE OPTIONS

The law enforcement response to unlawful behavior should be consistent with the Department's use of force policy and the law. The reasonableness of force used to effect a seizure is determined by balancing the nature and quality of the intrusion on the individual's Fourth Amendment interests against the governmental interests at stake. *Graham v. Connor*, 490 U.S. 386, 396-397 (1989). In determining the governmental interest, the Court traditionally examines four factors:

- (a) The severity of the crime at issue
- (b) Whether the suspect posed an immediate threat to the safety of officers or others
- (c) Whether the suspect was actively resisting arrest or attempting to evade arrest by flight

According to *Young v. County of Los Angeles*, 655 F.3d 1156, 1163-1166 (9th Cir. 2011), the Court emphasized that the most important factor is whether the individual posed an immediate threat to the officer or to the safety of the public. The *Young* court refers to *Headwaters I and II*, when balancing the nature and quality of the intrusion against the governmental interests, wherein a suspect is non-violent and poses no threat to the safety of the officers or others. See *Young*, 655 F.3d at 1162 and 1165 (citing *Headwaters Forest Defense v. County of Humboldt*, 240 F.3d 1185, 1199-1200, 1204 (9th Cir. 2000), vacated and remanded on other grounds, 534 U.S. 801. (2001) (*Headwaters I*); and, see *Young*, 655 F.3d at 1167 (citing *Headwaters Forest Defense v. County of Humboldt*, 276 F.3d 1125, 1129-31 (9th Cir. 2002) (*Headwaters II*)).

Leadership needs to periodically review use of force alternatives in response to potential actions encountered during crowd management and unlawful events. Training should reflect reasonable use of force alternatives so officers are prepared to consider the tactics/force options available; *Chew v. Gates*, 27 F. 3d 1432, 1443 (9th Cir. 1994).

Peace officers need not use the least intrusive force option, but only that force which is objectively reasonable under the totality of the circumstances; *Scott v. Henrich*, 39 F. 3d 912 (9th Cir. 1994),

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and *Forrester v. City of San Diego*, 25 F. 3d 804 (9th Cir. 1994). When feasible, prior to the use of a particular force option, officers should consider the availability of less-intrusive measures; *Young*, 655 F.3d at 1166; *Bryan v. McPherson*, 630 F. 3d 805, 831 (9th Cir. 2010).

Warnings should be given, when feasible, if the use of force may inflict significant pain or result in serious injury; *Deorle v. Rutherford*, 272 F.3d 1272, 1284 (9th Cir. 2001).

In all situations, the force used must be objectively reasonable under the totality of the circumstances. *Graham v. Connor*, 490 U.S. at 397. **Levels of resistance:**

- **Active Resistance** To intentionally and unlawfully oppose the lawful order of a peace officer in a physical manner (e.g., bracing, tensed muscles, interlock arms/legs, pushing, kicking, etc.).
- **Assaultive Resistance** Aggressive or combative behavior which attempts or threatens to assault an officer.
- **Passive Resistance** Refers to intentional and unlawful opposition of a lawful order of a peace officer during arrest situations but involves no physical resistance.

Use-of-force considerations may include (not in priority order):

- Absent exigent circumstances, uses of force in crowd control circumstances should be authorized by the Chancellor, his or her designee or senior administration leadership
- Determining compliance or non-compliance of individuals
- Moving non-compliant offenders
- Use of control devices (impact weapons, chemical agents, electronic control devices) against passive resisters shall not be employed
- Anticipating possible actions of demonstrators
- Identifying criminal violations
- Developing arrest protocol
- Addressing the use of pain compliance techniques
- Planning for physically challenged, elderly, and child demonstrators
- Considering the resources available based on the situation
- Evaluating availability of other public safety resources
- Using personal protective equipment
- Planning for the safety of bystanders and the media
- Evaluating the mobility of suspects/protesters
- Determining avenues of controlled departure
- Anticipating potential need for medical resources

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- Addressing the use of less-lethal munitions and chemical agents

Force options may include (not in priority order):

- Law enforcement presence
- Verbalization
- Control holds
- Compliance techniques
- Control devices
- Nonlethal chemical agents
- Electronic control devices (ECD)
- Impact weapons/batons
- Less-lethal munitions
- Deadly force

417.18 USE OF NONLETHAL CHEMICAL AGENTS

This guideline must be applied in conformance with §423.17, Use of Force: Force Options. Case law has determined that the use of nonlethal chemical agents can cause significant pain and is an "intermediate" level of force; *Young v. County of Los Angeles*, 655 F.3d 1156, 1162 (9th Cir. 2011). Since *Young* held that chemical agents can inflict significant pain, warnings should be given, when feasible, prior to deployment; *Deorle v. Rutherford*, 272 F.3d 1272, 1284 (9th Cir. 2001). Use of nonlethal chemical agents in response to an unlawful assembly may be reasonable depending on the totality of the circumstances. Officers should consider when, where, and how nonlethal chemical agents may be deployed, and consider potential collateral effects. Use of chemical agents against passive resisters is prohibited absent exigent circumstances. Only properly trained personnel should be authorized to deploy nonlethal chemical agents. Nonlethal chemical agents, protective masks, maintenance, storage, and security must be addressed by the Department. Nonlethal chemical agent deployment considerations may include (not in priority order):

- Safety of personnel involved
- Personnel available
- Methods of delivery
- Weather conditions
- Wind direction
- Physical location/terrain considerations
- Types of agents available
- Protective devices for personnel

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- Decontamination
- Potential exposure to children, elderly, and persons with disabilities

Nonlethal chemical agent policy considerations may include (not in priority order):

- Circumstances
- Training
- Reporting
- Types of agents
- Appropriate methods of deployment
- Identity of person(s) who can authorize the use of nonlethal chemical agents
- Identity of person(s) trained to deploy nonlethal chemical agents
- Decontamination/observation
- Medical attention
- Storage, replacement, and inventory accountability
- Field issuance, deployment, and accountability for recovery
- Protective mask fit testing
- Multi-agency events

417.19 MEDIA STRATEGIES

Having an effective media relationship is important to the University when addressing crowd management incidents. The more that members of the Department and the University interacts with the media in a spirit of cooperation and transparency, the more accurate the reporting. In most instances involving crowd management events, it is beneficial for an agency to routinely provide timely information rather than simply respond to inquiries.

Media strategies may include (not in priority order):

- Assigning a Public Information Officer(s) (PIO) to the event
- Complying with Penal Code §409.5
- Developing a plan to address non-traditional media in the crowd
- Providing a single point of contact that the media can call/access to receive timely updates
- Ensuring timely, accurate information about the event
- Taking proactive steps to provide information rather than merely responding to inquiries
- Considering dissemination of information to the media that may include:

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- The what, where and when of anticipated activities
- Specific parade or protest routes
- Locations subject to disruption of normal business or traffic
- The extent of disruption expected
- Alternative routes and/or mass transit alternatives
- Informing the media of law enforcement expectations during a dispersal order(s)
- Establishing a media staging area
- Considering use of a media pool (camera, radio, print)
- Considering embedding media with law enforcement when appropriate
- Considering establishing a Joint Information Center (JIC)

417.20 ELECTRONIC COMMUNICATION AND SOCIAL MEDIA

The use of electronic communication and social media has grown exponentially over the last decade. People of all ages and organizations of all types now commonly use a vast array of electronic devices. The effective use of electronic communication and social media can enhance law enforcement efforts related to community outreach, investigations, and in other strategic initiatives. Electronic communication and social media have specific application to law enforcement's response to incidents of crowd management.

Considerations for law enforcement regarding utilization of electronic communication and social media may include (not in priority order):

- Quickly informing the public and media about events, developments, police activities, or other announcements in real time
- Building relationships with the public, special interest groups, and protesters
- Providing ways for the public to communicate with law enforcement, such as reporting suspicious activity
- Informing crowds by posting instructions to attendees
- Communicating with citizens about crime information, road closures, etc.
- Providing relevant information, prior to and during an event
- Providing timely warnings, emergency notifications, and/or advisories to mass recipients (e.g., reverse 9-1-1, texting, etc.)
- Establishing operational security and identifying legal implications in the official use of electronic communication and social media platforms

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- Developing agency-specific policies and procedures with regard to the personal use of electronic communication and social media that includes measures to ensure operational security.

417.21 APPENDICES

The following are appendices relative to this policy.

417.21.1 TERMS AND DEFINITIONS: APPENDIX A

Anarchist A person who uses unlawful, violent means to cause disorder or upheaval.

Active Resistance To intentionally and unlawfully oppose the lawful order of a peace officer in a physical manner (e.g., bracing, tensed muscles, interlock arms/legs, pushing, kicking, etc.).

After Action Report A report covering response actions, application of ICS, modifications to plans and procedures, training needs, and recovery activities.

Arrest Protocol The formal process of placing subjects under arrest, taking into custody, and associating the arresting peace officer(s) with the specific individual arrested.

Arrest Teams Personnel assigned to arrest duties during civil disobedience/civil disorder incidents.

Assaultive Resistance Aggressive or combative behavior which attempts or threatens to assault an officer.

Booking Teams Personnel assigned to custodial processing duties during incidents of civil disobedience/civil disorder.

Chemical Agents See [Nonlethal Chemical Agents](#)

Civil Disobedience An unlawful event involving a planned or spontaneous demonstration by a group of people.

Civil Disorder An unlawful event involving significant disruption of the public order.

Command The authority a peace officer lawfully exercises over subordinates by virtue of his/her rank and assignment or position.

Compliance Techniques Reasonable, lawful, use-of-force methods intended to encourage suspect cooperation.

Compliant Behavior Behavior consistent with submitting to lawful orders of a peace officer without resistance.

Control Devices Devices intended to assist peace officers in gaining control of subjects who refuse to submit to lawful authority (e.g., batons, electronic control devices, restraints, chemical agents, etc.).

Cordoning Surrounding or enclosing a particular problem area; also referred to as perimeter control.

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Critical Facilities Any location essential to the well-being and safety of the community requiring law enforcement protection during a critical incident.

Crowd A number of persons gathered together.

Crowd Control Law enforcement response to a pre-planned or spontaneous event, activity, or occurrence that has become unlawful or violent and may require arrests and/or the dispersal of the crowd.

Crowd Dynamics Factors which influence crowd behavior.

Crowd Intervention Law enforcement response to a pre-planned or spontaneous event, activity, or occurrence to deal with isolated unlawful behavior or an impact to public safety while allowing the event/activity/occurrence to continue.

Crowd Management Encompasses law enforcement management, intervention, and control strategies when responding to all forms of public assemblies and gatherings. Also refers specifically to strategies and tactics employed before, during, and after a gathering for the purpose of maintaining the event's lawful activities.

Decontamination Procedures taken to reduce the effects of any nonlethal chemical agent or bio-hazard exposure.

Discipline Peace officer behavior that is consistent with demonstrating self-control, teamwork, moderation, and restraint.

Dispersal Order Lawful orders communicated by law enforcement personnel commanding individuals unlawfully assembled to disperse.

Dismounted Tactics Non-mobile tactical formations generally involving team, squad, and platoon-sized units.

Emergency Operations Center (EOC) A location from which centralized emergency management is performed. EOC facilities are established by an agency or jurisdiction to coordinate the overall agency or jurisdictional response and support to an emergency.

Essential Elements of Information (EEI) Critical tactical information, obtained from any source, received prior to and/or during an event which is considered so essential that without it, meaningful planning cannot proceed.

Flash Mob A group of people organized using social media to coordinate meeting at a specific location at a specific time for entertainment, satire, or, in some cases, criminal activity.

Flashpoint Specific location(s) which become the initial source of unlawful activity and the origin or focal point of civil disorder.

Force Options Reasonable force alternatives that may be utilized by law enforcement to effect arrest, overcome resistance, and prevent escape.

Formations Coordinated unit tactics utilized by law enforcement to control crowds, stop unlawful activity, and disperse and/or arrest violators.

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Incident Action Plan (IAP) A written document containing general management objectives that reflect the overall incident strategy and specific plans using personnel and resources. Incident Action Plans will vary in content and form depending upon the kind and size of an incident.

Incident Command System (ICS) The statewide model for field-level management of emergencies mandated by the Standardized Emergency Management System (SEMS). ICS is specifically designed to allow its user(s) to adopt an integrated organizational structure equal to the complexity and demands of single and multiple incidents without being hindered by jurisdictional boundaries.

Incident Objectives Statements of guidance and direction necessary for the selection of appropriate strategy(s), and the tactical use of resources. Incident objectives are based on realistic expectations of what can be accomplished when allocated resources have been effectively deployed. Incident objectives must be achievable and measurable, yet flexible enough to adjust to strategic and tactical alternatives.

Leadership The art and exercise of influence to obtain willing compliance, confidence, respect, and loyal cooperation of personnel.

Less Lethal Impact Munitions Projectiles launched or otherwise deployed for purposes of overcoming resistance, preventing escape, effecting arrest, reducing serious injury and may be applied without a significant likelihood of causing death.

Life Threatening Any action likely to result in serious injury or death of an officer or another person.

Management The process of planning, organizing, coordinating, directing, budgeting, and controlling resources.

Mobile Arrest and Booking Teams Mobile teams designated to assist field personnel with mass arrests and processing.

Mobile Field Force An organized, mobile law enforcement tactical force equipped and trained to respond to unusual occurrences. The mobile field force is currently the statewide standard configuration known as "Mutual Aid Response Mobile Field Force."

Mobile Tactics The ability to rapidly deploy law enforcement personnel using vehicles. The vehicles may also be used for crowd control and containment.

Mob A disorderly group of people engaged in unlawful activity.

Mounted Tactics Crowd control while mounted on horses.

Non-Compliant Behavior Behavior which does not yield to the lawful order of a peace officer but offers no physical resistance (sometimes referred to as "passive resistance").

Nonlethal Chemical Agents Devices utilized by law enforcement agencies which may include CS, CN, OC, and HC (smoke).

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Noticed Events Public assemblies, demonstrations or crowd events, which are planned for in advance and allows for prior notice, whether direct or indirect, to law enforcement.

Operations Plan A plan describing the tactical deployment of resources at an incident or event to meet the objectives of the Incident Action Plan.

Operations Security (OPSEC) Methods used to prevent sensitive information, which may compromise the integrity and safety of a law enforcement operation, from being improperly disseminated.

Pain Compliance Stimulation of nerves or the manipulation of joints to elicit a sense of unease or distress in a subject, causing that subject to comply with lawful directives.

Passive Resistance Refers to intentional and unlawful opposition of a lawful order of a peace officer during arrest situations but involves no physical resistance. (See Active Resistance).

Perimeter Control See Cordoning.

Photographic Teams Law enforcement photographers assigned to memorialize designated activity involving civil disobedience.

Policy Statements of principles and values which guide the performance of a specific agency activity. Policy establishes limits of action and reflects a statement of guiding principles that should be followed in order to achieve an agency's objective.

Procedure A method of performing an operation or a manner of proceeding on a course of action within the limits of policy.

Public Disruption The interruption or disturbance of public order.

Stakeholder Entities having a legal, professional, economic or community interest/responsibility in a public assembly or gathering.

Sectoring An overall area of operation and dividing it into sub-sections based upon geographical and/or defined boundaries.

Social Media Communications of social interaction, using highly accessible and scalable devices, including web-based and mobile technologies used to promote interactive dialogue.

Spontaneous Events Public assemblies, demonstrations or crowd events, which occur without prior planning and/or without prior notice to law enforcement.

Standardized Emergency Management System (SEMS) A system required by California Government Code for managing response to multi-agency and multi-jurisdictional emergencies in California. SEMS consists of five organizational levels that are activated as necessary: Field Response, Local Government, Operational Area, Region and State.

Tear Gas The term used in the California Penal Code for what law enforcement more accurately refers to as "nonlethal chemical agents." Unified Command In ICS, it is described as a unified team effort, which allows all agencies with responsibility for the incident, either geographical

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or functional, to manage an incident by establishing a common set of incident objectives and strategies. It maintains agency authority, responsibility and accountability.

Unity of Command The concept by which each person within an organization reports to one and only one designated person.

Unlawful Assembly Penal Code Section 407 defines an "unlawful assembly" as: "Whenever two or more persons assemble together to do an unlawful act, or to do a lawful act in a violent, boisterous or tumultuous manner, such assembly is an unlawful assembly." "Boisterous or tumultuous manner" has been interpreted by the courts to mean conduct which poses a clear and present danger of imminent violence.

417.21.2 CROWD MANAGEMENT INTERVENTION AND CONTROL STRATEGIES: APPENDIX B

417.21.3 APPLICABLE LAWS: APPENIX C CALIFORNIA PENAL CODE

69 Resisting or deterring officer

71 Threat of injury made to peace officer in performance of his duties

102 Retaking property from officer

148 Resisting or obstructing public officer

148.1 False reporting planting of bomb

148.2 Interfering with firefighter or EMT

148.4 Tampering with a fire alarm

148.9 Giving false identification

151 Advocating injury or death of peace officer

169 Picketing in or near courthouse with intent to interfere or obstruct administration of justice or influence judge, juror, witness, or officer of the court

171f Entering State Capitol without authorization-disorderly conduct

182 Conspiracy

185 Wearing masks or personal disguises in the commission of any public offense

197 Killing in defense of self or property and arresting fugitives or quelling riot

218 Derailing or wrecking train

219 Wrecking train or firing bridge

219.1 Throwing missile at vehicle of common carrier

219.2 Throwing missile or shooting at trains, street cars, or vessels

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240 Assault - defined

241 Assault; Assault against peace officer, or other specified persons engaged in performance of duties (Note: see 241 PC subsections)

242 Battery - defined

243 Battery; punishment (Note: see 243 PC subsections)

244 Throwing acid w/intent to disfigure or burn

245 Assault with deadly weapon, firearm, assault weapon, or machine-gun (ADW) (Note: see 245 PC subsections)

246 Discharge firearm at inhabited dwelling, vehicle or aircraft

247 Discharge firearm at unoccupied aircraft or motor vehicle or uninhabited building or dwelling house

247.5 Discharging laser at aircraft

248 Interfere with helicopter operation - light or bright device

302 Disorderly conduct at church service

372 Maintaining public nuisance

374 Littering and waste matter defined (Note: see 374 PC subsections)

375 Use of offensive substance in place of public assembly; manufacture of offensive substance

396 Price gouging during state of emergency

403 Disturbing an assembly

404 Riot - defined

404.6 Incitement to riot

405 Punishment of participants in riot

405a Lynching - defined

405b Lynching - punishment

406 Rout - defined

407 Unlawful assembly

408 Participating in a rout or unlawful assembly

409 Refusal to disperse when ordered

409.5 Closing areas in emergency

410 Duty to suppress riot or rout

415 Fighting, causing loud noise, or using offensive words in public place

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415.5 Unlawful acts committed in buildings or grounds of Colleges or University

416 Duty of crowd to disperse when ordered; Restitution for property damage

420 Obstructing entry on government land

422 Threats to commit crime resulting in death or great bodily injury

422.6 Civil Rights; Interfere with property damage or speech

451 Arson

452 Unlawfully causing a fire

453 Possession or manufacture of combustible or explosive material or fire bomb

455 Attempts to burn

463 Burglary during state of emergency

555 Entry without permission (Note: see 555 PC subsections)

587 Injuring or obstructing railroad tracks, rights-of-way or structures

588 Injuring public road or bridge (Note: see 588 PC sections)

591 Injuring or tapping telegraph, telephone, or cable telephone line

594 Vandalism

602 Trespassing

602.5 Unauthorized entry of dwelling

602.8 Trespass - Entering cultivated, fenced, or posted land

602.10 Physical obstruction of student or teacher from attending or instructing at a University of California, California State University, or Community College

602.11 Obstruct entry/exit of health care facility, place of worship, or school

616 Tampering with posted legal notice

626 Definitions - miscellaneous crimes - schools (Note: See 626 PC subsections)

640 Infractions committed on or in facilities or vehicles of a public transit system (Note: see 640 PC subsections)

647 Disorderly conduct - defined

647c Accosting person in public place, disorderly conduct, impose, or begging

647e Alcoholic beverages; possession of opened containers on posted premises; regulation by local ordinance

659 Counseling or aiding another in the commission of a misdemeanor

726 Unlawful assembly - officer's duty to disperse

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727 Arrest for refusal to disperse

835a Use of reasonable force to effect arrest

836 Arrest by Peace Officer

4600 Destroying or injuring prison or jail (including jail property)

12600 Peace Officer may purchase, possess, or transport less-lethal weapons

12601 Less-lethal weapon - definitions

WEAPONS LAWS

171b Bringing firearm or other specified weapons into courthouse or public meeting

171c Bringing loaded firearm into state office, State Capitol grounds, or public school grounds

171d Bringing loaded firearms into residence of Governor or other constitutional officer

171f Entering State Capitol without authorization - disorderly conduct within

374c Discharging firearms on a public highway

417 Drawing or exhibiting weapon in a rude or threatening manner (Note: see 417 PC subsections)

626.9 Bringing or possessing firearm on grounds of public school, college, or university

626.10 Knives, razors, tasers, stunguns, etc., on school grounds, exceptions

16590 Manufacture, importation, sale or possession of disguised firearms or other deadly weapons prohibited; carrying concealed weapons prohibited; exceptions

17500 Possession of deadly weapon with intent to commit assault 25400 Unlawful to carry concealed firearms without license

25850 Loaded firearm; carrying in public place or in vehicle

18710 Possession of destructive device prohibited

22610 Purchase, possession, or use of stun gun

CALIFORNIA VEHICLE CODE

23110 Throwing substance at vehicles

23112 Throwing, depositing, or dumping matter on highway

CALIFORNIA ELECTION CODE

18340 Prevention of electors from assembly; misdemeanor

18380 Vandalism at polling places, violations; misdemeanor

18502 Interference with officers or voters; imprisonment

18540 Use of force, violence, tactic of coercion or intimidation; penalties

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417.21.4 APPLICABLE CASE LAW: APPENDIX D USE OF FORCE

Bryan v. McPherson 630 F. 3d 805 (9th Cir. 2011)

Chew v. Gates 27 F.3d 1432, 1443 (9th Cir. 1994)

Deorle v. Rutherford 272 F. 3d 1272, 1284 (9th Cir. 2001)

Eberle v. City of Anaheim 901 F. 2d 814 (9th Cir. 1990)

Forrester v. City of San Diego 25 F. 3d 804 (9th Cir. 1994)

Graham v. Connor 490 U.S. 386 (1989)

Hammer v. Gross 932 F. 2d 842 (9th Cir. 1991)

Headwaters Forest Defense v. County of Humboldt 240 F.3d 1185(9th Cir. 2000), *vacated and remanded on other grounds*, 534 U.S. 801 (2001) (Headwaters I)

Headwaters Forest Defense v. County of Humboldt 276 F. 3d 1125 (9th Cir. 2002) (Headwaters II)

Mattos v. Agarano 661 F. 3d 433 (9th Cir. 2011)

Scott v. Henrich 39 F. 3d 912 (9th Cir. 1994)

Young v. County of Los Angeles 655 F. 3d 1156 (9th Cir. 2011)

UNLAWFUL ASSEMBLY ***Bacon In re,*** (1966) 240 Cal. App. 2d 34

Brown In re, (1973) 9 Cal. 3d 612

Chambers v. Municipal Court (1997) 65 Cal. App. 3d 904

Collins v. Jordan 110 F. 3d 1363 (9th Cir. 1996)

Galvin v. Hay 374 F. 3d 739 (9th Cir. 2004)

Kay In re, (1970) 1 Cal. 3d 930, 943

Menotti v. City of Seattle 409 F. 3d 1113 (9th Cir. 2005)

Wagner In re, (1981) 119 Cal. App. 3d 90

RIOTS

People v. Bundte (1948) 87 Cal. App. 2d 735, 744, cert. denied 337 U.S. 915

People v. Cipriani (1991) 18 Cal. App. 3d 299, 304

People v. Davis (1968) 68 Cal. 2d 481

People v. Jones (1971) 19 Cal. App. 3d 437

LYNCHING

People v. Jones (1971) 19 Cal. App. 3d 437

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People v. Patino (1979) 95 Cal. App. 3d 11

RIGHT OF ACCESS

Los Angeles Free Press v. City of Los Angeles 9 Cal. App. 3d 448, 457 (1970) cert. denied, 401 U.S. 982

Cox v. State of New Hampshire 312 U.S. 569 (1941)

Seattle Affiliate of the October 22nd Coalition to Stop Police Brutality, etc. v. City of Seattle 550 F. 3d 788 (9th Cir. 2008)

Mardi Gras of San Luis Obispo v. City of San Luis Obispo 189 F. Supp. 2d 1018 (2002) (This case addresses impermissible prior restraint on protected expression in public forums, including an analysis of reasonable "Time, Place and Manner" restrictions and content-based regulations that are not the least restrictive means to further a compelling state interest.)

FIRST AMENDMENT

Brown In re, (1973) 9 Cal. 3d 612

Chambers v. Municipal Court (1977) 65 Cal. App. 3d 904

Cohen v. California 403 U.S. 15 (1971)

Jefferson v. Superior Court (1975) 51 Cal. App. 3d 721)

McMahon v. Albany Unified School District (2003) 104 Cal. App. 4th 1275

PUBLIC PLACE OBSTRUCTION

Coates, et al, v. City of Cincinnati 402 U.S. 611 (1971)

Cox In re, (1970) 3 Cal. 3d 205, 220

People v. Man (1974) 39 Cal.App. 3d Supp. 1, 4-5

OBSTRUCTING PEACE OFFICER

In re M.L.B. (1980) 110 Cal. App. 3d 501

People v. Patino (1979) 95 Cal. App. 3d 11

THROWING SUBSTANCES

People v. Whitney (1978) 76 Cal. App. 3d 863

417.21.5 APPROVED CONTROL DEVICES: APPENDIX E

The following are the control devices which have been approved by the Chief of Police and which may be utilized in a crowd management, intervention and control situation when objectively reasonable and necessary:

- (a) Baton
 1. patrol baton (24")

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2. crowd control baton (36")
- (b) Oleoresin Capsicum (Pepper Spray)
1. First Defense (Defense Technologies) MK-3 (4%)
 2. First Defense (Defense Technologies) MK-4 (4%)
 3. Sabre MK-9 (Crowd Management use) (5%)
- (c) Pepperball Technology Pepperball Launcher utilizing hot PAVA (Capsaicin II) projectiles
- (d) TASER Electronic Control Device

Watch Commanders

418.1 PURPOSE AND SCOPE

Each patrol shift must be directed by supervisors who are capable of making decisions and communicating in a manner consistent with department policies, procedures, practices, functions and objectives. To accomplish this goal, a Sergeant heads each watch.

418.2 DESIGNATION AS ACTING WATCH COMMANDER

When a Sergeant is unavailable for duty as Watch Commander, in most instances the senior qualified corporal shall be designated as acting Watch Commander. This policy does not preclude designating a less senior corporal as an acting Watch Commander when operational needs require or training permits.

Mobile Audio/Video

419.1 PURPOSE AND SCOPE

The UC San Diego Police Department has equipped marked patrol cars with Mobile Audio/Video (MAV) recording systems to provide records of events and assist officers in the performance of their duties. This policy provides guidance on the use of these systems.

419.1.1 DEFINITIONS

Definitions related to this policy include:

Activate - Any process that causes the MAV system to transmit or store video or audio data in an active mode.

In-car camera system and Mobile Audio/Video (MAV) system- Synonymous terms which refer to any system that captures audio and video signals, that is capable of installation in a vehicle, and that includes at minimum, a camera, microphone, recorder and monitor.

MAV technician -Personnel certified or trained in the operational use and repair of MAVs, duplicating methods, storage and retrieval methods and procedures, and who have a working knowledge of video forensics and evidentiary procedures.

Recorded media - Audio-video signals recorded or digitally stored on a storage device or portable media.

419.2 POLICY

It is the policy of the UC San Diego Police Department to use mobile audio and video technology to more effectively fulfill the department's mission and to ensure these systems are used securely and efficiently.

419.3 OFFICER RESPONSIBILITIES

Prior to going into service, each officer will properly equip him/herself to record audio and video in the field. At the end of the shift, each officer will follow the established procedures for providing to the Department any recordings or used media and any other related equipment. Each officer should have adequate recording media for the entire duty assignment. In the event an officer works at a remote location and reports in only periodically, additional recording media may be issued. Only UC San Diego Police Department identified and labeled media with tracking numbers is to be used.

At the start of each shift, officers should test the MAV system's operation in accordance with manufacturer specifications and department operating procedures and training.

System documentation is accomplished by the officer recording his/her name, serial number, badge or PIN number and the current date and time at the start and again at the end of each shift. If the system is malfunctioning, the officer shall take the vehicle out of service unless a supervisor requests the vehicle remain in service.

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Mobile Audio/Video

419.4 ACTIVATION OF THE MAV

The MAV system is designed to turn on whenever triggering events such as, the unit's emergency lights or gun lock are activated, or at set speed holds. The audio portion is independently controlled and should be activated manually by the officer whenever appropriate. When video is being recorded, the audio will also record.

419.4.1 REQUIRED ACTIVATION OF MAV

This policy is not intended to describe every possible situation in which the MAV system may be used, although there are many situations where its use is appropriate. An officer may activate the system any time the officer believes it would be appropriate or valuable to document an incident.

In some circumstances it is not possible to capture images of the incident due to conditions or the location of the camera. However, the audio portion can be valuable evidence and is subject to the same activation requirements as the MAV. The MAV system should be activated in any of the following situations:

- (a) All field contacts involving actual or potential criminal conduct within video or audio range:
 - 1. Traffic stops (to include, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops)
 - 2. Priority responses
 - 3. Vehicle pursuits
 - 4. Suspicious vehicles
 - 5. Arrests
 - 6. Vehicle searches
 - 7. Physical or verbal confrontations or use of force
 - 8. Pedestrian checks
 - 9. DWI/DUI investigations including field sobriety tests
 - 10. Consensual encounters
 - 11. Crimes in progress
 - 12. Responding to an in-progress call
- (b) All self-initiated activity in which an officer would normally notify Communications Unit
- (c) Any call for service involving a crime where the recorder may aid in the apprehension and/or prosecution of a suspect:
 - 1. Domestic violence calls
 - 2. Disturbance of peace calls

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3. Offenses involving violence or weapons

- (d) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording
- (e) Any other circumstance where the officer believes that a recording of an incident would be appropriate

419.4.2 CESSATION OF RECORDING

Once activated, the MAV system should remain on until the incident has concluded. For purposes of this section, conclusion of an incident has occurred when all arrests have been made, arrestees have been transported and all witnesses and victims have been interviewed. Recording may cease if an officer is simply waiting for a tow truck or a family member to arrive, or in other similar situations.

Members shall cease audio recording whenever necessary to ensure conversations are not recorded between a person in custody and the person's attorney, religious advisor or physician, unless there is explicit consent from all parties to the conversation (Penal Code § 636).

419.4.3 WHEN ACTIVATION IS NOT REQUIRED

Activation of the MAV system is not required when exchanging information with other officers or during breaks, lunch periods, when not in service or actively on patrol.

No member of this department may surreptitiously record a conversation of any other member of this department except with a court order or when lawfully authorized by the Chief of Police or the authorized designee for the purpose of conducting a criminal or administrative investigation.

419.4.4 SUPERVISOR RESPONSIBILITIES

Supervisors should determine if vehicles with non-functioning MAV systems should be placed into service. If these vehicles are placed into service, the appropriate documentation should be made, including notification of Communications Unit.

At reasonable intervals, supervisors should validate that:

- (a) Beginning and end-of-shift recording procedures are followed.
- (b)
- (c) The operation of MAV systems by new trainees is assessed and reviewed no less than biweekly.

When an incident arises that requires the immediate retrieval of the recorded media (e.g., serious crime scenes, officer-involved shootings, department-involved collisions), a supervisor shall respond to the scene and ensure that the appropriate supervisor, MAV technician or crime scene investigator properly retrieves the recorded media. The media may need to be treated as evidence and should be handled in accordance with current evidence procedures for recorded media.

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Supervisors may activate the MAV system remotely to monitor a developing situation, such as a chase, riot or an event that may threaten public safety, officer safety or both, when the purpose is to obtain tactical information to assist in managing the event. Supervisors shall not remotely activate the MAV system for the purpose of monitoring the conversations or actions of an officer.

419.5 REVIEW OF MAV RECORDINGS

All recording media, recorded images and audio recordings are the property of the Department. Dissemination outside of the agency is strictly prohibited, except to the extent permitted or required by law.

To prevent damage to, or alteration of, the original recorded media, it shall not be copied, viewed or otherwise inserted into any device not approved by the department MAV technician or forensic media staff. When reasonably possible, a copy of the original media shall be used for viewing (unless otherwise directed by the courts) to preserve the original media.

Recordings may be reviewed in any of the following situations:

- (a) For use when preparing reports or statements
- (b) By a supervisor investigating a specific act of officer conduct
- (c) By a supervisor to assess officer performance
- (d) To assess proper functioning of MAV systems
- (e) By department investigators who are participating in an official investigation, such as a personnel complaint, administrative inquiry or a criminal investigation
- (f) By department personnel who request to review recordings
- (g) By an officer who is captured on or referenced in the video or audio data and reviews and uses such data for any purpose relating to his/her employment
- (h) By court personnel through proper process or with permission of the Chief of Police or the authorized designee
- (i) By the media through proper process or with permission of the Chief of Police or the authorized designee
- (j) To assess possible training value
- (k) Recordings may be shown for training purposes. If an involved officer objects to showing a recording, his/her objection will be submitted to the staff to determine if the training value outweighs the officer's objection

Employees desiring to view any previously uploaded or archived MAV recording should submit a request in writing to the Watch Commander. Approved requests should be forwarded to the MAV technician for processing.

In no event shall any recording be used or shown for the purpose of ridiculing or embarrassing any employee.

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419.6 DOCUMENTING MAV USE

If any incident is recorded with either the video or audio system, the existence of that recording shall be documented in the officer's report. If a citation is issued, the officer should make a notation on the back of the records copy of the citation, indicating that the incident was recorded.

419.7 RECORDING MEDIA STORAGE AND INTEGRITY

Once submitted for storage, all recording media will be labeled and stored in a designated secure area. All recording media that is not booked as evidence will be retained for a minimum of one year after which time it will be erased, destroyed or recycled in accordance with the established records retention schedule (Government Code § 34090.6).

419.7.1 COPIES OF ORIGINAL RECORDING MEDIA

Original recording media shall not be used for any purpose other than for initial review by a supervisor. Upon proper request, a copy of the original recording media will be made for use as authorized in this policy.

Original recording media may only be released in response to a court order or upon approval by the Chief of Police or the authorized designee. In the event that an original recording is released to a court, a copy shall be made and placed in storage until the original is returned.

419.7.2 MAV RECORDINGS AS EVIDENCE

Officers who reasonably believe that a MAV recording is likely to contain evidence relevant to a criminal offense, potential claim against the officer or against the UC San Diego Police Department should indicate this in an appropriate report. Officers should ensure relevant recordings are preserved.

419.8 SYSTEM OPERATIONAL STANDARDS

- (a) MAV system vehicle installations should be based on officer safety requirements and the vehicle and device manufacturer's recommendations.
- (b) The MAV system should be configured to minimally record for 30 seconds prior to an event.
- (c) The MAV system may not be configured to record audio data occurring prior to activation.
- (d) Unless the transmitters being used are designed for synchronized use, only one transmitter, usually the primary initiating officer's transmitter, should be activated at a scene to minimize interference or noise from other MAV transmitters.
- (e) Officers using digital transmitters that are synchronized to their individual MAV shall activate both audio and video recordings when responding in a support capacity. This is to obtain additional perspectives of the incident scene.
- (f) With the exception of law enforcement radios or other emergency equipment, other electronic devices should not be used inside MAV-equipped law enforcement vehicles

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to minimize the possibility of causing electronic or noise interference with the MAV system.

- (g) Officers shall not erase, alter, reuse, modify or tamper with MAV recordings. Only a supervisor, MAV technician or other authorized designee may erase and reissue previous recordings and may only do so pursuant to the provisions of this policy.
- (h) To prevent damage, original recordings shall not be viewed on any equipment other than the equipment issued or authorized by the MAV technician.

419.9 MAV TECHNICIAN RESPONSIBILITIES

The MAV technician is responsible for:

- (a) Ordering, issuing, retrieving, storing, erasing and duplicating of all recorded media.
- (b) Collecting all completed media for oversight and verification of wireless downloaded media. Once collected, the MAV technician:
 - 1. Ensures it is stored in a secure location with authorized controlled access.
 - 2. Makes the appropriate entries in the chain of custody log.
- (c) Erasing of media:
 - 1. Pursuant to a court order.
 - 2. In accordance with established records retention policies, including reissuing all other media deemed to be of no evidentiary value.
- (d) Assigning all media an identification number prior to issuance to the field:
 - 1. Maintaining a record of issued media.
- (e) Ensuring that an adequate supply of recording media is available.
- (f) Managing the long-term storage of media that has been deemed to be of evidentiary value in accordance with the department evidence storage protocols and the records retention schedule.

419.10 TRAINING

All members who are authorized to use the MAV system shall successfully complete an approved course of instruction prior to its use.

Bicycle Patrol Unit

420.1 PURPOSE AND SCOPE

The UC San Diego Police Department has established the Bicycle Patrol Unit (BPU) for the purpose of enhancing patrol efforts in the community. Bicycle patrol has been shown to be an effective way to increase officer visibility in congested areas and their quiet operation can provide a tactical approach to crimes in progress. The purpose of this policy is to provide guidelines for the safe and effective operation of the patrol bicycle.

420.2 POLICY

Patrol bicycles may be used for regular patrol duty, traffic enforcement, parking control, or special events. The use of the patrol bicycle will emphasize their mobility and visibility to the community.

Bicycles may be deployed to any area at all hours of the day or night, according to Department needs and as staffing levels allow.

Requests for specific deployment of bicycle patrol officers shall be coordinated through a supervisor or the Watch Commander.

420.3 SELECTION OF PERSONNEL

Interested sworn personnel shall submit a letter of interest to the BPU Supervisor. Qualified applicants will then be invited to participate in a selection process. Interested personnel may be evaluated by the following criteria:

- (a) Recognized competence and ability as evidenced by performance.
- (b) Special skills or training as it pertains to the assignment.
- (c) Good physical condition.
- (d) Willingness to perform duties using the bicycle as a mode of transportation.

420.3.1 BICYCLE PATROL UNIT SUPERVISOR

The Bicycle Patrol Unit supervisor will be selected from the rank of sergeant by the Operations Lieutenant or his/her designee.

The Bicycle Patrol Unit supervisor shall have responsibility for the following:

- (a) Organizing bicycle patrol training.
- (b) Inspecting and maintaining inventory of patrol bicycles and program equipment.
- (c) Scheduling maintenance and repairs.
- (d) Evaluating performance of bicycle officers.
- (e) Coordinating activities with the Operations Division.
- (f) Other activities as required to maintain the efficient operation of the Bicycle Patrol Unit.

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Bicycle Patrol Unit

420.4 TRAINING

Participants in the program must complete an initial Department approved bicycle-training course after acceptance into the program. Thereafter bicycle patrol officers should receive twice yearly in-service training to improve skills and refresh safety, health and operational procedures. The initial training shall minimally include the following:

- Bicycle patrol strategies.
- Bicycle safety and accident prevention.
- Operational tactics using bicycles.

Bicycle patrol officers will be required to qualify with their duty firearm while wearing bicycle safety equipment including the helmet and riding gloves.

420.5 UNIFORMS AND EQUIPMENT

Officers shall wear the department-approved uniform and safety equipment while operating the department bicycle. Safety equipment includes department-approved helmet, riding gloves, protective eyewear and approved footwear.

The bicycle patrol unit uniform consists of the standard short-sleeve uniform shirt or other department-approved shirt with department badge and patches, and department-approved bicycle patrol pants or shorts.

Optional equipment includes a radio head set and microphone, and jackets in colder weather. Turtleneck shirts or sweaters are permitted when worn under the uniform shirt.

Bicycle patrol officers shall carry the same equipment on the bicycle patrol duty belt as they would on a regular patrol assignment.

Officers will be responsible for obtaining the necessary forms, citation books and other department equipment needed while on bicycle patrol.

420.6 CARE AND USE OF PATROL BICYCLES

Bicycles utilized for uniformed bicycle patrol shall be primarily black or white in with a "POLICE" decal affixed to each side of the crossbar or the bike's saddlebag. Every such bicycle shall be equipped with front and rear reflectors front lights and a siren/horn satisfying the requirements of Vehicle Code §2800.1(b).

Bicycles utilized for uniformed bicycle patrol shall be equipped with a rear rack and/or saddle bag(s) sufficient to carry all necessary equipment to handle routine patrol calls including report writing, vehicle storage and citations.

Each bicycle gear bag shall include a first aid kit, traffic vest, and security lock. These items are to remain with/on the bicycle at all times.

Each bicycle shall be equipped with a steady or flashing blue warning light that is visible from the front, sides, or rear of the bicycle. (Vehicle Code § 21201.3)

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Bicycle officers shall conduct an inspection of the bicycle and equipment prior to use to insure proper working order of the equipment. Officers are responsible for the routine care and maintenance of their assigned equipment (e.g., tire pressure, chain lubrication, overall cleaning).

If a needed repair is beyond the ability of the bicycle officer, a repair work order will be completed and forwarded to the program supervisor for repair by an approved technician.

Each bicycle will have scheduled maintenance twice yearly to be performed by a department approved repair shop/technician.

At the end of a bicycle assignment, the bicycle shall be returned clean and ready for the next tour of duty.

Electric patrol bicycle batteries shall be charged at the end of each tour of duty by the officer. During prolonged periods of non-use, the supervisor or designee shall periodically rotate the batteries on the respective charges to increase battery life.

Officers shall not modify the patrol bicycle, remove, modify or add components except with the expressed approval of the bicycle supervisor, or in the event of an emergency.

Vehicle bicycle racks may be available should the officer need to transport the patrol bicycle. Due to possible component damage, transportation of the patrol bicycle in a trunk or on a patrol car push-bumper is discouraged.

Bicycles shall be properly secured when not in the officer's immediate presence.

420.7 OFFICER RESPONSIBILITY

Officers must operate the bicycle in compliance with the vehicle code under normal operation. Officers may operate the bicycle without lighting equipment during hours of darkness when such operation reasonably appears necessary for officer safety and tactical considerations. Officers must use caution and care when operating the bicycle without lighting equipment.

Officers are exempt from the rules of the road under the following conditions (Vehicle Code § 21200(b)(1)):

- (a) In response to an emergency call.
- (b) While engaged in rescue operations.
- (c) In the immediate pursuit of an actual or suspected violator of the law.

Mobile Digital Computer Use

421.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper access, use and application of the Mobile Digital Computer (MDC) system in order to ensure appropriate access to confidential records from local, state and national law enforcement databases, and to ensure effective electronic communications between department members and Communications Unit.

421.2 POLICY

UC San Diego Police Department members using the MDC shall comply with all appropriate federal and state rules and regulations and shall use the MDC in a professional manner, in accordance with this policy.

421.3 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).

421.4 RESTRICTED ACCESS AND USE

MDC use is subject to the Information Technology Use and Protected Information policies.

Members shall not access the MDC system if they have not received prior authorization and the required training. Members shall immediately report unauthorized access or use of the MDC by another member to their supervisors or Watch Commanders.

Use of the MDC system to access law enforcement databases or transmit messages is restricted to official activities, business-related tasks and communications that are directly related to the business, administration or practices of the Department. In the event that a member has questions about sending a particular message or accessing a particular database, the member should seek prior approval from the appropriate supervisor.

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

It is a violation of this policy to transmit a message or access a law enforcement database under another member's name or to use the password of another member to log in to the MDC system unless directed to do so by a supervisor. Members are required to log off the MDC or secure the MDC when it is unattended. This added security measure will minimize the potential for unauthorized access or misuse.

421.4.1 USE WHILE DRIVING

Use of the MDC by the vehicle operator should be limited to times when the vehicle is stopped. Information that is required for immediate enforcement, investigative, tactical or safety needs should be transmitted over the radio.

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Short transmissions, such as a license plate check, are permitted if it reasonably appears that it can be done safely. In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.

421.5 DOCUMENTATION OF ACTIVITY

Except as otherwise directed by the Watch Commander or other department-established protocol, all calls for service assigned by a dispatcher should be communicated by voice over the police radio and electronically via the MDC unless security or confidentiality prevents such broadcasting.

MDC and voice transmissions are used to document the member's daily activity. To ensure accuracy:

- (a) All contacts or activity shall be documented at the time of the contact.
- (b) Whenever the activity or contact is initiated by voice, it should be documented by a dispatcher.
- (c) Whenever the activity or contact is not initiated by voice, the member shall document it via the MDC.

421.5.1 STATUS CHANGES

All changes in status (e.g., arrival at scene, meal periods, in service) will be transmitted over the police radio or through the MDC system.

Members responding to in-progress calls should advise changes in status over the radio to assist other members responding to the same incident. Other changes in status can be made on the MDC when the vehicle is not in motion.

421.5.2 EMERGENCY ACTIVATION

If there is an emergency activation and the member does not respond to a request for confirmation of the need for emergency assistance or confirms the need, available resources will be sent to assist in locating the member. If the location is known, the nearest available officer should respond in accordance with the Officer Response to Calls Policy.

Members should ensure a field supervisor and the Watch Commander are notified of the incident without delay.

Officers not responding to the emergency shall refrain from transmitting on the police radio until a no-further-assistance broadcast is made or if they are also handling an emergency.

421.6 EQUIPMENT CONSIDERATIONS

421.6.1 MALFUNCTIONING MDC

Whenever possible, members will not use vehicles with malfunctioning MDCs. Whenever members must drive a vehicle in which the MDC is not working, they shall notify Communications Unit. 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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421.6.2 BOMB CALLS

When investigating reports of possible bombs, members should not communicate on their MDCs when in the evacuation area of a suspected explosive device. Radio frequency emitted by the MDC could cause some devices to detonate.

Public Recording of Law Enforcement Activity

422.1 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.

422.2 POLICY

The UC San Diego 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.

422.3 RECORDING LAW ENFORCEMENT ACTIVITY

Members of the public who wish to record law enforcement activities are limited only in certain aspects.

- (a) Recordings may be made from any public place or any private property where the individual has the legal right to be present (Penal Code § 69; Penal Code § 148).
- (b) Beyond the act of photographing or recording, individuals may not interfere with the law enforcement activity. Examples of interference include, but are not limited to:
 - 1. Tampering with a witness or suspect.
 - 2. Inciting others to violate the law.
 - 3. Being so close to the activity as to present a clear safety hazard to the officers.
 - 4. Being so close to the activity as to interfere with an officer's effective communication with a suspect or witness.
- (c) The individual may not present an undue safety risk to the officers, self or others.

422.4 OFFICER RESPONSE

Officers should promptly request that a supervisor respond to the scene whenever it appears that anyone recording activities may be interfering with an investigation or it is believed that the recording may be evidence. If practicable, officers should wait for the supervisor to arrive before taking enforcement action or seizing any cameras or recording media.

Whenever practicable, officers or supervisors should give clear and concise warnings to individuals who are conducting themselves in a manner that would cause their recording or behavior to be unlawful. Accompanying the warnings should be clear directions on what an individual can do to be compliant; directions should be specific enough to allow compliance. For

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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.

422.5 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.

422.6 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 evidence is to transmit a copy of the recording from a device to a department-owned device.

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Recording devices and media that are seized will be submitted within the guidelines of the Property and Evidence Policy.

Foot Pursuits

423.1 PURPOSE AND SCOPE

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

423.2 POLICY

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

Officers are expected to act reasonably, based on the totality of the circumstances.

423.3 DECISION TO PURSUE

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

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

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

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

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

- (a) Containment of the area.
- (b) Saturation of the area with law enforcement personnel, including assistance from other agencies.
- (c) A canine search.
- (d) Thermal imaging or other sensing technology.

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

423.4 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.

423.5 RESPONSIBILITIES IN FOOT PURSUITS

423.5.1 INITIATING OFFICER RESPONSIBILITIES

Unless relieved by another officer or a supervisor, the initiating officer shall be responsible for coordinating the progress of the pursuit. When acting alone and when practicable, the initiating officer should not attempt to overtake and confront the suspect but should attempt to keep the suspect in sight until sufficient officers are present to safely apprehend the suspect.

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

- (a) Location and direction of travel
- (b) Call sign identifier
- (c) Reason for the foot pursuit, such as the crime classification
- (d) Number of suspects and description, to include name if known
- (e) Whether the suspect is known or believed to be armed with a dangerous weapon

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

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

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

423.5.2 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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423.5.3 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.

423.5.4 COMMUNICATIONS UNIT RESPONSIBILITIES

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

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

423.6 REPORTING REQUIREMENTS

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

- (a) Date and time of the foot pursuit.
- (b) Initial reason and circumstances surrounding the foot pursuit.
- (c) Course and approximate distance of the foot pursuit.
- (d) Alleged offenses.
- (e) Involved vehicles and officers.
- (f) Whether a suspect was apprehended as well as the means and methods used.
 - 1. Any use of force shall be reported and documented in compliance with the Use of Force Policy.
- (g) Arrestee information, if applicable.
- (h) Any injuries and/or medical treatment.

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- (i) Any property or equipment damage.
- (j) Name of the supervisor at the scene or who handled the incident.

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

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

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

Automated License Plate Readers (ALPRs)

424.1 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.

424.2 POLICY

The policy of the UC San Diego 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 official law enforcement purposes. Because such data may contain confidential information, it is not open to public review.

424.3 ADMINISTRATION

The ALPR technology, also known as License Plate Recognition (LPR), allows for the automated detection of license plates. It is used by the UC San Diego 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 or by court order.

All installation and maintenance of ALPR equipment, as well as ALPR data retention and access, shall be managed by the UC San Diego Police Department. The Chief of Police will designate members under his/her command to administer the day-to-day operation of the ALPR equipment and data.

424.3.1 ALPR ADMINISTRATOR

The Chief of Police or authorized designee shall be responsible for developing guidelines and procedures to comply with the requirements of Civil Code § 1798.90.5 et seq. This includes, but is not limited to (Civil Code § 1798.90.51; Civil Code § 1798.90.53):

- (a) A description of the job title or other designation of the members and independent contractors who are authorized to use or access the ALPR system or to collect ALPR information.
- (b) Training requirements for authorized users.
- (c) A description of how the ALPR system will be monitored to ensure the security of the information and compliance with applicable privacy laws.
- (d) Procedures for system operators to maintain records of access in compliance with Civil Code § 1798.90.52.
- (e) The title and name of the current designee in overseeing the ALPR operation.
- (f) Working with the Custodian of Records on the retention and destruction of ALPR data.
- (g) Ensuring this policy and related procedures are conspicuously posted on the department's website.

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424.4 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 to include but not be limited to:
 - 1. Investigation for prosecution or exoneration of suspected criminal incidents.
 - 2. Identification and/or location of wanted persons
 - 3. Crime Prevention and General Law Enforcement purposes
 - 4. Investigatory leads in subsequent investigations
- (b) An ALPR may be used in conjunction with any routine patrol operation or criminal investigation. Articulate reasonable suspicion or probable cause is required before searching any ALPR data.
- (c) While an ALPR may be used to canvass license plates around any crime scene, particular consideration should be given to using ALPR-equipped cars to canvass areas around homicides, shootings and other major incidents. Partial license plates reported during major crimes should be entered into the ALPR system in an attempt to identify suspect vehicles.
- (d) No member of this department shall operate ALPR equipment or access ALPR data without first completing department-approved training.
- (e) No ALPR operator may access department, state or federal data unless otherwise authorized to do so.
- (f) The officer shall verify an ALPR response through the California Law Enforcement Telecommunications System (CLETS) before taking enforcement action that is based solely on an ALPR alert.

424.5 DATA COLLECTION AND RETENTION

The Chief of Police or authorized designee 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 and in accordance with the established records retention schedule. Thereafter, ALPR data should be purged unless it has become, or it is reasonable to believe it will become, evidence in a criminal or civil action or is subject to a discovery request or other lawful action to produce records. In those circumstances the applicable data should be downloaded from the server onto portable media and booked into evidence, under the issued case number.

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424.6 ACCOUNTABILITY

All data will be closely safeguarded and protected by both procedural and technological means. The UC San Diego 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.

424.7 RELEASING ALPR DATA

The ALPR data may be shared only with other law enforcement or prosecutorial agencies for official law enforcement purposes or as otherwise permitted by law, using the following procedures:

- (a) The agency makes a written request for the ALPR data that includes:
 - (a) The name of the agency.
 - (b) The name of the person requesting.
 - (c) The intended purpose of obtaining the information.
 - (d) The associated incident or case number in relation to the requested ALPR data.
- (b) The request is reviewed by the Chief of Police 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).

The UC San Diego Police Department does not share ALPR data with any contracted, commercial or private entity.

424.8 TRAINING

The Training Manager should ensure that members receive department-approved training for those authorized to use or access the ALPR system (Civil Code § 1798.90.51; Civil Code § 1798.90.53).

Civil Disputes

425.1 PURPOSE AND SCOPE

This policy provides members of the UC San Diego 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.

425.2 POLICY

The UC San Diego 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.

425.3 GENERAL CONSIDERATIONS

When appropriate, members handling a civil dispute should encourage the involved parties to seek the assistance of resolution services or take the matter to the civil courts. Members must not become personally involved in disputes and shall at all times remain impartial.

While not intended to be an exhaustive list, members should give considerations to the following when handling civil disputes:

- (a) Civil disputes tend to be confrontational and members should be alert that they can escalate to violence very quickly. De-escalation techniques should be used when appropriate.
- (b) Members should not dismiss alleged or observed criminal violations as a civil matter and should initiate the appropriate investigation and report when criminal activity is apparent.
- (c) Members shall not provide legal advice, however, when appropriate, members should inform the parties when they are at risk of violating criminal laws.
- (d) Members are reminded that they shall not enter a residence or other non-public location without legal authority including valid consent.
- (e) Members should not take an unreasonable amount of time assisting in these matters and generally should contact a supervisor if it appears that peacekeeping efforts longer than 30 minutes are warranted.

425.4 COURT ORDERS

Disputes involving court orders can be complex. Where no mandate exists for an officer to make an arrest for a violation of a court order, the matter should be addressed by documenting any apparent

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court order violation in a report. If there appears to be a more immediate need for enforcement action, the investigating officer should consult a supervisor prior to making any arrest.

If a person appears to be violating the terms of a court order but is disputing the validity of the order or its applicability, the investigating officer should document the following:

- (a) The person's knowledge of the court order or whether proof of service exists.
- (b) Any specific reason or rationale the involved person offers for not complying with the terms of the order.

A copy of the court order should be attached to the report when available. The report should be forwarded to the appropriate prosecutor. The report should also be forwarded to the court issuing the order with a notice that the report was also forwarded to the prosecutor for review.

425.4.1 STANDBY REQUESTS

Officer responding to a call for standby assistance to retrieve property should meet the person requesting assistance at a neutral location to discuss the process. The person should be advised that items that are disputed will not be allowed to be removed. The member may advise the person to seek private legal advice as to the distribution of disputed property.

Members should accompany the person to the location of the property. Members should ask if the other party will allow removal of the property or whether the other party would remove the property.

If the other party is uncooperative, the person requesting standby assistance should be instructed to seek private legal advice and obtain a court order to obtain the items. Officers should not order the other party to allow entry or the removal of any items. If there is a restraining or similar order against the person requesting standby assistance, that person should be asked to leave the scene or they may be subject to arrest for violation of the order.

If the other party is not present at the location, the member will not allow entry into the location or the removal of property from the location.

425.5 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.

425.6 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.

Homeless Persons

426.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that personnel understand the needs and rights of the homeless and to establish procedures to guide officers during all contacts with the homeless, whether consensual or for enforcement purposes. The UC San Diego Police Department recognizes that members of the homeless community are often in need of special protection and services. The UC San Diego Police Department will address these needs in balance with the overall mission of this department. Therefore, officers will consider the following when serving the homeless community.

426.1.1 POLICY

It is the policy of the UC San Diego Police Department to provide law enforcement services to all members of the community, while protecting the rights, dignity and private property of the homeless. Homelessness is not a crime and members of this department will not use homelessness solely as a basis for detention or law enforcement action.

426.2 HOMELESS COMMUNITY LIAISON

The Chief of Police will designate a member of this department to act as the Homeless Liaison Officer. The responsibilities of the Homeless Liaison Officer include the following:

- (a) Maintain and make available to all department employees a list of assistance programs and other resources that are available to the homeless.
- (b) Meet with social services and representatives of other organizations that render assistance to the homeless.
- (c) Maintain a list of the areas within and near this jurisdiction that are used as frequent homeless encampments.
- (d) Remain abreast of laws dealing with the removal and/or destruction of the personal property of the homeless. This will include:
 1. Proper posting of notices of trespass and clean-up operations.
 2. Proper retention of property after clean-up, to include procedures for owners to reclaim their property in accordance with the Property and Evidence Policy and other established procedures.
- (e) Be present during any clean-up operation conducted by this department involving the removal of personal property of the homeless to ensure that the rights of the homeless are not violated.
- (f) Develop training to assist officers in understanding current legal and social issues relating to the homeless.

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426.3 FIELD CONTACTS

Officers are encouraged to contact the homeless for purposes of rendering aid, support and for community-oriented policing purposes. Nothing in this policy is meant to dissuade an officer from taking reasonable enforcement action when facts support a reasonable suspicion of criminal activity. However, when encountering a homeless person who has committed a non-violent misdemeanor and continued freedom is not likely to result in a continuation of the offense or a breach of the peace, officers are encouraged to consider long-term solutions to problems that may relate to the homeless, such as shelter referrals and counseling in lieu of physical arrest.

Officers should provide homeless persons with resource and assistance information whenever it is reasonably apparent that such services may be appropriate.

426.3.1 OTHER CONSIDERATIONS

Homeless members of the community will receive the same level and quality of service provided to other members of the community. The fact that a victim or witness is homeless can, however, require special considerations for a successful investigation and prosecution. Officers should consider the following when handling investigations involving homeless victims, witnesses or suspects:

- (a) Document alternate contact information. This may include obtaining addresses and phone numbers of relatives and friends.
- (b) Document places the homeless person may frequent.
- (c) Provide homeless victims with victim/witness resources when appropriate.
- (d) Obtain statements from all available witnesses in the event that a homeless victim is unavailable for a court appearance.
- (e) Consider whether the person may be a dependent adult or elder, and if so, proceed in accordance with the Senior and Disability Victimization Policy.
- (f) Arrange for transportation for investigation-related matters, such as medical exams and court appearances.
- (g) Consider whether a crime should be reported and submitted for prosecution, even when a homeless victim indicates that he/she does not desire prosecution.

426.4 PERSONAL PROPERTY

The personal property of homeless persons must not be treated differently than the property of other members of the public. Officers should use reasonable care when handling, collecting and retaining the personal property of homeless persons and should not destroy or discard the personal property of a homeless person.

When a homeless person is arrested or otherwise removed from a public place, officers should make reasonable accommodations to permit the person to lawfully secure his/her personal property. Otherwise, the personal property should be collected for safekeeping. If the arrestee has more personal property than can reasonably be collected and transported by the officer, a supervisor should be consulted. The property should be photographed and measures should be

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taken to remove or secure the property. It will be the supervisor's responsibility to coordinate the removal and safekeeping of the property.

Officers should not conduct or assist in clean-up operations of belongings that reasonably appear to be the property of homeless persons without the prior authorization of a supervisor or the department Homeless Liaison Officer. When practicable, requests by the public for clean-up of a homeless encampment should be referred to the Homeless Liaison Officer.

426.4.1 REPORTING UNATTENDED HOMELESS ENCAMPMENTS FOR CLEANUP

Officers who encounter unattended encampments, bedding or other personal property in public areas that reasonably appears to belong to a homeless person shall follow the following process for removal:

- (a) Officers shall conspicuously post UCSD "NOTICE TO VACATE AND REMOVE PROPERTY" notices in and around the encampment with a removal date and time 72 hours from the posting time and date.
- (b) Photograph the encampment
- (c) Ensure documentation detailing the location, description, that the camp was properly posted, and the date and time Facilities Maintenance was notified
- (d) Officers shall provide Facilities Management the following information:
 1. Specific location of the encampment
 2. General size of the encampment
 3. Types of property to be removed
 4. If there is human waste or other biological hazards such as hypodermic needles or other narcotics refuse.
 - (a) If there is human waste or biological concerns the officer should also contact Environmental Health and Safety
 5. The date and time the cleanup can begin (72 hours from posting).

426.4.2 CLEANUP OF UNATTENDED HOMELESS ENCAMPMENTS

Facilities Management may request the assistance of an Officer during cleanup. If requested, officers should:

- (a) Provide security for personnel completing the cleanup
- (b) Collect any property that is not determined to be waste, trash, or rubbish.
 1. If the owner is unknown, this property should be documented on a UCSD Police Property Tag as "Found Property" and stored at the UCSD Police Department per current procedures.
 2. If the owner is known, this property should be documented in the original RIMS Case as "Safe Keeping".
- (c) Officers may use reasonable discretion when collecting property that is potentially contaminated with vermin or is in such poor condition due to exposure to the elements,

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such as rain, it is clearly not suitable for further human use. These items should be listed in an Officer's Report (153) Supplemental Narrative with a brief explanation of way it was no longer fit for human use and destroyed.

Officers may issue citation for violations of the following California Code of Regulations, as appropriate, if the person residing in the camp is present at the time of cleanup and has not made an attempt to remove the property:

- (a) CCR 100005(A) Camp on University property
- (b) CCR 100005(E) Store personal property on University property
- (c) CCR 100010 Start of Maintain a fire on Campus property
- (d) CCR 100013(M) Disturb Plants or Wildlife on Campus property

426.5 MENTAL ILLNESS AND MENTAL IMPAIRMENT

Some homeless persons may suffer from a mental illness or a mental impairment. Officers shall not detain a homeless person under a mental illness commitment unless facts and circumstances warrant such a detention (see the Crisis Intervention Incidents Policy).

When a mental illness hold is not warranted, the contacting officer should provide the homeless person with contact information for mental health assistance as appropriate. In these circumstances, officers may provide transportation to a mental health specialist if requested by the person and approved by a supervisor.

426.6 ECOLOGICAL ISSUES

Sometimes homeless encampments can impact the ecology and natural resources of the community and may involve criminal offenses beyond mere littering. Officers are encouraged to notify other appropriate agencies or departments when a significant impact to the environment has or is likely to occur. Significant impacts to the environment may warrant a crime report, investigation, supporting photographs and supervisor notification.

First Amendment Assemblies

427.1 PURPOSE AND SCOPE

This policy provides guidance for responding to public assemblies or demonstrations.

427.2 POLICY

The UC San Diego 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.

427.3 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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427.3.1 PHOTOGRAPHS AND VIDEO RECORDINGS

Photographs and video recording, when appropriate, can serve a number of purposes, including support of criminal prosecutions by documenting criminal acts; assistance in evaluating department performance; serving as training material; recording the use of dispersal orders; and facilitating a response to allegations of improper law enforcement conduct.

Photographs and videos will not be used or retained for the sole purpose of collecting or maintaining information about the political, religious, or social views of associations, or the activities of any individual, group, association, organization, corporation, business, or partnership, unless such information directly relates to an investigation of criminal activities and there is reasonable suspicion that the subject of the information is involved in criminal conduct.

427.4 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 Communications Unit, 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.

427.5 PLANNED EVENT PREPARATION

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

427.5.1 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).

427.5.2 OPERATIONAL PLANS

An operational planning team with responsibility for event planning and management should be established. The planning team should develop an operational plan for the event.

The operational plan will minimally provide for:

- (a) Command assignments, chain of command structure, roles and responsibilities.
- (b) Staffing and resource allocation.
- (c) Management of criminal investigations.
- (d) Designation of uniform of the day and related safety equipment (e.g., helmets, shields).
- (e) Deployment of specialized resources.
- (f) Event communications and interoperability in a multijurisdictional event.
- (g) Liaison with demonstration leaders and external agencies.
- (h) Liaison with University government and legal staff.
- (i) Media relations.
- (j) Logistics: food, fuel, replacement equipment, duty hours, relief and transportation.
- (k) Traffic management plans.
- (l) First aid and emergency medical service provider availability.
- (m) Prisoner transport and detention.
- (n) Review of policies regarding public assemblies and use of force in crowd control.
- (o) Parameters for declaring an unlawful assembly.
- (p) Arrest protocol, including management of mass arrests.
- (q) Protocol for recording information flow and decisions.
- (r) Rules of engagement, including rules of conduct, protocols for field force extraction and arrests, and any authorization required for the use of force.
- (s) Protocol for handling complaints during the event.

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- (t) Parameters for the use of body-worn cameras and other portable recording devices.

427.5.3 MUTUAL AID AND EXTERNAL RESOURCES

The magnitude and anticipated duration of an event may necessitate interagency cooperation and coordination. The assigned Incident Commander should ensure that any required memorandums of understanding or other agreements are properly executed, and that any anticipated mutual aid is requested and facilitated (see the Outside Agency Assistance Policy).

427.6 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.

427.7 USE OF FORCE

Use of force is governed by current department policy and applicable law (see the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies).

Individuals refusing to comply with lawful orders (e.g., nonviolent refusal to disperse) should be given a clear verbal warning and a reasonable opportunity to comply. If an individual refuses to comply with lawful orders, the Incident Commander shall evaluate the type of resistance and adopt a reasonable response in order to accomplish the law enforcement mission (such as dispersal or arrest of those acting in violation of the law). Control devices and conducted energy devices should be considered only when the participants' conduct reasonably appears to present the potential to harm officers, themselves or others, or will result in substantial property loss or damage (see the Control Devices and Techniques and the Conducted Energy Device policies).

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Force or control devices, including oleoresin capsaicin (OC), should be directed toward individuals and not toward groups or crowds, unless specific individuals cannot reasonably be targeted due to extreme circumstances, such as a riotous crowd.

Any use of force by 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.

427.8 USE OF KINETIC ENERGY PROJECTILES AND CHEMICAL AGENTS FOR CROWD CONTROL

Kinetic energy projectiles and chemical agents for crowd control purposes shall only be deployed by officers who have received POST training for crowd control if the use is objectively reasonable to defend against a threat to life or serious bodily injury to any individual, including an officer, or to bring an objectively dangerous and unlawful situation safely and effectively under control and in accordance with the following requirements of Penal Code § 13652.

- (a) De-escalation techniques or other alternatives to force have been attempted, when objectively reasonable, and have failed.
- (b) Repeated, audible announcements are made announcing the intent to use kinetic energy projectiles and chemical agents and the type to be used, when objectively reasonable to do so. The announcements shall be made from various locations, if necessary, and delivered in multiple languages, if appropriate.
- (c) Individuals are given an objectively reasonable opportunity to disperse and leave the scene.
- (d) An objectively reasonable effort has been made to identify individuals engaged in violent acts and those who are not, and kinetic energy projectiles or chemical agents are targeted toward those individuals engaged in violent acts. Projectiles shall not be aimed indiscriminately into a crowd or group of individuals.
- (e) Kinetic energy projectiles and chemical agents are used only with the frequency, intensity, and in a manner that is proportional to the threat and objectively reasonable.
- (f) Officers shall minimize the possible incidental impact of their use of kinetic energy projectiles and chemical agents on bystanders, medical personnel, journalists, or other unintended targets.
- (g) An objectively reasonable effort has been made to extract individuals in distress.
- (h) Medical assistance is promptly provided, if properly trained personnel are present, or procured, for injured persons, when it is reasonable and safe to do so.
- (i) Kinetic energy projectiles shall not be aimed at the head, neck, or any other vital organs.
- (j) Kinetic energy projectiles or chemical agents shall not be used solely due to any of the following:
 - 1. A violation of an imposed curfew.
 - 2. A verbal threat.

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3. Noncompliance with a law enforcement directive.
 - (k) If the chemical agent to be deployed is tear gas, only an Incident Commander at the scene of the assembly, protest, or demonstration may authorize its use.

427.8.1 USE SUMMARY

The Operations Lieutenant or the authorized designee should ensure that a summary of each deployment of kinetic energy projectiles or chemical agents for crowd control purposes is prepared and published on the department website within 60 days of each incident. The time frame may be extended for another 30 days where just cause is demonstrated, but no longer than 90 days from the time of the incident. The summary shall be limited to the information known to the Department at the time of the report and include the information required in Penal Code § 13652.1.

427.9 ARRESTS

The UC San Diego Police Department should respond to unlawful behavior in a manner that is consistent with the operational plan. If practicable, warnings or advisements should be communicated prior to arrest.

Mass arrests should be employed only when alternate tactics and strategies have been, or reasonably appear likely to be, unsuccessful. Mass arrests shall only be undertaken upon the order of the Incident Commander or the authorized designee. There must be probable cause for each arrest.

If employed, mass arrest protocols should fully integrate:

- (a) Reasonable measures to address the safety of officers and arrestees.
- (b) Dedicated arrest, booking and report writing teams.
- (c) Timely access to medical care.
- (d) Timely access to legal resources.
- (e) Timely processing of arrestees.
- (f) Full accountability for arrestees and evidence.
- (g) Coordination and cooperation with the prosecuting authority, jail and courts (see the Cite and Release Policy).

427.10 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).

427.10.1 MEDIA ACCESS

If officers close the immediate area surrounding any emergency field command post or any other command post, or establish a police line, or rolling closure at a demonstration, march, protest,

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or rally where individuals are engaged in a protected activity pursuant to the First Amendment, officers shall comply with the requirements of Penal Code § 409.7 relating to media access (i.e., access to closed areas, obtaining information) (Penal Code § 409.7).

427.11 DEMOBILIZATION

When appropriate, the Incident Commander or the authorized designee should implement a phased and orderly withdrawal of law enforcement resources. All relieved personnel should promptly complete any required reports, including use of force reports, and account for all issued equipment and vehicles to their supervisors prior to returning to normal operational duties.

427.12 POST EVENT

The Incident Commander should designate a member to assemble full documentation of the event, to include the following:

- (a) Operational plan
- (b) Any incident logs
- (c) Any assignment logs
- (d) Vehicle, fuel, equipment and supply records
- (e) Incident, arrest, use of force, injury and property damage reports
- (f) Photographs, audio/video recordings, Communications Unit records/tapes
- (g) Media accounts (print and broadcast media)

427.12.1 AFTER-ACTION REPORTING

The Incident Commander should work with University 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.

427.13 ANTI-REPRODUCTIVE RIGHTS CALLS

Officer response to public assemblies or demonstrations relating to anti-reproductive rights should be consistent with this policy (Penal Code § 13778.1).

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427.14 TRAINING

Department members should receive periodic training regarding this policy, as well as the dynamics of crowd control and incident management (Penal Code § 13514.5). The Department should, when practicable, train with its external and mutual aid partners.

Officers should also receive periodic training on the standards for the use of kinetic energy projectiles and chemical agents for crowd control purposes as identified in Penal Code § 13652.

Medical Aid and Response

428.1 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.

428.2 POLICY

It is the policy of the UC San Diego Police Department that all officers and other designated members be trained to provide emergency medical aid and to facilitate an emergency medical response.

428.3 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), use of naloxone) 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 Communications Unit 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 Communications Unit 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 extreme agitation or is engaging in violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain.

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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428.4 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.

428.5 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.

428.6 MEDICAL ATTENTION RELATED TO USE OF FORCE

Specific guidelines for medical attention for injuries sustained from a use of force may be found in the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies.

428.7 AIR AMBULANCE

Generally, when on-scene, EMS personnel will be responsible for determining whether an air ambulance response should be requested. An air ambulance may be appropriate when there are victims with life-threatening injuries or who require specialized treatment (e.g., gunshot wounds, burns, obstetrical cases), and distance or other known delays will affect the EMS response.

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The Operations Lieutenant should develop guidelines for air ambulance landings or enter into local operating agreements for the use of air ambulances, as applicable. In creating those guidelines, the Department should identify:

- Responsibility and authority for designating a landing zone and determining the size of the landing zone.
- Responsibility for securing the area and maintaining that security once the landing zone is identified.
- Consideration of the air ambulance provider's minimum standards for proximity to vertical obstructions and surface composition (e.g., dirt, gravel, pavement, concrete, grass).
- Consideration of the air ambulance provider's minimum standards for horizontal clearance from structures, fences, power poles, antennas or roadways.
- Responsibility for notifying the appropriate highway or transportation agencies if a roadway is selected as a landing zone.
- Procedures for ground personnel to communicate with flight personnel during the operation.

One department member at the scene should be designated as the air ambulance communications contact. Headlights, spotlights, and flashlights should not be aimed upward at the air ambulance. Members should direct vehicle and pedestrian traffic away from the landing zone.

Members should follow these cautions when near an air ambulance:

- Never approach the aircraft until signaled by the flight crew.
- Always approach the aircraft from the front.
- Avoid the aircraft's tail rotor area.
- Wear eye protection during landing and take-off.
- Do not carry or hold items, such as IV bags, above the head.
- Ensure that no one smokes near the aircraft.

428.8 AUTOMATED EXTERNAL DEFIBRILLATOR (AED) USE

A member may use an AED only after receiving appropriate training from an approved public safety first aid and CPR course (22 CCR 100014; 22 CCR 100017; 22 CCR 100018).

428.8.1 AED USER RESPONSIBILITY

Members who are issued AEDs for use in department vehicles should check the AED at the beginning of the shift to ensure it is properly charged and functioning. Any AED that is not functioning properly will be taken out of service and given to the Training Manager who is responsible for ensuring appropriate maintenance.

Following use of an AED, the Officers deploying the device shall coordinate with responding EMS to determine if the AED needs to accompany with EMS. If the AED is taken by EMS, the officer shall

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go to the appropriate hospital and recover or coordinate the recovery of the AED. Environmental Health and Safety shall be notified of the deployment as soon as practical. The deploying officer shall coordinate having the subject AED taken to Environmental Health. The electrodes and/or pads will be replaced and decontaminated as recommended by the AED manufacturer.

Any employee who uses an AED should contact Communications Unit as soon as possible and request response by EMS.

428.8.2 AED REPORTING

Any member using an AED will complete an incident report detailing its use.

428.8.3 AED TRAINING AND MAINTENANCE

The Training Manager should ensure appropriate training and refresher training is provided to members authorized to use an AED. A list of authorized members and training records shall be made available for inspection by the local EMS agency (LEMSA) or EMS authority upon request (22 CCR 100021; 22 CCR 100022; 22 CCR 100029).

The Training Manager is responsible for ensuring AED devices are appropriately maintained and will retain records of all maintenance in accordance with the established records retention schedule (22 CCR 100021).

428.9 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.

428.10 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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428.11 ADMINISTRATION OF OPIOID OVERDOSE MEDICATION

Trained members may administer opioid overdose medication (Civil Code § 1714.22; Business and Professions Code § 4119.9) in accordance with the UC San Diego Police Department Naloxone Administration Policy.

428.11.1 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 University Medical Director and comply with the requirements in 22 CCR 100019 and any applicable POST standards (Civil Code § 1714.22).

Suspicious Activity Reporting

429.1 PURPOSE AND SCOPE

This policy provides guidelines for reporting and investigating suspicious and criminal activity.

429.1.1 DEFINITIONS

Definitions related to this policy include:

Involved party - An individual who has been observed engaging in suspicious activity, as defined in this policy, when no definitive criminal activity can be identified, thus precluding the person's identification as a suspect.

Suspicious activity - Any reported or observed activity that a member reasonably believes may have a nexus to any criminal act or attempted criminal act, or to foreign or domestic terrorism. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability should not be considered as factors that create suspicion (although these factors may be used as specific suspect descriptions). Examples of suspicious activity may include but are not limited to:

- Suspected pre-operational surveillance or intelligence gathering (e.g., photographing security features, asking questions about sensitive security-related subjects).
- Tests of security measures and response to incidents (e.g., "dry run," creating false alarms, attempts to enter secure areas without authorization).
- Suspicious purchases (e.g., purchasing large quantities of otherwise legal items, such as fertilizer, that could be used to create an explosive or other dangerous device).
- An individual in possession of such things as a hoax explosive or dispersal device, sensitive materials (e.g., passwords, access codes, classified government information), or coded or ciphered literature or correspondence.

Suspicious Circumstances Report (SCR) - An incident report used to document suspicious activity.

429.2 POLICY

The UC San Diego Police Department recognizes the need to protect the public from criminal conduct and acts of terrorism and shall lawfully collect, maintain and disseminate information regarding suspicious activities, while safeguarding civil liberties and privacy protections.

429.3 RESPONSIBILITIES

The Specialized Services Lieutenant and authorized designees will manage SAR activities. Authorized designees should include supervisors who are responsible for department participation in criminal intelligence systems as outlined in the Criminal Organizations Policy.

The responsibilities of the Specialized Services Lieutenant include, but are not limited to:

- (a) Remaining familiar with those databases available to the Department that would facilitate the purpose of this policy.

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- (b) Maintaining adequate training in the area of intelligence gathering to ensure no information is being maintained that would violate the law or civil rights of any individual.
- (c) Ensuring a process is available that would allow members to report relevant information. The process should be designed to promote efficient and quick reporting, and should not be cumbersome, duplicative or complicated.
- (d) Ensuring that members are made aware of the purpose and value of documenting information regarding suspicious activity, as well as the databases and other information resources that are available to the Department.
- (e) Ensuring that SCR information is appropriately disseminated to members in accordance with their job responsibilities.
- (f) Coordinating investigative follow-up, if appropriate.
- (g) Coordinating with any appropriate agency or the Law Enforcement Coordination Center (LECC) /fusion center.
- (h) Ensuring that, as resources are available, the Department conducts outreach that is designed to encourage members of the community to report suspicious activity and that outlines what they should look for and how they should report it (e.g., website, public service announcements).

429.4 REPORTING AND INVESTIGATION

Any department member receiving information regarding suspicious activity should take any necessary immediate and appropriate action, including a request for tactical response or immediate notification of specialized entities, when applicable. Any non-sworn member who receives such information should ensure that it is passed on to an officer in a timely manner.

If the suspicious activity is not directly related to a reportable crime, the member should prepare a Suspicious Circumstance Report and include information about involved parties and the circumstances of the incident. If, during any investigation, an officer becomes aware of suspicious activity that is unrelated to the current investigation, the information should be documented separately in a SCR and not included in the original incident report. The report number of the original incident should be included in the SCR as a cross reference. A SCR should be processed as any other incident report.

429.5 HANDLING INFORMATION

The Records Section will forward copies of SCRs, in a timely manner, to the following:

- Detective Sergeant
- Crime Analysis Unit
- Other authorized designees

Body Worn Cameras (BWC)

430.1 PURPOSE

The University of California is committed to officer safety and public safety. The University has equipped its police department with body worn audio-visual cameras ("BWC's", "devices" or "cameras") for use as part of the officer's uniform for the recording of field activity in the course of official police duties. The cameras are intended to provide a visual and audio record of police duties, including public contacts, arrests, and critical incidents. BWC's provide documentation to be used in criminal investigations and prosecutions, internal or administrative investigations, training, and other circumstances. They also serve to enhance the accuracy of police reports, testimony in court, and enhance the Department's community relationship-based policing efforts.

Body worn cameras provide a limited perspective of any encounter and must be considered with all available facts and evidence, such as officer perception, witness statements, officer interviews, other available video documentation, forensic and/or expert analysis, and documentary evidence. The cameras cannot always show the full narrative nor do they capture an entire scene. The use of cameras does not reduce or alter the requirement to provide thorough written documentation as required by this or other policies.

Persons reviewing recordings must be cautious before conclusions are reached about what the video shows, or when evaluating the appropriateness of an officer's actions in a particular situation. Evaluating an officer's actions must take into account a variety of factors and other circumstances.

The University is committed to officer safety and public safety. Officers must follow existing officer safety policies when contacting citizens or conducting vehicle stops as outlined in Department policies and procedures. Officer safety and the safety of the public shall always be the primary consideration, not the ability to record an event.

This policy is intended to balance the respect for privacy and other University values with legal, policy, and administrative obligations. Officers should remain sensitive to the dignity of all individuals being recorded and exercise sound discretion at all times.

For purposes of this Chapter, BWV (body worn video) and BWC (body worn camera) may be used interchangeably.

430.1.1 DEFINITIONS

The following definitions apply to this Chapter:

Activate – Any process that causes the body worn camera system to transmit or store video or audio data.

Body worn camera system, body worn camera (BWC), body worn video (BWV) – synonymous terms which refer to the camera system that captures audio and video signals, that is capable of wearing as part of the officer's uniform.

430.2 POLICY

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Body Worn Cameras (BWC)

430.2.1 REQUIRED USERS

The following sworn personnel, from Lieutenant through Officer, are required to wear the BWC system while on duty, unless otherwise exempted by this Chapter:

- (a) Uniformed personnel while on regular assignment or on overtime status;
- (b) Detectives working in the field in an enforcement or specialized investigative (e.g., gang task force, violent crime task force) capacity, unless the use of BWC may compromise the identity of an undercover officer, confidential informant, or jeopardize tactics;
- (c) Personnel serving a search warrant, unless the use of the BWC may compromise the identity of an undercover officer, confidential informant, or jeopardize officer safety or tactics. Any exception to recording pursuant to this subsection must receive prior approval from the Chief of Police or designee;
- (d) Other sworn personnel deemed appropriate by the Chief of Police or designee.

430.2.2 DEPARTMENT ISSUED EQUIPMENT ONLY

Officers assigned a BWC must not use any other non-Department issued video or audio equipment, such as personally owned video or audio equipment, mobile devices or cell phones, to record enforcement or investigative activities involving members of the public unless authorized by the Chief of Police or designee.

Nothing in this policy precludes officers or other Department personnel from using authorized still photography equipment.

430.2.3 LOCATION OF BODY WORN CAMERA

The BWC generally consists of a body-mounted camera with a built-in microphone. The BWC shall be worn on the outside of the outermost garment (e.g., load-bearing vest, raincoat) or other departmental approved mounting option, on the upper torso, and facing forward in such a way to facilitate optimum recording field of view.

430.2.4 REQUIRED ACTIVATION OF BODY WORN CAMERA

Subject to the exceptions contained in this Chapter, or pursuant to the direction of a supervisor, officers shall activate their BWC device prior to initiating any criminal investigative or enforcement activity involving a member of the public, including all:

- (a) Vehicle or bicycle enforcement stops;
- (b) Pedestrian stops;
- (c) Calls for service;
- (d) Foot pursuits;
- (e) Searches (except strip searches);
- (f) Arrests;
- (g) Uses of force;
- (h) In-custody transports;

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- (i) Witness or victim interviews;
- (j) Forced entry search warrants/tactical deployments;
- (k) When weapons other than those in the possession of law enforcement are present or alleged to be present;
- (l) Any encounter that becomes adversarial after the initial contact;
- (m) Initial inventory of seized money or high value property;
- (n) Crowd management events;
- (o) Other investigative or enforcement activities where, in the officer's judgment, a video recording would assist in the investigation or prosecution of a crime, or assist in documenting the incident for later investigation or review.

430.2.5 EXCEPTIONS TO REQUIRED ACTIVATION OR CONTINUED RECORDING

Exceptions to required activation or continuation of the BWC recording are:

- (a) When, in the officer's judgment, activation, continuing to record, or changing the BWC functions would jeopardize their safety or the safety of the public. However, the officer shall activate or re-activate their BWC as soon as it is safe and practicable to do so unless other exceptional circumstances exist;
- (b) When a witness or victim refuses to provide a statement if recorded by the BWC and the encounter is not confrontational;
- (c) When, in the officer's judgment, a recording would interfere with their ability to conduct an investigation;
- (d) When, in the officer's judgment, a recording would be inappropriate because of the victim or witness's physical condition, emotional state, age, or other sensitive circumstances;
- (e) When recording could risk the safety of a confidential informant, citizen informant, victim, or undercover officer;
- (f) In patient care areas of a hospital, clinic, rape treatment center, or other healthcare facility (including mental health) unless enforcement action is being taken in these areas. If recording is necessary, officers shall make reasonable efforts to avoid recording individuals other than the suspect;
- (g) Once a crime scene is secured and the officer no longer has an investigative role, and where the chance of encountering a suspect is unlikely;
- (h) Prior to or while discussing a case on scene with other officers or during on-scene tactical planning;
- (i) When, in the officer's judgment, privacy concerns outweigh any legitimate law enforcement interest in recording;
- (j) When ordered to stop recording by a supervisor;
- (k) When the recording of a person is in violation of the law.
- (l) When a call for service is a phone call or phone report only.

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430.2.6 DISCRETIONARY ACTIVATION

There are many enforcement or criminal investigation situations where the use of the BWC is appropriate, and this policy is not intended to describe every circumstance in which recording would be appropriate or otherwise further the purpose of body cameras. In addition to the circumstance in which activation is required, officers should activate the camera any time they feel its use would be appropriate and valuable to document an on-duty incident, unless otherwise prohibited by this policy or law.

430.2.7 ASSIGNMENTS TEMPORARILY PREVENTING BWC USE

It is recognized that officers subject to call out, motorcycle officers, or K9 unit officers may not have access to their BWC equipment prior to responding to a scene, or participating in an enforcement or criminal investigation. In these cases, officers should pick up their camera as soon as practicable.

430.2.8 RECORDING OF ENTIRE EVENT

Once activated, the BWC shall remain on until the conclusion of the contact or event, unless authorized by a supervisor or otherwise permitted under this Chapter.

430.2.9 DOCUMENTATION OF RECORDINGS, FAILURE TO ACTIVATE OR DISCONTINUATION OF BWC RECORDINGS

Officers shall document, in the appropriate report (e.g., police report, traffic citation, CAD entry), if they have captured an incident, did not capture an incident, and/or if they interrupted the recording for any reason.

If an officer does not activate the BWC prior to initiating an enforcement or investigative contact, fails to record the entire contact, or interrupts the recording for any reason, the officer shall notify their supervisor of the reason(s) in writing.

430.2.10 NOTICE TO MEMBER OF THE PUBLIC OF BWC RECORDING

Officers are not required by law or this Chapter to obtain consent from members of the public when the officer is lawfully in an area where the recording takes place. However, officers may inform individuals they are recording, when feasible to do so, particularly when the advisement may gain compliance or cooperation, or assist in an investigation.

In addition, officers entering into a private space, (e.g., residences, restrooms, locker rooms), must make a reasonable effort to notify the occupants that the BWC is present before entering the area, unless: the officer enters the area pursuant to a warrant; such notice would, in the officer's judgment, jeopardize their safety or the safety of the public; such notice would compromise an investigation or tactics; or if other exigent circumstances exist.

430.2.11 PLAYBACK OF BWC RECORDING

Officers are not required to play back BWC recordings to allow members of the public to review the video footage in the field without supervisor approval, and any play back shall be documented in writing.

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430.2.12 PROHIBITED BWC RECORDING

The activation or use of the BWC is prohibited, unless otherwise authorized by this Chapter, during:

- (a) Department briefings, meetings, roll calls or while in private Department spaces such as locker rooms, break rooms or restrooms;
- (b) Non-work related activities or other activities not related to enforcement contact nor criminal investigation;
- (c) Private conversations with any other member of the Department without the written consent of all involved parties;
- (d) Department administrative investigations;
- (e) Homicide or other major crime briefings, or during a major incident walk-through;
- (f) Contact with confidential informants;
- (g) Depositions, court proceedings, pre-trial conferences, or any other judicial or quasi-judicial proceedings (e.g., administrative hearings such as Department of Motor Vehicle hearings);
- (h) While in a facility whose primary purpose is to provide psychiatric or medical services unless responding to a call for service involving a suspect or taking a suspect, victim, or witness statement;
- (i) While inside jail facilities;
- (j) Any area where audio or video recording is prohibited by law.

Nothing in this section is intended to interfere with an officer's ability to openly record an interrogation pursuant to California Govt. Code §3303(g), or to preclude activating the BWC when confronting a violent or assaultive suspect or other circumstance where a reasonable use of force may be anticipated.

430.2.13 TRAINING

Officers who are assigned the BWC must complete Department approved training in BWC policies, proper use, and maintenance of the device before using the system in the field. Supervisors must complete Department approved training in the supervision and management of the BWC system.

Supplemental training will be conducted when deficiencies are identified in policy compliance, use, maintenance, or supervision and management of the BWC system. Additional appropriate training will also be conducted should there be changes in policy, hardware, or software that affects the use, maintenance, supervision or management of the system.

430.2.14 INSPECTION AND TESTING OF EQUIPMENT

Officers shall be responsible for inspecting and testing their BWC equipment at the start of their shift and shall ensure that the equipment is properly functioning. Officers shall notify their supervisor, in writing, if the BWC equipment is not properly functioning. For purposes of this Chapter "in writing" shall include e-mail.

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430.2.15 ASSIGNED BWC EQUIPMENT

No officer shall use BWC equipment not assigned to them, unless authorized by a supervisor.

430.2.16 DAMAGED, MALFUNCTIONING OR INOPERABLE EQUIPMENT

The BWC equipment is the responsibility of the assigned officer and must be used with reasonable care to ensure proper functioning and reliability. If an officer's BWC malfunctions or is damaged or inoperable, the officer shall notify the on-duty supervisor. Campuses shall develop and implement local policies on notification and documentation of such notification.

If feasible, the supervisor shall provide the officer with a functional BWC prior to the officer deploying to the field. However, the lack of a BWC unit shall not prevent an officer from working their shift or assignment.

An officer shall not be held financially responsible for damaged, malfunctioning or inoperable equipment unless abuse of the equipment by the officer is found to be the cause.

430.2.17 LABELING, CATEGORIZING AND UPLOADING RECORDINGS

Officers shall label, categorize and upload their BWC recordings into the BWC data storage system in accordance with UCPD procedures.

430.2.18 VIEWING RECORDINGS BY RECORDING OFFICER

Subject to the exceptions in this Chapter, officers should review BWC recordings on their assigned device or authorized computer prior to documenting an incident, arrest, search, interview, use of force, or other enforcement or investigative activity to assist with reports, statements, and documentation that are accurate and complete. Officers must not use the fact that a recording was made to avoid preparing an accurate, detailed, and complete report.

430.2.19 MODIFICATION, ALTERATION OR DELETION

No employee shall modify, alter, or delete video or audio once recorded by the BWC, except as authorized by Department policy

430.2.20 REQUEST FOR DELETION OF ACCIDENTAL RECORDING

In the event of an accidental activation of the BWC where the resulting recording is of no potential investigative or evidentiary value, the recording officer may request that the BWC file be deleted by submitting a request in writing to the Chief of Police or designee who shall review the recording, and if approved, send the request to the system administrator for deletion.

430.2.21 RESTRICTION OF PERSONAL OR SENSITIVE INFORMATION

In the event of a BWC recording that captures sensitive or personal information for which access should be restricted ("restricted recording"), an officer may submit a request in writing to the Chief of Police or designee to restrict access to that portion of the recording. The Chief of Police or designee will determine what, if any, portion of the recording shall be restricted. The system manager will then restrict access to only that portion of the recording that is approved. The remainder of the recording will be maintained consistent with existing policy.

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430.2.22 ACCESS TO RESTRICTED RECORDING BY AUDITOR OR INVESTIGATOR

The Chief of Police or designee may allow an investigator or auditor to view a recording that has been restricted pursuant to Section 430.2.21 if the request is necessary in order to conduct an authorized criminal investigation, administrative investigation, or a Department inspection or audit.

Notification Prior to Access of Restricted Recording.

Prior to granting access, the Chief of Police or designee must notify the officer who originally requested that the recording be restricted. If the original officer objects to the review, they shall immediately notify the Chief of Police or designee of the objection in writing within seven calendar days of receiving notification. Absent exigent circumstances, the restricted portion of the recording shall not be disclosed or reviewed by others until the Chief of Police or designee has made a determination regarding the objection and disclosure.

Once a final determination has been made, the original requesting officer will be notified in writing within 48 hours, and prior to release of the restricted information.

Exception to Notification Requirement for Restricted Recording.

When notification of a request to review a restricted recording would compromise an ongoing administrative or criminal investigation, the notification requirement shall not apply if approved by the Chief of Police or designee.

430.2.23 ACCESS TO RESTRICTED RECORDING BY LAW ENFORCEMENT OR BY LEGAL OBLIGATION

If a restricted recording is requested by another law enforcement agency, or the Department is required to produce it by law, the officer who originally requested the information be restricted will be notified, absent exigent circumstances, of the request or legal requirement, within 48 hours, in writing.

430.2.24 UNAUTHORIZED ACCESS TO RECORDINGS PROHIBITED

Although the data captured by the BWC is not considered Criminal Offender Record Information ("CORI"), it shall be treated as such and in accordance with Department policy regarding access to CORI. All access to the system must be logged and is subject to audit at any time. Accessing, viewing, copying, or releasing BWC data, including recordings, for non-law enforcement purposes not otherwise authorized by this Chapter is strictly prohibited and will result in disciplinary action.

Access to BWC data shall only be from Department authorized computers, Department work stations or the BWC. However, administrative users of the BWC data or evidence management system may access the data from a Department authorized device outside of the Department for the purpose of completing administrative tasks, such as locking or unlocking users.

430.2.25 COPYING OF BWC RECORDING OR DATA

Personnel shall not make copies of any BWC recording for personal use or to share with unauthorized individuals or entities. Only department authorized devices shall be used to

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copy, view, share, or otherwise distribute BWC recordings. Digital evidence captured by BWC are investigative records and shall be handled pursuant to existing Department policies and procedures.

430.2.26 REVIEW OF BWC RECORDINGS BY DEPARTMENTAL EMPLOYEES

Access to BWC data shall be limited as follows, unless otherwise provided for in this Chapter;

- (a) Officers may view their own BWC data for official Department business;
- (b) Any employee may review BWC data as it relates to:
 - 1. Their involvement in an incident for purposes of completing a criminal investigation and/or preparing official reports;
 - 2. Prior to courtroom testimony, courtroom presentation, or testimony at a quasi-judicial administrative hearing;
 - 3. Providing a statement in an administrative investigation.
 - 4. Providing a statement in a criminal investigation, including officer-involved shooting investigations and other uses of force;
 - 5. This section does not apply to sworn personnel providing a public safety statement following a critical incident.
- (c) When exigent circumstances exist, such as identifying a suspect or other pertinent information in the event of an injured officer;
- (d) Supervisors and/or investigators who are investigating an allegation of misconduct, may view the recording in order to assist in the investigation. For citizen complaints, a supervisor may independently review applicable video. For internally generated allegations of misconduct, a supervisor shall receive authorization from the Chief of Police or designee to review any applicable video;
- (e) Command staff may randomly review BWC recordings for the purposes of validity testing, including the review of one recording per officer per month. Any BWC system deficiencies identified will be documented and remedied. The method of random selection will be agreed upon between the Federated University Police Officers Association (FUPOA) and the UC Council of Chiefs. Any performance issues will be discussed with the officer and training provided. Any criminal activity will be investigated;
- (f) To allow for necessary administrative functions such as BWC data management, system maintenance and repair, and evidence management;
- (g) Command staff, supervisors, and authorized Department personnel may conduct random periodic inspections and reviews to determine whether Department personnel are accessing BWC recordings and data for legitimate and authorized purposes;
- (h) Supervisors may review BWC recordings, but not in violation of 430.3, as follows:
 - 1. When necessary as part of the report approval process.
 - 2. To ensure that the video and audio was properly captured, uploaded/downloaded;

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3. To ensure that the video and audio was categorized appropriately for evidentiary or retention purposes.
4. To conduct roll call training on expectations, use and maintenance of BWC equipment. Any use of BWC recordings for training must comply with Section 430.2.27 of this Chapter.
5. To debrief BWC-captured incidents of value after obtaining authorization from the Chief of Police or designee.
6. In order to resolve citizen complaints pursuant to 430.2.26(d).

430.2.27 USE OF RECORDINGS FOR TRAINING

A BWC recording may be used for training, as long as the recording will not be used for disciplinary purposes. Any person recommending a particular recording shall submit the recommendation through the chain of command.

The Chief of Police or designee must notify the recording officer and any depicted officer of the intent to use the recording for training. If any such officer objects to the review, they shall immediately notify the Chief of Police or designee of the objection orally or in writing. The Chief of Police or designee shall determine whether an officer's objection outweighs the training value.

430.3 RESTRICTION ON USE FOR MONITORING FOR VIOLATIONS OF POLICY/LAW

It shall be a violation of this policy for supervisors to review recordings for the sole purpose of looking for violations of Department policy or law not related to a specific complaint or incident. This section is not intended to restrict Command staff from performing monthly viewings of an officer's recordings pursuant to Section 430.26(e) of this Chapter.

430.4 USE OF DEADLY FORCE - HANDLING OF RECORDING

For any use of force reasonably anticipated and intended to create a substantial likelihood of causing death or very serious injury, the following shall apply:

- (a) The supervisor of the involved officer(s) must take possession of their BWC equipment as soon as possible, ensuring that recording has stopped and that the power is off, and maintain custody until the BWC is transferred to the assigned investigator;
- (b) The Chief of Police or designee will assign an investigator, and the assigned investigator shall take possession of the BWC, and perform the upload process, if necessary;
- (c) In order to protect the integrity of the video and to ensure that the video is properly uploaded, the officer(s) involved shall not be allowed to review the BWC recording prior to turning over the BWC equipment to the supervisor.
- (d) The involved officer shall be permitted to view the BWC video of the incident once the video has been uploaded to the server. If the officer chooses not to view the video prior to giving an initial statement, the officer will have an opportunity to review the recording(s) after the initial statement has been taken and provide a supplemental statement if desired.

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- (e) Prior to viewing the BWC, the officer must read and sign the Video/Audio Evidence Review Acknowledgment (Attachment A) [See attachment: Video Audio Evid Review Form.pdf](#);
- (f) The fact that the officer was given the opportunity to review the BWC should be documented, as well as the time, date and location of any such viewing;
- (g) Supervisors shall not view the BWC recording without express permission from the Chief of Police or designee;
- (h) Use of the BWC will be properly documented in the appropriate report(s), and the recording booked into evidence;
- (i) Supervisors shall ensure that BWC information is compiled for department review boards and/or administrative review reports (e.g., pursuit review, use of force review, etc.), when applicable.

430.4.1 PROTOCOL FOR DISCLOSURE OF OFFICER INVOLVED SHOOTING VIDEO EVIDENCE

The disclosure of Officer Involved Shooting video evidence will follow current County protocols. Any MAV, body-worn and other known video or audio recordings of an incident should not be publicly released during an ongoing investigation without consulting the prosecuting attorney or District Attorney's Office, as appropriate.

430.5 OTHER USE OF FORCE - HANDLING OF RECORDING

For any use of force not covered by Section 430.4, the following shall apply:

- (a) Supervisors shall allow involved officer(s) to review their own BWC recordings;
- (b) Supervisors shall allow involved officer(s) to review other BWC recordings, if deemed necessary to assist with complete and accurate reports and documentation of the incident;
- (c) Prior to viewing the BWC, the involved officer(s) must read and sign the Video/Audio Evidence Review Acknowledgment (Attachment A) [See attachment: Video Audio Evid Review Form.pdf](#);
- (d) Use of the BWC will be properly documented in the appropriate report(s), and the recording booked into evidence;
- (e) Supervisors shall ensure that BWC information is compiled for department review boards and/or administrative review reports (e.g., pursuit review, use of force review, etc.), when applicable.

430.6 RETENTION

Digital evidence captured by BWC shall be treated as an investigative record and handled pursuant to existing Department retention policies and procedures.

430.7 SYSTEM SECURITY

Security of the BWC data must be in compliance with University Systemwide policy and within the Criminal Justice Information Services guidelines.

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430.8 PRODUCTION OF BWC RECORDING AS REQUIRED BY LAW

Production of BWC recordings to the public shall be in accordance with the law, and with the approval of the Chief of Police or designee.

Naloxone Administration

431.1 PURPOSE AND SCOPE

To establish guidelines regarding the utilization of intranasal naloxone hydrochloride (opioid overdose medication) by sworn personnel (officers). The primary use of intranasal naloxone shall be to provide immediate medical assistance, where appropriate.

431.2 APPLICABILITY

The UC San Diego Police Department will train and equip officers to respond to opioid overdose emergencies. Officers may administer opioid overdose medication in accordance with the protocol specified by the licensed healthcare provider who prescribed the overdose medication for use by the officer and (Civil Code §1714.22; 22 CCR 100019):

- (a) When trained and tested to demonstrate competence following initial instruction.
- (b) When authorized by the medical director of the local emergency medical services agency (LEMSA)

431.3 ADMINISTRATION OF OPIOID OVERDOSE MEDICATION

Administer intranasal naloxone to a patient suspected of an opioid exposure with respiratory depression or unresponsiveness as follows:

- (a) Remove intranasal naloxone from the packaging by peeling back the tab with the circle to open the spray.
- (b) Hold the intranasal naloxone with your thumb on the bottom of the plunger and your first and middle fingers on either side of the nozzle.
- (c) Tilt the head back and provide support under the neck with your hand. Gently insert the tip of the nozzle into either nostril until your fingers are on the bottom of the person's nose.
- (d) Press the plunger firmly to give the dose of nasal naloxone spray.
- (e) Remain with the individual until he or she is under the care of a medical professional, such as a paramedic, emergency medical technician, physician, or nurse. Rescue breathing (one breath every 5 seconds) should be given, if necessary while waiting for emergency medical assistance (EMS).
- (f) Administer additional doses of intranasal naloxone using a new nasal spray with each dose, if the exposed patient does not respond or relapses into respiratory depression. Additional doses of intranasal naloxone may be administered every 2 to 3 minutes until EMS arrives.

Do not administer intranasal naloxone to a patient with known hypersensitivity to naloxone.

Officers will inform responding EMS/paramedics that they have administered intranasal naloxone and the number of doses administered.

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431.3.1 OPIOID OVERDOSE MEDICATION USER RESPONSIBILITIES

Officers who are qualified to administer opioid overdose medication, such as intranasal naloxone, shall handle, store and administer the medication consistent with their training. Officers should check the medication and associated administrative equipment at the beginning of their shift to ensure they are serviceable and not expired. Any expired or unserviceable administrative equipment shall be removed from service, given to the watch commander, and ultimately returned to the program administrator for replacement.

Officers who carry intranasal naloxone will maintain universal precautions, perform a basic assessment of the patient to determine unresponsiveness, absence of breathing and/or pulse and provide basic CPR/first aid as required.

Any officer who determines the patient is likely suffering a medical emergency as a result of an opioid overdose and who administers opioid overdose medication should contact the UC Communications (Dispatch) Center as soon as possible to request EMS response.

Additional medical treatment and transportation to a hospital will be at the discretion of EMS personnel. If the subject is transported to a hospital for treatment, the officer shall respond to the hospital to brief medical personnel and gather the necessary information to document the incident.

The Chief of Police shall designate a member of the Department to act as the program administrator. The program administrator shall be responsible for ensuring an adequate supply of intranasal naloxone is available for use by trained officers. He or she will also coordinate and assist with required training and submit training rosters to the Department Training Manager who in turn will coordinate with the California Department of Public Health (CDPH). Periodic program evaluations shall be conducted to ensure the provisions of the program are implemented.

The role of the program administrator includes working under the terms and conditions of a standing order from the CDPH the designated medical director. Additionally, the administrator will provide program oversight and distribution, distribution and disposal of naloxone. Documentation of distribution, disposal and use will be reported to CDPH at the time of application for renewal distribution.

431.4 TRAINING

All officers authorized to administer opioid overdose medication shall attend the mandatory training program designed by the department in coordination with the University Medical Director and in compliance with Civil Code §1714.22 and 22 CCR 100019. The program coordinator shall ensure refresher training is provided to all officers authorized to administer opioid overdose medication in accordance with the prescribed protocols.

431.5 OPIOID OVERDOSE MEDICATIONS REPORTING

Any officer administering intranasal naloxone nasal spray shall document the event in an incident report. The report shall include all identifying information for the assisted person (patient), the amount of intranasal naloxone nasal spray administered, and all circumstances surrounding its use. The report should be completed by the officer prior to the end of his or her shift. Once the

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report has been submitted, approved and all administrative reviews have been completed, a copy of the report shall be sent to the program administrator.

For naloxone received by the UC San Diego Police Department, a report will be submitted to the CDPH detailing the number of medications administered and the number of successful reversals at the time of application for renewal distribution.

431.6 STORAGE AND ISSUANCE

Naloxone is a controlled substance and as such must be monitored. The naloxone must be stored in a climate controlled area and in a location where access to the medication can be controlled. Department naloxone kits will be stored inside the Department Bleeding Control Trauma Kits. The shift Watch Commander is responsible for ensuring Trauma Kits containing the naloxone kits are issued to all field units at the start of their shift. Officers shall inspect the kit at the time of issue. Trauma Kits containing a naloxone kit will be kept inside the vehicle passenger compartment and not in the trunk, while the officer is in service.

Mobile Identification Device Use

432.1 PURPOSE

The purpose of the Mobile ID is to enable users to perform "real-time" fingerprint acquisition in the field, which is then submitted and compared against several fingerprint repository databases and provides a rapid response to the users in the field to assist in accurate subject identification.

A Mobile ID fingerprint device is defined as a portable fingerprint biometric capture station used when a subject's identification is in question or the subject has no other identification available. The identification information provided by the use of the Mobile ID is considered to be supplemental information, and shall be used to compare, evaluate, and/or corroborate information obtained through other investigative methods. Mobile ID responses should not be used as the sole criteria for confirming one's identity.

432.2 POINT OF CONTACT

The Investigations Division Sergeant is the supervisory Point of Contact between UCSD PD and San Diego County Sheriff's Data Services Division.

432.3 STAGING

Mobile Fingerprint Scanners (Mobile ID) will be stored in the Department's Armory when not in use.

- (a) An officer who elects to carry a Mobile ID during his or her shift must log out the scanner at the start of a shift and log it back in at the end of the shift.
- (b) Upon being returned to the Armory, the Mobile ID must be plugged into a power source to recharge for the next deployment.

432.4 RESPONSIBILITY OF THE USER

The purpose of field identification is to:

- (a) Obtain identification of subjects and;
- (b) Provide users the necessary information to further investigate criminal activity.

The use of the Mobile ID is intended to augment, and not replace, other methods of properly identifying a person whose identity is unknown.

- (a) The Mobile ID shall be used for official law enforcement purposes only.
- (b) Users must have either consent or a court order and a legal reason for detaining an individual. A user must be able to articulate the reasons for use of the Mobile ID.
- (c) Any information obtained through the Mobile ID shall be treated as confidential. Warrants discovered via Mobile ID will be immediately reported to Dispatch to verify the warrant is currently active.
- (d) If the device is not working properly, the Department's point of contact should be notified to remedy the situation through San Diego Sheriff's Data Services Division.

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Mobile Identification Device Use

432.5 AUTHORIZED USE

- (a) The Mobile ID may be used in the following circumstances:
1. Consent – Prior to arrest or during a lawful detention, the Mobile ID may be used in situations where the subject to be fingerprinted knowingly and willingly gives voluntary consent to use the Mobile ID device. The subject may limit or withdraw consent at any time. If consent is withdrawn, the use of the Mobile ID is not authorized, and the user may not force or coerce the subject to submit to the use of the Mobile ID;
 2. During a lawful detention of a person who does not have proof of identification and the officer has a legal right to require identification from the subject;
 3. Incident to or during an arrest;
 4. If the subject is medically incapacitated and unable to give consent and no other method of identification is readily available;
 5. If authorized in the execution of a valid search warrant;
 6. If specifically required by statute; or court order.
- (b) Any requests from an outside law enforcement agency to use the Mobile ID to fingerprint a subject who is detained or in-custody must first be approved by the Watch Commander.

It is not the intent of this policy to advocate or authorize the use of unnecessary force to obtain fingerprint identification via the Mobile ID.

432.6 UNAUTHORIZED USE

- (a) The Mobile ID may not be for random or general investigative information or for intelligence gathering.
- (b) Any unauthorized use of the Mobile ID and/or use of Mobile ID which is in excess of the user's authority, may result in disciplinary action.

432.7 OPERATIONS

The Mobile ID has the capability to capture fingerprints which will be searched against the following databases:

- A. San Diego County Regional AFIS (AFIS = Automated Fingerprint Identification System)
- B. California DOJ AFIS
- C. FBI RISC (RISC = Repository of Individuals of Special Concern)

- A "No Hit" response is defined as:
 - The fingerprints, when searched through the databases, did not result in a positive identification; or
 - The fingerprints of the subject searched are not in the databases.
- A "Hit" response is defined as the identification of a subject through an automated search of either the San Diego County Regional AFIS, California DOJ or FBI RISC databases.

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- A hit from San Diego County Regional AFIS database may return the most recent mugshot and basic demographic information.
- A link to SD Fusion may be displayed to access more detailed criminal history information on the subject. If the officer's CLETS access is expired, the SD Fusion link will not connect to the records.
- A hit from DOJ will return a name, DOB, and CII #, if available. The DOJ fingerprint database search includes criminal and applicant fingerprint records. This hit will not provide the actual subject's records. A separate search must be conducted by the user, by accessing a separate system.
- A hit from FBI RISC will return a name, FBI #, and limited NCIC information. The FBI RISC database search includes Wanted Persons, National Sexual Offender Registry Subjects, Known or appropriately Suspected Terrorists, and other Persons of Special Interest.

The Mobile ID application on the user's phone has the ability to capture photos to assist users in the identification of subjects. The captured photos are part of the Mobile ID search transactions; however, they are not searched against any databases.

The San Diego Sheriff's Department retains a transaction history for each use of the system. Fingerprints and photos captured on the Mobile ID phone application, along with responses received and identifying information, are not retained in the transaction history. Archived transaction history may be retrieved by request to designated Sheriff's Cal-ID Administration staff.

432.8 PRIVACY AND DATA QUALITY

Access to and use of any Mobile ID Technology data is for official law enforcement purposes only. Accessing and/or releasing data from the Mobile ID system for non-law enforcement purposes is prohibited. Mobile ID data access and use should comply with department policies on Department Technology Use and use of Personal Communication Devices.

432.9 LEGAL AUTHORIZATION

For every query, users shall enter a reason for performing a Mobile ID search. The reason must be directly related to the person or incident being queried and can either be CAD, case, or event number. **Generic terms, such as "investigation" or "inquiry" are unacceptable.**

Only authorized UCPD personnel who have successfully completed CLETS training may access and use any Mobile ID and data. The requirements concerning the security and confidentiality are set forth in the FBI CJIS Security Policy and the DOJ CLETS Policy, Practices and Procedures (PPP). The users must also be current with the California DOJ mandated CLETS biennial online recertification.

432.10 AUDITING AND ACCOUNTABILITY

Title 11, section 707(c) of the California Code of Regulations (CCR) requires each authorized agency to maintain, and make available for inspection, an audit trail for a period of three (3) years from the date of release of Criminal Offender Record Information (CORI) from an automated

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system. The audit trail must provide an agency with sufficient information to substantiate the "need to know." The audit journal shall be maintained for at least three (3) years. The San Diego Sheriff's Department may conduct random audits of the Mobile ID system to ensure compliance with the aforementioned Legal Authorization.

Criminal Organizations

433.1 PURPOSE AND SCOPE

The purpose of this policy is to describe the department's role in addressing alleged organized criminal activity, and to ensure that the UC San Diego Police Department appropriately utilizes criminal intelligence systems and temporary information files to support investigations of criminal organizations and enterprises.

433.1.1 DEFINITIONS

Definitions related to this policy include:

Criminal intelligence system - Any record system that receives, stores, exchanges or disseminates information that has been evaluated and determined to be relevant to the identification of a criminal organization or enterprise, its members or affiliates. This does not include temporary information files.

433.2 POLICY

The UC San Diego Police Department recognizes that certain criminal activities, including but not limited to gang crimes and drug trafficking, often involve some degree of regular coordination and may involve a large number of participants over a broad geographical area.

It is the policy of this department to collect and share relevant information while respecting the privacy and legal rights of the public, and to make every reasonable effort to suppress and investigate organized criminal activities within the department's primary jurisdiction.

433.3 ORGANIZED CRIME COMPLAINTS

Any officer, upon the report or discovery of information regarding alleged organized criminal activity occurring within the primary jurisdiction of the department, shall describe the concern within a crime report or other official police report, and submit it according to standard procedures. This includes information received via:

- (a) Anonymous tips
- (b) Private persons' observations or knowledge
- (c) The officer's direct observation or awareness
- (d) Media sources
- (e) Online sources
- (f) Outside agencies

The Investigations Unit supervisor or manager is responsible for review of all such organized crime complaints and determining the appropriate initial response, in consultation with command staff members as needed. No reasonable opportunity to investigate the possible presence of organized criminal activity within the department's primary jurisdiction should be ignored. All crime reports involving organized crime complaints should be assigned to a detective for further investigation.

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433.3.1 RECORDS OF ORGANIZED CRIME COMPLAINTS

Crime reports or other official police reports involving alleged organized criminal activity will be assigned a case number and retained by the Records Section according to standard procedures.

433.3.2 MULTI-JURISDICTIONAL COOPERATION

Should a crime report or other official police report involving alleged organized criminal activity include information about activities occurring within another jurisdiction, the Investigations Unit supervisor or manager is responsible to ensure such information is forwarded to that jurisdiction for assessment and any necessary follow-up. A record of what information was shared shall be retained as part of the case file.

The Investigations Unit supervisor or manager, in consultation with command staff members as needed is responsible for enabling cooperation with other law enforcement agencies as necessary and appropriate in efforts to investigate and address alleged organized criminal activity occurring within the primary jurisdiction of the department.

433.4 CRIMINAL INTELLIGENCE SYSTEMS

No department member may create, submit to or obtain information from a criminal intelligence system unless the Chief of Police has approved the system for department use.

Any criminal intelligence system approved for department use should meet or exceed the standards of 28 CFR 23.20.

A designated supervisor will be responsible for maintaining each criminal intelligence system that has been approved for department use. The supervisor or the authorized designee should ensure the following:

- (a) Members using any such system are appropriately selected and trained.
- (b) Use of every criminal intelligence system is appropriately reviewed and audited.
- (c) Any system security issues are reasonably addressed.

433.4.1 SYSTEM ENTRIES

It is the designated supervisor's responsibility to approve the entry of any information from a report, field interview (FI), photo or other relevant document into an authorized criminal intelligence system. If entries are made based upon information that is not on file with this department, such as open or public source documents or documents that are on file at another agency, the designated supervisor should ensure copies of those documents are retained by the Records Section. Any supporting documentation for an entry shall be retained by the Records Section in accordance with the established records retention schedule and for at least as long as the entry is maintained in the system.

The designated supervisor should ensure that any documents retained by the Records Section are appropriately marked as intelligence information. The Records Supervisor may not purge such documents without the approval of the designated supervisor.

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433.4.2 GANG DATABASES

The Chief of Police may approve participation by the Investigations unit in a shared criminal gang intelligence database, such as CALGANG®. Members must obtain the requisite training before accessing any such database.

It is the Investigations Units supervisor's responsibility to determine whether any report or FI contains information that would qualify for entry into the database. Prior to designating any person as a suspected gang member, associate or affiliate in a shared gang database; or submitting a document to the Attorney General's office for the purpose of designating a person in a shared gang database; or otherwise identifying the person in a shared gang database, the Investigations unit supervisor shall provide written notice to the person and, if the person is under the age of 18, to his/her parent or guardian of the designation and the basis for the designation, unless providing that notification would compromise an active criminal investigation or compromise the health or safety of a minor. Notice shall also describe the process to contest the designation (Penal Code § 186.34).

The person, an attorney working on his/her behalf or his/her parent or guardian (if the person is under 18 years of age) may request, in writing, information as to whether the person is designated as a suspected gang member, associate or affiliate in a shared gang database accessible by the department, the basis for that designation and the name of the agency that made the designation. The department shall respond to a valid request in writing within 30 days, and shall provide the information requested unless doing so would compromise an active investigation or compromise the health and safety of the person if they are under 18 years of age (Penal Code § 186.34).

The person, or their parent or guardian if the person is under 18 years of age, may contest the designation by submitting written documentation which shall be reviewed by the gang unit supervisor. If it is determined that the person is not a suspected gang member, associate or affiliate, the person shall be removed from the database. The person and the parent or guardian shall be provided written verification of the department's decision within 30 days of receipt of the written documentation contesting the designation and shall include the reason for a denial when applicable (Penal Code § 186.34).

The Investigations Unit supervisor should forward reports or FIs to the Records Section after appropriate database entries are made. The supervisor should clearly mark the report/FI as gang intelligence information.

It is the responsibility of the Records Section supervisor to retain reports and FIs in compliance with the database rules and any applicable end user agreement.

Records contained in a shared gang database shall not be disclosed for employment or military screening purposes, and shall not be disclosed for the purpose of enforcing federal immigration law unless required by state or federal statute or regulation (Penal Code § 186.36).

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433.4.3 REPORT TO THE CALIFORNIA DEPARTMENT OF JUSTICE

The Investigation Lieutenant or the authorized designee shall ensure that the annual report of information submitted to a shared gang database as required by Penal Code § 186.34 is submitted to the California Department of Justice.

433.5 TEMPORARY INFORMATION FILE

No member may create or keep files on individuals that are separate from the approved criminal intelligence system. However, members may maintain temporary information that is necessary to actively investigate whether a person or group qualifies for entry into the department-approved criminal intelligence system only as provided in this section. Once information qualifies for inclusion, it should be submitted to the supervisor responsible for consideration of criminal intelligence system entries.

433.5.1 FILE CONTENTS

A temporary information file may only contain information and documents that, within one year, will have a reasonable likelihood to meet the criteria for entry into an authorized criminal intelligence system.

Information and documents contained in a temporary information file:

- (a) Must only be included upon documented authorization of the responsible department supervisor.
- (b) Should not be originals that would ordinarily be retained by the Records Section or Property and Evidence Section, but should be copies of, or references to, retained documents such as copies of reports, FI forms, Communications Unit records or booking forms.
- (c) Shall not include opinions. No person, organization or enterprise shall be labeled as being involved in crime beyond what is already in the document or information.
- (d) May include information collected from publicly available sources or references to documents on file with another government agency. Attribution identifying the source should be retained with the information.

433.5.2 FILE REVIEW AND PURGING

The contents of a temporary information file shall not be retained longer than one year. At the end of one year, the contents must be purged.

The designated supervisor shall periodically review the temporary information files to verify that the contents meet the criteria for retention. Validation and purging of files is the responsibility of the supervisor.

433.6 INFORMATION RECOGNITION

Department members should document facts that suggest an individual, organization or enterprise is involved in criminal activity and should forward that information appropriately. Examples include, but are not limited to:

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- (a) Gang indicia associated with a person or residence.
- (b) Information related to a drug-trafficking operation.
- (c) Vandalism indicating an animus for a particular group.
- (d) Information related to an illegal gambling operation.

Department supervisors who utilize an authorized criminal intelligence system should work with the Training Manager to train members to identify information that may be particularly relevant for inclusion.

433.7 RELEASE OF INFORMATION

Department members shall comply with the rules of an authorized criminal intelligence system regarding inquiries and release of information.

Information from a temporary information file may only be furnished to department members and other law enforcement agencies on a need-to-know basis and consistent with the Records Maintenance and Release Policy.

When an inquiry is made by the parent or guardian of a juvenile as to whether that juvenile's name is in a temporary information file, such information should be provided by the supervisor responsible for the temporary information file, unless there is good cause to believe that the release of such information might jeopardize an ongoing criminal investigation.

433.8 CRIMINAL STREET GANGS

The Investigation Unit supervisor should ensure that there are an appropriate number of department members who can:

- (a) Testify as experts on matters related to criminal street gangs, and maintain an above average familiarity with:
 - 1. Any organization, associate or group of three or more persons that meets the definition of a criminal street gang under Penal Code § 186.22(f).
 - 2. Identification of a person as a criminal street gang member and criminal street gang-related crimes.
 - 3. The California Street Terrorism Enforcement and Prevention Act (Penal Code § 186.21 et seq.), associated crimes and what defines a criminal street gang (Penal Code § 186.22).
- (b) Coordinate with other agencies in the region regarding criminal street gang-related crimes and information.
- (c) Train other members to identify gang indicia and investigate criminal street gang-related crimes.

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433.9 TRAINING

The Training Manager should provide training on best practices in the use of each authorized criminal intelligence system to those tasked with investigating criminal organizations and enterprises. Training should include:

- (a) The protection of civil liberties.
- (b) Participation in a multiagency criminal intelligence system.
- (c) Submission of information into a multiagency criminal intelligence system or the receipt of information from such a system, including any governing federal and state rules and statutes.
- (d) The type of information appropriate for entry into a criminal intelligence system or temporary information file.
- (e) The review and purging of temporary information files.

433.9.1 SHARED GANG DATABASE TRAINING

The Training Manager should ensure that members who are authorized users of a shared gang database receive the required training from the California Department of Justice (DOJ) or an instructor certified by the DOJ that includes comprehensive and standardized training on the use of shared gang databases, and any other associated training required by the Department (Penal Code § 186.36; 11 CCR 751.6).

Chapter 5 - Traffic Operations

Traffic Function and Responsibility

500.1 PURPOSE AND SCOPE

The ultimate goal of traffic law enforcement is to reduce traffic collisions. This may be achieved through the application of such techniques as geographic/temporal assignment of personnel and equipment and the establishment of preventive patrols to deal with specific categories of unlawful driving behavior. Traffic enforcement techniques are based on accident data, enforcement activity records, traffic volume, and traffic conditions. This department provides enforcement efforts toward violations, not only in proportion to the frequency of their occurrence in accident situations, but also in terms of traffic-related needs.

500.2 TRAFFIC OFFICER DEPLOYMENT

All officers assigned to patrol or traffic enforcement functions will emphasize enforcement of accident causing violations during high accident hours and at locations of occurrence. All officers will take directed enforcement action on request, and random enforcement action when appropriate against violators as a matter of routine. All officers shall maintain high visibility while working general enforcement, especially at high accident locations.

Other factors to be considered for deployment are requests from the public, construction zones or special events.

500.3 MOTORIST STOPS

Upon the decision to initiate the stop of a motorist, the officer should notify dispatch and provide the location (actual or anticipated), license plate number and vehicle description. Officers should conduct stops in a manner consistent with the following guidelines:

- (a) Officers should attempt to select the safest possible location for a stop, with particular concern for vehicle traffic and nearby pedestrians.
- (b) Officers operating a vehicle or mobility device may use emergency lights as needed (Code-2 or Code-3) to stop the motorist.
- (c) Officers using a car to make a stop should position it about 10 to 20 feet behind the motorist's vehicle, offset approximately one to three feet on the side exposed to passing vehicle traffic to create a safety zone.
- (d) Officers should keep emergency lights activated during the duration of the stop, and may use spotlights or other lights to illuminate the vehicle during hours of darkness or when otherwise appropriate.
- (e) Officers using a car shall ensure their vehicle is placed in park, and the emergency brake should be engaged.
- (f) Officers may approach either side of the stopped vehicle on foot, remaining alert to potential safety concerns whether from within the vehicle or the surrounding area for the duration of the stop.

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Upon completion of the stop, the officer should allow the stopped motorist to safely leave the location before the officer departs.

500.3.1 INTERACTION WITH STOPPED MOTORISTS

During the stop of a motorist, officers are expected to maintain a professional and courteous demeanor. Officers should recognize that stopped motorists and/or their passengers are likely to be anxious, and some may be or become argumentative. Officers should attempt to deescalate these concerns by using a standardized approach:

- (a) Greeting (e.g. good morning)
- (b) Identify yourself and the department by name
- (c) Explain the reason for the stop
- (d) Request the motorist's license, and the vehicle's registration and proof of insurance (as applicable)
- (e) Ask if there was a reason for any observed violation (e.g. an emergency, malfunction, distraction, etc.)

After contacting the motorist and collecting any needed documents, the officer should move to a safe position to conduct appropriate records checks and prepare any citation or other necessary paperwork. Officers may re-approach the stopped vehicle if necessary for additional information or clarifications.

Upon determining the appropriate course of action (e.g. arrest, citation, warning) the officer should complete any necessary paperwork and then re-contact the motorist. The officer may ask the motorist to exit the vehicle if there is a specific need and it is safe to do so. The officer should explain their decision to the motorist.

If a citation is issued, the officer shall request the motorist's signature (and thumbprint if applicable), and provide them with the appropriate copy of the completed citation.

If the motorist will be released at the scene, the officer should clearly communicate to the motorist when they are free to leave and politely close the conversation (e.g. thank you, drive safely).

The officer should return any documents they collected from the motorist prior to completing the stop.

500.3.2 HIGH RISK STOPS

All vehicle stops present potential unknown safety risks to officers, but in certain circumstances there may be specific reasons to believe they present a high risk, such as when one or more occupants are suspected to be armed and/or dangerous. High-risk stops require additional caution and the use of procedures intended to mitigate those risks. Officers should evaluate and conduct high-risk stops in a manner consistent with the following guidelines:

- (a) Officers should immediately notify dispatch when they anticipate the need for a high-risk stop and provide the current location, direction of travel, and a thorough description of the vehicle and all occupants.

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- (b) If possible, officers should avoid initiating the stop until additional officers are in a position to assist immediately. Outside agency assistance may be requested if insufficient officers from this department are nearby. If the stop has already been made or must be made, the primary officer should maintain a position of cover and wait for additional officers to arrive before proceeding.
- (c) High-risk stops should only be initiated by a marked police car, using emergency lights and siren as necessary.
- (d) Officers should attempt to select the safest possible location for a high-risk stop, with particular concern for minimizing danger to the public and involved officers.
- (e) The primary unit should place their police car about two or three car lengths behind the stopped vehicle, offset approximately three to five feet on the driver's side of the stopped car to create a safety zone.
- (f) As circumstances allow, the second and third police cars at the scene should be positioned to the left and right of the primary unit, canted towards the motorists vehicle and spaced with sufficient room for all police cars to open their front doors. Any additional police cars should be positioned further to the rear and parked, or used to divert traffic / pedestrians from the scene, or staged to pursue as necessary.
- (g) Officers should keep emergency lights activated during the duration of the stop, and may use spotlights or other lights to illuminate the stopped vehicle during hours of darkness or when otherwise appropriate. Officers should take care not to backlight other officers or vehicles which they may be parked behind.
- (h) Only one officer at a time (usually the primary officer) should issue commands to the occupant(s) of the stopped vehicle, using any available public address speaker system (unless there is a specific reason not to do so).
 1. The occupants of the stopped vehicle should be instructed to keep their hands in sight at all times and to make no sudden movements.
 2. The driver of the stopped vehicle should be instructed to shut off the ignition, remove the keys and provide instructions on where to place the keys.
 3. One at a time, each occupant should be instructed to exit the vehicle, move to a safe location and assume a position of disadvantage (e.g. kneeling, prone).
- (i) As coordinated by the primary officer, cover officers should approach, handcuff, search and secure each occupant.
- (j) Before approaching the stopped vehicle, the primary officer should attempt to call out any occupant who may yet remain inside. As coordinated by the primary officer, cover officers should cautiously approach the stopped vehicle and perform a safety sweep for remaining occupants or any threats that may be present.
 1. Any canine unit at the scene capable of conducting such a sweep may be utilized accordingly.
- (k) Once all occupants have been secured and the vehicle safety sweep has been completed, and prior to allowing any occupant or other person to return to the vehicle, any additional lawful search should be conducted.

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Officers involved in a high-risk stop must be flexible and make adjustments in accordance with the conditions at the scene.

500.4 ENFORCEMENT

Enforcement actions are commensurate with applicable laws and take into account the degree and severity of the violation committed. This department does not establish ticket quotas and the number of arrests or citations issued by any officer shall not be used as the sole criterion for evaluating officer overall performance (Vehicle Code § 41603). The visibility and quality of an officer's work effort will be commensurate with the philosophy of this policy. Several methods are effective in the reduction of collisions:

500.4.1 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. When issuing a warning, the officer should advise the violator of the nature of the violation and what should be done to avoid repeating it.

500.4.2 CITATIONS

Citations may be issued when an officer believes it is appropriate. It is essential that officers fully explain the rights and requirements imposed on motorists upon issuance of a citation for a traffic violation. Officers should provide the following information at a minimum:

- (a) Explanation of the violation or charge
- (b) Court appearance procedure including the optional or mandatory appearance by the motorist
- (c) Notice of whether the motorist can enter a plea and pay the fine by mail or at the court
- (d) If the owner or employer (when not the driver) is responsible for resolution of a violation pursuant to 40001 CVC

500.4.3 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

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500.4.4 CITATIONS FOR MULTIPLE VIOLATIONS

Multiple violations may be listed on the same citation. A Continuation of Notice to Appear form should be issued if all violations cannot be listed in the space available on a single citation. When listing multiple violations, they should be ordered from most serious to least serious offense.

500.4.5 CAMPUS TRAFFIC AND PARKING CODE

Any traffic citations issued for violations of the UC San Diego Traffic and Parking Code should be recorded as §21113(a) CVC with a brief description of the specific violation.

500.4.6 ENFORCEMENT FORMS AND EQUIPMENT

Officers who conduct traffic enforcement and/or issue citations for traffic violations are responsible to maintain all necessary and appropriate forms, reference materials, and equipment while performing such tasks, and are expected to properly complete and submit all forms and paperwork.

500.5 SPECIAL TRAFFIC ENFORCEMENT PROCESSING REQUIREMENTS

500.5.1 JUVENILES

Traffic offenses committed by juveniles age 15 & 1/2 or older will be processed in the same manner as those committed by adults, except:

- (a) The juvenile's home phone number, school and grade, and a parent's name should be obtained for the citation, and
- (b) Juveniles should be told that one or both parents must accompany them when appearing in court for traffic violations.

Traffic infractions by juveniles under age 15 & 1/2 should be resolved by parent / guardian contact, or by education and a warning.

Juveniles who are physically arrested for a traffic offense will be handled according to the nature of the offense and relevant departmental policy.

500.5.2 MILITARY PERSONNEL

Military personnel are subject to citation for moving violations committed during the performance of their duties. However, officers should avoid initiating a stop on military personnel who are operating United States military vehicles unless public safety is endangered as a result of vehicle code violations.

500.5.3 LEGISLATORS

Members of the legislature of the State of California, and members of the legislature of other states, are not exempt from the laws of the State of California, Once so identified, any necessary records checks should be completed via means other than the police radio.

As with all members of the public, officers are encouraged to determine the appropriate enforcement action and apply the department's traffic law enforcement policies in a consistent, unbiased manner.

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Any officer who detains a legislator for a traffic offense should notify a supervisor without unnecessary delay via means other than the police radio.

500.5.4 FOREIGN DIPLOMATS AND CONSULAR OFFICIALS

The Vienna Convention on Diplomatic Relations, which contains the current law on the subject of diplomatic privileges and immunities, is incorporated in Federal law by the Diplomatic Relations Act of 1978 (P.L. 95-393). The convention applies to members of the staff of a foreign diplomatic mission, which includes the administrative, technical, and service staffs of embassies in the United States.

- (a) Diplomatic agents and members of their families who are not nationals of the United States HAVE FULL IMMUNITY FROM ARREST, DETENTION, OR PROSECUTION for any criminal offense, unless such immunity is expressly waived by the sending state. The above individuals also enjoy immunity from civil process except in certain actions involving private activities outside their official functions.
- (b) The ADMINISTRATIVE and TECHNICAL STAFF of a foreign mission and members of their families who are not permanent residents of the United States, HAVE FULL IMMUNITY from arrest, detention, or prosecution for any criminal offense. Such employees' immunity from civil process is only from those actions carried out in their official capacity. Family members of such employees are not immune from civil jurisdiction.
- (c) Members of the service staff of a foreign diplomatic mission, which includes DRIVERS, MESSENGERS, AND SECURITY GUARDS, ENJOY IMMUNITY ONLY FOR ACTIONS CARRIED OUT IN THE COURSE OF THEIR OFFICIAL DUTIES. Family members of such individuals have no immunity.
- (d) PRIVATE SERVANTS of embassy personnel have no immunity.

In any case where an officer has contacted a person who has diplomatic immunity, that officer shall forward a detailed memorandum of the circumstances, via chain-of-command, to the Chief of Police, who will ensure any other appropriate authorities are notified of the incident.

For all traffic stops, detentions, and arrests of foreign nationals, officers shall comply with all U.S. Department of State Requirements involving consular notification and access.

Refer to the department Foreign Diplomatic and Consular Officials policy for enforcement directives involving Diplomatic/Consular Officials, and other requirements for officers and supervisors.

500.5.5 DIPLOMATIC IMMUNITY AND DUI

If a person with diplomatic immunity is stopped for DUI, the officer's primary consideration shall be that the official is not a danger to themselves or the public. The official shall not be handcuffed or subjected to ANY type of sobriety test. The officer shall treat the official with respect and courtesy, and impress upon them that the primary concern is to care for their safety and the safety of others.

The officer shall immediately contact the shift supervisor and, based upon a determination of the circumstances, the following options are suggested:

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- (a) Offer the official the use of a telephone so that a relative or friend can be contacted to arrange for transportation.
- (b) Arrange for transportation to the official's home or office.
- (c) The official may be voluntarily transported to the station or other location where they can recover sufficiently to enable them to proceed safely.

The officer and supervisor shall ensure that an official police report is completed and the Operations Lieutenant or on-call command staff member is notified.

Consulate notification and access requirements as specified by the U.S. Department of State must be strictly followed.

Refer to the department Foreign Diplomatic and Consular Officials policy for officer and shift supervisor requirements.

500.6 TRAFFIC LAW ENFORCEMENT POLICIES

500.6.1 DEGREE OF HAZARD

Officers should strongly consider the degree of hazard presented by the violation of a traffic law or regulation when determining whether or not to initiate a detention or take enforcement action. An evaluation of the hazard presented may include, but is not limited to, the following factors;

- (a) The nature and severity of the violation
- (b) Any harm caused or likely to be caused by the type of violation, whether to the violator and/or others
- (c) The immediate conditions and context (location, time of day, weather, traffic flow, etc.)
- (d) Location-specific collision history
- (e) Recent traffic trends or issues
- (f) Related directed patrol efforts or campaigns

Officers should prioritize their efforts to address violations that present hazards, but may initiate a detention and take enforcement action for non-hazardous violations. Citations or verbal warnings may be issued at the discretion of the officer.

500.6.2 DRIVING UNDER THE INFLUENCE

Refer to the department Impaired Driving policy.

500.6.3 SPEEDING AND OTHER MOVING VIOLATIONS

Officers may enforce speed and other moving violations by use of speed measuring devices, pacing, observation, or calculated speed estimation.

Officers should consider appropriate factors when enforcing laws of speed and other moving violations, including time of day, traffic flow, weather conditions and location.

Speed and other moving violations shall be enforced by either citation or verbal warning.

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500.6.4 EQUIPMENT AND REGISTRATION VIOLATIONS

Officers may initiate the detention of a motorist for equipment and/or registration violations as specified within the California Vehicle code and other laws or regulations, but equipment and/or registration violations which do not present a safety hazard to the vehicle's occupants or to other motorists or persons should be considered the lowest priority.

Officers may issue citations for equipment and/or registration violations, except that officers should not issue citations for such violations that can be remedied immediately.

Whenever a vehicle is found or operated upon a public highway or on an off-street parking facility with a registration expiration date in excess of six months, whether occupied or unoccupied, an officer may remove and store such vehicle pursuant to section 22651(o) of the California Vehicle Code.

500.6.5 COMMERCIAL VEHICLE VIOLATIONS

For the safety of passengers and the general public, officers may enforce laws and regulations governing public carriers and commercial vehicles, including by inspection, administrative action, warning, citation, or arrest as necessary.

500.6.6 OFF-ROAD VEHICLE VIOLATIONS

Officers should attempt appropriate enforcement action for all observed or reported violations committed by operators of off-road vehicles, as authorized by the California Vehicle Code or other laws and regulations, including:

- (a) Removal of unlicensed vehicles from the streets and highways
- (b) Violation of off-road vehicle registration laws
- (c) Misuse of public trails
- (d) Improper use of street and highway crossings
- (e) Citizen complaints of excessive noise, trespass, and/or property damage
- (f) Status as juvenile offenders

Off-road vehicles may include, but are not limited to, dirt bikes, all-terrain vehicles, motorcycles, four-wheel drive vehicles, and dune buggies.

Collisions involving off-road vehicles should be investigated according to the applicable criteria and procedures for public and private collisions as directed by the California Highway Patrol collision investigation manual.

500.6.7 NEWLY ENACTED LAWS OR TRAFFIC CONTROLS

During a grace period, after the enactment of new traffic laws or regulations, or following the installation of new traffic control devices, officers should issue verbal warnings in lieu of citations for such violations. The Chief of Police may adjust the length of this default grace period by issuing a temporary directive.

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500.6.8 VIOLATIONS RESULTING IN TRAFFIC COLLISIONS

The officer investigating a traffic collision may take enforcement action when they have identified a violation of a traffic or relevant law and evidence exists to satisfy all the elements of that particular violation, as follows:

- (a) The officer may take immediate enforcement action and issue a Notice to Appear at the scene of the collision, even if the violation did not occur in their presence, if that officer has successfully completed advanced collision investigation training, as required by CVC §40600(a).
- (b) If the officer observes the violation, and after responding to the collision chooses to do so, they may issue a Notice to Appear based on that observation.
- (c) If circumstances warrant, an officer may make an arrest for driving under the influence at a collision scene, if evidence is in accordance with CVC §40300.5.
- (d) If the identity of a driver who was involved in an collision but left the scene is determined through an officer's investigation, an arrest warrant may be sought.

If an officer makes an arrest at a collision scene and takes the driver into custody, the officer shall complete a Crime Report in addition to the traffic collision report.

500.6.9 BICYCLE AND MOBILITY DEVICE VIOLATIONS

Refer to the department Bicycle and Mobility Device Education and Enforcement policy.

500.6.10 PEDESTRIAN VIOLATIONS

The department recognizes that traffic violations committed by pedestrians can lead to collisions, property damage, injury, and even death. Whether on or off-campus, pedestrians are expected to comply with applicable traffic laws.

Officers should only initiate the detention of a pedestrian solely to enforce a traffic infraction when there is probable cause to believe the pedestrian has committed that infraction, and in the officer's judgment the pedestrian acted in a reckless or dangerous manner.

Officers should attempt to address and correct pedestrian traffic violations with education and warnings, but may issue a citation when the pedestrian's actions caused harm to others or were likely to do so.

500.7 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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500.8 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.

500.8.1 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.

500.8.2 CARE AND STORAGE OF HIGH-VISIBILITY VESTS

High-visibility vests shall be maintained in the trunk of each patrol and investigation unit, in the side box of each police motorcycle and in the saddlebag or gear bag of each police bicycle. Each vest should be stored inside the re-sealable plastic bag provided to protect and maintain the vest in a serviceable condition. Before going into service each employee shall ensure a serviceable high-visibility vest is properly stored.

A supply of high-visibility vests will be maintained in the equipment room for replacement of damaged or unserviceable vests. The Equipment Sergeant should be promptly notified whenever the supply of vests in the equipment room needs replenishing.

500.9 TRAFFIC DIRECTION AND CONTROL

The primary purpose of traffic direction and control is to protect the safety of the public. Efficient flow of traffic is a valid purpose, but always secondary to safety needs. Traffic direction should not be initiated unless necessary. The department recognizes that slow but moving traffic is often a safe and preferable alternative to active traffic direction and control.

Officers may initiate traffic direction and control as specified by this policy. Other department members may assist with traffic direction and control as specifically requested by sworn personnel.

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500.9.1 TEMPORARY ROAD CLOSURE OR TRAFFIC RESTRICTIONS

Officers may temporarily close a roadway or restrict vehicle and/or pedestrian traffic as necessary for public safety, to protect the scene of a crime or traffic collision investigation, or for another compelling public purpose when alternatives are infeasible. This includes, but is not limited to:

- (a) Disasters or large-scale emergency conditions
- (b) Severe weather or road conditions
- (c) Protection of emergency response personnel, vehicles and equipment
- (d) Large groups of people and/or unusually heavy vehicular traffic
- (e) Special event safety and security needs (sporting events, concerts, ceremonies, etc.)
- (f) Protection of dignitaries or other persons or locations with elevated threat concerns
- (g) Extreme fire danger prevention measures
- (h) Roadway obstructions or hazards

Roadway closures or restrictions for planned events should be coordinated ahead of time with any affected outside agencies or campus business units as necessary, and sufficient advance notice should be provided to any predictably affected parties.

500.9.2 MANUAL TRAFFIC DIRECTION

To provide effective manual traffic direction, department members should utilize an appropriate combination of standardized methods including hand signals and gestures, whistles, flashlights and any other available and appropriate equipment or signage.

When hand signals are utilized, eye contact should be attempted with the driver(s) being signaled. The standard hand signals include:

- (a) **Stop** - an upraised hand at the end of an extended arm, at or above shoulder level, with the palm of the hand clearly facing the approaching driver for whom the signal is intended.
- (b) **Start** - with arm extended toward the stopped vehicle, at or above shoulder level, pointing and waving the car onward by bending the arm at the elbow and drawing the hand toward the chest. Once traffic in one direction starts to move, the same signal may be delivered to opposing traffic.
- (c) **Pull Up** - usually reserved for turning traffic that is facing opposing vehicles or pedestrians. Point to the position at which the driver should pull their stopped or slowly approaching vehicle, and motion their approach to that position. If possible, hold the pointed hand and arm in position until conditions are safe for the turning movement.
- (d) **Turn** - Opposing traffic should be signaled to stop and subsequently held with the standard "Stop" hand signal. Once safe, the motorist should be instructed to turn by making a come-along signal with the other hand.
 - 1. Right-turning traffic usually requires little traffic direction unless the turning movement is crossing a heavily traveled crosswalk or must merge into heavy vehicular traffic.

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2. Natural gaps are best used for turning vehicles, when available.

Whistle signals should be used in combination with hand signals as follows:

- (a) **Stop** - a single, long blast.
- (b) **Start** - two short blasts.
- (c) **Emergency Stop** - multiple (three or more) quick, short and loud blasts.

Flashlights may be used with or without safety wand attachments to improve visibility of hand signals and for the safety of the department member providing traffic direction. Department members should avoid pointing direct flashlight beams in the eyes of motorists or pedestrians unless necessary for their safety or the safety of others.

500.9.3 TRAFFIC CONTROL DEVICES

As necessary, department members may use traffic control devices to temporarily restrict or direct traffic, including:

- (a) Reflective folding street barricades (Type 1, 2 or 3)
- (b) Reflective A-frame traffic barricades (aka parade barricades)
- (c) Traffic cones
- (d) Jersey Barriers
- (e) Incendiary road flares (use caution near vegetation and pedestrians)
- (f) Department-issued electric flares, emergency safety lights and/or reflective warning markers
- (g) Department-approved temporary traffic control signs or LED message boards
- (h) Department cars, trucks, utility carts or motorcycles with emergency lights activated

The following items should not be used by themselves to control vehicular traffic:

- (a) Crowd-control barricades
- (b) Crime scene or hazard tape
- (c) Department bicycles or mobility devices
- (d) Makeshift barricades or obstacles

500.9.4 MANUAL OPERATION OF TRAFFIC SIGNALS

When practicable to do so, officers may manually adjust or operate traffic signals or other permanent traffic control devices as necessary and appropriate during temporary traffic direction and control. Otherwise, officers should employ manual traffic direction and/or other temporary traffic control devices or methods.

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500.9.5 SEVERE WEATHER AND ROAD CONDITIONS

Roadways deemed to be hazardous due to severe weather or road conditions should be closed by use of traffic control devices. Department personnel should be assigned to temporarily divert traffic around hazards as necessary.

When one or more University roadways must be closed or restricted due to severe weather or road conditions, the patrol supervisor (in consultation with command staff as necessary) should:

- (a) Determine if additional personnel or other resources are needed to provide assistance.
- (b) Ensure the fire department is made aware of any roadways that will be impassible for any significant length of time, and of any specific fire hazards or life safety concerns.
- (c) Notify UC San Diego y Facilities Services of any damaged roads, fallen trees or power lines, or other hazardous conditions needing mitigation or repair.
- (d) Provide command staff and/or the designated Public Information Officer with updates to notify the news media and general public about adverse conditions that will likely affect traffic, public safety or University operations.

500.10 VEHICLE ESCORT SERVICES

As authorized by a sworn supervisor or manager, officers may provide vehicle escort services when necessary for public safety, or to ensure the safe and efficient movement of traffic. This includes, but is not limited to, the following.

- (a) Medical and fire services protection
- (b) Hazardous cargo transport
- (c) Oversized load transport
- (d) Vehicle travel into areas that are primarily used by pedestrian
- (e) Special events, parades and ceremonies
- (f) To protect dignitaries or other persons with elevated threat concerns
- (g) Guiding lost motorists
- (h) Funerals and memorials

Vehicle escorts may be provided in combination with traffic direction and control measures when needed. If increased visibility might benefit the purpose of a vehicle escort, officers may activate their emergency lights accordingly.

Officers should not provide escorts for privately owned vehicles during medical emergencies. In such cases, officers should request dispatch to summon fire/paramedic personnel.

500.11 ASSISTANCE TO MOTORISTS

Upon the report or discovery of a stranded motorist on University property, officers are expected to stop and render assistance when possible. Otherwise, the officer should notify dispatch so that appropriate assistance may be summoned.

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Officers are encouraged to similarly assist stranded motorists in areas near the campus, but may instead ask dispatch to notify the appropriate agency with jurisdiction. If another agency requests our department's assistance with a motorist stranded off campus, the request should be forwarded to the patrol supervisor for consideration.

Examples of motorist assistance include, but are not limited to, the following:

- (a) Providing directions
- (b) Escorting a lost motorist
- (c) Summoning roadside assistance services or alternative transportation
- (d) Transporting a motorist to a safe location to await assistance

After summoning any necessary assistance for a motorist stranded in an isolated or hazardous location, or for a motorist stranded during the hours of darkness, the officer should offer to remain until assistance arrives, or alternatively offer to transport the motorist to a safe location. If the officer leaves after summoning assistance, the officer should check back after a reasonable time to verify assistance was provided.

500.11.1 STALLED VEHICLE TRAFFIC HAZARDS

Upon the report or discovery of a stalled vehicle which has created an immediate hazard to public safety, whether on or off University property, the officer should provide traffic control until the hazard is mitigated, or until the officer is relieved. If additional police assistance is required for an off-campus stalled vehicle traffic hazard, the appropriate agency with jurisdiction should be summoned.

Police vehicles equipped with push bars may be used to move vehicles that pose an immediate hazard from the roadway. Vehicles should not be pushed farther than required to alleviate a hazard. Push bars shall not be used to attempt to push-start a stalled vehicle.

In some situations, the hazard to public safety posed by a stalled vehicle may be mitigated by the placement of flares, cones or other traffic control devices. Other circumstances may require manual traffic direction until a tow service removes the vehicle. If uncertain how to resolve the situation, the officer should consult with a supervisor.

500.11.2 MOTORIST EMERGENCIES

Upon the report or discovery of a motorist with a medical or life-safety emergency, whether on or off University property, the officer should render assistance, coordinate the response of additional necessary resources, and provide traffic control until the emergency is resolved, or until the officer is relieved. If additional police assistance is required for an off-campus motorist emergency, the appropriate agency with jurisdiction should be summoned.

The primary officer should immediately notify dispatch of the location and nature of the emergency, and summon any necessary fire / paramedic response or other resources.

Officers at the scene should identify and attempt to mitigate and/or take precautions for any additional hazards that may be present, such as fire or hazardous materials. Officers should

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provide any appropriate first aid or emergency medical care to injured persons until medical responders arrive.

Once the emergency at the scene is stabilized, officers should determine if a criminal and/or collision investigation might also be required.

500.12 MITIGATION OF HAZARDOUS ROAD CONDITIONS

The department recognizes that roadway hazards or defects such as debris, abandoned objects or vehicles, hazardous materials spills, damaged roadway surfaces, defective signals or traffic control devices, defective lighting equipment, and damaged or missing roadway markings or street signs can all be or become hazardous conditions which might increase the risk of collisions, injuries, and vehicle or other property damage, and thereby present a liability to the University.

Upon the report or discovery of any roadway hazard or defect that presents an immediate safety concern, whether on or off University property, the officer should notify dispatch and take or arrange for any action that is required to resolve the problem without delay. and provide any necessary traffic control until the hazard is mitigated, or until the officer is relieved. If additional police assistance is required for an off-campus roadway hazard or defect, the appropriate agency with jurisdiction should be summoned.

Upon the report or discovery of a roadway hazard or defect on University property that should be addressed to prevent a potentially hazardous condition but does not present an immediate safety concern, the officer should contact UC San Diego Facility Services via telephone or email without unnecessary delay to request repair. The officer should document the request for repair in the notes of a CAD event if not otherwise documented in a police report.

500.13 TRAFFIC ENGINEERING CONCERNS

All complaints or suggestions regarding traffic engineering or roadway design on University property, whether from department members, the campus community or the general public, shall be forwarded to the Operations Lieutenant for review and any appropriate action.

The Operations Lieutenant is responsible to identify and provide appropriate personnel within UC San Diego Transportation and Parking Services with all traffic engineering or roadway design complaints and suggestions, and with any police department data and statistics that may be useful in identifying and prioritizing necessary improvements to University traffic engineering and roadway design.

Complaints or suggestions regarding off-campus traffic engineering or roadway design should be referred directly to the appropriate jurisdictional authority.

Motor Officer

501.1 PURPOSE AND SCOPE

The purpose of this general order is to state policy and establish procedures for the motor officer.

501.1.1 POLICY

The motor officer is primarily a patrol officer utilizing a motorcycle for transportation. In addition to patrol responsibilities, the motor officer may be required to work special events and will give special attention to traffic control, traffic enforcement, traffic design, and traffic collisions. The motor is generally considered the department's traffic officer.

501.1.2 GENERAL DUTIES

In addition to regular patrol duties, the motor officer will provide general traffic enforcement; special traffic enforcement to problem areas where hazardous violations occur; accident investigation for traffic collisions; and assistance to parking personnel. The motor officer will typically represent the department when a traffic expert is needed. Whenever possible, the motor officer will be assigned traffic responsibilities rather than being assigned a patrol beat.

501.1.3 PURSUITS

The motor officer will relinquish a pursuit to a distinctively marked patrol vehicle equipped with emergency overhead lighting as soon as practical. (See Policy 307 Vehicle Pursuits)

501.1.4 USE OF THE MOTORCYCLE

- (a) The motorcycle will only be used for police business.
- (b) The motorcycle should not be used on rainy or extremely foggy conditions.
- (c) Only the motor officer or other authorized personnel will operate the motorcycle.
- (d) The motor officer will not transport anyone on the motorcycle.

501.1.5 MOTORCYCLE CARE

It is the motor officer's responsibility to ensure that the motorcycle is kept clean and maintained in good working condition.

CLEANING:

The motorcycle will be cleaned while on-duty unless prior approval has been obtained from the shift supervisor to utilize overtime to clean the motorcycle.

REPAIRS:

All repairs or appointments for repairs will be cleared through the Business Manager and coordinated with a sergeant or Lieutenant.

- (a) When the motorcycle is out of service, the motor officer will use a patrol car to perform his/her duties.
- (b) The motor officer will ensure that the motorcycle is repaired at an approved facility.

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- (c) If the motorcycle becomes disabled during business hours, the UC San Diego garage will be called. They will dispatch a truck and trailer to tow the motorcycle.
- (d) If the UC San Diego truck and trailer is not available, a private tow company may be called to tow the motorcycle.

501.1.6 MOTORCYCLE STORAGE

The motorcycle will be stored in a designated and approved storage area when not in use.

Traffic Collision Reporting

502.1 PURPOSE AND SCOPE

The UC San Diego Police Department prepares traffic collision reports in compliance with the California Highway Patrol Collision Investigation Manual (CIM) and as a public service makes traffic collision reports available to the community with some exceptions.

502.2 DEFINITIONS

For purposes of this policy, the following definitions apply:

Injury - A condition of physical harm to a person, whether visible, internal or expressed as a complaint of pain.

Serious injury - Any injury that requires emergency medical transport or is likely to result in a fatality.

502.3 RESPONSIBILITY

The Operations Lieutenant will be responsible for distribution of the Collision Investigation Manual. The Operations Lieutenant will receive all changes in the state manual and ensure conformity with this policy.

502.4 TRAFFIC COLLISION RESPONSE AND INVESTIGATION

Upon the report or discovery of a traffic collision, the assigned officer (or the first officer to arrive on scene, if none is assigned) shall be considered the primary officer unless otherwise directed by the on-duty supervisor. The primary officer is responsible to:

- (a) Notify dispatch of the exact location and number of involved vehicles
- (b) Secure the scene and take steps to prevent other vehicles and persons from becoming involved (including traffic control and crowd control measures)
- (c) Request any additional necessary officers, fire/medical services, or other department members or resources
- (d) Notify dispatch of the number of involved persons who are injured and the apparent extent of their injuries
- (e) If necessary, administer emergency medical care until medical services arrive
- (f) To the extent possible, attempt to preserve the scene as well as any evidence of the collision or any related criminal violation(s)

If the collision (based on the location of the initial point of impact) is determined to have occurred in the primary jurisdiction of another agency, that agency should be contacted to respond to the scene and handle any necessary investigation or other follow-up efforts. However, department members shall continue to render any immediately necessary emergency services, and may otherwise continue to assist the primary agency upon their arrival, at the discretion of the on-duty supervisor.

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502.4.1 SUPERVISORY RESPONSE

The on-duty supervisor shall respond to the scene of any collision in the department's primary jurisdiction involving:

- (a) Serious injury or fatality
- (b) Significant third-party property damage
- (c) Hazardous materials spill or release
- (d) A felony criminal violation
- (e) Situations likely to generate elevated University concern or media interest

502.4.2 COLLISION SCENE HAZARDS

At the scene of a traffic collision, department members should be alert for any threats and hazards that may be present and should take steps to minimize or mitigate them as possible. This may include, but is not limited to, the following:

- (a) Fire, explosion, heat, and/or hazardous materials (including biohazards)
- (b) Broken glass, jagged metal edges and/or other dangerous physical conditions at the scene
- (c) Persons who are combative or who otherwise interfere with rescue efforts, whether bystanders or involved persons
- (d) The potential for fire to spread or other secondary hazards to occur as a result of the collision

Department members may utilize issued or available resources as necessary and appropriate (e.g. fire extinguishers, blankets, tools) to attempt to suppress fire or address other threats and hazards that may be present.

Officers should assess the potential need for evacuation of nearby areas and/or structures and request / direct additional personnel for this purpose if necessary.

If a collision results in damage to nearby property that creates a safety hazard or security breach, the primary officer should ensure an expedient attempt is made to contact the property owner or their agent to address the problem.

502.4.3 CONFLICT BETWEEN INVOLVED PARTIES

Officers should anticipate potential conflict at the scene of a traffic collision between the parties involved. Officers should request additional units as necessary and attempt to separate and deescalate the involved parties prior to completing the traffic collision response and investigation. A crime report may be necessary in addition to any collision investigation or report.

If the report of a collision includes information that involved parties and/or bystanders are engaged in verbal or physical confrontation, at least two officers should be dispatched to the scene.

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502.4.4 COLLISION INVESTIGATION

Utilizing guidance from the CHP Collision Investigation Manual, the primary officer should determine what investigatory steps are necessary and conduct or direct the investigation. This may include, but is not limited to, the following:

- (a) Locating, identifying and interviewing involved parties, passengers and witnesses
- (b) Marking and measuring the position of involved vehicles, debris, skid marks, resultant property damage, etc.
- (c) Collecting photos and/or video recordings of involved parties, vehicles and the scene
- (d) Collecting and preserving any physical evidence (making short-lived evidence a priority)
- (e) Collecting documentation and conducting records checks
- (f) Identifying any additional sources of evidence or information that might be available for subsequent investigation (security camera footage, electronic data, etc.)

Officers should take separate statements from all involved parties, passengers and witnesses and attempt to prevent collaboration prior to interview. Officers should be thorough in the collection of contact information from all persons involved and interviewed, including telephone numbers, local & permanent addresses, and email addresses.

Measurements should be taken from fixed and permanent features at the scene (e.g. curb lines, fire hydrants, buildings) to enable accurate collision reconstruction if necessary. Trees, signs, roadway markings and other less durable features should be avoided as primary references for measurements.

502.4.5 COLLISION SCENE RECOVERY

Once any medical services are completed, any hazards have been mitigated, and all investigatory needs have been met, officers should move involved vehicles out of the roadway and enable routine use of the roadway or other scene as soon as practicable.

Involved vehicles requiring a tow will be removed by a tow service of the owner or driver's choice, or according to routine police department procedures if the owner or driver is not present or has no preference. Any vehicle that is impounded/stored will be inventoried by the officer completing the tow, and at the officer's judgment any items that appear particularly valuable items should be removed and brought to the department for safekeeping.

Any other personal property abandoned at the scene but clearly belonging to an involved party should be brought to the department for safekeeping.

502.4.6 DOCUMENT AND PARTY NOTIFICATIONS

The primary officer shall draw a case number and document any necessary collision investigation or report according to the standards and format established by the CHP Collision Investigation Manual. The primary officer shall ensure that all involved parties are provided with the case number

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and information about how to request a copy of the report, prior to leaving the scene of the collision if possible.

Without unnecessary delay, the primary officer should attempt to identify and notify the owner (or the owner's agent) of any property that was damaged as a result of the collision, and provide that person with the case number and information about how to request a copy of the report.

502.4.7 RESOLVING MINOR COLLISIONS/PROPERTY DAMAGE ONLY

Collisions that do not result in any apparent injury, cause noticeable damage to property other than the involved vehicle(s), or require the use of a tow truck to move an involved vehicle generally do not require a police report. In such situations the responding officer may resolve the matter by assisting with the exchange of information among involved parties. However, the primary officer shall take a police report if requested by an involved driver, or at the direction of a supervisor. Officers shall not discourage any involved party from making a police report. Officers should utilize standard department report writing procedures for any documentation.

If not otherwise documented, the responding officer shall ask dispatch to note the license plates and descriptions of the involved vehicles, the lack of apparent injuries to the involved parties, and the parties' successful exchange of information in the Computer Aided Dispatch (CAD) system.

502.5 TRAFFIC COLLISION REPORTING

All traffic collision reports taken by members of this department shall be forwarded to the patrol sergeant for approval and data entry into the Records Management System. The Operations Lieutenant will be responsible for monthly and quarterly reports on traffic collision statistics to be forwarded to the Assistant Chief of Police, or other persons as required.

502.6 REPORTING SITUATIONS

502.6.1 TRAFFIC COLLISIONS INVOLVING UNIVERSITY VEHICLES

Traffic collision investigation reports shall be taken when a University-owned vehicle is involved in a traffic collision upon a roadway or highway wherein any damage or injury results. A general information report may be taken in lieu of a traffic collision report (CHP 555 form) when the collision occurs off a highway or does not involve another vehicle. Whenever there is damage to a University vehicle, a Vehicle Damage Report shall be completed and forwarded to the appropriate Lieutenant.

Photographs of the collision scene and vehicle damage shall be taken at the discretion of the officer or any supervisor.

502.6.2 TRAFFIC COLLISIONS WITH POLICE DEPARTMENT EMPLOYEES

When an employee of this department, either on-duty or off-duty, is involved in a traffic collision within the jurisdiction of the UC San Diego Police Department resulting in a serious injury or fatality, the Operations Lieutenant or the Watch Commander, should notify the California Highway Patrol or San Diego Police Department for assistance.

The term serious injury is defined as any injury that may result in a fatality.

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502.6.3 TRAFFIC COLLISIONS WITH OTHER UNIVERSITY EMPLOYEES OR OFFICIALS

The Operations Lieutenant or on-duty Watch Commander may request assistance from the California Highway Patrol or San Diego Police Department for the investigation of any traffic collision involving any University official or employee where a serious injury or fatality has occurred.

502.6.4 TRAFFIC COLLISIONS ON PRIVATE PROPERTY

In compliance with the Collision Investigation Manual, traffic collision reports shall not be taken for traffic collisions occurring on private property unless there is a death or injury to any person involved, a hit-and-run violation, or serious Vehicle Code violation. An Incident Report may be taken at the discretion of any supervisor.

502.6.5 TRAFFIC COLLISIONS ON ROADWAYS OR HIGHWAYS

Traffic collision reports shall be taken when they occur on a roadway or highway within the jurisdiction of this department under any of the following circumstances:

- (a) When there is a death or injury to any persons involved in the collision
- (b) When there is an identifiable violation of the Vehicle Code
- (c) When a report is requested by any involved driver

502.6.6 COLLISIONS RESULTING IN INJURY OR FATALITY

Traffic collisions resulting in injury or fatality have the highest priority and the primary officer shall assist with or complete a thorough investigation and written report.

The Patrol Lieutenant or on-duty Watch Commander may request assistance from the California Highway Patrol or other qualified traffic investigator for the investigation of any traffic collision involving a serious injury or fatality has occurred.

502.6.7 COLLISIONS INVOLVING A SCHOOL BUS OR MASS TRANSPORT VEHICLE

The California Highway Patrol is responsible for the investigation of school bus collisions anywhere within the State of California when the bus is actively engaged in the transport of school students (including instances of a student leaving or approaching a school bus when the bus has its flashing red lights activated).

Other collisions involving a school bus or another bus or mass transport vehicle on University property are the responsibility of this department to resolve, although assistance from the California Highway Patrol may be requested if applicable under another special reporting condition as described in this policy, or if necessary due to limited department capacity.

502.6.8 COLLISIONS INVOLVING HAZARDOUS MATERIALS

In the event of a traffic collision involving hazardous materials, officers should gather additional information about the type and quantity of the material and the risk of any spill or release that has occurred (or might yet occur) as a result of the collision. Sources for this information may include, but are not limited to, the following:

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- (a) Signs, placards, bill of lading, or labels on the materials container or vehicle
- (b) Information from the driver or other involved or knowledgeable parties at the scene
- (c) The US Department of Transportation Emergency Response Guidebook (ERG) or another reliable reference
- (d) UC San Diego Environmental Health & Safety (EH&S) staff
- (e) Members of the San Diego Fire Department / Hazardous Materials Response Unit

In the event of a hazardous materials spill or release that presents a significant safety concern, refer to the department's Hazardous Material Response Policy.

All traffic collisions involving hazardous materials must be documented, and the primary officer shall complete the appropriate report for the specific situation. The report should include details about the hazardous material identification and risk assessment, the request for and deployment of specialized resources or additional personnel, and the actions and outcomes of the response to the event.

502.6.9 HIT AND RUN COLLISIONS

All traffic collisions involving a hit-and-run require a crime report to include a collision investigation report.

Pursuant to California Vehicle Code §22655(a), an officer may remove a vehicle from the highway or from public or private property for the purpose of inspection if the operator has failed to stop and comply with the provisions of California Vehicle Code §20002 to §20006.

If the suspect vehicle in a hit-and-run is detained, the agency handling the case should be contacted to determine if they will respond to the scene and/or if the suspect vehicle should be towed for purposes of their investigation.

If this department is the investigating agency, the on-duty supervisor should determine if the suspect vehicle should be towed for evidence processing, and is responsible to arrange for any necessary evidence processing to occur within 48 hours (excluding weekends and holidays). as follows:

- (a) Felony hit-and-run - mandatory seizure
- (b) Misdemeanor hit-and-run - optional seizure if sufficient evidence collection can be conducted at the scene

Pursuant to California Vehicle Code §22655(b), a vehicle towed by the authority of §22655(a) shall be released upon the expiration of 48 hours after such removal from the highway or private property, upon demand of the owner. When determining the 48 hour period, weekends and holidays shall be excluded.

502.6.10 COLLISIONS INVOLVING OTHER CRIMINAL

All traffic collisions involving a vehicle operator who is determined to have been under the influence of alcohol and/or drugs, no matter to what degree and regardless of fault, require a crime report

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in addition to a collision investigation or report. Refer to the department Impaired Driving policy for investigative and reporting procedures regarding such cases.

All traffic collisions involving a simultaneous misdemeanor or felony offense require a crime report to include a collision investigation report.

502.8 NOTIFICATION OF TRAFFIC BUREAU SUPERVISION

In the event of a serious injury or death related traffic collision, the Watch Commander shall notify the Administrator on Duty to relate the circumstances of the traffic collision and seek assistance from the Administrator on Duty. In the absence of a the Administrator on Duty the Watch Commander or any supervisor may assign an officer or motor officer to investigate the traffic collision.

Vehicle Towing and Release

503.1 PURPOSE AND SCOPE

This policy provides the procedures for towing a vehicle by or at the direction of the UC San Diego Police Department. Nothing in this policy shall require the Department to tow a vehicle.

503.2 DEFINITIONS

VEHICLE TOW HEARING- A hearing held by the department in which the validity of a vehicle tow is determined.

IMPOUND- The legal seizure of a vehicle in accordance with State Law. The Department must approve the release of a vehicle prior to the tow yard releasing the vehicle to the registered owner.

STORAGE/STORE- The legal removal of a vehicle in accordance with the Vehicle Code. A stored vehicle does not require a Department release in order to have the vehicle released from the Tow Yard.

503.3 STORAGE AND IMPOUNDS

If a vehicle presents a hazard, such as being abandoned on the roadway, it may be towed immediately. Watch Commanders may authorize the immediate storage or impound of any vehicle authorized by the vehicle code if the storage or impound would further the University Police mission or remove a hazard to the community.

[See attachment: Impound Sections.pdf](#)

503.3.1 OFFICERS RESPONSIBILITY

Department employees requesting towing, storage or impound of a vehicle shall complete CHP Form 180 and accurately record the description of property within the vehicle (Vehicle Code § 22850) and a description of the vehicle and any damage to the vehicle.

Officers should complete the CHP 180 prior to the arrival of the tow truck driver. The officer shall obtain the tow truck driver's signature and then provide page two of the CHP 180 to the driver.

If the Registered Owner is present, the officer should provide page 3 (half sheet) of the CHP 180 to the Registered Owner and check "Notice of Stored Vehicle Delivered Personally" on the CHP 180.

All vehicle stores and impounds shall be documented in an appropriate RIMS Case report.

As soon as practical the Officer shall provide the completed CHP 180 to the Dispatcher for entry into the CLETS Stolen Vehicle System.

503.3.2 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.

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When there is no preferred company requested, the dispatcher shall call the next firm in rotation from the list of approved towing companies and shall make appropriate entries on that form to ensure the following firm is called on the next request.

Dispatch personnel shall promptly enter pertinent data from the completed storage form (CHP Form 180) into the CLETS Stolen Vehicle System and return the form to the Watch Commander for approval.

503.3.3 RECORDS SECTION RESPONSIBILITY

Approved storage forms shall be promptly placed into RIMS so that they are immediately available for release or review should inquiries be made.

Within 48 hours, excluding weekends and holidays, of the storage of any such vehicle it shall be the responsibility of the Records Section to determine the names and addresses of any individuals having an interest in the vehicle through DMV or CLETS computers. Notice shall be sent to all such individuals by mail as applicable and as provided in Vehicle Code § 22851.3(d); Vehicle Code § 22852(a); Vehicle Code § 14602.6(a)(2). The notice shall include the following (Vehicle Code § 22852(b)):

- (a) The name, address, and telephone number of this Department.
- (b) The location of the place of storage and description of the vehicle, which shall include, if available, the name or make, the manufacturer, the license plate number, and the mileage.
- (c) The authority and purpose for the removal of the vehicle.
- (d) A statement that, in order to receive their post-storage hearing, the owners, or their agents, shall request the hearing in person, in writing, or by telephone within 10 days of the date appearing on the notice.

503.3.4 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 Communications Unit.

If the owner is incapacitated, or for any reason it is necessary for the Department to assume responsibility for a vehicle involved in a collision, the officer shall request the dispatcher to call the next appropriate tow company on the Tow Rotation. The officer will then store the vehicle using a CHP Form 180.

503.3.5 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).

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The following are examples of situations where consideration should be given to leaving a vehicle at the scene in lieu of storing, provided the vehicle can be lawfully parked and left in a reasonably secured and safe condition:

- Traffic-related warrant arrest.
- Situations where the vehicle was not used to further the offense for which the driver was arrested.
- Whenever the licensed owner of the vehicle is present, willing, and able to take control of any vehicle not involved in criminal activity.
- Whenever the vehicle otherwise does not need to be stored and the owner requests that it be left at the scene. In such cases, the owner shall be informed that the Department will not be responsible for theft or damages.

Vehicles driven by persons issued notices of suspension per 13353 (et al) for DUI, should have vehicles stored to prevent further impaired driving.

503.3.6 IMPOUNDMENT AT SOBRIETY CHECKPOINTS

Whenever a driver is stopped at a sobriety checkpoint and the only violation is that the operator is driving without a valid driver's license, the officer shall make a reasonable attempt to identify the registered owner of the vehicle (Vehicle Code § 2814.2). The officer shall release the vehicle to the registered owner if the person is a licensed driver, or to another licensed driver authorized by the registered owner, provided the vehicle is claimed prior to the conclusion of the checkpoint operation.

If the vehicle is released at the checkpoint, the officer shall list on his/her copy of the notice to appear the name and driver's license number of the person to whom the vehicle is released.

When a vehicle cannot be released at the checkpoint, it shall be towed (Vehicle Code § 22651(p)). When a vehicle is removed at the checkpoint, it shall be released during the normal business hours of the storage facility to the registered owner or his/her agent upon presentation of a valid driver's license and current vehicle registration.

503.3.7 DRIVING A PRIVATELY OWNED VEHICLE BY A DEPARTMENT EMPLOYEE

Vehicles 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 without supervisory approval.

503.4 REGISTRATION EXPIRED MORE THAN SIX MONTHS 22651(O) CVC

Officers may impound vehicles with registrations expired more than six months per 22651(o) CVC in the following circumstances:

503.4.1 PARKED VEHICLES

Officers shall leave a "Notice of Vehicle Impound" on the windshield of the subject vehicle. The notice will give the owner 1 full business day to register the vehicle. Vehicles believed involved

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in misdemeanor or felony crimes do not require a 1 day notice and can be immediately removed with the Watch Commanders approval.

Officers should create an "Suspicious Vehicle" Incident in RIMS. The incident should include the vehicle make, model, color, location, and that the Notice of Vehicle Impound was placed on the windshield.

503.4.2 MOVING VEHICLES

Vehicles stopped with the registration expired between six (6) months and nine (9) months should be issued a citation for 4000(a)(1) CVC and not towed.

Vehicles expired nine (9) months or more may be immediately impounded.

503.4.3 IMMEDIATE REMOVAL

- The registration is expired over 9 months
- If there is any evidence the driver/registered owner has altered any registration materials in an attempt to avoid registration
- if the driver or vehicle appear to be involved in any other misdemeanor or felony, the vehicle may be immediately impounded

503.5 TOWING SERVICES

The University of University of California, San Diego periodically selects a firm to act as the official tow service and awards a contract to that firm. This firm will be used in the following situations:

- (a) When it is necessary to safeguard a vehicle due to the inability of the owner or operator to take the required action.
- (b) When a vehicle is being held as evidence in connection with an investigation.
- (c) When it is otherwise necessary to store a motor vehicle. This would include situations involving the recovery of stolen or abandoned vehicles, and the removal of vehicles obstructing traffic in violation of state or local regulations.

503.6 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.

503.7 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.

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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.

503.8 RELEASE OF IMPOUNDED VEHICLE

The Department will maintain a listed, 24-hour telephone number to provide information regarding impoundment of vehicles, to include the process to have an impounded vehicle released and the right of the registered owner to request a tow hearing.

Tow Hearings are for the sole purpose of determining the validity of, or consider any mitigating circumstances attendant to the towing of a vehicle (14602.6(b) CVC and are separate from the vehicle release procedure. See the Vehicle Impound Hearing Policy.

If the registered owner or owner's agent can demonstrate to the Watch Commander, or as officer assigned by the Watch Commander, they have met the release requirements of the impounding Vehicle Code Section, the vehicle shall be released. [See attachment: Impound Sections.pdf](#)

Watch Commanders releasing impounded vehicles should consult the Vehicle Code under which the vehicle was impounded for any specific requirements prior to release.

Releases for impounded vehicles will be made by the on duty Watch Commander once the release requirements have been satisfied. Once release requirements have been satisfied, the releasing officer shall contact the appropriate tow company and advise them of the release authorization. The releasing officer shall then complete a supplemental Officer's Report (153) to the original case narrative detailing the release.

Stored vehicles do not require a release.

Employees who suspect that a vehicle was impounded in error should promptly advise a supervisor. Supervisors should approve, when appropriate, the release of the vehicle without requiring the registered owner or his/her agent to request a hearing, as described in the Vehicle Impound Hearings Policy.

503.9 TOWING MULTIPLE VEHICLES FROM CLOSED LOTS

When multiple vehicles must be removed from a closed parking lot or other area to accommodate a University function the following shall apply:

- (a) The parking lot was clearly posted with appropriate "Lot Closed" signs with the date and time of the closure at least 72 hours prior to the event.
- (b) 12 hours prior to the event the registered owners of any remaining vehicles should be contacted and advised to remove their vehicle(s). These attempts shall be documented in the RIMS Incident.
- (c) At the end of the 72 hour posting, any remaining vehicles that will clearly be disruptive to the scheduled event may be towed.
 1. When it is in the best interest of the University or exceptional circumstances, the Watch Commander, with a Lieutenant's approval, may designate a campus

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location nearby where the vehicles can be towed to. If the vehicles are moved to an alternate location and not a tow yard, the Department will be responsible for all tow charges.

503.10 TOWING FOR EXPIRED REGISTRATION

Prior to a member removing a vehicle that is found to have expired registration for more than six months, the member shall verify that no current registration exists with the Department of Motor Vehicles (DMV). If current registration exists with the DMV, the vehicle shall not be removed (Vehicle Code § 22651(o)(1)(A)).

Disabled Vehicles

504.1 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.

504.2 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.

504.3 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 department resources, and the vulnerability of the disabled motorist.

504.3.1 MECHANICAL REPAIRS

Department personnel shall not make mechanical repairs to a disabled vehicle. The use of push bumpers to relocate vehicles to a position of safety is not considered a mechanical repair.

504.3.2 RELOCATION OF DISABLED VEHICLES

The relocation of disabled vehicles by members of this department by pushing a vehicle with a patrol vehicle push bar should only occur when the conditions reasonably indicate that immediate movement is necessary to reduce a hazard presented by the disabled vehicle.

504.3.3 RELOCATION OF DISABLED MOTORIST

The relocation of a disabled motorist should only occur with the person's consent and should be suggested when conditions reasonably indicate that immediate movement is necessary to mitigate a potential hazard. The department member may stay with the disabled motorist or transport him/her to a safe area to await pickup.

504.4 PUBLIC ACCESS TO THIS POLICY

This written policy is available upon request.

Traffic Citations

505.1 PURPOSE AND SCOPE

This policy outlines the responsibility for traffic citations, the procedure for dismissal, correction, and voiding of traffic citations.

505.2 RESPONSIBILITIES

The Operations Lieutenant shall be responsible for the development and design of all Department traffic citations in compliance with state law and the Judicial Council.

The Operations Lieutenant is responsible for:

- (a) The development and design of all Department traffic citations in compliance with state law and the Judicial Council
- (b) Maintaining a sufficient supply of traffic citations in the secure patrol operations equipment and supplies area, accessible by patrol sergeants and command staff
- (c) Maintaining a logbook for stored non-issued traffic citation booklets
- (d) Managing a system that accounts for all traffic citations issued to department members through the use of a traffic citation issuance logbook documenting the following:
 - Citation Beginning Number within the issued booklet
 - Citation Ending Number within the issued booklet
 - Receiving Officer's Signature and Badge Number
 - Issuing Corporal/Sergeant Serial Number
 - Date of Issuance

The citations shall be turned over to the Records Unit for processing and retention.

505.3 DISMISSAL OF TRAFFIC CITATIONS

Employees of this department do not have the authority to dismiss a citation once it has been issued. Only the court has the authority to dismiss a citation that has been issued (Vehicle Code § 40500(d)). Any request from a recipient to dismiss a citation shall be referred to the Operations Lieutenant. Upon a review of the circumstances involving the issuance of the traffic citation, the the Operations Lieutenant may recommend dismissal of the traffic citation. The citation will be forwarded to the appropriate court with a request for dismissal. All recipients of traffic citations whose request for the dismissal of a traffic citation has been denied shall be referred to the appropriate court.

Should an officer determine during a court proceeding that a traffic citation should be dismissed in the interest of justice or where prosecution is deemed inappropriate the officer may request the court to dismiss the citation. Upon dismissal of the traffic citation by the court, the officer shall notify the officer's immediate supervisor of the circumstances surrounding the dismissal.

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505.4 VOIDING TRAFFIC CITATIONS

Voiding a traffic citation may occur when a traffic citation has not been completed or where it is completed, but not issued. All copies of the citation shall be presented to a supervisor to approve the voiding of the citation. The citation and copies shall then be forwarded to the Records Unit.

505.5 CORRECTION OF TRAFFIC CITATIONS

When a traffic citation is issued and in need of correction, the officer issuing the citation shall submit the citation and a completed Citation Correction Form to the officer's immediate supervisor. The citation and Citation Correction Form shall then be forwarded to the Records Unit. The Record Unit shall send the Citation and the original Citation Correction Form to the court having jurisdiction and a copy to the recipient of the citation.

505.6 DISPOSITION OF TRAFFIC CITATIONS

The court and file copies of all traffic citations issued by members of this department shall be forwarded to the employee's immediate supervisor for review. The citation copies shall then be filed with the Records Unit.

Upon separation from employment with this department, all employees issued traffic citation books shall return any unused citations to the Records Unit.

505.7 JUVENILE CITATIONS

Completion of traffic citation forms for juveniles may vary slightly from the procedure for adults. The juvenile's age, place of residency, and the type of offense should be considered before issuing the juvenile a citation.

Vehicle Impound Hearings

506.1 PURPOSE AND SCOPE

This policy establishes a procedure for the requirement to provide vehicle storage or impound hearings pursuant to Vehicle Code § 22852.

506.2 STORED OR IMPOUND HEARING

When a vehicle is stored or impounded by any member of the UC San Diego Police Department, upon the request of the registered or legal owner of the vehicle or owner's agent a hearing will be conducted. (Vehicle Code § 22650(a); Vehicle Code § 22852(a)).

The hearing shall be conducted within 48 hours of the request, excluding weekends and holidays. The hearing officer must be a person other than the person who directed the storage or impound of the vehicle (Vehicle Code § 22852(c)).

506.2.1 HEARING PROCEDURES

The vehicle storage hearing is an informal process to evaluate the validity of an order to store or impound a vehicle. The employee who caused the storage or removal of the vehicle does not need to be present for this hearing.

All requests for a hearing on a stored or impounded vehicle shall be submitted in person, in writing or by telephone within 10 days of the date appearing on the notice (Vehicle Code § 22852(b)). The Specialized Services Lieutenant or delegated officer will generally serve as the hearing officer. The person requesting the hearing may record the hearing at his/her own expense.

The failure of either the registered or legal owner or interested person or his/her agent to request a hearing in a timely manner or to attend a scheduled hearing shall be considered a waiver of and satisfaction of the post-storage hearing requirement (Vehicle Code § 22851.3(e)(2); Vehicle Code § 22852(d)).

Any relevant evidence may be submitted and reviewed by the hearing officer to determine if reasonable grounds have been established for the storage or impound of the vehicle. The initial burden of proof established by a preponderance of the evidence that the storage/impound was based on probable cause rests with the Department.

After consideration of all information, the hearing officer shall determine the validity of the storage or impound of the vehicle in question and then render a decision. The hearing officer may also consider any mitigating circumstances attendant to the storage that reasonably would warrant the release of the vehicle or a modification or reduction of the period the vehicle is impounded (Vehicle Code §14602.6(b); Vehicle Code § 14602.8(b)).

The registered owner's lack of actual knowledge that the driver to whom the vehicle was loaned was not validly licensed may constitute a mitigating circumstance under Vehicle Code § 14602.6(b) or 14602.8(b), warranting the release of the vehicle. This mitigating circumstance exception is not

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limited to situations where the owner made a reasonable inquiry as to the licensed status of the driver before lending the vehicle.

The legislative intent and this department's policy is to prevent unlicensed driving pursuant to Vehicle Code §14602.6. If this purpose is not furthered by the continued impoundment of a vehicle, a release is most often appropriate.

- (a) If a decision is made that reasonable grounds for storage or impound have been established, the hearing officer shall advise the inquiring party of the decision and that the inquiring party may pursue further civil remedies if desired.
 - 1. If mitigating circumstances are found to be relevant, the hearing officer shall make reasonable adjustments to the impound period, storage or assessment of fees as warranted.
- (b) If a decision is made that reasonable grounds for storage or impound have not been established or sufficient mitigating circumstances exist, the vehicle in storage shall be released immediately. Towing and storage fees will be paid at the Department's expense (Vehicle Code § 22852(e)).
- (c) If a decision is made that reasonable grounds for storage have not been established or sufficient mitigating circumstances exist, and the vehicle has been released with fees having been paid, the receipt for such fees will be forwarded with a letter to the appropriate Lieutenant. The hearing officer will recommend to the appropriate Lieutenant that the fees paid by the registered or legal owner of the vehicle in question or their agent be reimbursed by the Department.

Impaired Driving

507.1 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).

507.2 POLICY

The UC San Diego 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.

507.3 INVESTIGATIONS

Officers should not enforce DUI laws to the exclusion of their other duties unless specifically assigned to DUI enforcement. All officers are expected to enforce these laws with due diligence.

The Operations Lieutenant will develop and maintain, in consultation with the prosecuting attorney, report forms with appropriate checklists to assist investigating officers in documenting relevant information and maximizing efficiency. Any DUI investigation will be documented using these forms. Information documented elsewhere on the form does not need to be duplicated in the report narrative. Information that should be documented includes, at a minimum:

- (a) Detailed description of the probable cause for the stop
- (b) Substantive answers to investigative interview questions.
- (c) The field sobriety tests (FSTs) administered and the results.
- (d) The officer's observations that indicate impairment on the part of the individual, and the officer's health-related inquiries that may help to identify any serious health concerns (e.g., diabetic shock).
- (e) Sources of additional information (e.g., reporting party, witnesses, passengers) and their observations.
- (f) Information about any audio and/or video recording of the individual's driving or subsequent actions.
- (g) The location and time frame of the individual's vehicle operation and how this was determined.
- (h) Any prior related convictions in California or another jurisdiction.
- (i) Results of all chemical breath testing to include the PAS device.
- (j) Description of blood draw and the disposition of evidence.

507.3.1 FORMS AND OTHER DOCUMENTS

The CHP 202 DUI Arrest-Investigation Report will be used as the cover report for all Misdemeanor and Felony DUI Arrest reports.

The CHP 202S DUI Field Evaluation Notes are optional and are considered investigative notes and may be destroyed or maintained by the investigating officer per current law.

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All Search Warrants shall be attached to original case report.

Evidentiary breath test results and pre-cautionary check list will be attached to the original case report.

507.4 FIELD SOBRIETY TESTS (FST)

The following standardized FSTs are approved for use by the UCSD Police Department:

- (a) Walk and Turn
- (b) One Leg Stand
- (c) Horizontal Gaze Nystagmus
- (d) Modified Romberg Test

Based on the investigating Officer's training and the specific circumstances of the investigation, alternate or additional FSTs may be used. This would include, but not limited to, a driver with a physical disability or a driver with suspected drug or drug and alcohol impairment.

507.5 CHEMICAL TESTS

A person implies consent to a chemical test or tests, and to providing the associated chemical sample, under any of the following (Vehicle Code § 23612):

- (a) The person is arrested for driving a vehicle while under the influence, pursuant to Vehicle Code § 23152.
- (b) The person is under 21 years of age and is arrested by an officer having reasonable cause to believe that the person's blood alcohol content is 0.05 or more (Vehicle Code § 23140).
- (c) The person is under 21 years of age and detained by an officer having reasonable cause to believe that the person was driving a vehicle while having a blood alcohol content of 0.01 or more (Vehicle Code § 23136).
- (d) The person was operating a vehicle while under the influence and proximately caused bodily injury to another person (Vehicle Code § 23153).

If a person withdraws this implied consent, or is unable to withdraw consent (e.g., the person is unconscious), the officer should consider implied consent revoked and proceed as though the person has refused to provide a chemical sample.

507.5.1 STATUTORY NOTIFICATIONS

Officers requesting that a person submit to chemical testing shall provide the person with the mandatory warning pursuant to Vehicle Code § 23612(a)(1)(D) and Vehicle Code § 23612(a)(4).

507.5.2 USE OF PRELIMINARY ALCOHOL SCREENING DEVICES

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,

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or a combination of the two. Unless the person is under the age of 21, the person shall be advised that the PAS test is voluntary. The officer shall also advise the person that submitting to a PAS test does not satisfy the person's obligation to submit to a chemical test as otherwise required by law (Vehicle Code § 23612).

The Operations Lieutenant should ensure that all PAS devices maintained by the department are properly serviced and tested, and that a record of such service and testing is properly maintained.

Officers obtaining a breath sample with a PAS Device should monitor the device for any sign of malfunction. Any anomalies or equipment failures should be noted in the appropriate report and promptly reported to the Operations Lieutenant.

PAS Devices are maintained in the Department Armory and are available for checkout. Checkout by qualified officers shall be logged in the PAS Checkout Log. Checkout shall include the PAS Number, the Officer's name and the date and time of check out. When returned, Officers shall note in the log the date and time of return as well as the number of tests performed.

507.5.3 PRELIMINARY ALCOHOL SCREENING FOR A PERSON UNDER AGE 21

If an officer lawfully detains a person under 21 years of age who is driving a motor vehicle and the officer has reasonable cause to believe that the person has a blood alcohol content of 0.01 or more, the officer shall request that the person take a PAS test to determine the presence of alcohol in the person, if a PAS test device is immediately available. If a PAS test device is not immediately available, the officer may request the person to submit to chemical testing of the person's blood, breath, or urine, conducted pursuant to Vehicle Code § 23612 (Vehicle Code § 13388).

If the person refuses to take or fails to complete the PAS test or other chemical test, or if the result of either test reveals a blood alcohol content of 0.01 or more, the officer shall proceed to serve the person with a notice of order of suspension pursuant to this policy (Vehicle Code § 13388).

507.5.4 CHOICE OF TESTS

Officers shall respect a viable choice of chemical test made by an arrestee, as provided for by law (e.g., breath will not be acceptable for suspected narcotics influence).

A person arrested for DUI has the choice of whether the test is of the person's blood or breath, and the officer shall advise the person that the person has that choice. If the person arrested either is incapable, or states that the person is incapable, of completing the chosen test, the person shall submit to the remaining test.

If the person chooses to submit to a breath test and there is reasonable cause to believe that the person is under the influence of a drug or the combined influence of alcohol and any drug, the officer may also request that the person submit to a blood test. If the person is incapable of completing a blood test, the person shall submit to and complete a urine test (Vehicle Code § 23612(a)(2)(C)).

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507.5.5 BREATH SAMPLES

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 by this department to facilitate subsequent verification testing (Vehicle Code § 23614).

The officer should also require the person to submit to a blood test if the officer has a clear indication that a blood test will reveal evidence of any drug or the combined influence of an alcoholic beverage and any drug. Evidence of the officer's belief shall be included in the officer's report (Vehicle Code § 23612(a)(2)(C)).

507.5.6 EVIDENTIARY BREATH SAMPLES

Prior to having an arrestee perform an evidentiary Breath Test, the testing officer shall complete a Precautionary Checklist. When the evidentiary breath sample result is obtained and printed out, officers shall:

- (a) Attach one test result to the Precautionary Checklist and include the Precautionary Checklist with the original case report for supervisory review
- (b) Give the arrestee one copy of the breath test result to the suspect

Any breath test results in an error such as "Insufficient Sample" should also be attached to the pre-cautionary checklist with a related explanation in the arrest report narrative.

When a breath test results indicate "Mouth Alcohol", "Interfering Substance" or similar result, officers should wait 15 additional minutes before testing again.

507.5.7 BLOOD SAMPLES

Only persons authorized by law to draw blood shall collect blood samples (Vehicle Code § 23158). The blood draw should be witnessed by the assigned officer. No officer, even if properly certified, should perform this task.

Officers should inform an arrestee that if the arrestee chooses to provide a blood sample, a separate sample can be collected for alternate testing. Unless medical personnel object, two samples should be collected and retained as evidence, so long as only one puncture is required.

The blood sample shall be packaged, marked, handled, stored, and transported as required by the testing facility.

If an arrestee cannot submit to a blood draw because the arrestee has a bleeding disorder or has taken medication that inhibits coagulation, the arrestee shall not be required to take a blood test. Such inability to take a blood test should not be considered a refusal. However, that arrestee may be required to complete another available and viable test.

507.5.8 URINE SAMPLES

If a urine test will be performed, the arrestee should be promptly transported to the appropriate testing site. The officer shall follow any directions accompanying the urine evidence collection kit.

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Urine samples shall be collected and witnessed by an officer or jail staff member of the same sex as the individual giving the sample. The arrestee should be allowed sufficient privacy to maintain the arrestee's dignity, to the extent possible, while still ensuring the accuracy of the sample (Vehicle Code § 23158(i)).

The sample shall be packaged, marked, handled, stored, and transported as required by the testing facility.

507.6 REFUSALS

When an arrestee refuses to provide a viable chemical sample, officers should:

- (a) Advise the arrestee of the requirement to provide a sample (Vehicle Code § 23612) verbatim from the DMV Administrative Per Se form.
- (b) Audio- and/or video-record the admonishment when it is practicable.
- (c) Document the refusal in the appropriate report.

507.6.1 STATUTORY NOTIFICATIONS UPON REFUSAL

Upon refusal to submit to a chemical test as required by law, officers shall personally serve the notice of order of suspension upon the arrestee and take possession of any state-issued license to operate a motor vehicle that is held by that individual (Vehicle Code § 23612(e); Vehicle Code § 23612(f)).

507.6.3 BLOOD SAMPLE WITHOUT CONSENT

A blood sample may be obtained from a person who refuses a chemical test when any of the following conditions exist:

- (a) A search warrant has been obtained (Penal Code § 1524).
- (b) The officer can articulate that exigent circumstances exist. Exigency does not exist solely because of the short time period associated with the natural dissipation of alcohol or controlled or prohibited substances in the person's bloodstream. Exigency can be established by the existence of special facts such as a lengthy time delay in obtaining a blood sample due to an accident investigation or medical treatment of the person.
- (c) DUI Blood sample Search Warrants shall be obtained in accordance with current County Protocols and Department Procedures.

507.6.4 FORCED BLOOD SAMPLE

If an arrestee indicates by word or action that the person will physically resist a blood draw, the officer should request a supervisor to respond.

The responding supervisor should:

- (a) Evaluate whether using force to obtain a blood sample is appropriate under the circumstances.
- (b) Ensure that all attempts to obtain a blood sample through force cease if the person agrees to, and completes a viable form of testing in a timely manner.

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- (c) Advise the person of the person's duty to provide a sample (even if this advisement was previously done by another officer) and attempt to persuade the individual to submit to such a sample without physical resistance.
 - 1. This dialogue should be recorded on audio and/or video if practicable.
- (d) Ensure that the blood sample is taken in a medically approved manner.
- (e) Ensure the forced blood draw is recorded on audio and/or video when practicable.
- (f) Monitor and ensure that the type and level of force applied appears reasonable under the circumstances:
 - 1. Unless otherwise provided in a warrant, force should generally be limited to handcuffing or similar restraint methods.
 - 2. In misdemeanor cases, if the arrestee becomes violent or more resistant, no additional force will be used and a refusal should be noted in the report.
 - 3. In felony cases, force which reasonably appears necessary to overcome the resistance to the blood draw may be permitted.
- (g) Ensure the use of force and methods used to accomplish the collection of the blood sample are documented in the related report.

If a supervisor is unavailable, officers are expected to use sound judgment and perform as a responding supervisor, as set forth above.

507.7 ARREST AND INVESTIGATION

507.7.1 WARRANTLESS ARREST

In addition to the arrest authority granted to officers pursuant to Penal Code § 836, an officer may make a warrantless arrest of a person that the officer has reasonable cause to believe has been driving under the influence of an alcoholic beverage or any drug, or under the combined influence of the same when (Vehicle Code § 40300.5):

- (a) The person is involved in a traffic crash.
- (b) The person is observed in or about a vehicle that is obstructing the roadway.
- (c) The person will not be apprehended unless immediately arrested.
- (d) The person may cause injury to themselves or damage property unless immediately arrested.
- (e) The person may destroy or conceal evidence of a crime unless immediately arrested.

507.7.2 OFFICER RESPONSIBILITIES

The officer serving the arrested person with a notice of an order of suspension shall immediately (Vehicle Code § 23612):

- (a) Forward a copy of the completed notice of suspension or revocation form and any confiscated driver's license to the Department of Motor Vehicles (DMV).

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- (b) Forward a sworn report to DMV that contains the required information in Vehicle Code § 13380.
- (c) Forward the results to the appropriate forensic laboratory if the person submitted to a blood or urine test.

507.9 ADMINISTRATIVE HEARINGS

The Records Supervisor will ensure that all appropriate reports and documents related to administrative license suspensions are reviewed and forwarded to DMV.

Any officer who receives notice of required attendance to an administrative license suspension hearing should promptly notify the prosecuting attorney.

An officer called to testify at an administrative hearing should document the hearing date and DMV file number in a supplemental report. Specific details of the hearing generally should not be included in the report unless errors, additional evidence or witnesses are identified.

507.9 RECORDS SECTION RESPONSIBILITIES

The Records Supervisor will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney's office.

507.10 TRAINING

The Training Manager should ensure that officers participating in the enforcement of DUI laws receive regular training. Training should include, at minimum, current laws on impaired driving, investigative techniques and rules of evidence pertaining to DUI investigations. The Training Manager should confer with the prosecuting attorney's office and update training topics as needed.

72-Hour Parking Violations

508.1 PURPOSE AND SCOPE

This policy provides procedures for the marking, recording, and storage of vehicles parked in violation of the University of California, San Diego University Ordinance regulating 72-hour parking violations and abandoned vehicles under the authority of Vehicle Code § 22669.

508.2 MARKING VEHICLES

Vehicles suspected of being in violation of the University of University of California, San Diego 72-Hour Parking Ordinance shall be marked and noted on the UC San Diego Police Department Marked Vehicle Card. No case number is required at this time.

A visible chalk mark should be placed on the left rear tire tread at the fender level unless missing tires or other vehicle conditions prevent marking. An incident shall be created to document the date and time of notice.. The investigating employee should make a good faith effort to notify the owner of any vehicle subject to towing prior to having the vehicle removed. This may be accomplished by personal contact, telephone or by leaving notice attached to the vehicle at least 24 hours prior to removal.

If a marked vehicle has been moved or the markings have been removed during a 72-hour investigation period, the vehicle shall be marked again for the 72-hour parking violation and the incident shall be updated.

Parking citations for the 72-hour parking ordinance shall not be issued when the vehicle is stored for the 72-hour parking violation.

508.3 VEHICLE STORAGE

Any vehicle in violation shall be stored by the authorized towing service and a vehicle storage report shall be completed by the officer authorizing the storage of the vehicle.

The storage report form shall be submitted to the Communications Unit immediately following the storage of the vehicle. It shall be the responsibility of the Communications Unit to immediately notify the Stolen Vehicle System (SVS) of the Department of Justice in Sacramento (Vehicle Code § 22851.3(b)). Notification may also be made to the National Law Enforcement Telecommunications System (NLETS)(Vehicle Code § 22854.5).

Within 48 hours of the storage of any such vehicle, excluding weekends and holidays, it shall be the responsibility of the Records Unit to determine the names and addresses of any individuals having an interest in the vehicle through DMV or CLETS computers. Notice to all such individuals shall be sent first-class or certified mail pursuant to Vehicle Code § 22851.3(d).

BICYCLE AND MOBILITY DEVICE EDUCATION AND ENFORCEMENT

509.1 PURPOSE AND SCOPE

To establish guidelines for UC San Diego Police Department efforts to improve bicycle and mobility device safety and security through education and enforcement.

509.2 POLICY

Bicycles and mobility devices are a popular transportation option for many UC San Diego campus community members, and their use should be encouraged, as it provides many social benefits. Bicycles and mobility devices are also a frequent target for theft, and some persons operate and park their bicycles or mobility devices in ways that may be harmful to others. UC San Diego Police Department utilizes both education and enforcement to promote the safe use of bicycles and mobility devices, and to prevent and respond to theft. Enforcement efforts that pose more safety risks than they might resolve should be avoided.

All officers should be familiar with common laws and campus rules about bicycle and mobility device use, as well as with general traffic safety and security advice. This includes relevant portions of Traffic and Parking Codes, as managed by the UC San Diego Transportation and Parking Services.

509.3 DEFINITIONS

Bicycle - as used in this policy, "Bicycle" includes those devices as described in California Vehicle Code §231, and motorized versions thereof which are lawful to operate on a public roadway but do not meet the definition of any other vehicle type described in the California Vehicle Code and which are not subject to any other license or registration requirements under California law.

Mobility Device - as used in this policy, "mobility device" refers to motorized and manual scooters as described in California Vehicle Code §407.5, as well as motorized and manual skateboards and other similar personal transportation devices which are lawful to operate on a public roadway but do not meet the definition of any other vehicle type described in the California Vehicle Code and which are not subject to any other license or registration requirements under California law. "Mobility Device" does not include self-propelled wheelchairs or other motorized devices operated by a person who is otherwise unable to move about as a pedestrian by reason of physical disability.

509.4 BICYCLE AND MOBILITY STOPS

Officers should only initiate the detention of a bicyclist on a moving bicycle or the operator of a moving mobility device to enforce a traffic violation when there is:

- (a) A reasonable suspicion that the operator or a passenger has committed a misdemeanor or felony crime, or
- (b) Probable cause to believe that the operator or a passenger has committed an infraction, and in the officer's judgment the bicycle or mobility device is being operated in a reckless or dangerous manner.

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Any traffic citations issued for violations of the UC San Diego Traffic and Parking Code should be recorded as §21113(a) CVC with a brief description of the specific violation.

Officers shall not initiate any detention solely for a failure to display a bicycle registration decal, nor shall they issue any citation for such a violation.

509.5 BICYCLE AND MOBILITY SEIZURES

To prevent theft, any bicycle or mobility device parked unsecured and unattended on UC San Diego property may be collected by an officer for safekeeping. Prior to taking the bicycle or mobility device, the officer should make a reasonable effort to determine if the owner might be nearby. The officer should leave a sign or note for the owner with instructions on how to collect their property from UC San Diego PD.

Any bicycles or mobility devices parked and locked to stairway handrails, disabled ramp handrails, or in any other manner that impedes emergency exit routes or obstructs disabled access on UC San Diego property may be removed and taken for safekeeping in the same manner as an unsecured and unattended bicycle, or impounded in place with a UC San Diego PD lock and impound notice sign. Any bicycle or mobility device so seized should be released to the owner without unnecessary delay upon their subsequent contact with UC San Diego PD, regardless of the time of day. To document the release, the releasing officer should complete a Field Identification card for the owner when they return, and may issue a parking citation to the owner if they have been warned or cited for the same violation within the previous calendar year.

Bicycles or mobility devices locked to a fixed object and apparently abandoned on UC San Diego property but not blocking disabled or emergency access should be referred to the Bicycle Enforcement Officer for removal.

Bicycles and mobility devices shall not be seized or held solely for the reason that they do not display a bicycle registration decal.

Nothing in this section shall be construed to prohibit the seizure of a bicycle or mobility device as evidence when necessary and appropriate during a criminal investigation.

509.6 BICYCLE AND MOBILITY REGISTRATION PROGRAM

To help deter bicycle and mobility device theft, and to aid in the investigation of stolen bicycles, Transportation and Parking Services should maintain a Bicycle and Mobility Device Registration Program consistent with the provisions described in California Vehicle Code §39000 et seq. Registration records from this program should be retained for at least five (5) years.

509.7 BICYCLE AND MOBILITY DEVICE EDUCATION & ENFORCEMENT

UC San Diego PD should provide education and outreach to the campus community about the safe and lawful operation of bicycles and mobility devices as well as security information and advice. Routine and directed bicycle and mobility device enforcement efforts should incorporate a significant educational component.

Chapter 6 - Investigation Operations

Investigation and Prosecution

600.1 PURPOSE AND SCOPE

The purpose of this policy is to set guidelines and requirements pertaining to the handling and disposition of criminal investigations.

600.2 POLICY

It is the policy of the UC San Diego Police Department to investigate crimes thoroughly and with due diligence, and to evaluate and prepare criminal cases for appropriate clearance or submission to a prosecutor.

600.3 INITIAL INVESTIGATION

600.3.1 OFFICER RESPONSIBILITIES

An officer responsible for an initial investigation shall complete no less than the following:

- (a) Make a preliminary determination of whether a crime has been committed by completing, at a minimum:
 - 1. An initial statement from any witnesses or complainants.
 - 2. A cursory examination for evidence.
- (b) If information indicates a crime has occurred, the officer shall:
 - (a) Preserve the scene and any evidence as required to complete the initial and follow-up investigation.
 - (b) Document the condition of the scene and any unusual or unexpected aspects.
 - (c) Determine if additional investigative resources (e.g., investigators or scene processing) are necessary and request assistance as required.
 - (d) If assistance is warranted, or if the incident is not routine, notify a supervisor or the Watch Commander.
 - (e) Make reasonable attempts to locate, identify, interview, and protect the safety of all available victims, complainants, witnesses and suspects.
 - (f) Collect or arrange for the preservation and/or collection of any evidence.
 - (g) Take any appropriate law enforcement action.
 - (h) Accurately and fully complete and submit the appropriate reports and documentation.
- (c) If the preliminary determination is that no crime occurred, determine what other action may be necessary, what other resources may be available, and advise the informant or complainant of this information.

600.3.2 NON-SWORN MEMBER RESPONSIBILITIES

A non-sworn member assigned to any preliminary investigation is responsible for all investigative steps, except making any attempt to locate, contact or interview a suspect face-to-face or take

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any enforcement action. Should an initial investigation indicate that those steps are required, the assistance of an officer shall be requested.

600.4 FOLLOW-UP INVESTIGATION

Follow-up investigation assignment procedures are described in the department Report Preparation and Case Management policy. Department members conducting follow-up investigations shall:

- (a) Complete follow-up efforts in a timely manner.
- (b) Document their efforts, whether as supplemental reports to the initial case, or as new cases if appropriate.
- (c) Communicate and coordinate with the department member(s) involved in the initial investigation and any other department members engaged in follow-up efforts on the same case.
- (d) Regularly update their supervisor on the progress and status of their follow-up investigations and request assistance or additional resources when needed.
- (e) Upon the resolution of a follow-up investigation, update the case status in the Records Management System.

600.4.1 OFFICER RESPONSIBILITIES

An officer responsible for a follow-up investigation is responsible to attempt all necessary and appropriate tasks to bring the case to resolution, including (but not limited to):

- (a) Reviewing and analyzing all reports prepared during the preliminary investigation phase, department records involving similar cases, and laboratory examination results, if applicable
- (b) Conducting additional interviews of witnesses, victims/complainants and interrogation of possible suspects. Interviews and interrogations should be audio and/or video recorded whenever possible (e.g., body worn camera is an acceptable option)
- (c) Seeking additional information from department members, outside agencies or other official sources
- (d) Revisiting the crime scene, planning, organizing and conducting searches, and collecting any additional physical evidence
- (e) Attempting to identify and apprehend suspects, through use of such investigative techniques as photo line-ups, field show-ups, and/or physical line-ups
- (f) Determining suspects' method of operation and possible involvement in other unsolved crimes
- (g) Checking suspects' criminal and campus conduct histories
- (h) Performing additional follow-up at the request of the prosecuting attorney or their agent
- (i) Analyzing electronic access logs and electronic media
- (j) Reviewing publicly accessible information on social media sites and/or other open source Internet resources

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- (k) Identifying and apprehending suspects
- (l) Preparing cases for court presentation and/or administrative referral to campus judicial systems

600.4.2 PROFESSIONAL STAFF MEMBER RESPONSIBILITIES

A professional staff member assigned to any follow-up investigation may be designated as responsible for all investigative responsibilities, except making any attempt to locate, contact or interview a suspect face-to-face, accessing or reviewing any protected information to which they have no legal right, or taking any enforcement action. Should a follow-up investigation indicate that those steps are required, the assistance of an officer shall be requested.

600.5 CUSTODIAL INTERROGATION REQUIREMENTS

Suspects who are in custody and subjected to an interrogation shall be given the *Miranda* warning, unless an exception applies. Interview or interrogation of a juvenile shall be in accordance with the Temporary Custody of Juveniles Policy.

600.5.1 AUDIO/VIDEO RECORDINGS

Any custodial interrogation of an individual who is suspected of having committed any violent felony offense should be recorded (audio or video with audio as available) in its entirety. Regardless of where the interrogation occurs, every reasonable effort should be made to secure functional recording equipment to accomplish such recordings.

Consideration should also be given to recording a custodial interrogation, or any investigative interview, for any other offense when it is reasonable to believe it would be appropriate and beneficial to the investigation and is otherwise allowed by law.

No recording of a custodial interrogation should be destroyed or altered without written authorization from the prosecuting attorney and the Investigation Unit supervisor. Copies of recorded interrogations or interviews may be made in the same or a different format as the original recording, provided the copies are true, accurate and complete and are made only for authorized and legitimate law enforcement purposes.

Recordings should not take the place of a thorough report and investigative interviews. Written statements from suspects should continue to be obtained when applicable.

600.5.2 MANDATORY RECORDING OF ADULTS

Any custodial interrogation of an adult who is suspected of having committed any murder shall be recorded in its entirety. The recording should be video with audio if reasonably feasible (Penal Code § 859.5).

This recording is not mandatory when (Penal Code § 859.5):

- (a) Recording is not feasible because of exigent circumstances that are later documented in a report.

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- (b) The suspect refuses to have the interrogation recorded, including a refusal any time during the interrogation, and the refusal is documented in a report. If feasible, the refusal shall be electronically recorded.
- (c) The custodial interrogation occurred in another state by law enforcement officers of that state, unless the interrogation was conducted with the intent to avoid the requirements of Penal Code § 859.5.
- (d) The interrogation occurs when no member conducting the interrogation has a reason to believe that the individual may have committed murder. Continued custodial interrogation concerning that offense shall be electronically recorded if the interrogating member develops a reason to believe the individual committed murder.
- (e) The interrogation would disclose the identity of a confidential informant or would jeopardize the safety of an officer, the individual being interrogated or another individual. Such circumstances shall be documented in a report.
- (f) A recording device fails despite reasonable maintenance and the timely repair or replacement is not feasible.
- (g) The questions are part of a routine processing or booking, and are not an interrogation.
- (h) The suspect is in custody for murder and the interrogation is unrelated to a murder. However, if any information concerning a murder is mentioned during the interrogation, the remainder of the interrogation shall be recorded.

The Department shall maintain an original or an exact copy of the recording until a conviction relating to the interrogation is final and all appeals are exhausted or prosecution is barred by law (Penal Code § 859.5).

600.5.3 ACCESS TO COUNSEL

Officers shall ensure that suspects in custody who request an attorney be provided access to an attorney. Under typical circumstances, this will occur via telephone at a jail facility. If a suspect invokes their right to counsel while in UC San Diego PD custody, this will typically end any further interrogation and the suspect will most often be transported to jail or released soon after the request for counsel. The suspect may contact counsel upon release or upon being booked into jail. Officers are reminded to uphold the right of arrestees to complete at least three phone calls to an attorney, a bail bondsman, and another person within three hours of arrest. While these phone calls will normally take place from a jail facility, officers must be aware of the time limit in the event that a suspect remains in UC San Diego PD custody for three hours or more after arrest. Officers should not recommend a particular attorney or provide legal advice.

600.6 INTERVIEW ROOMS

Members conducting investigations may utilize department facilities to conduct interviews, subject to the following guidelines:

- (a) To maintain the secure environment of the police facility, the interview subject must be under supervision by department members and/or control by officers at all times.

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- (b) Prior to utilizing a designated interview room or any other location to conduct an interview, the department member(s) conducting the interview shall complete a comprehensive security inspection to ensure the location is free of contraband, weapons or other potentially dangerous objects, and any protected information that might be visible to the interview subject or any other person present.
- (c) Upon the interview subject's exit from an interview room or any other location used to conduct an interview, the department member(s) conducting the interview shall complete a comprehensive security inspection to ensure no contraband, weapon or other potentially dangerous object has been left behind. Should any such item be found, a case report shall be generated to document its discovery and disposition.
- (d) Water, access to a restroom, and breaks shall be provided to the interview subject upon request.
- (e) All interviews related to criminal investigations should be recorded, whether audio/video or by audio only, except that a victim or witness who will only submit a written or oral statement on the condition that the interview not be recorded may be accommodated. Interviews may be recorded by use of body worn A/V systems, or by another department approved recording device provided that it is operated by a trained and qualified department member and all recordings are appropriately preserved and documented.
- (f) Should a department member need emergency assistance during an interview, they should activate their portable radio emergency button, make a broadcast for help on the police radio, and/or call out for assistance from nearby personnel.

600.6.1 ADDITIONAL SUSPECT INTERVIEW GUIDELINES

The interview or custodial interrogation of a suspect shall be conducted by no more than two sworn officers, and in a designated interview room, unless there is a specific need to conduct the interview elsewhere and if authorized by a supervisor. Every officer within the interview room or location shall be equipped with a police radio. No more than one suspect should be interviewed at a time. During the interview or custodial interrogation of a suspect, no officer is to be armed. Officers shall escort a suspect to and from the interview room or other location used to conduct the interview, including for trips to the restroom or any other location within the secure area of the police facility, or whenever the suspect is in secure custody. Officers escorting a suspect to the restroom shall complete a comprehensive security inspection of the portion of the restroom facility to which the suspect has access, both before and after it is used by the suspect, to ensure no contraband, weapons or other potentially dangerous objects are present and/or left behind.

600.6.2 ADDITIONAL VICTIM / WITNESS INTERVIEW GUIDELINES

Interviews of victims or witnesses should be conducted by no more than two department members, in designated interview rooms, or in other locations that meet the needs of the interview subject and do not interfere with other department activities. At least one department member within the interview room shall be equipped with a police radio. No more than one victim or witness should be interviewed at a time. Interviews of victims should not be recorded utilizing covert equipment without the awareness of the interview subject and any other persons present.

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600.7 USE OF CERTAIN DNA SAMPLES

Known samples of DNA collected from a victim of a crime or alleged crime, and known reference samples of DNA from any individual that were voluntarily provided for the purpose of exclusion are to be used only for the purpose directly related to the incident being investigated and in compliance with the procedures identified in Penal Code § 679.12.

600.8 DISCONTINUATION OF INVESTIGATIONS

The investigation of a criminal case or efforts to seek prosecution should only be discontinued if one of the following applies:

- (a) All reasonable investigative efforts have been exhausted, no reasonable belief that the person who committed the crime can be identified, and the incident has been documented appropriately.
- (b) The perpetrator of a misdemeanor has been identified and a warning is the most appropriate disposition.
 - 1. In these cases, the investigator shall document that the person was warned and why prosecution was not sought.
 - 2. Warnings shall not be given for felony offenses or other offenses identified in this policy or by law that require an arrest or submission of a case to a prosecutor.
- (c) The case has been submitted to the appropriate prosecutor but no charges have been filed. Further investigation is not reasonable nor has the prosecutor requested further investigation.
- (d) The case has been submitted to the appropriate prosecutor, charges have been filed, and further investigation is not reasonable, warranted, or requested, and there is no need to take the suspect into custody.
- (e) Suspects have been arrested, there are no other suspects, and further investigation is either not warranted, or requested.
- (f) Investigation has proven that a crime was not committed (see the Sexual Assault Investigations Policy for special considerations in these cases).

The Domestic Violence, Child Abuse, Sexual Assault Investigations, and Senior and Disability Victimization policies may also require an arrest or submittal of a case to a prosecutor.

600.9 COMPUTERS AND DIGITAL EVIDENCE

The collection, preservation, transportation and storage of computers, cell phones and other digital devices may require specialized handling to preserve the value of the related evidence. If it is anticipated that computers or similar equipment will be seized, officers should request that computer forensic examiners assist with seizing computers and related evidence. If a forensic examiner is unavailable, officers should take reasonable steps to prepare for such seizure and use the resources that are available.

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600.10 INVESTIGATIVE USE OF SOCIAL MEDIA AND INTERNET SOURCES

Use of social media and any other Internet source to access information for the purpose of criminal investigation shall comply with applicable laws and policies regarding privacy, civil rights, and civil liberties. Information gathered via the Internet should only be accessed by an employee while on-duty and for purposes related to the mission of this department. If an employee encounters information relevant to a criminal investigation while off-duty or while using their own equipment, the employee should note the dates, times and locations of the information and report the discovery to their supervisor as soon as practicable. The employee, or others who have been assigned to do so, should attempt to replicate the finding when on-duty and using department equipment.

Information obtained via the Internet should not be archived or stored in any manner other than department-established record keeping systems (see the Records Maintenance and Release policy).

600.10.1 ACCESS RESTRICTIONS

Information that can be accessed from any department computer, without the need of an account, password, email address, alias, or other identifier (unrestricted websites), may be accessed and used for legitimate investigative purposes without supervisory approval.

Accessing information from any internet source that requires the use or creation of an account, password, email address, alias or other identifier, or the use of nongovernment IP addresses, requires supervisor approval prior to access. The supervisor will review the justification for accessing the information and consult with legal counsel as necessary to identify any policy or legal restrictions. Any such access and the supervisor approval shall be documented in the related investigative report.

Accessing information that requires the use of a third party's account or online identifier requires supervisor approval and the consent of the third party. The consent must be voluntary and shall be documented in the related investigative report.

Information gathered from any internet source should be evaluated for its validity, authenticity, accuracy, and reliability. Corroborative evidence should be sought and documented in the related investigative report.

Any information collected in furtherance of an investigation through an internet source should be documented in the related report. Documentation should include the source of information and the dates and times that the information was gathered.

600.10.2 INTERCEPTING ELECTRONIC COMMUNICATION

Intercepting social media communications in real time may be subject to federal and state wiretap laws. Officers should seek legal counsel before any such interception.

600.11 MODIFICATION OF CHARGES FILED

Members are not authorized to recommend to the prosecutor or to any other official of the court that charges on a pending case be amended or dismissed without the authorization of a

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Investigations Unit Sergeant or the Chief of Police. Any authorized request to modify the charges or to recommend dismissal of charges shall be made to the prosecutor.

600.12 CELLULAR COMMUNICATIONS INTERCEPTION TECHNOLOGY

The Specialized Services Lieutenant is responsible for ensuring the following for cellular communications interception technology operations (Government Code § 53166):

- (a) Security procedures are developed to protect information gathered through the use of the technology.
- (b) A usage and privacy policy is developed that includes:
 1. The purposes for which using cellular communications interception technology and collecting information is authorized.
 2. The length of time information gathered through the use of cellular communications interception technology will be retained, and the process the local agency will utilize to determine if and when to destroy retained information.
 3. The purpose of, process for and restrictions on the sharing of information gathered through the use of cellular communications interception technology with other local agencies and persons.
 4. Identification of the existence of any memorandum of understanding or other agreement with any other local agency or other party for the shared use of cellular communications interception technology or the sharing of information collected through its use, including the identity of signatory parties
 5. Process and time period system audits.
 6. A description of how the Department will monitor the use of its cellular communications interception technology to ensure the accuracy of the information collected and compliance with all applicable laws.
 7. Training requirements necessary for those authorized employees.
 8. Identification by job title or other designation of employees who are authorized to use or access information collected through the use of cellular communications interception technology.

Members shall only use approved devices and usage shall be in compliance with department security procedures, the department's usage and privacy procedures and all applicable laws.

600.13 ANTI-REPRODUCTIVE RIGHTS CRIMES

A member should take a report any time a person living within the jurisdiction of the UC San Diego Police Department reports that the person has been a victim of an anti-reproductive rights crime as defined by Penal Code § 13776 and Penal Code § 423.3. This includes:

- (a) Taking a report, even if the location of the crime is outside the jurisdiction of this department or has not been determined (e.g., online harassment).

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- (b) Providing the victim with the appropriate information, as set forth in the Victim and Witness Assistance Policy. Members should encourage the person to review the material and should assist with any questions.

A report should also be taken if a person living outside department jurisdiction reports an anti-reproductive rights crime that may have been committed or facilitated within this jurisdiction (e.g., use of a post office box in the [city/county] to facilitate the crime).

A member investigating an anti-reproductive rights crime should ensure that the case is referred to the appropriate agency if it is determined that this department should not be the investigating agency. The victim should be advised that the case is being transferred to the agency of jurisdiction. The appropriate entries should be made into any databases that have been authorized for department use and are specific to this type of investigation.

The Investigation Unit supervisor should provide the Records Supervisor with enough information regarding the number of calls for assistance and number of arrests to meet the reporting requirements to the California Department of Justice as required by Penal Code § 13777. See the Records Section Policy for additional guidance.

600.14 STATE REQUIREMENTS FOR FIREARM INVESTIGATIONS

600.14.1 CALIFORNIA DOJ NOTICE OF LOCATION OF REPORTED LOST OR STOLEN FIREARM

When notification is received from the California Department of Justice (DOJ) that a firearm purchase matches an entry made into the Automated Firearms System by the Department as lost or stolen, the Investigation Unit supervisor shall assign an officer to retrieve the firearm and book the firearm into evidence in accordance with the Property and Evidence Policy. Recovery of the firearm shall be reported pursuant to Penal Code § 11108.2, Penal Code §11109.3, and Penal Code § 11108.5. If appropriate, arrangements may be made to have another state or local law enforcement agency retrieve the firearm on behalf of the Department (Penal Code § 28220).

600.14.2 RELINQUISHMENT OF FIREARMS VERIFICATION

The Investigation Unit supervisor shall designate a member to have access to the Armed Prohibited Persons System (APPS) to receive information regarding individuals in the jurisdiction of the Department who have become a prohibited possessor of a firearm registered in their name and have not provided proof of relinquishment. The member shall document steps taken to verify that the individual is no longer in possession of firearms and provide the information to the Records Section for preparation of a quarterly report to the California DOJ (Penal Code § 29813) (see the Records Section Policy for additional guidance).

Informants

601.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use of informants.

601.1.1 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 UC San Diego Police Department for law enforcement purposes. This also includes a person agreeing to supply information to the UC San Diego Police Department for a benefit (e.g., a quid pro quo in the form of a reduced criminal penalty, money).

601.2 POLICY

The UC San Diego Police Department recognizes the value of informants to law enforcement efforts and will strive to protect the integrity of the informant process. It is the policy of this department that all funds related to informant payments will be routinely audited and that payments to informants will be made according to the criteria outlined in this policy.

601.3 USE OF INFORMANTS

601.3.1 INITIAL APPROVAL

Before using an individual as an informant, an officer must receive approval from his/her supervisor. The officer shall compile sufficient information through a background investigation and experience with the informant in order to determine the suitability of the individual, including age, maturity and risk of physical harm, as well as any indicators of his/her reliability and credibility.

Members of this department should not guarantee absolute safety or confidentiality to an informant.

601.3.2 JUVENILE INFORMANTS

The use of informants under the age of 13 is prohibited.

Except for the enforcement of laws related to the commercial sale of alcohol, marijuana or tobacco products, a juvenile 13 years of age or older may only be used as an informant with the written consent of each of the following:

- (a) The juvenile's parents or legal guardians
- (b) The juvenile's attorney, if any
- (c) The court in which the juvenile's case is being handled, if applicable (Penal Code § 701.5)
- (d) The Chief of Police or the authorized designee

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601.3.3 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.

601.4 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, Investigations Lieutenant, Detective Sergeant, 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 UC San Diego 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.
 - (a) Members shall not become intimately involved with an informant.
 - (b) Social contact shall be avoided unless it is necessary to conduct an official investigation, and only with prior approval of the Detective Sergeant.
 - (c) 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 Detective Sergeant.
 - 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.

601.4.1 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 Detective Sergeant, who will initiate a review to determine suitability. Until

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a determination has been made by the Detective Sergeant, the informant should not be used by any member. The Detective Sergeant 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 Detective Sergeant 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.

601.5 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 Investigations Division. The Detective Sergeant or the authorized designee shall be responsible for maintaining informant files. Access to the informant files shall be restricted to the Chief of Police, Investigations Lieutenant, Detective Sergeant or their authorized designees.

The Investigation Lieutenant 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 Detective Sergeant is replaced, the files will be audited before the new Detective Sergeant 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.

The audit shall also identify any inactive informant files to be purged. Informant files shall be purged only if inactive for more than five years, and if the statute of limitations has expired for

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any criminal case in which the informant may have been involved, and upon approval by the Specialized Services Lieutenant.

601.5.1 FILE SYSTEM PROCEDURE

A separate file shall be maintained on each informant and shall be coded with an assigned informant control number. An informant history that includes the following information shall be prepared for each file:

- (a) Name and aliases
- (b) Date of birth
- (c) Physical description: sex, race, height, weight, hair color, eye color, scars, tattoos or other distinguishing features
- (d) Photograph
- (e) Current home address and telephone numbers
- (f) Current employers, positions, addresses and telephone numbers
- (g) Vehicles owned and registration information
- (h) Places frequented
- (i) Briefs of information provided by the informant and his/her subsequent reliability
 1. If an informant is determined to be unsuitable, the informant's file is to be marked "unsuitable" and notations included detailing the issues that caused this classification.
- (j) Name of the officer initiating use of the informant
- (k) Signed informant agreement
- (l) Update on active or inactive status of informant

601.6 INFORMANT PAYMENTS

No informant will be told in advance or given an exact amount or percentage for his/her service. The amount of funds to be paid to any informant will be evaluated against the following criteria:

- The extent of the informant's personal involvement in the case
- The significance, value or effect on crime
- The value of assets seized
- The quantity of the drugs or other contraband seized
- The informant's previous criminal activity
- The level of risk taken by the informant

The Detective Sergeant will discuss the above factors with the Investigations Lieutenant and recommend the type and level of payment subject to approval by the Chief of Police.

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601.6.1 PAYMENT PROCESS

Approved payments to an informant should be in cash using the following process:

- (a) Payments of \$500 and under may be paid in cash from a buy/expense fund designated by the UC San Diego PD Business Manager with the approval of the Chief of Police.
 - (a) The Investigations Lieutenant shall sign the voucher for cash payouts from.
- (b) Payments exceeding \$500 shall be made by issuance of a check, payable to the officer who will be delivering the payment.
 1. The check shall list the case numbers related to and supporting the payment.
 2. A written statement of the informant's involvement in the case shall be placed in the informant's file.
 3. The statement shall be signed by the informant verifying the statement as a true summary of his/her actions in the case.
 4. Authorization signatures from the Chief of Police and the Vice Chancellor, Resource Management and Planning are required for disbursement of the funds.
- (c) To complete the payment process for any amount, the officer delivering the payment shall complete a cash transfer form.
 1. The cash transfer form shall include the following:
 - (a) Date
 - (b) Payment amount
 - (c) UC San Diego 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.

601.6.2 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.

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601.6.3 AUDIT OF PAYMENTS

The Detective Sergeant 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.

Sexual Assault Investigations

602.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the investigation of sexual assaults. These guidelines will address some of the unique aspects of such cases and the effects that these crimes have on the victims.

Mandatory notifications requirements are addressed in the Child Abuse and Senior and Disability Victimization policies.

602.1.1 DEFINITIONS

Definitions related to this policy include:

Sexual assault - Any crime or attempted crime of a sexual nature, to include but not limited to offenses defined in Penal Code § 243.4, Penal Code § 261 et seq., and Penal Code § 285 et seq.

Sexual Assault Response Team (SART) - A multidisciplinary team generally comprised of advocates; law enforcement officers; forensic medical examiners, including sexual assault forensic examiners (SAFEs) or sexual assault nurse examiners (SANEs) if possible; forensic laboratory personnel; and prosecutors. The team is designed to coordinate a broad response to sexual assault victims.

602.2 POLICY

It is the policy of the UC San Diego Police Department that its members, when responding to reports of sexual assaults, will strive to minimize the trauma experienced by the victims, and will aggressively investigate sexual assaults, pursue expeditious apprehension and conviction of perpetrators, and protect the safety of the victims and the community.

602.3 QUALIFIED INVESTIGATORS

Qualified investigators should be available for assignment of sexual assault investigations. These investigators should:

- (a) Have specialized training in, and be familiar with, interview techniques and the medical and legal issues that are specific to sexual assault investigations.
- (b) Conduct follow-up interviews and investigation.
- (c) Present appropriate cases of alleged sexual assault to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies and medical personnel as needed.
- (e) Provide referrals to therapy services, victim advocates and support for the victim.
- (f) Participate in or coordinate with SART.

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602.4 REPORTING

In all reported or suspected cases of sexual assault, a report should be written and assigned for follow-up investigation. This includes incidents in which the allegations appear unfounded or unsubstantiated.

602.5 VICTIM INTERVIEWS

The primary considerations in sexual assault investigations, which begin with the initial call to Communications Unit, should be the health and safety of the victim, the preservation of evidence, and preliminary interviews to determine if a crime has been committed and to attempt to identify the suspect.

Whenever possible, a member of SART should be included in the initial victim interviews. An in-depth follow-up interview should not be conducted until after the medical and forensic examinations are completed and the personal needs of the victim have been met (e.g., change of clothes, bathing). The follow-up interview may be delayed to the following day based upon the circumstances. Whenever practicable, the follow-up interview should be conducted by a qualified investigator.

No opinion of whether the case is unfounded shall be included in the report. However, after completion of the department's investigation, and after consultation with the San Diego County District Attorney's office or the San Diego City Attorney's office, that the prosecuting office with jurisdiction has directed UCSD PD not to submit the report/case investigation due to a lack of corpus, it should be documented who the officer/investigator spoke with from the prosecutor's office and the reason(s) stated.

Victims shall not be asked or required to take a polygraph examination (34 USC § 10451; Penal Code § 637.4).

Victims should be apprised of applicable victim's rights provisions, as outlined in the Victim and Witness Assistance Policy.

602.5.1 VICTIM RIGHTS

Whenever there is an alleged sexual assault, the assigned officer shall accomplish the following:

- (a) Prior to the commencement of the initial interview, advise the victim in writing of the right to have a victim advocate and a support person of the victim's choosing present at any interview or contact by law enforcement, about any other rights of a sexual assault victim pursuant to the sexual assault victim card described in Penal Code § 680.2, and the right to have a person of the same or opposite gender present in the room during any interview with a law enforcement official unless no such person is reasonably available (Penal Code § 679.04).
- (b) If the victim is transported to a hospital for any medical evidentiary or physical examination, the officer shall immediately cause the local rape victim counseling center to be notified (Penal Code § 264.2).

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- (a) The officer shall not discourage a victim from receiving a medical evidentiary or physical examination (Penal Code § 679.04). [UCSD PD Domestic Violence and Sexual Assault Handbook](#)
- (b) A support person may be excluded from the examination by the officer or the medical provider if the support person's presence would be detrimental to the purpose of the examination (Penal Code § 264.2).

602.5.2 VICTIM CONFIDENTIALITY

Officers investigating or receiving a report of an alleged sex offense shall inform the victim, or the victim's parent or guardian if the victim is a minor, that his/her name will become a matter of public record unless the victim requests that his/her name not be made public. The reporting officer shall document in his/her report that the victim was properly informed and shall include any related response made by the victim, or if a minor, any response made by the victim's parent or guardian (Penal Code § 293).

Except as authorized by law, members of this department shall not publicly disclose the name of any victim of a sex crime who has exercised his/her right to confidentiality (Penal Code § 293).

602.6 COLLECTION AND TESTING OF BIOLOGICAL EVIDENCE

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 and the victim is willing to participate in a forensic SART exam, it should be collected regardless of how much time has elapsed since the reported assault.

If a drug-facilitated sexual assault is suspected, urine and blood samples should be collected from the victim as soon as practicable.

Subject to requirements set forth in this policy, biological evidence from all sexual assault cases, including cases where the suspect is known by the victim, should be submitted for testing.

Victims who choose not to assist with an investigation, do not desire that the matter be investigated, or wish to remain anonymous may still consent to the collection of evidence under their control. In these circumstances, the evidence should be collected and stored appropriately (Penal Code § 680).

602.6.1 STANDARDIZED SEXUAL ASSAULT FORENSIC MEDICAL EVIDENCE KIT

The Property and Evidence Section supervisor should make California standardized sexual assault forensic medical evidence (SAFE) kits available to members who may investigate sexual assault cases. Members investigating a sexual assault should use these SAFE kits when appropriate and follow related usage guidelines issued by the California Clinical Forensic Medical Training Center (Penal Code § 13823.14).

602.6.2 COLLECTION AND TESTING REQUIREMENTS

Officers investigating a sexual assault offense should take every reasonable step to ensure that DNA testing of such evidence is performed in a timely manner and within the time periods

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prescribed by Penal Code § 803(g). Unless otherwise stated by the San Diego Sheriff's Crime Lab protocols, SAFE kits should be submitted (Penal Code § 680).

In order to maximize the effectiveness of such testing and identify the perpetrator of any sexual assault, the Property Clerk shall ensure that an information profile for the SAFE kit evidence has been created in the California Department of Justice (DOJ) SAFE-T database within 120 days of collection. The assigned detective should further ensure that the results of any such test have been timely entered into and checked against both the DOJ Cal-DNA database and the Combined DNA Index System (CODIS) by the San Diego County Sheriff's Crime lab (Penal Code § 680.3).

If the assigned detective determines that a SAFE kit submitted to a private laboratory for analysis has not been tested within 120 days after submission, the detective shall notify the Property Clerk to update the SAFE-T database to reflect the reason for the delay in testing. The assigned detective shall continue to update the status every 120 days thereafter until the evidence has been analyzed or the statute of limitations has run, or the SAFE kit is exempt from the update requirement (Penal Code § 680.3).

If, for any reason, DNA evidence in a sexual assault case in which the identity of the perpetrator is in issue and is not going to be analyzed within 6 months of the crime, the assigned detective shall notify the victim of such fact in writing no less than 60 days prior to the expiration of the 6-month period (Penal Code § 680).

Additional guidance regarding evidence retention and destruction is found in the Property and Evidence Policy.

602.6.3 COLLECTION OF DNA REFERENCE SAMPLES

Reference samples of DNA collected directly from a victim of sexual assault, and reference samples of DNA collected from any individual that were voluntarily provided for the purpose of exclusion, shall be protected as provided in Penal Code § 679.12 (Penal Code § 680).

602.6.4 DNA TEST RESULTS

A SART member should be consulted regarding the best way to deliver biological testing results to a victim so as to minimize victim trauma, especially in cases where there has been a significant delay in getting biological testing results (e.g., delays in testing the evidence or delayed DNA databank hits). Members should make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as provided in the Victim and Witness Assistance Policy.

- (a) Upon receipt of a written request from a sexual assault victim or the victim's authorized designee, members investigating sexual assault cases shall inform the victim of the status of the DNA testing of any evidence from the victim's case (Penal Code § 680).
 1. Although such information may be communicated orally, the assigned officer should thereafter follow-up with and retain a copy of confirmation by either written or electronic mail.

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2. Absent a written request, no member of this department is required to, but may, communicate with the victim or the victim's authorized designee regarding the status of any DNA testing.
- (b) Sexual assault victims shall further have the following rights (Penal Code § 680):
1. To be informed if a DNA profile of the assailant was obtained from the testing of the SAFE kit or other crime scene evidence from their case.
 2. To be informed if there is a confirmed match between the DNA profile of the assailant developed from the evidence and a DNA profile contained in the DOJ Convicted Offender DNA Database, providing that disclosure would not impede or compromise an ongoing investigation.
 3. To be informed if the DNA profile of the assailant developed from the evidence has been entered into the DOJ Databank or the federal Department of Justice or Federal Bureau of Investigation CODIS database of case evidence.
 4. To access the DOJ SAFE-T database portal consistent with Penal Code § 680.3(e) for information involving their own forensic kit and the status of the kit.
- (c) Provided that the sexual assault victim or the victim's authorized designee has kept the assigned officer informed with regard to current address, telephone number, and email address (if available), any victim or the victim's authorized designee shall, upon request, be advised of any known significant changes regarding the victim's case (Penal Code § 680).
1. Although such information may be communicated orally, the assigned officer should thereafter follow-up with and retain a copy of confirmation by either written or electronic mail.
 2. No officer shall be required or expected to release any information which might impede or compromise any ongoing investigation.

602.7 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 Unit supervisor and/or after consultation with the office with prosecutorial jurisdiction.

Classification of a sexual assault case as unfounded requires the Investigation Unit supervisor to determine that the facts have significant irregularities with reported information and that the incident could not have happened as it was reported. When a victim has recanted his/her original statement, there must be corroborating evidence that the allegations were false or baseless (i.e., no crime occurred) before the case should be determined as unfounded.

602.8 CASE REVIEW

The Investigations Unit supervisor should ensure case dispositions are reviewed on a periodic basis, at least annually, using an identified group that is independent of the investigation process. The reviews should include an analysis of:

- Case dispositions.

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- Decisions to collect biological evidence.
- Submissions of biological evidence for lab testing.

The SART and/or victim advocates should be considered for involvement in this audit. Summary reports on these reviews should be forwarded through the chain of command to the Chief of Police.

602.9 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 Unit 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.

602.10 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. Trauma Informed Interviews
 6. 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, such as Trauma Informed Interviewing techniques for communicating with victims to minimize trauma.
 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).

Operations Planning and Deconfliction

603.1 PURPOSE AND SCOPE

This policy provides guidelines for planning, deconfliction and execution of high-risk operations.

Additional guidance on planning and serving high-risk warrants is provided in the Warrant Service Policy.

603.1.1 DEFINITIONS

Definitions related to this policy include:

High-risk operations - Operations, including service of search and arrest warrants and sting operations, that are likely to present higher risks than are commonly faced by officers on a daily basis, including suspected fortified locations, reasonable risk of violence or confrontation with multiple persons, or reason to suspect that persons anticipate the operation.

603.2 POLICY

It is the policy of the UC San Diego Police Department to properly plan and carry out high-risk operations, including participation in a regional deconfliction system, in order to provide coordination, enhance the safety of members and the public, decrease the risk of compromising investigations and prevent duplicating efforts.

603.3 OPERATIONS DIRECTOR

The Chief of Police will designate a member of this department to be the operations director.

The operations director will develop and maintain a risk assessment form to assess, plan and coordinate operations. This form should provide a process to identify high-risk operations.

The operations director will review risk assessment forms with involved supervisors to determine whether a particular incident qualifies as a high-risk operation. The director will also have the responsibility for coordinating operations that are categorized as high risk.

603.4 RISK ASSESSMENT

603.4.1 RISK ASSESSMENT FORM PREPARATION

Officers assigned as operational leads for any operation that may qualify as a high-risk operation shall complete a risk assessment form.

When preparing the form, the officer should query all relevant and reasonably available intelligence resources for information about the subject of investigation, others who may be present and the involved location. These sources may include regional intelligence and criminal justice databases, target deconfliction systems, firearm records, commercial databases and property records. Where appropriate, the officer should also submit information to these resources.

The officer should gather available information that includes, but is not limited to:

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- (a) Photographs, including aerial photographs, if available, of the involved location, neighboring yards and obstacles.
- (b) Maps of the location.
- (c) Diagrams of any property and the interior of any buildings that are involved.
- (d) Historical information about the subject of investigation (e.g., history of weapon possession or use, known mental illness, known drug use, threats against police, gang affiliation, criminal history).
- (e) Historical information about others who may be present at the location (e.g., other criminals, innocent third parties, dependent adults, children, animals).
- (f) Obstacles associated with the location (e.g., fortification, booby traps, reinforced doors/windows, surveillance measures, number and type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces, availability of keys/door combinations).
- (g) Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service).
- (h) Other available options that may minimize the risk to officers and others (e.g., making an off-site arrest or detention of the subject of investigation).

603.4.2 RISK ASSESSMENT REVIEW

Officers will present the risk assessment form and other relevant documents (such as copies of search warrants and affidavits and arrest warrants) to their supervisor and the operations director.

The supervisor and operations director shall confer and determine the level of risk. Supervisors should take reasonable actions if there is a change in circumstances that elevates the risks associated with the operation.

603.4.3 HIGH-RISK OPERATIONS

If the operations director, after consultation with the involved supervisor, determines that the operation is high risk, the operations director should:

- (a) Determine what resources will be needed at the location, and contact and/or place on standby any of the following appropriate and available resources:
 - 1. (SRT)
 - 2. Additional personnel
 - 3. Outside agency assistance
 - 4. Special equipment
 - 5. Medical personnel
 - 6. Persons trained in negotiation
 - 7. Additional surveillance

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8. Canines
 9. Property and Evidence Section or analytical personnel to assist with cataloguing seizures
 10. Forensic specialists
 11. Specialized mapping for larger or complex locations
- (b) Contact the appropriate department members or other agencies as warranted to begin preparation.
 - (c) Ensure that all legal documents such as search warrants are complete and have any modifications reasonably necessary to support the operation.
 - (d) Coordinate the actual operation.

603.5 DECONFLICTION

Deconfliction systems are designed to identify persons and locations associated with investigations or law enforcement operations and alert participating agencies when others are planning or conducting operations in close proximity or time or are investigating the same individuals, groups or locations.

The officer who is the operations lead shall ensure the subject of investigation and operations information have been entered in an applicable deconfliction system to determine if there is reported conflicting activity. This should occur as early in the process as practicable, but no later than two hours prior to the commencement of the operation. The officer should also enter relevant updated information when it is received.

If any conflict is discovered, the supervisor will contact the involved jurisdiction and resolve the potential conflict before proceeding.

603.6 OPERATIONS PLAN

The operations director should ensure that a written operations plan is developed for all high-risk operations. Plans should also be considered for other operations that would benefit from having a formal plan.

The plan should address such issues as:

- (a) Operation goals, objectives, and strategies.
- (b) Operation location and people:
 1. The subject of investigation (e.g., history of weapon possession/use, known mental illness issues, known drug use, threats against police, gang affiliation, criminal history)
 2. The location (e.g., fortification, booby traps, reinforced doors/windows, surveillance cameras and/or lookouts, number/type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces,

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- availability of keys/door combinations), including aerial photos, if available, and maps of neighboring yards and obstacles, diagrams and other visual aids
3. Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service)
 4. Identification of other people who may be present in or around the operation, such as other criminal suspects, innocent third parties, and children
- (c) Information from the risk assessment form by attaching a completed copy in the operational plan.
1. The volume or complexity of the information may indicate that the plan includes a synopsis of the information contained on the risk assessment form to ensure clarity and highlighting of critical information.
- (d) Participants and their roles.
1. An adequate number of uniformed officers should be included in the operation team to provide reasonable notice of a legitimate law enforcement operation.
 2. How all participants will be identified as law enforcement.
- (e) Whether deconfliction submissions are current and all involved individuals, groups, and locations have been deconflicted to the extent reasonably practicable.
- (f) Identification of all communications channels and call-signs.
- (g) Use of force issues.
- (h) Contingencies for handling medical emergencies (e.g., services available at the location, closest hospital, closest trauma center).
- (i) Plans for detaining people who are not under arrest.
- (j) Contingencies for handling children, dependent adults, animals, and other people who might be at the location in accordance with the Child Abuse, Senior and Disability Victimization, Child and Dependent Adult Safety, and Animal Control policies.
- (k) Communications plan.
- (l) Responsibilities for writing, collecting, reviewing, and approving reports.

603.6.1 OPERATIONS PLAN RETENTION

Since the operations plan contains intelligence information and descriptions of law enforcement tactics, it shall not be filed with the report. The operations plan shall be stored separately and retained in accordance with the established records retention schedule.

603.7 OPERATIONS BRIEFING

A briefing should be held prior to the commencement of any high-risk operation to allow all participants to understand the operation, see and identify each other, identify roles and responsibilities and ask questions or seek clarification as needed. Anyone who is not present at the briefing should not respond to the operation location without specific supervisory approval.

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- (a) The briefing should include a verbal review of plan elements, using visual aids, to enhance the participants' understanding of the operations plan.
- (b) All participants should be provided a copy of the operations plan and search warrant, if applicable. Participating personnel should be directed to read the search warrant and initial a copy that is retained with the operation plan. Any items to be seized should be identified at the briefing.
- (c) The operations director shall ensure that all participants are visually identifiable as law enforcement officers.
 - 1. Exceptions may be made by the operations director for officers who are conducting surveillance or working under cover. However, those members exempt from visual identification should be able to transition to a visible law enforcement indicator at the time of enforcement actions, such as entries or arrests, if necessary.
- (d) The briefing should include details of the communications plan.
 - 1. It is the responsibility of the operations director to ensure that Communications Unit is notified of the time and location of the operation, and to provide a copy of the operation plan prior to officers arriving at the location.
 - 2. If the radio channel needs to be monitored by Communications Unit, the dispatcher assigned to monitor the operation should attend the briefing, if practicable, but at a minimum should receive a copy of the operation plan.
 - 3. The briefing should include a communications check to ensure that all participants are able to communicate with the available equipment on the designated radio channel.

603.8 SRT PARTICIPATION

If the operations director determines that SRT participation is appropriate, the director and the SRT supervisor shall work together to develop a written plan. The SRT supervisor shall assume operational control until all persons at the scene are appropriately detained and it is safe to begin a search. When this occurs, the SRT supervisor shall transfer control of the scene to the handling supervisor. This transfer should be communicated to the officers present.

603.9 MEDIA ACCESS

No advance information regarding planned operations shall be released without the approval of the Chief of Police. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy.

603.10 OPERATIONS DEBRIEFING

High-risk operations should be debriefed as soon as reasonably practicable. The debriefing should include as many participants as possible. This debrief may be separate from any SRT debriefing.

603.11 TRAINING

The Training Manager should ensure officers and SRT team members who participate in operations subject to this policy should receive periodic training including, but not limited to,

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topics such as legal issues, deconfliction practices, operations planning concepts and reporting requirements.

Warrant Service

604.1 PURPOSE AND SCOPE

This policy establishes guidelines for the planning and serving of arrest and search warrants by members of this department. It is understood that this policy cannot address every variable or circumstance that can arise in the service of a search or arrest warrant, as these tasks can involve rapidly evolving and unique circumstances.

This policy is intended to be used in conjunction with the Operations Planning and Deconfliction Policy, which has additional guidance on planning and serving high-risk warrants.

This policy is not intended to address the service of search warrants on locations or property already secured or routine field warrant arrests by patrol officers.

604.2 POLICY

It is the policy of the UC San Diego Police Department to balance the safety needs of the public, the safety of department members, privacy interests and other relevant factors when making decisions related to the service of search and arrest warrants.

604.3 OPERATIONS DIRECTOR

The operations director (see the Operations Planning and Deconfliction Policy) shall review all risk assessment forms with the involved supervisor to determine the risk level of the warrant service.

The operations director will also have the responsibility to coordinate service of those warrants that are categorized as high risk. Deconfliction, risk assessment, operational planning, briefing and debriefing should follow guidelines in the Operations Planning and Deconfliction Policy.

604.4 SEARCH WARRANTS

Officers should receive authorization from a supervisor before preparing a search warrant application. Once authorization is received, the officer will prepare the affidavit and search warrant, consulting with the applicable prosecuting attorney as needed. He/she will also complete the risk assessment form and submit it, along with the warrant affidavit, to the appropriate supervisor and the operations director for review and classification of risk (see the Operations Planning and Deconfliction Policy).

604.5 ARREST WARRANTS

If an officer reasonably believes that serving an arrest warrant may pose a higher risk than commonly faced on a daily basis, the officer should complete the risk assessment form and submit it to the appropriate supervisor and the operations director for review and classification of risk (see the Operations Planning and Deconfliction Policy).

If the warrant is classified as high risk, service will be coordinated by the operations director. If the warrant is not classified as high risk, the supervisor should weigh the risk of entry into a residence to make an arrest against other alternatives, such as arresting the person outside the residence where circumstances may pose a lower risk.

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604.6 WARRANT PREPARATION

An officer who prepares a warrant should ensure the documentation in support of the warrant contains as applicable:

- (a) Probable cause to support the search or arrest, including relevant dates and times to demonstrate timeliness and facts to support any request for nighttime warrant execution.
 - 1. Officers shall not seek a no-knock warrant.
- (b) A clear explanation of the affiant's training, experience, and relevant education.
- (c) Adequately supported opinions, when relevant, that are not left to unsubstantiated conclusions.
- (d) A nexus between the place to be searched and the persons or items central to the investigation. The facts supporting this nexus should be clear and current. For example, the affidavit shall explain why there is probable cause to believe that a particular person is currently residing at a particular location or that the items sought are present at a particular location.
- (e) Full disclosure of known or suspected residents at the involved location and any indication of separate living spaces at the involved location. For example, it should be disclosed that several people may be renting bedrooms at a single location, even if the exact location of the rooms is not known.
- (f) A specific description of the location to be searched, including photographs of the location, if reasonably available.
- (g) A sufficient description of the items to be seized.
- (h) Full disclosure of any known exculpatory information relevant to the warrant application (refer to the Brady Material Disclosure Policy).

604.7 NO-KNOCK WARRANT SERVICE

This department does not authorize the use of no-knock warrants by any UC San Diego employed police officers. A no-knock warrant is a search and/or arrest warrant authorizing police officers to enter certain premises without first knocking and announcing their presence or purpose prior to entering the premises. Officers shall first knock and announce their presence or purpose prior to entering a premises in the execution of any warrant service.

Should a high-risk search and/or arrest warrant require the potential use of a no-knock method of service, the Chief of Police will be notified who will assess the situation and provide an authorized course of action in serving the warrant.

604.8 HIGH-RISK WARRANT SERVICE

The operations director or the authorized designee shall coordinate the service of warrants that are categorized as high risk and shall have sole authority in determining the manner in which the warrant will be served, including the number of officers deployed.

The member responsible for directing the service should ensure the following as applicable:

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- (a) When practicable and when doing so does not cause unreasonable risk, video or photographic documentation is made of the condition of the location prior to execution of a search warrant. The images should include the surrounding area and persons present.
- (b) The warrant service is audio- and video-recorded when practicable and reasonable to do so.
- (c) Evidence is handled and collected only by those members who are designated to do so. All other members involved in the service of the warrant should alert one of the designated members to the presence of potential evidence and not touch or disturb the items.
- (d) Reasonable efforts are made during the search to maintain or restore the condition of the location.
- (e) Persons who are detained as part of the warrant service are handled appropriately under the circumstances.
- (f) Reasonable care provisions are made for children and dependent adults (see the Child and Dependent Adult Safety Policy).
- (g) A list is made of all items seized (Receipt and Inventory Form) and a copy provided to the person in charge of the premises if present or otherwise left in a conspicuous place.
- (h) A copy of the search warrant is left at the location.
- (i) The condition of the property is documented with video recording or photographs after the search.

604.9 DETENTIONS DURING WARRANT SERVICE

Officers must be sensitive to the safety risks of all persons involved with the service of a warrant. Depending on circumstances and facts present, it may be appropriate to control movements of any or all persons present at a warrant service, including those who may not be the subject of a warrant or suspected in the case. However, officers must be mindful that only reasonable force may be used and weapons should be displayed no longer than the officer reasonably believes is necessary (see the Use of Force Policy).

As soon as it can be determined that an individual is not subject to the scope of a warrant and that no further reasonable suspicion or safety concerns exist to justify further detention, the person should be promptly released.

Officers should, when and to the extent reasonable, accommodate the privacy and personal needs of people who have been detained.

604.10 ACTIONS AFTER WARRANT SERVICE

The supervisor shall ensure that all affidavits, warrants, receipts and returns, regardless of any associated cases, are filed with the issuing judge or magistrate as soon as reasonably possible, but in any event no later than any date specified on the warrant.

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604.11 OUTSIDE AGENCIES AND CROSS-JURISDICTIONAL WARRANTS

The operations director will ensure that cooperative efforts with other agencies in the service of warrants conform to existing mutual aid agreements or other memorandums of understanding and will work cooperatively to mitigate risks including, but not limited to, the following:

- Identity of team members
- Roles and responsibilities
- Familiarity with equipment
- Rules of engagement
- Asset forfeiture procedures

Any outside agency requesting assistance in the service of a warrant within this jurisdiction should be referred to the operations director. The director should review and confirm the warrant, including the warrant location, and should discuss the service with the appropriate supervisor from the other agency. The director should ensure that members of the UC San Diego Police Department are utilized appropriately. Any concerns regarding the requested use of UC San Diego Police Department members should be brought to the attention of the Chief of Police or the authorized designee. The actual service of the warrant will remain the responsibility of the agency requesting assistance.

If the operations director is unavailable, the Watch Commander should assume this role.

If officers intend to serve a warrant outside UC San Diego Police Department jurisdiction, the operations director should provide reasonable advance notice to the applicable agency, request assistance as needed and work cooperatively on operational planning and the mitigation of risks detailed in this policy.

Officers will remain subject to the policies of the UC San Diego Police Department when assisting outside agencies or serving a warrant outside UC San Diego Police Department jurisdiction.

604.12 MEDIA ACCESS

No advance information regarding warrant service operations shall be released without the approval of the Chief of Police. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy.

604.13 DOCUMENTATION

Documentation related to the service of a warrant shall be maintained in accordance with the established records retention schedule.

604.14 TRAINING

The Training Manager should ensure officers receive periodic training on this policy and associated topics, such as legal issues, warrant preparation, warrant service and reporting requirements.

Brady Material Disclosure

605.1 PURPOSE AND SCOPE

This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called “*Brady* information”) to a prosecuting attorney.

605.1.1 DEFINITIONS

Definitions related to this policy include:

Brady information -Information known or possessed by the UC San Diego Police Department that is both favorable and material to the current prosecution or defense of a criminal defendant.

605.2 POLICY

The UC San Diego Police Department will conduct fair and impartial criminal investigations and will provide the prosecution with both incriminating and exculpatory evidence, as well as information that may adversely affect the credibility of a witness. In addition to reporting all evidence of guilt, the UC San Diego Police Department will assist the prosecution by complying with its obligation to disclose information that is both favorable and material to the defense. The Department will identify and disclose to the prosecution potentially exculpatory information, as provided in this policy.

605.3 DISCLOSURE OF INVESTIGATIVE INFORMATION

Officers must include in their investigative reports adequate investigative information and reference to all material evidence and facts that are reasonably believed to be either incriminating or exculpatory to any individual in the case. If an officer learns of potentially incriminating or exculpatory information any time after submission of a case, the officer or the handling investigator must prepare and submit a supplemental report documenting such information as soon as practicable. Supplemental reports shall be promptly processed and transmitted to the prosecutor’s office.

If information is believed to be privileged or confidential (e.g., confidential informant or attorney-client information, attorney work product), the officer should discuss the matter with a supervisor and/or prosecutor to determine the appropriate manner in which to proceed.

Evidence or facts are considered material if there is a reasonable probability that they would affect the outcome of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or even judicial review. If an officer is unsure whether evidence or facts are material, the officer should address the issue with a supervisor.

Supervisors who are uncertain about whether evidence or facts are material should address the issue in a written memo to an appropriate prosecutor. A copy of the memo should be retained in the Department case file.

605.4 DISCLOSURE OF PERSONNEL INFORMATION

Whenever it is determined that *Brady* information is located in the personnel file of a member of this department who is a material witness in a criminal case, the following procedure shall apply:

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Brady Material Disclosure

- (a) In the event that a *Pitchess* motion has not already been filed by the criminal defendant or other party pursuant to Evidence Code § 1043, the prosecuting attorney shall be notified of the potential presence of *Brady* information in the officer's personnel file.
- (b) The prosecuting attorney should then be requested to file a *Pitchess* motion in order to initiate an in-camera review by the court.
- (c) Any member who is the subject of such a motion shall be notified in writing that a motion has been filed.
- (d) The Custodian of Records shall accompany all relevant files during any in-camera inspection and address any issues or questions raised by the court in determining whether any information contained in the files is both material and favorable to the criminal defendant.
- (e) If the court determines that there is relevant *Brady* information contained in the files, only that information ordered released will be copied and released to the parties filing the motion.
 1. Prior to the release of any information pursuant to this process, the Custodian of Records should request a protective order from the court limiting the use of such information to the involved case and requiring the return of all copies upon completion of the case.

605.5 INVESTIGATING BRADY ISSUES

If the Department receives information from any source that a member may have issues of credibility, dishonesty or has been engaged in an act of moral turpitude or criminal conduct, the information shall be investigated and processed in accordance with the Personnel Complaints Policy.

605.6 TRAINING

Department members should receive periodic training on the requirements of this policy.

Eyewitness Identification

606.1 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when members of this department employ eyewitness identification techniques (Penal Code § 859.7).

606.1.1 DEFINITIONS

Definitions related to the policy include:

Eyewitness identification process - Any field identification, live lineup or photographic identification.

Field Identification (Curbside/Curbstone Showup)- 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.

606.2 POLICY

The UC San Diego Police Department will strive to use eyewitness identification techniques, when appropriate, to enhance the investigative process and will emphasize identifying persons responsible for crime and exonerating the innocent.

606.3 INTERPRETIVE SERVICES

Members should make a reasonable effort to arrange for an interpreter before proceeding with eyewitness identification if communication with a witness is impeded due to language or hearing barriers.

Before the interpreter is permitted to discuss any matter with the witness, the investigating member should explain the identification process to the interpreter. Once it is determined that the interpreter comprehends the process and can explain it to the witness, the eyewitness identification may proceed as provided for within this policy.

606.4 EYEWITNESS IDENTIFICATION PROCESS AND FORM

The Investigation Unit supervisor shall be responsible for the development and maintenance of an eyewitness identification process for use by members when they are conducting eyewitness identifications.

The process should include appropriate forms or reports that provide (Penal Code § 859.7):

- (a) The date, time and location of the eyewitness identification procedure.
- (b) The name and identifying information of the witness.

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- (c) The name of the person administering the identification procedure.
- (d) If applicable, the names of all of the individuals present during the identification procedure.
- (e) An instruction to the witness that it is as important to exclude innocent persons as it is to identify a perpetrator.
- (f) An instruction to the witness that the perpetrator may or may not be among those presented and that the witness is not obligated to make an identification.
- (g) If the identification process is a photographic or live lineup, an instruction to the witness that the perpetrator may not appear exactly as he/she did on the date of the incident.
- (h) An instruction to the witness that the investigation will continue regardless of whether an identification is made by the witness.
- (i) A signature line where the witness acknowledges that he/she understands the identification procedures and instructions.
- (j) A statement from the witness in the witness's own words describing how certain he/she is of the identification or non-identification. This statement should be taken at the time of the identification procedure.
- (k) Any other direction to meet the requirements of Penal Code § 859.7, including direction regarding blind or blinded administrations and filler selection.

The process and related forms should be reviewed at least annually and modified when necessary.

606.5 EYEWITNESS IDENTIFICATION

Members are cautioned not to, in any way, influence a witness as to whether any subject or photo presented in a lineup is in any way connected to the case.

Members should avoid mentioning that:

- The individual was apprehended near the crime scene.
- The evidence points to the individual as the suspect.
- Other witnesses have identified or failed to identify the individual as the suspect.

In order to avoid undue influence, witnesses should view suspects or a lineup individually and outside the presence of other witnesses. Witnesses should be instructed to avoid discussing details of the incident or of the identification process with other witnesses.

The eyewitness identification procedure should be audio and video recorded and the recording should be retained according to current evidence procedures. When it is not feasible to make a recording with both audio and visual representations, an audio recording should be made (Penal Code § 859.7).

606.5.1 PHOTOGRAPHIC LINEUP AND LIVE LINEUP CONSIDERATIONS

The member presenting the lineup must take the utmost care not to communicate the identity of the suspect in any way.

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When practicable, the employee presenting a lineup to a witness should not know which photograph or person is the suspect.

Other persons or 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 employee presenting the lineup to a witness should do so sequentially and not simultaneously (i.e., show the witness one person at a time). The witness should view all persons in the lineup.

The order of the suspect or the photos and fillers should be randomized before being presented to each witness.

A live lineup should only be used before criminal proceedings have been initiated against the suspect. If there is any question as to whether any criminal proceedings have begun, the investigating officer should contact the appropriate prosecuting attorney before proceeding.

606.6 FIELD IDENTIFICATION CONSIDERATIONS

Field identifications, also known as field elimination show-ups, curbside/curbstone show-up, or one-on-one identifications, may be helpful in certain cases, where exigent circumstances make it impracticable to conduct a photo or live lineup identifications. A field elimination show-up or one-on-one identification should not be used when independent probable cause exists to arrest a suspect. In such cases a live or photo lineup is the preferred course of action if eyewitness identification is contemplated.

When initiating a field identification, the member should observe the following guidelines:

- (a) The UC San Diego PD Curbside Show Up form should be used. Give the victim/witness the Simmons Admonishment:
 - (a) You will be asked to look at a person or persons. The fact the person/persons are shown to you should not influence your judgment. You should not conclude or guess the person/persons have committed the crime. You are not obligated to identify anyone. It is just as important to free innocent persons from suspicion as to identify parties. Neither an identification nor a failure to make an identification will end the investigation. Please do not discuss the case with other witnesses nor indicate in any way that you have or have not identified someone.
- (b) Obtain a complete description of the suspect from the witness.
- (c) 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.

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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.
- (d) If safe and practicable, the person who is the subject of the show-up should not be handcuffed or in a patrol vehicle.
 - (e) When feasible, members should bring the witness to the location of the subject of the show-up, rather than bring the subject of the show-up to the witness.
 - (f) The person who is the subject of the show-up should not be shown to the same witness more than once.
 - (g) In cases involving multiple suspects, witnesses should only be permitted to view the subjects of the show-up one at a time.
 - (h) The person who is the subject of the show-up should not be required to put on clothing worn by the suspect, to speak words uttered by the suspect or to perform other actions mimicking those of the suspect.
 - (i) If a witness positively identifies a subject of the show-up as the suspect, members should not conduct any further field identifications with other witnesses for that suspect. In such instances members should document the contact information for any additional witnesses for follow up, if necessary.

606.7 PHOTOGRAPHIC LINEUP AND LIVE LINEUP CONSIDERATIONS

When practicable, the member presenting the lineup should not be involved in the investigation of the case or know the identity of the suspect. In no case should the member presenting a lineup to a witness know which photograph or person in the lineup is being viewed by the witness (Penal Code § 859.7). Techniques to achieve this include randomly numbering photographs, shuffling folders, or using a computer program to order the persons in the lineup.

Individuals in the lineup should reasonably match the description of the perpetrator provided by the witness and should bear similar characteristics to avoid causing any person to unreasonably stand out. In cases involving multiple suspects, a separate lineup should be conducted for each suspect. The suspects should be placed in a different order within each lineup (Penal Code § 859.7).

The member presenting the lineup should do so sequentially (i.e., show the witness one person at a time) and not simultaneously. The witness should view all persons in the lineup.

A live lineup should only be used before criminal proceedings have been initiated against the suspect. If there is any question as to whether any criminal proceedings have begun, the investigating member should contact the appropriate prosecuting attorney before proceeding.

606.7.1 GENERAL PHOTOGRAPHIC LINE UP PROCEDURES

The use of an audio/video camera or body worn camera is required for recording all photographic line ups.

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- (a) The UC San Diego PD Photographic Lineup form should be used,
- (b) Use the most recent photograph of the suspect
- (c) Obtain photos of other persons of the same sex and race with similar facial characteristics
- (d) Use all color or all black and white photographs of similar size
- (e) Use at least six photos
- (f) Each photograph should be numbered
- (g) On a separate page, list the name, DOB and photograph number of each person in the six pack

606.7.2 SEQUENTIAL PHOTOGRAPHIC LINE UP PROCESS

The photographs are assembled and identified in the same manner as above with one photograph per sheet of paper.

- (a) Admonish the witness
 1. "I am going to show you six photographs. Please look at all six photographs before making any comment. The person who committed the crime may or may not be among those shown in the photographs you are about to see. If you recognize any of the persons in the photographs as the suspect, go back and pick out the person you recognize. If you recognize any of the persons, please do not ask me if your choice was right or wrong as I am prohibited by law from telling you. You should not feel compelled to make an identification. Whether you identify someone or not, it will not end our investigation."
- (b) Present each photograph to the witness separately
- (c) Remove the photograph before presenting the next one
- (d) Record positive and negative results in writing, using the witness's own words
- (e) If the witness identifies a photograph as a suspect:
 1. Have the witness sign the back of the photograph.
 2. The presenting officer will sign the back of the photograph
 3. If a suspect is identified, the officer shall ask the witness the level of confidence in the accuracy of their identification.
- (f) Retain and place all photographs into evidence

606.7.3 OTHER SAFEGUARDS

Witnesses should be asked for suspect descriptions as close in time to the incident as possible and before conducting an eyewitness identification. No information concerning a suspect should be given prior to obtaining a statement from the witness describing how certain he/she is of the identification or non-identification. Members should not say anything to a witness that may validate or invalidate an eyewitness' identification. In photographic lineups, writings or information

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concerning any previous arrest of a suspect shall not be visible to the witness (Penal Code § 859.7).

606.8 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. The photographic lineup should be booked into evidence.

606.8.1 DOCUMENTATION RELATED TO RECORDINGS

The handling member shall document the reason that a video recording or any other recording of an identification was not obtained (Penal Code § 859.7).

606.8.2 DOCUMENTATION RELATED TO BLIND ADMINISTRATION

If a presentation of a lineup is not conducted using blind administration, the handling member shall document the reason (Penal Code § 859.7).

Investigations Unit

607.1 PURPOSE AND SCOPE

To establish guidelines for the structure and operations of the Investigations Unit, and to describe the role, responsibilities, and expectations for detectives.

607.2 POLICY

The University of California Police Department, San Diego shall maintain an Investigations Unit (IU), sufficiently staffed with experienced and appropriately trained sworn detectives, with the capacity to effectively investigate felony and misdemeanor crimes that are likely to occur within the department's primary jurisdiction. Department members assigned to IU are also expected to perform additional ancillary duties related to the investigatory function and productively collaborate with campus partners, outside agencies, other University and community resources, and department members to the fullest extent allowed by law, policy and practical limitations.

607.3 INVESTIGATIONS UNIT SUPERVISOR

The Chief of Police shall appoint a police sergeant as the Investigations Unit's supervisor, responsible for day-to-day coordination and management of their assigned detectives, and to fulfill the duties of detective as necessary. The IU supervisor shall report to the Specialized Services Lieutenant, who shall be considered the IU manager.

The IU supervisor and the IU manager are designated as a members of the UCPD Behavioral Consultation Team (BCT), unless this responsibility is separately assigned to another sworn supervisor or manager by the Chief of Police.

The IU supervisor is responsible to maintain awareness of the availability of all detectives to respond to a request for investigatory assistance in the field at any given time, and to keep patrol division's supervisors and managers informed of any restrictions or periods of unavailability.

The IU supervisor is expected to serve as the primary department liaison or contact for campus units, local organizations, and outside agencies with purposes that coincide with criminal investigations. These duties may be delegated or reassigned at the direction of command staff. This includes, but is not limited to, the following:

- (a) Office for the Prevention of Harassment & Discrimination
- (b) Care at SARC
- (c) Center for Student Conduct
- (d) San Diego Law Enforcement Coordination Center (SDLECC)
- (e) San Diego County District Attorney's Office
- (f) San Diego County Sexual Assault Response Team (SART)

In the absence of an IU supervisor, the IU manager shall assume all duties of the IU supervisor.

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607.4 DETECTIVES

The Chief of Police shall appoint sworn officers as detectives to serve within the Investigations Unit, responsible for leading investigations and other follow-up efforts for cases assigned to them by the IU supervisor or manager, and for carrying out other public safety and law enforcement duties consistent with their role and expertise.

One or more detectives should be designated as members of the Behavioral Consultation Team (BCT) in a manner consistent with the University's BCT and Response policy.

Detectives shall be designated as the primary Court Liaison and Warrant Officer, assigned to serve as the primary conduit of information between the department and District Attorney offices, as well as between the department and court administration staff. The records staff duties include the tracking and distribution of criminal and traffic court subpoenas as well as the performance of due diligence requirements regarding warrants issued based on department cases.

One or more detectives shall be designated to administer the mandatory sex offender registration process, and to investigate alleged violations of California sex offender registration laws.

607.5 CASE ASSIGNMENTS

The IU supervisor or manager shall regularly review submitted police reports, including all police reports routed to IU for review by patrol supervisors within the Records Information Management System (RIMS), and all police reports of the types identified for IU report review within the department Report Preparation and Case Management policy. The IU supervisor or manager is responsible to determine if such police reports will be reassigned to a detective, returned to the original case officer, or given a final case status.

Subject to command staff review, the IU supervisor or manager has the authority to determine if a detective will be assigned to take primary responsibility and/or to complete specific tasks for a case, and may reassign cases or tasks among detectives as necessary for the efficient functioning of the unit.

The IU supervisor or manager is responsible for managing the caseloads of detectives and ensuring that investigatory and other follow-up efforts are completed and documented in a timely manner.

When two or more detectives are assigned to the same case, one shall be designated as the primary (or "lead") detective and case officer.

607.6 AVAILABILITY OF INVESTIGATIVE SERVICES

To ensure the availability of basic law enforcement investigative services to the campus community, the department shall maintain a minimum staff of at least two (2) detectives (or one (1) detective with a sergeant serving as IU supervisor). Additional detectives should be assigned as staffing allows and as caseload demands require.

Detectives may be scheduled according to a 40-hour work week, subject to operational need. Individual detective schedules should be staggered to provide the presence of at least one

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detective at the worksite at all times during normal business hours. Detectives schedules that provide extended investigatory coverage due to operational needs during evening and weekend hours should be considered as staffing allows.

607.6.1 FIELD AVAILABILITY AND RESPONSIBILITIES

When a crime scene or call for service in the field might benefit from the oversight and expertise of a detective, the patrol supervisor may request the response of a detective via the chain of command. The assignment of a detective to the scene is subject to the approval of the IU supervisor and the chain of command.

Upon arrival at the scene of a crime or call for service, the detective should assume control of the investigatory aspects of the event in question, and may direct patrol officers and other available department personnel as necessary to complete these responsibilities. The Watch Commander should work with the detective and ensure that all other operational issues are addressed. These responsibilities remain in place until all investigatory needs at the scene are met, unless relieved by a higher authority.

Until such time as a detective arrives at the scene and assumes control of the investigation, the event and any investigation remains the responsibility of the Watch Commander to manage. If no detective is available, the WC should consult with their chain of command to determine if a detective should be called in, or if other personnel and/or resources should be arranged.

Unless a crime scene or call for service is likely to require extensive investigatory effort or expertise, officers who formerly served as detectives or who have equivalent training and experience may be utilized as the lead investigator at the scene when a detective is not available.

607.6.2 ON-CALL INVESTIGATIVE SERVICES

The IU supervisor or manager is responsible to ensure adequate availability of after-hours investigatory response by detectives.

Detectives may be designated as "on call" for specific off-duty periods, required to remain available to respond to work after normal hours, in a manner consistent with and to be compensated as according to any applicable labor agreement.

At least two detectives should be designated as "on call" at the same time (or one detective and a IU supervisor or manager), but if an after-hours event only requires the services one detective, only one on-call detective need respond.

Detectives are expected to be in immediate or near-immediate possession of their department-issued mobile telephone while "on-call" and to be responsive to any work calls they may receive.

607.6.3 OUTSIDE AGENCY ASSISTANCE

The Assistant Chief is responsible for establishing agreements with outside agencies to ensure sufficient and qualified investigative services are available to assist UCPD San Diego at any time of day or night if needed.

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When detectives from this department are unavailable or require assistance with a major crime, or when a situation arises that requires outside agency assistance to preserve the objectivity or impartiality of an investigation, the relevant supervisor should seek approval from an on-duty Lt or the Administrator on-duty to request aid from an outside agency with the capacity to provide necessary investigative services.

607.7 COORDINATION WITH PATROL AND OTHER DEPARTMENT UNITS

To facilitate the exchange of critical information and strengthen the relationship between the Investigations Unit (IU) and the Operations Division, detectives are expected to communicate and collaborate with officers and sergeants in the Operations Division. To help achieve this, detectives should:

- (a) Remind or update patrol staff about investigatory expectations as established or modified by the District Attorney's office
- (b) Provide patrol teams with briefing training on new laws, court decisions, and other investigatory mandates and best practices
- (c) Review the use of investigative tools and methods (fingerprint collection techniques, interview tips, how to take crime scene photos, etc.)
- (d) Discuss local or regional crime trends, investigatory bulletins, and recommended crime prevention strategies

Detectives should also share relevant information with other department units such as Records & Communications, and the Administration Division.

607.8 TRAINING

All detectives shall be required to complete the POST-certified Criminal Investigator Core Course prior to or within one year of appointment, and at least one specialty course prior to or within two years of appointment.

All detectives should complete at least 20 hours of POST-certified training on the topic of interview and interrogation prior to or within one year of appointment.

All detectives assigned to investigate crimes involving sexual violence, domestic / relationship violence, and/or stalking should complete a specialty course in Sexual Assault Investigation prior to serving as the lead detective on such a case. The IU supervisor or manager is responsible to ensure that at least one of the current detectives has completed this course and is available to serve as the lead detective on all such cases.

One or more detectives shall complete the training necessary to administer the mandatory sex offender registration process, and to investigate alleged violations of California sex offender registration laws.

All detectives assigned to investigate crimes involving sexual violence, domestic / relationship violence, and/or stalking should also complete at least 20 hours of training in the use of trauma informed investigation and interviewing techniques.

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All detectives are encouraged to complete at least 40 hours of POST-certified investigatory training annually, to participate in local, regional, state or national investigators' associations and conferences, and to pursue completion of at least one ICI Certificate of Achievement.

All investigator training should be selected and prioritized according to topics and content that coincides with department service needs.

Chapter 7 - Equipment

Department Owned and Personal Property

700.1 PURPOSE AND SCOPE

Department employees are expected to properly care for department property assigned or entrusted to them. Employees may also suffer occasional loss or damage to personal or department property while performing their assigned duty. Certain procedures are required depending on the loss and ownership of the item.

700.2 CARE OF DEPARTMENT 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 to the employee's immediate supervisor. The supervisor may require a separate written report of the loss or damage.

The supervisor shall direct a memo to the appropriate Lieutenant, 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 and a finding that no misconduct or negligence was involved, repair or replacement may be recommended by the Chief of Police who will then forward the claim to the Finance Department.

The Department will not replace or repair luxurious or overly expensive items (jewelry, exotic equipment, etc.) that are not reasonably required as a part of work.

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700.3.1 REPORTING REQUIREMENT

A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.

A written report (which includes email) 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 University, it shall be the responsibility of the employee present or the employee responsible for the property to make a verbal report to his/her immediate supervisor as soon as circumstances permit. The employee shall submit a written report before going off duty or as otherwise directed by the supervisor.

These written reports, accompanied by the supervisor's written report, shall promptly be forwarded to the appropriate Lieutenant.

Vehicle Use

701.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a system of accountability to ensure department vehicles are used appropriately. This policy provides guidelines for on- and off-duty use and maintenance of department vehicles and shall not be construed to create or imply any contractual obligation by the University of University of California, San Diego to provide assigned take-home vehicles.

701.2 POLICY

The UC San Diego 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.

701.3 USE OF VEHICLES

701.3.1 SHIFT ASSIGNED VEHICLES

The Watch Commander shall ensure a copy of the shift assignment roster indicating member assignments and vehicle numbers is completed for each shift and retained in accordance with the established records retention schedule. If an employee exchanges vehicles during his/her shift, the new vehicle number shall be documented on the roster.

701.3.2 OTHER USE OF VEHICLES

Employees utilizing a vehicle for any purpose other than their normally assigned duties or normal vehicle assignment (e.g., transportation to training, community event) shall notify the Watch Commander prior to using the vehicle. A notation will be made on the shift assignment roster indicating the member's name and vehicle number.

This subsection does not apply to those who are assigned to vehicle transportation duties to and from the maintenance yard or carwash.

701.3.3 VEHICLE INSPECTIONS

Employees shall be responsible for inspecting vehicles in accordance with the Patrol Vehicle Inspection Procedure. Watch Commanders shall ensure inspections are completed.

Employees shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of their shifts. Any previously unreported damage, mechanical problems, unauthorized contents or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

The interior of any vehicle that has been used to transport any person other than an employee of this department should be inspected prior to placing another person in the vehicle and again after the person is removed. This is to ensure that unauthorized or personal items have not been left in the vehicle.

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When transporting any suspect, prisoner or arrestee, the transporting officer shall search all areas of the vehicle that are accessible by the person before and after that person is transported.

All department vehicles are subject to inspection and/or search at any time by a supervisor without notice and without cause. No employee assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

701.3.4 SECURITY AND UNATTENDED VEHICLES

Unattended vehicles should be locked and secured at all times. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging). Officers who exit a vehicle rapidly in an emergency situation or to engage in a foot pursuit must carefully balance the need to exit the vehicle quickly with the need to secure the vehicle.

Employees shall ensure all weapons are secured while the vehicle is unattended.

701.3.5 MDC

Employees assigned to vehicles equipped with a Mobile Digital Computer (MDC) shall log onto the MDC with the required information when going on-duty. If the vehicle is not equipped with a working MDC, the employee shall notify Communications Unit. Use of the MDC is governed by the Mobile Digital Computer Use Policy.

701.3.6 VEHICLE LOCATION SYSTEM

Patrol and other vehicles, at the discretion of the Chief of Police, may be equipped with a system designed to track the vehicle's location. While the system may provide vehicle location and other information, members are not relieved of their responsibility to use required communication practices to report their location and status.

Employees shall not make any unauthorized modifications to the system. At the start of each shift, members shall verify that the system is on and report any malfunctions to their supervisor. If the member finds that the system is not functioning properly at any time during the shift, he/she should exchange the vehicle for one with a working system, if available.

System data may be accessed by supervisors at any time. However, access to historical data by other than supervisors will require Lieutenant approval.

All data captured by the system shall be retained in accordance with the established records retention schedule.

701.3.7 KEYS

Employees approved to operate marked patrol vehicles should be issued a copy of the key as part of their initial equipment distribution. Employees who are assigned a specific vehicle should be issued keys for that vehicle.

Employees shall not duplicate keys. The loss of a key shall be promptly reported in writing through the employee's chain of command.

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701.3.8 AUTHORIZED PASSENGERS

Employees operating department vehicles shall not permit persons other than University 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.

701.3.9 ALCOHOL

Employees 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.

701.3.10 PARKING

Except when responding to an emergency or when urgent department-related business requires otherwise, employees driving department vehicles should obey all parking regulations at all times.

Department vehicles should be parked in assigned stalls. employees shall not park privately owned vehicles in stalls assigned to department vehicles or in other areas of the parking lot that are not so designated unless authorized by a supervisor. Privately owned motorcycles shall be parked in designated areas.

701.3.11 ACCESSORIES AND/OR MODIFICATIONS

There shall be no modifications, additions or removal of any equipment or accessories without written permission from the assigned vehicle program manager.

701.3.12 NON-SWORN MEMBER USE

Non-sworn employees using marked emergency vehicles shall ensure there are no weapons have been present in the vehicle before going into service. Non-sworn members shall prominently display the "out of service" placards or light bar covers at all times. Non-sworn employees shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

701.3.13 TRANSPORTING IN-CUSTODY PERSONS

All persons in custody by the department should be transported in patrol vehicles with safety barriers for the safety, security, and control of the transporting officer and person(s) in-custody. This does not apply to the transportation of in-custody mentally or physically sick or injured persons who are transported by a fire, medical, or other agency transport vehicle to an appropriate facility for treatment or processing. Refer to department policy on Seat Belts for additional directives in transporting persons in custody. In the event of extenuating circumstances, in-custody persons may be transported in a vehicle without a safety barrier ensuring the suspect is restrained in accordance with department policy, secured by a seat belt, and seated in the right rear passenger seat area. A support officer should be seated behind the driver in the left rear passenger area to ensure the safety of the driver and suspect during transport.

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701.4 INDIVIDUAL MEMBER ASSIGNMENT TO VEHICLES

Department vehicles may be assigned to individual employees 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.

701.4.1 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 employees at the discretion of the Chief of Police or the authorized designee.

701.4.2 UNSCHEDULED TAKE-HOME USE

Circumstances may arise where department vehicles must be used by employees to commute to and from a work assignment. employees may take home department vehicles only with prior approval of a supervisor and shall meet the following criteria:

- (a) The circumstances are unplanned and were created by the needs of the department.
- (b) Other reasonable transportation options are not available.
- (c) The employee lives within a reasonable distance (generally not to exceed a 60-minute drive time) of the University of California, San Diego University limits.
- (d) Off-street parking will be available at the member's residence.
- (e) Vehicles will be locked when not attended.
- (f) All firearms, weapons and control devices will be removed from the interior of the vehicle and properly secured in the residence when the vehicle is not attended unless the vehicle is parked in a locked garage.

701.4.3 ASSIGNED VEHICLES

Assignment of take-home vehicles shall be based on the location of the employee's residence, the nature of the employee's duties, job description and essential functions, and employment or appointment status. Residence in the University of University of California, San Diego is a prime consideration for assignment of a take-home vehicle. employees who reside outside the University of University of California, San Diego may be required to secure the vehicle at a designated location or the Department at the discretion of the Chief of Police.

Department employees shall sign a take-home vehicle agreement that outlines certain standards, including, but not limited to, how the vehicle shall be used, where it shall be parked when the employee is not on-duty, vehicle maintenance responsibilities and employee enforcement actions.

Employees are cautioned that under federal and local tax rules, personal use of a University vehicle may create an income tax liability for the employee. Questions regarding tax rules should be directed to the employee's tax adviser.

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Criteria for the 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 Lieutenant gives authorization.
- (b) Vehicles may be used to transport the employee to and from the employee's residence for work-related purposes.
- (c) Vehicles will not be used when off-duty except:
 - (a) In circumstances when an employee has been placed on call by the Chief of Police or Lieutenants and there is a high probability that the employee will be called back to duty.
 - (b) When the employee is performing a work-related function during what normally would be an off-duty period, including vehicle maintenance or traveling to or from a work-related activity or function.
 - (c) When the employee has received permission from the Chief of Police or Lieutenants.
 - (d) When the vehicle is being used by the Chief of Police, Lieutenants or employees who are in on-call administrative positions.
 - (e) When the vehicle is being used by on-call investigators.
- (d) While operating the vehicle, authorized employees will carry and have accessible their duty firearms and be prepared to perform any function they would be expected to perform while on-duty.
- (e) The two-way communications radio, MDC and global positioning satellite device, if equipped, must be on and set to an audible volume when the vehicle is in operation.
- (f) Unattended vehicles are to be locked and secured at all times.
 - 1. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging).
 - 2. All weapons shall be secured while the vehicle is unattended.
 - 3. All department identification, portable radios and equipment should be secured.
- (g) Vehicles are to be parked off-street at the employee's residence unless prior arrangements have been made with the Chief of Police or the authorized designee. If the vehicle is not secured inside a locked garage, all firearms and kinetic impact weapons shall be removed and properly secured in the residence (see the Firearms Policy regarding safe storage of firearms at home).
- (h) Vehicles are to be secured at the employee's residence or the appropriate department facility, at the discretion of the Department when an employee will be away (e.g., on vacation) for periods exceeding one week.
 - 1. If the vehicle remains at the residence of the employee, the Department shall have access to the vehicle.

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2. If the employee is unable to provide access to the vehicle, it shall be parked at the Department.
 - (i) The employee is responsible for the care and maintenance of the vehicle.

701.4.4 ENFORCEMENT ACTIONS

When driving a take-home vehicle to and from work outside of the jurisdiction of the UC San Diego Police Department or while off-duty, an officer shall not initiate enforcement actions except in those circumstances where a potential threat to life or serious property damage exists (see the Off-Duty Law Enforcement Actions and Law Enforcement Authority policies).

Officers may render public assistance when it is deemed prudent (e.g., to a stranded motorist).

Officers driving take-home vehicles shall be armed, appropriately attired and carry their department-issued identification. Officers should also ensure that department radio communication capabilities are maintained to the extent feasible.

701.4.5 MAINTENANCE OF INDIVIDUAL ASSIGNED VEHICLE

Employees are responsible for the cleanliness (exterior and interior) and overall maintenance of their assigned vehicles. Cleaning and maintenance supplies will be provided by the Department. Failure to adhere to these requirements may result in discipline and loss of vehicle assignment. The following should be performed as outlined below:

- (a) Employees shall make daily inspections of their assigned vehicles for service/maintenance requirements and damage.
- (b) It is the employee's responsibility to ensure that his/her assigned vehicle is maintained according to the established service and maintenance schedule.
- (c) All scheduled vehicle maintenance and car washes shall be performed as necessary at a facility approved by the department supervisor in charge of vehicle maintenance.
- (d) The Department shall be notified of problems with the vehicle and approve any major repairs before they are performed.
- (e) When leaving the vehicle at the maintenance facility, the employee will complete a vehicle repair card explaining the service or repair, and leave it on the seat or dash.
- (f) All weapons shall be removed from any vehicle left for maintenance.
- (g) Supervisors shall make, at a minimum, monthly inspections of vehicles assigned to employees under their command to ensure the vehicles are being maintained in accordance with this policy.

701.5 UNMARKED VEHICLES

Vehicles are assigned to various divisions and their use is restricted to the respective division and the assigned employee unless otherwise approved by a division supervisor. Any employee operating an unmarked vehicle shall record vehicle usage data on the sign-out log maintained both within the vehicle and in the division for that purpose. Any use of unmarked vehicles by those

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who are not assigned to the division to which the vehicle is assigned shall also record the use within the sign-out log and with the Watch Commander.

701.6 DAMAGE, ABUSE AND MISUSE

When any department vehicle is involved in a traffic collision or otherwise incurs damage, the involved employee shall promptly notify a supervisor. Any traffic collision report shall be filed with the agency having jurisdiction (see the Traffic Collision Reporting Policy).

Damage to any department vehicle that was not caused by a traffic collision shall be immediately reported during the shift in which the damage was discovered, documented in memorandum format and forwarded to the Watch Commander. An administrative investigation should be initiated to determine if there has been any vehicle abuse or misuse.

701.8 TOLL ROAD USAGE

Law enforcement vehicles are not routinely exempted from incurring toll road charges.

To avoid unnecessary toll road charges, all employees operating department vehicles on a toll road shall adhere to the following:

- (a) Employees operating department vehicles for any reason other than in response to an emergency shall pay the appropriate toll charge or utilize the appropriate tollway transponder. employees may submit a request for reimbursement from the University for any toll fees incurred in the course of official business.
- (b) Employees passing through a toll plaza or booth during a response to an emergency shall notify, in writing, the appropriate Lieutenant within five working days explaining the circumstances.

701.7 ATTIRE AND APPEARANCE

When operating any marked department vehicle employees should be in an approved department uniform per the Uniform Regulations policy. Employees should avoid driving a marked vehicle in civilian attire unless the vehicle has been clearly marked as out of service.

When operating any unmarked department vehicle employees should dress in a manner appropriate for their intended activity. Whenever in view of or in contact with the public, their attire and appearance, regardless of the activity, should be suitable to reflect positively upon the Department.

701.9 SECTION TITLE

Vehicle Maintenance

702.1 PURPOSE AND SCOPE

Employees are responsible for assisting in maintaining Department vehicles so that they are properly equipped, properly maintained, properly refueled and present a clean appearance.

702.2 DEFECTIVE VEHICLES

When a department vehicle becomes inoperative or in need of repair that affects the safety of the vehicle, that vehicle shall be removed from service as soon as possible and proper notification made. Proper documentation shall be promptly completed by the employee who first becomes aware of the defective condition, describing the issue or conditions. The paperwork shall be promptly forwarded to the Vehicle Maintenance Coordinator for scheduling of maintenance or repair.

702.2.1 DAMAGE OR POOR PERFORMANCE

Vehicles that may have been damaged, or perform poorly shall be removed from service for inspections and repairs as soon as practicable.

702.2.2 SEVERE USE

Vehicles operated under severe-use conditions, which include operations for which the vehicle is not designed or that exceed the manufacturer's parameters, should be removed from service and subjected to a safety inspection as soon as practicable. Such conditions may include rough roadway or off-road driving, hard or extended braking, pursuits or prolonged high-speed operation.

702.2.3 REMOVAL OF WEAPONS

All firearms, weapons and control devices shall be removed from a vehicle and properly secured in the department armory prior to the vehicle being released for maintenance, service or repair.

702.3 VEHICLE EQUIPMENT

Certain items shall be maintained in all department vehicles for emergency purposes and to perform routine duties.

702.3.1 PATROL VEHICLES

Officers shall inspect the patrol vehicle at the beginning of the shift and ensure that the following equipment, at a minimum, is present in the vehicle:

- 1 Laptop computer
- 1 Assigned cell phone
- 1 Container of flares
- 1 Fire extinguisher
- 1 Rolatape
- 1 Crime scene barrier tape

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- 1 Reflective vest (traffic control)
- 1 Wrap restraint system
- 1 Bottle of antibacterial hand sanitizer
- 1 Bottle of antibacterial wipes

1 Report file box

- Various forms and reports
- 1 Bottle of antibacterial hand sanitizer
- 1 Bottle of antibacterial wipes

1 Ballistic Vest

- 2 AR magazines – fully loaded
- 2 Glock 9 mm magazines – fully loaded
- 1 Black Sharpie
- 1 Silver sharpie
- 1 Swat tourniquet
- 1 CPR shield
- 1 Chest seal
- 1 Z-pak dressing
- 1 Emergency bandage
- 1 Celox battlefield dressing
- 1 Door prop
- 1 Glass breaker/seat belt cutter
- 1 Zip cuff

1 Evidence Kit

- 1 Fiberglass tape measure
- 1 Ruler
- 1 Sharpie
- 1 Needle container
- 1 Latent print kit

1 First Aid kit

- 1 AED with Pediatric Pads
- 1 Emergency blanket

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- 1 Bottle of wipes
- 1 Bag of rubber gloves
- 1 Window punch
- 1 Seat belt cutter
- 1 Door prop
- 2 Blue pads
- 4 Barf bibs
- 1 Pair of goggles or glasses
- 1 N95 mask
- 1 Breath mask – for CPR
- 1 Haz mat book
- 1 Spit mask
- 1 Extra trauma kit

702.3.2 WATCH COMMANDER VEHICLE

The Watch Commander vehicle is equipped with all of the items listed in the patrol vehicles subsection above. In addition, the Watch Commander vehicle is equipped with the following:

- The Command Board
- Command Flag
- Major/Critical Incident blue Command Bag
- BlackHawk Dynamic Entry 4 pc Breaching Tool

702.4 VEHICLE REFUELING

Absent emergency conditions or supervisor approval, officers driving patrol vehicles shall not place a vehicle in service that has less than three-quarter tank of fuel. Vehicles shall be refueled at the end of shift at the authorized location.

702.5 WASHING OF VEHICLES

All units shall be kept clean at all times and weather conditions permitting, shall be washed as necessary to enhance their appearance.

Officers in patrol shall obtain clearance from the Watch Commander and notify the Communications Unit before responding to the car wash. Only one marked unit should be at the car wash at the same time unless otherwise approved by a supervisor.

Employees using a vehicle shall remove any trash or debris at the end of their shift. Confidential material should be placed in a designated receptacle provided for the shredding of this matter.

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702.6 NON-SWORN EMPLOYEE USE

Non-sworn employees using marked vehicles shall ensure all weapons are removed from vehicles before going into service. Non-sworn employees shall also prominently display the “out of service” placards or lightbar covers at all times. Non-sworn employees shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

Personal Communication Devices

703.1 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.

703.2 POLICY

The UC San Diego Police Department allows employees to utilize department-issued or funded PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations. Any PCD used while on-duty, or used off-duty in any manner reasonably related to the business of the Department, will be subject to monitoring and inspection consistent with the standards set forth in this policy.

The inappropriate use of a PCD while on-duty may impair officer safety. Additionally, employees are advised and cautioned that the use of a personally owned PCD either on-duty or after duty hours for business-related purposes may subject the employee and the employee's PCD records to civil or criminal discovery or disclosure under applicable public records laws.

Employees who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory personnel.

703.3 PRIVACY EXPECTATION

Employees forfeit any expectation of privacy with regard to any communication accessed, transmitted, received or reviewed on any PCD issued or funded by the Department 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).

703.3.1 CALIFORNIA ELECTRONIC COMMUNICATIONS PRIVACY ACT (CALECPA)

No employee is authorized to be the sole possessor of a department-issued PCD. Department-issued PCDs can be retrieved, reassigned, accessed or used by any employee as directed by a supervisor without notice. employee use of a department-issued PCD and use of a personal PCD at work or for work-related business constitutes specific consent for access for department purposes. Prior to conducting an administrative search of a PCD, supervisors should consult legal counsel to ensure access is consistent with CalECPA (Penal Code § 1546; Penal Code § 1546.1).

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703.4 DEPARTMENT-ISSUED PCD

Depending on an employee's assignment and the needs of the position, the Department may, at its discretion, issue or fund a PCD. Department-issued or funded PCDs are provided as a convenience to facilitate on-duty performance only. Such devices and the associated telephone number shall remain the sole property of the Department and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause.

Unless an employee is expressly authorized by the Chief of Police or the authorized designee for off-duty use of the PCD, the PCD will either be secured in the workplace at the completion of the tour of duty or will be turned off when leaving the workplace.

703.5 PERSONALLY OWNED PCD

Employees may carry a personally owned PCD while on-duty, subject to the following conditions and limitations:

- (a) Permission to carry a personally owned PCD may be revoked if it is used contrary to provisions of this policy.
- (b) The Department accepts no responsibility for loss of or damage to a personally owned PCD.
- (c) The PCD and any associated services shall be purchased, used and maintained solely at the employee's expense.
- (d) The device should not be used for work-related purposes except in exigent circumstances (e.g., unavailability of radio communications). employees will have a reduced expectation of privacy when using a personally owned PCD in the workplace and have no expectation of privacy with regard to any department business-related communication.
 - 1. employees may use personally owned PCDs on-duty for routine administrative work as authorized by the Chief of Police.
- (e) The device shall not be utilized to record or disclose any business-related information, including photographs, video or the recording or transmittal of any information or material obtained or made accessible as a result of employment with the Department, without the express authorization of the Chief of Police or the authorized designee.
- (f) 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, employees 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 an employee's personally owned PCD should be transferred to the UC San Diego Police Department and deleted from the employee's PCD as soon as reasonably practicable but no later than the end of the employee's shift.

Except with prior express authorization from their supervisor, employees are not obligated or required to carry, access, monitor or respond to electronic communications using a personally

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owned PCD while off-duty. If an employee is in an authorized status that allows for appropriate compensation consistent with policy or existing memorandum of understanding or collective bargaining agreements, or if the employee has prior express authorization from his/her supervisor, the employee may engage in business-related communications. Should employees engage in such approved off-duty communications or work, employees entitled to compensation shall promptly document the time worked and communicate the information to their supervisors to ensure appropriate compensation. employees who independently document off-duty department-related business activities in any manner shall promptly provide the Department with a copy of such records to ensure accurate record keeping.

703.6 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) All PCDs in the workplace shall be set to silent or vibrate mode.
- (c) A PCD may not be used to conduct personal business while on duty, except for brief personal communications (e.g., informing family of extended hours). Employees shall endeavor to limit their use of PCDs to authorized break times, unless an emergency exists.
- (d) Employees may use a PCD to communicate with other personnel in situations where the use of radio communications is either impracticable or not feasible. PCDs should not be used as a substitute for, as a way to avoid, or in lieu of regular radio communications.
- (e) Employees are prohibited from taking pictures, audio or video recordings or making copies of any such picture or recording media unless it is directly related to official department business. Disclosure of any such information to any third party through any means, without the express authorization of the Chief of Police or the authorized designee, may result in discipline.
- (f) Employees will not access social networking sites for any purpose that is not official department business.
- (g) Using PCDs to harass, threaten, coerce or otherwise engage in inappropriate conduct with any third party is prohibited. Any employee having knowledge of such conduct shall promptly notify a supervisor.

703.7 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include, but are not limited to:

- (a) Ensuring that employees under their command are provided appropriate training on the use of PCDs consistent with this policy.
- (b) Monitoring, to the extent practicable, PCD use in the workplace and taking prompt corrective action if an employee is observed or reported to be improperly using a PCD.

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- (a) An investigation into improper conduct should be promptly initiated when circumstances warrant.
- (b) Before conducting any administrative search of an employee's personally owned device, supervisors should consult with the Chief of Police or the authorized designee.

703.8 OFFICIAL USE

Employees are reminded that PCDs are not secure devices and conversations may be intercepted or overheard. Caution should be exercised while utilizing PCDs to ensure that sensitive information is not inadvertently transmitted. As soon as reasonably possible, employees shall conduct sensitive or private communications on a land-based or other department communications network.

703.9 USE WHILE DRIVING

The use of a PCD while driving can adversely affect safety, cause unnecessary distractions and present a negative image to the public. Officers operating emergency vehicles should restrict the use of these devices to matters of an urgent nature and should, where practicable, stop the vehicle at an appropriate location to use the PCD.

Employees who are operating department vehicles that are not authorized emergency vehicles shall not use a PCD while driving unless the device is specifically designed and configured to allow hands-free use. In an emergency, a wireless phone may be used to place an emergency call to the Department or other emergency services agency (Vehicle Code § 23123; Vehicle Code § 23123.5). Hands-free use should be restricted to business-related calls or calls of an urgent nature.

Personal Protective Equipment

704.1 PURPOSE AND SCOPE

This policy identifies the different types of personal protective equipment (PPE) provided by the Department as well the requirements and guidelines for the use of PPE.

This policy does not address ballistic vests or protection from communicable disease, as those issues are addressed in the Body Armor and Communicable Diseases policies.

704.1.1 DEFINITIONS

Definitions related to this policy include:

Personal protective equipment (PPE) - Equipment that protects a person from serious workplace injuries or illnesses resulting from contact with chemical, radiological, physical, electrical, mechanical or other workplace hazards.

Respiratory PPE - Any device that is worn by the user to protect from exposure to atmospheres where there is smoke, low levels of oxygen, high levels of carbon monoxide, or the presence of toxic gases or other respiratory hazards. For purposes of this policy, respiratory PPE does not include particulate-filtering masks such as N95 or N100 masks.

704.2 POLICY

The UC San Diego Police Department endeavors to protect employees by supplying certain PPE to employees as provided in this policy.

704.3 OFFICER RESPONSIBILITIES

Employees are required to use PPE as provided in this policy and pursuant to their training.

Employees are responsible for proper maintenance and storage of issued PPE. PPE should be stored in an appropriate location so that it is available when needed.

Any employee who identifies hazards in the workplace is encouraged to utilize the procedures in the Illness and Injury Prevention Policy to recommend new or improved PPE or additional needs for PPE.

704.4 HEARING PROTECTION

Approved hearing protection shall be used by employees during firearms training.

Hearing protection shall meet or exceed the requirements provided in 8 CCR 5098.

704.5 EYE PROTECTION

Approved eye protection, including side protection, shall be used by employees during firearms training. Eye protection for employees who wear prescription lenses shall incorporate the prescription (e.g., eye protection that can be worn over prescription lenses). Employees shall ensure their eye protection does not interfere with the fit of their hearing protection.

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The Rangemaster shall ensure eye protection meets or exceeds the requirements provided in 8 CCR 3382.

704.6 HEAD AND BODY PROTECTION

All sworn officers who make arrests or control crowds should be provided ballistic head protection with an attachable face shield.

All sworn officers assigned to the System-Wide Response Team (SRT) shall be issued full body padded protection in accordance with current SRT policy and procedures.

704.7 RESPIRATORY PROTECTION

The Operations Lieutenant is responsible for ensuring a respiratory protection plan is developed and maintained by a trained and qualified member. The plan shall include procedures for (8 CCR 5144):

- (a) Selecting appropriate respiratory PPE based on hazards and risks associated with functions or positions.
- (b) Fit testing, including identification of members or contractors qualified to conduct fit testing.
- (c) Medical evaluations.
- (d) PPE inventory control.
- (e) PPE issuance and replacement.
- (f) Cleaning, disinfecting, storing, inspecting, repairing, discarding and otherwise maintaining respiratory PPE, including schedules for these activities.
- (g) Regularly reviewing the PPE plan.
- (h) Remaining current with applicable National Institute for Occupational Safety and Health (NIOSH), American National Standards Institute (ANSI), Occupational Safety and Health Administration (OSHA), Environmental Protective Agency (EPA) and state PPE standards and guidelines.

704.7.1 RESPIRATORY PROTECTION USE

Designated employees may be issued respiratory PPE based on the employee's assignment (e.g., a narcotics investigator who is involved in clandestine lab investigations).

Respiratory PPE may be worn when authorized by a scene commander who will determine the type and level of protection appropriate at a scene based upon an evaluation of the hazards present.

Scene commanders are responsible for monitoring employees using respiratory PPE and their degree of exposure or stress. When there is a change in work area conditions or when an employee's degree of exposure or stress may affect respirator effectiveness, the scene commander shall reevaluate the continued effectiveness of the respirator and direct the employee to leave the respirator use area when the scene commander reasonably believes (8 CCR 5144):

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- (a) It is necessary for the employee to wash his/her face and the respirator facepiece to prevent eye or skin irritation associated with respirator use.
- (b) The employee detects vapor or gas breakthrough, or there is a change in breathing resistance or leakage of the facepiece.
- (c) The employee needs to replace the respirator, filter, cartridge or canister.

704.7.2 EMPLOYEE RESPONSIBILITIES FOR RESPIRATORY PROTECTION

Employees shall not use self-contained breathing apparatus (SCBA), full-face respirators or cartridge respirators unless they have completed training requirements for the equipment.

Employees exposed to environments that are reasonably known to be harmful due to gases, smoke or vapors shall use respiratory PPE.

Employees using respiratory PPE shall (8 CCR 5144):

- (a) Ensure that they have no facial hair between the sealing surface of the facepiece and the face that could interfere with the seal or the valve function. Employees also shall ensure that they have no other condition that will interfere with the face-to-facepiece seal or the valve function.
- (b) Not wear corrective glasses, goggles or other PPE that interferes with the seal of the facepiece to the face, or that has not been previously tested for use with that respiratory equipment.
- (c) Perform a user seal check per department-approved procedures recommended by the respirator manufacturer each time they put on a tight-fitting respirator.
- (d) Leave a respiratory use area whenever they detect vapor or gas breakthrough, changes in breathing resistance or leakage of their facepiece and ensure that the respirator is replaced or repaired before returning to the affected area.

704.7.3 GAS MASK

Full-face air-purifying respirators, commonly referred to as gas masks, may be fitted with mechanical pre-filters or combination cartridge/filter assemblies for use in areas where gases, vapors, dust, fumes or mists are present. Employees must identify and use the correct cartridge based on the circumstances (8 CCR 5144).

A scene commander may order the use of gas masks in situations where the use of an SCBA is not necessary. These incidents may include areas where tear gas has or will be used or where a vegetation fire is burning. Gas masks shall not be used if there is a potential for an oxygen-deficient atmosphere.

Employees shall ensure their gas mask filters are replaced whenever:

- (a) They smell, taste or are irritated by a contaminant.
- (b) They experience difficulty breathing due to filter loading.
- (c) The cartridges or filters become wet.
- (d) The expiration date on the cartridges or canisters has been reached.

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704.7.4 RESPIRATOR FIT TESTING

No employee shall be issued respiratory PPE until proper fit testing has been completed by a designated employee or contractor (8 CCR 5144).

After initial testing, fit testing for respiratory PPE shall be repeated (8 CCR 5144):

- (a) At least once every 12 months.
- (b) Whenever there are changes in the type of SCBA or facepiece used.
- (c) Whenever there are significant physical changes in the user (e.g., obvious change in body weight, scarring of the face seal area, dental changes, cosmetic surgery or any other condition that may affect the fit of the facepiece seal).

All respirator fit testing shall be conducted in negative-pressure mode.

704.7.5 RESPIRATORY MEDICAL EVALUATION QUESTIONNAIRE

No employee shall be issued respiratory protection that forms a complete seal around the face until (8 CCR 5144):

- (a) The employee has completed a medical evaluation that includes a medical evaluation questionnaire.
- (b) A physician or other licensed health care professional has reviewed the questionnaire.
- (c) The employee has completed any physical examination recommended by the reviewing physician or health care professional.

704.8 RECORDS

The Training Manager and UC San Diego Environmental Health and Safety are responsible for maintaining records of all:

- (a) PPE training.
- (b) Initial fit testing for respiratory protection equipment.
- (c) Annual fit testing.
- (d) Respirator medical evaluation questionnaires and any subsequent physical examination results.

1. These records shall be maintained in a separate confidential medical file.

The records shall be maintained in accordance with the department records retention schedule and 8 CCR 5144.

704.9 TRAINING

Employees should be trained in the respiratory and other hazards to which they may be potentially exposed during routine and emergency situations.

All employees shall be trained in the proper use and maintenance of PPE issued to them, including when the use is appropriate; how to put on, remove and adjust PPE; how to care for the PPE; and the limitations (8 CCR 3380).

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Employees issued respiratory PPE shall attend annual training on the proper use of respiratory protection devices (8 CCR 5144).

Use of Department Fitness Equipment

705.1 PURPOSE AND SCOPE

The purpose of this policy is to establish rules for the utilization of department fitness equipment and the exercise room.

705.1.1 POLICY

UCSD Police Department personnel will use all departmental fitness equipment in a safe manner. All personnel using department fitness equipment are required to be familiar with the following rules and shall abide by them.

705.1.2 EXCLUSIVITY

- (a) The exercise and weight training equipment is for the exclusive use of police department personnel. No other persons will be permitted to use the facility without the express permission of the Chief of Police.
- (b) Sworn police officers will have priority use over all other departmental employees. Non-sworn employees may use the equipment on a space available basis only.
- (c) Department student employees are encouraged to utilize the conditioning facilities maintained by the Campus Athletic and Recreation Departments and may only use the police equipment under special circumstances as delineated by the chief.

705.1.3 CARE OF EQUIPMENT

The following measures should be taken when using the fitness equipment, failure to do so can result in a loss of privileges:

- (a) When using the equipment, employees shall place a towel down on the bench before lying down. Report broken or malfunctioning equipment to a supervisor immediately. Take steps to ensure that the damaged equipment is taken out of service. Do not attempt to repair equipment yourself.
- (b) The exercise room or training room will be cleaned up after use (i.e. mats, weights and other equipment put away, and all equipment wiped down and cleaned).
- (c) Dropping and/or slamming weights is prohibited. Not only does this cause damage to the machines, but it also demonstrates improper lifting form.
- (d) Anyone using the free weights shall stack them back on the weight rack.

705.1.4 USE

- (a) Each individual using the fitness facility is responsible to become familiar with the safe operation of the fitness equipment. Employees wishing to use the department weight room must first complete a weight room orientation with the Department Wellness Coordinator or designee.
- (b) Each individual using the equipment is responsible for exercising due caution and following proper procedures to minimize the risk of injury.

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- (c) Warming up is mandatory before working out.
- (d) Appropriate workout apparel shall be worn at all times. Shirts and shoes are required.

705.1.5 ON-DUTY WORKOUT TIME

The Chief of Police has authorized Department employees to do physical training (PT) under the following conditions:

(a) **SWORN PERSONNEL**

1. Sworn employees are authorized to use the PT facility for one hour each day (this includes the time it takes to shower and dress).
2. Use of the Department's fitness facility must first be approved by the on-duty Watch Commander
3. Officers who are on "PT" time shall be available to respond to all emergency calls for service.
4. Officers who walk or jog during their PT time shall carry their department radio at all times and will be monitor radio traffic.

(b) **USOs**

1. USOs may use time on duty for physical training under the following conditions:
 - (a) Physical training on duty will be at the discretion of a USO sergeant or USO corporal. In their absence, physical training on duty will be at the discretion of the watch commander.
 - (b) Physical training on duty is authorized for one hour per shift, no more than three hours per week.
 - (c) Physical training on duty is authorized between 0500 hours and 0600 hours (between 0330 hours and 0430 hours on Tuesdays during the academic year).
 - (d) All administrative work and other assignments must be completed prior to on-duty physical training.
 - (e) No more than three USOs may use time on duty for physical training at a time.
 - (f) Physical training on duty is not authorized for USOs working light duty.
2. On-duty physical training rules:
 - (a) USOs may exercise inside the police station (weight room, training room), on Warren Field or other areas authorized by the USO sergeants.
 - (b) USOs must carry their radio at all times and monitor radio traffic. USOS will be responsible for answering radio calls if necessary.
 - (c) On-duty physical training time may not be used for ground fighting, self-defense, defensive tactics, etc.

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- (d) USOs are responsible for their own transportation to the station for physical training.
- (c) **DISPATCHERS AND RECORDS EMPLOYEES**
 - 1. The Dispatch and Records Supervisors has established rules for a dispatcher who wish to do PT during their shift. Dispatchers wishing to do PT during work hours must discuss those rules with the Dispatch Supervisor.

Key Management System

706.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a procedure for ensuring security and control of department keys and key rings that are stored in the department's key management system.

706.1.1 PATROL KEYS

Patrol key rings will either be in the possession of a sworn officer or assigned non-sworn employee, locked in a patrol vehicle, or in the key management system. All key rings will be accounted for at the beginning and at the end of each shift. The Watch Commander on duty is responsible for compliance with this policy.

(a) Check Out/in Procedure

1. When coming on duty, officers will obtain patrol key rings from the key management system.
2. When going off duty, officers will return key rings to the key management system.

(b) Special Circumstances

1. If an officer involuntarily ends the shift due to injury or other occurrence, it is the responsibility of the Watch Commander to secure the officer's key ring and ensure its return to the key management system.
2. If an officer misplaces any key ring or any key from the key ring, they will immediately notify the Watch Commander. The officer will complete an officers' report recounting the circumstances of the loss.
3. If a key from one of the patrol key rings is broken, damaged or does not work, the officer will send an e-mail to the sergeant in charge informing the sergeant of the broken/inoperable key (including key number and key ring number) and copy his or her supervisor.

706.1.2 USO KEYS

USO key rings will either be in the possession of a USO or locked in the key management system. All key rings will be accounted for at the beginning and at the end of each shift. The USO Sergeant or Corporal is responsible for compliance with this policy. If a USO Sergeant is not working, the Watch Commander will be responsible to verify that USOs comply with this policy.

(a) Check Out/In Procedure

1. When coming on duty, USOs will obtain key rings from the key management system .
2. When going off duty, USOs will return key rings to the key management system . If a USO leaves early, he or she may give the campus keys to another USO who is covering the campus. That USO will be responsible to return the keys to the key management system . Both USOs will note the key transfer in their logs.

(b) Special Circumstances

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1. If a USO involuntarily ends the shift due to injury or other occurrence, it is the responsibility of the Watch Commander to secure the USO's key ring and ensure its return to the key management system or give it to another USO who is covering that campus.
2. If a USO misplaces any key ring or any key from the key ring, they will immediately notify the USO Sergeant or Corporal or Watch Commander. The USO will complete an officer's report recounting the circumstances of the loss.
3. If a key from one of the USO key rings is broken, damaged or does not work, the USO will send an e-mail to the USO sergeant(s) informing the sergeant(s) of the broken/inoperable key (including key number and key ring number).

706.1.3 OTHER KEYS

All Keys that are in the key management system have been placed there for convenient access as well as accountability. Each employee who removes keys from the key management system is responsible for those keys until the keys are returned to the key management system .

- (a) If an employee involuntarily ends the shift due to injury or other occurrence, it is the responsibility of that employee's supervisor to ensure that any keys that have been checked out by the employee are returned to the key management system .
- (b) If a key ring is misplaced or any key from a key ring is damaged or broken, the employee will immediately notify their supervisor. If the employee's supervisor is not on duty the employee will immediately inform the Watch Commander and send an email to their supervisor informing the supervisor of the circumstances.
- (c) Access to keys in the key management system is dictated by an employee's job functions. The Department Business Manager and the sergeant in charge of the key management system will regulate the access to keys. Any supervisor who wishes to grant or deny access to specific keys will work with the Department Business Manager and the sergeant in charge to make any modifications to key access.
- (d) Any employee desiring temporary access to a key that is not normally accessible to the employee will contact their supervisor. If the supervisor is not available, the employee will contact the Watch Commander or a division lieutenant /manager or the Department Business Manager to request the key be checked out on the employee's behalf. Any manager or Watch Commander checking a key out for another employee will ensure that keys are returned to the key management system .
- (e) Any department employee that checks out the Police Station Master Key will send an email to the Department Business Manager stating the date, time and purpose for checking out the Master Key.

Military Equipment

707.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the approval, acquisition, and reporting requirements of military equipment (Government Code § 7070; Government Code § 7071; Government Code § 7072).

707.1.1 DEFINITIONS

Definitions related to this policy are set forth by Government Code § 7070:

Governing body – The elected or appointed body that oversees the Department.

Military equipment – Includes:

- Unmanned, remotely piloted, powered aerial or ground vehicles.
- Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers.
- High mobility multipurpose wheeled vehicles (HMMWV), two-and-one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached.
- Tracked armored vehicles that provide ballistic protection to their occupants.
- Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
- Weaponized aircraft, vessels, or vehicles of any kind.
- Battering rams, slugs, and breaching apparatuses that are explosive in nature. This does not include a handheld, one-person ram.
- Firearms and ammunition of .50 caliber or greater, excluding standard-issue shotguns and standard-issue shotgun ammunition.
- Specialized firearms and ammunition of less than .50 caliber, including firearms and accessories identified as assault weapons in Penal Code § 30510 and Penal Code § 30515, with the exception of standard-issue firearms.
- Any firearm or firearm accessory that is designed to launch explosive projectiles.
- Noise-flash diversionary devices and explosive breaching tools.
- Munitions containing tear gas or OC, excluding standard, service-issued handheld pepper spray.
- TASER® Shockwave, microwave weapons, water cannons, and long-range acoustic devices (LRADs).
- Kinetic energy weapons and munitions.
- Any other equipment as determined by a governing body or a state agency to require additional oversight.

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707.2 POLICY

It is the policy of the UC San Diego Police Department that members of this Department comply with the provisions of Government Code § 7071 with respect to military equipment.

707.2.1 COMPLIANCE PROCEDURE

The University of California San Diego Police Department will ensure that all Department members comply with this policy and the policies that govern the use of equipment defined as military equipment. The UC San Diego Police Department shall conduct an annual audit. The Chief of Police or their designee will be notified of any policy violation(s). If needed, the violation(s) will be referred to an internal complaint investigation and handled according to UC San Diego Police Department's Personnel Complaint policy. All instances of non-compliance will be reported to the UC Board of Regents as part of the annual military equipment report.

Any member of the public can register a complaint, question, or a concern regarding military equipment use by sending their question via email to askacop@ucsd.edu. The Chief of Police or their designee will respond in a timely manner.

707.3 MILITARY EQUIPMENT COORDINATOR

The Chief of Police should designate a member of this Department to act as the military equipment coordinator. The responsibilities of the military equipment coordinator include but are not limited to:

- (a) Acting as liaison to the governing body for matters related to the requirements of this policy.
- (b) Identifying department equipment that qualifies as military equipment in the current possession of the Department, or the equipment the Department intends to acquire that requires approval by the governing body.
- (c) Conducting an inventory of all military equipment at least annually.
- (d) Collaborating with any other law enforcement agencies that may use military equipment within the jurisdiction of UC San Diego Police Department (Government Code § 7071).
- (e) Preparing for, scheduling, and coordinating the annual community engagement meeting to include:
 1. Publicizing the details of the meeting.
 2. Preparing for public questions regarding the Department's funding, acquisition, and use of equipment.
- (f) Preparing the annual military equipment report for submission to the Chief of Police and ensuring that the report is made available on the department website (Government Code § 7072).

707.4 MILITARY EQUIPMENT INVENTORY

The following constitutes a list of qualifying equipment for the UC Police Departments:

[See attachment: All UCs Inventory.pdf](#)

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See attachment: [CATEGORY 8 FIREARMS AND AMMUNITION OF .50 CALIBER OR GREATER EXCLUDING STANDARD-ISSUE SHOTGUNS AND THE STANDARD ISSUE SHOTGUN AMMUNITION.pdf](#)

See attachment: [CATEGORY 12 MUNITIONS CONTAINING TEAR GAS OR O.C. EXCLUDING STANDARD SERVICE-ISSUED HAND-HELD PEPPER SPRAY.pdf](#)

See attachment: [CATEGORY 13 TASER SHOCKWAVE MICROWAVE WEAPONS WATER CANNONS AND LONG-RANGE ACOUSTIC DEVICES.pdf](#)

See attachment: [Category 14 KINETIC ENERGY WEAPONS AND MUNITIONS.pdf](#)

707.5 APPROVAL

The Chief of Police or the authorized designee shall obtain approval from the governing body by way of an ordinance adopting the military equipment policy (Government Code § 7071(a)(1).

As part of the approval process, the Chief of Police or the authorized designee shall ensure the proposed military equipment policy is submitted to the governing body and is available on the Department website at least 30 days prior to any public hearing concerning the military equipment at issue (Government Code § 7071(b)).

The military equipment policy must be approved by the governing body prior to engaging in any of the following (Government Code § 7071(a)):

- (a) Requesting military equipment made available pursuant to 10 U.S.C. § 2576a.
- (b) Seeking funds for military equipment, including but not limited to applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.
- (c) Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.
- (d) Collaborating with another law enforcement agency in the deployment or other use of military equipment within the jurisdiction of this Department.
- (e) Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing body.
- (f) Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of military equipment.
- (g) Acquiring military equipment through any means not provided above.
- (h) This approval is intended to permit the Department to maintain the quantities of military equipment at the quantities that were last approved by the governing body. Accordingly, the Department can engage in any of the activities listed in 905.6(a)-(g) without seeking additional approval as long as the Department does not exceed the pre-approved quantity.
- (i) **MILITARY EQUIPMENT USE CONSIDERATIONS**

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- (a) The military equipment acquired and authorized by the Department is (Government Code § 7071(d) (1)):
 - (a) Necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.
 - (b) The military equipment use policy will safeguard the public's welfare, safety, civil rights, and civil liberties.
 - (c) Reasonably cost-effective compared to available alternatives, if any, that can achieve the same objective of officer and civilian safety.
 - (d) Military equipment shall only be used by a Department employee only after applicable training, including any course required by the Commission on Peace Officer Standards and Training, has been completed, unless exigent circumstances exist.

707.6 COORDINATION WITH OTHER JURISDICTIONS

Military equipment used by any member of this jurisdiction shall be approved for use and in accordance with this Department policy. Military equipment used by other jurisdictions that are providing mutual aid to this jurisdiction shall comply with their respective military equipment use policies in rendering mutual aid. Situations may arise where the Department may deploy or use military equipment, as defined, owned by other law enforcement agencies. The Department hereby adopts the military equipment use policy as is approved, and may be amended from time to time, under Government Code section 7070 et seq., for jurisdictions that the Department may engage with to provide mutual aid. This section is in no way a limitation to the ability of the Department to deploy or use the military equipment of another jurisdiction.

707.7 ANNUAL REPORT

Upon approval of a military equipment policy, the Chief of Police or the authorized designee should submit a military equipment report to the governing body of each type of military equipment approved within one year of approval, and annually thereafter for as long as the military equipment is available for use (Government Code § 7072).

The Chief of Police or the authorized designee should also make each annual military equipment report publicly available on the Department website for as long as the military equipment is available for use. The report shall include all information required for the preceding calendar year for each type of military equipment in department inventory (Government Code § 707).

The annual military equipment report shall, at a minimum, include the following information for the immediately preceding calendar year for each type of military equipment:

- (a) A summary of how the military equipment was used and the purpose of its use.
- (b) A summary of any complaints or concerns received concerning military equipment.
- (c) The results of any internal audits, any information about violations of the military equipment use policy, and any actions taken in response.

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- (d) The total annual cost of each type of military equipment, including acquisition, personnel training, transportation, maintenance, storage, upgrade, and other ongoing costs, and from what source funds will be provided for the military equipment in the calendar year following submission of the annual military equipment report.
- (e) The quantity possessed for each type of military equipment.
- (f) If the law enforcement agency intends to acquire additional military equipment in the next year, the quantity sought for each type of military equipment.

707.8 COMMUNITY ENGAGEMENT

Within 30 days of submitting and publicly releasing the annual report, the Department shall hold at least one well-publicized and conveniently located community engagement meeting, at which the general public may ask questions regarding the annual military equipment report and the law enforcement agency's funding, acquisition, or use of military equipment (Government Code § 7072(b)).

Long Range Acoustical Device (LRAD)

708.1 PURPOSE

This policy establishes guidelines and procedures related to the proper use and deployment the Long Range Acoustical Device (LRAD).

708.1.1 DEFINITIONS

Long Range Acoustical Device (LRAD) - A high-intensity directional acoustical array for long range, clear hailing and notification. The LRAD is primarily used as a communication device and can transmit live or prerecorded messages.

LRAD 100X - The Department utilizes the LRAD 100X system, a self-contained, lightweight, and compact battery-powered device that communicates up to 600 meters.

Decibels (dB) - a unit for expressing the relative intensity of sounds on a scale. The decibel scale ranges from zero to 130 decibels. The threshold of audibility is at zero decibels, and the threshold of physical pain for the human ear is at 130 decibels. These sound ratings (dB) are measured at one meter from the device. To understand the producible volume level of the LRAD in relation to normal sounds, see the table below:

20 dB – leaves rustling	60 dB – normal conversation
70 dB – busy street traffic	80 dB – vacuum cleaner
85 dB – OSHA requires hearing protection	100 dB – large orchestra
105 dB – lawn Mower	110 dB – front row of a rock concert
115 dB – limit of sound permitted in industry	130 dB– threshold of pain; deafening
135 dB – LRAD 100 at max volume	140 dB – military jet takeoff (50 meters)
146 dB – LRAD 500 at max volume	160 dB – Permanent hearing damage

Tone – a high-pitched, pulsating sound generated by the device, similar to a car alarm.

ACGIH - American Conference of Governmental Industrial Hygienists

NIOSH - National Institute for Occupational Safety and Health

OSHA - Occupational Safety and Health Administration

708.2 POLICY

It is the policy of the University of California San Diego Police Department that a Long Range Acoustical Device (LRAD) be used with live or recorded voice messages to communicate with the community during natural disasters, crowd management and control situations, or when other forms of communication are ineffective in communicating messages from Police, Fire or other University Departments to resolve situations where communicating with the public safely is paramount.

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Long Range Acoustical Device (LRAD)

LRAD 100X is not designed or designated to be used as a weapon. Members of the University of California San Diego Police Department shall not use any LRAD system as a weapon.

708.3 USE OF THE LRAD

Officers responding to an event or gathering that warrants law enforcement involvement should carefully balance free speech and expression with applicable public safety concerns before taking enforcement action. Officers are encouraged to contact organizers or responsible persons to seek voluntary compliance that may address relevant public safety/order concerns.

The LRAD shall not be used as a sonic weapon or a method of pain compliance. The LRAD shall only be used as a public announcement system to broadcast audible notifications and warnings over a distance. The LRAD should only be used at decibel levels and frequencies that are safe for the intended purpose and that are not reasonably likely or intended to cause injury.

Department members may utilize the LRAD in the following situations:

- (a) Communicating lifesaving information to residents during disasters.
- (b) Communicating to large crowds during university events, parades, festivals, concerts and sporting events.
- (c) Traffic control management.
- (d) Conducting Systemwide Response Team (SRT) operations
- (e) Communicate to protestors and the dispersal of crowds.
- (f) Communication during hostage and barricaded subject situations.
- (g) Service high-risk search warrants
- (h) Communicate to suicidal persons suicide persons where other methods of communication are ineffective or not practical
- (i) Conducting search and rescue operations

An LRAD may only be deployed with the approval of the Watch Commander or an Incident Commander. In a rapidly evolving event where there is the likelihood of serious injury or property damage, trained personnel are permitted to deploy the LRAD for use as a communication tool with supervisor approval. The scene supervisor shall ensure that Watch Commander or Incident Commander is notified as soon as practical.

708.4 PROCEDURES

LRAD Operation:

- (a) The LRAD is capable of playing pre-recorded messages, working as a Public Address system, or emitting a high-intensity tone. Personnel operating the LRAD should wear appropriate hearing protection, whether standing in front of or behind the unit.
- (b) Authority to use the LRAD must be approved by the Watch Commander, Incident Commander, Supervisor, or designee. Only properly trained personnel are authorized to operate the LRAD.

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Long Range Acoustical Device (LRAD)

The LRAD 100X has four primary law enforcement uses:

- (a) Public Address (PA) to issue Emergency Evacuation Orders, like those typically announced over a PA system to evacuate residents during a fire, landslide, earthquake, or other disaster or critical incident.
- (b) Communicate with subject(s) during law enforcement and public safety operations where direct communications are not possible or feasible, and loud, clear commands need to be relayed.
- (c) When directions need to be relayed to a group/crowd in a noisy environment (i.e., an order to disperse).
- (d) LRADs have a volume control with a graph that indicates intensity by color. Red is the most intense volume; yellow is intermediate; green is a lower sound output.

The LRAD 100x has a volume control with a graph that indicates intensity by color. Green is the lowest level sound output. Yellow is intermediate, and red is the most intense volume. The LRAD should not be operated in the Red Zone if subjects are closer than 15 yards.

LRAD Use Instructions:

- (a) Only officers who have completed LRAD training can operate the LRAD.
- (b) Point the LRAD in the direction of the subject(s) and turn the unit on. Increase the volume, within the restrictions of this procedure, until the message is clearly audible. It is recommended that an officer be placed behind any subject(s)/crowd to determine whether the device is safely audible.
- (c) The LRAD shall not be operated in the red zone if subjects are closer than 15 yards from the LRAD 100X and 83 yards from the LRAD 500X.
- (d) Use the tone in "short burst" (2-5 seconds) to gain attention; transmit a pre-recorded message on the MP3 player (like an order to disperse or an evacuation order); or, use the microphone for live, PA - type messaging.
- (e) "Voice boost" should be off when using the microphone.
- (f) Point the LRAD in the direction of the subjects(s) and turn the unit on. Increase the volume, within the restrictions of this procedure, until the message is clearly audible. It is recommended that an officer be placed behind any subjects/crowd to determine whether the device is safely audible to the crowd.
- (g) The chart below shows the permissible sound levels for a given period of time.

Duration of Exposure (hrs./day)	Sound Level - dB(A)		
	ACGIH	NIOSH	OSHA
16	82	82	85
8	85	85	90
4	88	88	95
2	91	91	100
1	94	94	105

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.5	97	97	110
.25	100	100	115*
.133	103	103	---

NOTE: Subjects should not be exposed to continuous or intermittent noise in excess of 115 dB or to impulsive or impact noise in excess of 140 dB peak sound pressure level.

708.5 REPORTS

The use of an LRAD device shall be included in all incident or after-action reports. The report will include the following

- (a) User(s) and the supervisor providing authorization.
- (b) Circumstances surrounding the use of the LRAD.
- (c) Approximate distance(s) between the LRAD and persons to the front of the device at the time of its use.
- (d) Dial settings used on the LRAD at the time of its use(s).
- (e) Time, duration of use, and number of uses.

Chapter 8 - Support Services

Communications Unit

800.1 PURPOSE AND SCOPE

The UCSD Police Department Communications Unit is part of the Specialized Services Division and is a State of California recognized 24-hour, seven day a week Public Safety Answering Point. It is the policy of this Department to provide 24-hour telephone service to the public for information and for emergency or routine assistance.

This policy establishes guidelines for the basic functions of the Communications Unit. It addresses the immediate information needs of the Department in the course of its normal daily activities and during emergencies. Specific operational procedures are contained in the communication center procedure manual.

800.2 POLICY

It is the policy of the UCSD Police Department to provide 24-hour telephone service to the public for emergency assistance and for routine information.

800.3 RESPONSIBILITIES

800.3.1 COMMUNICATIONS SERGEANT

The Chief of Police shall appoint and delegate certain responsibilities to a Communications Sergeant. The Communications Sergeant is directly responsible to the Specialized Services Lieutenant or the authorized designee.

The responsibilities of the Communications Sergeant include, but are not limited to:

- (a) Overseeing the efficient and effective operation of the Communications Unit 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.
 - 2. Processing requests for copies of Communications Unit information for release.
- (e) Maintaining Communications Unit database systems.
- (f) Maintaining and updating the Communications Unit 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.
- (g) 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 University personnel to be notified in the event of a utility service emergency.
- (j) Ensure proper use of CLETS information and maintain information for CLETS Misuse reporting.

800.3.2 ADDITIONAL PROCEDURES

The Communications Sergeant should establish procedures for:

- (a) Recording all telephone and radio communications and playback issues.
- (b) Storage and retention of recordings.
- (c) Security of audio recordings (e.g., passwords, limited access, authorized reviewers, preservation of recordings past normal retention standards).
- (d) Availability of current information for dispatchers (e.g., Watch Commander contact, rosters, member tracking methods, member contact, maps, emergency providers, tactical dispatch plans).
- (e) Assignment of field employees and safety check intervals.
- (f) Emergency Medical Dispatch (EMD) instructions.
- (g) Procurement of external services (e.g., fire suppression, ambulances, aircraft, tow trucks, taxis).
- (h) Protection of essential equipment (e.g., surge protectors, gaseous fire suppression systems, uninterruptible power systems, generators).
- (i) Protection of radio transmission lines, antennas and power sources for Communications Unit (e.g., security cameras, fences).
- (j) Handling misdirected, silent and hang-up calls.
- (k) Handling private security alarms, if applicable.
- (l) Radio interoperability issues.

800.3.3 PUBLIC SAFETY DISPATCHERS

Public Safety Dispatchers report to the Communications Sergeant. The responsibilities of the Public Safety 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)/TextTelephone (TTY) equipment.

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4. Radio communications with department employees 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 (g., text messages, digital photographs, video).
- (b) Documenting the field activities of department employees and support resources (e.g., fire department, EMS, allied agency law enforcement units).
 - (a) Inquiry and entry of information through Communications Unit, department and other law enforcement database systems (CLETS, DMV, NCIC).
 - (a) Monitoring department video surveillance systems.
 - (a) Maintaining the current status of employees in the field, their locations and the nature of calls for service.
 - (a) 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.

800.4 COMMUNICATIONS UNIT SECURITY

The communications function is vital and central to all emergency service operations. The safety and security of Communications Unit, its employees and its equipment must be a high priority. Special security procedures are contained in the dispatch procedure manual.

Access to the Communications Unit shall be limited to Communications Unit employees, the Watch Commander, command staff and department employees with a specific business-related purpose.

800.5 VICTIM/WITNESS REQUESTS

Public safety dispatchers should provide timely and appropriate information related to requests from both victims and witnesses, whenever possible. Methods of providing this can be through relating information and resources, or transferring to other divisions or departments.

800.6 RADIO COMMUNICATIONS

The Department provides two-way radio capability providing continuous communication between Communications Unit and department employees in the field. The UCSD Police Department is a member of the San Diego County Regional Communication System (RCS) land-based mobile radio system. The use of the RCS radio system is for official use only, and is to be used by department employees to maintain constant communication between employees and between the Communications Unit. All radio transmissions shall be professional and made in a calm, clear, professional manner, using proper language and correct procedures.

Employees of this department shall update their status with the communications unit anytime there is a change from their previously reported status. Examples are as follows:

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- (a) arrival on-scene to an incident
- (b) clearing the scene
- (c) reporting incidents
- (d) When making vehicle, pedestrian or bicycle stops
- (e) When making high-risk stops or high-risk contacts of any kind

Public Safety Dispatchers shall record the status updates provided by employees in CAD, to include on-duty/ off-duty and status changes; IN addition to other relevant information needing to be recorded in CAD.

Public safety dispatchers shall dispatch one officer to contacts, incidents, and citizen requests which do not amount to a crime in progress or would warrant a response by more than one officer. The dispatcher procedure outlines other circumstances which may warrant an enhancement to single officer response.

In general, Public Safety Dispatcher's shall dispatch at a minimum, two officers to crimes in progress, and other incidents which may require more than one officer such as traffic collisions, hazards, and incidents which require additional police presence. Additional guidance for other types of calls and responses is contained in the dispatch procedure manual.

All calls should be dispatched as defined in the Communications Center Procedure Manual.

A Public Safety Dispatcher dispatch a supervisor at the request of any field personnel.

800.7 EMERGENCY FIELD REQUESTS

A member of this department may initialize an emergency request via the radio by pressing the red emergency button on the radio or by advising verbally, their unit number and "emergency traffic."

Upon activation of the red emergency button, the RCS radio system will activate a countywide audible alert which can be heard on any radio Console where UCSD Police Department talk groups are programmed.

A Public Safety Dispatcher receiving notification verbally of a unit requesting emergency traffic shall initiate activation of the emergency tone on the RCS radio system. The purpose of the emergency tone is to alert other employees monitoring the radio of the units need for priority radio traffic, and to limit their radio traffic to emergency request only until such time as the emergency has been resolved.

800.8 ACCESS TO RESOURCES

Communications Unit personnel shall have immediate access to the following resources:

- (a) Access to the on-duty Watch Commander
- (b) Access to view the status of each on duty police officer
- (c) Access to the department staffing and duty roster, to include employee work status

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- (d) Access to a department personnel roster with each employee's phone number and home address
- (e) Map of the campus jurisdiction and boundaries
- (f) Access to written procedures and contact numbers for procuring emergency and necessary campus and community services
 1. Specific operational procedures are contained in the communication center procedure manual
 2. Phone numbers for these resources are contained in the Vesta phone system
- (g) Access to the communication center procedure manual for dispatching plans and procedures for various types of incidents and calls for service

800.9 MISDIRECTED CALLS

Public Safety Dispatchers may receive misdirected 911 and/or administrative calls, which do not have a nexus to this department. Public safety dispatchers should make an effort to identify the correct agency or department and route the call without delay.

800.10 FIRST AID INSTRUCTIONS TO CALLERS

Public Safety dispatchers of this agency are prohibited from providing medical instructions to callers. Callers who may potentially benefit from first-aid instructions should be transferred to the San Diego fire department without delay.

800.11 PLAYBACK OF RADIO AND PHONE TRANSMISSIONS

The Communications unit maintains an audio recording system that records telephone and radio conversations and allows for immediate playback. Radio and telephone dispatch transmissions are recorded on a 24-hour recording system and all radio and telephone system recordings are retained by the Audio-Log recorder for 366 days.

The equipment is secured by proximity-card access in the Communication unit server room. This room may be accessed by authorized police department personnel and pre-authorized UCSD ITS Services Technicians.

These playback devices provide dispatchers with immediate access to replays of phone conversations or radio transmissions that may have been missed or misunderstood and require further clarification of what was said.

Playback devices are generally for immediate access, recordings can be reviewed at a later date for evidentiary purposes or investigation by the investigating officer, District Attorney or other individuals, with the authorization of the Dispatch Supervisor.

Request for recordings shall be as follows:

All sworn personnel must make a written request through their supervisor.

Investigations personnel may submit a written request directly to the dispatch supervisor.

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Outside agencies needing a copy of a recording must submit a written request to the dispatch supervisor, detailing the need to know and right to know.

If the request for a recording is approved, the dispatch supervisor will provide a duplicate copy of the recording to the requesting party. If the request is denied, the dispatch supervisor will notify the requesting party in writing.

The Communications Sergeant 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.

800.12 ALTERNATE POWER SOURCE

The communications unit has two sources of alternate power. The first is an external diesel generator for department operations, and the second is an uninterruptible power supply (UPS) for essential server room equipment. The UPS will provide transitional power for a period of approximately 1 hour, or until the diesel-powered emergency generator

comes online. The diesel-powered emergency generator can operate approximately 24 hours without refueling.

Both the diesel generator and the UPS are tested in conformance with manufacture recommendations by the UCSD Electric Shop, who maintains documentation of the test. The system is tested annually under full load.

800.13 EMERGENCY PHONES

The UC San Diego Police Department provides call boxes in campus parking lots, structures, and walkways to enable the public to request information or police assistance. Multiple broadcast towers, labeled "EMERGENCY," are located at main pedestrian thoroughfares. These towers double as call boxes. Call boxes are blue towers with a blue light atop.

Call boxes transmit phone calls directly into the Communications unit, and are tested and inspected quarterly.

800.14 PANIC ALARMS

The UC San Diego Police Department utilizes panic alarms across the various locations on campus. The panic alarms are received in the communications unit. These signals are tested quarterly and documentation is retained.

800.15 FEDERAL COMMUNICATIONS COMMISSION COMPLIANCE

UC San Diego Police Department radio operations shall be conducted in accordance with Federal Communications Commission (FCC) procedures and requirements. Current FCC rules and regulations should be referenced at the Federal Code of Regulations website, www.ecfr.gov

800.16 RADIO IDENTIFICATION

Radio call signs are assigned to department employees based on factors such as duty assignment, uniformed patrol assignment and/or employee identification number. Dispatchers shall identify

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themselves on the radio with the appropriate station name or number, and identify the department employee by their call sign. Employees 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 employee. Employees initiating communication with other law enforcement or support agencies shall use their entire radio call sign, which includes the department station name or number.

Members shall identify themselves on the radio in the following manner:

- PSD shall identify the communication Center as "Station U".
- Officers shall identify themselves on the radio using their three-digit identification number.
- Community Service Officers shall identify themselves on the radio using a combination of the prefix of "CSO" and their three-digit radio number.
- University Safety Officials shall identify themselves on the radio using be prefix "A" and their assigned numeric campus designation.

800.17 CALL HANDLING

This Department provides employees of the public with access to the 9-1-1 system for a single emergency telephone number. Members of the public may also contact the police department through the use of the administrative phone number. 9-1-1 and the administrative phone number are used to enhance the dispatcher's ability to identify emergency calls from non-emergency calls.

Members of the public may call the Department using the following phone numbers:

- (a) Emergency: 9-1-1
- (b) Non-emergency: (858) 534-4357 (HELP)

Public Safety Dispatchers shall evaluate each call regardless of the line it comes in on, as to whether it is an emergency or non-emergency type of call. The dispatcher shall advise the caller of our agency's response and/or referral to an allied agency.

All calls should be handled as defined in the Communications Center Procedure Manual.

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 caller is using a mobile phone, the dispatcher may use any available text options available in the communications unit, such as RapidSOS.

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 Communications Unit, the dispatcher should immediately connect the LEP caller to the authorized interpreter.

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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.

800.17.1 EMERGENCY CALLS

A call is considered an emergency when there is an immediate or potential threat to life or serious property damage, and the timely arrival of public safety assistance is of the utmost importance. A person reporting an emergency should not be placed on hold until the dispatcher has obtained all necessary information to ensure the safety of the responding department employees and affected individuals.

Emergency calls should be dispatched immediately. The Watch Commander shall be notified of pending emergency calls for service when department employees are unavailable for dispatch.

800.17.2 NON-EMERGENCY CALLS

A call is considered a non-emergency call when there is no immediate or potential threat to life or property. A person reporting a non-emergency may be placed on hold, if necessary, to allow the dispatcher to handle a higher priority or emergency call.

The reporting person should be advised if there will be a delay in the dispatcher returning to the telephone line or when there will be a delay in the response for service.

800.18 CONFIDENTIALITY

Information that becomes available through Communications Unit may be confidential or sensitive in nature. All employees of Communications Unit shall treat information that becomes known to them as confidential and release that information in accordance with the Protected Information Policy

Automated data, such as Department of Motor Vehicle records, warrants, criminal history information, records of internal police files or medical information, shall only be made available to authorized law enforcement personnel. Prior to transmitting confidential information via the radio, an admonishment shall be made that confidential information is about to be broadcast.

800.19 DOCUMENTATION

It shall be the responsibility of the Communications Unit to document all relevant information on calls for service or self-initiated activity. Information shall be recorded in the Computer Automated Dispatch (CAD) system.

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:

- (a) Incident number.
- (b) Date and time of the request.

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- (c) Name, address and phone number of the reporting person, if possible.
- (d) Type of incident reported.
- (e) Involvement of weapons, drugs and/or alcohol.
- (f) Location of the incident reported.
- (g) Identification of employees assigned as primary and backup units.
- (h) Time of dispatch.
- (i) Time of the responding member's arrival.
- (j) Time of member's return to service.
- (k) Disposition or status of the reported incident.

800.20 TRAINING AND CERTIFICATION

Dispatchers shall receive training consistent with minimum standards established by POST (Penal Code § 13510).

Property and Evidence

801.1 PURPOSE AND SCOPE

This policy provides for the proper collection, storage, and security of evidence and other property. Additionally, this policy provides for the protection of the chain of evidence and identifies those persons authorized to remove and/or destroy property.

801.2 DEFINITIONS

Property - Includes all items of evidence, items taken for safekeeping and found property.

Evidence - Includes items taken or recovered in the course of an investigation that may be used in the prosecution of a case. This includes photographs and latent fingerprints.

Safekeeping - Includes the following types of property:

- Property obtained by the Department for safekeeping such as a firearm
- Personal property of an arrestee not taken as evidence
- Property taken for safekeeping under authority of a law (e.g., 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.

801.3 DIGITAL PHOTOGRAPHS

Digital photographs will be handled in the following manner.

801.3.1 DEFINITIONS

NON-CRIMINAL PHOTOGRAPH- A photograph taken in support of a written report that is non-criminal in nature.

PERSONS PHOTOGRAPH- A photograph of a person for the purposes identification only and attached to an individuals "Persons Tab" within RIMS.

VEHICLE PHOTOGRAPH- A photograph of a vehicle for the purposes of identification only and attached to a vehicle entry within RIMS.

EVIDENTIARY PHOTOGRAPH- A photograph taken for the purposes of documenting a crime.

801.3.2 DIGITAL PHOTOGRAPHS TAKEN FOR EVIDENCE

When investigating a crime and documentation with digital photographs is appropriate, the following shall apply:

- (a) Photographs will not be altered in any way
- (b) Photographs will be entered in the RIMS case file "Photo" tab, with the following exceptions, which will need to be saved onto USB Drive and entered into evidence
 1. Death cases

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2. Suicide or Attempt Suicide cases
 3. Sexual Assault cases where the victim requests confidentiality per 293 PC
 4. Any case deemed sensitive by the shift supervisor
- (c) All photographs uploaded into RIMS will need to have a description entered in the notes section of the photo, describing the context and any other pertinent information normally put in the photo log.

801.3.3 NON-CRIMINAL PHOTOGRAPHS

Photographs taken for the sole purpose of documenting a non-criminal matter should be placed into the RIMS Case file "Photo" tab.

Persons photographs as they relate to Field Interviews (FIs) are considered non-criminal photographs.

Vehicle photographs as they relate to Field Interviews (FIs) are considered non-criminal photographs

801.4 PROPERTY AND EVIDENCE 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 area. Care shall be taken to maintain the chain of custody for all evidence.

Where ownership can be established as to 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.

801.4.1 PROPERTY BOOKING

All property must be booked prior to the employee going off-duty unless otherwise approved by a supervisor. Employees shall follow the current Evidence and Property Procedures Manual.

801.4.2 EXPLOSIVES

Officers who encounter a suspected explosive device shall promptly notify their immediate supervisor or the Watch Commander. The bomb squad will be called to handle explosive-related incidents and will be responsible for the handling, storage, sampling and disposal of all suspected explosives.

Explosives will not be retained in the police facility. Only fireworks that are considered stable and safe and road flares or similar signaling devices may be booked into property. All such items shall be stored in proper containers and in an area designated for the storage of flammable materials. The Property Officer is responsible for transporting to the Fire Department, on a regular basis, any fireworks or signaling devices that are not retained as evidence.

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801.4.3 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 180 days, after which time they may be destroyed, retained, sold or otherwise transferred, unless (Penal Code § 29810):

- (a) A certificate is issued by a judge of a court of record or the District Attorney stating the firearms shall be retained; or
- (b) The convicted person provides written notice of an intent to appeal the conviction that necessitated the relinquishment; or
- (c) The Automated Firearms System indicates that the firearm was reported lost or stolen.
 1. In such event, the firearm shall be restored to the lawful owner as soon as it is no longer needed as evidence, the lawful owner has identified the weapon and provided proof of ownership, and the Department has complied with the requirements of Penal Code § 33850 et seq.

The Property Officer 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 Section Policy).

801.5 PROPERTY AND EVIDENCE CONTROL

Each time the Property Officer receives property or releases property to another person, he/she shall enter this information into the RIMS Case file Property Tab. Officers desiring property for court shall contact the Property Officer at least one day prior to the court day.

801.5.1 RESPONSIBILITY OF OTHER PERSONNEL

Every time property is released or received, an appropriate entry shall be completed in RIMS to maintain the chain of evidence. No property or evidence is to be released without first receiving authorization from a supervisor or detective.

801.5.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY

The transporting employee will check the evidence out of property from the Property Clerk.

The Property Officer releasing the evidence must indicate the date and time the property was removed and the destination of the property on the RIMS Case file Property Tab. The lab forms will be transported with the property to the examining laboratory. Upon delivering the item involved, the officer will record the delivery time on both copies, and indicate the locker in which the item was placed or the employee to whom it was delivered. The original copy of the lab form will remain with the evidence.

801.5.3 STATUS OF PROPERTY

Temporary release of property to officers for investigative purposes, or for court, shall be noted in RIMS, stating the date, time and to whom the property was released.

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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 to ensure a record of the chain of custody is maintained.

The return of the property should be recorded in RIMS, indicating date, time, and the person who returned the property.

801.5.4 AUTHORITY TO RELEASE PROPERTY

The Investigation Unit shall authorize the disposition or release of all evidence and property coming into the care and custody of the Department.

801.5.5 RELEASE OF PROPERTY

All reasonable attempts shall be made to identify the rightful owner of found property or evidence not needed for an investigation.

Release of property shall be made upon receipt of an authorized release form, listing the name and address of the person to whom the property is to be released. The release authorization shall be signed by the authorizing supervisor or detective and must conform to the items listed on the property form or must specify the specific item(s) to be released. Release of all property shall be documented on the property form.

With the exception of firearms and other property specifically regulated by statute, found property and property held for safekeeping shall be held for a minimum of 90 days. During such period, property personnel shall attempt to contact the rightful owner by telephone and/or mail when sufficient identifying information is available. Property not held for any other purpose and not claimed within 90 days after notification (or receipt, if notification is not feasible) may be auctioned to the highest bidder at a properly published public auction. If such property is not sold at auction or otherwise lawfully claimed, it may thereafter be destroyed (Civil Code § 2080.6). The final disposition of all such property shall be fully documented in related reports.

A Property Officer shall release the property upon proper identification being presented by the owner for which an authorized release has been received. A signature of the person receiving the property shall be recorded on the original RIMS Property Return Invoice. The signed Invoice shall be forwarded to the Records Section for inclusion in the original RIMS case file.

Under no circumstances shall any firearm, magazine, or ammunition be returned to any individual unless and until such person presents valid identification and written notification from the California Department of Justice that conforms to the provisions of Penal Code § 33865.

The Property and Evidence Section Supervisor should also make reasonable efforts to determine whether the person is the subject of any court order preventing the person from possessing a firearm and if so, the firearm should not be released to the person while the order is in effect.

The Department is not required to retain any firearm, magazine, or ammunition longer than 180 days after notice has been provided to the owner that such items are available for return. At the

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expiration of such period, the firearm, magazine, or ammunition may be processed for disposal in accordance with applicable law (Penal Code § 33875).

801.5.6 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)).

801.5.7 CONTROL OF NARCOTICS AND DANGEROUS DRUGS

The Investigation 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 and Safety Code § 11364.

801.5.8 RELEASE OF FIREARM IN DOMESTIC VIOLENCE MATTERS

Within five days of the expiration of a restraining order issued in a domestic violence matter that required the relinquishment of a firearm or ammunition, the Property Officer shall return the weapon or ammunition to the owner if the requirements of Penal Code § 33850 and Penal Code § 33855 are met, unless the firearm or ammunition is determined to be stolen, evidence in a criminal investigation, or the individual is otherwise prohibited from possessing a firearm (Family Code § 6389(g); Penal Code § 33855).

801.5.1 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 UC San Diego 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.

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801.5.11 RELEASE OF FIREARMS AND WEAPONS IN MENTAL ILLNESS MATTERS

Firearms and other deadly weapons confiscated from an individual detained for an evaluation by a mental health professional or subject to the provisions of Welfare and Institutions Code § 8100 or Welfare and Institutions Code § 8103 shall be released or disposed of as follows:

- (a) If a petition for a hearing regarding the return of a firearm or a weapon has been initiated pursuant to Welfare and Institutions Code § 8102(c), the firearm or weapon shall be released or disposed of as provided by an order of the court. If the court orders a firearm returned, the firearm shall not be returned unless and until the person presents valid identification and written notification from the California Department of Justice (DOJ) that conforms to the provisions of Penal Code § 33865.
- (b) If no petition has been initiated pursuant to Welfare and Institutions Code § 8102(c) and the firearm or weapon is not retained as evidence, the Department shall make the firearm or weapon available for return. No firearm will be returned unless and until the person presents valid identification and written notification from the California DOJ that conforms to the provisions of Penal Code § 33865.
- (c) Unless the person contacts the Department to facilitate the sale or transfer of the firearm to a licensed dealer pursuant to Penal Code § 33870, firearms not returned should be sold, transferred, destroyed, or retained as provided in Welfare and Institutions Code § 8102.

801.6 DISPOSITION OF PROPERTY

All property not held for evidence in a pending criminal investigation or proceeding, and held for 90 days or longer where the owner has not been located or fails to claim the property, may be disposed of in compliance with existing laws upon receipt of proper authorization for disposal. The Property Officer shall request a disposition or status on all property which has been held in excess of 90 days, and for which no disposition has been received from a supervisor or detective.

801.6.1 EXCEPTIONAL DISPOSITIONS

The following types of property shall be destroyed or disposed of in the manner, and at the time prescribed by law, unless a different disposition is ordered by a court of competent jurisdiction:

- Weapons declared by law to be nuisances (Penal Code § 29300; Penal Code § 18010; Penal Code § 32750)
- Animals, birds, and related equipment that have been ordered forfeited by the court (Penal Code § 599a)
- Counterfeiting equipment (Penal Code § 480)
- Gaming devices (Penal Code § 335a)
- Obscene matter ordered to be destroyed by the court (Penal Code § 312)
- Altered vehicles or component parts (Vehicle Code § 10751)
- Narcotics (Health and Safety Code § 11474 et seq.)
- Unclaimed, stolen, or embezzled property (Penal Code § 1411)

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- Destructive devices (Penal Code § 19000)
- Sexual assault evidence (Penal Code § 680)

801.6.2 UNCLAIMED MONEY

If found or seized money is no longer required shall be disposed of per Office of the President of the University of California policy.

801.6.3 RETENTION OF BIOLOGICAL EVIDENCE

The Property and Evidence Unit Supervisor shall ensure that no biological evidence held by the Department is destroyed without adequate notification to the following persons, when applicable:

- (a) The defendant
- (b) The defendant's attorney
- (c) The appropriate prosecutor and Attorney General
- (d) Any sexual assault victim
- (e) The Investigation Division supervisor

Biological evidence shall be retained for either a minimum period that has been established by law (Penal Code § 1417.9) or that has been established by the Property and Evidence Section Supervisor, or until the expiration of any imposed sentence that is related to the evidence, whichever time period is greater. Following the retention period, notifications should be made by certified mail and should inform the recipient that the evidence will be destroyed after a date specified in the notice unless a motion seeking an order to retain the sample is filed and served on the Department within 180 days of the date of the notification. A record of all certified mail receipts shall be retained in the appropriate file. Any objection to, or motion regarding, the destruction of the biological evidence should be retained in the appropriate file and a copy forwarded to the Investigation Division supervisor.

Biological evidence related to a homicide shall be retained indefinitely and may only be destroyed with the written approval of the Chief of Police and the head of the applicable prosecutor's office.

Biological evidence or other crime scene evidence from an unsolved sexual assault should not be disposed of prior to expiration of the statute of limitations and shall be retained as required in Penal Code § 680. Even after expiration of an applicable statute of limitations, the Investigation Division supervisor should be consulted and the sexual assault victim shall be notified at least 60 days prior to the disposal (Penal Code § 680). Reasons for not analyzing biological evidence shall be documented in writing (Penal Code § 680.3).

801.7 INSPECTIONS OF THE EVIDENCE ROOM

(a) Annually or more frequently, the supervisor of the Property / Evidence Technician shall make an inspection of the property and evidence storage facilities, conduct an inventory of all evidence and property storage areas, audit property and evidence records and review property and evidence practices to ensure adherence to appropriate policies and procedures.

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(b) Annually or more frequently, and in addition to the supervisor's annual inspection as described immediately above, the Chief of Police shall direct the completion of an unannounced inspection of all property and evidence storage facilities and an audit of property and evidence records, to be conducted by a department member not routinely or directly connected with the property and evidence function.

c) Whenever a Property and Evidence Technician is newly assigned to or removed from their job, their supervisor shall direct an inventory of all evidence and property storage areas, to be conducted jointly by the new or continuing Property and Evidence Technician and a department member not routinely or directly connected with the property and evidence function as designated by the Chief of Police.

(d) Whenever a new Chief of Police is appointed, the Property and Evidence Technician Supervisor shall direct an inventory of all evidence and property storage areas, to be conducted jointly by the Property and Evidence Technician and a department member not routinely or directly connected with the property and evidence function as designated by the new Chief of Police.

Records Section

802.1 PURPOSE AND SCOPE

This policy establishes the guidelines for the operational functions of the UC San Diego Police Department Records Section. The policy addresses department file access and internal requests for case reports.

802.2 POLICY

It is the policy of the UC San Diego Police Department to maintain department records securely, professionally, and efficiently.

802.3 CONFIDENTIALITY

Records Section staff has access to information that may be confidential or sensitive in nature. Records Section staff shall not access, view, distribute, or allow anyone else to access, view, or distribute any record, file, report, whether in hard copy or electronic file format or any other confidential, protected, or sensitive information except in accordance with the Records Maintenance and Release and Protected Information policies and the Records Section procedure manual.

802.4 FILE ACCESS AND SECURITY

The security of files in the Records Section must be a high priority and shall be maintained as mandated by state and federal law. All case reports including but not limited to initial, supplemental, follow-up, evidence, and any other reports related to a police department case including criminal history records and publicly accessible logs shall be maintained in a secure area within the Records Section, accessible by only authorized employees.

Department members seeking information and/or copies of files secured in the Records Section (other than information which they are authorized to access via their CAD/RMS account) shall submit a request in writing, for review and consideration by the Records and Communications Manager or their designee. Access to such information and/or copies of files when Records Section staff is not available may be obtained through the Watch Commander, who is responsible to send the Records and Communications Manager a written notice of any such access that was granted without unnecessary delay, including the date and time that access was granted, the specific information and/or files that were obtained, and to whom the information and/or files were provided.

The Records Section will also maintain a secure file for case reports deemed by the Chief of Police as sensitive or otherwise requiring access restrictions.

802.5 RESPONSIBILITIES

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802.5.1 RECORDS SUPERVISOR

The Chief of Police shall appoint and delegate certain responsibilities to a Records Supervisor. The Records Supervisor shall be directly responsible to the Business Manager 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 Section.
- (b) Scheduling and maintaining Records Section time records.
- (c) Supervising, training, and evaluating Records Section staff.
- (d) Maintaining and updating a Records Section procedure manual.
- (e) Ensuring compliance with established policies and procedures.
- (f) Supervising the access, use, and release of protected information (see the Protected Information Policy).
- (g) Establishing security and access protocols for case reports designated as sensitive, where additional restrictions to access have been implemented. Sensitive reports may include but are not limited to:
 1. Homicides.
 2. Cases involving department members or public officials.
 3. Any case where restricted access is prudent.

802.5.2 RECORDS SECTION

The responsibilities of the Records Section 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:
 1. All officer-involved shootings and incidents involving use of force resulting in serious bodily injury (Government Code § 12525.2).
 2. Suspected hate crimes (Penal Code § 13023).
 3. Complaints of racial bias against officers (Penal Code § 13012; Penal Code § 13020).

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4. Civilian complaints made against officers (Penal Code § 832.5; Penal Code § 13012).
 5. Stop data required by Government Code § 12525.5 and 11 CCR 999.226.
 - (a) The reported information must not contain personally identifiable information of the person stopped or other information exempt from disclosure pursuant to Government Code § 12525.5 (11 CCR 999.228).
 6. Anti-reproductive rights crime information required by Penal Code § 13777.
- (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) Establishing a process for collecting and submitting data to appropriate federal data collection authorities (e.g., FBI National Use-of-Force Data Collection, U.S. Department of Justice's National Law Enforcement Accountability Database), as applicable, for the following types of occurrences:
 - (a) Officer suicides
 - (b) Officer misconduct
 - (c) Uses of force
 - (d) Officer deaths or assaults
 - (e) Crime incidents
 - (f) Deaths in custody
 - (h) Updating the Automated Firearms System to reflect any firearms relinquished to the Department and the subsequent disposition to the California DOJ pursuant to Penal Code § 34010 (Penal Code § 29810).
 - (i) Entering into the Automated Firearms System information about each firearm that has been reported stolen, lost, found, recovered, held for safekeeping, surrendered in relation to a private party firearms transaction or registration, relinquished pursuant to a court order, or under observation, within seven calendar days of the precipitating event (Penal Code § 11108.2).
 - (j) Entering into the California DOJ automated property system descriptions of serialized property, or non-serialized property that has been uniquely inscribed, which has been reported stolen, lost, found, recovered, held for safekeeping, or under observation (Penal Code § 11108).
 - (k) Maintaining compliance with quarterly California DOJ reporting requirements regarding the department's efforts to verify an individual listed in the Armed and Prohibited Persons System (APPS) is no longer in possession of a firearm (Penal Code § 29813).
 - (l) Maintaining compliance with the state and California 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)).

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- (m) Transmitting data to the Joint Regional Information Exchange System on any suspected multi-mission extremist crimes.

802.5.3 RECORDS SECTION PROCEDURE MANUAL

The Records Supervisor should establish procedures that address:

- (a) Identifying by name persons in reports.
- (b) Classifying reports by type of incident or crime.
- (c) Tracking reports through the approval process.
- (d) Assigning alpha-numerical records to all arrest records.
- (e) Managing a warrant and wanted persons file.

802.6 RECORDS MANAGEMENT SYSTEM

The Records and Communications Manager shall ensure the computer-based Records Management System (RMS):

- (a) Automatically assigns a unique number to each event or report when generated,
- (b) Maintains a master name index that can be viewed alphabetically,
- (c) Accurately classifies and allows for the retrieval of event records by type and location,
- (d) Includes a local arrest history for all persons who have been summoned, cited, or placed under custodial arrest by the department.

802.7 ORIGINAL CASE REPORTS

Generally, original case documents shall not be removed from the Records Section. Should an original case document be needed for any reason, the requesting department member shall first obtain authorization from the Records Supervisor. Original case documents shall not be removed from the Records Section.

802.7.1 ELECTRONIC VIEWING OF REPORTS

Electronic copies of reports may be viewed only by authorized personnel who have been granted the appropriate security level through their system user accounts.

802.7.2 PRINTING OF REPORTS

Printing of reports that are stored in electronic format should be kept to a minimum. Printed copies of electronic reports should be destroyed by shredding when no longer needed.

802.8 ARREST WITHOUT FILING OF ACCUSATORY PLEADING

The Specialized Services Lieutenant should ensure a process is in place for when an individual is arrested and released and no accusatory pleading is filed so that the following occurs (Penal Code § 849.5; Penal Code § 851.6):

- (a) The individual is issued a certificate describing the action as a detention.

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- (b) All references to an arrest are deleted from the arrest records of the Department and the record reflects only a detention.
- (c) The California DOJ is notified.

802.9 DETERMINATION OF FACTUAL INNOCENCE

In any case where a person has been arrested by officers of the UC San Diego 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 Administration Supervisor. The Administration Supervisor should promptly contact the prosecuting attorney and request a written opinion as to whether the petitioner is factually innocent of the charges (Penal Code § 851.8). Factual innocence means the accused person did not commit the crime.

Upon receipt of a written opinion from the prosecuting attorney affirming factual innocence, the Administration Supervisor should forward the petition to the Investigation Unit Supervisor and the Campus Counsel for review. After such review and consultation with the Campus Counsel, the Investigation Unit Supervisor and the Administration Supervisor shall decide whether a finding of factual innocence is appropriate.

Upon determination that a finding of factual innocence is appropriate, the Administration Supervisor shall ensure that the arrest record and petition are sealed for later destruction and the required notifications are made to the California DOJ and other law enforcement agencies (Penal Code § 851.8).

The Administration Supervisor should respond to a petition with the Department's decision within 45 days of receipt. Responses should include only the decision of the Department, not an explanation of the analysis leading to the decision.

Restoration of Firearm Serial Numbers

803.1 PURPOSE AND SCOPE

The primary purpose for restoring firearm serial numbers is to determine the prior owners or origin of the item from which the number has been recovered. Thus, property can be returned to rightful owners or investigations can be initiated to curb illegal trade of contraband firearms. The purpose of this plan is to develop standards, methodologies, and safety protocols for the recovery of obliterated serial numbers from firearms and other objects using procedures that are accepted as industry standards in the forensic community. All personnel who are involved in the restoration of serial numbers will observe the following guidelines. This policy complies with Penal Code § 11108.9.

803.2 PROCEDURE

Any firearm coming into the possession of the UC San Diego Police Department as evidence, found property, etc., where the serial numbers have been removed or obliterated will be processed in the following manner:

803.2.1 PRELIMINARY FIREARM EXAMINATION

- (a) Always keep the muzzle pointed in a safe direction. Be sure the firearm is in an unloaded condition. This includes removal of the ammunition source (e.g., the detachable magazine, contents of the tubular magazine) as well as the chamber contents.
- (b) If the firearm is corroded shut or in a condition that would preclude inspection of the chamber contents, treat the firearm as if it is loaded. Make immediate arrangements for a firearms examiner or other qualified examiner to render the firearm safe.
- (c) Accurately record/document the condition of the gun when received. Note the positions of the various components such as the safeties, cylinder, magazine, slide, hammer, etc. Accurately record/document cylinder chamber and magazine contents.
- (d) Package the ammunition separately.
- (e) If the firearm is to be processed for fingerprints or trace evidence, process before the serial number restoration is attempted. First record/document important aspects such as halos on the revolver cylinder face or other relevant evidence that might be obscured by the fingerprinting chemicals.

803.2.2 PROPERTY BOOKING PROCEDURE

Any employee taking possession of a firearm with removed/obliterated serial numbers shall book the firearm into property following standard procedures. The employee booking the firearm shall indicate on the property form that serial numbers have been removed or obliterated.

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803.2.3 OFFICER RESPONSIBILITY

The Property Officer receiving a firearm when the serial numbers have been removed or obliterated shall arrange for the firearm to be transported to the crime lab for restoration and maintain the chain of evidence.

803.2.4 DOCUMENTATION

Case reports are prepared in order to document the chain of custody and the initial examination and handling of evidence from the time it is received/collected until it is released.

This report must include a record of the manner in which and/or from whom the firearm was received. This may appear on the request form or property form depending on the type of evidence.

803.2.5 FIREARM TRACE

After the serial number has been restored (or partially restored) by the criminalistics laboratory, the Property Officer will complete a Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) National Tracing Center (NTC) Obliterated Serial Number Trace Request Form (ATF 3312.1-OBL) and forward the form to the NTC in Falling Waters, West Virginia or enter the data into the ATF eTrace system.

803.3 BULLET AND CASING IDENTIFICATION

Exemplar bullets and cartridge cases from the firearm, depending upon acceptance criteria and protocol, may be submitted to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) National Integrated Ballistic Information Network (NIBIN) which uses the Integrated Ballistic Identification System (IBIS) technology to search the national database and compare with ballistic evidence recovered from other crime scenes.

Protected Information

804.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the access, transmission, release, and security of protected information by employees of the UC San Diego 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.

804.1.1 DEFINITIONS

Definitions related to this policy include:

Protected information - Any information or data that is collected, stored or accessed by members of the UC San Diego 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.

804.2 POLICY

Employees of the UC San Diego 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.

804.3 RESPONSIBILITIES

The Chief of Police shall select an employee of the Department to coordinate the use of protected information.

The responsibilities of this position include, but are not limited to:

- (a) Ensuring employee 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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804.4 ACCESS TO PROTECTED INFORMATION

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, UC San Diego Police Department policy or training. Only those employees who have completed applicable training and met any applicable requirements, such as a background check, may access protected information, and only when the employee has a legitimate work-related reason for such access.

Unauthorized access, including access for other than a legitimate work-related purpose, is prohibited and may subject an employee to administrative action pursuant to the Personnel Complaints Policy and/or criminal prosecution.

804.4.1 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).

804.5 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 Section to ensure proper documentation of the release (see the Records Maintenance and Release Policy).

804.5.1 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).

804.5.2 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 MDC or department-issued cellular telephone should be utilized when practicable. If neither are available, unencrypted radio transmissions shall be subject to the following:

- Elements of protected information should be broken up into multiple transmissions, to minimally separate an individual's combined last name and any identifying number associated with the individual, from either first name or first initial.
- Additional information regarding the individual, including date of birth, home address, or physical descriptors, should be relayed in separate transmissions.

Nothing in this policy is intended to prohibit broadcasting warrant information.

804.6 CALIFORNIA RELIGIOUS FREEDOM ACT

Employees 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).

804.7 SECURITY OF PROTECTED INFORMATION

The Chief of Police has selected the Records Manager 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.

804.7.1 EMPLOYEE RESPONSIBILITIES

Employees 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).

804.8 TRAINING

All employee authorized to access or release protected information shall complete a training program that complies with any protected information system requirements and identifies

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authorized access and use of protected information, as well as its proper handling and dissemination.

Records Maintenance and Release

805.1 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.

805.2 POLICY

The UC San Diego Police Department is committed to providing public access to records in a manner that is consistent with the California Public Records Act (Government Code § 7920.000 et seq.).

805.3 CUSTODIAN OF RECORDS RESPONSIBILITIES

The Chief of Police shall designate a Custodian of Records. The responsibilities of the Custodian of Records include but are not limited to:

- (a) Managing the records management system for the Department, including the retention, archiving, release, and destruction of department public records.
- (b) Maintaining and updating the department records retention schedule including:
 1. Identifying the minimum length of time the Department must keep records.
 2. Identifying the department division responsible for the original record.
- (c) Establishing rules regarding the inspection and copying of department public records as reasonably necessary for the protection of such records (Government Code § 7922.525; Government Code § 7922.530).
- (d) Identifying records or portions of records that are confidential under state or federal law and not open for inspection or copying.
- (e) Establishing rules regarding the processing of subpoenas for the production of records.
- (f) Ensuring a current schedule of fees for public records as allowed by law is available (Government Code § 7922.530).
- (g) Determining how the department's website may be used to post public records in accordance with Government Code § 7922.545.
- (h) Ensuring that all department current standards, policies, practices, operating procedures, and education and training materials are posted on the department website in accordance with Penal Code § 13650.
- (i) Ensuring that public records posted on the Department website meet the requirements of Government Code § 7922.680 including but not limited to posting in an open format where a record may be retrieved, downloaded, indexed, and searched by a commonly used internet search application.
- (j) Ensuring that a list and description, when applicable, of enterprise systems (as defined by Government Code § 7922.700) is publicly available upon request and posted in

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a prominent location on the Department's website (Government Code § 7922.710; Government Code § 7922.720).

805.4 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.

805.4.1 REQUESTS FOR RECORDS

Any member of the public, UC San Diego faculty, staff, students or other affiliates, as well as any parent or legal guardian of a student or other campus affiliate, the media or elected officials, may access unrestricted records of this department, during regular business hours by submitting a written and signed request that reasonably describes each record sought and paying any associated fees (Government Code § 7922.530).

The processing of requests for any record is subject to the following (Government Code § 7922.530; Government Code § 7922.535):

- (a) The Department is not required to create records that do not exist.
- (b) Victims of an incident or their authorized representative shall not be required to show proof of legal presence in the United States to obtain department records or information. If identification is required, a current driver's license or identification card issued by any state in the United States, a current passport issued by the United States or a foreign government with which the United States has a diplomatic relationship or current Matricula Consular card is acceptable (Government Code § 7923.655).
- (c) Either the requested record or the reason for non-disclosure will be provided promptly, but no later than 10 days from the date of request, unless unusual circumstances preclude doing so. If more time is needed, an extension of up to 14 additional days may be authorized by the Custodian of Records or the authorized designee. If an extension is authorized, the Department shall provide the requester written notice that includes the reason for the extension and the anticipated date of the response.
 1. When the request does not reasonably describe the records sought, the Custodian of Records shall assist the requester in making the request focused and effective in a way to identify the records or information that would be responsive to the request including providing assistance for overcoming any practical basis for denying access to the records or information. The Custodian of Records shall also assist in describing the information technology and physical location in which the record exists (Government Code § 7922.600).
 2. If the record requested is available on the department website, the requester may be directed to the location on the website where the record is posted. If the requester is unable to access or reproduce the record, a copy of the record shall be promptly provided.
- (d) Upon request, a record shall be provided in an electronic format utilized by the Department. Records shall not be provided only in electronic format unless specifically requested (Government Code § 7922.570; Government Code § 7922.580).

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- (e) When a record contains material with release restrictions and material that is not subject to release restrictions, the restricted material shall be redacted and the unrestricted material released.
 - 1. A copy of the redacted release should be maintained in the case file for proof of what was actually released and as a place to document the reasons for the redactions. If the record is audio or video, a copy of the redacted audio/video release should be maintained in the department-approved media storage system and a notation should be made in the case file to document the release and the reasons for the redacted portions.
- (f) If a record request is denied in whole or part, the requester shall be provided a written response that includes the statutory exemption for withholding the record or facts that the public interest served by nondisclosure outweighs the interest served by disclosure. The written response shall also include the names, titles, or positions of each person responsible for the denial (Government Code § 7922.000; Government Code § 7922.540).

805.4.2 DISSEMINATION OF POLICE REPORTS AND OPERATIONAL RECORDS

The Records and Communications Manager is responsible to maintain a record of all requests for and distribution of police reports and other operational records.

No copies of reports or operational records (hardcopy or electronic) shall be disseminated outside of the department without approval from the Records and Communications Manager, Chief of Police, a member of the Command Staff, or their authorized designee.

"Operational Records" includes any retained hardcopy or electronic documentation of the receipt / discovery, response to, and/or disposition of a call for service or another official police field activity, such as notes made by call-takers, dispatchers or other department members during a call for service or field activity, communications between department members during a call for service or field activity, photos, departmental audio or video recordings captured during a call for service or field activity, CAD event records and unit history records, and other similar CAD/RMS information (whether singular or aggregated).

805.4.3 CAMPUS UNITS AND OFFICIAL

Certain police reports may be forwarded to UC San Diego campus units or officials without the completion of a signed and written request, when in compliance with other relevant portions of this policy, and once redacted as necessary and appropriate. This includes:

- (a) Fire Marshal - reports involving unauthorized or unsafe fires on campus property, including all CAD records for fire alarms that occur on main campus.
- (b) Environmental Health & Safety - reports involving possible laboratory, workplace, or foodservice safety deficiencies, and environmental protection deficiencies
- (c) Office for the Prevention of Harassment & Discrimination (OPHD) - reports involving potential UC San Diego SVSH and/or Title IX violation
- (d) Student Conduct - reports involving alleged violations of the Code of Student Conduct

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- (e) Risk Services - reports involving concerns for University premise and property liability, and loss or damage of property.

805.4.4 OUTSIDE AGENCIES

Requests for police reports or operational records by outside law enforcement agencies should be in writing. Approval for the distribution of police reports or operational records may only be made upon verification of the recipient's need and right to access the information requested.

805.4.5 INSURANCE COMPANIES AND BACKGROUND INVESTIGATOR

Insurance companies and agencies and companies conducting background investigations may request records in writing via US mail, email, or fax. Approval for the distribution of a summary of the police reports may only be made upon verification of the recipient's need and right to access the information requested.

805.5 RELEASE RESTRICTIONS

Examples of release restrictions include:

- (a) Personal identifying information, including an individual's photograph; Social Security and driver identification numbers; name, address, and telephone number; and medical or disability information that is contained in any driver license record, motor vehicle record, or any department record, including traffic collision reports, are restricted except as authorized by the Department, and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721; 18 USC § 2722).
- (b) Social Security numbers (Government Code § 7922.200).
- (c) Personnel records, medical records, and similar records that would involve an unwarranted invasion of personal privacy except as allowed by law (Government Code § 7927.700; Penal Code § 832.7; Penal Code § 832.8; Evidence Code § 1043 et seq.).
 - 1. Peace officer personnel records that are deemed confidential shall not be made public or otherwise released to unauthorized individuals or entities absent a valid court order.
 - 2. The identity of any officer subject to any criminal or administrative investigation shall not be released without the consent of the involved officer, prior approval of the Chief of Police, or as required by law.
- (d) Victim information that may be protected by statutes, including victims of certain crimes who have requested that their identifying information be kept confidential, victims who are minors, and victims of certain offenses (e.g., sex crimes or human trafficking (Penal Code § 293)). Addresses and telephone numbers of a victim or a witness shall not be disclosed to any arrested person or to any person who may be a defendant in a criminal action unless it is required by law (Government Code § 7923.615; Penal Code § 841.5).
 - 1. Victims of certain offenses (e.g., domestic violence, sexual assault, stalking, human trafficking, elder and dependent adult abuse) or their representatives shall be provided, upon request and without charge, one copy of all incident

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- report face sheets, one copy of all incident reports, a copy of any accompanying or related photographs of the victim's injuries, property damage, or any other photographs that are noted in the incident report, and a copy of 9-1-1 recordings, if any, pursuant to the requirements and time frames of Family Code § 6228.
2. Victims of sexual assault, upon written request, shall be provided a free copy of the initial crime report regardless of whether the report has been closed. Personal identifying information may be redacted (Penal Code § 680.2(b)).
- (e) Video or audio recordings created during the commission or investigation of the crime of rape, incest, sexual assault, domestic violence, or child abuse that depicts the face, intimate body part, or voice of a victim of the incident except as provided by Government Code § 7923.750.
 - (f) Information involving confidential informants, intelligence information, information that would endanger the safety of any person involved, or information that would endanger the successful completion of the investigation or a related investigation. This includes analysis and conclusions of investigating officers (Evidence Code § 1041; Government Code § 7923.605).
 1. Absent a statutory exemption to the contrary or other lawful reason to deem information from reports confidential, information from unrestricted agency reports shall be made public as outlined in Government Code § 7923.605.
 - (g) Local criminal history information including but not limited to arrest history and disposition, and fingerprints shall only be subject to release to those agencies and individuals set forth in Penal Code § 13300.
 1. All requests from criminal defendants and their authorized representatives (including attorneys) shall be referred to the District Attorney, the Campus Counsel, or the courts pursuant to Penal Code § 1054.5.
 - (h) Certain types of reports involving but not limited to child abuse and molestation (Penal Code § 11167.5), elder and dependent abuse (Welfare and Institutions Code § 15633), and juveniles (Welfare and Institutions Code § 827).
 - (i) Sealed autopsy and private medical information concerning a murdered child with the exceptions that allow dissemination of those reports to law enforcement agents, prosecutors, defendants, or civil litigants under state and federal discovery laws (Code of Civil Procedure § 130).
 - (j) Information contained in applications for licenses to carry firearms or other files that indicates when or where the applicant is vulnerable or which contains medical or psychological information (Government Code § 7923.800).
 - (k) Traffic collision reports (and related supplemental reports) shall be considered confidential and subject to release only to the California Highway Patrol, Department of Motor Vehicles (DMV), other law enforcement agencies, and those individuals and their authorized representatives set forth in Vehicle Code § 20012.
 - (l) Any record created exclusively in anticipation of potential litigation involving this department (Government Code § 7927.200).

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- (m) Any memorandum from legal counsel until the pending litigation has been adjudicated or otherwise settled (Government Code § 7927.205).
- (n) Records relating to the security of the department's electronic technology systems (Government Code § 7929.210).
- (o) A record of a complaint, or the investigations, findings, or dispositions of that complaint if the complaint is frivolous, as defined by Code of Civil Procedure § 128.5, or if the complaint is unfounded (Penal Code § 832.7 (b)(9)).
- (p) Any other record not addressed in this policy shall not be subject to release where such record is exempt or prohibited from disclosure pursuant to state or federal law, including but not limited to provisions of the Evidence Code relating to privilege (Government Code § 7927.705).
- (q) Information connected with juvenile court proceedings or the detention or custody of a juvenile. Federal officials may be required to obtain a court order to obtain certain juvenile information (Welfare and Institutions Code § 827.9; Welfare and Institutions Code § 827.95; Welfare and Institutions Code § 831).

805.6 RELEASE OF AUDIO OR VIDEO RECORDINGS RELATED TO CRITICAL INCIDENTS

Video and audio recordings related to critical incidents shall be released upon a proper public record request and subject to delayed release, redaction, and other release restrictions as provided by law (Government Code § 7923.625).

For purposes of this section, a video or audio recording relates to a critical incident if it depicts an incident involving the discharge of a firearm at a person by an officer, or depicts an incident in which the use of force by an officer against a person resulted in death or in great bodily injury (as defined by Penal Code § 243(f)(4)) (Government Code § 7923.625).

The Custodian of Records should work as appropriate with the Chief of Police or the Specialized Services Lieutenant supervisor in determining what recordings may qualify for disclosure when a request for a recording is received and if the requested recording is subject to delay from disclosure, redaction, or other release restrictions.

805.6.1 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.

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- (c) Any delay of disclosure longer than one year must be supported by clear and convincing evidence that disclosure would substantially interfere with the investigation (Government Code § 7923.625).

805.6.2 NOTICE OF DELAY OF RELEASE

When there is justification to delay disclosure of a recording, the Custodian of Records shall provide written notice to the requester as follows (Government Code § 7923.625):

- (a) During the initial 45 days, the Custodian of Records shall provide the requester with written notice of the specific basis for the determination that disclosure would substantially interfere with the investigation. The notice shall also include the estimated date for the disclosure.
- (a) When delay is continued after the initial 45 days, the Custodian of Records shall promptly provide the requester with written notice of the specific basis for the determination that the interest in preventing interference with an active investigation outweighs the public interest in the disclosure, and the estimated date for the disclosure. The Custodian of Records should work with the Chief of Police in reassessing the decision to continue withholding a recording and notify the requester every 30 days.

Recordings withheld shall be disclosed promptly when the specific basis for withholding the recording is resolved.

805.6.3 REDACTION

If the Custodian of Records, in consultation with the Chief of Police or the authorized designee, determines that specific portions of the recording may violate the reasonable expectation of privacy of a person depicted in the recording, the Department should use redaction technology to redact portions of recordings made available for release. The redaction should not interfere with the viewer's ability to fully, completely, and accurately comprehend the events captured in the recording, and the recording should not otherwise be edited or altered (Government Code § 7923.625).

If any portions of a recording are withheld to protect the reasonable expectation of privacy of a person depicted in the recording, the Custodian of Records shall provide in writing to the requester the specific basis for the expectation of privacy and the public interest served (Government Code § 7923.625).

805.6.4 RECORDINGS WITHHELD FROM PUBLIC DISCLOSURE

If the reasonable expectation of privacy of a person depicted in the recording cannot adequately be protected through redaction, and that interest outweighs the public interest in disclosure, the Department may withhold the recording from the public, except that the recording, either redacted or unredacted, shall be disclosed promptly, upon request, to any of the following (Government Code § 7923.625):

- (a) The person in the recording whose privacy is to be protected, or the person's authorized representative.

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- (b) If the person is a minor, the parent or legal guardian of the person whose privacy is to be protected.
- (c) If the person whose privacy is to be protected is deceased, an heir, beneficiary, designated immediate family member, or authorized legal representative of the deceased person whose privacy is to be protected.

If the Department determines that this disclosure would substantially interfere with an active criminal or administrative investigation, the Custodian of Records shall provide the requester with written notice of the specific basis for the determination and the estimated date of disclosure (Government Code § 7923.625).

The Department may continue to delay release of the recording from the public for 45 days with extensions as provided in this policy (Government Code § 7923.625).

805.7 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, Campus Counsel 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.

805.8 RELEASED RECORDS TO BE MARKED

Each page of any written record released pursuant to this policy should be stamped in a colored ink or otherwise marked to indicate the department name and to whom the record was released.

Each audio/video recording released should include the department name and to whom the record was released.

805.9 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.

805.9.1 SEALED JUVENILE ARREST RECORDS

Upon receiving notice from a probation department to seal juvenile arrest records pursuant to Welfare and Institutions Code § 786.5, the Records Supervisor should ensure that the records are sealed within 60 days of that notice and that the probation department is notified once the records have been sealed (Welfare and Institutions Code § 786.5).

805.10 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.

For the purposes of this requirement, personal identifying information includes an individual's first name or first initial and last name in combination with any one or more of the following (Civil Code § 1798.29):

- (a) Social Security number
 - 1. Driver license number, California identification card number, tax identification number, passport number, military identification number, or other unique identification number issued on a government document commonly used to verify the identity of a specific individual
 - 2. Account number or credit or debit card number, in combination with any required security code, access code or password that would permit access to an individual's financial account
 - 3. Medical information
 - 4. Health insurance information
 - 5. Information or data collected by Automated License Plate Reader (ALPR) technology
 - 6. Unique biometric data
 - 7. Genetic data
- (b) A username or email address, in combination with a password or security question and answer that permits access to an online account

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805.10.1 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 UC San Diego 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 UC San Diego Police Department has done to protect individuals whose information has been breached and may include information on steps that the person whose information has been breached may take to protect him/herself (Civil Code § 1798.29).
- (c) When a breach involves an online account, and only a username or email address in combination with either a password or security question and answer that would permit access to an online account, and no other personal information has been breached (Civil Code § 1798.29):
 - 1. Notification may be provided electronically or in another form directing the person to promptly change either his/her password or security question and answer, as applicable, or to take other appropriate steps to protect the online account with the Department in addition to any other online accounts for which the person uses the same username or email address and password or security question and answer.
 - 2. When the breach involves an email address that was furnished by the UC San Diego 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.

805.10.2 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

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sufficient contact information. Substitute notice shall consist of all of the following:

- (a) Email notice when the Department has an email address for the subject person.
 - (b) Conspicuous posting of the notice on the department's webpage for a minimum of 30 days.
4. Notification to major statewide media and the California Information Security Office within the California Department of Technology.
- (b) If a single breach requires the Department to notify more than 500 California residents, the Department shall electronically submit a sample copy of the notification, excluding any personally identifiable information, to the Attorney General.

Animal Related Calls-For-Service

806.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for interacting with animals and responding to calls for service that involve animals.

806.1 POLICY

It is the policy of the UC San Diego Police Department to be responsive to the needs of the community regarding animal-related issues. This includes enforcing local, state and federal laws relating to animals and appropriately resolving or referring animal-related problems, as outlined in this policy.

806.4 ANIMAL CONTROL RESPONSIBILITIES

Animal control services are generally the primary responsibility of Animal Control and include:

- (a) Animal-related matters during periods when Animal Control is available.
- (b) Ongoing or persistent animal nuisance complaints. Such complaints may be scheduled, if reasonable, for handling during periods that Animal Control is available for investigation and resolution.
- (c) Follow-up on animal-related calls, such as locating owners of injured animals.

806.5 MEMBER RESPONSIBILITIES

Employees who respond to or assist with animal-related calls for service should evaluate the situation to determine the appropriate actions to control the situation.

Due to the hazards of handling animals without proper training and equipment, responding employees generally should not attempt to capture or pick up any animal, but should keep the animal under observation until the arrival of appropriate assistance.

Employees may consider acting before the arrival of such assistance when:

- (a) There is a threat to public safety.
- (b) An animal has bitten someone. employees should take measures to confine the animal and prevent further injury.
- (c) An animal is creating a traffic hazard.
- (d) An animal is seriously injured.
- (e) The owner/handler of an animal has been arrested or is incapacitated. In such circumstances, the employee should find an appropriate placement for the animal.
 1. This is only necessary when the arrestee is expected to be in custody for a time period longer than would reasonably allow him/her to properly care for the animal.
 2. With the owner's consent, locating appropriate placement may require contacting relatives or neighbors to care for the animal.

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3. If no person can be found or the owner does not or cannot give consent, the animal should be taken to a designated animal care facility.

806.2 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.

806.2 ANIMAL BITE REPORTS

Employees investigating an animal bite should obtain as much information as possible for follow-up with the appropriate health or animal authorities. Efforts should be made to capture or otherwise have the animal placed under control. Employees should attempt to identify and notify the owner of the final disposition of the animal.

806.9 STRAY DOGS

If a stray 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 appropriate animal care facility.

Employees shall provide reasonable treatment to animals in their care (e.g., food, water, shelter).

806.11 DANGEROUS ANIMALS

In the event responding employees cannot fulfill a request for service because an animal is difficult or dangerous to handle, the Watch Commander will be contacted to determine available resources, including requesting the assistance of animal control services from an allied agency.

806.11 PUBLIC NUISANCE CALLS RELATING TO ANIMALS

Employees should diligently address calls related to nuisance animals (e.g., barking dogs), as such calls may involve significant quality-of-life issues.

806.12 DESTRUCTION OF ANIMALS

When it is necessary to use a firearm to euthanize a badly injured animal or stop an animal that poses an imminent threat to human safety, the Firearms Policy shall be followed. A badly injured animal shall only be euthanized with the approval of a supervisor.

806.17 DECEASED ANIMALS

When an employee becomes aware of a deceased animal, all reasonable attempts should be made to preliminarily determine if the death of the animal is related to criminal activity.

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Deceased animals on public property should be removed, sealed in a plastic bag, and properly disposed of by the appropriate agency (i.e. EHS or Animal Control) or, if necessary, the responding officer with the approval of the supervisor.

Employees should not climb onto or under any privately owned structure for the purpose of removing a deceased animal.

When handling deceased animals, employees should attempt to identify and notify the owner of the final disposition of the animal.

806.18 INJURED ANIMALS

When an employee becomes aware of an injured domesticated animal, all reasonable attempts should be made to contact an owner or responsible handler. If an owner or responsible handler cannot be located, the animal should be taken to a veterinarian or emergency care facility and notice shall be given to the owner pursuant to the requirements of Penal Code § 597.1.

806.18.1 VETERINARY CARE

The injured animal should be taken to a veterinarian as follows:

- (a) During normal business hours, the animal should be taken to an authorized veterinary care clinic.
- (b) If after normal business hours, the animal should be taken to the authorized Veterinary Emergency and Critical Care Services Clinic.
- (c) An exception to the above exists when the animal is an immediate danger to the community or the owner of the animal is identified and takes responsibility for the injured animal.

Each incident shall be documented and, at minimum, include the name of the reporting party and veterinary hospital and/or person to whom the animal is released.

If Animal Control is not available, the information will be forwarded for follow-up.

806.18.2 INJURED WILDLIFE

Injured wildlife should be referred to the Department of Fish and Wildlife or the Marine Mammal Center as applicable.

806.18.3 RESCUE OF ANIMALS IN VEHICLES

If an animal left unattended in a vehicle appears to be in distress, employees may enter the vehicle for the purpose of rescuing the animal. Employees 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 employee involved in the rescue.

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- (e) Make reasonable efforts to contact the owner or secure the vehicle before leaving the scene.
- (f) Take the animal to an animal care facility, a place of safekeeping or, if necessary, a veterinary hospital for treatment.

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807.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines to ensure this department fulfills its obligation in complying with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act).

807.2 POLICY

As it relates to the Clery Act, the UC San Diego Police Department encourages accurate and prompt reporting of all crimes to the UCSD Police Department or other local law enforcement agency when the victim of a crime elects to or is unable to make such a report and takes all such reports seriously (20 USC § 1092(f)(1)(C)(iii)). Reports will be accepted in any manner, including in-person or in writing, at any UC San Diego Police Department facility. Incidents can be reported voluntarily and anonymously, by phone or via email or on the department's website. Each report is reviewed to determine whether a follow-up investigation is required; whether a Timely Warning is warranted; and whether the incident is Clery reportable.

The UCSD Police Department also reviews any reports from Campus Security Authorities (CSAs). CSA reports should be made to the UCSD Police Department whether or not the victim chooses to file a report with law enforcement or to press charges.

The UCSD Police Department assesses the information provided in the CSA report to determine whether an immediate or follow-up response is warranted; whether a Timely Warning is warranted; and whether the incident is Clery reportable.

It is the policy of the UC San Diego Police Department to comply with the Clery Act. Compliance with the Clery Act requires a joint effort between the UC San Diego Police Department and the administration of the institution.

Supervisors assigned areas of responsibility in the following policy sections are expected to be familiar with the subsections of 20 USC § 1092(f), 34 CFR 668.46, and University Policies that are relevant to their responsibilities.

807.3 POLICY, PROCEDURE AND PROGRAM DEVELOPMENT

- (a) The UCSD Police Department shall cooperate with Emergency Health & Safety and local law enforcement and emergency services agencies regarding emergency notification, response, and evacuation in accordance with UC San Diego PPM 516-29 and this manual.
- (b) The Chief of Police shall enter into agreements as appropriate with local law enforcement agencies to:
 1. Identify roles in the investigation of alleged criminal offenses on campus.

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2. Assist in the monitoring and recording of criminal activity by students at non-campus locations of student organizations that are recognized by the institution, including student organizations with off-campus housing facilities.
 3. Notify the UC San Diego Police Department of criminal offenses reported to local law enforcement agencies to assist the institution in meeting its reporting requirements under the Clery Act.
 4. Notify the UC San Diego Police Department of criminal offenses reported to local law enforcement agencies to assist in making information available to the campus community in a timely manner and to aid in the prevention of similar crimes.
 5. Notify the UCSD Police Department of a significant emergency or dangerous situation that could present an immediate threat to the health or safety of students or employees on campus.
- (c) The Chief of Police Shall appoint a designee to develop programs that are designed to inform students and employees about campus security procedures and practices and to encourage students and employees to be responsible for their own security and the security of others.
- (d) The Chief of Police shall appoint a designee to develop programs to inform students and employees about the prevention of crime.
- (e) The Chief of Police shall appoint a designee to make the appropriate notifications to institution staff regarding missing person investigations in order to ensure that the institution complies with the requirements of 34 CFR 668.46(h).

807.4 RECORDS COLLECTION AND RETENTION

The Records Supervisor is responsible for maintaining UC San Diego Police Department statistics and making reasonable good-faith efforts to obtain statistics from other law enforcement agencies as necessary to allow the institution to comply with its reporting requirements under the Clery Act. The statistics shall be compiled as follows:

- (a) Statistics concerning the occurrence of the following criminal offenses reported to this department or to local police agencies that occurred on campus, in on-campus student housing facilities, in or on non-campus buildings or property, and on public property including streets, sidewalks, and parking facilities within the campus or immediately adjacent to and accessible from the campus:
1. Murder / Non-negligent manslaughter
 2. Manslaughter by Negligence
 3. Sex offenses (rape, fondling, incest, statutory rape)
 4. Robbery
 5. Aggravated assault
 6. Burglary
 7. Motor vehicle theft

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8. Arson
 9. Arrests or persons referred for campus disciplinary action for liquor law violations, drug law violations, and weapons law violations
 10. Dating violence,
 11. Domestic violence
 12. Stalking
- (b) Hate crimes involving murder, non-negligent manslaughter, rape, fondling, incest, statutory rape, robbery aggravated assault, burglary, motor vehicle theft, arson, larceny-theft, simple assault, intimidation and destruction, damage or vandalism of property that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim because of their actual or perceived race, gender, religion, gender identity, sexual orientation, ethnicity, disability or national origin. These statistics should be collected and reported according to the category of prejudice.
- (c) The UCSD Police Department may withhold, or subsequently remove a reported crime from its crime statistics in the rare situation where sworn law enforcement personnel have fully investigated the reported crime and, based on the results of this full investigation and evidence, have made a formal determination that the crime report is false or baseless; therefore is "Unfounded". Only sworn law enforcement personnel may "unfound" a crime report for purposes of reporting. The recovery of stolen property, the low value of the stolen property, the refusal of the victim to cooperate with the prosecution, and the failure to make an arrest do not "Unfound" a crime report.
- (d) The statistics shall be compiled using the definitions in the FBI's Uniform Crime Reporting (UCR) system and modifications made pursuant to the Hate Crime Statistics Act (20 USC § 1092(f)(7)); 34 CFR 668.46(a), and Appendix A to Subpart D of 34 CFR Part 668. The statistics will be categorized separately as offenses that occur in (20 USC § 1092(f)(12); 34 CFR 668.46(c)(5)) or as otherwise required or defined by the U.S. Department of Education.:
1. In dormitories or other on-campus, residential or student facilities.
 2. On public property.
 3. In or on a non-campus building or property.
 4. On-campus.
- (e) Statistics will be included by the calendar year in which the crime was reported to the UC San Diego Police Department.
- (f) Statistics will include the three most recent calendar years.
- (g) The statistics shall not identify victims of crimes or persons accused of crimes.

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807.4.1 CRIME AND FIRE LOG

The Records Supervisor is responsible for ensuring a daily crime and fire log is created and maintained as follows :

- (a) The crime log will record all crimes reported to the UC San Diego Police Department occurring on Clery Act geography and within the UCSD Police Department's patrol jurisdiction and will include the nature, date, time and general location of each crime, and the disposition if known unless the disclosure is prohibited by law or would jeopardize the confidentiality of the victim.
- (b) The fire log entries include any fire that occurred in an on-campus student housing facility and will include the nature, date, time, and general location of each fire.
- (c) All crime and fire log entries shall be made within two business days of the initial report being made to the Department.
- (d) If new information about an entry becomes available, then the new information shall be recorded in the log no later than two business days after the information becomes available to the department.
- (e) The crime and fire log shall not identify the victim.
- (f) The daily crime and fire log for the most recent 60-day period shall be open to the public for inspection at all times during normal business hours. Subject to federal and state record retention periods, any portion of the log that is older than 60 days must be made available within two business days of a request for public inspection. Information in the log is not required to be disclosed when:
 1. There is clear and convincing evidence that the release of such information would jeopardize an ongoing criminal investigation or the safety of an individual, may cause a suspect to flee or evade detection, or could result in the destruction of evidence. In any of these cases, the information may be withheld until that damage is no longer likely to occur from the release of such information.

807.5 INFORMATION DISSEMINATION

PREPARING THE ANNUAL SECURITY AND FIRE SAFETY REPORT

- (a) The policy statements and procedures presented in the Annual Security and Fire Safety Report are prepared by members or designees of the Clery Compliance Committee, which shall include a representative from the UCSD Police Department and other key departments.
- (b) The statistics provided in the Annual Security and Fire Safety Report come from reports of crimes or fires made to the UCSD Police Department, the UCSD Campus Fire Marshal I, the Office of Student Conduct, the Office for Prevention of Harassment & Discrimination, UC San Diego Health Security Services, Campus Security Authorities (CSAs), and local law enforcement agencies.

Chapter 9 - Custody

Temporary Custody of Adults

900.1 PURPOSE AND SCOPE

This policy provides guidelines to address the health and safety of adults taken into temporary custody by members of the UC San Diego Police Department for processing prior to being released or transferred to a housing or other type of facility.

Temporary custody of juveniles is addressed in the Temporary Custody of Juveniles Policy. Juveniles will not be permitted where adults in custody are being held.

Custodial searches are addressed in the Custodial Searches Policy.

900.1.1 DEFINITIONS

Definitions related to this policy include:

Holding cell/cell - Any locked enclosure for the custody of an adult or any other enclosure that prevents the occupants from being directly visually monitored at all times by a member of the Department. Per an inspection by the Board of State and Community Corrections, UC San Diego Police Department does not have holding cells. The immediate area in the rear of the department has been deemed an arrestee processing area only.

Safety checks - Safety Checks do not apply to UC San Diego Police Department. All individuals in temporary custody are to be visually monitored at all times.

Temporary custody - The time period an adult is in custody at the UC San Diego Police Department prior to being released or transported to a housing or other type of facility.

900.2 POLICY

The UC San Diego 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.

UC San Diego Police Department does not have holding cells. Adults in temporary custody shall be supervised and visually observed at all times. No arrestee shall be left unattended in any room or closure.

900.3 GENERAL CRITERIA AND SUPERVISION

No adult should be in temporary custody for longer than six hours.

900.3.1 INDIVIDUALS WHO SHOULD NOT BE IN TEMPORARY CUSTODY

Individuals who exhibit certain behaviors or conditions should not be in temporary custody at the UC San Diego 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.

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- (b) Any individual who has a medical condition, including pregnancy, that may require medical attention, supervision, or medication while in temporary custody.
- (c) Any individual who is seriously injured.
- (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 the individual 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 themselves 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 the individual's health or safety.
- (j) Any individual with an obvious developmental disability (15 CCR 1057).
- (k) Any individual who appears to be a danger to themselves or others due to a behavioral crisis, 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 unless they have been evaluated by a qualified medical or mental health professional, as appropriate for the circumstances.

900.3.2 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 the member's supervision. Any individual in custody must be able to summon the supervising member if needed. If the person in custody has a hearing or speech impairment, accommodations shall be made to provide this ability.

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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).

Absent exigent circumstances, such as a medical emergency or a violent subject, 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.

900.3.3 ENTRY RESTRICTIONS

Entry into any location where a person is held in custody should be restricted to:

- (a) Authorized members entering for official business purposes.
- (b) Emergency medical personnel when necessary.
- (c) Any other person authorized by the Watch Commander.

When practicable, more than one authorized member should be present for entry into a location where a person is held in custody for security purposes and to witness interactions.

900.3.4 ARRESTEE PROCESSING

All arrestee processing including photographing, charge processing, and awaiting transportation should occur within the Department arrestee processing area. The arrestee shall not be left unattended in the processing area. Officers shall maintain visual observation of the arrestee at all times to deter any potential escape attempt. Any door leading out to the back of the police department shall be kept locked at all times. In case of an emergency, the police radio assigned to all officers shall serve as a duress device in alerting dispatch for assistance. A fixed object, "handcuffing bar, " may be used for a short period times to ensure the safety of the arrestee and the officer.

900.4 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 the individual for obvious signs or indications of suicidal intent.

The receiving officer should ask the arresting officer if there is any statement, indication, or evidence surrounding the individual's arrest and transportation that would reasonably indicate the individual is at risk for suicide or critical medical care. If there is any suspicion that the individual may be suicidal, the individual shall be transported to a jail or an 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

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whether the individual will be placed in a cell, immediately released, or transported to jail or other facility.

900.4.1 SCREENING AND PLACEMENT

The officer responsible 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.
 - (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.

900.4.2 CONSULAR NOTIFICATION

Consular notification may be mandatory when certain foreign nationals are arrested. The Operations Lieutenant will ensure that the U.S. Department of State's list of countries and jurisdictions that require mandatory notification is readily available to department members. There should also be a published list of foreign embassy and consulate telephone and fax numbers, as well as standardized notification forms that can be transmitted and then retained for documentation. Prominently displayed signs informing foreign nationals of their rights related to consular notification should also be posted in areas used for the temporary custody of adults.

Department members assigned to process a foreign national shall:

- (a) Inform the individual, without delay, that the individual may have the individual's consular officers notified of the arrest or detention and may communicate with them.

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1. This notification should be documented.
- (b) Determine whether the foreign national's country is on the U.S. Department of State's mandatory notification list.
 1. If the country is on the mandatory notification list, then:
 - (a) Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.
 - (b) Tell the individual that this notification has been made and inform the individual without delay that the individual may communicate with consular officers.
 - (c) Forward any communication from the individual to the individual's consular officers without delay.
 - (d) Document all notifications to the embassy or consulate and retain the faxed notification and any fax confirmation for the individual's file.
 2. If the country is not on the mandatory notification list and the individual requests that the individual's consular officers be notified, then:
 - (a) Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.
 - (b) Forward any communication from the individual to the individual's consular officers without delay.

900.5 SAFETY, HEALTH AND OTHER PROVISIONS

900.5.1 TEMPORARY CUSTODY LOGS

Any time an individual is in temporary custody at the UC San Diego Police Department, the custody shall be promptly and properly documented in a custody log, including:

- (a) Identifying information about the individual, including the individual's name.
- (b) Date and time of arrival at the Department.
- (c) Any charges for which the individual is in temporary custody and any case number.
- (d)
- (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 UC San Diego 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.

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900.5.2 TEMPORARY CUSTODY REQUIREMENTS

Members monitoring or processing anyone in temporary custody shall ensure

- (a) Individuals 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 individual is not aware.
 - 2. This does not apply to surreptitious and legally obtained recorded interrogations.
- (b) There is reasonable access to toilets and wash basins.
- (c) There is reasonable access to a drinking fountain or water.
- (d) There are reasonable opportunities to stand and stretch, particularly if handcuffed or otherwise restrained.
- (e) There is privacy during attorney visits.
- (f) 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.
- (g) 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.
- (h) Adequate shelter, heat, light and ventilation are provided without compromising security or enabling escape.
- (i) Adequate furnishings are available, including suitable chairs or benches.

900.5.3 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 assistance should be sought. A supervisor should 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, the person will be accompanied by an officer.

Those who require medication while in temporary custody should not be at the UC San Diego Police Department. They should be released or transferred to another facility as appropriate.

900.5.4 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

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to the security of the facility, the appliance may be removed from the individual unless its removal would be injurious to the individual's 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).

900.5.5 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 the individual's 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 the individual 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 the member's 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 the individual 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 the individual's attorney shall be deemed confidential and shall not be monitored, eavesdropped upon, or recorded (Penal Code § 851.5(b)(1); 15 CCR 1068).
- (d) Individuals who are known to have, or are perceived by others as having, hearing or speech impairments shall be provided access to a telecommunication device which will facilitate communication (15 CCR 1067).

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900.5.6 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.

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.

900.5.7 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.

900.5.8 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 Occupational Disease and Work-Related Injury Reporting 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 Watch Commander will retain a record of these reports for inspection purposes (15 CCR 1044).

900.5.9 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.

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- (e) Interviews between attorneys and their clients shall not be monitored or recorded (15 CCR 1068).

900.5.10 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).

900.6 USE OF RESTRAINT DEVICES

Individuals in custody may be handcuffed in accordance with the Handcuffing and Restraints Policy.

The use of restraints, other than handcuffs, generally should not be used for individuals in temporary custody at the UC San Diego Police Department unless the person presents a heightened risk, and only in compliance with the Handcuffing and Restraints Policy.

A fixed object, also referred to a "handcuffing bar," may be used for a short period of time while the individual in custody is in the processing area. At no time shall individuals in the processing area be left unattended.

Individuals in restraints shall be kept away from other unrestrained individuals in custody and monitored to protect them from abuse.

900.6.1 PREGNANT ADULTS

Adults who are known to be pregnant should be restrained in accordance with the Handcuffing and Restraints Policy.

900.7 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, the individual's items of personal property shall be compared with the inventory, and the individual 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 the individual's property. The Watch Commander shall attempt to prove or disprove the claim.

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900.8 HOLDING CELLS

The department does not have holding cells.

900.8.1 USE OF SOBERING CELL

This department does not operate a sobering cell. Those individuals requiring a sobering cell shall be transported to another facility equipped to deal with individuals in such an intoxicated state.

900.9 SUICIDE ATTEMPT, DEATH, OR SERIOUS INJURY

The Operations Lieutenant will ensure procedures are in place to address any suicide attempt, death or serious injury of any individual in temporary custody at the UC San Diego 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 Investigation Lieutenant
- (c) Notification of the spouse, next of kin or other appropriate person
- (d) Notification of the appropriate prosecutor
- (e) Notification of the Campus Counsel
- (f) Notification of the Medical Examiner
- (g) Evidence preservation
- (h) In-custody death reviews (15 CCR 1046)
- (i) Notification to the Attorney General within 10 days of any death in custody including any reasonably known facts concerning the death (Government Code § 12525)

900.10 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 the individual's property, warrant copies).
- (f) The individual is not permitted in any nonpublic areas of the UC San Diego Police Department unless escorted by a member of the Department.

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- (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 the individual 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.
- (i) Transfers between facilities or other entities, such as a hospital, should be accomplished with a custodial escort of the same sex as the person being transferred to assist with the person's personal needs as reasonable.

900.12 TRAINING

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

Temporary Custody of Juveniles

901.1 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 UC San Diego Police Department (34 USC § 11133).

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

901.1.1 DEFINITIONS

Definitions related to this policy include:

Juvenile non-offender - An abused, neglected, dependent, or alien juvenile who may be legally held for the juvenile's 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 the juvenile's protection or for purposes of reuniting the juvenile with a parent, guardian, or other responsible person. Juveniles 11 years of age or younger are considered juvenile non-offenders even if they have committed an offense that would subject an adult to arrest.

Juvenile offender - A juvenile 12 to 17 years of age who is alleged to have committed an offense that would subject an adult to arrest (a non-status offense) (Welfare and Institutions Code § 602). It also includes an offense under Penal Code § 29610 for underage possession of a handgun or concealable firearm (28 CFR 31.303).

Non-secure custody - When a juvenile is held in the presence of an officer or other custody employee at all times and is not placed in a locked room, cell, or behind any locked doors. Juveniles in non-secure custody may be handcuffed but not to a stationary or secure object. Personal supervision, through direct visual monitoring and audio two-way communication is maintained. Monitoring through electronic devices, such as video, does not replace direct visual observation (Welfare and Institutions Code § 207.1; 15 CCR 1150).

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

Juveniles in temporary custody at UC San Diego Police Department are to be under direct visual observation at all times. Safety checks do not apply.

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).

Juveniles are not held in secure custody at UC San Diego Police Department.

Examples of secure custody include:

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

Sight and sound separation - Located or arranged to prevent physical, visual, or auditory contact that is more than brief or inadvertent.

Status offender - A juvenile suspected of committing a criminal violation of the law that would not be a criminal violation but for the age of the offender. Examples may include running away, underage possession of tobacco, curfew violation, and truancy. A juvenile in custody on a court order or warrant based upon a status offense is also a status offender. This includes the habitually disobedient or truant juvenile under Welfare and Institutions Code § 601 and any juvenile suspected of an offense that would not subject an adult to arrest (e.g., fine-only offense).

901.2 POLICY

The UC San Diego 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 UC San Diego Police Department. Juveniles should be held in temporary custody only for as long as reasonably necessary for processing, transfer, or release.

901.3 JUVENILES WHO SHOULD NOT BE HELD

Juveniles who exhibit any of the following conditions should not be held at the UC San Diego 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

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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 UC San Diego Police Department unless they have been evaluated by a qualified medical and/or mental health professional (15 CCR 1142).

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).

901.3.1 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).

901.3.2 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 themselves, or any unusual behavior which may indicate the juvenile may harm themselves while in either secure or non-secure custody (15 CCR 1142).

901.4 CUSTODY OF JUVENILES

Officers should take custody of a juvenile and temporarily hold the juvenile at the UC San Diego 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 UC San Diego 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 the juvenile's entry into the UC San Diego Police Department (34 USC § 11133; Welfare and Institutions Code § 207.1).

901.4.1 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 UC San Diego 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

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Code § 602(b) (murder and the sexual assault offenses) and should be referred to a probation officer for a placement determination (Welfare and Institutions Code § 602.1).

901.4.2 CUSTODY OF JUVENILE STATUS OFFENDERS

Status offenders should generally be released by citation or with a warning rather than taken into temporary custody. However, officers may take custody of a status offender if requested to do so by a parent or legal guardian in order to facilitate reunification (e.g., transported home or to the station to await a parent). Juvenile status offenders shall not be held in secure custody (34 USC § 11133).

901.4.3 CUSTODY OF JUVENILE OFFENDERS

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

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

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

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

In all other cases the juvenile offender may be:

- (a) Released upon warning or citation.
- (b) Released to a parent or other responsible adult after processing at the Department.
- (c) Referred to a probation officer for a decision regarding whether to transport the juvenile offender to a juvenile facility.
- (d) Transported to the juvenile offender's 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).

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901.4.4 JUVENILE PROCESSING

All juvenile processing including photographing, charge processing, and awaiting transportation should occur within the Department arrestee processing area.

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

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

Juveniles taken into custody for an offense shall immediately be advised (or at least within one hour from being taken into custody, if possible) that they may make three telephone calls: one call completed to their parent or guardian; one to a responsible relative or their 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).

901.6 JUVENILE CUSTODY LOGS

The Department does not hold detained or arrested juveniles in secure custody within the UC San Diego police facility. Any time a juvenile is held in a non-secure custody status at the Department, the custody shall be promptly and properly documented in the non-secure custody juvenile log, which includes:

- (a) Identifying information about the juvenile.
- (b) Date and time of arrival and release from the UC San Diego 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.

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.

901.7 NO-CONTACT REQUIREMENTS

Sight and sound separation shall be maintained between all juveniles and adults while in custody at the Department (34 USC § 11133; Welfare and Institutions Code § 207.1; Welfare and Institutions

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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 UC San Diego Police Department (trained in the supervision of persons in custody) shall maintain a constant, immediate, side-by-side presence with the juvenile or the adult to minimize any contact. If inadvertent or accidental contact does occur, reasonable efforts shall be taken to end the contact (15 CCR 1144).

901.8 TEMPORARY CUSTODY REQUIREMENTS

Members and supervisors assigned to monitor or process any juvenile at the UC San Diego 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 UC San Diego Police Department more than four hours. This will enable the Watch Commander to ensure no juvenile is held at the UC San Diego Police Department more than six hours.
- (b) A staff member of the same sex shall supervise personal hygiene activities and care, such as changing clothing or using the restroom, without direct observation to allow for privacy.
- (c) Personal safety checks and significant incidents/activities shall be noted on the log.
- (d) Juveniles in custody are informed that they will be monitored at all times, except when using the toilet.
 1. There shall be no viewing devices, such as peep holes or mirrors, of which the juvenile is not aware.
 2. This does not apply to surreptitious and legally obtained recorded interrogations.
- (e) Juveniles shall have reasonable access to toilets and wash basins (15 CCR 1143).
- (f) Juveniles shall be provided sanitary napkins, panty liners, and tampons as requested (15 CCR 1143).
- (g) Food shall be provided if a juvenile has not eaten within the past four hours or is otherwise in need of nourishment, including any special diet required for the health of the juvenile (15 CCR 1143).
- (h) Juveniles shall have reasonable access to a drinking fountain or water (15 CCR 1143).
- (i) Juveniles shall have reasonable opportunities to stand and stretch, particularly if handcuffed or restrained in any way.
- (j) Juveniles shall have privacy during family, guardian, and/or lawyer visits (15 CCR 1143).
- (k) Juveniles shall be permitted to remain in their personal clothing unless the clothing is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody (15 CCR 1143).
- (l) Blankets shall be provided as reasonably necessary (15 CCR 1143).

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1. The supervisor should ensure that there is an adequate supply of clean blankets.
- (m) Adequate shelter, heat, light, and ventilation should be provided without compromising security or enabling escape.
- (n) Juveniles shall have adequate furnishings, including suitable chairs or benches.
- (o) Juveniles shall have the right to the same number of telephone calls as an adult in temporary custody.
- (p) Juveniles shall have access to language services (15 CCR 1143).
- (q) Juveniles shall have access to disability services (15 CCR 1143).
- (r) No discipline may be administered to any juvenile, nor may juveniles be subjected to corporal or unusual punishment, humiliation, or mental abuse (15 CCR 1142).

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

901.9 RELIGIOUS ACCOMMODATION

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

901.10 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 UC San Diego 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).

901.11 PERSONAL PROPERTY

The officer taking custody of a juvenile offender or status offender at the UC San Diego 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 UC San Diego Police Department.

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901.12 SECURE CUSTODY

UC San Diego Police Department does not have a secure holding cell nor shall a juvenile be placed in any locked enclosure unsupervised.

901.12.1 LOCKED ENCLOSURES

UC San Diego Police Department does not have a secure holding cell nor shall a juvenile be placed in any locked enclosure unsupervised.

901.13 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 UC San Diego 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 University 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.

901.14 INTERVIEWING OR INTERROGATING JUVENILE SUSPECTS

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

Prior to conducting a custodial interrogation, including the waiver of *Miranda* rights, an officer shall permit a juvenile 17 years of age or younger to consult with legal counsel and/or parent or legal guardian 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.

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- (c) An interview or interrogation of a juvenile should not be conducted with more than two officers at the same time. If an interview or interrogation lasts for more than one hour, at least one break should be taken each hour.

901.14.1 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.
- (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).

901.14.2 BREAKS AND TIME LIMITS

Upon interview or custodial interrogation, a juvenile suspect shall be advised they may take a break at any time and that access to water and a restroom will be provided if needed. A fifteen (15) minute break shall be taken once every hour, at minimum.

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The interview or custodial interrogation of a juvenile suspect shall be completed as soon as reasonably possible. In no case should the interview or interrogation of a juvenile suspect last longer than four (4) consecutive hours, or consist of more than four (4) aggregate hours within any contiguous 24-hour period.

901.14.3 PARENT / GUARDIAN CONFERENCE

Should a juvenile suspect expresses a desire to confer with their parent or legal guardian prior to or during an interview or custodial interrogation, the involved officers should attempt to facilitate this and allow the juvenile a reasonable opportunity to speak with their parent or legal guardian. This section should not be interpreted so as to require officers to contact a juvenile suspect's parent or legal guardian or to obtain permission before conducting an interview or custodial interrogation.

901.14.4 NUMBER OF INTERVIEWERS

No more than two officers shall be directly engaged in the interview or custodial interrogation of a juvenile suspect at the same time.

901.15 TRANSPORT OF IN-CUSTODY JUVENILES

Whether to be held in secure or non-secure custody, juvenile offenders requiring transport should be handcuffed and placed in the secure compartment of a marked police vehicle. Juvenile non-offenders and status offenders should not be handcuffed during transport unless they are combative or threatening (15 CCR 1142), and need not be placed in the secure compartment of a marked police vehicle if another safe option is readily available.

Other restraint devices may be utilized during transport of an in-custody juvenile only in compliance with the Use of Restraint Devices section of this policy. Refer to the department Handcuffing and Restraints policy for additional guidance on the use of restraints on juveniles in the field.

Juveniles shall be transported separately from any adult prisoners, and also separated by sex and/or gender identity. Juvenile offenders shall be transported separately from juvenile non-offenders or status offenders. No more than two juveniles may be transported in any police vehicle at the same time.

All juveniles shall wear a seat belt during any transport.

901.15.1 1 PRE-TRANSPORT SEARCHES

Prior to the transport and entry into the police facility of a juvenile offender, the transporting officer is responsible to conduct a pat-down cursory search and property search for potential weapons, contraband and other safety and security concerns.

Prior to the transport and entry into the police facility of a juvenile non-offender or status offender, the transporting officer should request consent to conduct a pat-down cursory search and property search for potential weapons, contraband and other safety and security concerns. If the request is refused, no search shall be conducted unless another lawful justification exists.

All such searches (or requested searches) of juveniles, and the reasons thereof, shall be documented in a police report.

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901.16 FORMAL BOOKING

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

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

For all other acts defined as crimes, juveniles may be booked, fingerprinted, or photographed upon the approval from the Watch Commander or the 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

901.17 RELEASE OF INFORMATION CONCERNING JUVENILES

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

A copy of the current policy of the juvenile court concerning authorized release of information and appropriate acknowledgment forms shall be kept with copies of this procedure in the UC San Diego Police Department Policy Manual. Such releases are authorized by Welfare and Institutions Code § 827.

Welfare and Institutions Code § 828 authorizes the release of certain information to other agencies. It shall be the responsibility of the Records Supervisor and the appropriate Investigation Unit supervisors to ensure that personnel of those bureaus act within legal guidelines.

901.18 BOARD OF STATE AND COMMUNITY CORRECTIONS CERTIFICATION

The Operations Lieutenant shall coordinate the procedures related to the custody of juveniles held at the UC San Diego Police Department and ensure any required certification is maintained (Welfare and Institution Code § 210.2).

901.19 TRAINING

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

Custodial Searches

902.1 PURPOSE AND SCOPE

This policy provides guidance regarding searches of individuals in custody. Such searches are necessary to eliminate the introduction of contraband, intoxicants or weapons into the UC San Diego Police Department facility. Such items can pose a serious risk to the safety and security of department members, individuals in custody, contractors and the public.

Nothing in this policy is intended to prohibit the otherwise lawful collection of evidence from an individual in custody.

902.1.1 DEFINITIONS

Definitions related to this policy include:

Custody search - An in-custody search of an individual and of the individual's 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, rectal cavity, or vagina of an individual.

Strip search - A search that requires an individual to remove or rearrange some or all of the individual's 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 the individual's underclothing, buttocks, genitalia, or female breasts are visible.

902.2 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.

902.3 FIELD AND TRANSPORTATION SEARCHES

An officer shall conduct a custody search of an individual immediately after the individual's 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.

902.4 SEARCHES AT POLICE FACILITIES

Custody searches shall be conducted on all individuals in custody, upon entry to the UC San Diego Police Department facilities. Except in exigent circumstances, the search should be conducted by

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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.

902.4.1 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 officer is to write "REFUSED" and the inventory shall be witnessed by another department member. The inventory should include the case number, date, time, member's UC San Diego Police Department identification number and information regarding how and when the property may be released.

902.4.2 VERIFICATION OF MONEY

All US currency shall be counted and recorded on body-worn camera and, whenever practicable, should be counted in front of the individual from whom it was received. If the individual is transported and booked into jail, the US currency taken for safekeeping shall be booked at the jail facility with other personal property, according to existing jail booking procedures.

All US currency submitted into evidence shall be packaged separately from any other items submitted in reference to the same case. The case number, US currency denominations and the total amount shall be noted on the tamper-proof money envelope, the envelope sealed with the date and initialed by the submitting officer on the seal. All US currency must be counted by the submitting officer and a witness officer or supervisor, with both signing the property label to verify the stated total amount counted. US Currency does not include coins or foreign currency.

Foreign currency shall be counted following the same procedures as US Currency and placed in its own separate envelope, with the total value indicated on the envelope, if known.

902.5 STRIP SEARCHES

Members of this department shall not conduct strip searches. This practice will be left to the employees at the county jail or juvenile detention facility as appropriate.

902.6 PHYSICAL BODY CAVITY SEARCH

Members of this department shall not conduct body cavity searches. This practice will be left to the employees at the county jail or juvenile detention facility as appropriate.

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902.7 JUVENILES

No juvenile should be subjected to a strip search or a physical body cavity search at the Department.

The Chief of Police or the authorized designee should establish procedures for the following:

- (a) Safely transporting a juvenile who is suspected of concealing a weapon or contraband, or who may be experiencing a medical issue related to such concealment, to a medical facility or juvenile detention facility as appropriate in the given circumstances.
 - 1. Procedures should include keeping a juvenile suspected of concealing a weapon under constant and direct supervision until custody is transferred to the receiving facility.
- (b) Providing officers with information identifying appropriate medical and juvenile detention facilities to which a juvenile should be transported for a strip or body cavity search.

Nothing in this section is intended to prevent an officer from rendering medical aid to a juvenile in emergency circumstances (see the Medical Aid and Response Policy for additional guidance).

902.8 TRAINING

The Training Manager shall ensure members have training that includes (28 CFR 115.115):

- (a) Conducting searches of cross-gender individuals.
- (b) Conducting searches of transgender and intersex individuals.
- (c) Conducting searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

Chapter 10 - Personnel

Recruitment and Selection

1000.1 PURPOSE AND SCOPE

This policy provides a framework for employee recruiting efforts and identifying job-related standards for the selection process. This policy supplements the rules that govern employment practices for the UC San Diego Police Department and that are promulgated and maintained by the Department of Human Resources.

1000.2 POLICY

In accordance with applicable federal, state, and local law, the UC San Diego Police Department provides equal opportunities for applicants and employees regardless of actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law. The Department does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law.

The Department will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

1000.3 RECRUITMENT

The Administration Lieutenant shall employ a comprehensive recruitment and selection strategy to recruit and select employees from a qualified and diverse pool of candidates.

The strategy shall include:

- (a) Establishment of a written recruitment plan.
 1. The plan shall include an outline of steps for recruiting candidates who are representative of the community. This should include candidates who live in or are from the community, if appropriate and consistent with applicable laws and memorandums of understanding or collective bargaining agreements.
- (b) Identification of racially and culturally diverse target markets.
- (c) Use of marketing strategies to target diverse applicant pools.
- (d) 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.
- (e) Expanded outreach through partnerships with media, community groups, citizen academies, local colleges, universities, and the military.
- (f) Employee referral and recruitment incentive programs.
- (g) Consideration of shared or collaborative regional testing processes.

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The Administration Lieutenant 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 their status in the recruiting process.

1000.4 SELECTION PROCESS

The Department shall actively strive to identify a diverse group of candidates who have in some manner distinguished themselves as being outstanding prospects. Minimally, the Department shall employ a comprehensive screening, background investigation, and selection process that assesses cognitive and physical abilities and includes review and verification of the following:

- (a) A comprehensive application for employment (including previous employment, references, current and prior addresses, education, military record)
 - 1. The personnel records of any applicant with prior peace officer experience in this state shall be requested from the appropriate law enforcement agency and reviewed prior to extending an offer of employment (Penal Code § 832.12).
 - 2. This includes review of prior law enforcement employment information maintained by POST (Penal Code § 13510.9).
- (b) Driving record
- (c) Personal and professional 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
 - 1. This review should include the identification of any activity that promotes or supports unlawful violence or unlawful bias against persons based on protected characteristics (e.g., race, ethnicity, national origin, religion, gender, gender identity, sexual orientation, disability).
- (f) Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.)
- (g) Local, state, and federal criminal history record checks
- (h) Lie detector test (when legally permissible) (Labor Code § 432.2)
- (i) Medical and psychological examination (may only be given after a conditional offer of employment)
 - 1. The Medical Suitability Declaration (POST form 2-363) provided by the evaluating physician shall be maintained in the candidate's background investigation file (11 CCR 1954).

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2. The Psychological Suitability Declaration (POST form 2-364) provided by the evaluator shall be maintained in the candidate's background investigation file (11 CCR 1955).
 - (j) Review board or selection committee assessment
 - (k) Relevant national and state decertification records, if available
 - (l) Any relevant information in the National Law Enforcement Accountability Database

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 UC San Diego Police Department (11 CCR 1953).

The narrative report and any other relevant background information shall be shared with the psychological evaluator. Information shall also be shared with others involved in the hiring process if it is relevant to their respective evaluations (11 CCR 1953).

1000.5.1 BACKGROUND INVESTIGATION UPDATE

A background investigation update may, at the discretion of the Chief of Police, be conducted in lieu of a complete new background investigation on a peace officer candidate who is reappointed within 180 days of voluntary separation from the UC San Diego Police Department, or who is an interim police chief meeting the requirements contained in 11 CCR 1953(f).

1000.5.2 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).

1000.5.3 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).

1000.5.4 REVIEW OF SOCIAL MEDIA SITES

All peace officer candidates shall be subject to a social media search for statements, postings, and/or endorsements made by the candidate that are relevant to suitability for peace officer employment, including bias-relevant information consistent with the requirements of 11 CCR

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1955(d)(3) and any public expression of hate made in an online forum, as defined in Penal Code § 13680(g) (11 CCR 1953(e)(12)).

Due to the potential for accessing unsubstantiated, private, or protected information, the Department shall not require candidates to provide passwords, account information, or access to password-protected social media accounts (Labor Code § 980).

The Department should consider utilizing the services of an appropriately trained and experienced third party to conduct open source, internet-based searches, and/or review information from social media sites to ensure that:

- (a) The legal rights of candidates are protected.
- (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 Assistant Chief should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

1000.5.5 DOCUMENTING AND REPORTING

The background investigator shall summarize the results of the background investigation in a narrative report that includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment. The report shall include sections that summarize relevant Background Investigation Dimensions and include any findings of behaviors, traits, and/or attributes relevant to bias per the Bias Assessment Framework as described in the POST Background Investigation Manual. The report shall identify the data sources reviewed for the findings, regardless of weight given. The report shall include narrative information in the format described in 11 CCR 1953(g)(1). The report shall also include whether the candidate has engaged or is engaging in membership in a hate group, participation in hate group activity, or advocacy or public expressions of hate, pursuant to Penal Code § 13680 et seq. (11 CCR 1953).

The report shall not include any information that is prohibited from use, including that from social media sites, in making employment decisions. The report and all supporting documentation including relevant documentation of bias-related findings and documentation obtained through the social media search shall be included in the candidate's background investigation file (11 CCR 1953).

The background investigator shall document proof of verification of qualification for peace officer appointment on the Verification of Qualification for Peace Officer Appointment form and forward to the Assistant Chief for final review and submission to POST (11 CCR 1953).

The background investigation file shall be made available during POST compliance inspections (11 CCR 1953).

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1000.5.6 RECORDS RETENTION

The background report and all supporting documentation shall be maintained according to the established records retention schedule and at a minimum as follows (Government Code § 12946; 11 CCR 1953):

- (a) Reports and documentation for candidates hired by the Department shall be retained for the entire term of employment and a for a minimum of four years after separation from the Department.
- (b) Reports and documentation for candidates not hired by the Department for a minimum of four years.

1000.5.7 INVESTIGATOR TRAINING

Background investigators shall complete POST-certified background investigation training prior to conducting investigations (11 CCR 1953; 11 CCR 1959).

1000.5.8 CONFIDENTIAL POST RECORDS

Records released to the Department from POST that were previously withheld from the candidate by POST shall be kept confidential as provided in Penal Code § 13510.9.

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; Penal Code § 13510.1; 11 CCR 1950 et seq.). Candidates will be evaluated based on merit, ability, competence, and experience, in accordance with the high standards of integrity and ethics valued by the Department and the community. The California

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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 or required by state law (Government Code § 1029; Government Code § 1031; 11 CCR 1950 et seq.):

- (a) Free of any felony convictions
- (b) Be legally authorized to work in the United States under federal law
- (c) At least 21 years of age except as provided by Government Code § 1031.4
- (d) Fingerprinted for local, state, and national fingerprint check
- (e) Good moral character as determined by a thorough background investigation (11 CCR 1953)
- (f) High school graduate, passed the GED or other high school equivalency test, or obtained a two-year, four-year, or advanced degree from an accredited or approved institution
- (g) Free from any physical, emotional, or mental condition, including bias against race or ethnicity, gender, nationality, religion, disability, or sexual orientation which might adversely affect the exercise of police powers (11 CCR 1954; 11 CCR 1955)
- (h) Free of hate group memberships, participation in hate group activities, or advocacy of public expressions of hate within the previous seven years, and since 18 years of age, as determined by a background investigation (Penal Code § 13681)
- (i) Candidates must also satisfy the POST selection requirements, including (11 CCR 1950 et seq.):
 - 1. Reading and writing ability assessment (11 CCR 1951)
 - 2. Oral interview to determine suitability for law enforcement service (11 CCR 1952)
- (j) POST certification that has not been revoked, denied, or voluntarily surrendered pursuant to Penal Code § 13510.8(f)
- (k) Not identified in the National Decertification Index of the International Association of Directors of Law Enforcement Standards and Training or similar federal government database that reflects revoked certification for misconduct or reflects misconduct that would result in a revoked certification in California.

In addition to the above minimum POST required standards, candidates may be subjected to additional standards established by the Department (Penal Code § 13510(d)).

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1000.7.2 STANDARDS FOR DISPATCHER

Candidates shall satisfy the POST selection requirements, including (11 CCR 1956):

- (a) A verbal, reasoning, memory, and perceptual abilities assessment (11 CCR 1957)
- (b) An oral communication assessment (11 CCR 1958)
- (c) A medical evaluation (11 CCR 1960)

1000.8 PROBATIONARY PERIODS

The Department's Business Manager should coordinate with the University of California, San Diego Department of Human Resources to identify positions subject to probationary periods and procedures for:

- (a) Appraising performance during probation.
- (b) Assessing the level of performance required to complete probation.
- (c) Extending probation.
- (d) Documenting successful or unsuccessful completion of probation.

Evaluation of Employees

1001.1 PURPOSE AND SCOPE

The Department's employee performance evaluation system is designed to record work performance for both the Department and the employee, providing recognition for good work and developing a guide for improvement.

1001.2 POLICY

The UC San Diego Police Department utilizes a performance evaluation report to measure performance and to use as a factor in making personnel decisions that relate to merit increases, promotion, reassignment, discipline, demotion, and termination. The evaluation report is intended to serve as a guide for work planning and review by the supervisor and employee. It gives supervisors a way to create an objective history of work performance based on job standards.

The Department evaluates employees in a non-discriminatory manner based upon job-related factors specific to the employee's position, without regard to actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law.

1001.3 EVALUATION PROCESS

Evaluation reports will cover a specific period of time and should be based on documented performance during that period. Evaluation reports will be completed by each employee's immediate supervisor. Other supervisors directly familiar with the employee's performance during the rating period should be consulted by the immediate supervisor for their input.

All sworn and non-sworn supervisory personnel shall attend an approved supervisory course that includes training on the completion of performance evaluations within one year of the supervisory appointment.

Each supervisor should discuss the tasks of the position, standards of performance expected and the evaluation criteria with each employee at the beginning of the rating period. Supervisors should document this discussion in the prescribed manner.

Assessment of an employee's job performance is an ongoing process. Continued coaching and feedback provides supervisors and employees with opportunities to correct performance issues as they arise.

Non-probationary employees demonstrating substandard performance shall be notified in writing of such performance as soon as possible in order to have an opportunity to remediate the issues. Such notification should occur at the earliest opportunity, with the goal being a minimum of 90 days written notice prior to the end of the evaluation period.

Employees who disagree with their evaluation and who desire to provide a formal response or a rebuttal may do so in writing in the prescribed format and time period.

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1001.4 FULL TIME PROBATIONARY PERSONNEL

Sworn personnel are on probation for 12 months before being eligible for certification as permanent employees. Trainee evaluations shall be completed per Peace Officer Standards and Training (POST) guidelines while in the Field Training Officer Program and at least one official Department evaluation shall be completed at the initial 6-month mark.

Dispatch personnel are on probation for 12 months before being eligible for certification as permanent employees. Trainee evaluations shall be completed per Dispatcher Standards and Training (POST) guidelines while in the Communications Training Officer program and at least one official Department evaluation shall be completed at the initial 6-month mark.

All other non-sworn personnel are on probation for 6 months before being eligible for certification as permanent employees. An official Department evaluation shall be completed at least once at the 3-month mark.

1001.5 FULL-TIME PERMANENT STATUS PERSONNEL

Permanent employees are subject to three types of performance evaluations:

Regular - An Employee Performance Evaluation shall be completed once each year by the employee's immediate supervisor.

Transfer - If an employee is transferred from one assignment to another in the middle of an evaluation period and less than six months have transpired since the transfer, then an evaluation shall be completed by the current supervisor with input from the previous supervisor.

Special - A special evaluation may be completed any time the rater and the rater's supervisor feel one is necessary due to employee performance that is deemed less than standard. Generally, the special evaluation will be the tool used to demonstrate those areas of performance deemed less than standard when follow-up action is planned (action plan, remedial training, retraining, etc.). The evaluation form and the attached documentation shall be submitted as one package.

1001.5.1 RATINGS

When completing the Employee Performance Evaluation, the rater will place a check mark in the column that best describes the employee's performance. The definition of each rating category is as follows:

E = Exceptional. Performance well exceeds expectations and is consistently outstanding.

A = Above Expectations. Performance is consistently beyond expectations.

S = Solid Performance. Performance consistently fulfills expectations and at times exceeds them.

I = Improvement Needed. Performance does not consistently meet expectations.

U = Unsatisfactory. Performance is consistently below expectations. Deficiencies should be addressed as noted in the performance appraisal.

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

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for improvement. Any rating under any job dimension marked unsatisfactory or outstanding shall be substantiated in the rater comments section.

1001.6 EVALUATION INTERVIEW

When the supervisor has completed the preliminary evaluation, arrangements shall be made for a private discussion of the evaluation with the employee. The supervisor should discuss the results of the just completed rating period and clarify any questions the employee may have. If the employee has valid and reasonable protests of any of the ratings, the supervisor may make appropriate changes to the evaluation. Areas needing improvement and goals for reaching the expected level of performance should be identified and discussed. The supervisor should also provide relevant counseling regarding advancement, specialty positions and training opportunities. The supervisor and employee will sign and date the evaluation. Permanent employees may also write comments in the Employee Comments section of the performance evaluation report.

1001.7 EVALUATION REVIEW

After the supervisor finishes the discussion with the employee, the signed performance evaluation is forwarded to the rater's supervisor. The rater's supervisor shall review the evaluation for fairness, impartiality, uniformity, and consistency. The rater's supervisor shall evaluate the supervisor on the quality of ratings given.

1001.8 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.

Grievance Procedure

1002.1 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.

1002.1.1 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
- University 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 allegations of discrimination or harassment subject to the Discriminatory Harassment Policy. Also outside the category of grievances are personnel complaints regarding 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 as set forth in the Personnel Complaint Policy.

1002.2 PROCEDURE

Except as otherwise required under a collective bargaining agreement, if an employee believes that he or she has a grievance as defined above, then that employee shall observe the following procedure:

- (a) Attempt to resolve the issue through informal discussion with immediate supervisor.
- (b) If after a reasonable amount of time, generally seven days, the grievance cannot be settled by the immediate supervisor, the employee may request an interview with the Lieutenant of the affected division or bureau.
- (c) If a successful resolution is not found with the Lieutenant, the employee may request a meeting with the Chief of Police.
- (d) If the employee and the Chief of Police are unable to arrive at a mutual solution, then the employee shall proceed as follows:
 1. Submit in writing a written statement of the grievance and deliver one copy to the Chief of Police and another copy to the immediate supervisor and include the following information:

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- (a) The basis for the grievance (i.e., what are the facts of the case?).
 - (b) Allegation of the specific wrongful act and the harm done.
 - (c) The specific policies, rules or regulations that were violated.
 - (d) What remedy or goal is being sought by this grievance.
- (e) The employee shall receive a copy of the acknowledgment signed by the supervisor including the date and time of receipt.
- (f) The Chief of Police will receive the grievance in writing. The Chief of Police and the Vice Chancellor, Resource Management and Planning will review and analyze the facts or allegations and respond to the employee within 14 calendar days. The response will be in writing, and will affirm or deny the allegations. The response shall include any remedies if appropriate. The decision of the Vice Chancellor, Resource Management and Planning is considered final.

1002.3 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.

1002.4 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 Vice Chancellor, Resource Management and Planning's office to monitor the grievance process.

1002.5 GRIEVANCE AUDITS

The Training Manager shall perform an annual audit of all grievances filed the previous calendar year to evaluate whether or not any policy/procedure changes or training may be appropriate to avoid future filings of grievances. The Training Manager shall record these findings in a confidential and generic memorandum to the Chief of Police without including any identifying information from any individual grievance. If the audit identifies any recommended changes or content that may warrant a critical revision to this policy manual, the Training Manager should promptly notify the Chief of Police.

Minimum Standards

1003.1 PURPOSE AND SCOPE

Minimum Standards identify the minimum performance and behavior expected of Department personnel. All Department personnel are expected to meet minimum standards of performance and behavior in order to obtain a met standards or higher performance evaluation. Minimum Standards are identified for Police Officers, Dispatchers, and Residential Security Officers. All department employees are expect to follow Universitywide Police Policies and Administrative Procedures (Gold Book) as well as all University of California, San Diego Policies and Procedures, in addition to the Minimum Standards outlined in this manual. Supervisors may establish shift rules and expectations that supplement the Minimum Standards.

1003.1.1 POLICE OFFICER MINIMUM STANDARDS

Sworn personnel must comply with all minimum standards in order to receive a satisfactory performance evaluation. You are encouraged to discuss these standards with your supervisor. We welcome your input. While some of the Minimum Standards are primarily focused on sworn officers working patrol or other field assignments, but those areas that do not specifically apply to patrol duties are expected of all sworn personnel regardless of assignment.

1003.1.2 DUTY HOURS

- (a) You are expected to be in uniform, fully equipped for duty, and present in the briefing room at the beginning of your assigned work time.
- (b) You are expected to remain in service until the end of your shift or until relieved by the oncoming squad - whichever is later.
- (c) If you are unable to arrive at work on time, it is your responsibility to notify the on duty shift commander of your problem and estimated time of arrival.
- (d) If you are late, you must complete an "Officer's Report" explaining why you were late. This report must be turned in by EOS. An appropriate entry will be made in the "Tardy Log" by the shift supervisor.
- (e) When you must call in "sick", you will call at least one hour prior to your assigned work time. Your sick leave usage will be within reasonable limits. §1014 addresses sick leave.

1003.1.3 BRIEFING

- (a) It is your responsibility to be attentive, share pertinent information, and review current information at briefing. If you are absent for a period of time, it is your responsibility to update yourself on missed information upon your return to duty.
- (b) You are required to participate in briefing training and may be called upon to prepare and present training materials.

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1003.1.4 POST BRIEFING ROUTINE

- (a) Upon completion of briefing, vehicle inspections will be completed. Any noted damage will be reported to the Watch Commander.
- (b) You are required to maintain and use all equipment properly. Any discrepancies in vehicle condition or patrol equipment should be dealt with prior to entering service.
- (c) You will get into the field after briefing and vehicle inspections as soon as possible. Dispatch must be advised over the radio when you go in service.

1003.1.5 RADIO PROCEDURES

- (a) Radio equipment will be used and maintained in a professional and conscientious manner.
- (b) Broadcast and reception tests of both mobile and hand held radios will be included as a part of daily radio testing procedures.
- (c) You will advise dispatch as soon as you are in service at the beginning of the shift and as you go out of service at the end of the shift.
- (d) You will monitor our Department radio traffic at all times when on duty.
- (e) You will advise dispatch whenever you change your activity or location.
- (f) Radio transmissions should be of appropriate duration and content. Do not tie up the air with a lengthy, non emergency message that could be transmitted by telephone. Profane or vulgar language will not be transmitted. Expressions of anger or excitement will be avoided.
- (g) Emergency transmissions have broadcast priority. In order to receive priority for an emergency broadcast, you should broadcast your unit number followed by the word EMERGENCY. Dispatch will immediately repeat your priority request for the network, clearing the air for your emergency broadcast. Dispatch will repeat your emergency broadcast for the network. All other units will restrict their transmissions until the emergency is over.
- (h) You will acknowledge radio transmissions in a professional and timely manner. You will not tie up air time with disputes or with argumentative and/or unnecessary comments. You will not question assignments over the air.
- (i) It is the dispatcher's responsibility to properly prioritize calls. Dispatchers may alert you to the fact that there are calls pending while you are on a call. In the event of an assigning error, it would be appropriate for you to volunteer for a call you should have received.
- (j) Whenever possible, you will begin all radio communications by stating your unit number and/or purpose. You will then wait for dispatch to acknowledge your transmission. For example: officer - "615 11-50." dispatch - "615 is 11-50, go ahead."

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- (k) On each traffic stop you make, you will provide dispatch with at least the following minimum information:
 - 1. Identify yourself as mentioned in j. above
 - 2. Type of stop (11-49, 11-50, etc.) (On 11-49 No cover unit will be dispatched. On 11-50 a cover unit will be dispatched until you advise that the situation is "code four". You will be advised if a cover unit is not available. You will use the principles of "contact and cover" and proper field safety tactics.)
 - 3. License number of stopped vehicle
 - 4. Location

1003.1.6 BEAT ASSIGNMENTS AND COVERAGE

- (a) You are responsible for covering your assigned beat area. You will give your beat constant attention. As much as possible, you will have equal amounts of foot patrol and vehicle patrol.
- (b) You are responsible for covering the property of the University of California. If there is a need to assist another agency off campus, provide the necessary assistance until their situation has stabilized. You must return to campus responsibilities as soon as possible. Any response off campus must be approved by the Watch Commander.
- (c) You will perform your duties in a timely manner, and will produce self-initiated activity that represents a reasonable amount of work. All reports will be accurate, concise and well written.

1003.2 POLICE DISPATCHER MINIMUM STANDARDS

Communications Center personnel must comply with all minimum standards in order to receive a satisfactory performance evaluation. You are encouraged to discuss these standards with your supervisor and we welcome your input.

1003.2.1 COMMUNICATIONS CHAIN OF COMMAND

- (a) The chain of command should be adhered to at all times. The chain of command extends laterally as well as vertically. If you have business with a section outside your assigned area, you should go through your supervisor. This allows your supervisor to set priorities and to better control use of department time.
- (b) All work related matters will be referred to your supervisor.
- (c) If you take a work related assignment or communication outside the chain of command, it is your responsibility to inform your supervisor of the nature of the assignment or communication.

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- (d) It is your responsibility to notify a police department employee's supervisor anytime that employee calls in sick for an assigned shift. Notification will be made by electronic mail, or by written note if station computers are not functioning.

1003.2.2 DUTY HOURS

- (a) Dispatchers will remain in service until their shift ends or when their relief arrives, whichever is later. Oncoming dispatchers should be ready to work when their shift starts and should not require additional time to gather resources.
- (b) You will notify dispatch as soon as possible if you are going to be late for work.
- (c) If you are late, you must complete an "Officer's Report" explaining why you were late. This report must be turned in by the end of shift.
- (d) Unexcused tardies will be subject to the following discipline: 1 tardy will be allowed per 6 month period. The second unexcused tardy receives a verbal warning. The third unexcused tardy will receive a written warning. The fourth unexcused tardy will receive a two day suspension. Any subsequent tardies may result in termination.
- (e) If you are too sick to work or are contagious, you must call the on-duty dispatcher as soon as possible but no later than one hour prior to the beginning of your scheduled shift. It is the responsibility of the on-duty dispatcher to find a relief dispatcher.

1003.2.3 DRESS CODE

Your appearance is expected to be neat, clean and professional at all times. Excessive jewelry or unnatural hair colors (i.e. pink, blue, green, etc) are not permitted. Facial piercings are not allowed. Professional business attire should be worn. When wearing the Dispatch polo, pants may be blue, black or tan, in solid colors only, with a belt and without allowing undershirt sleeves to be visible. Denim shorts or pants are authorized as long as they are not wrinkled, no holes, no designs, a solid color (no fading) and plain. Shorts will not be above mid-thigh. Shoes must be closed-toe. Athletic shoes may be worn with socks. Seek supervisor input if you are unsure if your attire is appropriate.

1003.2.4 PRODUCTIVE USE OF TIME

- (a) You are expected to remain in service until the end of your shift.
- (b) You will remain in the Communications Center and avoid excessive time away from the console. You will only leave the console as necessary to complete your assignment or with prior approval by the supervisor. You may leave the console when on a break and relieved by another dispatcher. You may be relieved by an officer to use the restrooms. You should not leave the station if an officer is relieving you.
- (c) You will use free time to complete assigned projects.
- (d) You will use free time to ensure that additional duties are completed. A list of duty assignments is maintained in the Pasdown Book.

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- (e) You will do everything in your control to keep your work station clean and in a safe condition. You must give the dispatch area your constant attention.

1003.2.5 SHIFT BRIEFING

- (a) It is your responsibility to be attentive, share pertinent information, and review current information at briefing. If you have been absent from work for a period of time, it is your responsibility to update yourself on missed information upon your return to duty.
- (b) You should check your area for miscellaneous paperwork, property, or other items that are being passed from the previous shift. You are responsible for knowing the status of all trouble lights on the alarm panels.
- (c) It is your responsibility to maintain the supplies in the Communications Center so that you are able to complete your duties. Your printers should have an adequate amount of paper; you should have a supply of the appropriate forms for your shift.

1003.2.6 MEAL BREAKS

- (a) Meal breaks must be taken at your station unless conditions in § 1003.2.6 b are met. The meal break may be taken at anytime during the shift provided that radio and telephone traffic permit it. Meals may be interrupted by calls for service.
- (b) You may take your meal break away from the dispatch area when the following conditions are met:
 1. Prior approval of the supervisor or:
 2. There is another dispatcher relieving you in the Communications Center and the meal location is in the station; allowing for timely response back to the Communications Center.
 3. You may leave the station to get food as long as you stay on campus and take a radio with you.

1003.2.7 COMMUNICATIONS CENTER PROTOCOL

- (a) You will conduct yourself appropriately at all times. Your demeanor should reflect professionalism at all times.
- (b) You will avoid unnecessary personal business while on shift. If personal phone calls are made, they will be no longer than 15 minutes in duration.

1003.2.8 VACATION AND COMPENSATORY TIME OFF REQUESTS

- (a) All requests for vacation and compensatory time off must be cleared through the Communications Center supervisor. When the supervisor is not working, the senior dispatcher is not authorized to grant time off requests.

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- (b) All requests for time off must be submitted in writing or electronic mail. Requests should be as soon as possible, but no later than 5 days prior to the day requested.
- (c) In cases where a five day notice is not possible, you will first attempt to contact your supervisor. If you are not able to contact the supervisor, you will document your attempts for future review. You may then contact the Watch Commander. Staff personnel may be required to justify short notice requests.

1003.2.9 PUBLIC CONTACTS

- (a) You will direct public requests to the appropriate campus department.
- (b) You should know the campus and surrounding geography.
- (c) You should be familiar with the operating hours of other campus departments such as Facilities Maintenance and Housing Maintenance.
- (d) You are responsible for knowing what kind of information is contained in all dispatch manuals and handbooks.
- (e) You will cooperate with other divisions and assist them as much as possible, given your current priorities.

1003.2.10 RADIO PROCEDURES

- (a) When using the radio equipment, dispatchers must comply with Dispatch Radio Procedures.
- (b) You will monitor the primary radio channel (UCSD PD DISP 1) at all times.
- (c) You should monitor the following channels: 800 HELP NET, UCSD PD DISP 2, UCSD PD TAC 1, LE NORTH CMD, LAW CC, COUNTY CALL and BLUE 1 at all times.
- (d) You will enter data accurately into the computer aided dispatch system, currently RIMS.
 - 1. All entries will have factual information.
 - 2. RIMS incidents will be reviewed before closing out to ensure completeness and ease of understanding.
 - 3. RIMS incidents will contain correct locations, type of incident, full name of reporting party, reporting party phone number, and any other necessary information (i.e. descriptions, officer safety information of weapons and altered states of consciousness, direction of travel, and witness/victim information).
- (e) Radio transmissions should be of appropriate duration and content. Do not tie up the air with a lengthy, non-emergency message that might more appropriately be transmitted via telephone. Profane or vulgar language will not be transmitted. Avoid expressions of anger or excitement.

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- (f) You will acknowledge radio transmissions in a professional and timely manner. You will not tie up air time with disputes or with argumentative and/or unnecessary comments. You will not question assignments over the air.
- (g) It is your responsibility to properly prioritize calls. You may alert units to the fact that there are calls pending while they are on a call. You should get an acknowledgement from field units when you advise them pending calls that are of equal or higher priority than their current call. Units on cold calls will break to handle higher priority calls.
- (h) You are responsible for knowing the proper usage of radio equipment and the appropriate maintenance personnel when there are failures.

1003.2.11 PHONE PROCEDURES

- (a) Phones will be answered promptly and professionally with the greeting "UCSD Police" followed by the dispatcher's first name or dispatcher number. When multiple lines are ringing, you will determine if any calls are of an emergency nature by saying "UCSD Police, is this an emergency?" You will appropriately prioritize incoming telephone calls.
- (b) Calls for service take priority over calls for information.
- (c) You will take firm yet professional control of conversations in order to accurately obtain necessary details.
- (d) Calls will be terminated in a professional manner.
- (e) You are responsible for knowing the proper usage of telephone equipment.

1003.2.12 COMPUTER OPERATIONS

- (a) You will be familiar with the department LAN system and necessary computer programs such as CLETS/SUN interface, electronic mail, database software, and word processing software.
- (b) You are responsible for knowledge of law enforcement databases.
 1. You must know how to make error-free entries into appropriate law enforcement databases (i.e. Stolen Vehicle System and Automated Property System).
 2. You must know how to retrieve and interpret law enforcement teletypes (i.e. Driver's Licenses, Vehicle Registrations, Criminal History, and wants/warrants).
 3. You must protect the confidentiality and security of law enforcement teletypes, computer screens, and information at all times.

1003.2.13 DISPATCH SYSTEMS

- (a) You will monitor and respond to all alarm systems in a timely manner.
- (b) You are responsible for the knowledge and usage of the call-box systems.

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- (c) You should be familiar with the call recording equipment.
- (d) You are responsible for calling the appropriate maintenance personnel when dispatch systems malfunction. Refer to the Emergency Procedures Manual for notifying appropriate maintenance of dispatch equipment. Notification of the dispatch supervisor should be made when critical dispatch systems are inoperative.

1003.3 RESIDENTIAL SECURITY OFFICER MINIMUM STANDARDS

Residential Security Officers must comply with all minimum standards in order to receive a satisfactory performance evaluation. You are encouraged to discuss these standards with your supervisor. We welcome your input.

Security Supervisor, as used in this policy, means either a police sergeant or police corporal assigned to administrate the Residential Security Program.

1003.3.1 BEAT ASSIGNMENTS

It is RSO Program policy to assign patrol areas to each RSO nightly. Each RSO shall patrol their assigned areas. This policy defines RSO patrol beats, responses to calls within them and conditions under which RSOs may leave their beat.

(a) DEFINITIONS

1. A beat, which is divided into primary and secondary patrol areas, defines the maximum area an RSO may patrol. The current campus beats as defined during training. They are also available to view at G:\Share\RSOS\Beat Info.
2. The primary patrol area of any RSO shall be the beat's residential areas. Residential areas are defined as the inhabited buildings and surrounding areas which are the responsibility of a Resident Dean, off-campus Area Coordinator, or belong to Housing & Dining Services.
3. The secondary patrol area is all non-residential portions of a RSO's beat. The secondary area may include parking lots, recreational facilities and academic buildings.

(b) PROCEDURES

1. RSOs are responsible for thoroughly patrolling their primary patrol areas. RSOs should spend most of their time in these primary areas.
2. RSOs may occasionally patrol their secondary area.

(c) LEAVING ASSIGNED BEATS: RSOs may leave their beats for the following reasons only:

1. To cover a RSO on an adjacent beat.
2. At the request of a RSO on an adjacent beat.
3. To return to the station.

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4. To take a break/lunch on an adjacent campus beat.
 5. When involved in a "following" or "code-5."
 6. At the direction of an officer, supervisor or dispatch.
 7. RSOs shall notify dispatch before leaving their assigned beat. A supervisor, officer or dispatcher may request an RSO return to or refrain from leaving the RSO's beat as deemed necessary.
- (d) **RSO CALLS FOR SERVICE/ACTIVITY:** All activity on a beat initiated by or dispatched to an RSO which does not require police officer intervention is considered RSO activity and may be handled by RSOs. RSO activity includes, but is not limited to, Housing/UCSD Policy enforcement and parking enforcement.
- (e) **POLICE OFFICER CALLS FOR SERVICE/ACTIVITY:** Any activity initiated by, dispatched to, or requiring police officer(s) is considered POLICE activity. The limit of an RSO's self-initiated involvement in police activity is to establish an unseen surveillance of the area where the activity is occurring. RSOs may become directly involved in police activity only at the direction of a police officer, supervisor or dispatch.
- (f) **ROVER RESPONSIBILITIES:** RSOs may be assigned as rovers only when all beat areas have been staffed. In addition to the normal responsibilities of RSOs, rover RSOs are responsible for:
1. Providing extra coverage in main campus housing areas by moving between and among the beats.
 2. Handling all requests for escorts, if available.
 3. Coordinating reporting responsibilities with other RSOs.
 4. Performing other duties as assigned.
 5. Should two rovers be available, they will be assigned to patrol the east and west campus beat areas. Rovers so assigned shall remain in their areas in accordance with section II of this procedure.

1003.3.2 PRODUCTIVITY

The RSO area assignment is at the sole discretion of a security supervisor or the watch commander in accordance with policy 1003.3.1. RSOs are responsible for covering his or her assigned area via foot or, as approved, bike patrol. RSOs will give his or her assigned area constant attention.

This means RSOs:

- (a) will only leave assigned area as approved by a supervisor. RSOs will notify dispatch if it is necessary to leave his or her assigned area.
- (b) will check for unlocked doors and secure vulnerable areas when possible.

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- (c) will appropriately enforce parking regulations in your area lots.
- (d) will write discrepancy reports when you find hazards or defects.
- (e) will report to the police all unlawful acts, hazardous conditions and any situation that may require police attention.
- (f) will prepare and submit a detailed chronological daily activity log reflecting activities, contacts and observations. Logs are to be turned in at the end of each shift, providing copies to the Police Department and the appropriate Residence Life office(s) or personnel.
- (g) will submit incident and witness reports as necessary. RSOs will complete and submit all reports issued a case number to the watch commander before going the end of shift. RSOs are not to give any numbered report to a Resident Dean or other Residence Life staff.
- (h) will give direction and help to staff, students and visitors.
- (i) will perform other duties and functions as directed (including duties assigned by a Resident Dean which do not conflict with policy or law).
- (j) not use a personal vehicle during your shift, except to commute between the station and his or her assigned campus, unless authorized by a supervisor or watch commander.
- (k) Levels of measurable enforcement and service activity should be comparable to that of other RSOs in like conditions. Activity should generally be spread over the month.
- (l) RSOs are directed to avoid making enforcement contacts or citing vehicles just for the purpose of "getting stats." The emphasis should be on quality enforcement which addresses real problems as defined primarily by Resident Dean or supervisor(s).
- (m) will adhere to all Department Policies and supervisory orders (both verbal and written).
- (n) If any RSO feels he or she cannot meet these standards, the RSO must discuss the matter with a supervisor as soon as possible, so that some manner of problem-solving or training can be implemented.

1003.3.3 TECHNICAL KNOWLEDGE

RSOs are expected to:

- (a) have thorough knowledge of campus housing areas, academic buildings, parking lots, fire and intrusion alarm systems in assigned areas.
- (b) have a thorough understanding of university, housing and police department policies and rules.
- (c) know and respect the rights of citizens in police matters.
- (d) have a thorough understanding of applicable laws and codes.

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- (e) attend in-service and briefing training and will participate as required.
- (f) share pertinent beat information with other RSOs.

1003.3.4 REPORT WRITING

- (a) When you submit a report, it must reflect accurate and complete information of all actions taken.
- (b) The report must be legible, understandable, complete, concise and free of errors.
- (c) The report will contain proper spelling and grammar.
- (d) Your logs must be legible, chronological and accurately reflect your activity for that shift. Logs must also contain any campus specific information required by your Resident Dean or a supervisor. Example: Locked the Commuter lounge at 0100 hours.
- (e) Your forms must be legible and contain all necessary information.
- (f) Logs (DARS) must be completed prior to the end of your shift, unless given permission by the RSO Sergeant or Corporal, or the Watch Commander if there is no RSO Sergeant or Corporal on duty.
- (g) Reports must be completed prior to the end of your shift, unless given permission by the RSO Sergeant or Corporal, or the Watch Commander if there is no RSO Sergeant or Corporal on duty.

1003.3.5 PATROL ACTION

(a) RADIO PROCEDURES

1. You will use your radio equipment in a professional and conscientious manner.
2. You will make a radio check at the beginning of your shift, before leaving the station.
3. You will radio dispatch anytime your status changes (i.e., 10-8, 10-7, Code-5's).
4. You will always monitor our radio traffic when on duty.
5. Radio transmissions should be of proper duration and content. Do not tie up the air with a lengthy, non-emergency message when you could more appropriately use the telephone. You will not use profane or vulgar language. You should avoid expressions of anger or excitement.
6. Emergency transmissions have broadcast priority. In an emergency, you should broadcast your unit number followed by the word "EMERGENCY." Dispatch will immediately repeat your priority request for the network, clearing the air for your emergency broadcast. Dispatch will repeat your emergency broadcast for the network.

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7. You will acknowledge radio transmissions in a professional and timely manner. You will not tie up air time with disputes or with argumentative or unnecessary comments. You will not question assignments over the air.
8. Generally radio transmissions will be acknowledged by "10-4". Questions asked over the radio require a yes or no answer will generally be answered by "affirmative" or "negative", as appropriate. Vague, casual, or colloquial responses such as, "Yeah", "OK", "Good Copy" should not be used.
9. Dispatchers prioritize in coming calls for service. Dispatchers may alert you there are calls pending while you are on another call. You should volunteer for calls in your area if they are incorrectly assigned.
10. Whenever possible, you will begin all radio communications by stating your unit number followed by, "Station U." You will then wait for dispatch to acknowledge your transmission. Restate your unit number, then your message. For example: Security Officer: "Adam 1, Station U." Dispatcher: "Adam 1." Security Officer: "Adam 1, I will be on a quiet hours contact in Meteor 150 suite."

(b) SAFETY

1. You are expected to conduct your work in a manner which protects you, your co-workers, and others from harm, and equipment and facilities from damage. This means:
 2. Follow department policy and laws regarding vehicle use (bicycles or motor vehicles).
 3. Follow department radio procedures.
 4. Maintain a level of health and fitness necessary to perform your duties safely.
 5. Handle calls and contacts appropriately and in accord with policy guidelines and the law. Find ways to de-escalate volatile situations. Avoid an above average number of incidents which get out of hand.
 6. Take responsibility for behaving in a way which avoids patterns of unsafe acts and/or unplanned events which produce accidents, injury, damage, or repeated near misses.
7. You are expected to either correct or report unsafe conditions which you observe.

1003.3.6 WORK HABITS

(a) DUTY HOURS

1. You will report for briefing at your assigned briefing time. You shall have all your equipment and be ready for duty.

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2. If you are tardy, you must complete an "Officer's Report" explaining why you were late. You must turn this report in by the end of shift. A supervisor will record your tardy in the "Tardy Log."
3. If you are going to be tardy, you must let a supervisor know and give an estimated time of arrival. You may tell the on-duty watch commander if you cannot contact a supervisor.
4. When you cannot work due to illness, you will let a supervisor know at least one hour before your scheduled work time, absent an emergency. You may call the on-duty watch commander if you cannot contact a supervisor. (Note: You are encouraged to call in as soon as you reasonably know you will not be able to work.) § 1014 addresses sick leave.

(b) BRIEFING

1. Before briefing, you will check your mailbox for new items. (You should not use your mailbox to store old items, property or miscellaneous paperwork.)
2. You will be attentive, well-mannered, share pertinent information, and review current information at briefing. You shall update yourself on missed information upon your return to duty from time off.
3. You must participate in briefing training. Additionally, you may have to prepare and present training.
4. Briefing shall conclude when all necessary business has been conducted, but no longer than thirty minutes. A supervisor or watch commander may extend briefing when necessary.
5. When an RSO supervisor or Watch Commander is not present at briefing, the most senior RSO is responsible for conducting briefing, assigning areas and issuing keys and equipment.

(c) POST BRIEFING ROUTINE

1. You will arrive at your assigned work area within ten minutes after briefing has concluded unless a supervisor approves a delay.
2. You may drive your private vehicle, walk or ride an RSO bike to your assigned area. You will always park your vehicle legally. You will obey all traffic laws when driving or riding.
3. You will contact the Residential Life staff on-call person to receive any information or special instructions.
4. You should check your electronic mail (e-mail) account for messages pertaining to your duties.

(d) VISIBILITY AND BREAKS

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1. You will maintain a high degree of public visibility.
2. You will use your office only to take approved breaks, and complete necessary reports and paperwork.
3. You should avoid establishing patterns of breaks and report periods.

(e) STATION PROTOCOL

1. If you come to the station during your shift, you will explain the reason to dispatch before leaving your area.
2. You will only speak with dispatchers when necessary while in the station.
3. You will do everything within your control to keep the station in a clean and safe condition. You will keep your lockers locked when not in use.

(f) END OF SHIFT

1. You may not be in the station for the end of your shift (EOS) any earlier than ten minutes before your EOS (without a supervisor's permission). You will remain available for duty until your assigned EOS.
2. You are to return your keys to KeyTrak (unless you leave early and give them to another RSO), and place any rechargeable equipment in the charging units. You will return all equipment to its proper location.
3. You will submit all required forms, reports and logs prior to leaving work unless you have a supervisors' permission to do otherwise.
4. You will check your mail box before leaving for any items placed there during your shift.

(g) CHAIN OF COMMAND

1. You will refer all work related matters to a supervisor or, if he/she is not available, to the watch commander.
2. If you take a work related assignment or communication outside the chain of command, you must inform a supervisor.
3. The chain of command extends horizontally as well as vertically. If you have business with a section outside your assigned area, you should go through your supervisor.
4. You may discuss campus related procedures and issues with your Residence Life Staff (e.g., Resident Dean, Assistant Resident Deans, Resident or House Advisors). You must discuss department related issues such as campus assignment, work hours or any other program administrative issues with a supervisor.

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(h) INTERNAL AND PUBLIC RELATIONS

1. INTERNAL RELATIONS

- (a) You are expected to conduct your work in a manner which supports and enhances the work of your agency and the accomplishment of its mission and purposes. When differences with your co-workers and supervisors arise, you are expected to handle them in a constructive way. While each person has his/her own way of relating to others, just remember that your interactions with others should have a positive impact on the organization rather than a negative one. This means:
- (b) You shall be courteous to peers, supervisors and management. You shall refrain from making any jokes or comments that could reasonably be foreseen to offend others.
- (c) You shall accept your beat assignment without complaint and do your fair share of the work on your shift without regard for the type of call or assignment. Help others when the need is apparent.
- (d) Treat co-workers, supervisors and employees with respect. Avoid name-calling, sarcasm, ridicule, barbed jokes or other behaviors which would tend to diminish a person's stature.
- (e) Do not engage in behavior which disrupts your work and/or the work of others.
- (f) Do not make racial, religious, sexual or ethnic slurs, derogatory remarks, or comments which might or are known to offend. Comply with laws, rules and policy on sexual harassment and do not condone non-compliance by others.
- (g) Avoid patterns of complaints from other department personnel about voice intonations, expressions, responses or lack of response on the radio.
- (h) Do not engage in back-biting, rumor spreading, or make repeated negative comments about things or people on the department.
- (i) Treat others in a friendly, helpful manner.
- (j) When differences develop with another, approach the person in a positive manner and search for constructive ways to resolve the problem. Do not allow your differences with others to disrupt your work or the work of others. If repeated attempts at resolution fail, then those in dispute are to seek assistance through the chain of command.
- (k) Provide your fair share of overtime in the unit unless an exception is approved by your supervisor.

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- (l) When differences arise with your supervisor, the administration or its policies, take your problem to your supervisor in private (or if the issue affects the entire unit, you may express it appropriately at a group meeting) with constructive suggestions for resolution. Avoid patterns of complaining behavior at briefings and on duty which do not contribute to solutions. Constant negative remarks only add to the problem, not the solution. If your constructive approach does not properly resolve your problem, use the chain of command to pursue the issue further.

2. PUBLIC RELATIONS

- (a) You are expected to conduct your work in a manner which fosters good public relations and public support for this agency. You are expected to avoid patterns of complaints and claims in the conduct of your work. This means:
 - (b) You will be courteous and professional to citizens you contact. You shall not use vulgar or inappropriate language.
 - (c) You will treat people with respect.
 - (d) You shall use an appropriate level of control (through command presence and verbal commands) during enforcement contacts. Unless safety considerations dictate otherwise, RSOs should initiate enforcement contacts at a "low key" level, politely asking for cooperation and explaining the nature of the contact.
 - (e) You shall follow the same rules which we expect the public to follow.
 - (f) You will behave in ways which avoid discredit to the department.
 - (g) Support "Integrity, Respect and Support" (IRS)

1003.4 RECORDS CLERK MINIMUM STANDARDS

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 UC San Diego Police Department has a zero tolerance for retaliation and is committed to taking reasonable steps to protect employees from retaliation 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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1004.3.1 RETALIATION PROHIBITED FOR REPORTING VIOLATIONS

An officer shall not be retaliated against for reporting a suspected violation of a law or regulation of another officer to a supervisor or other person in the Department who has the authority to investigate the violation (Government Code § 7286(b)).

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 University Business Manager.

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.

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- (h) Not interfering with or denying the right of a member to make any complaint.
- (i) Taking reasonable steps to accommodate requests for assignment or schedule changes made by a member who may be the target of retaliation if it would likely mitigate the potential for further violations of this policy.

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 Specialized Services Lieutenant for investigation pursuant to the Personnel Complaints Policy.

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1004.7.1 DISPLAY OF WHISTLE-BLOWER LAWS

The Department shall display a notice to employees regarding their rights and responsibilities under the whistle-blower laws, including the whistle-blower hotline maintained by the Office of the Attorney General (Labor Code § 1102.8).

1004.8 RECORDS RETENTION AND RELEASE

The Records Supervisor shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

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.

Communicable Diseases

1005.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of department members contracting and/or spreading communicable diseases.

1005.1.1 DEFINITIONS

Definitions related to this policy include:

Communicable disease - A human disease caused by microorganisms that are present in and transmissible through human blood, bodily fluid, tissue, or by breathing or coughing. These diseases commonly include, but are not limited to, hepatitis B virus (HBV), HIV and tuberculosis.

Exposure - When an eye, mouth, mucous membrane or non-intact skin comes into contact with blood or other potentially infectious materials, or when these substances are injected or infused under the skin; when an individual is exposed to a person who has a disease that can be passed through the air by talking, sneezing or coughing (e.g., tuberculosis), or the individual is in an area that was occupied by such a person. Exposure only includes those instances that occur due to a member's position at the UC San Diego Police Department. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred.) [UC San Diego Covid-19 Campus Resources and Guidelines](#)

1005.2 POLICY

The UC San Diego 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.

1005.3 EXPOSURE CONTROL OFFICER

The Chief of Police, in conjunction with University Environmental Health and Safety (EHS), 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:

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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):
 - (a) Sharps injury log.
 - (b) Needleless systems and sharps injury protection.
3. Airborne transmissible disease mandates including (8 CCR 5199):
 - (a) Engineering and work practice controls related to airborne transmissible diseases.
 - (b) Distribution of appropriate personal protective equipment to minimize exposure to airborne disease.
4. Promptly notifying the county health officer regarding member exposures (Penal Code § 7510).
5. Establishing procedures to ensure that members request exposure notification from health facilities when transporting a person that may have a communicable disease and that the member is notified of any exposure as required by Health and Safety Code § 1797.188.
6. Informing members of the provisions of Health and Safety Code § 1797.188 (exposure to communicable diseases and notification).
 - (f) Provisions for acting as the designated officer liaison with health care facilities regarding communicable disease or condition exposure notification. The designated officer should coordinate with other department members to fulfill the role when not available. The designated officer shall ensure that the name, title, and telephone number of the designated officer is posted on the Department website (Health and Safety Code § 1797.188).

The ECO should also act as the liaison with the Division of Occupational Safety and Health (Cal/ OSHA) and may request voluntary compliance inspections. The ECO shall annually review and update the exposure control plan and review implementation of the plan (8 CCR 5193).

1005.4 EXPOSURE PREVENTION AND MITIGATION

1005.4.1 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.

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- (c) Washing hands immediately or as soon as feasible after removal of gloves or other PPE.
- (d) Treating all human blood and bodily fluids/tissue as if it is known to be infectious for a communicable disease.
- (e) Using an appropriate barrier device when providing CPR.
- (f) Using a face mask or shield if it is reasonable to anticipate an exposure to an airborne transmissible disease.
- (g) Decontaminating non-disposable equipment (e.g., flashlight, control devices, clothing and portable radio) as soon as possible if the equipment is a potential source of exposure.
 - 1. Clothing that has been contaminated by blood or other potentially infectious materials shall be removed immediately or as soon as feasible and stored/decontaminated appropriately.
- (h) Handling all sharps and items that cut or puncture (e.g., needles, broken glass, razors, knives) cautiously and using puncture-resistant containers for their storage and/or transportation.
- (i) Avoiding eating, drinking, smoking, applying cosmetics or lip balm, or handling contact lenses where there is a reasonable likelihood of exposure.
- (j) Disposing of biohazardous waste appropriately or labeling biohazardous material properly when it is stored.

1005.4.2 IMMUNIZATIONS

Members who could be exposed to HBV (Hepatitis B virus) due to their positions may receive the HBV vaccine and any routine booster at no cost (8 CCR 5193).

1005.5 POST EXPOSURE

1005.5.1 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.

1005.5.2 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

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- (c) Location of the incident
- (d) Potentially infectious materials involved and the source of exposure (e.g., identification of the person who may have been the source)
- (e) Work being done during exposure
- (f) How the incident occurred or was caused
- (g) PPE in use at the time of the incident
- (h) Actions taken post-event (e.g., clean-up, notifications)

The supervisor shall advise the member that disclosing the identity and/or infectious status of a source to the public or to anyone who is not involved in the follow-up process is prohibited. The supervisor should complete the incident documentation in conjunction with other reporting requirements that may apply (see the Occupational Disease and Work-Related Injury Reporting Policy).

1005.5.3 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.

1005.5.5 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).

1005.5.5 SOURCE TESTING

Testing a person for communicable diseases when that person was the source of an exposure should be done when it is desired by the exposed member or when it is otherwise appropriate (8 CCR 5193). Source testing is the responsibility of the ECO. If the ECO is unavailable to seek timely testing of the source, it is the responsibility of the exposed member's supervisor to ensure testing is sought.

Source testing may be achieved by:

- (a) Obtaining consent from the individual.
- (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.

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- (c) Testing the exposed member for evidence of a communicable disease and seeking consent from the source individual to either access existing blood samples for testing or for the source to submit to testing (Health and Safety Code § 120262).
- (d) Taking reasonable steps to immediately contact the County Health Officer and provide preliminary information regarding the circumstances of the exposure and the status of the involved individuals to determine whether the County Health Officer will order testing (Penal Code § 7510).
- (e) Under certain circumstances, a court may issue a search warrant for the purpose of HIV testing a person when the exposed member qualifies as a crime victim (Penal Code § 1524.1).

Since there is the potential for overlap between the different manners in which source testing may occur, the ECO is responsible for coordinating the testing to prevent unnecessary or duplicate testing.

The ECO should seek the consent of the individual for testing and consult the Campus Counsel to discuss other options when no statute exists for compelling the source of an exposure to undergo testing if he/she refuses.

1005.6 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.

1005.7 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.

Accountability - Personnel Complaints

1006.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation, and disposition of complaints regarding the conduct of UC San Diego Police Department (UCSDPD) personnel except for UC San Diego Police Department dispatch personnel. Guidelines for reporting, investigation, and disposition of complaints regarding the conduct of UC San Diego Police Department personnel will follow existing UC San Diego Human Resources Policy and Procedure.

This policy shall not apply to any interrogation, counseling, instruction, informal verbal admonishment, or other routine or unplanned contact of an employee in the normal course of duty, by a supervisor or any other employee, nor shall this policy apply to an investigation concerned solely and directly with alleged criminal activities (Cal. Govt. Code § 3303(i)).

1006.2 POLICY

The UC San Diego Police Department takes seriously all complaints regarding the service provided by the Department and the conduct of its employees. 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.

1006.3 PERSONNEL COMPLAINTS DEFINED

A personnel complaint consists of any allegation of misconduct or improper job performance against any UC San Diego Police Department employee that, if true, would constitute a violation of Department policy, University policy, federal, state, or local law. Personnel complaints may be generated internally or by the public.

Personnel complaints shall be classified in one of the following categories:

Community Complaint – A complaint initiated by a person who is not an employee of the UC San Diego Police Department against a Department member, of allegations that, if true, would constitute misconduct, a violation of department policy, University policy, federal, state, or local law. Such complaints will be investigated under the supervision of the UC San Diego Police Department and/or the Police Accountability Board (PAB). The UC San Diego Police Department will share the redacted investigation report and findings with PAB. The PAB, after review of the investigation report will provide the Chief of Police with recommendations on the findings. If the Chief of Police is the subject of the complaint, then the recommendation will be made to the appropriate Vice Chancellor for the Division which oversees the police department and who will provide the final disposition of matters regarding the Chief of Police.

Internal Complaint – A complaint initiated by any member of the police Department that, if true, would constitute misconduct, a violation of department policy, University policy, federal, state, or

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local law. Such complaints may be investigated by a Department supervisor of a rank greater than the accused employee depending on the seriousness and complexity of the investigation, as determined by the Chief of Police or their designee.

Allegations or inquiries of employee conduct which, even if true, would not constitute a violation of any of the above may be handled informally by a Department 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.

Complaints involving allegations of sexual violence, sexual harassment, or discrimination on a protected basis will be referred to the Office of Equal Opportunity and Diversity (OEOD) for review and resolution.

1006.4 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).

1006.5 POLICE ACCOUNTABILITY BOARD (PAB)

It is the intent of the University of California, San Diego Police Department to develop and promote accountability, trust, and communication between the UC San Diego Police Department and campus communities. To that end, UC San Diego Police Department established a Police Accountability Board (hereinafter referred to as "PAB"), to impartially review redacted investigative reports related to allegations of police misconduct and make recommendations in a timely manner regarding Community Complaints filed against UC San Diego Police Department personnel. The Chief of Police will ensure UC San Diego Police Department cooperation with all investigations.

Consistent with Cal. Penal Code sections 832.5 et seq, UC San Diego has established procedures to investigate Community Complaints. The complaint procedures provide PAB oversight and investigation, investigatory report review, recommendations by the PAB, and final determinations with respect to each complaint by the Chief of Police. If the Chief of Police is the subject of the complaint, then the final determination will be made by the UC San Diego Vice Chancellor that oversees the Division in which the police department resides..

1006.6 COMPLAINT FORMS

Personnel complaint forms will be made available in a clearly visible location in the public area of the police facility and be accessible through the department website. Forms may also be available at other University facilities and websites.

Personnel complaint forms in languages other than English may also be provided, as determined necessary or practicable.

1006.6.1 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.

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- (b) Any department member becoming aware of alleged misconduct shall immediately notify a supervisor, who will notify their respective Lieutenant.
- (c) Supervisors shall initiate a complaint based upon observed misconduct or receipt from any source alleging misconduct that, if true, could result in disciplinary action.
- (d) Anonymous and third-party complaints will be accepted and investigated to the extent that sufficient information is provided.
- (e) Tort claims and lawsuits may generate a personnel complaint.

1006.6.2 COMPLAINT ACCEPTANCE

All Community Complaints shall be promptly referred by any Department member with a response respond to the complainant as soon as practicable. If a Community Complaint is received by the police department or any member of the police department, this complaint will be provided to the PAB as soon as practicable for investigation. Internally generated department complaints will be directed to the appropriate supervisor. Although written complaints are preferred, a complaint may also be filed orally, either in person or by telephone. If a supervisor is not immediately available to take an oral complaint, the receiving member shall obtain contact information sufficient for the supervisor to contact the complainant. The supervisor, upon contact with the complainant, shall complete and submit a complaint form as appropriate.

Although not required, complainants are encouraged to file complaints in person so that proper identification, signatures, photographs, or physical evidence may be obtained as necessary. A complainant shall be provided with a copy of their statement at the time it is filed with the Department (Cal. Penal Code § 832.7).

A community complaint may also be filed using the following:

1. Accessing and submitting a complaint form online at the UC San Diego Police Department's website;
2. Accessing and submitting a complaint form online at r the PAB website;
3. Accessing and submitting a complaint form online at [UC Ethics Point](#);
4. Calling the PAB to schedule an appointment; or
5. Submitting a completed complaint form to the PAB or UC San Diego Police Department.

1006.7 DOCUMENTATION

Supervisors or university personnel receiving the community complaint shall ensure that all formal and informal complaints are documented on a complaint form. The nature of the complaint should be defined as clearly as possible.

All community complaints and inquiries should also be documented in a log that records and tracks complaints. The log shall include the nature of the complaint and the actions taken to address the complaint. On an annual basis, the Department should audit the number of internally investigated complaints and send an audit report to the Chief of Police or the authorized designee. The PAB will also submit an annual report to the Chief of Police or the authorized designee for review. In

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an effort of transparency, both internal complaints and community complaints data will be shared on the systemwide data dashboard, in compliance with all data privacy laws (Cal. Government Code § 3303).

1006.8 INVESTIGATION PROCEDURES

The following investigation procedures apply to members covered by the Public Safety Officers Procedural Bill of Rights Act (POBR) (Cal. Government Code § 3303et. sec.). These rights shall be afforded to all police Department employees. The rights afforded under the POBR include, but are not limited to the following:

- (a) Interviews of accused employees shall be conducted during reasonable hours and, if the employee is off-duty, the employee shall be compensated (Cal. Government Code § 3303(a)).
- (b) No more than two interviewers may ask questions of an accused employee (Cal. Government Code § 3303(b)).
- (c) Prior to any interview, an employee shall be informed of the nature of the investigation (Cal. Government Code § 3303(c)).
- (d) All interviews shall be for a reasonable period and the employee's personal needs shall be accommodated (Cal. Government Code § 3303(d)).
- (e) No employee shall be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers. Any employee refusing to answer questions directly related to the investigation may be ordered to answer questions administratively or be subject to discipline for insubordination. Nothing administratively ordered may be provided to a criminal investigator (Cal. Government Code § 3303(e)).
- (f) Absent circumstances preventing it, the interviewer should record all interviews of employees and witnesses. The employee may also record the interview. If the employee has been previously interviewed, a copy of that recorded interview shall be provided to the employee prior to any subsequent interview (Cal. Government Code § 3303(g)).
- (g) If the allegations involve potential criminal conduct, the employee shall be advised of their Constitutional rights pursuant to "Lybarger." This admonishment shall be given administratively whether or not the employee was advised of these rights during any separate criminal investigation (Cal. Government Code § 3303(h)).
- (h) Upon the filing of a formal written statement of charges, or whenever an interrogation focuses on matters that are likely to result in punitive action against any public safety officer, that officer, at his or her request, shall have the right to be represented by a representative of his or her choice who may be present at all times during the interrogation. The representative shall not be a person subject to the same investigation. The representative shall not be required to disclose, nor be subject to any punitive action for refusing to disclose, any information received from the officer under investigation for noncriminal matters. (Cal. Government Code § 3303(i)).

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- (i) All employees shall provide complete and truthful responses to questions posed during interviews.
- (j) No employee may be compelled to submit to a polygraph examination, nor shall any refusal to submit to such examination be mentioned in any investigation (Cal. Government Code § 3307).
- (k) No public safety officer shall have their locker, or other space for storage that may be assigned to them searched except in their presence, or with their consent, or unless a valid search warrant has been obtained or where they have been notified that a search will be conducted (Cal. Government Code § 3309).

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*, 373 U.S. 83 (1963). 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* (Cal. Government Code § 3305.5).

1006.8.1 INVESTIGATION REPORT FORMAT

Investigation reports shall include the following:

Background Summary – Brief summary of the facts giving rise to the investigation, the initial date and source of the complaint, and the identity of the department employee(s) involved.

Investigative Actions – Summary of the actions taken by the investigator(s) assigned to the case.

Summary of Allegations – List of the allegations and applicable policy sections.

Evidence – Each allegation should be set forth with the details of the evidence applicable to each allegation provided, including comprehensive summaries of employee and witness statements. Other evidence related to each allegation should also be detailed in this section.

Conclusion – A recommendation should be provided with reference to the evidence that supports each allegation.

Exhibits – A separate list of exhibits (recordings, photos, documents, etc.) should be attached to the report.

1006.8.2 DISPOSITION OF COMPLAINTS

The investigator will apply the preponderance of the evidence standard, a standard of proof that requires that a fact be found when its occurrence, based on the evidence, is more likely than not.

Each allegation shall be classified with one of the following dispositions:

Unfounded – When the investigation discloses that the alleged act(s) are not true or did not involve department personnel. Complaints which are determined to be frivolous (totally and completely without merit or for the sole purpose of harassing an opposing party. Cal. Civ. Proc. Code § 128.5) will fall within the classification of unfounded (Cal. Penal Code § 832.5(c)).

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Exonerated – When the investigation clearly established that the actions of the peace or custodial officer that formed the basis for the complaint are not violations of law or department policy (Penal Code § 832).

discloses that the alleged act occurred, but that the act was justified, lawful and/or proper.

Not Sustained – When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the employee.

Sustained – When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct. If an investigation discloses misconduct or improper job performance which was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

1006.8.3 COMMUNITY COMPLAINT PROCEDURES

Any Community Complaint received by the UC San Diego Police Department will be forwarded to the PAB for review and processing as soon as practicable or within two (2) University business days. Any Community Complaint received by the PAB will be shared with the Chief of Police, within two (2) University business days, or as soon as practicable.

At the initial filing of a Community Complaint with the Police Department, when an uninvolved supervisor or the Watch Commander determines that the complainant, after discussion of the matter, is satisfied that their complaint required nothing more than an explanation regarding the proper implementation of Department policy, procedure, or law, the complaint shall be labeled "Resolved" and forwarded to the PAB within two (2) business days. The PAB may follow-up with the complainant to confirm that they are satisfied with the early resolution.

The PAB will evaluate each formal complaint not resolved via the procedure in the foregoing paragraph, for information necessary to conduct an investigation and proceed as follows, and in accordance with the law.

1. If additional information is needed, the PAB may request information from the complainant to the extent that the identity of the complainant is known. If the complainant is anonymous and there is insufficient information to warrant conducting an investigation, the PAB will close the file and no investigation will be conducted.
2. If the PAB determines there is insufficient information to conduct an investigation, the allegations themselves demonstrate on their face that the acts complained of were proper, or the nature of the complaint is not suitable for investigation and review by the body, the PAB will notify the complainant and the Chief of Police of the disposition in writing citing the specific reasons for the determining that the complaint will not be investigated.
3. If the PAB determines there is sufficient information and cause to investigate a community complaint, they will assign the complaint to an investigator, external to the police department, to initiate an investigation and notify the complainant, the Chief of Police in writing of the complaint's referral to investigation.

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Whether conducted by the PAB or an external investigator jointly selected by the PAB and the UC San Diego Police Department Chief of Police, the procedures in Sections 1008.8.2 – 1008.8.4 shall govern the investigation process. The investigation of a complaint shall consist of conducting interviews with the complainant, the subject employee(s), and any witnesses, collecting relevant evidence, including, but not limited to, UC San Diego Police Department reports and records, photographs, video, and audio records related to the subject community complaint.

The Chief of Police, or the Chief's designee, will be the investigator's point of contact for purposes of gaining access to UC San Diego Police Department information, documentation, and personnel. In this role, the Chief will ensure necessary access to subject employee(s), information, records, evidence, and documentation needed to conduct a thorough and timely investigation. If there is a question of relevancy regarding a request for information made by the investigator, the Chief of Police or their designee will review the request and determine whether the requested information is relevant to the scope of the investigation.

Barring mitigating factors, the investigation should be completed, and an investigation report submitted to the PAB within 60-90 University business days of it being assigned to an investigator, unless an extension is authorized by the PAB or their designee upon a showing of good cause for the delay or legitimate need for additional time to complete the investigation. The Chief of Police, complainant, and subject employee(s) will be provided notification of the extension.

Upon completion of a formal investigation of a Community Complaint, a redacted investigation report consistent with California Public Records Act redaction rules shall be provided to the PAB. In closed session, the PAB will collectively review the redacted report. The PAB will vote on its recommendations to either adopt, amend, or reject the investigator's findings. The PAB has the authority to direct the investigator to re-open the investigation to pursue additional information requested by the PAB. In addition to its recommendations with respect to whether the investigator's findings are sustained, the PAB may also recommend other actions to the Chief of Police, including, for example, modifying policies or training.

The PAB, however, will not recommend a particular level of discipline or a specific corrective action, as the Chief of Police retains the responsibility of and discretion to impose discipline. The PAB's policy recommendations may result from issues related to a specific complaint or from a general policy review and analysis.

The PAB's recommendations regarding the investigative findings shall be in writing and forwarded to the Chief of Police within one (1) business week after the PAB has voted in closed session.

All copies of the completed investigation (including redacted and original copies) shall be submitted/returned to the police department for placement into the personnel complaint file. UC San Diego Police Department will retain all copies, summaries, investigator notes, or other documentation related to the complaint and maintain the records according to the University's retention schedule.

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1006.8.4 INTERNAL COMPLAINT PROCEDURES

In general, the primary responsibility for investigation of an Internal Complaint shall rest with the Chief of Police, unless the Chief is the complainant, or has any personal involvement regarding the alleged misconduct. The Chief of Police or the authorized designee may direct that another supervisor investigates any complaint.

A supervisor who becomes aware of alleged misconduct, shall take reasonable steps to prevent further potential misconduct and notify the appropriate chain of command for assessment of appropriate action.

In circumstances in which 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 alleged misconduct to the employees' supervisor, chain of command, or the Chief of Police, for assessment of appropriate action.

Every investigator or supervisor assigned to investigate an Internal Complaint or other alleged misconduct shall proceed with due diligence. Barring mitigating factors, the investigation should be completed, and an investigation report submitted to the Chief of Police within 60-90 University business days of it being assigned to an investigator, unless an extension is authorized by the Chief of Police upon a showing of good cause for the delay or legitimate need for additional time to complete the investigation. The Chief of Police, complainant, and employee(s) will be provided notification of the extension.

Every effort shall be made to complete the investigation within one year from the date of discovery by an individual authorized to initiate an investigation. 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 Cal. Government Code § 3304(d) or Cal. Government Code § 3508.1. If the nature of the allegations dictates that confidentiality is necessary to maintain the integrity of the investigation, the involved employee(s) need not be notified of the pending investigation unless and until the employee is interviewed or formally charged within one year of discovery.

Upon completion, the report should be forwarded through the chain of command to the commanding officer or supervisor of the involved employee(s).

Once received, the Chief of Police may accept or modify the classification and recommendation for disciplinary action contained in the report.

Within 30 business days of the final review by the Chief of Police, written notice of the findings shall be sent to the complainant. This notice shall indicate the findings, however, will not disclose the discipline, if any imposed. The complainant should also be provided with a copy of their own original complaint (Cal. Penal Code § 832.7).

Any complainant who is not satisfied with the findings of the Department concerning their complaint may contact the Chief of Police to discuss the matter further.

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1006.9 HATE COMPLAINTS AGAINST PEACE OFFICERS

Internal complaints or complaints from the public shall be accepted and investigated in accordance with this policy where it is alleged that an officer has in the previous seven years, and since 18 years of age, engaged in membership in a hate group, participated in a hate group activity, or advocated any public expression of hate (Penal Code § 13682).

1006.10 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

1006.11 REASSIGNMENT AND ADMINISTRATIVE LEAVE

When a complaint of misconduct is of a serious nature or when circumstances practically dictate that it would impose an unreasonable risk to the Department, the employee, other employees, or the public, the Chief of Police or other authorized designee may temporarily reassign an accused employee or place the accused employee on administrative leave pending review of a complaint, completion of the investigation, or the filing of administrative charges. Any reassignment or placement on administrative leave pursuant to this section shall not affect the pay or benefits of the employee who is involuntarily reassigned or placed on administrative leave. Any employee placed on administrative leave:

- (a) May be required to relinquish any department badge, identification, assigned weapons, and any other department equipment.
- (b) Shall be required to continue to comply with all policies and lawful orders of a supervisor.

Any accused employee who is temporarily reassigned to an alternate shift or placed on administrative leave, may be required to remain available for contact during such shift/leave and will report as ordered.

1006.12 CRIMINAL INVESTIGATION

When an employee is accused of potential criminal conduct, a separate supervisor or investigator shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation. However, information obtained through administratively compelled interviews shall not be shared directly or indirectly with any personnel assigned to investigate alleged criminal activities.

The Chief of Police shall be notified as soon as practicable when an employee is accused of criminal conduct. The Chief of Police may request a criminal investigation by an outside law enforcement agency.

An employee accused of criminal conduct shall be advised of their constitutional rights (Cal. Government Code § 3303(h)). The employee shall not be administratively ordered to provide any information in the criminal investigation.

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The UC San Diego Police Department may release information concerning the arrest or detention of any employee, including an officer, that has not led to a conviction. No disciplinary action shall be taken until an independent administrative investigation is conducted.

1006.13 CHIEF OF POLICE RESPONSIBILITIES POST-INVESTIGATION

Upon receipt of any written recommendation, the Chief of Police shall review the recommendation and all accompanying materials and, if involving a Community Complaint, the un-redacted investigation report. The Chief of Police may return the file to the investigator for further investigation or action. The Chief of Police may review the entire investigative file, the employee's personnel file, and any other relevant materials. The Chief may adopt all, part, or none of the recommendations, and retains full authority, discretion, and responsibility regarding the final disposition of the matter, including disciplinary determinations.

Once the Chief of Police is satisfied that no further investigation or action is required, the Chief of Police may forward the information to the Chief's designee who will recommend the discipline, if any, that should be imposed. The Chief of Police may accept or modify the recommendation for disciplinary action. In the event disciplinary action is proposed, the Chief of Police shall provide the employee with a pre-disciplinary procedural due process hearing (Skelly) by providing written notice of the charges, proposed action, and reasons for the proposed action. Written notice shall be provided within one year from the date of discovery of the misconduct (Cal. Government Code § 3304(d)). The Chief of Police shall also provide the employee with the following:

- (a) Access to all 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, or designee, within five days of receiving the notice.
 1. Upon a showing of good cause by the employee, the Chief of Police may grant a reasonable extension of time for the employee to respond.
 2. If the employee elects to respond orally, the presentation may be recorded by the Department and the employee. Upon request, the employee shall be provided with a copy of the recording.

Once the employee has completed their response or if the employee has elected to waive any such response, the Chief of Police shall consider all information received regarding the recommended discipline. The Chief of Police shall render a timely written decision to the employee and specify the grounds and reasons for discipline and the effective date of the discipline. Once the Chief of Police has issued a written decision, the discipline shall become effective.

1006.14 PRE-DISCIPLINE EMPLOYEE RESPONSE

The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the Chief of Police, or designee, after having had an opportunity to review the supporting materials and prior to imposition of any recommended discipline. The employee shall consider the following:

- (a) The response is not intended to be an adversarial or formal hearing.

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- (b) Although the employee may be represented by an uninvolved representative or legal counsel, the response is not designed to accommodate the presentation of testimony or witnesses.
- (c) The employee may suggest that further investigation could be conducted or the employee may offer any additional information or mitigating factors for consideration.
- (d) In the event that the Chief of Police elects to cause further investigation to be conducted, the employee shall be provided with the results prior to the imposition of any discipline.
- (e) The employee may thereafter have the opportunity to further respond orally or in writing to the Chief of Police on the limited issues of information raised in any subsequent materials.

1006.15 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

In the event that an employee tenders a written resignation or notice of retirement prior to the imposition of discipline, it shall be noted in the file. The tender of a resignation or retirement by itself shall not serve as grounds for the termination of any pending investigation or discipline (Penal Code § 13510.8).

1006.16 NOTICE OF FINAL DISPOSITION TO THE COMPLAINANT

Within 30 business days of the final review and determination, the Chief of Police or the authorized designee shall ensure that the complainant is notified of the disposition (i.e., sustained, not sustained, exonerated, unfounded) of the complaint (Cal. Penal Code § 832.7(f)). This release shall not include what discipline, if any, was imposed (Cal. Penal Code § 832.7(f)).

1006.17 NOTICE OF FINAL DISPOSITION TO THE POLICE ACCOUNTABILITY BOARD (PAB)

Within 30 business days of the final review and determination by the Chief of Police of a Community Complaint, written notice of the Chief of Police's final decision shall be provided to the PAB. If the Chief amends or rejects a PAB finding, a rationale for the amendment will be provided to the PAB in the written notice. This notice shall indicate the findings, but will not disclose the discipline, if any.

1006.18 POST-DISCIPLINE APPEAL RIGHTS

Non-probationary employees have the right to appeal a written reprimand, suspension without pay, punitive transfer, demotion, reduction in pay or step, or termination from employment. The employee has the right to appeal using the procedures established by any collective bargaining agreement, Memorandum of Understanding, and/or personnel rules.

In the event of punitive action against an employee covered by the POBR, the appeal process shall be in compliance with Cal. Government Code § 3304 and Cal. 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

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of misconduct have been independently established. Thereafter, such Brady evidence shall be limited to determining the appropriateness of the penalty (Cal. Government Code § 3305.5).

1006.19 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 (Cal. Government Code § 3303 and Cal. 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.

1006.20 RETENTION OF PERSONNEL INVESTIGATION FILES

All copies of the completed investigation (including redacted and original copies) shall be submitted/returned to the police department for placement into the personnel complaint file. UC San Diego Police Department will retain all copies, summaries, investigator notes, or other documentation related to the complaint and maintain the records as required under Cal. Penal Code section 832.7 in a file separate from the employees personnel file or the University's records retention schedule, whichever is longer.

1006.21 REQUIRED REPORTING TO PEACE OFFICERS STANDARD AND TRAINING (POST)

The Chief of Police or the authorized designee shall notify POST on the appropriate POST form within 10 days of certain officer personnel events, including but not limited to (Penal Code § 13510.9):

- (a) Termination or separation from employment or appointment. Separation from employment or appointment includes any involuntary termination, resignation, or retirement.
 1. A POST affidavit-of-separation form shall be executed and maintained by the Department and submitted to POST as required by Penal Code § 13510.9 and 11 CCR 1003.
- (b) Events that could affect an officer's POST certification, such as:
 1. Complaint, charge, or allegation of conduct against an officer that could render an officer subject to suspension or revocation of certification by POST pursuant to Penal Code § 13510.8.

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2. Findings or recommendations by a civilian review board that an officer engaged in conduct that could render an officer subject to suspension or revocation of certification by POST pursuant to Cal. Penal Code § 13510.8
3. Final dispositions of any investigations that determines an officer engaged in conduct that could render an officer subject to suspension or revocation of certification by POST pursuant to Cal. Penal Code § 13510.8, regardless of the discipline imposed.
4. Civil judgments or court findings against an officer based on conduct, or settlement of a civil claim against an officer or the UC San Diego Police Department based on allegations of officer conduct that could render an officer subject to suspension or revocation of certification by POST pursuant to Cal. Penal Code § 13510.8

The Chief of Police or the authorized designee shall be responsible for providing POST access to or duplication of investigation documentation (e.g., physical or documentary evidence, witness statements, analysis, conclusions) for up to two years after reporting of the disposition of an investigation (Penal Code § 13510.9) or as otherwise required by law.

1006.21.1 NOTIFICATIONS TO POST FOR SERIOUS MISCONDUCT

The Chief of Police or the authorized designee shall report allegations of serious misconduct by an officer to POST and the report shall include the following (11 CCR 1207):

- (a) Name of the Department
- (b) Administrative case number
- (c) Name, current address, and phone number of the complainant, if available
- (d) Name, POST ID, current address, and phone number of the involved officer
- (e) A summary of the alleged misconduct including:
 1. A narrative of the allegations
 2. Date and time of incidents
 3. Location of occurrence
 4. Any witness information, if available
 5. Summary of arrest or indictment of involved officer
- (f) A change in employment status of the involved officer (e.g., administrative leave, suspension, termination)
- (g) Name and contact information of the assigned investigator

The Chief of Police or the authorized designee shall provide updates of the investigation to POST every 90 days until the final disposition in the method designated by POST (11 CCR 1207).

Upon completion of the investigation, the Chief of Police or the authorized designee shall submit to POST the final disposition of the investigation as well as investigation materials and the officer's service record as provided by 11 CCR 1207.

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1006.21.2 ADDITIONAL NOTIFICATIONS TO POST FOR SERIOUS MISCONDUCT

Additional notification shall be made to POST (11 CCR 1207):

- (a) If the imposed disciplinary action is pending appeal or other review through an administrative or judicial proceeding:
 - 1. The Department shall provide the name of the body conducting the proceeding.
 - 2. The status of the proceeding, if known.
- (b) If criminal charges are pending:
 - 1. The name of the court having jurisdiction over the criminal charges against the officer.
 - 2. The status of the criminal case, if known.

Sick Leave

1007.1 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 University personnel manual or applicable collective bargaining agreement.

This policy is not intended to cover all types of sick or other leaves. For example, employees may be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (FMLA) (29 USC § 2601 et seq.), the California Family Rights Act, leave for victims of crime or abuse, or for organ or bone marrow donor procedures (29 CFR 825; Government Code § 12945.2; Labor Code § 230.1; Labor Code § 1510).

1007.2 POLICY

It is the policy of the UC San Diego Police Department to provide eligible employees with a sick leave benefit.

1007.3 USE OF SICK LEAVE

Sick leave is intended to be used for qualified absences. Sick leave is not considered vacation. Abuse of sick leave may result in discipline, denial of sick leave benefits, or both.

Employees on sick leave shall not engage in other employment or self-employment or participate in any sport, hobby, recreational activity or other activity that may impede recovery from the injury or illness (see Outside Employment Policy).

Qualified appointments should be scheduled during an employee's non-working hours when it is reasonable to do so.

1007.3.1 NOTIFICATION

All employees should notify the Watch Commander or appropriate supervisor as soon as they are aware that they will not be able to report to work and no less than one hour before the start of their scheduled shifts. If, due to an emergency, an employee is unable to contact the supervisor, every effort should be made to have a representative for the employee contact the supervisor (Labor Code § 246).

When the necessity to be absent from work is foreseeable, such as planned medical appointments or treatments, the employee shall, whenever possible and practicable, provide the Department with no less than 30 days' notice of the impending absence (Labor Code § 246).

Upon return to work, employees are responsible for ensuring their time off was appropriately accounted for, and for completing and submitting the required documentation describing the type of time off used and the specific amount of time taken.

1007.4 EXTENDED ABSENCE

Employees absent from duty for more than three consecutive days may be required to furnish a statement from a health care provider supporting the need to be absent and/or the ability to

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return to work. Employees on an extended absence shall, if possible, contact their supervisor at specified intervals to provide an update on their absence and expected date of return.

Nothing in this section precludes a supervisor from requiring, with cause, a health care provider's statement for an absence of three or fewer days after the first three days of paid sick leave are used in a 12-month period.

1007.1 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include, but are not limited to:

- (a) Monitoring and regularly reviewing the attendance of those under their command to ensure that the use of sick leave and absences is consistent with this policy.
- (b) Attempting to determine whether an absence of four or more days may qualify as family medical leave and consulting with legal counsel or the Department of Human Resources as appropriate.
- (c) Addressing absences and sick leave use in the member's performance evaluation when excessive or unusual use has:
 - 1. Negatively affected the member's performance or ability to complete assigned duties.
 - 2. Negatively affected department operations.
- (d) When appropriate, counseling members regarding excessive absences and/or inappropriate use of sick leave.
- (e) Referring eligible members to an available employee assistance program when appropriate.

1007.6 REQUIRED NOTICES

The Business 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.

Reporting of Employee Convictions

1008.1 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.

1008.2 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 employees 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.

1008.3 OTHER CRIMINAL CONVICTIONS AND COURT ORDERS

Government Code § 1029 prohibits any person convicted of a felony from being a peace officer in the State of California. This prohibition applies regardless of whether the guilt was established by way of a verdict, guilty, or nolo contendere plea.

Convictions of certain violations of the Vehicle Code and other provisions of law may also place restrictions on an employee's ability to fully perform the duties of the job.

Outstanding warrants as provided in Penal Code § 29805 also place restrictions on a member's ability to possess a firearm.

Moreover, while legal restrictions may or may not be imposed by statute or by the courts upon conviction of any criminal offense, criminal conduct by members of this department may be inherently in conflict with law enforcement duties and the public trust.

1008.4 REPORTING PROCEDURE

All employees of this department and all retired officers with an identification card issued by the Department shall promptly notify their immediate supervisor (or the Chief of Police in the case of retired officers) in writing of any past or current criminal arrest, outstanding warrant or conviction regardless of whether or not the matter is currently on appeal and regardless of the penalty or sentence, if any.

All employees and all retired officers with an identification card issued by the Department shall further promptly notify their immediate supervisor (or the Chief of Police in the case of retired officers) in writing if the member or retiree becomes the subject of a domestic violence restraining order or similar court order or becomes the subject of an outstanding warrant.

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Any 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.

1008.5 PROCEDURE FOR RELIEF

Pursuant to Penal Code § 29855, a peace officer may petition the court for permission to carry a firearm following a conviction under state law. Federal law, however, does not provide for any such similar judicial relief and the granting of a state court petition under Penal Code § 29855 will not relieve one of the restrictions imposed by federal law. Therefore, relief for any employee falling under the restrictions imposed by federal law may only be obtained by expungement of the conviction. Employees shall seek relief from firearm restrictions on their own time and through their own resources.

Pursuant to Family Code § 6389(h), an individual may petition the court for an exemption to any restraining order, which would thereafter permit the individual to carry a firearm or ammunition as a part of the individual's employment. Relief from any domestic violence or other restriction shall also be pursued through the employee's own resources and on the employee's own time.

Pending satisfactory proof of relief from any legal restriction imposed on an employee's duties, the employee may be placed on administrative leave, reassigned, or disciplined. The Department may, but is not required to return an employee to any assignment, reinstate any employee, or reverse any pending or imposed discipline upon presentation of satisfactory proof of relief from any legal restriction set forth in this policy.

1008.5.1 NOTIFICATION REQUIREMENTS

The Specialized Services Lieutenant shall submit within 10 days of final disposition a notice to the Commission on Peace Officer Standards and Training (POST) of a conviction or Government Code § 1029 reason that disqualifies any current peace officer employed by this department or any former peace officer if this department was responsible for the investigation (11 CCR 1003).

The Specialized Services Lieutenant shall submit within 10 days a notice to POST of any appointment, termination, reinstatement, name change, or status change regarding any peace officer, reserve peace officer, public safety dispatcher, and records supervisor employed by this department (11 CCR 1003).

Smoking and Tobacco Use

1009.1 PURPOSE AND SCOPE

This policy establishes limitations on smoking and the use of tobacco products by employees and others while on-duty or while in UC San Diego 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.

1009.2 POLICY

The UC San Diego 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).

1009.3 SMOKING AND TOBACCO USE

Smoking and tobacco use by members is prohibited anytime members are in public view representing the UC San Diego 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 University facilities and vehicles.

1009.4 ADDITIONAL PROHIBITIONS

No person shall use any tobacco products on any University of California, San Diego property

1009.4.1 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).

Drug- and Alcohol-Free Workplace

1010.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace (41 USC § 8103).

1010.2 POLICY

It is the policy of this department to provide a drug- and alcohol-free workplace for all employees.

1010.3 GENERAL GUIDELINES

Alcohol and drug use in the workplace or on department time can endanger the health and safety of department members and the public.

Members who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for duty. Affected members shall notify the Watch Commander or appropriate supervisor as soon as the member is aware that the member will not be able to report to work. If the member is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the member is adversely affected while on-duty, the member shall be immediately removed and released from work (see the Work Restrictions section in this policy).

1010.3.1 USE OF MEDICATIONS

Members should not use any medications that will impair their ability to safely and completely perform their duties. Any member who is medically required or has a need to take any such medication shall report that need to the member's immediate supervisor prior to commencing any on-duty status.

No member shall be permitted to work or drive a vehicle owned or leased by the Department while taking any medication that has the potential to impair the member's abilities, without a written release from the member's physician.

1010.3.2 MEDICAL CANNABIS

Possession, use, or being under the influence of medical cannabis on-duty is prohibited and may lead to disciplinary action.

1010.4 EMPLOYEE RESPONSIBILITIES

Employees shall report for work in an appropriate mental and physical condition. employees are prohibited from purchasing, manufacturing, distributing, dispensing, possessing or using controlled substances or alcohol on department premises or on department time (41 USC § 8103). The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

Employees who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance.

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Employees shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow employee poses a risk to the health and safety of the member or others due to drug or alcohol use.

Employees are required to notify their immediate supervisors of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction (41 USC § 8103).

1010.5 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.

1010.6 WORK RESTRICTIONS

If an employee informs a supervisor that he/she has consumed any alcohol, drug or medication that could interfere with safe and efficient job performance, the employee may be required to obtain clearance from his/her physician before continuing to work.

If the supervisor reasonably believes, based on objective facts, that an employee is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the employee from continuing work and shall ensure that he/she is safely transported away from the Department.

1010.7 SCREENING TESTS

A supervisor may require an employee to submit to a screening under any of the following circumstances:

- (a) The supervisor reasonably believes, based upon objective facts, that the employee is under the influence of alcohol or drugs that are impairing the employee's ability to perform duties safely and efficiently.
- (b) The employee discharges a firearm in the performance of the employee's duties (excluding training or authorized euthanizing of an animal).
- (c) The employee discharges a firearm issued by the Department while off-duty, resulting in injury, death, or substantial property damage.
- (d) The employee drives a motor vehicle in the performance of the employee's duties and becomes involved in an incident that results in bodily injury, death, or substantial damage to property.

1010.7.1 SUPERVISOR RESPONSIBILITIES

The supervisor shall prepare a written record documenting the specific facts that led to the decision to require the test, and shall inform the employee in writing of the following:

- (a) The test will be given to detect either alcohol or drugs, or both.

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- (b) The result of the test is not admissible in any criminal proceeding against the employee.
- (c) The employee may refuse the test, but refusal may result in dismissal or other disciplinary action.

1010.7.2 DISCIPLINE

An employee may be subject to disciplinary action if the employee:

- (a) Fails or refuses to submit to a screening test as requested.
- (b) After taking a screening test that indicates the presence of a controlled substance, fails to provide proof, within 72 hours after being requested, that the employee took the controlled substance as directed, pursuant to a current and lawful prescription issued in the employee's name.

1010.8 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).

1010.9 CONFIDENTIALITY

The Department recognizes the confidentiality and privacy due to its members. Disclosure of any information relating to substance abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the member involved or pursuant to lawful process.

The written results of any screening tests and all documents generated by the employee assistance program are considered confidential medical records and shall be maintained in the member's confidential medical file in accordance with the Personnel Records Policy.

Seat Belts

1011.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of seat belts and child restraints. This policy will apply to all members operating or riding in department vehicles (Vehicle Code § 27315.5).

1011.1.1 DEFINITIONS

Definitions related to this policy include:

Child restraint system - An infant or child passenger restraint system that meets Federal Motor Vehicle Safety Standards (FMVSS) and Regulations set forth in 49 CFR 571.213.

1011.2 POLICY

It is the policy of the UC San Diego Police Department that members use safety restraints and child restraint systems to reduce the possibility of death or injury in a motor vehicle collision.

1011.3 WEARING OF SAFETY RESTRAINTS

All employees shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased or rented by this department while on- or off-duty, or in any privately owned vehicle while on-duty. The employee driving such a vehicle shall ensure that all other occupants, including non-employees, are also properly restrained.

Exceptions to the requirement to wear seat belts may be made only in exceptional situations where, due to unusual circumstances, wearing a seat belt would endanger the employee or the public. Employees must be prepared to justify any deviation from this requirement.

1011.4 TRANSPORTING CHILDREN

Children under the age of 8 shall be transported in compliance with California's child restraint system requirements (Vehicle Code § 27360; Vehicle Code § 27363).

Rear-seat passengers in a cage-equipped vehicle may have reduced clearance, which requires careful seating and positioning of seat belts. Due to this reduced clearance, and if permitted by law, children and any child restraint system may be secured in the front seat of such vehicles provided this positioning meets federal safety standards and the vehicle and child restraint system manufacturer's design and use recommendations. In the event that a child is transported in the front seat of a vehicle, the seat should be pushed back as far as possible and the passenger-side airbag should be deactivated. If this is not possible, employees should arrange alternate transportation when feasible. A child shall not be transported in a rear-facing child restraint system in the front seat in a vehicle that is equipped with an active frontal passenger airbag (Vehicle Code § 27363).

1011.5 TRANSPORTING PERSONS IN CUSTODY

Persons who are in custody should be in a seated position and secured in the rear seat of any department vehicle with a restraint system or, when a restraint system is not available, by seat

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belts provided by the vehicle manufacturer. The restraint system is not intended to be a substitute for handcuffs or other appendage restraints.

An incarcerated person in leg restraints shall be transported in accordance with the Handcuffing and Restraints Policy.

1011.6 INOPERABLE SEAT BELTS

Department vehicles shall not be operated when the seat belt in the driver's position is inoperable. Persons shall not be transported in a seat in which the seat belt is inoperable.

Department vehicle seat belts shall not be modified, removed, deactivated or altered in any way, except by the vehicle maintenance and repair staff, who shall do so only with the express authorization of the Chief of Police.

Members who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

1011.7 VEHICLES MANUFACTURED WITHOUT SEAT BELTS

Vehicles manufactured and certified for use without seat belts or other restraint systems are subject to the manufacturer's operator requirements for safe use.

1011.8 VEHICLE AIRBAGS

In all vehicles equipped with airbag restraint systems, the system will not be tampered with or deactivated, except when transporting children as written elsewhere in this policy. All equipment installed in vehicles equipped with airbags will be installed as per the vehicle manufacturer specifications to avoid the danger of interfering with the effective deployment of the airbag device.

Body Armor

1012.1 PURPOSE AND SCOPE

The purpose of this policy is to provide law enforcement officers with guidelines for the proper use of body armor.

1012.2 POLICY

It is the policy of the UC San Diego 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.

1012.3 ISSUANCE OF BODY ARMOR

The Field Training Sergeant shall ensure that body armor is issued to all officers when the officer begins service at the UC San Diego Police Department and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

The Rangemaster 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.

1012.3.1 USE OF SOFT BODY ARMOR

Generally, the use of body armor is required subject to the following:

- (a) Officers shall only wear agency provided body armor.
- (b) Officers shall wear body armor anytime they are in situations where they could reasonably engage in field activity.
- (c) Officers may be excused from wearing body armor when they are functioning primarily in an administrative or support capacity and could not reasonably be expected to take enforcement action. For officers serving in these roles their protective vest must be immediately available at all times, during their shift.
- (d) Body armor shall be worn when an officer is taking part in Department range training, unless otherwise directed by the rangemaster.
- (e) An officer may be excused from wearing body armor when he/she is involved in undercover or plainclothes work that his/her supervisor determines could be compromised by wearing body armor, or when a supervisor determines that other circumstances make it inappropriate to mandate wearing body armor.
- (f) Officers should avoid enforcement activities when not wearing body armor unless there are exigent circumstances involving the protection of life.

1012.3.2 USE OF HARD BODY ARMOR

The Department has deployed hard armor plate systems in each patrol vehicle. Officers should strongly consider utilizing hard armor in the following situations;

- (a) Active Shooter incidents

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- (b) Reports of shots fired
- (c) Reports of persons armed with long guns/rifles

Range staff shall wear hard body armor when training involves AR-15s or other rifles.

1012.3.3 INSPECTIONS OF BODY ARMOR

Officers shall routinely inspect their personal body armor for sign of damage and for general cleanliness. Officers are responsible for reporting damage or excessive wear to the ballistic panels or cover to their supervisor.

Supervisors should ensure that soft body armor is worn and maintained in accordance with this policy through routine observation and periodic inspections. Annual inspections of body armor shall be conducted by the Rangemaster for fit, cleanliness, and signs of damage, abuse and wear.

1012.3.4 CARE AND MAINTENANCE OF BODY ARMOR

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.

Body armor should be cared for and cleaned pursuant to the manufacturer's care instructions provided with the 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.

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.

Body armor will be replaced by the Department once every five (5) years. If prior to five (5) years, an employee's body armor no longer fits properly, or the panels are excessively worn, a new vest may be authorized if authorized by a Lieutenant for approval. Upon issuing of new armor, the five (5) year cycle will then start over.

1012.4 RANGEMASTER RESPONSIBILITIES

The Rangemaster should:

- (a) Monitor technological advances in the body armor industry for any appropriate changes to Department approved body armor.
- (b) Assess weapons and ammunition currently in use and the suitability of approved body armor to protect against those threats.
- (c) Provide training that educates officers about the safety benefits of wearing body armor.
- (d) Providing training programs that demonstrate body armor's stopping power under actual firing conditions and that emphasize its safe and proper use.

Personnel Records

1013.1 PURPOSE AND SCOPE

This policy governs maintenance and access to personnel records. Personnel records include any file maintained under an individual member's name.

1013.2 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).

1013.3 DEPARTMENT FILE

The department file shall be maintained as a record of a person's employment/appointment with this department. The department file should contain, at a minimum:

- (a) Personal data, including photographs, marital status, names of family members, educational and employment history, or similar information. A photograph of the member should be permanently retained.
- (b) Election of employee benefits.
- (c) Personnel action reports reflecting assignments, promotions, and other changes in employment/appointment status. These should be permanently retained.
- (d) Original performance evaluations. These should be permanently retained.
- (e) Discipline records, including copies of sustained personnel complaints (see the Personnel Complaints Policy).
 - 1. Disciplinary action resulting from sustained internally initiated complaints or observation of misconduct shall be maintained pursuant to the established records retention schedule and at least four years (Government Code § 12946).
 - 2. Disciplinary action resulting from a sustained civilian's complaint involving misconduct shall be maintained pursuant to the established records retention schedule and at least 15 years (Penal Code § 832.5).
 - 3. A civilian's complaint involving misconduct that was not sustained shall be maintained pursuant to the established records retention schedule and at least five years (Penal Code § 832.5).
- (f) Adverse comments such as supervisor notes or memos may be retained in the department file after the member has had the opportunity to read and initial the comment (Government Code § 3305).
 - 1. Once a member has had an opportunity to read and initial any adverse comment, the member shall be given the opportunity to respond in writing to the adverse comment within 30 days (Government Code § 3306).
 - 2. Any member response shall be attached to and retained with the original adverse comment (Government Code § 3306).

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3. If a member refuses to initial or sign an adverse comment, at least one supervisor should note the date and time of such refusal on the original comment and the member should sign or initial the noted refusal. Such a refusal, however, shall not be deemed insubordination, nor shall it prohibit the entry of the adverse comment into the member's file (Government Code § 3305).
- (g) Commendations and awards.
 - (h) Any other information, the disclosure of which would constitute an unwarranted invasion of personal privacy.

1013.4 DIVISION FILE

Division files may be separately maintained internally by a member's supervisor for the purpose of completing timely performance evaluations. The Division file may contain supervisor comments, notes, notices to correct and other materials that are intended to serve as a foundation for the completion of timely performance evaluations.

All materials intended for this interim file shall be provided to the employee prior to being placed in the file in accordance with Government Code § 3305 and Government Code § 3306.

1013.5 TRAINING FILE

An individual training file shall be maintained by the Training Manager for each member. Training files will contain records of all training; original or photocopies of available certificates, transcripts, diplomas and other documentation; and education and firearms qualifications. Training records may also be created and stored remotely, either manually or automatically (e.g., Daily Training Bulletin (DTB) records).

- (a) The involved member is responsible for providing the Training Manager or immediate supervisor with evidence of completed training/education in a timely manner.
- (b) The Training Manager or supervisor shall ensure that copies of such training records are placed in the member's training file.

1013.6 INTERNAL AFFAIRS FILE

Internal affairs files shall be maintained under the exclusive control of the Specialized Services Lieutenant 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 Specialized Services Lieutenant supervisor.

These files shall contain the complete investigation of all formal complaints of member misconduct, regardless of disposition (Penal Code § 832.12). Investigations of complaints that result in the following findings shall not be placed in the member's file but will be maintained in the internal affairs file:

- (a) Not sustained
- (b) Unfounded
- (c) Exonerated

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Investigation files arising out of sustained civilian's complaints involving misconduct shall be maintained pursuant to the established records retention schedule and for a period of at least 15 years. Investigations that resulted in other than a sustained finding may not be used by the Department to adversely affect an employee's career (Penal Code § 832.5).

Investigation files arising out of internally generated complaints shall be maintained pursuant to the established records retention schedule and for at least four years (Government Code § 12946).

Investigation files arising out of a civilian complaint involving misconduct that was not sustained shall be maintained pursuant to the established records retention schedule and for at least five years (Penal Code § 832.5).

1013.7 MEDICAL FILE

A medical file shall be maintained separately from all other personnel records and shall contain all documents relating to the member's medical condition and history, including but not limited to:

- (a) Materials relating to a medical leave of absence, including leave under the Family and Medical Leave Act (FMLA).
- (b) Documents relating to workers' compensation claims or the receipt of short- or long-term disability benefits.
- (c) Fitness-for-duty examinations, psychological and physical examinations, follow-up inquiries and related documents.
- (d) Medical release forms, doctor's slips and attendance records that reveal a member's medical condition.
- (e) Any other documents or materials that reveal the member's medical history or medical condition, including past, present or future anticipated mental, psychological or physical limitations.

1013.8 SECURITY

Personnel records should be maintained in a secured location and locked either in a cabinet or access-controlled room. Personnel records maintained in an electronic format should have adequate password protection.

Personnel records are subject to disclosure only as provided in this policy, the Records Maintenance and Release Policy or according to applicable discovery procedures.

Nothing in this policy is intended to preclude review of personnel records by the Vice Chancellor, Resource Management and Planning, Campus Counsel or other attorneys or representatives of the University in connection with official business.

1013.8.1 REQUESTS FOR DISCLOSURE

Any member receiving a request for a personnel record shall promptly notify the Custodian of Records or other person charged with the maintenance of such records.

Upon receipt of any such request, the responsible person shall notify the affected member as soon as practicable that such a request has been made (Evidence Code § 1043).

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The responsible person shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases, this may require assistance of available legal counsel.

All requests for disclosure that result in access to a member's personnel records shall be logged in the corresponding file.

1013.8.2 RELEASE OF PERSONNEL INFORMATION

Personnel records shall not be disclosed except as allowed by law (Penal Code § 832.7; Evidence Code § 1043) (See also Records Maintenance and Release Policy).

Any person who maliciously, and with the intent to obstruct justice or the due administration of the laws, publishes, disseminates, or otherwise discloses the residence address or telephone number of any member of this department may be guilty of a misdemeanor (Penal Code § 146e).

The Department may release any factual information concerning a disciplinary investigation if the member who is the subject of the investigation (or the member's representative) publicly makes a statement that is published in the media and that the member (or representative) knows to be false. The disclosure of such information, if any, shall be limited to facts that refute any such false statement (Penal Code § 832.7).

1013.8.3 RELEASE OF LAW ENFORCEMENT GANG INFORMATION

Information relating to the termination of an officer from this department for participation in a law enforcement gang shall be disclosed to another law enforcement agency that is conducting a pre-employment background investigation except where specifically prohibited by law (Penal Code § 13670).

1013.8.4 RELEASE OF PEACE OFFICER RECORDS RELATING TO HATE COMPLAINTS

Records relating to an officer for an investigation of a hate complaint described in Penal Code § 13682 with a sustained finding that the officer engaged in membership in a hate group, participated in a hate group activity, or advocacy of public expressions of hate are not confidential and shall be made available for public inspection through a public records request (Penal Code § 13683).

Records disclosed may be redacted as provided in Penal Code § 13683.

1013.9 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 Specialized Services Lieutenant supervisor in determining what records may qualify for disclosure when a request for records is received and if the requested record is subject to redaction or delay from disclosure.

For purposes of this section, a record includes (Penal Code § 832.7(b)(3)):

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- All investigation reports.
- Photographic, audio, and video evidence.
- Transcripts or recordings of interviews.
- Autopsy reports.
- All materials compiled and presented for review to the District Attorney or to any person or body charged with determining whether to file criminal charges against an officer in connection with an incident, whether the officer's action was consistent with law and department policy for purposes of discipline or administrative action, or what discipline to impose or corrective action to take.
- Documents setting forth findings or recommending findings.
- Copies of disciplinary records relating to the incident, including any letters of intent to impose discipline, any documents reflecting modifications of discipline due to the *Skelly* or grievance process, and letters indicating final imposition of discipline or other documentation reflecting implementation of corrective action.

Unless a record or information is confidential or qualifies for delayed disclosure as provided by Penal Code § 832.7(b)(8) or other law, the following records (hereinafter qualifying records) shall be made available for public inspection no later than 45 days from the date of a request (Penal Code § 832.7(b)(1)):

- (a) Records relating to the report, investigation, or findings of:
 1. The discharge of a firearm at another person by an officer.
 2. The use of force against a person resulting in death or in great bodily injury (as defined by Penal Code § 243(f)(4)) by an officer.
 3. A sustained finding involving a complaint that alleges unreasonable or excessive force.
 4. A sustained finding that an officer failed to intervene against another officer using force that is clearly unreasonable or excessive.
- (b) Records relating to an incident where a sustained finding was made by the Department or oversight agency regarding:
 1. An officer engaged in sexual assault of a member of the public (as defined by Penal Code § 832.7(b)).
 2. Dishonesty of an officer relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another officer, including but not limited to any false statements, filing false reports, destruction, falsifying, or concealing of evidence, or perjury.
 3. An officer engaged in conduct including but not limited to verbal statements, writings, online posts, recordings, and gestures involving prejudice or discrimination against a person on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition,

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genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status.

4. An officer made an unlawful arrest or conducted an unlawful search.

Qualifying records will be made available regardless of whether the officer resigns before the Department or an oversight agency concludes its investigation (Penal Code § 832.7(b)(3)).

A record from a separate and prior investigation or assessment of a separate incident shall not be released unless it is independently subject to disclosure (Penal Code § 832.7(b)(4)).

When an investigation involves multiple officers, the Department shall not release information about allegations of misconduct or the analysis or disposition of an investigation of an officer unless it relates to a sustained finding of a qualified allegation as provided by Penal Code § 832.7(b)(5). However, factual information about the action of the officer during an incident or the statements of an officer shall be released if the statements are relevant to a finding of the qualified allegation against another officer that is subject to release (Penal Code § 832.7(b)(5)).

1013.9.1 REDACTION

The Custodian of Records, in consultation with the Chief of Police or authorized designee, shall redact the following portions of qualifying records made available for release (Penal Code § 832.7(b)(6)):

- (a) Personal data or information (e.g., home address, telephone number, identities of family members) other than the names and work-related information of officers
- (b) Information that would compromise the anonymity of whistleblowers, complainants, victims, and witnesses
- (c) Confidential medical, financial, or other information where disclosure is prohibited by federal law or would cause an unwarranted invasion of personal privacy that clearly outweighs the strong public interest in records about possible misconduct and use of force
- (d) Where there is a specific, articulable, and particularized reason to believe that disclosure of the record would pose a significant danger to the physical safety of the officer or another person

Additionally, a record may be redacted, including redacting personal identifying information, where, on the facts of the particular case, the public interest served by not disclosing the information clearly outweighs the public interest served by disclosing it (Penal Code § 832.7(b)(7)).

1013.9.2 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 qualifying records due to any of the following conditions (Penal Code § 832.7):

- (a) Active criminal investigations

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1. Disclosure may be delayed 60 days from the date the misconduct or use of force occurred or until the District Attorney determines whether to file criminal charges, whichever occurs sooner.
 2. After the initial 60 days, delay of disclosure may be continued if the disclosure could reasonably be expected to interfere with a criminal enforcement proceeding against an officer or against someone other than an officer who engaged in misconduct or used the force.
- (b) Filed criminal charges
1. When charges are filed related to an incident in which misconduct occurred or force was used, disclosure may be delayed until a verdict on those charges is returned at trial or, if a plea of guilty or no contest is entered, the time to withdraw the plea has passed.
- (c) Administrative investigations
1. Disclosure may be delayed until:
 - (a) There is a determination from the investigation whether the misconduct or use of force violated law or department policy, but no longer than 180 days after the date of the department's discovery of the misconduct or use of force or allegation of misconduct or use of force

1013.9.3 NOTICE OF DELAY OF RECORDS

When there is justification for delay of disclosure of qualifying records, the Custodian of Records shall provide written notice of the reason for any delay to a requester as follows (Penal Code § 832.7):

- (a) Provide the specific basis for the determination that the interest in delaying disclosure clearly outweighs the public interest in disclosure. The notice shall also include the estimated date for the disclosure of the withheld information.
- (b) When delay is continued beyond the initial 60 days because of criminal enforcement proceedings against anyone, at 180-day intervals provide the specific basis that disclosure could reasonably be expected to interfere with a criminal enforcement proceeding and the estimated date for disclosure.
 1. Information withheld shall be disclosed when the specific basis for withholding the information is resolved, the investigation or proceeding is no longer active, or no later than 18 months after the date of the incident, whichever occurs sooner, unless:
 - (a) When the criminal proceeding is against someone other than an officer and there are extraordinary circumstances to warrant a continued delay due to the ongoing criminal investigation or proceeding, then the Department must show by clear and convincing evidence that the interest in preventing prejudice to the active and ongoing criminal investigation or proceeding outweighs the public interest for prompt disclosure of records about misconduct or use of force by officers.

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In cases where an action to compel disclosure is brought pursuant to Government Code § 7923.000, the Department may justify delay by filing an application to seal the basis for withholding if disclosure of the written basis itself would impact a privilege or compromise a pending investigation (Penal Code § 832.7(b)(8)).

1013.10 MEMBERS' ACCESS TO THEIR PERSONNEL RECORDS

Any member may request access to the member's own personnel records during the normal business hours of those responsible for maintaining such files. Any member seeking the removal of any item from the member's personnel records shall file a written request to the Chief of Police through the chain of command. The Department shall remove any such item if appropriate, or within 30 days provide the member with a written explanation of why the contested item will not be removed. If the contested item is not removed from the file, the member's request and the written response from the Department shall be retained with the contested item in the member's corresponding personnel record (Government Code § 3306.5).

Members may be restricted from accessing files containing any of the following information:

- (a) An ongoing internal affairs investigation to the extent that it could jeopardize or compromise the investigation pending final disposition or notice to the member of the intent to discipline.
- (b) Confidential portions of internal affairs files that have not been sustained against the member.
- (c) Criminal investigations involving the member.
- (d) Letters of reference concerning employment/appointment, licensing, or issuance of permits regarding the member.
- (e) Any portion of a test document, except the cumulative total test score for either a section of the test document or for the entire test document.
- (f) Materials used by the Department for staff management planning, including judgments or recommendations concerning future salary increases and other wage treatments, management bonus plans, promotions and job assignments, or other comments or ratings used for department planning purposes.
- (g) Information of a personal nature about a person other than the member if disclosure of the information would constitute a clearly unwarranted invasion of the other person's privacy.
- (h) Records relevant to any other pending claim between the Department and the member that may be discovered in a judicial proceeding.

1013.11 RETENTION AND PURGING

Unless provided otherwise in this policy, personnel records shall be maintained in accordance with the established records retention schedule.

- (a) During the preparation of each member's performance evaluation, all personnel complaints and disciplinary actions should be reviewed to determine the relevancy, if any, to progressive discipline, training and career development. Each supervisor

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responsible for completing the member's performance evaluation should determine whether any prior sustained disciplinary file should be retained beyond the required period for reasons other than pending litigation or other ongoing legal proceedings.

- (b) If a supervisor determines that records of prior discipline should be retained beyond the required period, approval for such retention should be obtained through the chain of command from the Chief of Police.
- (c) If, in the opinion of the Chief of Police, a personnel complaint or disciplinary action maintained beyond the required retention period is no longer relevant, all records of such matter may be destroyed in accordance with the established records retention schedule.

Commendations and Awards

1014.1 PURPOSE AND SCOPE

This policy provides general guidelines for recognizing commendable or meritorious acts of employees of the UC San Diego Police Department and individuals from the community.

1014.2 POLICY

It is the policy of the UC San Diego Police Department to recognize and acknowledge exceptional individual or group achievements, performance, proficiency, heroism, and service of its employees and individuals from the community through commendations and awards.

1014.3 CRITERIA

A meritorious or commendable act may include, but is not limited to:

- Superior handling of a difficult situation.
- Conspicuous bravery or outstanding performance.
- Any action or performance that is above and beyond typical duties.

1014.3.1 DEPARTMENT MEMBER DOCUMENTATION

Employees of the Department should document meritorious or commendable acts. The documentation should contain:

- (a) Identifying information:
 - (a) For employees of the Department - name, division and assignment at the date and time of the meritorious or commendable act
 - (b) For individuals from the community - name, address, telephone number
- (b) A brief account of the meritorious or commendable act with report numbers, as appropriate.
- (c) The signature of the employee submitting the documentation.

1014.3.2 COMMUNITY MEMBER DOCUMENTATION

Documentation of a meritorious or commendable act submitted by a person from the community should be accepted in any form. However, written documentation is preferred. Department members accepting the documentation should attempt to obtain detailed information regarding the matter, including:

- (a) Identifying information:
 1. For members of the Department - name, division and assignment at the date and time of the meritorious or commendable act
 2. For individuals from the community - name, address, telephone number
- (b) A brief account of the meritorious or commendable act with report numbers, as appropriate.

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- (c) The signature of the person submitting the documentation.

1014.3.3 PROCESSING DOCUMENTATION

Documentation regarding the meritorious or commendable act of an employee of the Department should be forwarded to the appropriate Lieutenant for their review through the submitting employee's Chain of Command in accordance with Department procedures. The Lieutenant should sign and forward the documentation to the Chief of Police for review and recommendation.

The Chief of Police or the authorized designee will present the commendation to the department employee for his/her signature. The documentation will then be returned to the Business Manager for entry into the employee's personnel file.

Documentation regarding the meritorious or commendable act of an individual from the community should be forwarded to the Administration Lieutenant. The documentation will be signed by the Lieutenant and forwarded to the Chief of Police for his/her review. An appropriate venue or ceremony to acknowledge the individual's actions should be arranged. Documentation of the commendation shall be maintained in a file designated for such records.

1014.4 COMMENDATIONS

Commendations for employees of the Department or for individuals from the community may be initiated by any department employee or by any person from the community having witnessed or involved in the incident to the employee's supervisor.

1014.5 AWARDS

Awards may be bestowed upon members of the Department and individuals from the community. These awards include:

- Award of Merit.
- Award of Valor.
- Lifesaving Award.
- Meritorious Conduct.

Criteria for each award will be in accordance with the University wide Police Policies and Administrative Procedures and worn / displayed in accordance with the uniform policy.

Meal Periods and Breaks

1015.1 PURPOSE AND SCOPE

This policy regarding meals and breaks, insofar as possible shall conform to the policy governing all University employees that has been established by the Vice Chancellor, Resource Management and Planning.

1015.1.1 MEAL PERIODS

Sworn employees, dispatchers and other uniformed personnel shall remain on duty and monitor radio traffic, as they are subject to calls 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 advise Communications Unit prior to taking a meal period and upon completion of their meal break. Uniformed officers shall take their breaks within their primary jurisdiction limits unless on assignment outside of the University.

The time spent for the meal period shall not exceed the authorized time allowed per the collective bargaining agreement.

1015.1.2 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 vicinity of the police facility for their breaks.

Field officers will take their breaks in their assigned areas, subject to call and shall monitor their radios.

Fitness for Duty

1016.1 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, as well as all other employees, remain fit for duty and able to perform their job functions (Government Code § 1031).

1016.2 EMPLOYEE RESPONSIBILITIES

- (a) It shall be the responsibility of each employee of this department to maintain good physical condition sufficient to safely and properly perform essential duties of their position.
- (b) Each employee of this department shall perform his/her respective duties without physical, emotional, and/or mental constraints.
- (c) During working hours, all employees are required to be alert, attentive, and capable of performing his/her assigned responsibilities.
- (d) Any employee who feels unable to perform his/her duties shall promptly notify a supervisor. In the event that an employee believes that another employee is unable to perform his/her duties, such observations and/or belief shall be promptly reported to a supervisor.

1016.3 SUPERVISOR RESPONSIBILITIES

- (a) A supervisor observing an employee, or receiving a report of an employee who is perceived to be, unable to safely perform his/her duties due to a physical or mental condition shall take prompt and appropriate action in an effort to resolve the situation.
- (b) Whenever feasible, the supervisor should attempt to ascertain the reason or source of the problem and in all cases a preliminary evaluation should be made in an effort to determine the level of inability of the employee to perform his/her duties.
- (c) In the event the employee appears to be in need of immediate medical or psychiatric treatment, all reasonable efforts should be made to provide such care.
- (d) In conjunction with the Watch Commander or employee's available Division Captain/Manager, 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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1016.4 NON-WORK RELATED CONDITIONS

Any employee suffering from a non-work related condition which warrants a temporary relief from duty may be required to use sick leave or other paid time off (PTO) in order to obtain medical treatment or other reasonable rest period.

1016.5 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 Lieutenant, 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.

1016.6 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.

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Any failure to comply with such an order and any failure to cooperate with the examining physician or therapist may be deemed insubordination and shall be subject to discipline up to and including termination.

- (f) Once an employee has been deemed fit for duty by the examining physician or therapist, the employee will be notified to resume his/her duties.

1016.7 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 employees 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 employee who has exceeded the above guidelines.

Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, general overtime and any other work assignments.

1016.8 APPEALS

An employee who is separated from paid employment or receives a reduction in salary resulting from a fitness for duty examination shall be entitled to an administrative appeal as outlined in the Conduct Policy.

Payroll Records

1017.1 PURPOSE AND SCOPE

This policy provides the guidelines for completing and submitting payroll records of department members who are eligible for the payment of wages.

1017.2 POLICY

The UC San Diego Police Department maintains timely and accurate payroll records.

1017.3 RESPONSIBILITIES

Members are responsible for the accurate completion and timely submission of their payroll records for the payment of wages.

Supervisors are responsible for approving the payroll records for those under their commands.

1017.4 TIME REQUIREMENTS

Members who are eligible for the payment of wages are paid on a scheduled, periodic basis, generally on the same day or date each period, with certain exceptions, such as holidays. Payroll records shall be completed and submitted to Administration as established by the University payroll procedures.

1017.3 RECORDS

The Business Manager shall ensure that accurate and timely payroll records are maintained as required by 29 CFR 516.2 for a minimum of three years (29 CFR 516.5).

Lactation Break Policy

1018.1 PURPOSE AND SCOPE

The purpose of this policy is to provide reasonable accommodations to members desiring to express breast milk for the member's infant child (Labor Code § 1034).

1018.2 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 member desiring to express breast milk for the member's nursing infant child (29 USC § 218d; Labor Code § 1030).

1018.3 LACTATION BREAK TIME

A rest period should be permitted each time the member has the need to express breast milk (29 USC § 218d; 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 member'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).

Members desiring to take a lactation break shall notify Communications Unit 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.

1018.4 PRIVATE LOCATION

The Department will make reasonable efforts to accommodate members 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 member'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 § 218d; Labor Code § 1031).

Members 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 members should avoid interrupting a member during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for members assigned to the field may be taken at the nearest appropriate private area.

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1018.5 STORAGE OF EXPRESSED MILK

Any member storing expressed milk in any authorized refrigerated area within the Department shall clearly label it as such and shall remove it when the member ends her shift.

1018.5.1 STATE REQUIREMENTS

Members 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.

Members 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).

1018.6 U.C. AND UC SAN DIEGO POLICY

See UC [PPSM 84](#) (Accommodation for Nursing Mothers) and UC San Diego's Lactation Accommodation Policy ([270-9](#)) for additional information.

Outside Employment

1019.1 PURPOSE AND SCOPE

In order to avoid actual or perceived conflicts of interest for department 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.

1019.1.1 DEFINITIONS

Outside Employment - Any member of this department who receives wages, compensation or other consideration of value from another employer, organization or individual not affiliated directly with this department for services, product(s) or benefits rendered. For purposes of this section, the definition of outside employment includes those employees who are self-employed and not affiliated directly with this department for services, product(s) or benefits rendered.

Outside Overtime - Any member of this department who performs duties or services on behalf of an outside organization, company, or individual within this jurisdiction. Such outside overtime shall be requested and scheduled directly through this department so that the Department may be reimbursed for the cost of wages and benefits.

1019.2 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 submit an Outside Employment Request to the employee's immediate supervisor. The Request will then be forwarded through channels to the Chief of Police for consideration.

If approved, the employee will be provided with written approval. Unless otherwise indicated in writing on the approval, a permit will be valid through the end of the calendar year. Any employee seeking to renew an approval shall submit a new request in a timely manner.

Any employee seeking approval of outside employment, whose request has been denied, shall be provided with a written reason for the denial of the application at the time of the denial (Penal Code § 70(e)(3)).

1019.2.1 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).

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1019.2.2 REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT AUTHORIZATION

Any outside employment authorization 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 authorization(s). That revocation will stand until the employee's performance has been reestablished at a satisfactory level and his/her supervisor recommends reinstatement of the outside employment authorization
- (b) Suspension or revocation of a previously approved outside employment authorization may be included as a term or condition of sustained discipline
- (c) If, at any time during the term of a valid outside employment permit, a member's conduct or outside employment conflicts with the provisions of department policy, the permit may be suspended or revoked. This includes the department policy on Standards of Conduct, routine department work schedule expectations, and other work schedule expectations considered essential to meet department needs.
- (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 authorization 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

1019.3 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 department 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.

1019.3.1 OUTSIDE SECURITY AND PEACE OFFICER EMPLOYMENT

Consistent with the provisions of Penal Code § 70, and because it would further create a potential conflict of interest, no member of this department may engage in any outside or secondary

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employment as a private security guard, private investigator or other similar private security position.

Any private organization, entity or individual seeking special services for security or traffic control from members of this department must submit a written request to the Chief of Police in advance of the desired service. Such outside extra duty overtime assignments will be assigned, monitored and paid through the Department.

- (a) The applicant will be required to enter into an indemnification agreement prior to approval.
- (b) The applicant will further be required to provide for the compensation and full benefits of all employees requested for such outside security services.
- (c) Should such a request be approved, any employee working outside overtime shall be subject to the following conditions:
 - 1. The officer(s) shall wear the department uniform/identification.
 - 2. The officer(s) shall be subject to the rules and regulations of this department.
 - 3. No officer may engage in such outside employment during or at the site of a strike, lockout, picket, or other physical demonstration of a labor dispute.
 - 4. Compensation for such approved outside security services shall be pursuant to normal overtime procedures.
 - 5. Outside security services shall not be subject to the collective bargaining process.
 - 6. No officer may engage in outside employment as a peace officer for any other public agency without prior written authorization of the Chief of Police.

1019.3.2 OUTSIDE OVERTIME ARREST AND REPORTING PROCEDURE

Any employee making an arrest or taking other official police action while working in an approved outside overtime assignment shall be required to complete all related reports in a timely manner pursuant to department policy. Time spent on the completion of such reports shall be considered incidental to the outside overtime assignment.

1019.3.3 SPECIAL RESTRICTIONS

Except for emergency situations or with prior authorization from the Division Commander, undercover officers or officers assigned to covert operations shall not be eligible to work overtime or other assignments in a uniformed or other capacity which might reasonably disclose the officer's law enforcement status.

1019.4 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

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records or databases of this department or other agencies through the use of the employee's position with this department.

1019.4.1 REVIEW OF FINANCIAL RECORDS

Employees approved for outside employment expressly agree that their personal financial records may be requested and reviewed/audited for potential conflict of interest (Government Code § 3308; Government Code § 1126). Prior to providing written approval for an outside employment position, the Department may request that an employee provide his/her personal financial records for review/audit in order to determine whether a conflict of interest exists. Failure of the employee to provide the requested personal financial records could result in denial of the off-duty work permit. If, after approving a request for an outside employment position, the Department becomes concerned that a conflict of interest exists based on a financial reason, the Department may request that the employee provide his/her personal financial records for review/audit. If the employee elects not to provide the requested records, his/her off-duty work permit may be revoked pursuant to the Revocation/Suspension of Outside Employment Permits section of this policy.

1019.5 CHANGES IN OUTSIDE EMPLOYMENT STATUS

If an employee terminates his or her outside employment during the period of a valid authorization, 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.

1019.6 OUTSIDE EMPLOYMENT WHILE ON DISABILITY

Department members engaged in outside employment who are placed on disability leave or modified/light-duty shall inform their immediate supervisor in writing within five days whether or not they intend to continue to engage in such outside employment while on such leave or light-duty status. The immediate supervisor shall review the duties of the outside employment along with any related doctor's orders, and make a recommendation to the Chief of Police whether such outside employment should continue.

In the event the Chief of Police determines that the outside employment should be discontinued or if the employee fails to promptly notify his/her supervisor of his/her intentions regarding their work authorization, a notice of revocation of the member's authorization will be forwarded to the involved employee, and a copy attached to the original work authorization.

Criteria for revoking the outside employment authorization(s) 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 University's professional medical advisors.

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- (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 UC San Diego Police Department, a request (in writing) may be made to the Chief of Police to restore the authorization.

Overtime Compensation

1020.1 PURPOSE AND SCOPE

It is the policy of the UC San Diego Police Department to compensate non-exempt salaried employees who work authorized overtime either by payment of wages as agreed and in effect through the Memorandum of Understanding (MOU), or by the allowance of accrual of compensatory time off. In order to qualify for either, the employee must complete and submit a Request for Overtime Payment as soon as practical after overtime is worked.

1020.1.1 POLICY

Because of the nature of police work, and the specific needs of the Department, a degree of flexibility concerning overtime policies must be maintained.

Non-exempt employees are not authorized to volunteer work time to the Department. All requests to work overtime shall be approved in advance by a supervisor. If circumstances do not permit prior approval, then approval shall be sought as soon as practical during the overtime shift and in no case later than the end of shift in which the overtime is worked.

Short periods of work at the end of the normal duty day (e.g., less than one hour in duration) may be handled unofficially between the supervisor and the employee by flexing a subsequent shift schedule to compensate for the time worked rather than by submitting requests for overtime payments. If the supervisor authorizes or directs the employee to complete a form for such a period, the employee shall comply.

The individual employee may request compensatory time in lieu of receiving overtime payment, however, the employee may not exceed 480 hours of compensatory time.

1020.4 REQUEST FOR OVERTIME COMPENSATION

Employees shall submit all overtime compensation requests to their immediate supervisors as soon as practicable for verification and forwarding to the Administration Division.

Failure to submit a request for overtime compensation in a timely manner may result in discipline.

1020.4.1 EMPLOYEES RESPONSIBILITY

Employees shall complete the requests immediately after working the overtime and turn them in to their immediate supervisor or the Watch Commander.

1020.4.2 SUPERVISORS RESPONSIBILITY

The supervisor who verifies the overtime earned shall verify that the overtime was worked before approving the request.

1020.3 ACCOUNTING FOR OVERTIME WORKED

Employees are to record the actual time worked in an overtime status. In some cases, the Memorandum of Understanding provides that a minimum number of hours will be paid, (e.g., two hours for Court, four hours for outside overtime). The supervisor will enter the actual time worked.

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1020.3.1 ACCOUNTING FOR PORTIONS OF AN HOUR

When accounting for less than a full hour, time worked shall be rounded up to the nearest quarter of an hour as indicated by the following chart:

<u>TIME WORKED</u>	<u>INDICATE ON CARD</u>
1 to 15 minutes	.25
16 to 30 minutes	.50
31 to 45 minutes	.75
46 to 60 minutes	1 hour

1020.3.2 VARIATION IN TIME REPORTED

Where two or more employees are assigned to the same activity, case, or court trial and the amount of time for which payment is requested varies from that reported by the other officer, the Watch Commander or other approving supervisor may require each employee to include the reason for the variation on the back of the overtime payment request.

Occupational Disease and Work-Related Injury Reporting

1021.1 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.

1021.1.1 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.).

1021.2 POLICY

The UC San Diego 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.).

1021.3 RESPONSIBILITIES

1021.3.1 EMPLOYEE RESPONSIBILITIES

Any member sustaining any occupational disease or work-related injury shall report such event as soon as practicable, but within 24 hours, to a supervisor, and shall seek medical care when appropriate (8 CCR 14300.35).

1021.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor learning of any occupational disease or work-related injury should ensure the member receives medical care as appropriate.

Supervisors shall ensure that required documents regarding workers' compensation are completed and forwarded promptly. Any related University wide disease- or injury-reporting protocol shall also be followed.

Supervisors shall determine whether the Major Incident Notification and Illness and Injury Prevention policies apply and take additional action as required.

1021.3.3 LIEUTENANT RESPONSIBILITIES

The Lieutenant who receives a report of an occupational disease or work-related injury should review the report for accuracy and determine what additional action should be taken. The report shall then be forwarded to the Chief of Police, the University's risk management entity, and the employees Lieutenant to ensure any required Division of Occupational Health and Safety Administration (Cal/OSHA) reporting is made as required in the illness and injury prevention plan identified in the Illness and Injury Prevention Policy.

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1021.3.4 CHIEF OF POLICE RESPONSIBILITIES

The Chief of Police shall review and forward copies of the report to the Department of Human Resources. Copies of the report and related documents retained by the Department shall be filed in the member's confidential medical file.

1021.4 OTHER DISEASE OR INJURY

Diseases and injuries caused or occurring on-duty that do not qualify for workers' compensation reporting shall be documented on the designated report of injury form, which shall be signed by a supervisor. A copy of the completed form shall be forwarded to the appropriate Lieutenant through the chain of command and a copy sent to the Business Manager.

Unless the injury is extremely minor, this report shall be signed by the affected member, indicating that he/she desired no medical attention at the time of the report. By signing, the member does not preclude his/her ability to later seek medical attention.

1021.5 UC SAN DIEGO REPORTING OF A WORK RELATED INJURY

Employees and Supervisors should reference the following for reporting a work related injury or exposure: [Work Related Injury](#)

1021.6 SETTLEMENT OFFERS

When a member sustains an occupational disease or work-related injury that is caused by another person and is subsequently contacted by that person, his/her agent, insurance company or attorney and offered a settlement, the member shall take no action other than to submit a written report of this contact to his/her supervisor as soon as possible.

1021.6.1 NO SETTLEMENT WITHOUT PRIOR APPROVAL

No less than 10 days prior to accepting and finalizing the settlement of any third-party claim arising out of or related to an occupational disease or work-related injury, the member shall provide the Chief of Police with written notice of the proposed terms of such settlement. In no case shall the member accept a settlement without first providing written notice to the Chief of Police. The purpose of such notice is to permit the University to determine whether the offered settlement will affect any claim the University may have regarding payment for damage to equipment or reimbursement for wages against the person who caused the disease or injury, and to protect the University's right of subrogation, while ensuring that the member's right to receive compensation is not affected.

Illness and Injury Prevention

1022.1 PURPOSE AND SCOPE

The purpose of this policy is to establish an ongoing and effective plan to reduce the incidence of illness and injury for members of the UC San Diego Police Department, in accordance with the requirements of 8 CCR 3203.

This policy specifically applies to illness and injury that results in lost time or that requires medical treatment beyond first aid. Although this policy provides the essential guidelines for a plan that reduces illness and injury, it may be supplemented by procedures outside the Policy Manual.

This policy does not supersede, but supplements any related Universitywide safety efforts.

1022.2 POLICY

The UC San Diego Police Department is committed to providing a safe environment for its members and visitors and to minimizing the incidence of work-related illness and injuries. The Department will establish and maintain an Illness and Injury Prevention program and will provide tools, training and safeguards designed to reduce the potential for accidents, illness and injuries. It is the intent of the Department to comply with all laws and regulations related to occupational safety.

This policy does not supersede but supplements any related University wide safety efforts.

1022.3 RESPONSIBILITY

The Specialized Services Lieutenant, acting as the Department's IIPP administrator, has the authority and responsibility for implementing the provisions of this policy and the [IIPP](#).

Supervisors are responsible for implementing and maintaining the IIPP in their work areas and for answering questions from employees about the IIPP.

1022.4 ILLNESS AND INJURY PREVENTION PLAN

The Specialized Services Lieutenant is responsible for developing an illness and injury prevention plan that shall include:

- (a) Workplace safety and health training programs.
- (b) Regularly scheduled safety meetings.
- (c) Posted or distributed safety information.
- (d) A system for members to anonymously inform management about workplace hazards.
- (e) Establishment of a safety and health committee that will:
 1. Meet regularly.
 2. Prepare a written record of safety and health committee meetings.
 3. Review the results of periodic scheduled inspections.
 4. Review investigations of accidents and exposures.

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5. Make suggestions to command staff for the prevention of future incidents.
 6. Review investigations of alleged hazardous conditions.
 7. Submit recommendations to assist in the evaluation of member safety suggestions.
 8. Assess the effectiveness of efforts made by the Department to meet relevant standards.
- (f) Establishment of a process to ensure serious illnesses or injuries and death are reported as required by the Division of Occupational Safety and Health Administration (Cal/OSHA) (8 CCR 342).

1022.5 SPECIALIZED SERVICES LIEUTENANT RESPONSIBILITIES

The responsibilities of the Specialized Services Lieutenant include but are not limited to:

- (a) Managing and implementing a plan to reduce the incidence of member illness and injury.
- (b) Ensuring that a system of communication is in place that facilitates a continuous flow of safety and health information between supervisors and members. This system shall include:
 - (a) New member orientation that includes a discussion of safety and health policies and procedures.
 - (b) Regular member review of the illness and injury prevention plan.
 - (c) Access to the illness and injury prevention plan to members or their representatives as set forth in 8 CCR 3203.
- (c) Ensuring that all safety and health policies and procedures are clearly communicated and understood by all members.
- (d) Taking reasonable steps to ensure that all members comply with safety rules in order to maintain a safe work environment. This includes but is not limited to:
 1. Informing members of the illness and injury prevention guidelines.
 2. Recognizing members who perform safe work practices.
 3. Ensuring that the member evaluation process includes member safety performance.
 4. Ensuring department compliance to meet standards regarding the following:
 - (a) Respiratory protection (8 CCR 5144)
 - (b) Bloodborne pathogens (8 CCR 5193)
 - (c) Aerosol transmissible diseases (8 CCR 5199)
 - (d) Heat illness (8 CCR 3395)
 - (e) Emergency Action Plan (8 CCR 3220)
 - (f) Fire Prevention Plan (8 CCR 3221)

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- (g) Hazards associated with wildfire smoke (8 CCR 5141.1)
- (e) Making available the Identified Hazards and Correction Record form to document inspections, unsafe conditions or work practices, and actions taken to correct unsafe conditions and work practices.
- (f) Making available the Investigation/Corrective Action Report to document individual incidents or accidents.
- (g) Making available a form to document the safety and health training of each member. This form will include the member's name or other identifier, training dates, type of training, and training providers.
- (h) Conducting and documenting a regular review of the illness and injury prevention plan.

1022.6 SUPERVISOR RESPONSIBILITIES

Supervisor responsibilities include, but are not limited to:

- (a) Ensuring member compliance with illness and injury prevention guidelines and answering questions from members about this policy.
- (b) Training, counseling, instructing or making informal verbal admonishments any time safety performance is deficient. Supervisors may also initiate discipline when it is reasonable and appropriate under the Standards of Conduct Policy.
- (c) Establishing and maintaining communication with members on health and safety issues. This is essential for an injury-free, productive workplace.
- (d) Completing required forms and reports relating to illness and injury prevention; such forms and reports shall be submitted to the Specialized Services Lieutenant.
- (e) Notifying the Specialized Services Lieutenant when:
 - (a) New substances, processes, procedures or equipment that present potential new hazards are introduced into the work environment.
 - (b) New, previously unidentified hazards are recognized.
 - (c) Occupational illnesses and injuries occur.
 - (d) New and/or permanent or intermittent members are hired or reassigned to processes, operations or tasks for which a hazard evaluation has not been previously conducted.
 - (e) Workplace conditions warrant an inspection.

1022.7 HAZARDS

All members should report and/or take reasonable steps to correct unsafe or unhealthy work conditions, practices or procedures in a timely manner. Members should make their reports to a supervisor (as a general rule, their own supervisors).

Supervisors should make reasonable efforts to correct unsafe or unhealthy work conditions in a timely manner, based on the severity of the hazard. These hazards should be corrected when observed or discovered when it is reasonable to do so. When a hazard exists that cannot be

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immediately abated without endangering members or property, supervisors should protect or remove all exposed members from the area or item, except those necessary to correct the existing condition.

Members who are necessary to correct the hazardous condition shall be provided with the necessary protective equipment and supplies.

All significant actions taken and dates they are completed shall be documented on an Identified Hazards and Correction Record form, [see attachment: IndHazCorRec.pdf](#). This form should be forwarded to the CUSTOM: SSD Lieutenant, via the chain of command.

The CUSTOM: SSD Lieutenant will take appropriate action to ensure the illness and injury prevention plan addresses potential hazards upon such notification.

1022.8 INSPECTIONS

Safety inspections are crucial to a safe work environment. These inspections identify and evaluate workplace hazards and permit mitigation of those hazards. A hazard assessment checklist should be used for documentation and to ensure a thorough assessment of the work environment.

The Specialized Services Lieutenant or designee shall ensure that the appropriate documentation is completed for each inspection and forward the documentation to the Assistant Chief to ensure corrections are completed.

1022.8.1 EQUIPMENT

Employees are charged with vehicle inspections of their assigned vehicles and of their personal protective equipment (PPE) prior to working in the field. Employees shall complete the Identified Hazards and Correction Record form if an unsafe condition cannot be immediately corrected. Employees should forward this form to their supervisors.

1022.9 ACCIDENT EXPOSURE INVESTIGATIONS

Any employee sustaining any work-related illness or injury, as well as any employee who is involved in an accident or hazardous substance exposure while on-duty shall report such event as soon as practicable to a supervisor. Employees observing or learning of a potentially hazardous condition are to promptly report the condition to their immediate supervisors.

A supervisor receiving such a report should personally investigate the incident or ensure that an investigation is conducted. Investigative procedures for workplace accidents and hazardous substance exposures should include:

- (a) A visit to the accident scene as soon as possible.
- (b) An interview of the injured member and witnesses.
- (c) An examination of the workplace for factors associated with the accident/exposure.
- (d) Determination of the cause of the accident/exposure.
- (e) Corrective action to prevent the accident/exposure from reoccurring.
- (f) Documentation of the findings and corrective actions taken.

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- (g) Completion of an Investigation/Corrective Action Report form.
- (h) Completion of an Identified Hazards and Correction Record form.

Additionally, the supervisor should proceed with the steps to report an on-duty injury, as required under the Occupational Disease and Work-Related Injury Reporting Policy, in conjunction with this investigation to avoid duplication and ensure timely reporting.

1022.10 TRAINING

The Specialized Services Lieutenant should work with the Training Manager to provide all members, including supervisors, with training on general and job-specific workplace safety and health practices. Training shall be provided:

- (a) To supervisors to familiarize them with the safety and health hazards to which members under their immediate direction and control may be exposed.
- (b) To all members with respect to hazards specific to each member's job assignment.
- (c) To all members given new job assignments for which training has not previously been provided.
- (d) Whenever new substances, processes, procedures or equipment are introduced to the workplace and represent a new hazard.
- (e) Whenever the Department is made aware of a new or previously unrecognized hazard.

1022.10.1 TRAINING TOPICS

The Training Manager shall ensure that training includes:

- (a) Reporting unsafe conditions, work practices and injuries, and informing a supervisor when additional instruction is needed.
- (b) Use of appropriate clothing, including gloves and footwear.
- (c) Use of respiratory equipment.
- (d) Availability of toilet, hand-washing and drinking-water facilities.
- (e) Provisions for medical services and first aid.
- (f) Handling of bloodborne pathogens and other biological hazards.
- (g) Prevention of heat and cold stress.
- (h) Identification and handling of hazardous materials, including chemical hazards to which members could be exposed, and review of resources for identifying and mitigating hazards (e.g., hazard labels, Safety Data Sheets (SDS)).
- (i) Mitigation of physical hazards, such as heat and cold stress, noise, and ionizing and non-ionizing radiation.
- (j) Identification and mitigation of ergonomic hazards, including working on ladders or in a stooped posture for prolonged periods.
- (k) Back exercises/stretchers and proper lifting techniques.
- (l) Avoidance of slips and falls.

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- (m) Good housekeeping and fire prevention.
- (n) Other job-specific safety concerns.

1022.11 RECORDS

Records and training documentation relating to illness and injury prevention will be maintained in accordance with the established records retention schedule.

Personal Appearance Standards

1023.1 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.

1023.2 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 an exception.

1023.2.1 HAIR

Hair shall be neat and clean while on duty. Sworn officers shall not have their hair extend into their eyes so as to interfere with their vision.. In no event should the length of the hair or the style preclude the proper wearing of a helmet or gas mask. Wigs, hairpieces and facial hair must conform to the same standards.

For male sworn employees, hair must not extend below the bottom edge of the uniform collar while assuming a normal stance.

For female sworn employees, hair should be no longer than the horizontal level of the bottom of the uniform patch when the employee is standing erect. When in uniform, hair will be worn up or in a tightly wrapped braid or ponytail and not extend below the bottom edge of the collar.

1023.2.2 MUSTACHES AND GOATEE

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 upper lip.

1023.2.3 SIDEBURNS

Sideburns shall not extend below the bottom of the outer ear opening (the top of the earlobes) and shall be trimmed and neat.

1023.2.4 FACIAL HAIR

Facial hair other than sideburns, mustaches and eyebrows shall not be worn, unless authorized by the Chief of Police or their designee.

1023.2.5 FINGERNAILS

Fingernails shall be clean and trimmed. Nails shall not be of such length as to interfere with the performance of any required duty.

1023.2.6 JEWELRY

For the purpose of this policy, jewelry refers to rings, earrings, necklaces, bracelets, wristwatches, and tie tacks or tie bars. Jewelry shall present a professional image and may not create a safety

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concern for the department member or others. Jewelry that depicts racist sexual, discriminatory, gang-related, or obscene language is not allowed.

- (a) Necklaces shall not be visible above the shirt collar.
- (b) Earrings shall be small and worn only in or on the earlobe.
- (c) One ring or ring set may be worn on each hand of the department member. No rings should be of the type that would cut or pose an unreasonable safety risk to the member or others during a physical altercation, if the member is assigned to a position where that may occur.
- (d) One small bracelet, including a bracelet identifying a medical condition, may be worn on one arm.
- (e) Wristwatches shall be conservative and present a professional image.
- (f) Tie tacks or tie bars worn with civilian attire shall be conservative and present a professional image.

1023.3 TATTOOS AND SCARIFICATION

While on-duty or representing the Department in any official capacity, every reasonable effort should be made to conceal tattoos or other body art. At no time will employees have tattoos or body art which is visible above the collar, on the face, or below the wrist.

1023.4 BODY PIERCING OR ALTERATION

Body piercing or alteration to any area of the body visible in any authorized uniform or attire that is a deviation from normal anatomical features and which is not medically required is prohibited. Such body alteration includes, but is not limited to:

- (a) Tongue splitting
- (b) 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
- (e) Any visible piercing, other than earlobes per this policy.

1023.5 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.

Uniform Regulations

1024.1 PURPOSE AND SCOPE

The uniform policy of the UC San Diego 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 section of the Universitywide Police Policies and Procedures (Gold Book) manual is maintained and periodically updated by the Office of the President and should be consulted regarding authorized equipment and uniform specifications.

The Department will provide two 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.

1024.2 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 sworn 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 uniform specifications section of the Universitywide Police Policies and Procedures manual, which is maintained separately from this policy.
- (e) All supervisors will perform periodic inspections of their personnel to ensure conformance to these regulations.
- (f) Generally, 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 distinguishable part or uniform accessory which would identify them as a member of the UCSD Police Department.
- (j) Mirrored sunglasses will not be worn with any Department uniform.
- (k) In accordance with the Personal Appearance Standards policy, visible jewelry, other than those items listed below, shall not be worn with the uniform unless specifically authorized by the Chief of Police or the authorized designee.
 - 1. Wristwatch
 - 2. Wedding rings(s), class rings, or another ring of tasteful design. A maximum of one ring may be worn on each hand.
 - 3. Medical alert bracelet.
 - 4. Other commemorative bracelet approved on a case by case basis in writing by the Chief of Police.

1024.2.1 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 Lieutenant.

Officers in plainclothes should identify themselves as peace officers by displaying their badge and official credentials prior to taking any enforcement action unless such identification would place the officer at a tactical disadvantage or endanger his or her life or the life of another person.

Members of the public may not immediately recognize officers who are working plainclothes assignments as peace officers. Officers should consider the potential risk to themselves and the public should a citizen attempt to defend themselves against any attempts to restrain them.

1024.3 UNIFORM CLASSES

All department-authorized uniforms will be worn with the appropriate department patches, department badge, and name tag. All uniforms will be in accordance with Gold Book standards.

All sworn employees will maintain at a minimum one Class A- and one Class B uniform.

1024.3.1 CLASS A UNIFORM- FORMAL

The Class A Formal uniform is to be worn on special occasions such as funerals, graduations, ceremonies, or as directed by the Chief of Police or designee. The Class A uniform is required for

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all sworn personnel. The Class A uniform includes the standard issue uniform as described in the Universitywide Police Policies and Administrative Procedures Manual (Gold Book) with:

- (a) Long sleeve shirt with sleeves buttoned at the wrist.
- (b) Black tie with gold tie clasp.
- (c) Brass nameplate with first initial and last name. Middle initials are optional.
- (d) Department issued gold badge.
- (e) Two (2) silver or gold pens.
- (f) Polished black shoes or boots
 - 1. Boots with pointed toes are not permitted.
- (g) Duty belt with duty holster, magazine pouch, and one handcuff pouch.
- (h) Headgear as authorized by the Chief of Police on a case by case basis.
- (i) External vest carriers will not be worn with the Class A Formal uniform.
- (j) At the officer's discretion, soft body armor may be worn but is not mandatory.
- (k) Medals, awards and special assignment/designations as detailed below. Medals are at the direction of the Chief of Police.

1024.3.2 CLASS A UNIFORM- MODIFIED FOR SPECIAL DUTY

The Class A Modified uniform is to be worn for special events in which dignitaries are present or the event is expected to be a high visibility event. The Class A- Modified uniform is the same as the Class A- Formal uniform except:

- (a) Soft body armor will be worn
- (b) Duty belt equipped as required in the Firearms policy, Control Devices and Techniques policy, and a police radio
- (c) Any other mission specific equipment required and detailed operational planning
- (d) Awards and special assignment pins, but no medals.

1024.3.3 CLASS B PATROL UNIFORM

The Class B patrol uniform is the daily work uniform for patrol officers.

- (a) The Class B patrol uniform will consist of:
 - 1. The Class A long sleeve shirt or similar short sleeve shirt worn with the collar open. No tie is required.
 - (a) All front shirt buttons must remain buttoned except for the last button at the neck
 - (b) Awards and special assignment pins are optional, but no medals are to be worn.
 - 2. The Class A Trousers
 - 3. A navy blue or black crew neck t-shirt must be worn with the uniform.

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4. Polished black boots or shoes or clean black boots that are cloth duty style. Boots with pointed toes and athletic style tennis shoes are not permitted
 5. Duty belt with all necessary and authorized equipment to include required by policy
- (b) The Class B patrol uniform with external vest carrier will consist of the following
1. The 5.11 type long sleeve or short sleeve shirt.
 - (a) Shirts worn with the external vest carrier shall have a cloth department badge sewn to the left breast, department patches on each sleeve and the officer's name either embroidered or a cloth name tape in gold lettering sewn to the right breast.
 2. Dark navy 5.11 BDU type pants with side thigh cargo pockets or a functional equivalent on color, style, and construction.
 3. A white or black crew neck t-shirt
 4. Polished black boots or shoes or clean black boots that are cloth duty style. Boots with pointed toes and athletic-style tennis shoes are not permitted
 5. Duty belt with all necessary and authorized equipment required by policy.

1024.3.4 CLASS B UNIFORM DUTY EQUIPMENT

The following equipment will be worn (at a minimum) with the Class B Duty uniform, the equipment can be worn per the officer's preference with the exception of those items whose placement is directed by related policy (i.e. duty weapon, Taser holster, etc.):

- Duty holster
- Handgun
- Double magazine pouch
- Two handgun magazines
- Two handcuff pouches and cuffs (or single double-cuff pouch)
- CED holster
- Taser
- Police radio and radio pouch
- Tourniquet

1024.3.5 CLASS C UNIFORM

Class C Uniforms are authorized for special assignments and duty.

- (a) Bicycle Uniform
1. The bicycle uniform generally consists of:
 - (a) Dark blue or navy shorts or pants that are designed for Bicycle Patrol

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- (b) A short sleeve "police navy" Mocean Stretch Patrol Shirt or a functional equivalent in color, style and construction
 - 1. The uniform shirt shall have the police cloth badge sewn to the left breast and the officer's name (first initial and Last name (middle initial optional) embroidered on the right breast.
 - 2. Black athletic Shoes with black socks, or dark colored cycling shoes appropriate for the assignment
 - (c) Officers may wear an External Vest Carrier
 - (d) Officers temporarily assigned to bicycle duty may wear a modified Class B uniform with the approval of the Watch Commander or the Bicycle Team Supervisor.
- (b) Motor Uniform
- 1. Black Motorport "Sidi" brand motor boots or a functional equivalent in color, style and construction
 - 2. Navy Kevlar 'Stretch' Motor long sleeve shirt (normal, w/Kevlar pads)
 - 3. Navy Kevlar "Air Mesh" trousers w/Kevlar pads or a functional equivalent in color, style and construction
 - 4. Navy Kevlar 'Stretch' ' trousers w/Kevlar pads or a functional equivalent in color, style and construction
 - 5. Navy Kevlar 'Stretch' Breeches (no Kevlar pads) or a functional equivalent in color, style and construction
 - 6. Navy Kevlar 'Stretch' Motor shirt (thin, no Kevlar pads) or a functional equivalent in color, style and construction
 - 7. Shoei police helmet w/Bluetooth connection.
- (c) SRT Uniform
- 1. The SRT Uniform will conform to the specifications of the SRT Guidelines, Policy and the SRT Commander
- (d) An Optional Uniform consisting of a Polo Shirt and BDU trousers may be used for special assignments such as tabling, classroom presentations and training. The Polo Shirt is to be departmental approved and BDU Trousers 511 type, tan or black in color. Black t-shirt, black shoes or boots.

1024.3.6 EXTERNAL VEST CARRIER

The External Vest Carrier will be worn in conjunction with the officer's soft armor. The external vest carrier shall be Navy blue in color and the word "POLICE" on the back. "Police" may also be on the front of the vest. The officer shall have the necessary equipment attached to the carrier in a manner which will allow the deployment of the department-issued BWC properly.

- (a) A cloth badge will be worn with the External Vest Carrier on the left breast

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- (b) A Navy blue name tape may be worn with the officer's first initial and last name (middle initial is optional) with silver or gold lettering will be worn on the right breast
- (c) Tasers and handguns are not authorized to be attached to the External Vest Carrier

While wearing an external vest carrier, officers at their own discretion, may remove the external vest carrier for short periods of time while at the station and not in public view. External vest carriers will be donned before leaving the station to resuming field activities.

1024.3.8 ADDITIONAL UNIFORM EQUIPMENT AND ACCESSORIES

The Universitywide Police Policies and Procedures manual lists additional authorized uniform equipment and accessories.

1024.3.8 HEADGEAR

The following headgear is authorized for wear with the prescribed uniform by the Chief of Police;

- Campaign Hat - Specifications: Stratton campaign style, felt or straw, double brim (model S40DB), Navy blue in color, with gold acorn band. The campaign hat may be worn with the Class A Formal uniform and with the Class B uniform during special events with prior approval by the Chief of Police. The campaign hat is an optional accessory and will be purchased and maintained at the officer's expense.
- Baseball Cap - Specifications: In accordance with the Universitywide Police Policies and Procedures manual. The baseball cap may be worn with the Class B and Class C duty uniforms and when authorized by the Chief of Police. The department will issue each officer a baseball cap. The baseball cap may be exchanged for a new cap when no longer serviceable.
- Watch Cap - Specifications: Black knit-style cap, with "POLICE" embroidered on the front of the cap in gold lettering. The watch cap may be worn during inclement weather or during hours of darkness. The watch cap is an optional accessory and will be purchased and maintained at the officer's expense.

1024.4 MEDALS, AWARDS, AND SPECIAL ASSIGNMENT/SPECIALTY DESIGNATIONS

Medals, awards and special assignment/specialty designations shall be worn as follows.

1024.4.1 MEDALS

No more than two medals will be worn centered on the left breast pocket flap with the top edge of the medal 1/2 inch below the top edge of the pocket. Medals are only approved for wear on the Class A Ceremonial uniform. Officers may wear medals awarded by other agencies with written permission from the Chief of Police.

Enamel ribbons in lieu of full metals are authorized for wear with the Class A Modified and Class B uniforms unless the External Vest Carrier is used. Enamel ribbons will not be worn with the External Vest Carrier.

1024.4.2 AWARDS, SPECIAL ASSIGNMENTS AND DESIGNATIONS, US/MILITARY FLAG

Department Awards and Awards issued by a Municipality, County, State or Federal entity are approved for wear. These awards must be enamel and are worn centered on the right breast 1/4

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inch above the name plate. The following awards are examples of awards approved for wear with the Class A uniforms and Class B uniforms unless the External Vest Carrier is used. Awards will not be worn with the External Vest Carrier.

- (a) Enamel ribbons in lieu of Medals as described in 1024.4.1
- (b) MADD DUI Officer of the Year enamel pin
- (c) CHP 10851 enamel pin
- (d) FBI National Academy enamel pin
- (e) Other awards approved in writing by the Chief of Police

Duplicate awards of the same type of award will not be worn. No more than three awards will be worn at any time. Award bar holders should be used for multiple awards.

Special assignment and designation pins are for officers currently assigned to the subject area of expertise. The following special assignments and designation pins are authorized for wear with the Class A and Class B uniforms.

- (a) FTO (Currently assigned to the FTO Program as a Field Training Officer)
- (b) Firearms Marksman (Only to be worn for the current year awarded per the Firearms policy)
- (c) K-9 (Currently assigned as a K9 officer)
- (d) DRE (Officer has attended appropriate training and has maintained all required testing and certifications)
- (e) Other pins authorized on a case-by-case basis by the Chief of Police in writing.

These pins will be worn centered horizontally on the right breast pocket flap (multiple pins will be evenly spaced) and vertically centered between the top of the pocket and the flap button. No more than of these three pins may be worn at a time.

No more than three (3) accoutrements will be worn on the right breast area of the uniform. For example:

- One MADD Pin, One FTO Pin and a Firearms Expert Pin (1+2)
- One FBI National Academy Pin, One MADD Pin, and one FTO Pin (2+1)

Officers assigned as Motor Officers will wear the "flying wheel" patch on the sleeve of the Class A, Class B and approved Motor Officer Class C Uniforms.

Flag Pin - A flag pin may be worn centered above the nameplate or Awards if worn. Veterans may wear a flag pin with both the American flag and the flag of the branch of service they served. These dual pins will not be larger than one inch by one inch.

Flag pins on the external Vest Carrier shall be worn on or near the name plate as space allows.

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1024.5 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.
 - 1. Officers may wear approved shoulder patches on Class B uniforms in support of various causes with the Chief's approval (e.g. for the month of October a "pink" patch in support of Breast Cancer Awareness Month).
- (b) **Service stripes, stars, etc.** - Service stripes and other indicators for length of service may be worn on long sleeved shirts and jackets. They are to be machine stitched onto the uniform. The bottom of the service stripe shall be sewn the width of one and one-half inches above the cuff seam with the rear of the service stripes sewn on the dress of the sleeve. The stripes are to be worn on the left sleeve only. One stripe will represent five (5) years of service.
- (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, (FTO, Motor, marksmanship, etc.) may be worn as designated by the Chief of Police.
- (f) **Badge** - The department issued badge, or an authorized sewn on cloth replica, must be worn and visible at all times while in uniform.
- (g) **Rank Insignia** - The designated insignia indicating the employee's rank must be worn at all times while in uniform. The Chief of Police may authorize exceptions.
 - 1. Officers may wear approved insignia on Class B uniforms in support of various causes with the Chief's approval (e.g. for the month of October a "pink" insignia in support of Breast Cancer Awareness Month).
- (h) Additional badges, pins, or other items (such as awareness ribbons) must be authorized for wear by the Chief of Police or designee prior to wearing them.

1024.5.1 MOURNING BAND

Uniformed employees shall wear a black mourning band across the uniform badge whenever a law enforcement officer is killed in the line of duty within the state, or at the direction of the Chief of Police. 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 or until midnight on the day of the funeral, whichever is later.
- (b) An officer within the state - From the time of death until midnight on the day of the funeral.

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- (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.

The morning band shall be worn in the same manner indicated in the image below.

1024.6 CIVILIAN ATTIRE

There are assignments within the Department that do not require the wearing of a uniform because recognition and authority are not essential to their function. There are also assignments in which the wearing of civilian attire is necessary.

- (a) All employees shall wear clothing that fits properly, is clean and free of stains, and not damaged or excessively worn.
- (b) All employees working in administrative, investigative and support assignments who elect to wear civilian clothing to work shall wear business casual style dress or similar, appropriate for the type of work or area they are working.
- (c) The following items shall not be worn on duty:
 - 1. White T-shirt or under shirt alone
 - 2. Open toed sandals or thongs
 - 3. Swimsuit, tube tops, or halter-tops
 - 4. Skin tight ("second-skin") clothing such as spandex or yoga-type pants
 - 5. See-through clothing
 - 6. Distasteful printed slogans, buttons or pins
- (d) 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.
- (e) No item of civilian attire may be worn on duty that would adversely affect the reputation of the UC San Diego Police Department or the morale of the employees.

1024.7 POLITICAL ACTIVITIES, ENDORSEMENTS, AND ADVERTISEMENTS

Unless specifically authorized by the Chief of Police, UC San Diego 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 UC San Diego 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.

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- (d) Appear in any commercial, social, or non-profit publication, or any motion picture, film, video, public broadcast, or any website.

1024.8 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).

1024.9 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES

UC San Diego 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.

UC San Diego 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.

Department Badges

1025.1 PURPOSE AND SCOPE

The UC San Diego Police Department badge and uniform patch as well as the likeness of these items and the name of the UC San Diego Police Department are property of the Department and their use shall be restricted as set forth in this policy.

1025.2 POLICY

The uniform badge shall be issued to department members as a symbol of authority and the use and display of department 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.

1025.2.1 FLAT BADGE

Sworn officers, are issued a flat badge capable of being carried in a wallet. The use of the flat badge is subject to all the same provisions of department policy as the uniform badge.

- (a) Should the flat badge become lost, damaged, or otherwise removed from the officer's control, he/she shall make the proper notifications as outlined in the Department Owned and Personal Property Policy.
- (b) An honorably retired officer may keep his/her flat badge upon retirement.
- (c) The purchase, carrying or display of a flat badge is not authorized for non-sworn personnel.

1025.2.2 CLOTH AND EMBROIDERED BADGES

Sewn on cloth and embroidered badges may be worn when authorized by the Chief of Police.

1025.2.3 NON-SWORN PERSONNEL

Badges and department identification cards issued to non-sworn personnel shall be clearly marked to reflect the position of the assigned employee (e.g. Parking Control, Dispatcher).

- (a) Non-sworn personnel shall not display any department badge except as a part of his/her uniform and while on duty, or otherwise acting in an official and authorized capacity.
- (b) Non-sworn personnel shall not display any department badge or represent him/herself, on or off duty, in such a manner which would cause a reasonable person to believe that he/she is a sworn peace officer.

1025.2.4 RETIREE UNIFORM BADGE

Upon honorable retirement employees may purchase his/her assigned duty badge for display purposes. It is intended that the duty badge be used only as private memorabilia as other uses of the badge may be unlawful or in violation of this policy.

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Department Badges

1025.3 UNAUTHORIZED USE

Except as required for on-duty use by current employees, no badge designed for carry or display in a wallet, badge case or similar holder shall be issued to anyone other than a current or honorably retired peace officer.

Department badges are issued to all sworn employees and non-sworn uniformed employees for official use only. The department badge, shoulder patch or the likeness thereof, or the department name shall not be used for personal or private reasons including, but not limited to, letters, memoranda, and electronic communications such as electronic mail or web sites and web pages.

The use of the badge, uniform patch and department name for all material (printed matter, products or other items) developed for department use shall be subject to approval by the Chief of Police.

Employees shall not loan his/her department badge or identification card to others and shall not permit the badge or identification card to be reproduced or duplicated.

1025.4 PERMITTED USE BY EMPLOYEE GROUPS

The likeness of the department badge shall not be used without the expressed authorization of the Chief of Police and shall be subject to the following:

- (a) The employee associations may use the likeness of the department badge for merchandise and official association business provided they are used in a clear representation of the association and not the UC San Diego Police Department. The following modifications shall be included:
 1. The text on the upper and lower ribbons is replaced with the name of the employee association.
 2. The badge number portion displays the acronym of the employee association.
- (b) The likeness of the department badge for endorsement of political candidates shall not be used without the expressed approval of the Chief of Police.

Nepotism and Conflicting Relationships

1026.1 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.

1026.1.1 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.

1026.2 RESTRICTED DUTIES AND ASSIGNMENTS

The Department will not prohibit all personal or business relationships between employees. However, in order to avoid nepotism or other inappropriate conflicts, the following reasonable restrictions shall apply (Government Code § 12940):

- (a) Employees are prohibited from directly supervising, occupying a position in the line of supervision or being directly supervised by any other employee who is a relative or with whom they are involved in a personal or business relationship.

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1. If circumstances require that such a supervisor/subordinate relationship exist temporarily, the supervisor shall make every reasonable effort to defer matters pertaining to the involved employee to an uninvolved supervisor.
 2. When personnel and circumstances permit, the Department will attempt to make every reasonable effort to avoid placing employees in such supervisor/subordinate situations. The Department, however, reserves the right to transfer or reassign any employee to another position within the same classification in order to avoid conflicts with any provision of this policy.
- (b) Employees are prohibited from participating in, contributing to or recommending promotions, assignments, performance evaluations, transfers or other personnel decisions affecting an employee who is a relative or with whom they are involved in a personal or business relationship.
 - (c) Whenever possible, FTOs and other trainers will not be assigned to train relatives. FTOs and other trainers are prohibited from entering into or maintaining personal or business relationships with any employee they are assigned to train until such time as the training has been successfully completed and the employee is off probation.
 - (d) To avoid actual or perceived conflicts of interest, members of this department shall refrain from developing or maintaining personal or financial relationships with victims, witnesses or other individuals during the course of or as a direct result of any official contact.
 - (e) Except as required in the performance of official duties or, in the case of immediate relatives, employees shall not develop or maintain personal or financial relationships with any individual they know or reasonably should know is under criminal investigation, is a convicted felon, parolee, fugitive or registered sex offender or who engages in serious violations of state or federal laws.

1026.2.1 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.

1026.2.2 SUPERVISOR'S RESPONSIBILITY

Upon being notified of, or otherwise becoming aware of any circumstance that could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable steps to promptly mitigate or avoid such violations whenever possible. Supervisors shall also promptly notify the Chief of Police of such actual or potential violations through the chain of command.

Employee Speech, Expression and Social Networking

1027.1 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.

1027.1.1 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.

1027.2 POLICY

Public employees occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of this department. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that employees of this department be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the UC San Diego 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.

1027.3 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 UC San Diego Police Department employees, such as posting personal information in a public forum, can result in compromising an employee's home address or family ties. Employees should therefore not disseminate or post any information on any forum or medium that could reasonably be anticipated to compromise the safety of any employee, an employee's family, or associates. Examples of the type of information that could reasonably be expected to compromise safety include:

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- Disclosing a photograph and name or address of an officer who is working undercover.
- Disclosing the address of a fellow officer.
- Otherwise disclosing where another officer can be located off-duty.

1027.4 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 UC San Diego Police Department or its employees.
- (b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the UC San Diego Police Department and tends to compromise or damage the mission, function, reputation, or professionalism of the UC San Diego 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 UC San Diego Police Department.
- (f) Use or disclosure, through whatever means, of any information, photograph, video, or other recording obtained or accessible as a result of employment with the Department for financial or personal gain, or any disclosure of such materials without the express authorization of the Chief of Police or the authorized designee.
- (g) Posting, transmitting, or disseminating any photographs, video or audio recordings, likenesses or images of department logos, emblems, uniforms, badges, patches, marked vehicles, equipment, or other material that specifically identifies the UC San Diego Police Department on any personal or social networking or other website or web page, without the express authorization of the Chief of Police.

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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).

1027.4.1 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 UC San Diego Police Department or identify themselves in any way that could be reasonably perceived as representing the UC San Diego 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 UC San Diego Police Department.

Employees retain their right to vote as they choose, to support candidates of their choice and to express their opinions as private citizens, including as authorized members of a recognized bargaining unit or officer associations, on political subjects and candidates at all times while off-duty.

However, employees may not use their official authority or influence to interfere with or affect the result of an election or a nomination for office. Employees are also prohibited from directly or indirectly using their official authority to coerce, command or advise another employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes (5 USC § 1502).

1027.5 PRIVACY EXPECTATION

Employees forfeit any expectation of privacy with regard to e-mails, texts, or anything published or maintained through file-sharing software or any internet site (e.g., Facebook) that is accessed, transmitted, received, or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

The Department shall not require an employee to disclose a personal user name or password for accessing personal social media or to open a personal social website; however, the Department

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may request access when it is reasonably believed to be relevant to the investigation of allegations of work-related misconduct (Labor Code § 980).

1027.6 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.
- (f) Whether the speech or conduct may be protected and outweighs any interest of the Department.

1027.7 TRAINING

Subject to available resources, the Department should provide training regarding employee speech and the use of social networking to all members of the Department.

Temporary Modified-Duty Assignments

1028.1 PURPOSE AND SCOPE

This policy establishes procedures for providing temporary modified-duty assignments. This policy is not intended to affect the rights or benefits of employees under federal or state law, University rules, current Memorandums of Understanding or collective bargaining agreements. For example, nothing in this policy affects the obligation of the Department to engage in a good faith, interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability that is protected under federal or state law.

1028.2 POLICY

Subject to operational considerations, the UC San Diego Police Department may identify temporary modified-duty assignments (also referred to as light-duty assignments) for employees who have an injury or medical condition resulting in temporary work limitations or restrictions. A temporary assignment allows the employee to work while providing the Department with a productive employee during the temporary period.

1028.3 GENERAL CONSIDERATIONS

Priority consideration for temporary modified-duty assignments will be given to employees with work-related injuries or illnesses that are temporary in nature. Employees having disabilities covered under the Americans with Disabilities Act (ADA) or the California Fair Employment and Housing Act (Government Code § 12940 et seq.) shall be treated equally, without regard to any preference for a work-related injury.

No position in the UC San Diego Police Department shall be created or maintained as a temporary modified-duty assignment.

Temporary modified-duty assignments are a management prerogative and not an employee right. The availability of temporary modified-duty assignments will be determined on a case-by-case basis, consistent with the operational needs of the Department. Temporary modified-duty assignments are subject to continuous reassessment, with consideration given to operational needs and the employee's ability to perform in a modified-duty assignment.

The Chief of Police or the authorized designee may restrict employees working in temporary modified-duty assignments from wearing a uniform, displaying a badge, carrying a firearm, operating an emergency vehicle, engaging in outside employment, or being otherwise limited in employing their peace officer powers.

Temporary modified-duty assignments shall be evaluated every 30-days.

1028.4 PROCEDURE

Employees may request a temporary modified-duty assignment for short-term injuries or illnesses.

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Employees seeking a temporary modified-duty assignment should submit a written request to their Lieutenants or the authorized designees. The request should, as applicable, include a certification from the treating medical professional containing:

- (a) An assessment of the nature and probable duration of the illness or injury.
- (b) The prognosis for recovery.
- (c) The nature and scope of limitations and/or work restrictions.
- (d) A statement regarding any required workplace accommodations, mobility aids or medical devices.
- (e) A statement that the employee can safely perform the duties of the temporary modified-duty assignment.

The Lieutenant will make a recommendation through the chain of command to the Chief of Police regarding temporary modified-duty assignments that may be available based on the needs of the Department and the limitations of the employee. The Chief of Police or the authorized designee shall confer with the Department of Human Resources or the Campus Counsel as appropriate.

Requests for a temporary modified-duty assignment of 20 hours or less per week may be approved and facilitated by the Watch Commander or Lieutenant, with notice to the Chief of Police.

1028.5 ACCOUNTABILITY

Written notification of assignments, work schedules and any restrictions should be provided to employees assigned to temporary modified-duty assignments and their supervisors. Those assignments and schedules may be adjusted to accommodate department operations and the employee's medical appointments, as mutually agreed upon with the Lieutenant.

1028.5.1 EMPLOYEE RESPONSIBILITIES

The responsibilities of employees assigned to temporary modified duty shall include, but not be limited to:

- (a) Communicating and coordinating any required medical and physical therapy appointments in advance with their supervisors.
- (b) Promptly notifying their supervisors of any change in restrictions or limitations after each appointment with their treating medical professionals.
- (c) Communicating a status update to their supervisors no less than once every 30 days while assigned to temporary modified duty.
- (d) Submitting a written status report to the Lieutenant that contains a status update and anticipated date of return to full-duty when a temporary modified-duty assignment extends beyond 60 days.

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1028.5.2 SUPERVISOR RESPONSIBILITIES

The employee's immediate or assigned supervisor shall monitor and manage the work schedule of those assigned to temporary modified duty.

The responsibilities of supervisors shall include, but not be limited to:

- (a) Periodically apprising the Lieutenant and Business Manager of the status and performance of employees assigned to temporary modified duty.
- (b) Notifying the Lieutenant and Business Manager and ensuring that the required documentation facilitating a return to full duty is received from the employee.
- (c) Ensuring that employees returning to full duty have completed any required training and certification.

1028.6 MEDICAL EXAMINATIONS

Prior to returning to full-duty status, employees shall be required to provide certification from their treating medical professionals stating that they are medically cleared to perform the essential functions of their jobs without restrictions or limitations.

The Department should require a fitness-for-duty examination prior to returning an employee to full-duty status, in accordance with the Fitness for Duty Policy.

1028.7 PREGNANCY

If an employee is temporarily unable to perform regular duties due to a pregnancy, childbirth, or a related medical condition, the employee will be treated the same as any other temporarily disabled employee (42 USC § 2000e(k)). A pregnant employee shall not be involuntarily transferred to a temporary modified-duty assignment. Nothing in this policy limits a pregnant employee's right to a temporary modified-duty assignment if required under Government Code § 12945.

1028.7.1 NOTIFICATION

Pregnant employees should notify their immediate supervisors as soon as practicable and provide a statement from their medical providers identifying any pregnancy-related job restrictions or limitations. If at any point during the pregnancy it becomes necessary for the employee to take a leave of absence, such leave shall be granted in accordance with the University's personnel rules and regulations regarding family and medical care leave.

1028.8 PROBATIONARY EMPLOYEES

Probationary employees who are assigned to a temporary modified-duty assignment shall have their probation extended by a period of time equal to their assignment to temporary modified duty.

1028.9 MAINTENANCE OF CERTIFICATION AND TRAINING

Employees assigned to temporary modified duty shall maintain all certification, training and qualifications appropriate to both their regular and temporary duties, provided that the certification, training or qualifications are not in conflict with any medical limitations or restrictions. Employees who are assigned to temporary modified duty shall inform their supervisors of any inability to maintain any certification, training or qualifications.

Line-of-Duty Deaths

1029.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of the UC San Diego Police Department in the event of the death of a member occurring in the line of duty and to direct the Department in providing proper support for the member's survivors. This policy is to be used in conjunction with the University wide Police Policies and Administrative Procedures Manual. The Chief of Police shall de-conflict differences between the University Wide Policy Manual and this policy.

The Chief of Police may also apply some or all of this policy for a non-line-of-duty member death, or in situations where members are injured in the line of duty and the injuries are life-threatening.

1029.1.1 DEFINITIONS

Definitions related to this policy include:

Line-of-duty death - The death of an officer during the course of performing law enforcement-related functions while on- or off-duty, or a non-sworn member during the course of performing assigned duties.

For an officer, a line-of-duty death includes death that is the direct and proximate result of a personal injury sustained in the line of duty (34 USC § 10281).

Survivors - Immediate family members of the deceased member, which can include spouse, children, parents, other next of kin, or significant others. The determination of who should be considered a survivor for purposes of this policy should be made on a case-by-case basis given the individual's relationship with the member and whether the individual was previously designated by the deceased member.

1029.2 POLICY

It is the policy of the UC San Diego Police Department to make appropriate notifications and to provide assistance and support to survivors and coworkers of a member who dies in the line of duty.

It is also the policy of this department to respect the requests of the survivors when they conflict with these guidelines, as appropriate.

1029.3 INITIAL ACTIONS BY COMMAND STAFF

- (a) Upon learning of a line-of-duty death, the deceased member's supervisor should provide all reasonably available information to the Operations Lieutenant and Communications Unit.
- (a) Communication of information concerning the member and the incident should be restricted to secure networks to avoid interception by the media or others (see the Public Information Officer section of this policy).

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- (b) The Watch Commander should ensure that notifications are made in accordance with the Officer-Involved Shootings and Deaths and Major Incident Notification policies as applicable.
- (c) If the member has been transported to the hospital, the Watch Commander or the authorized designee should respond to the hospital to assume responsibilities as the temporary Hospital Liaison until relieved.
- (d) The Chief of Police or the authorized designee should assign members to handle survivor notifications and assign members to the roles of Hospital Liaison (to relieve the temporary Hospital Liaison) and the Department Liaison as soon as practicable (see the Notifying Survivors section and the Department Liaison and Hospital Liaison subsections in this policy).

1029.4 NOTIFYING SURVIVORS

Survivors should be notified as soon as possible in order to avoid the survivors hearing about the incident in other ways.

The Chief of Police or the authorized designee should review the deceased member's emergency contact information and make accommodations to respect the member's wishes and instructions specific to notifying survivors. However, notification should not be excessively delayed because of attempts to assemble a notification team in accordance with the member's wishes.

The Chief of Police, Watch Commander or the authorized designee should select at least two members to conduct notification of survivors.

Notifying members should:

- (a) Make notifications in a direct and compassionate manner, communicating as many facts of the incident as possible, including the current location of the member. Information that is not verified should not be provided until an investigation has been completed.
- (b) Determine the method of notifying surviving children by consulting with other survivors and taking into account factors such as the child's age, maturity and current location (e.g., small children at home, children in school).
- (c) Plan for concerns such as known health concerns of survivors or language barriers.
- (d) Offer to transport survivors to the hospital, if appropriate. Survivors should be transported in department vehicles. Notifying members shall inform the Hospital Liaison over a secure network that the survivors are on their way to the hospital and should remain at the hospital while the survivors are present.
- (e) When survivors are not at their residences or known places of employment, actively seek information and follow leads from neighbors, other law enforcement, postal authorities and other sources of information in order to accomplish notification in as timely a fashion as possible. Notifying members shall not disclose the reason for their contact other than a family emergency.
- (f) If making notification at a survivor's workplace, ask a workplace supervisor for the use of a quiet, private room to meet with the survivor. Members shall not inform the

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workplace supervisor of the purpose of their visit other than to indicate that it is a family emergency.

- (g) Offer to call other survivors, friends or clergy to support the survivors and to avoid leaving survivors alone after notification.
- (h) Assist the survivors with meeting child care or other immediate needs.
- (i) Provide other assistance to survivors and take reasonable measures to accommodate their needs, wishes and desires. Care should be taken not to make promises or commitments to survivors that cannot be met.
- (j) Inform the survivors of the name and phone number of the Survivor Support Liaison (see the Survivor Support Liaison section of this policy), if known, and the Department Liaison.
- (k) Provide their contact information to the survivors before departing.
- (l) Document the survivor's names and contact information, as well as the time and location of notification. This information should be forwarded to the Department Liaison.
- (m) Inform the Chief of Police or the authorized designee once survivor notifications have been made so that other UC San Diego Police Department members may be apprised that survivor notifications are complete.

1029.4.1 OUT-OF-AREA NOTIFICATIONS

The Department Liaison should request assistance from law enforcement agencies in appropriate jurisdictions for in-person notification to survivors who are out of the area.

- (a) The Department Liaison should contact the appropriate jurisdiction using a secure network and provide the assisting agency with the name and telephone number of the department member that the survivors can call for more information following the notification by the assisting agency.
- (b) The Department Liaison may assist in making transportation arrangements for the member's survivors, but will not obligate the Department to pay travel expenses without the authorization of the Chief of Police.

1029.5 NOTIFYING DEPARTMENT MEMBERS

Supervisors or members designated by the Chief of Police are responsible for notifying department members of the line-of-duty death as soon as possible after the survivor notification is made. Notifications and related information should be communicated in person or using secure networks and should not be transmitted over the radio.

Notifications should be made in person and as promptly as possible to all members on-duty at the time of the incident. Members reporting for subsequent shifts within a short amount of time should be notified in person at the beginning of their shift. Members reporting for duty from their residence should be instructed to contact their supervisor as soon as practicable. Those members who are working later shifts or are on days off should be notified by phone as soon as practicable.

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Members having a close bond with the deceased member should be notified of the incident in person. Supervisors should consider assistance (e.g., peer support, modifying work schedules, approving sick leave) for members who are especially affected by the incident.

Supervisors should direct members not to disclose any information outside the Department regarding the deceased member or the incident.

1029.6 LIAISONS AND COORDINATORS

The Chief of Police or the authorized designee may select members to serve as liaisons and coordinators to handle responsibilities related to a line-of-duty death. Such liaisons and coordinator positions may include:

- (a) Department Liaison.
- (b) Hospital Liaison.
- (c) Survivor Support Liaison.
- (d) Wellness Support Liaison.
- (e) Funeral Liaison.
- (f) Mutual aid coordinator.
- (g) Benefits Liaison.
- (h) Finance coordinator.

Liaisons and coordinators will be directed by the Department Liaison and should be given sufficient duty time to complete their assignments.

Members may be assigned responsibilities of more than one liaison or coordinator position depending on available department resources. The Department Liaison may assign separate liaisons and coordinators to accommodate multiple family units, if needed. The Department should consider seeking assistance from surrounding law enforcement agencies to fill liaison and coordinator positions, as appropriate.

1029.6.1 DEPARTMENT LIAISON

The Department Liaison should be a Lieutenant or of sufficient rank to effectively coordinate department resources, and should serve as a facilitator between the deceased member's survivors and the Department. The Department Liaison reports directly to the Chief of Police. The Department Liaison's responsibilities include, but are not limited to:

- (a) Directing the other liaisons and coordinators in fulfilling survivors' needs and requests. Consideration should be given to organizing the effort using the National Incident Management System (NIMS).
- (b) Establishing contact with survivors as soon as practical but no longer than 24 hours and providing them with contact information.
- (c) Advising survivors of the other liaison and coordinator positions and their roles and responsibilities.

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- (d) Identifying locations that will accommodate a law enforcement funeral and presenting the options to the appropriate survivors, who will select the location.
- (e) Coordinating all official law enforcement notifications and arrangements.
- (f) Making necessary contacts for authorization to display flags at half-mast.
- (g) Ensuring that department members are reminded of appropriate information—sharing restrictions regarding the release of information that could undermine future legal proceedings.
- (h) Coordinating security checks of the member's residence as necessary and reasonable.
- (i) Serving as a liaison with visiting law enforcement agencies during memorial and funeral services.

1029.6.2 HOSPITAL LIAISON

The Hospital Liaison should work with hospital personnel to:

- (a) Establish a command post or incident command system, as appropriate, to facilitate management of the situation and its impact on hospital operations (e.g., influx of people, parking).
- (b) Arrange for appropriate and separate waiting areas for:
 - 1. The survivors and others whose presence is requested by the survivors.
 - 2. Department members and friends of the deceased member.
 - 3. Media personnel.
- (c) Ensure, as practicable, that any suspects who are in the hospital and their families or friends are not in proximity to the member's survivors or UC San Diego Police Department members (except for members who may be guarding a suspect).
- (d) Arrange for survivors to receive timely updates regarding the member before information is released to others.
- (e) Arrange for survivors to have private time with the member, if requested.
 - 1. The Hospital Liaison or hospital personnel may need to explain the condition of the member to the survivors to prepare them accordingly.
 - 2. The Hospital Liaison should accompany the survivors into the room, if requested.
- (f) Stay with survivors and provide them with other assistance as needed at the hospital.
- (g) If applicable, explain to the survivors why an autopsy may be needed.
- (h) Make arrangements for hospital bills to be directed to the Department, that the survivors are not asked to sign as guarantor of payment for any hospital treatment, and that the member's residence address, insurance information, and next of kin are not included on hospital paperwork.

Other responsibilities of the Hospital Liaison include but are not limited to:

- Arranging transportation for the survivors back to their residence.

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- Working with investigators to gather and preserve the deceased member's equipment and other items that may be of evidentiary value.
- Documenting their actions at the conclusion of duties.

1029.6.3 SURVIVOR SUPPORT LIAISON

The Survivor Support Liaison should work with the Department Liaison to fulfill the immediate needs and requests of the survivors of any member who has died in the line of duty, and serve as the long-term department contact for survivors.

The Survivor Support Liaison should be selected by the deceased member's Lieutenant. The following should be considered when selecting the Survivor Support Liaison:

- The liaison should be an individual the survivors know and with whom they are comfortable working.
- The selection may be made from names recommended by the deceased member's supervisor and/or coworkers. The deceased member's partner or close friends may not be the best selections for this assignment because the emotional connection to the member or survivors may impair their ability to conduct adequate liaison duties.
- The liaison must be willing to assume the assignment with an understanding of the emotional and time demands involved.

The responsibilities of the Survivor Support Liaison include but are not limited to:

- (a) Arranging for transportation of survivors to hospitals, places of worship, funeral homes, and other locations, as appropriate.
- (b) Communicating with the Department Liaison regarding appropriate security measures for the family residence, as needed.
- (c) If requested by the survivors, providing assistance with instituting methods of screening telephone calls made to their residence after the incident.
- (d) Providing assistance with travel and lodging arrangements for out-of-town survivors.
- (e) Returning the deceased member's personal effects from the Department and the hospital to the survivors. The following should be considered when returning the personal effects:
 1. Items should not be delivered to the survivors until they are ready to receive the items.
 2. Items not retained as evidence should be delivered in a clean, unmarked box.
 3. All clothing not retained as evidence should be cleaned and made presentable (e.g., items should be free of blood or other signs of the incident).
 4. The return of some personal effects may be delayed due to ongoing investigations.
- (f) Assisting with the return of department-issued equipment that may be at the deceased member's residence.

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1. Unless there are safety concerns, the return of the equipment should take place after the funeral at a time and in a manner considerate of the survivors' wishes.
- (g) Working with the Wellness Support Liaison for survivors to have access to available counseling services.
- (h) Coordinating with the department's Public Information Officer (PIO) to brief the survivors on pending press releases related to the incident and to assist the survivors with media relations in accordance with their wishes (see the Public Information Officer section of this policy).
- (i) Briefing survivors on investigative processes related to the line-of-duty death, such as criminal, internal, and administrative investigations.
- (j) Informing survivors of any related criminal proceedings and accompanying them to such proceedings.
- (k) Introducing survivors to prosecutors, victim's assistance personnel, and other involved personnel as appropriate.
- (l) Maintaining long-term contact with survivors and taking measures to sustain a supportive relationship (e.g., follow-up visits, phone calls, cards on special occasions, special support during holidays).
- (m) Inviting survivors to department activities, memorial services (e.g., as applicable, the Annual Candlelight Vigil at the National Law Enforcement Officers Memorial), or other functions as appropriate.

Survivor Support Liaisons providing services after an incident resulting in multiple members being killed should coordinate with and support each other through conference calls or meetings as necessary.

The Department recognizes that the duties of a Survivor Support Liaison will often affect regular assignments over many years, and is committed to supporting members in the assignment.

If needed, the Survivor Support Liaison should be issued a personal communication device (PCD) owned by the Department to facilitate communications necessary to the assignment. The department-issued PCD shall be used in accordance with the Personal Communication Devices Policy.

1029.6.4 WELLNESS SUPPORT LIAISON

The Wellness Support Liaison should work with the department wellness coordinator or the authorized designee and other liaisons and coordinators to make wellness support and counseling services available to members and survivors who are impacted by a line-of-duty death. The responsibilities of the Wellness Support Liaison include but are not limited to:

- (a) Identifying members who are likely to be significantly affected by the incident and may have an increased need for wellness support and counseling services, including:
 1. Members involved in the incident.
 2. Members who witnessed the incident.

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3. Members who worked closely with the deceased member but were not involved in the incident.
 - (b) Making arrangements for members who were involved in or witnessed the incident to be relieved of department responsibilities until they can receive wellness support.
 - (c) Making wellness support and counseling resources (e.g., peer support, Critical Incident Stress Debriefing) available to members as soon as reasonably practicable following the line-of-duty death.
 - (d) Coordinating with the Survivor Support Liaison to inform survivors of available wellness support and counseling services and assisting with arrangements as needed.
 - (e) Following up with members and the Survivor Support Liaison in the months following the incident to determine if additional wellness support or counseling services are needed.

1029.6.5 FUNERAL LIAISON

The Funeral Liaison should work with the Department Liaison, Survivor Support Liaison, and survivors to coordinate funeral arrangements to the extent the survivors wish. The Funeral Liaison's responsibilities include but are not limited to:

- (a) Assisting survivors in working with the funeral director regarding funeral arrangements and briefing them on law enforcement funeral procedures.
- (b) Completing funeral notification to other law enforcement agencies.
- (c) Coordinating the funeral activities of the Department, including but not limited to the following:
 1. Honor Guard
 - (a) Casket watch
 - (b) Color guard
 - (c) Pallbearers
 - (d) Bell/rifle salute
 2. Bagpipers/bugler
 3. Uniform for burial
 4. Flag presentation
 5. Last radio call
- (d) Briefing the Chief of Police and command staff concerning funeral arrangements.
- (e) Assigning an officer to remain at the family home during the viewing and funeral.
- (f) Arranging for transportation of the survivors to and from the funeral home and interment site using department vehicles and drivers.
- (g) Addressing event-related logistical matters (e.g., parking, visitor overflow, public assembly areas).

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1029.6.6 MUTUAL AID COORDINATOR

The mutual aid coordinator may be responsible for obtaining outside agency assistance with tasks that cannot be performed by department staff during a funeral. Such tasks may include but not be limited to:

- (a) Traffic control during the deceased member's funeral.
- (b) Area coverage so that as many UC San Diego Police Department members can attend funeral services as possible.
- (c) Honor or Color Guard Services.

The mutual aid coordinator should perform the coordinator's duties in accordance with the Outside Agency Assistance Policy.

Where practicable, the Chief of Police should appoint a mutual aid coordinator to identify external resources in advance of any need (e.g., regional honor guard teams, county- or state-wide resources).

1029.6.7 BENEFITS LIAISON

The Benefits Liaison should provide survivors with information concerning available benefits and will assist them in applying for benefits. Responsibilities of the Benefits Liaison include but are not limited to:

- (a) Confirming the filing of workers' compensation claims and related paperwork (see the Occupational Disease and Work-Related Injury Reporting Policy).
- (b) Researching and assisting survivors with application for federal government survivor benefits, such as those offered through the following:
 1. Public Safety Officers' Benefits Program, including financial assistance available through the Public Safety Officers' Educational Assistance (PSOEA) Program, as applicable (34 USC § 10281 et seq.).
 2. Social Security Administration.
 3. Department of Veterans Affairs.
- (c) Researching and assisting survivors with application for state and local government survivor benefits, such as:
 1. Education benefits (Education Code § 68120).
 2. Health benefits (Labor Code § 4856).
 3. Workers' compensation death benefit (Labor Code § 4702).
- (d) Researching and assisting survivors with application for other survivor benefits such as:
 1. Private foundation survivor benefits programs.
 2. Survivor scholarship programs.
- (e) Researching and informing survivors of support programs sponsored by police associations and other organizations.

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- (f) Documenting and informing survivors of inquiries and interest regarding public donations to the survivors.
 - 1. If requested, working with the finance coordinator to assist survivors with establishing a process for the receipt of public donations.
- (g) Providing survivors with a summary of the nature and amount of benefits applied for, including the name of a contact person at each benefit office. Printed copies of the summary and benefit application documentation should be provided to affected survivors.
- (h) Maintaining contact with the survivors and assisting with subsequent benefit questions and processes as needed.

1029.6.8 FINANCE COORDINATOR

The finance coordinator should work with the Chief of Police and the Department Liaison to manage financial matters related to the line-of-duty death. The finance coordinator's responsibilities include, but are not limited to:

- (a) Establishing methods for purchasing and monitoring costs related to the incident.
- (b) Providing information on finance-related issues, such as:
 - 1. Paying survivors' travel costs if authorized.
 - 2. Transportation costs for the deceased.
 - 3. Funeral and memorial costs.
 - 4. Related funding or accounting questions and issues.
- (c) Working with the Benefits Liaison to establish a process for the receipt of public donations to the deceased member's survivors.
- (d) Providing accounting and cost information as needed.

1029.7 PUBLIC INFORMATION OFFICER

In the event of a line-of-duty death, the department's PIO should be the department's contact point for the media. As such, the PIO should coordinate with the Department Liaison to:

- (a) Collect and maintain the most current incident information and determine what information should be released.
- (b) Instruct department members to direct any media inquiries to the PIO.
- (c) Prepare necessary press releases.
 - 1. Coordinate with other entities having media roles (e.g., outside agencies involved in the investigation or incident).
 - 2. Disseminate important public information, such as information on how the public can show support for the department and deceased member's survivors.
- (d) Arrange for community and media briefings by the Chief of Police or the authorized designee as appropriate.
- (e) Respond, or coordinate the response, to media inquiries.

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- (f) If requested, assist the member's survivors with media inquiries.
 - 1. Brief the survivors on handling sensitive issues such as the types of questions that reasonably could jeopardize future legal proceedings.
- (g) Release information regarding memorial services and funeral arrangements to department members, other agencies, and the media as appropriate.
- (h) If desired by the survivors, arrange for the recording of memorial and funeral services via photos and/or video.

The identity of deceased members should be withheld until the member's survivors have been notified. If the media have obtained identifying information for the deceased member prior to survivor notification, the PIO should request that the media withhold the information from release until proper notification can be made to survivors. The PIO should notify media when survivor notifications have been made.

1029.8 INVESTIGATION OF THE INCIDENT

The Chief of Police should make necessary assignments to conduct thorough investigations of any line-of-duty death and may choose to use the investigation process outlined in the Officer-Involved Shootings and Deaths Policy.

Investigators from other agencies may be assigned to work on any criminal investigation related to line-of-duty deaths. Partners, close friends, or personnel who worked closely with the deceased member should not have any investigative responsibilities because such relationships may impair the objectivity required for an impartial investigation of the incident.

Involved department members should be kept informed of the progress of the investigations and provide investigators with any information that may be pertinent to the investigations.

1029.9 NON-LINE-OF-DUTY DEATH

The Chief of Police may authorize certain support services for the death of a member not occurring in the line of duty.

Special Assignments and Promotions

1030.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for promotions and for making special assignments within the UC San Diego Police Department.

1030.2 POLICY

The UC San Diego Police Department determines assignments and promotions in a non-discriminatory manner based upon job-related factors and candidate skills and qualifications. Assignments and promotions are made by the Chief of Police.

1030.3 SPECIAL ASSIGNMENT POSITIONS

The following positions are considered special assignments and not promotions:

- (a) Assistant Watch commander or corporal, assistant team leader, officer-in-charge or the equivalent;
- (b) Investigator/Detective;
- (c) System-Wide Response Team member
- (d) Field Training Officer;
- (e) Police Service Dog Handler;
- (f) Explosive Ordinance Disposal Officer;
- (g) Crime Prevention Officer;
- (h) Motorcycle Officer;
- (i) Arrest and Control (Defensive Tactics) Instructor;
- (j) Firearms (Range) Instructor
- (k) Other specialty assignments designated as Specialist by the Chief

1030.3.1 GENERAL REQUIREMENTS

The following requirements should be considered when selecting a candidate for a special assignment:

- (a) Two years of relevant experience
- (b) Off probation
- (c) Possession of or ability to obtain any certification required by POST or law
- (d) Exceptional skills, experience, or abilities related to the special assignment

1030.3.2 EVALUATION CRITERIA

The following criteria will be used in evaluating candidates for a special assignment:

- (a) Certifications related to the specialty
- (b) Previous experience related to the specialty

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- (c) Overall job performance
- (d) Presents a professional, neat appearance.
- (e) Maintains a physical condition that aids in his/her performance.
- (f) Expressed an interest in the assignment.
- (g) Demonstrates the following traits:
 - 1. Emotional stability and maturity
 - 2. Stress tolerance
 - 3. Sound judgment and decision-making
 - 4. Personal integrity and ethical conduct
 - 5. Leadership skills
 - 6. Initiative
 - 7. Adaptability and flexibility
 - 8. Ability to conform to department goals and objectives in a positive manner

1030.3.3 SELECTION PROCESS

The selection process for special assignments will include an administrative evaluation as determined by the Chief of Police will, at a minimum, include:

- (a) Interest letter
- (b) Evaluation of experience
- (c) Interview process
- (d) Recommendation to the Chief of Police
- (e) Assignment by the Chief of Police.

The selection process for all special assignment positions may be waived for temporary assignments, emergency situations, training, and at the discretion of the Chief of Police. Generally, the term of appointment shall be no more than 36 months, unless extended by the Chief of Police and officers may be subject to a 90-day probationary period beginning on the date of selection.

1030.4 PROMOTIONAL REQUIREMENTS

Requirements and information regarding any promotional process are available at the University of California, San Diego Department of Human Resources.

Wellness Program

1031.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance on establishing and maintaining a proactive wellness program for department members.

The wellness program is intended to be a holistic approach to a member's well-being and encompasses aspects such as physical fitness, mental health, and overall wellness.

Additional information on member wellness is provided in the:

- Line-of-Duty Deaths Policy.
- Drug- and Alcohol-Free Workplace Policy.

1031.1.1 DEFINITIONS

Definitions related to this policy include:

Critical incident – An event or situation that may cause a strong emotional, cognitive, or physical reaction that has the potential to interfere with daily life.

Critical Incident Stress Debriefing (CISD) – A standardized approach using a discussion format to provide education, support, and emotional release opportunities for members involved in work-related critical incidents.

Peer support – Mental and emotional wellness support provided by peers trained to help members cope with critical incidents and certain personal or professional problems.

1031.2 POLICY

It is the policy of the UC San Diego Police Department to prioritize member wellness to foster fitness for duty and support a healthy quality of life for department members. The Department will maintain a wellness program that supports its members with proactive wellness resources, critical incident response, and follow-up support.

1031.3 WELLNESS COORDINATOR

The Chief of Police should appoint a trained wellness coordinator. The coordinator should report directly to the Chief of Police or the authorized designee and should collaborate with advisers (e.g., Department of Human Resources, legal counsel, licensed psychotherapist, qualified health professionals), as appropriate, to fulfill the responsibilities of the position, including but not limited to:

- (a) Identifying wellness support providers (e.g., licensed psychotherapists, external peer support providers, physical therapists, dietitians, physical fitness trainers holding accredited certifications).
 1. As appropriate, selected providers should be trained and experienced in providing mental wellness support and counseling to public safety personnel.

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2. When practicable, the Department should not use the same licensed psychotherapist for both member wellness support and fitness for duty evaluations.
- (b) Developing management and operational procedures for department peer support members, such as:
1. Peer support member selection and retention.
 2. Training and applicable certification requirements.
 3. Deployment.
 4. Managing potential conflicts between peer support members and those seeking service.
 5. Monitoring and mitigating peer support member emotional fatigue (i.e., compassion fatigue) associated with providing peer support.
 6. Using qualified peer support personnel from other public safety agencies or outside organizations for department peer support, as appropriate.
- (c) Verifying members have reasonable access to peer support or licensed psychotherapist support.
- (d) Establishing procedures for CISDs, including:
1. Defining the types of incidents that may initiate debriefings.
 2. Steps for organizing debriefings.
- (e) Facilitating the delivery of wellness information, training, and support through various methods appropriate for the situation (e.g., phone hotlines, electronic applications).
- (f) Verifying a confidential, appropriate, and timely Employee Assistance Program (EAP) is available for members. This also includes:
1. Obtaining a written description of the program services.
 2. Providing for the methods to obtain program services.
 3. Providing referrals to the EAP for appropriate diagnosis, treatment, and follow-up resources.
 4. Obtaining written procedures and guidelines for referrals to, or mandatory participation in, the program.
 5. Obtaining training for supervisors in their role and responsibilities, and identification of member behaviors that would indicate the existence of member concerns, problems, or issues that could impact member job performance.
- (g) Assisting members who have become disabled with application for federal government benefits such as those offered through the Public Safety Officers' Benefits Program (34 USC § 10281 et seq.).
1. The coordinator should work with appropriate department liaisons to assist qualified members and survivors with benefits, wellness support, and counseling

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services, as applicable, when there has been a member death (see the Line-of-Duty Deaths Policy for additional guidance).

1031.4 DEPARTMENT PEER SUPPORT

1031.4.1 PEER SUPPORT MEMBER SELECTION CRITERIA

The selection of a department peer support member will be at the discretion of the coordinator. Selection should be based on the member's:

- Desire to be a peer support member.
- Experience or tenure.
- Demonstrated ability as a positive role model.
- Ability to communicate and interact effectively.
- Evaluation by supervisors and any current peer support members.

1031.4.2 PEER SUPPORT MEMBER RESPONSIBILITIES

The responsibilities of department peer support members include:

- (a) Providing pre- and post-critical incident support.
- (b) Presenting department members with periodic training on wellness topics, including but not limited to:
 1. Stress management.
 2. Suicide prevention.
 3. How to access support resources.
- (c) Providing referrals to licensed psychotherapists and other resources, where appropriate.
 1. Referrals should be made to department-designated resources in situations that are beyond the scope of the peer support member's training.

1031.4.3 PEER SUPPORT MEMBER TRAINING

A department peer support member should complete department-approved training prior to being assigned.

1031.5 CRITICAL INCIDENT STRESS DEBRIEFINGS

A Critical Incident Stress Debriefing should occur as soon as practicable following a critical incident. The coordinator is responsible for organizing the debriefing. Notes and recorded statements shall not be taken because the sole purpose of the debriefing is to help mitigate the stress-related effects of a critical incident.

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.

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Attendance at the debriefing should only include peer support members and those directly involved in the incident.

1031.6 PEER SUPPORT COMMUNICATIONS

Although the Department will honor the sensitivity of communications with peer support members, there is no legal privilege to such communications, unless authorized by law (e.g., peer support communications pursuant to a Law Enforcement Peer Support and Crisis Referral Service Program).

1031.7 PHYSICAL WELLNESS PROGRAM

The coordinator is responsible for establishing guidelines for an on-duty physical wellness program, including the following:

- (a) Voluntary participation by members
- (b) Allowable physical fitness activities
- (c) Permitted times and locations for physical fitness activities
- (d) Acceptable use of department-provided physical fitness facilities and equipment
- (e) Individual health screening and fitness assessment
- (f) Individual education (e.g., nutrition, sleep habits, proper exercise, injury prevention) and goal-setting
- (g) Standards for fitness incentive programs. The coordinator should collaborate with the appropriate entities (e.g., human resources, legal counsel) to verify that any standards are nondiscriminatory
- (h) Maintenance of physical wellness logs (e.g., attendance, goals, standards, progress)
- (i) Ongoing support and evaluation

1031.8 WELLNESS PROGRAM AUDIT

At least annually, the coordinator or the authorized designee should audit the effectiveness of the department's wellness program and prepare a report summarizing the findings. The report shall not contain the names of members participating in the wellness program, and should include the following information:

- Data on the types of support services provided
- Wait times for support services
- Participant feedback, if available
- Program improvement recommendations
- Policy revision recommendations

The coordinator should present the completed audit to the Chief of Police for review and consideration of updates to improve program effectiveness.

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1031.9 TRAINING

The coordinator or the authorized designee should collaborate with the Training Manager to provide all members with regular training on topics related to member wellness, including but not limited to:

- The availability and range of department wellness support systems.
- Suicide prevention.
- Recognizing and managing mental distress, emotional fatigue, post-traumatic stress, and other possible reactions to trauma.
- Alcohol and substance disorder awareness.
- Countering sleep deprivation and physical fatigue.
- Anger management.
- Marriage and family wellness.
- Benefits of exercise and proper nutrition.
- Effective time and personal financial management skills.

Training materials, curriculum, and attendance records should be forwarded to the Training Manager as appropriate for inclusion in training records.

Leave Requests

1032.1 PURPOSE AND SCOPE

Use of accrued leave time is specified in collective bargaining agreements. The purpose of this policy is to specify the process for submission and approval of leave time that is not otherwise defined by contract.

1032.2 POLICY

It is the policy of UC San Diego Police department to facilitate the use of employees' leave time when staffing and operational needs allow.

1032.3 REQUESTING THE USE OF LEAVE TIME

Leave time includes accrued vacation, holiday, and compensatory time. Use of leave time will only be approved when there is adequate staffing and no conflict with operational needs. When not otherwise specified by collective bargaining agreement, a vacation sign-up process will be performed biannually within each unit or job classification. Vacation selections will be made based on seniority

Employees with available leave time balances may request incremental days off during the year outside of the biannual vacation sign-up by consulting with their supervisor. Approval of incremental days off will generally be on a first-come, first-served basis. If multiple employees simultaneously request incremental leave for the same date(s) and staffing or operational needs will not allow all of the requests to be approved, the priority for approval will be based on seniority.

Chapter 11 - University Safety Official Program

University Safety Official Bicycle Patrol

1101.1 PURPOSE AND SCOPE

The Department authorizes University Safety Official (USOs) to utilize bicycles in patrolling their beat when circumstances permit. Employees shall use the bicycles in accordance with the California Vehicle Code and the University bicycle rules and regulations. USOs shall always operate bicycles in a manner that best ensures their personal safety as well as the safety of the community.

1101.1.1 AUTHORIZED USE

USO bicycles are available for use by university security officers that have successfully completed the department's bicycle training class and have received the USO supervisor's authorization for use.

1101.1.2 USO RESPONSIBILITY

The following procedures should be followed when using an USO bike:

Pre-Ride check - USOs shall perform an "ABC Quick check" on any bike before first using it during a shift.

- "A" - Air - Check the air pressure in the tires to ensure they are not flat.
- "B" - Brakes - Check the front and rear brakes to ensure they are operational.
- "C" - Cranks - Check the cranks, pedals, sprockets, and chain to ensure they are secure and operational.
- "Quick check" - Check the quick releases on the seat and the front & rear wheels to ensure they are secured in the correct manner.

USOs will note, on their daily logs, the number of the bike that they check out.

1101.1.3 DAMAGE

If an USO has an accident and is injured or there is damage to the bike, an Employee's Report will be filled out, and the USO supervisor or watch commander will be notified.

The last USO to ride a bike will be responsible for any unreported damage for that given bike.

1101.1.4 REQUIRED EQUIPMENT

Lights

- (a) During evening hours, USOs shall check and use lights. The front bike light is to be used after sunset when the bike is being ridden.
- (b) The rear light should be set to blinking mode and left on when the bike is being ridden.
- (c) Should either of the lights become dim during the course of the evening, the USO should return to the station and replace the battery.
- (d) Lights shall not be moved from one bicycle to another for any reason without the authorization of a supervisor.

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University Safety Official Bicycle Patrol

Helmets

- (a) A helmet is to be worn any time an USO is riding a bicycle on duty.
- (b) All helmets must be approved by an USO Sergeant or Corporal before it is used on a shift.

1101.1.5 OPERATION

Unless there is an urgent need (e.g., medical emergency, life threatening situation, direct order from a supervisor or officer, etc.), the following policies should be followed:

- (a) Bicycles should not be left unattended.
- (b) Bicycles should not be ridden up or down stairs.
- (c) Bicycles should not be ridden up or down curbs.
- (d) Bicycles should not be ridden in an unsafe manner, which includes speed.
- (e) Skidding or sliding stops should not be made.
- (f) Bicycles should not be ridden during inclement weather (e.g., slick/wet surfaces, rain, heavy winds, etc.).
- (g) All signs on campus concerning bicycle use and restrictions should be followed.
- (h) All traffic laws should be followed while riding on roadways.
- (i) USOs shall stop at all stop signs at all times.

USO Contacts and Private Person's Arrest

1102.1 PURPOSE AND SCOPE

The purpose of this policy is to set guidelines for University Safety Official (USOs) when making enforcement contacts or private person's arrests.

1102.1.1 PRIMARY RESPONSIBILITY

The primary duty of a USO is to help maintain a safe and secure campus, particularly in residence areas. Toward that end, a main responsibility is to enforce University Policy and Housing regulations.

USOs shall make all enforcement contacts in a courteous, professional, safe, and legal manner. USOs do not generally enforce laws on campus. Rather, USOs shall report "suspicious" or criminal activity to the police for investigation and enforcement action. USOs may occasionally need to make a private person's arrest. Such arrests shall only be made legally and according to policies in this chapter.

1102.1.2 AUTHORITY

USOs do not have the legal authority to detain and therefore shall not detain anyone except at the specific direction of a peace officer. (Note: Students do have a duty to comply with the lawful orders of a University Official pursuant to section 22.14.10.26 of UCSD's student conduct code.)

1102.1.3 DEFINITIONS

- (a) **CONTACT** A contact or consensual meeting occurs when a person is free to leave and does not have to cooperate.
- (b) **DETENTION** A detention or stop occurs when a reasonable person would believe he/she is not free to leave.
- (c) **ARREST** An arrest occurs whenever a person takes another into custody by physical restraint or the arrestee submits to authority.
- (d) **FOLLOWING** Watching a person who is possibly involved in criminal activity or helping responding police officers to apprehend detain or contact individual(s) by providing current suspect location information.

1102.1.4 CONTACTS

- (a) USOs shall make enforcement contacts for suspected violations of University Policy, housing regulations or parking infractions.
- (b) USOs shall not make a contact if conditions are unsafe. When determining whether or not to make a contact, the USO should weigh the following considerations:
 - 1. The number of individuals involved
 - 2. The location of the contact
 - 3. Reason for contact

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4. Violence potential or a visible weapon
 5. Alcohol or drug involvement
 6. Police units available
 7. Any other safety factor that should reasonably be obvious to the USO at the time of the incident
- (c) A USO shall advise dispatch of his or her location and provide a brief reason before beginning a contact. The USO also shall tell dispatch if a person contacts them, including what enforcement action will likely occur and any potential threats to personal safety that exist.
- (d) When it is unsafe to begin a contact, the USO shall advise dispatch of the situation. The USO should then maintain surveillance (code-5) of the subject(s) until police officers arrive, it becomes unsafe, or the USO is otherwise directed.
- (e) A USO may request identification from person(s) contacted for enforcement purposes. Students have a duty to identify themselves pursuant to 22.16.10.29 of the Student Conduct Code. Should a person refuse to provide identification, the USO should call for a police officer. Note: Student conduct code section 22.16.10.11 makes providing false information to a USO a violation as follows: "Other forms of dishonesty, including but not limited to, fabricating information or knowingly furnishing false information or reporting a false emergency to the campus or University or to campus or University officials acting in the performance of their duties."
- (f) A USO may make reasonable and lawful requests of person(s) contacted to achieve the purpose of the contact (See Student Duty to comply below). Should a person request to, or by their actions show they want to leave and there is no lawful reason to have the person remain, the USO should allow them to leave. The USO may then follow procedures outlined in section III ("Followings"), if further contact with the person is necessary. Note: Students have a duty to comply with the orders of a USO pursuant to the UCSD Student Conduct code section 22.16.10.29 which makes the following a violation: "Failure to identify oneself to, or comply with directions of, a University official or other public official acting in the performance of his or her duties while on campus or University property or at official campus or University functions, or resisting or obstructing such campus or University or other public officials in the performance of or the attempt to perform her or his duties
- (g) USOs should not physically handle a subject (e.g., pat-down, frisk) unless directed to do so by a police officer.
- (h) USOs shall appropriately document all enforcement contacts.

1102.1.5 CRIMES AND ARRESTS

- (a) Unless exigent circumstances exist, a USO shall not make a private person's arrest without a police officer present.
- (b) A USO shall observe and report to the police any criminal activity witnessed. The USO should not contact criminal suspect(s) unless directed to do so by a police officer.

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USO Contacts and Private Person's Arrest

- (c) A USO shall withdraw from a contact anytime prolonging the contact threatens the safety of the USO or another. USOs shall withdraw when they discover a suspect has committed a felony or violent misdemeanor.
- (d) Unless exigent circumstances exist, a USO considering a private person's arrest shall discuss the circumstances of the incident with a police officer.
- (e) The USO will complete a report after making an arrest or when a police officer requests one. The USO will complete this report before the end of shift.

1102.1.6 FOLLOWINGS

A USO will not chase a person unless specifically directed to do so by a police officer. USOs, however, may follow person(s) pursuant to these guidelines:

- (a) The purpose of a USO following a person shall be to:
 - 1. Watch a person who the USO believes is involved in criminal activity.
 - 2. Help responding police officers to apprehend detain or contact individual(s) by providing current suspect location information.
- (b) A USO shall not begin a "following" if conditions are unsafe. When determining whether or not to follow, the USO should weigh the following considerations:
 - 1. The number of persons involved
 - 2. Nature of the crime(s) involved
 - 3. The terrain and available lighting
 - 4. Presence of weapons (USO SHALL NOT FOLLOW)
 - 5. Availability of cover and concealment
 - 6. Availability of police officers
 - 7. Speed of the suspect(s)
 - 8. Any other safety factor that should be obvious to the USO at the time of the following
- (c) The USO shall briefly provide pertinent information to dispatch before beginning a "following".
- (d) A USO should always attempt to observe (code-5) a person from cover or, at the very least, behind concealment. An USO shall not deliberately make his presence known.
- (e) An USO shall update dispatch with a suspect's location and direction of travel. USOs should seek a position of safety prior to transmitting on the radio.
- (f) A USO shall use extreme caution when following person(s) who are aware of the USO's presence or who may be "fleeing" from the area. The USO shall maintain a safe distance from the person followed. The USO should try to move from one position of cover/concealment to another. Also be aware that there may be more suspects than have been originally broadcast, **BE AWARE OF YOUR SURROUNDINGS!**
- (g) A USO shall terminate a "following":

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1. When ordered by an officer or dispatcher
 2. When the USO loses contact with the subject and there is a potential risk of ambush or attack by the subject lying in wait.
 3. When the USO cannot follow the subject safely due to such factors as lighting, terrain or the suspect's speed
 4. When the USO sees a weapon on the subject
- (h) A USO should not contact a "followed" person who stops.

1102.1.7 POLICE INCIDENTS

- (a) Police Officers who arrive at a scene assume responsibility for the scene. A USO shall follow all lawful orders/requests issued by a Police Officer.
- (b) A USO shall take no action at a police officer controlled scene unless the officer requests help or the USO has the officer's permission.
- (c) Nothing in this order shall prevent a USO from using reasonable force to defend him/herself or others.
- (d) A police officer may ask a USO to help with an arrest or detention. Under such circumstances, nothing in this order shall prevent a USO from using reasonable force to assist the officer.

USO Entry to Residences

1103.1 PURPOSE AND SCOPE

The policy identifies the circumstances and procedures for University Safety Official to follow when making entries to residences.

1103.1.1 PRIVACY

It is the philosophy of the Department that University Security Officers will patrol their campuses with the purpose of ensuring the safety and security of residential students. University Security Officers will respect the privacy of individuals and abide by all laws pertaining to search and seizure.

1103.1.2 DEFINITIONS

- (a) Residence Hall - Residence halls have a common living room area but no kitchen.
- (b) Apartment - Apartments have kitchens and common living rooms.
- (c) Suite area - Suite areas are the areas of a residence hall that are common to all the residents. They typically include all areas of the residence except the individual bedrooms.
- (d) Common area - Areas of a residence that are common to all residents of a unit, such as the suite area of a residence hall or the living room or kitchen of an apartment.

1103.1.3 ENTERING A RESIDENCE

USOs entering a residence will do so for the purpose of creating the safest environment possible for the residents of the campus and their visitors.

- (a) Knock and Announce - USOs will knock and announce themselves prior to entering any residence, even if the door is open.
- (b) Circumstances Permitting Entry - Generally, the following are the circumstances under which an USO may enter a residence:
 - 1. If there is a reason to believe that an occupant of the residence requires medical attention, or is in danger.
 - 2. When a member of the campus Residential Life staff, including RAs or HAs, are carrying out their duties inside a campus residence and a reasonable person would believe their safety to be in jeopardy without the USO's presence.
 - 3. With consent of the resident(s). Any resident of a residence can withdraw consent at any time absent conditions in subsections A and B of this order.
- (c) USOs will not enter individual bedrooms without consent, except in exigent circumstances.
- (d) Other Circumstances

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USO Entry to Residences

1. When the USO finds the suite door unlocked during their lock-up, they should knock and announce their presence.
2. They should attempt to get someone to come to the door to ensure the residents' safety and the protection of their belongings.
3. Should there appear to be any evidence of a crime or unsafe condition, the USO should request police officers to evaluate.

1103.1.4 DOCUMENTATION

- (a) Whenever an USO is making entry into a residence, they will advise dispatch that s/he is entering a residence, the location, and the reason for entry.
- (b) All entries to residences will be noted on the USO's Daily Activity Record.

Chapter 12 - Community Programs

Community Programs and Relations

1200.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for community relationship-building.

Additional guidance on community relations and outreach is provided in other policies, including the:

- Hate Crimes Policy.
- Limited English Proficiency Services Policy.
- Communications with Persons with Disabilities Policy.
- Patrol Function Policy.

1200.2 POLICY

It is the policy of the UC San Diego Police Department to promote positive relationships between employees of the department and the community by treating community members with dignity and respect, engaging them in public safety strategy development and relationship-building activities, and by making relevant policy and operations information available to the community in a transparent manner.

1200.3 EMPLOYEE RESPONSIBILITIES

Officers should, as time and circumstances reasonably permit:

- (a) Become reasonably familiar with the departments, organizations, resource centers, and community groups in their assigned jurisdictional areas.
- (b) Work with community members and the department Community Service Officer (CSO) Program Supervisor to identify issues and solve problems related to community relations and public safety.
- (c) Conduct periodic foot patrols of their assigned areas to facilitate interaction with community members. Officers carrying out foot patrols should notify an appropriate supervisor and Communications Unit of their status (i.e., on foot patrol) and location before beginning and upon completion of the foot patrol. Officers should periodically inform Communications Unit of their status and anytime their location changes during the foot patrol.

1200.4 COMMUNITY SERVICE OFFICER PROGRAM SUPERVISOR

The Chief of Police or the authorized designee should designate a member of the Department to serve as the CSO Program Supervisor. The CSO Program Supervisor should report directly to the Specialized Services Lieutenant and is responsible for:

- (a) Obtaining department-approved training related to his/her responsibilities.
- (b) Responding to requests from department members and the community for assistance in identifying issues and solving problems related to community relations and public safety.department

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- (c) Working with community groups, department members and other community resources to:
 - (a) Develop strategies and programs to solve public safety problems and address community perceptions of crime within and around the affected community, integrating a review of the department's crime analysis data on the types and locations of reported crimes.
 - (b) Organize programs and activities that help build positive relationships between department members and the community and provide community members with an improved understanding of department operations.
- (d) Working with the Operations Lieutenant to develop patrol deployment plans that allow officers the time to participate in community engagement and problem-solving activities.
- (e) Recognizing department and community members for exceptional work or performance in community relations efforts.
- (f) Attending University council and other community meetings to obtain information on community relations needs.
- (g) Assisting with the department's response to events that may affect community relations, such as an incident where the conduct of a department member is called into public question.
- (h) Informing the Specialized Services Lieutenant and others of developments and needs related to the furtherance of the department's community relations goals, as appropriate.
- (i) Informing the Chief of Police and others of developments and needs related to the furtherance of the department's community relations goals, as appropriate.
- (j) Promoting the department's community relations objectives, efforts and successes both internally and to the public.
- (k) Coordinating the department's community relations efforts with other campus departments, outside agencies and organizations, and providing those partners with any community input and other ideas or suggestions that fall outside the scope of University of California San Diego Police Department.

1200.5 COMMUNITY ACTIVITIES AND PROGRAMS

The CSO Program Supervisor should organize or assist with programs and activities that create opportunities for department members and community members, especially students, to interact in a positive setting. Examples of such programs and events include:

- (a) Department-sponsored athletic programs (e.g., baseball, basketball, soccer, bowling).
- (b) Police-community get-togethers (e.g., cookouts, meals, charity events).
- (c) Youth leadership and mentoring programs. .
- (d) Crime prevention and safety programs, such as Community Safety Officer. See the Community Service Officer Program Policy for additional information.

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1200.6 INFORMATION SHARING

The CSO Program Supervisor should work with the Public Information Officer to develop methods and procedures for the convenient sharing of information (e.g., major incident notifications, significant changes in department operations, comments, feedback, positive events) between the Department and community members. Examples of information-sharing methods include:

- (a) Community meetings.
- (b) Social media (see the Department Use of Social Media Policy).
- (c) Department website postings.

Information should be regularly refreshed, to inform and engage community members continuously. Information provided should comply with applicable privacy laws and policies.

1200.7 LAW ENFORCEMENT OPERATIONS EDUCATION

The CSO Program Supervisor should develop methods to educate community members on general law enforcement operations so they may understand the work that officers do to keep the community safe. Examples of educational methods include:

- (a) Development and distribution of informational cards/flyers.
- (b) Department website postings.
- (c) Various presentations.
- (d) Instruction in schools.
- (e) Department ride-alongs (see the Ride-Along Policy).
- (f) Scenario/Simulation exercises with community member participation.
- (g) Student internships at the Department.
- (h) Citizen Academies.
- (i) Bicycle Enforcement Officer

Instructional information should include direction on how community members should interact with the police during enforcement or investigative contacts and how community members can make a complaint to the department regarding alleged misconduct or inappropriate job performance by department employees.

1200.7.1 BICYCLE ENFORCEMENT OFFICER

The Bicycle Enforcement Officer is a non-sworn position under the supervision of the Specialized Services Lieutenant and is responsible for the following:

- Provide a high degree of customer service/ relations for the UCSD community. Provide safety demonstrations and riding skill workshops. Plan programs and interface with the alternative Transportation Office on bike-related issues.
- Conduct campus bike tours for new and transfer students.
- Attend bicycle-related meetings and events. May represent the Police Department on the CCPC (Campus Community Planning Committee).

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- Provides information regarding bike security and will be responsible for taking bicycle theft reports.
- Plans and conducts bicycle theft prevention classes, various bicycle educational programs, and events.
- Patrols the main campus and the Scripps Institution of Oceanography on foot and by bicycle.
- Enforces the California Vehicle Code Sections and UCSD Codes pertaining to bicycle, skateboard, and micro-mobility device operation, as authorized by CA Penal Code Section 836.5 and in accordance with UCSD policy. May be required to testify in Court.
- Issues verbal and written warnings as well as citations for moving violations, in compliance with UCSD PD policies.
- Maintains radio contact with the Police Department relaying any suspicious activity, or accident/ traffic/parking-related issues.
- Impounds bicycles that have been illegally parked, abandoned or are determined to be recovered stolen property. Provides bicycle lock-cutting services for the UCSD community in accordance with established procedures utilizing bolt cutters, grinder and/ or other equipment/ tools as needed.
- Provides foot patrol throughout campus to identify illegally parked bicycles.
- Other duties as assigned.

1200.8 SAFETY AND OTHER CONSIDERATIONS

Department employees responsible for community relations activities should consider the safety of the community participants and, as much as reasonably practicable, not allow them to be present in any location or situation that would jeopardize their safety.

Department employees in charge of community relations events should ensure that participating community members have completed waiver forms before participation, if appropriate. A parent or guardian must complete the waiver form if the participating community member has not reached 18 years of age.

Community members are subject to a criminal history check before approval for participation in certain activities, such as citizen academies.

1200.9 EVALUATION OF EFFORTS

At least once every four years, the Specialized Services Lieutenant will complete a comprehensive written evaluation of their efforts including the strategies and programs developed in response to the prevention of and resolution of public safety concerns and criminal activity.

1200.10 TRANSPARENCY

The Department should periodically publish statistical data and analysis regarding the department's operations. The reports should not contain the names of officers, suspects, or case numbers. The CSO Program Supervisor should work with the community advisory committee to identify information that may increase transparency regarding department operations.

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1200.11 TRAINING

Subject to available resources, members should receive training related to this policy, including training on topics such as:

- (a) Effective social interaction and communication skills.
- (b) Cultural, racial and ethnic diversity and relations.
- (c) Building community partnerships.
- (d) Community policing and problem-solving principles.
- (e) Enforcement actions and their effects on community relations.

Where practicable and appropriate, community members, especially those with relevant expertise, should be involved in the training to provide input from a community perspective.

Community Service Officer (CSO) Program

1201.1 POLICY

The police department employs only UC San Diego students and student volunteers as Community Service Officers (CSO) who provide many safety-related services, including year-round campus safety escorts. Additional CSO duties include:

- Patrol parking lots
- Lock buildings
- Provide additional security at campus events
- Assist with medical emergencies

1201.2 DUTIES AND RESPONSIBILITIES

The CSO Program Supervisor's duties include:

- (a) Produce CSO work schedules and assign shifts when necessary.
- (b) Interdepartmental projects which may or may not relate to the CSO Program.
- (c) Supervision of all public relations projects relating to the CSO Program.
- (d) Administrative tasks such as reports, conferences, and seminars.
- (e) Personnel matters such as hiring, reviews, advancements, and discipline.
- (f) Budgetary matters such as payroll, purchasing, and operational costs.
- (g) Setting policies and procedures for employees of the CSO Program.
- (h) Direct supervision of the CSO Officers-in-Charge.
- (i) Maintain the CSO Program Procedure manual.

The CSO Officers-in-Charge (OICs) are non-sworn, student employees of the CSO Program who have been appointed to operate as field supervisors by the CSO Programs Supervisor. The CSO OICs are the intermediate link between the CSO Program supervisor and the CSOs in the chain of command. An OIC's responsibilities include:

- (a) Direct supervision of all CSOs.
- (b) Documentation of any incident(s) that occur during the shift.
- (c) CSO training such as radio traffic, standard operating procedures, and all material covered within the CSO Policies and Procedures Manual (PPM).
- (d) Equipment acquisition, maintenance, and replacement.
- (e) Assisting the CSO Program Coordinator with any additional projects or duties assigned.
- (f) Distributing and monitoring the completion of shift assignments.
- (g) Handling commendations and disciplinary actions pertaining to CSOs.

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Community Service Officer (CSO) Program

- (h) Providing input to the CSO Program Supervisor and discussing changes in policy, promotion, any other topics pertaining to the CSO Program.

CSOs are non-sworn, part-time student employees who handle the routine duties of the CSO Program. A CSO's responsibilities include:

- (a) Performing all assigned duties in a professional and efficient manner.
- (b) Understanding and adhering to the CSO Policies and Procedures Manual.
- (c) Positively representing the Police Department and CSO Program through the professional interactions with other department personnel and the general public.

Attachments

Hate Crime Checklist.pdf

HATE CRIME CHECKLIST

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VICTIM	<p style="text-align: center;"><u>Victim Type:</u></p> <p><input type="checkbox"/> Individual Legal name (Last, First): _____ Other Names used (AKA): _____</p> <p><input type="checkbox"/> School, business or organization Name: _____ Type: _____ <i>(e.g., non-profit, private, public school)</i> Address: _____</p> <p><input type="checkbox"/> Faith-based organization Name: _____ Faith: _____ Address: _____</p>	<p style="text-align: center;"><u>Target of Crime (Check all that apply):</u></p> <p><input type="checkbox"/> Person <input type="checkbox"/> Private property <input type="checkbox"/> Public property</p> <p><input type="checkbox"/> Other _____</p> <p style="text-align: center;"><u>Nature of Crime (Check all that apply):</u></p> <p><input type="checkbox"/> Bodily injury <input type="checkbox"/> Threat of violence</p> <p><input type="checkbox"/> Property damage</p> <p><input type="checkbox"/> Other crime: _____</p> <p>Property damage - estimated value _____</p>
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BIAS	<p style="text-align: center;"><u>Type of Bias</u> (Check all characteristics that apply):</p> <p><input type="checkbox"/> Disability</p> <p><input type="checkbox"/> Gender</p> <p><input type="checkbox"/> Gender identity/expression</p> <p><input type="checkbox"/> Sexual orientation</p> <p><input type="checkbox"/> Race</p> <p><input type="checkbox"/> Ethnicity</p> <p><input type="checkbox"/> Nationality</p> <p><input type="checkbox"/> Religion</p> <p><input type="checkbox"/> Significant day of offense <i>(e.g., 9/11, holy days)</i></p> <p><input type="checkbox"/> Other: _____</p> <p>Specify disability (be specific): _____ _____</p>	<p style="text-align: center;"><u>Actual or Perceived Bias – Victim’s Statement:</u></p> <p><input type="checkbox"/> Actual bias [Victim actually has the indicated characteristic(s)].</p> <p><input type="checkbox"/> Perceived bias [Suspect believed victim had the indicated characteristic(s)]. <i>If perceived, explain the circumstances in narrative portion of Report.</i></p> <hr/> <p style="text-align: center;"><u>Reason for Bias:</u></p> <p>Do you feel you were targeted based on one of these characteristics? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Explain in narrative portion of Report.</i></p> <p>Do you know what motivated the suspect to commit this crime? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Explain in narrative portion of Report.</i></p> <p>Do you feel you were targeted because you associated yourself with an individual or a group? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Explain in narrative portion of Report.</i></p> <p>Are there indicators the suspect is affiliated with a Hate Group (i.e., literature/tattoos)? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Describe in narrative portion of Report.</i></p> <p>Are there Indicators the suspect is affiliated with a criminal street gang? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Describe in narrative portion of Report.</i></p>
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	<p style="text-align: center;"><u>Bias Indicators (Check all that apply):</u></p> <p><input type="checkbox"/> Hate speech <input type="checkbox"/> Acts/gestures <input type="checkbox"/> Property damage <input type="checkbox"/> Symbol used</p> <p><input type="checkbox"/> Written/electronic communication <input type="checkbox"/> Graffiti/spray paint <input type="checkbox"/> Other: _____</p> <p><i>Describe with exact detail in narrative portion of Report.</i></p>
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HISTORY	<p style="text-align: center;"><u>Relationship Between Suspect & Victim:</u></p> <p>Suspect known to victim? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Nature of relationship: _____</p> <p>Length of relationship: _____</p> <p><i>If Yes, describe in narrative portion of Report</i></p>	<p><input type="checkbox"/> Prior reported incidents with suspect? Total # _____</p> <p><input type="checkbox"/> Prior unreported incidents with suspect? Total # _____</p> <p>Restraining orders? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><i>If Yes, describe in narrative portion of Report</i></p> <p>Type of order: _____ Order/Case# _____</p>
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WEAPONS	<p>Weapon(s) used during incident? <input type="checkbox"/> Yes <input type="checkbox"/> No Type: _____</p> <p>Weapon(s) booked as evidence? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Automated Firearms System (AFS) Inquiry attached to Report? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>
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HATE CRIME CHECKLIST

Page ____ of ____

EVIDENCE	Witnesses present during incident? <input type="checkbox"/> Yes <input type="checkbox"/> No	Statements taken? <input type="checkbox"/> Yes <input type="checkbox"/> No
	Evidence collected? <input type="checkbox"/> Yes <input type="checkbox"/> No	Recordings: <input type="checkbox"/> Video <input type="checkbox"/> Audio <input type="checkbox"/> Booked
	Photos taken? <input type="checkbox"/> Yes <input type="checkbox"/> No	Suspect identified: <input type="checkbox"/> Field ID <input type="checkbox"/> By photo
	Total # of photos: _____ D#: _____ Taken by: _____ Serial #: _____	<input type="checkbox"/> Known to victim

OBSERVATIONS	<u>VICTIM</u>	<u>SUSPECT</u>
	<input type="checkbox"/> Tattoos <input type="checkbox"/> Shaking <input type="checkbox"/> Unresponsive <input type="checkbox"/> Crying <input type="checkbox"/> Scared <input type="checkbox"/> Angry <input type="checkbox"/> Fearful <input type="checkbox"/> Calm <input type="checkbox"/> Agitated <input type="checkbox"/> Nervous <input type="checkbox"/> Threatening <input type="checkbox"/> Apologetic <input type="checkbox"/> Other observations: _____	<input type="checkbox"/> Tattoos <input type="checkbox"/> Shaking <input type="checkbox"/> Unresponsive <input type="checkbox"/> Crying <input type="checkbox"/> Scared <input type="checkbox"/> Angry <input type="checkbox"/> Fearful <input type="checkbox"/> Calm <input type="checkbox"/> Agitated <input type="checkbox"/> Nervous <input type="checkbox"/> Threatening <input type="checkbox"/> Apologetic <input type="checkbox"/> Other observations: _____

ADDITIONAL QUESTIONS (Explain all boxes marked "Yes" in narrative portion of report):

Has suspect ever threatened you?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Has suspect ever harmed you?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Does suspect possess or have access to a firearm?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Are you afraid for your safety?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Do you have any other information that may be helpful?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

Resources offered at scene: Yes No Type: _____

MEDICAL	<table style="width: 100%;"> <tr> <th style="text-align: left;"><u>Victim</u></th> <th style="text-align: left;"><u>Suspect</u></th> <th></th> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>Declined medical treatment</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>Will seek own medical treatment</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>Received medical treatment</td> </tr> </table>	<u>Victim</u>	<u>Suspect</u>		<input type="checkbox"/>	<input type="checkbox"/>	Declined medical treatment	<input type="checkbox"/>	<input type="checkbox"/>	Will seek own medical treatment	<input type="checkbox"/>	<input type="checkbox"/>	Received medical treatment	Paramedics at scene? <input type="checkbox"/> Yes <input type="checkbox"/> No Unit # _____ Name(s)/ID #: _____ Hospital: _____ Jail Dispensary: _____ Physician/Doctor: _____ Patient #: _____
	<u>Victim</u>	<u>Suspect</u>												
	<input type="checkbox"/>	<input type="checkbox"/>	Declined medical treatment											
	<input type="checkbox"/>	<input type="checkbox"/>	Will seek own medical treatment											
<input type="checkbox"/>	<input type="checkbox"/>	Received medical treatment												
Authorization to Release Medical Information, Form 05.03.00, signed? <input type="checkbox"/> Yes <input type="checkbox"/> No														

Officer (Name/Rank)	Date
Officer (Name/Rank)	Date
Supervisor Approving (Name/Rank)	Date

**CATEGORY 8 FIREARMS AND AMMUNITION
OF .50 CALIBER OR GREATER EXCLUDING
STANDARD-ISSUE SHOTGUNS AND THE
STANDARD ISSUE SHOTGUN AMMUNITION.pdf**

CATEGORY 8 – FIREARMS AND AMMUNITION OF .50 CALIBER OR GREATER, EXCLUDING STANDARD-ISSUE SHOTGUNS AND STANDARD-ISSUE SHOTGUN AMMUNITION

Type: Remington 870 Shotgun (Modified for breaching ammunition)

Quantity: 1

Cost: Approximately \$800. Annual maintenance is estimated to be \$0 to \$25.

Lifespan: 25 years

Capability: Breaching -This firearm allows a breacher to safely defeat locks, hinges and door hardware by using a breaching round(s) utilize shotgun breaching round.

Manufacturer Description: The Remington Model 870™ is a pump-action shotgun design with ultimate strength, durability, silky-smooth bind-free action, and sleek, classical lines. As one of the most popular shotguns, the Model 870 is offered in dozens of configurations to suit hundreds of applications. Royal Arms Breaching Shotgun starts out with the Remington 870 Express Synthetic 12 Ga Shotgun as its base. We then completely modify it with our custom CNC machined parts to be the ultimate Breaching Shotgun.

Purpose: The modified 12 gauge Remington 870 shotgun is designed to fire a copper or clay compressed frangible projectiles through door locking mechanisms and hinges. After defeating a door's hardware, the projectile disintegrates, mitigating the risk of potential injury to bystanders.

Legal: UCLA Policy 307 – Firearms.

Training: Specific officers are trained as breachers and receive training to safely deploy and operate the breaching shotgun through in-house breaching instructors. Officers deploying a breaching shotgun have completed all necessary training and demonstrated proficiency in its use. Instructors teach a standardized curriculum to address manual breaching and shotgun breaching rounds.



Type: Remington 870 Shotgun (Bean Bag deployment)

Quantity: 18

Cost: Approximately \$500. Annual maintenance is estimated to be \$0 to \$25.

Lifespan: 25 years

Capability: Beanbag shotguns are capable of firing a 12-gauge beanbag round with a maximum effective range of sixty (60) feet.

Manufacturer Description: The Remington Model 870™ is a pump-action shotgun design with ultimate strength, durability, silky-smooth bind-free action, and sleek, classical lines. As one of the most popular shotguns, the Model 870 is offered in dozens of configurations to suit hundreds of applications.

Purpose: Beanbags are less-lethal munitions used as an option to de-escalate a potentially dangerous/deadly situation, with a reduced potential for death or serious injury to all persons involved.

It is accepted that the probability exists for bodily harm to occur. However, it must also be accepted that the application of such force may be the only alternative to using lethal force to stop the subject's actions. Situations when the deployment of less-lethal beanbags are authorized, but are not limited to, include self-destructive, dangerous, and/or combative individuals.

Legal: Use of Force policy, Control Devices and Techniques policy, Less-Lethal policy.

Training: Officers that have been trained in the use of the beanbag shotgun undergo thorough classroom and live-fire training in its use and application. Additionally, officers trained in the use of the beanbag shotgun must pass annual qualifications to maintain proficiency and certification.



**Category 14 KINETIC ENERGY
WEAPONS AND MUNITIONS.pdf**

Category 14 – KINETIC ENERGY WEAPONS AND MUNITIONS

Type: FN Herstal 303 Launcher

Quantity: 19

Cost: \$1,300 each unit, \$0 to less than \$100 per unit annually.

Lifespan: No lifespan indicated by the manufacturer. Lifespan varies on operational usage and wear.

Capability: The FN-303 Less-Lethal Launcher is a semi-automatic, shoulder-fired device that fires non-lethal munitions and liquids. The device is powered by compressed air to fire the projectiles, which are loaded into an attached 15-round drum magazine.

Projectiles provide blunt impact, marking, and oleoresin capsicum (OC) effects to deny access, move, and/or suppress individuals from 5–100 meters. The FN 303® is used for crowd control.

Manufacturer Description:

The FN 303® Less Lethal Launcher is constructed from durable, lightweight polymer with comfortable ergonomics and an easy to operate safety. The FN 303® Launcher is equipped with both flip-up iron sights and an integrated MIL-STD-1913 top mounting rail for optical or electronic sights or other accessories.

The lightweight polymer magazine holds 15 projectiles and offers a clear rear cover to allow the operator to instantly verify both the payload type and the number of projectiles remaining. Easy-to-change air bottle provides approximately 110 shots per filling Molded polymer frame, pistol grip, and buttstock Flip-up iron sights (note: shown with red dot) Top-mounted MIL-STD-1913 rail for optical or electronic sights of other accessories.

Manual safety lever inside trigger guard Large magazine release button Large airflow on/off valve Braided steel air supply line 15 projectile polymer magazine with clear rear cover Magazine is speedloader compatible Weight: 8.0 lbs. with fully charged air bottle in stand-alone configuration Weight: 5.0 lbs. (empty) in stand-alone configuration eight: 4.9 lbs. (empty) in undercarriage configuration.



Purpose: The FN303 is a less-lethal, semi-automatic launcher that uses compressed air and launches plastic sphere projectiles from a 15-round drum magazine. The plastic spheres burst on impact and releases paint or contain PAVA powder (The name "PAVA" stands for Pelargonic Acid Vanillyl Amide, also called Nonivamide, and is the organic compound characteristically in natural chili pepper). The OC powder can effectively control, dissuade or disperse an individual(s) engaged in violent or riotous behavior.

Legal: Use of Force Policy, Crowd Demonstration and Management Policy, Control Devices and Techniques.

Training: Officers authorized to carry and use the FN-303 must have completed the POST-approved Less-Lethal Instructor course.

Type: FN Herstal 303-3 18mm Rounds (Washable Paint)

Quantity: 3,640

Cost: Approximately \$5.10 each, \$0 to \$6,000 per year

Lifespan: Shelf life three years

Capability: To compel individuals to cease their actions when such munitions present a reasonable option. Effective range 50 to 100 meters.



Manufacturer Description: This projectile is intended for training and for marking suspects and objects with a washable colorant. Completely dedicated to reducing lethality, the basis of the FN 303® concept lies in its unique projectiles. These .68 caliber, 8.5-gram projectiles utilize a fin-stabilized polystyrene body and a non-toxic bismuth forward payload to provide more accuracy and greater effective range than other less-lethal systems. The primary effect of the projectile is trauma, which directly neutralizes the aggressor. Secondary effects from the projectiles can be delivered via a chemical payload depending on mission requirements.

Purpose: To limit the escalation of conflict where the deployment of lethal force is prohibited or undesirable. Situations for using a less-lethal weapon system may include but are not limited to self-destructive, dangerous and/or combative individuals. Riot/crowd control and civil unrest incidents. Circumstances where a tactical advantage can be obtained. Potentially vicious animals. Training exercises or approved demonstrations.

Legal: Use of Force policy, Crowd and Demonstration Management policy, Control Devices and Techniques policy, First Amendment Assemblies policy.

Training: All department personnel utilizing 303 launchers and projectiles are trained in their use by POST/STC certified less-lethal and chemical agent instructors.

Type: Def-Tec/LMT 40mm Launcher (Models #1426, #1425, #1327)

Quantity: 83

Cost: Approximately \$1,300 each, \$0 to less than \$50 per unit annually.

Lifespan: No lifespan indicated by the manufacturer. Lifespan varies on operational usage and wear.

Capability: 40mm launchers are capable of firing a variety of munitions with a maximum effective range of one hundred twenty (120) feet. 40mm launchers can deliver 40mm munitions in the form of chemical agents, sponge baton rounds, or combined use sponge baton OC chemical agent rounds.

Manufacturer Description: (Model #1426/40LMTS) The 40LMTS is a tactical 40mm single-shot launcher that features a folding stock and an adjustable Integrated Front Grip (IFG) with a light rail. The Ambidextrous Lateral Sling Mount (LSM) and QD mounting systems allow both a single and two-point sling attachment. The 40LMTS will fire standard 40mm Less Lethal ammunition, up to 4.8 inches in cartridge length. This weapon is NOT designed to fire 40mm High-Velocity HE ammunition. The Picatinny Rail Mounting System will accept a wide array of enhanced optics/sighting systems.



(Model #1425 40mm LMT) Manufactured exclusively for Defense Technology®, the 40LMTS is a tactical single-shot launcher that features an expandable ROGERS Super Stock and an adjustable Integrated Front Grip (IFG) with light rail.

The ambidextrous Lateral Sling Mount (LSM) and QD mounting systems allow both a single and two-point sling attachment. The 40LMTS will fire standard 40mm less-lethal ammunition, up to 4.8 inches in cartridge length. The Picatinny Rail Mounting System will accept a wide array of enhanced optics/sighting systems.



(Model #1327 40mm) The 40mm single-shot launcher that features an open-top, single shot, breech fed system, offers a single and double action trigger, 40mm rifled barrel that enhances the superb accuracy of the munitions, 12" Picatinny rails (top and bottom) w/ front and rear pop-up adjustable sights, rail-mounted fore-grip, folding stock w/adjustable cheek piece and grip, prismatic powders black cerakote finish.



Purpose: 40mm launchers utilized with less-lethal sponge rounds may be deployed to impact subjects demonstrating assaultive behavior or life-threatening behavior. 40mm launchers utilized with less-lethal sponge rounds may also be used to control an actively resistive subject reasonably believed to possess or have immediate access to a deadly weapon.

The main objectives that officers attempt to achieve in using a 40mm spong round on a subject exhibiting any of the aforementioned criteria are to effect an investigative detention or arrest; control a subject who is in lawful custody; prevent an escape; or protect the officer, the subject, or another person from injury or death.

Legal: Use of Force policy, Crowd and Demonstration Management policy, Control Devices and Techniques policy, First Amendment Assemblies policy.

Training: Officers that have been trained in the use of the 40mm single launcher undergo thorough classroom and live-fire training in its use. Additionally, officers trained in using the 40mm single launcher must pass annual qualifications to maintain proficiency.

Type: Def-Tec 40mm eXact Impact Munition Model #6325



Quantity: 1,251

Cost: Retail price \$26.50 each, annual costs \$0 to \$6,000 annually

Lifespan: 5 years from the date of manufacture

Capability: 40mm eXact impact rounds can impact a suspect at a maximum effective range of one hundred twenty (120) feet.

Manufacturer Description: The eXact iMpacT™ 40mm Sponge Round is a point-of-aim, point-of-impact direct-fire round. This lightweight, high-speed projectile consisting of a plastic body and sponge nose that is spin-stabilized via the incorporated rifling collar and the 40mm launcher's rifled barrel. The round utilizes smokeless powder as the propellant and, therefore, has velocities that are extremely consistent. Used for Crowd Control, Patrol, and Tactical Applications.



Purpose: 40mm ammunition used in conjunction with 40mm launchers may be deployed to impact subjects demonstrating assaultive behavior or life-threatening behavior.

40mm ammunition used in conjunction with 40mm launchers may also be used to control an actively resistive subject reasonably believed to possess or have immediate access to a deadly weapon within the force guidelines of Department Policy.

The main objectives that officers attempt to achieve in using a 40mm on a subject exhibiting any of the aforementioned criteria are to effect an investigative detention or arrest; control a subject who is in lawful custody; prevent an escape; or protect the officer, the subject, or another person from injury or death.

Legal: Use of Force policy, Crowd and Demonstration Management policy, Control Devices and Techniques policy, First Amendment Assemblies policy.

Training: Officers that have been trained in the use of the 40mm impact ammunition in conjunction with the 40mm single launcher undergo thorough classroom and live-fire training in its use. Additionally, officers trained in using the 40mm single launcher must pass annual 40mm qualifications to maintain proficiency.

Type: Def-Tec 40mm Direct Impact Marking Munition Model #6326

Quantity: 50

Cost: Approximately \$20 each, \$0 to \$1,000 annually.

Lifespan: 5 years from the date of manufacture

Capability: The 40mm Exact Impact Sponge Round provides accurate and effective performance when fired from the approved distance of not less than five (5) feet and as far as 131 feet from the target.

Manufacturer Description: The 40mm Direct Impact® munition is a point-of-aim, point-of-impact direct-fire round. An excellent solution whether you need to incapacitate a single subject or control a crowd. When loaded with a green marking agent, the Direct Impact can be used to indicate the aggressor in a crowd or riot situation to the team on the ground.



Purpose: the 40mm Bean Bag Round is most suitable in moderately close to medium ranges of fire, approximately 20 to 35 feet. To limit the escalation of conflict where employment of lethal force is prohibited or undesirable.

Legal: Use of Force policy, Crowd and Demonstration Management policy, Control Devices and Techniques policy, First Amendment Assemblies policy.

Training: Officers that have been trained in the use of the 40mm impact ammunition in conjunction with the 40mm single launcher undergo thorough classroom and live-fire training in its use. Additionally, officers trained in using the 40mm single launcher must pass annual 40mm qualifications to maintain proficiency.

Type: Def-Tec 40mm Bean Bag Round Model #6025



Quantity: 793

Cost: \$5 to \$7 each, \$0 to \$2,000 annually

Lifespan: 5 years from the date of manufacture

Capability: The 40mm Bean Bag Round is most suitable in moderately close to medium ranges of fire, approximately 20 to 35 feet.

Manufacturer Description: The 40mm Bean Bag Round is most widely used as a crowd management tool by Law Enforcement and Corrections when there is a need to target individual instigators. It has also been successfully used as a dynamic, high-energy single subject round for incapacitation or distraction. The round contains one silica sand-filled bag. It utilizes smokeless powder as the propellant and has more consistent velocities and tighter patterns compared to its 37mm black powder counterpart.

Purpose: The Defense Technology 40mm impact sponge baton munition is designed to deescalate a potentially violent situation without causing critical injuries where lethal force is prohibited or inadvisable.

Legal: Use of Force policy, Crowd and Demonstration Management policy, Control Devices and Techniques policy, First Amendment Assemblies policy.

Training: Officers that have been trained in the use of the 40mm impact ammunition in conjunction with the 40mm single launcher undergo thorough classroom and live-fire training in its use. Additionally, officers trained in using the 40mm single launcher must pass annual 40mm qualifications to maintain proficiency.

Type: FTC Pepper Ball Rifle

Quantity: 6

Cost: Approximately \$495 each, no annual maintenance or replacements costs.

Lifespan: N/A

Capability: The SA 200 and TAC 700 launch new PepperBall 3-gram projectiles at 300-360 feet per second with target accuracy to 60 feet and area saturation with PAVA pepper to 200 feet. An automatic feed system keeps rounds launching consistently and in synchronization with trigger pull speeds and settings.



Manufacturer Description:

The PepperBall TAC 700 Full Auto launcher brings full automatic capability, with up to 700 rounds per minute, to your non-lethal PepperBall launcher options. The Pepper Ball TAC700 is a compressed air-powered launcher that shoots .68 caliber rounds. Officers can quickly create large pepper clouds for crowd control, barricade busting, or more quickly achieve individual suspect compliance.

Optional trigger settings assure the TAC 700 can be set up to conform to agency policy while giving officers the right capabilities to achieve their goals. Trigger settings include full automatic and semi-automatic. The TAC 700 is our top-of-the-line PepperBall Launcher designed to offer you the right amount of non-lethal firepower you require to control use of force situations that come your way.

- Distance: Target accurate up to 60 feet, area saturation out to 150 ft.
- Speed: Quickly deploy PAVA rounds at up to 700 rounds per minute
- Versatility: Enhance officer safety and effectiveness in crowd control, jail barricade busting, domestic violence, suicide by cop, and many other one-to-one or one-to-many non-lethal situations
- Maneuverability: The forward-mounted high-pressure air bottle allows for greater maneuverability and mobility in tactical situations
- Variable Fire Power: Automatic feed system keeps rounds launching consistently while variable trigger settings allow you to conform to agency policy while giving officers the right capabilities to achieve all of their goals

The SA200 is an air-powered, hopper-fed PepperBall Launcher that operates from the open bolt position. In order for the SA200 to launch projectiles, the bolt must be in the rear and locked position. The charging handle, located on the left rear side of the launcher, must be in the rear locked position prior to pressurizing the system or pulling the trigger. Specific information is contained below.

Model PepperBall SA200
Caliber68
Action (open bolt, blowback) Semi-automatic
Power High-pressure air
Hopper Capacity 200 rounds
Cycle Rate 7 rounds per second
Barrel Length 10.5 inches
Overall Length (with barrel and no tank) 20.63 inches
Weight 2.56 pounds
Effective Range Target–30 feet
Area Saturation–100 feet

Purpose: The SA200 and TAC 700 Pepperball Launchers are designed as less-lethal weapons for use in a wide variety of tactical applications encountered within law enforcement. They may be used as an area treatment device to deploy chemical agents upon resistive suspects or as a direct fire weapon on assaultive/high-risk suspects. The intended target zone for the Pepperball Launcher is low center mass unless the situation dictates otherwise.

To limit the escalation of conflict where employment of lethal force is prohibited or undesirable. Situations for the use of the less-lethal weapon systems may include but are not limited to:

- Self-destructive, dangerous and/or combative individuals.
- Riot/crowd control and civil unrest incidents.
- Circumstances where a tactical advantage can be obtained.
- Potentially vicious animals.
- Training exercises or approved demonstrations.

Legal: Use of Force policy, Crowd and Demonstration Management policy, Control Devices and Techniques policy, First Amendment Assemblies policy.

Training: Sworn members utilizing PepperBall launchers and projectiles are trained in the use by a POST-certified less-lethal and chemical agents instructors.

Type: Def-TEC Bean Bag Munitions Model #3027

Quantity: 793

Cost: Approximate cost is \$6 each, annual costs \$0 to \$3,000 annually

Lifespan: Five years from the date of manufacture

Capability: Beanbag shotguns are capable of firing a 12-gauge beanbag round with a maximum effective range of range of 75 feet feet.



Manufacturer Description: The Drag Stabilized™ 12-Gauge Round is a translucent 12-Gauge shell loaded with a 40-Gram tear-shaped bag made from a cotton and ballistic material blend and filled with #9 shot. This design utilizes four stabilizing tails and utilizes smokeless powder as the propellant. The 12-Gauge Drag Stabilized Round has secured its place as the Law Enforcement Communities' number one choice for specialty impact munitions. This round has a velocity of 270 fps with a maximum effective range of 75 feet.

Purpose: Beanbag shotguns utilized with beanbag rounds may be deployed to impact subjects demonstrating assaultive behavior or life-threatening behavior. Beanbag shotguns utilized with beanbag rounds may also be used to control an actively resistive subject reasonably believed to possess or have immediate access to a deadly weapon.

The main objectives that officers attempt to achieve in using a beanbag round on a subject exhibiting any of the aforementioned criteria are to effect an investigative detention or arrest; control a subject who is in lawful custody; prevent an escape; or protect the officer, the subject, or another person from injury or death.

Legal: Use of Force policy, Crowd and Demonstration Management policy, Control Devices and Techniques policy, First Amendment Assemblies policy.

Training: Officers that have been trained in the use of the beanbag shotgun undergo thorough classroom and live-fire training in its use. Additionally, officers trained in the use of the beanbag shotgun must pass annual qualifications to maintain proficiency.

Type: West Coast Ammunition Accusox Bean Bag Rounds

Quantity: 233

Cost: Approximate cost of \$7 each, annual costs \$0 to \$3,000 annually.

Lifespan: Not Available

Capability: Beanbag shotguns are capable of firing a 12-gauge beanbag round with a maximum effective range of sixty (60) feet.

Manufacturer Description: None available



Purpose: Beanbag shotguns utilized with beanbag rounds may be deployed to impact subjects demonstrating assaultive behavior or life-threatening behavior. Beanbag shotguns utilized with beanbag rounds may also be used to control an actively resistive subject reasonably believed to possess or have immediate access to a deadly weapon.

The main objectives that officers attempt to achieve in using a beanbag round on a subject exhibiting any of the aforementioned criteria are to effect an investigative detention or arrest; control a subject who is in lawful custody; prevent an escape; or protect the officer, the subject, or another person from injury or death.

Legal: Use of Force policy, Crowd and Demonstration Management policy, Control Devices and Techniques policy, First Amendment Assemblies policy.

Training: Officers that have been trained in the use of the beanbag shotgun undergo thorough classroom and live-fire training in its use. Additionally, officers trained in the use of the beanbag shotgun must pass annual qualifications to maintain proficiency.

**CATEGORY 13 TASER SHOCKWAVE
MICROWAVE WEAPONS WATER CANNONS
AND LONG-RANGE ACOUSTIC DEVICES.pdf**

CATEGORY 13 – TASER SHOCKWAVE, MICROWAVE WEAPONS, WATER CANNONS, AND LONG-RANGE ACOUSTIC DEVICES.

Type: Long Range Acoustic Device (LRAD)

Quantity: 10

Cost: \$9,700 each, no annual operating expense

Lifespan: No expiration provided by the manufacturer

Capability:

Long Range Acoustical Device (LRAD) is a high-intensity directional acoustical array for long-range, crystal clear hailing, notification, and an unmistakable warning tone. The LRAD is primarily used as a communication device.

Manufacturer Description:

The LRAD 100X is a self-contained, portable communication system for on-scene and tactical communication. With unparalleled vocal clarity and up to 30db louder than bullhorns, megaphones, and vehicle P.A. systems, the LRAD 100X is four to six times louder than other acoustic hailers of comparable size and weight.

LRAD's optimized driver and waveguide technology ensure every message is clearly broadcast, heard and understood, even above engine, crowd, siren, and background noise. The LRAD warning tone commands attention to the voice messages that follow and provides a safer alternative to non-lethal and kinetic measures for changing behavior.





Purpose:

The Long-Range Acoustic Device (LRAD) is a self-contained loudspeaker system used for communicating and warning people over large areas. The LRAD delivers clear and highly comprehensible sound up to 600 meters.

LRAD's proprietary audio technology focuses sound in a 30° beam in front of its Long-Range Acoustic Devices (LRADs). This ensures that individuals in large crowds, as well as people spread out over large areas with competing noises and audible distractions, can hear and clearly understand the message.

The LRAD device facilitates communication in evacuation scenarios, emergency messages to the public, hazardous warnings, and information to large crowds. Coastal communities have utilized the LRAD devices for Tsunami warnings and to provide lifeguards with the ability to communicate clearly with swimmers in the water.

The LRAD emits a noise that causes a piercing tone, which has been a criticism of the system by protestors in communities where it has been used for crowd control.

Legal: It is the policy of the department to use this device only for official law enforcement purposes, and pursuant to State and Federal law and the LRAD policy.

Training: All operators receive training before operating any LRADs in the field.

**CATEGORY 12 MUNITIONS CONTAINING TEAR
GAS OR O.C. EXCLUDING STANDARD SERVICE-
ISSUED HAND-HELD PEPPER SPRAY.pdf**

CATEGORY 12 – MUNITIONS CONTAINING TEAR GAS OR O.C., EXCLUDING STANDARD, SERVICE-ISSUED HAND-HELD PEPPER SPRAY

Type: FN 303 PAVA/OC Projectiles

Quantity: 2,455

Cost: \$6-\$7 each, annual costs \$0 to \$6,000 annually.

Lifespan: Three year shelf life

Capability: To compel an individual to cease their actions when such munitions present a reasonable option. Effective range 50 to 100 meters.

Manufacturer Description:



PAVA/OC Powder

Dedicated to reducing lethality, the basis of the FN 303 lies in its unique projectiles. These .68 caliber, 8.5-gram projectiles utilize a fin-stabilized polystyrene body and a non-toxic bismuth forward payload to provide more accuracy and greater effective range than other less-lethal systems.

The primary effect of the projectile is trauma, which directly neutralizes the aggressor. Secondary effects from the projectiles can be delivered via a chemical payload depending on mission requirements.

This projectile is intended as an irritant for individual suspects, point-specific targets or small-area denial. The active ingredient is 0.5% PAVA/OC in a powder form for ease of storage, deployment and clean-up.

This projectile is intended as an irritant for individual suspects, point-specific targets or small-area denial. The active ingredient is 0.5% PAVA/OC in a powder form for ease of storage, deployment, and clean-up.

Purpose: To limit the escalation of conflict where the deployment of lethal force is prohibited or undesirable. Situations for using a less-lethal weapon system may include but are not limited to self-destructive, dangerous and/or combative individuals. Riot/crowd control and civil unrest incidents. Circumstances where a tactical advantage can be obtained. Potentially vicious animals. Training exercises or approved demonstrations.

Legal: Use of Force Policy, Crowd Demonstration and Management Policy, Control Devices and Techniques.

Training: All department personnel utilizing FN-303 launchers and projectiles are trained in their use by POST/STC certified less-lethal and/or chemical agent instructors.

Type: Def-Tec 40mm Direct Impact Munition Model #6320 (OC)

Quantity: 69

Cost: Approximately \$30.50 - \$32.00 each. Annual costs \$0 to \$2,100 annually

Lifespan: Five years from the date of manufacture

Capability: The 40mm Direct Impact OC Round provides accurate and effective performance when fired from the approved distance of not less than five (5) feet and as far as 120 feet from the target.



Manufacturers Description: The 40mm Direct Impact® munition is a point-of-aim, point-of-impact direct-fire round. An excellent solution whether you need to incapacitate a single subject or control a crowd. When loaded with OC powder, the Direct Impact combines blunt trauma with the effects of an irritant powder, maximizing the potential for incapacitation.

Purpose: To limit the escalation of conflict where the deployment of lethal force is prohibited or undesirable. Situations for using a less-lethal weapon system/chemical agent may include but are not limited to self-destructive, dangerous and/or combative individuals. Riot/crowd control and civil unrest incidents.

Legal: Use of Force Policy, Crowd Demonstration and Management Policy, Control Devices and Techniques.

Training: All department personnel utilizing 40mm launchers and projectiles are trained in their use by POST/STC certified less-lethal and chemical agent instructors.

Type: Def-Tec 40mm Direct Impact Munition Model #6322 (CS)

Quantity: 33

Cost: Approximately \$30.50 - \$32.00 each. Annual costs \$0 to \$1,056 annually

Lifespan: Five years from the date of manufacture

Capability: The 40mm Direct Impact CS Round provides accurate and effective performance when fired from the approved distance of not less than five (5) feet and as far as 120 feet from the target.



Manufacturers Description: The 40mm Direct Impact® munition is a point-of-aim, point-of-impact direct-fire round. An excellent solution whether you need to incapacitate a single subject or control a crowd. When loaded with CS powder, the Direct Impact combines blunt trauma with the effects of an irritant powder, maximizing the potential for incapacitation.

Purpose: To limit the escalation of conflict where the deployment of lethal force is prohibited or undesirable. Situations for using a less-lethal weapon system/chemical agent may include but are not limited to self-destructive, dangerous and/or combative individuals. Riot/crowd control and civil unrest incidents.

Legal: Use of Force Policy, Crowd Demonstration and Management Policy, Control Devices and Techniques.

Training: All department personnel utilizing 40mm launchers and projectiles are trained in their use by POST/STC certified less-lethal and chemical agent instructors.

Type: FTC PAVA Capsaicin Rounds

Quantity: 3,085

Cost: Approximately \$1.70 to \$2.50 each. Annual costs \$0 to \$5,244 annually

Lifespan: Three years from the date of manufacture

Capability: Pepper ball launchers give officers the ability to address an armed and/or violent suspect(s) with a non-lethal munition that delivers both chemical agent and kinetic energy impact. This combination can be extremely effective in gaining compliance or reducing threat potential with an armed and/or violent suspect(s). Due to its design, pepper balls can be delivered from a larger standoff distance allowing for an added degree of officer safety. Its high round capability and accuracy allow for its use in a wide variety of operational environments.



Manufacturers Description: PepperBall's most potent and powerful concentration of PAVA pepper powder. One round of LIVE-X™ contains the equivalent PAVA irritant chemical agent in 10 regular PepperBall® LIVE™ rounds.

Features:

100% waterproof

Shell color indicated payload

Formula: 5% PAVA powder

Operational temps of -30°F to 150°F

Used for direct impact and area saturation

Proudly made in the USA

Purpose: A non-lethal munitions system that employs paintball launchers to fire "pepper balls" that contain powdered OC in place of the paint. The pepper ball delivery system combines chemical agent exposure

with kinetic energy impact to aid in its effectiveness in addressing armed and/or violent individuals or crowds. Pepper ball munitions also include glass-breaking rounds and marking rounds. To limit the escalation of conflict where the deployment of lethal force is prohibited or undesirable. Situations for using a less-lethal weapon system/chemical agent may include but are not limited to self-destructive, dangerous and/or combative individuals. Riot/crowd control and civil unrest incidents.

Legal: Use of Force Policy, Crowd Demonstration and Management Policy, Control Devices and Techniques.

Training: Prior to deploying the Pepper Ball Launcher and Munitions, Officers must complete a POST-certified course in the operation of the Pepper Ball Launcher. Additionally, all members that operate any Less-Lethal Devices are required to pass a qualification course of instruction.

Type: Def-Tec MK-9 OC Spray Canisters

Quantity: 14

Cost: \$58 to \$62 each. Annual costs \$0 to \$868 annually

Lifespan: 5 years from manufacturing date.

Capability: Intended for use in crowd management and will deliver 14 short bursts of OC at an effective range of 18-20 ft.



Manufacturers Description: The MK-9 features an easy-to-use trigger handle, is intended for use in crowd management and will deliver 14 short bursts of OC at an effective range of 18-20 ft. This 1.3% MC OC aerosol product utilizes a stream delivery method providing a target-specific, strong concentrated stream for greater standoff.

Non-flammable / Electronic Discharge Weapon (EDW) safe.

Purpose: To limit the escalation of conflict where employment of lethal force is prohibited or undesirable. Situations for the use of the less-lethal weapon systems may include but are not limited to self-destructive, dangerous and/or combative individuals. Riot/crowd control and civil unrest incidents. Circumstances where a tactical advantage can be obtained. Potentially vicious animals, training exercises or approved demonstrations.

Legal: Use of Force Policy, Crowd Demonstration and Management Policy, Control Devices and Techniques.

Training: All members attend a POST-certified Basic Academy that includes instruction and certification on chemical agents (Learning Doman 35). Officers receive periodic chemical agent update training.

Type: Sabre MK-9 Pepper Spray (OC) Canisters Model 91H2O60

Quantity: 14

Cost: \$45 to \$59 each. Annual costs \$0 to \$826 annually

Lifespan: 5 years from manufacturing date

Capability: Intended for use in crowd management and will deliver 14 short bursts of OC at an effective range of 18-20 ft.



Manufacturers Description: SABRE's MK-9 was designed for crowd management and cell extractions and can be carried in cruisers or with a convenient thigh holster. High Volume Streamer fire up to 8–10 meters.

Sabre pepper spray are recognized as the best and strongest solutions available on the world market. They are used by many law enforcement units around the world. Gas formula is based on natural ingredients: red pepper and paprika, does not causing serious side effects.

Pepper spray also works on people under the influence of alcohol or drugs. Each tank of gas contains components visible in ultraviolet light, which allows for later identification of the assailant by the Police Officers.

Flip-top protection is quick and easy to use even in situations of high stress and provides reliable protection against accidental use. Especially recommended for uniformed services personnel and private security agencies.

Features:

- Capacity: 473 ml
- Nozzle: High Volume Stream)
- Active ingredients: Capsicum Oleoresin 10%
- Power: 2,000,000 SHU (Scoville Heat Units)
- Dimensions: 264 mm x 143 mm
- Contains components visible in ultraviolet light
- Weight: 621g
- Range: 8-10 meters
- Gas propellant: Nitrogen
- 1.33% Major Capsaicinoids

Purpose: To limit the escalation of conflict where employment of lethal force is prohibited or undesirable. Situations for the use of the less-lethal weapon systems may include but are not limited to self-destructive, dangerous and/or combative individuals. Riot/crowd control and civil unrest incidents. Circumstances where a tactical advantage can be obtained. Potentially vicious animals, training exercises or approved demonstrations.

Legal: Use of Force Policy, Crowd Demonstration and Management Policy, Control Devices and Techniques.

Training: All members attend a POST certified Basic Academy that includes instruction and certification on chemical agents (Learning Domain 35). Officers receive periodic chemical agent update training.

Type: Def-Tec Riot Control Continuous Discharge Canister Model #1082

Quantity: 2

Cost: Approximately \$30 to \$32 each. Annual costs are \$0 to \$100 annually

Lifespan: 5 years from the date of manufacture

Capability: Hand thrown or launchable device that produces a high volume of CS tear gas which has immediate respiratory effects, however much short recovery time than OC and vision clarity is maintained so effected persons can remove themselves from the area impacted.



Manufacturers Description: The Riot Control CS Grenade is designed specifically for outdoor use in crowd control situations with a high-volume continuous burn that expels its payload in approximately 20-40 seconds through four gas ports located on the top of the canister. This grenade can be used to conceal tactical movement or to route a crowd. The volume of smoke and agent is vast and obtrusive. This launchable grenade is 6.0 in. by 2.35 in. and holds approximately 2.7 oz. of active agent.

Purpose: Lawful application of force delivered with the intent to subdue or render non-threatening. The less-lethal munitions may be used as an option to de-escalate a potentially dangerous/deadly situation, with a reduced potential for death or serious injury to all persons involved. It is accepted that the probability exists for bodily harm to occur.

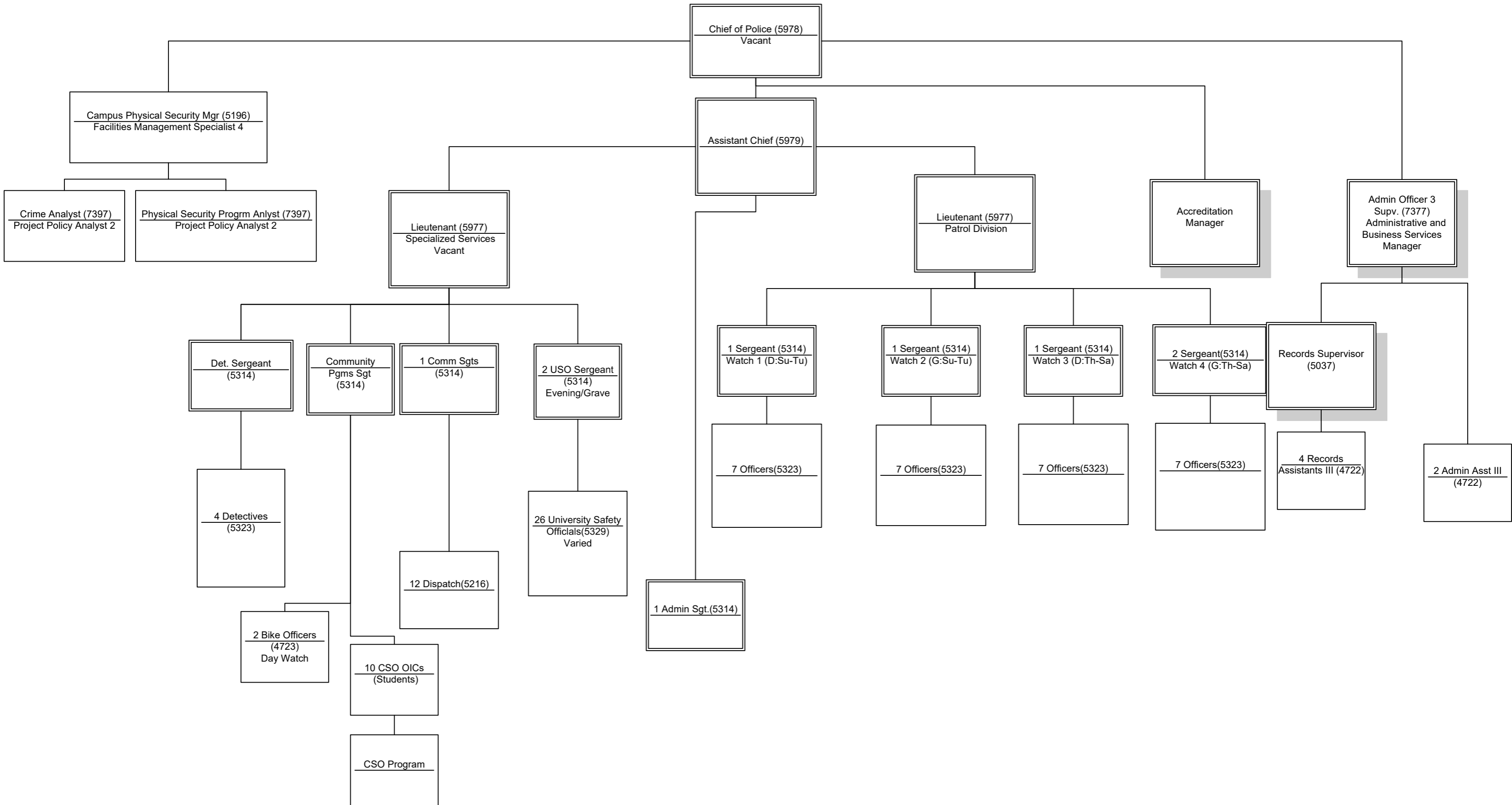
However, it must also be accepted that the application of such force may be the only alternative to using lethal force to stop the subject's actions. Situations where the deployment of less-lethal impact or munitions are authorized include but are not limited to self-destructive, dangerous, and/or combative individuals. Riot/crowd control and civil unrest incidents where the criminal behavior involved exceeds a failure to disburse. Circumstances where a tactical advantage can be obtained

Legal: All members attend a POST-certified Basic Academy that includes instruction and certification on chemical agents (Learning Doman 35). Officers receive periodic chemical agent update training. In addition, users of hand-held chemical agent devices must attend a POST-certified chemical agent instructor course.

Training: Prior to deploying Chemical Agents, members must complete a POST-certified course in the operation of Chemical Agent and Smoke Canisters. Additionally, all members that operate any Less-Lethal Devices are required to pass a qualification course of instruction according to department policy.

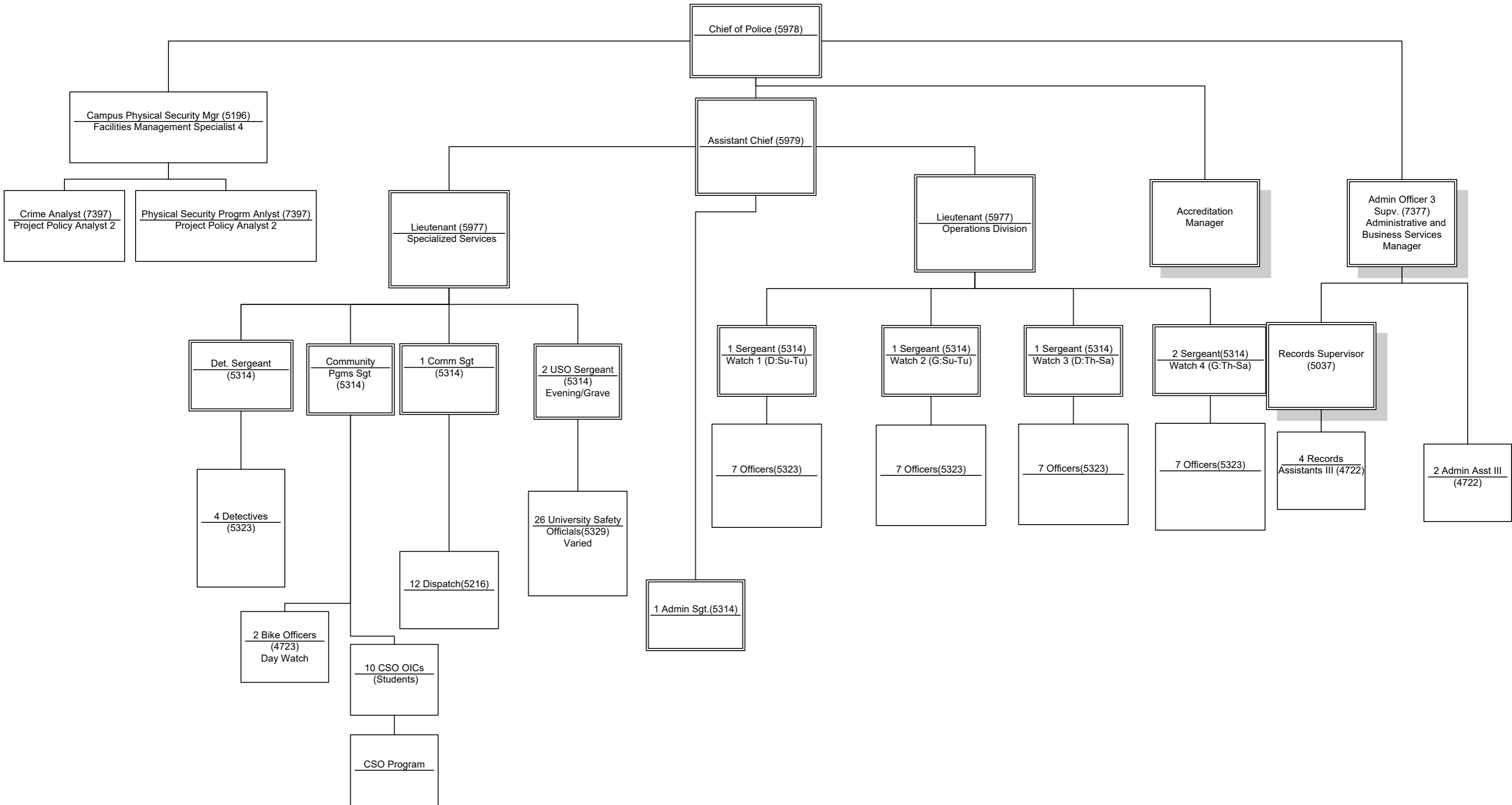
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UCSD POLICE ORGANIZATION February 2022



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UCSD Police Organization December, 2022



**Commission on Peace Officer Standards and
Training Hate Crimes Model Policy 2019.pdf**



POST HATE CRIMES MODEL POLICY



COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

2019

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The mission of the California Commission on Peace Officer Standards and Training is to continually enhance the professionalism of California Law Enforcement in serving its communities

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FOREWORD

Hate Crimes (i.e. crimes motivated by bias) convey a message of terror and exclusion, not just to the immediate victims but to entire communities. They often target victims who are least able to defend themselves. They cause trauma that is more extreme and longer lasting than similar crimes committed for other motivations. They can spark retaliatory crimes, escalating the cycle of crime and violence. If not addressed professionally and thoroughly they may undermine public confidence in law enforcement.

The 2018 California State Auditor's Report, titled "Hate Crimes in California," found that California law enforcement has not taken adequate action to identify, report, and respond to hate crimes. The report found that agencies did not properly identify some hate crimes, and underreported or misreported hate crimes as well. The report also noted that hate crimes are on the rise in California, increasing in both 2015 and 2016.

California Penal Code (CPC) 422.87 added new language and requirements to any newly created or updated agency hate crimes policy. Effective January 1, 2019, any local law enforcement agency that updates an existing hate crimes policy, or adopts a new one, shall include the content of the model policy framework provided in this document as well as any revisions or additions to the model policy in the future.

These guidelines are the primary elements that law enforcement executives are now required to incorporate into their hate crimes policy if an agency creates a new hate crimes policy or updates an existing one. The guidelines are designed for department-wide application and are intended to reflect a values-driven "top-down" process. They are intended to assist with the development and delivery of training and ensure proper identification, investigation, and reporting of hate crimes within each agency's jurisdiction.

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POLICY GUIDELINES

GUIDELINE #1

Develop the foundation for the agency's hate crimes policy.

The law enforcement executive is responsible for providing leadership, communicating organizational values to the department and the community, paying attention to hate crime trends and current events that could trigger hate incidents and/or hate crimes in the community, and providing education and training to establish the foundation for the agency's hate crimes policy. Employees' ability to respond appropriately to hate crimes and hate incidents is maximized when the executive effectively establishes and communicates the foundational values of the organization.

GUIDELINE #2

Develop a hate crimes policy for the agency.

- I. An agency's hate crimes policy shall include the statutory definition of a hate crime, and its policy and programs should minimally include the following:
 - A. Response
 - B. Training
 - C. Planning and Prevention
 - D. Reporting

The law enforcement executive is responsible for the initial development of the policy and should be actively involved in its implementation. See the appendix for the exemplar "Message from the Agency Chief Executive".

GUIDELINE #3

Develop expertise to identify and investigate hate crimes.

The law enforcement executive is responsible for ensuring that the agency possesses expertise to identify and investigate hate crimes, as well as ensuring compliance with state and federal

reporting and public information requirements. Agencies should assign identified personnel to appropriate training to develop expertise and knowledge to investigate hate crimes.

Hate crimes are low-frequency events with high-risk consequences for the agency and community. Agencies shall provide a checklist to first responders to provide direction for the investigation of all hate crimes as mandated by CPC 422.87.

GUIDELINE #4

Develop and implement cooperative hate crimes plans with other law enforcement agencies.

- I. Coordinate cooperative efforts among regional, state, federal, and tribal law enforcement agencies to share information and training, and develop strategies to prevent hate crime activity.
- II. Develop and/or participate in law enforcement intelligence networks to enhance the agency's ability to anticipate potential hate crime targets. This interaction should include sharing intelligence information with other jurisdictions and cooperative investigations, arrests, and prosecutions if appropriate.

GUIDELINE #5

Develop and implement cooperative hate crime plans with the community and related governmental and non-governmental organizations, as appropriate.

- I. Collaborate with the community, including human relations/civil rights organizations, advocacy groups, service organizations, neighborhood associations, religious institutions, local schools and colleges, to do the following:
 - Develop a network to build rapport with community groups

-
- Develop a protocol for response to hate crimes
 - Obtain witness and victim cooperation
 - Provide support services to victims
 - Collect demographic information about specific communities
 - Identify hate crime trends based upon current events and activity (hate crimes and/or hate incidents)
 - Identify periods of increased vulnerability based on significant dates and events for affected communities
- II. Law enforcement should identify and seek out cultural diversity training and information from/about specific communities within its jurisdiction (immigrant, Muslim, Arab, LGBTQ, Black or African American, Jewish, Sikh, disability, etc.) to strengthen agency awareness.

GUIDELINE #6

Conduct an annual assessment of the agency's hate crimes policy and its ongoing implementation.

The assessment should include:

- I. A review to ensure compliance with the POST Hate Crimes Model Policy and California law.
- II. A review and analysis of the agency's data collection, policy, and annual mandated reporting of hate crimes.
- III. A review and updating of the agency's hate crimes brochure to ensure compliance with CPC 422.92.
- IV. A review of any existing or available data or reports, including the annual California Attorney General's report on hate crimes, in preparation for, and response to, future hate crime trends.

- V. Annual outreach to the community including human relations/civil rights organizations, advocacy groups, service organizations, neighborhood associations, religious institutions, local schools, and colleges assessing the agency's responsiveness to hate crimes.

MINIMUM LEGAL REQUIREMENTS FOR AN AGENCY'S HATE CRIMES POLICY

CPC 13519.6, effective January 1, 2005, minimally requires:

1. A message from the law enforcement agency's chief executive officer to the agency's officers and staff concerning the importance of hate crime laws and the agency's commitment to enforcement.
2. The definition of "hate crime" in Penal Code section 422.55.
3. References to hate crime statutes including Penal Code section 422.6.
4. A title-by-title specific protocol that agency personnel are required to follow, including, but not limited to, the following:
 - a. Preventing and preparing for likely hate crimes by, among other things, establishing contact with persons and communities who are likely targets, and forming and cooperating with community hate crime prevention and response networks.
 - b. Responding to reports of hate crimes, including reports of hate crimes committed under the color of authority.
 - c. Accessing assistance, by, among other things, activating the Department of Justice hate crimes rapid response protocol when necessary.
 - d. Providing victim assistance and follow-up, including community follow-up.
 - e. Reporting

CPC 422.87, effective January 1, 2019, states and minimally requires:

Each local law enforcement agency may adopt a hate crimes policy. Any local law enforcement agency that updates an existing hate crimes policy or adopts a new one shall include, but not limited to, the following:

1. The definitions in Penal Code sections 422.55 and 422.56.
2. The content of the model policy framework that the Commission on Peace Officer Standards and Training developed pursuant to Section 13519.6 (above) and any content that the commission may revise or add in the future, including any policy, definitions, response and reporting responsibilities, training resources, and planning and prevention methods.
3. Information regarding bias motivation
 - a. For the purposes of this paragraph, "bias motivation" is a preexisting negative attitude toward actual or perceived characteristics referenced in Section 422.55. Depending on the circumstances of each case, bias motivation may include, but is not limited to, hatred, animosity, resentment, revulsion, contempt, unreasonable fear, paranoia, callousness, thrill-seeking, desire for social dominance, desire for social bonding with those of one's "own kind," or a perception of the vulnerability of the victim due to the victim being perceived as being weak, worthless, or fair game because of a protected characteristic, including, but not limited to, disability or gender.
 - i. In recognizing suspected disability-bias hate crimes, the policy shall advise officers to consider whether there is any indication that the perpetrator was motivated by hostility or other bias, occasioned by factors such as, but not limited to, dislike of persons who arouse

fear or guilt, a perception that persons with disabilities are inferior and therefore “deserving victims,” a fear of persons whose visible traits are perceived as being disturbing to others, or resentment of those who need, demand, or receive alternative educational, physical, or social accommodations.

- ii. In recognizing suspected disability-bias hate crimes, the policy also shall advise officers to consider whether there is any indication that the perpetrator perceived the victim to be vulnerable and, if so, if this perception is grounded, in whole or in part, in anti-disability bias. This includes, but is not limited to, if a perpetrator targets a person with a particular perceived disability while avoiding other vulnerable-appearing persons such as inebriated persons or persons with perceived disabilities different than those of the victim, those circumstances could be evidence that the perpetrator’s motivations included bias against persons with the perceived disability of the victim and that the crime must be reported as a suspected hate crime and not a mere crime of opportunity.
- b. Information regarding the general underreporting of hate crimes and the more extreme underreporting of anti-disability and anti-gender hate crimes *and a plan for the agency to remedy this underreporting* (emphasis added).
- c. A protocol for reporting suspected hate crimes to the Department of Justice pursuant to Penal Code section 13023.
- d. A checklist of first responder responsibilities, including, but not limited to, being sensitive to effects of the crime on the victim, determining whether any additional resources are needed on the scene to assist the victim or whether to refer the victim to appropriate community and legal services, and giving the victims and any interested persons the agency’s hate crimes brochure, as required by Section 422.92.
- e. A specific procedure for transmitting and periodically retransmitting the policy and any related orders to all officers, including a simple and immediate way for officers to access the policy in the field when needed.
- f. The title or titles of the officer or officers responsible for assuring that the department has a hate crime brochure as required by Section 422.92 and ensuring that all officers are trained to distribute the brochure to all suspected hate crime victims and all other interested persons.
- g. A requirement that all officers be familiar with the policy and carry out the policy at all times unless directed by the chief, sheriff, director, or other chief executive of the law enforcement agency or other command-level officer to whom the chief executive officer formally delegates this responsibility.
- h. Any local law enforcement agency that updates an existing hate crimes policy or adopts a new hate crimes policy may include any of the provisions of a model hate crime policy and other relevant documents developed by the International Association of Chiefs of Police that are relevant to California and consistent with this chapter.

MODEL POLICY FRAMEWORK

Purpose

This model policy framework is designed to assist in identifying and handling crimes motivated by hate or other bias toward individuals and groups with legally defined protected characteristics, to define appropriate steps for assisting victims, and to provide a guide to conducting related investigations. It outlines the general policy framework for prevention, response, accessing assistance, victim assistance and follow up, and reporting as related to law enforcement's role in handling hate crimes. It also serves as a declaration that hate crimes are taken seriously and demonstrates how law enforcement agencies may best use its resources to investigate and solve an offense, in addition to building community trust and increasing police legitimacy.

Policy

It is the policy of this agency to safeguard the rights of all individuals irrespective of their disability, gender, nationality, race or ethnicity, religion, sexual orientation, and/or association with a person or group with one or more of these actual or perceived characteristics. Any acts or threats of violence, property damage, harassment, intimidation, or other crimes motivated by hate or bias should be viewed very seriously and given high priority.

This agency will employ necessary resources and vigorous law enforcement action to identify and arrest hate crime perpetrators. Also, recognizing the particular fears and distress typically suffered by victims, the potential for reprisal and escalation of violence, and the far-reaching negative consequences of these crimes on the community, this agency should attend to the security and related concerns of the immediate victims and their families as feasible.

The agency policy shall include a requirement that all officers be familiar with the policy and carry out the policy at all times unless directed by the chief, sheriff, director, or other chief executive of the law enforcement agency or other command-level officer to whom the chief executive officer formally delegates this responsibility.

The agency policy shall provide a specific procedure for transmitting and periodically retransmitting the policy and any related orders to all officers, including a simple and immediate way for officers to access the policy in the field when needed.

Response, Victim Assistance and Follow-up

Initial response

First responding officers should know the role of all department personnel as they relate to the agency's investigation of hate crimes and/or incidents. Responding officers should evaluate the need for additional assistance, and working with supervision and/or investigations, access needed assistance if applicable. Responding officers should ensure the crime scene is properly protected, preserved and processed.

At the scene of a suspected hate or bias crimes, officers should take preliminary actions deemed necessary, to include, but not limited to, the following:

1. Use agency checklist (per CPC 422.87) to assist in the investigation of any hate crime (see appendix, page 21, for exemplar checklist based on the Los Angeles Police Department Hate Crimes Supplemental Report with the agency's permission).

-
2. Stabilize the victim(s) and request medical attention when necessary.
 3. Ensure the safety of victims, witnesses, and perpetrators.
 - a. Issue a Temporary Restraining Order (if applicable).
 4. Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.
 5. Ensure that the crime scene is properly protected, preserved, and processed and that all physical evidence of the incident is removed as soon as possible after the offense is documented. If evidence of an inflammatory nature cannot be physically removed, the property owner should be contacted to ensure that it is removed or covered up as soon as possible. Agency personnel should follow-up to ensure that this is accomplished in a timely manner.
 6. Collect and photograph physical evidence or indicators of hate crimes such as:
 - a. Hate literature.
 - b. Spray paint cans.
 - c. Threatening letters.
 - d. Symbols used by hate groups.
 7. Identify criminal evidence on the victim.
 8. Request the assistance of translators or interpreters when needed to establish effective communication with witnesses, victims, or others as appropriate.
 9. Conduct a preliminary investigation and record pertinent information including, but not limited to:
 - a. Identity of suspected perpetrator(s).
 - b. Identity of witnesses, including those no longer at the scene.
 - c. The offer of victim confidentiality per Government Code (GC) 5264.
 - d. Prior occurrences, in this area or with this victim.
 - e. Statements made by suspects; exact wording is critical.
 - f. The victim's protected characteristics and determine if bias was a motivation "in whole or in part"¹ in the commission of the crime.
 1. "Bias motivation" is a preexisting negative attitude toward actual or perceived characteristics referenced in Section 422.55. Depending on the circumstances of each case, bias motivation may include, but is not limited to, hatred, animosity, resentment, revulsion, contempt, unreasonable fear, paranoia, callousness, thrill-seeking, desire for social dominance, desire for social bonding with those of one's "own kind," or a perception of the vulnerability of the victim due to the victim being perceived as being weak, worthless, or fair game because of a protected characteristic, including, but not limited to, disability or gender.
 - (a) In recognizing suspected disability-bias hate crimes, the policy shall advise officers to consider whether there is any indication that the perpetrator was motivated by hostility or other bias, occasioned by factors such as, but not limited to, dislike of persons

¹See Appendix, page 15, for definition

who arouse fear or guilt, a perception that persons with disabilities are inferior and therefore “deserving victims,” a fear of persons whose visible traits are perceived as being disturbing to others, or resentment of those who need, demand, or receive alternative educational, physical, or social accommodations.

(b) In recognizing suspected disability-bias hate crimes, the policy also shall advise officers to consider whether there is any indication that the perpetrator perceived the victim to be vulnerable and, if so, if this perception is grounded, in whole or in part, in anti-disability bias. This includes, but is not limited to, if a perpetrator targets a person with a particular perceived disability while avoiding other vulnerable-appearing persons such as inebriated persons or persons with perceived disabilities different than those of the victim, those circumstances could be evidence that the perpetrator’s motivations included bias against persons with the perceived disability of the victim and that the crime must be reported as a suspected hate crime and not a mere crime of opportunity.

10. Adhere to CPC 422.93, which protects hate crime victims and witnesses from being reported to federal immigration authorities if they have not committed any crime under state law.
11. Provide information regarding immigration remedies available to victims of crime. (U-Visa, T-Visa, S-Visa, etc.).
12. Provide the agency’s Hate Crimes Brochure (per CPC 422.92) if asked, if necessary or per policy (if applicable).
13. Utilize proper techniques for interviewing people with disabilities and being aware of and providing appropriate accommodations (such as ADA standards, Braille, visuals, translators for the deaf or hard of hearing, etc.).
14. Report any suspected multi-mission extremist crimes to the agency Terrorism Liaison Officer (TLO), or assigned designee, and direct the TLO/ designee to send the data to the Joint Regional Information Exchange System.

Investigation

Investigators at the scene of or while performing follow-up investigation on a suspected hate or bias crimes (or hate incident if agency policy requires it) should take all actions deemed necessary, including, but not limited to, the following:

1. Consider typologies of perpetrators of hate crimes and incidents, including but not limited to thrill, reactive/defensive, and mission (hard core).
2. Utilize investigative techniques and methods to handle hate crimes or hate incidents in a professional manner.
3. Utilize proper techniques for interviewing people with disabilities and being aware of and providing appropriate accommodations (such as ADA standards, Braille, visuals, translators for the deaf or hard of hearing, etc.).
4. Fully investigate any report of hate crime committed under the color of authority per CPC 422.6 and CPC 13519.6.

-
5. Collect and photograph physical evidence or indicators of hate crimes such as:
 - a. Hate literature.
 - b. Spray paint cans.
 - c. Threatening letters.
 - d. Symbols used by hate groups.
 - e. Desecration of religious symbols, objects, or buildings.
 6. Request the assistance of translators or interpreters when needed to establish effective communication.
 7. Conduct a preliminary investigation and record information regarding:
 - a. Identity of suspected perpetrator(s).
 - b. Identity of witnesses, including those no longer at the scene.
 - c. Offer of victim confidentiality per GC 5264.
 - d. Prior occurrences, in this area or with this victim.
 - e. Statements made by suspects; exact wording is critical.
 - f. Document the victim's protected characteristics.
 8. Provide victim assistance and follow-up.
 9. Canvass the area for additional witnesses.
 10. Examine suspect's social media activity for potential evidence of bias motivation.
 11. Coordinate the investigation with agency, state, and regional intelligence operations. These sources can provide the investigating officer with an analysis of any patterns, organized hate groups, and suspects potentially involved in the offense.
 12. Coordinate the investigation with the crime scene investigation unit (if applicable) or other units of the agency.
 13. Determine if the incident should be classified as a hate crime.
 14. Take steps to ensure appropriate assistance is provided to hate crime victim(s), including the following measures:
 - a. Contact the victim periodically to determine whether he/she is receiving adequate and appropriate assistance.
 - b. Provide ongoing information to the victim about the status of the criminal investigation.
 - c. Provide the victim and any other interested person the brochure on hate crimes per CPC 422.92 and information on any local advocacy groups (if asked).
 15. Report any suspected multi-mission extremist crimes to the agency TLO, or assigned designee, and direct the TLO or designee to send the data to the Joint Regional Information Exchange System.
 16. Coordinate with other law enforcement agencies in the area to assess patterns of hate crimes and/or hate incidents (if directed by policy), and determine if organized hate groups are involved.

Supervision

The supervisor shall confer with the initial responding officer(s) and ensure that necessary preliminary actions have been taken. The supervisor shall request any appropriate personnel necessary to accomplish the following:

1. Provide immediate assistance to the crime victim by:
 - a. Expressing the law enforcement agency's official position on the importance of these cases and the measures that will be taken to apprehend the perpetrators.
 - b. Expressing the department's interest in protecting victims' anonymity (confidentiality forms GC 6254) to the extent possible. Allow the victim to convey his/her immediate concerns and feelings.
 - c. Identifying individuals or agencies that may provide victim assistance and support. Local victim assistance resources may include family members or close acquaintances, clergy or departmental chaplain, as well as community service agencies that provide shelter, food, clothing, child care, or other related services (per CPC 422.92).
2. Ensure that all relevant facts are documented on an incident and/ or arrest report and make an initial determination as to whether the incident should be classified as a hate crime for federal and state bias-crimes reporting purposes.
3. Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.
4. In cases of large-scale hate crime waves, or in circumstances where the potential exists for subsequent hate crimes or incidents, consider directing resources to protect vulnerable sites (such as assigning an officer at specific locations that could become targets).
5. Ensure hate crimes are properly reported, including reporting to the Department of Justice, pursuant to CPC 13023.
6. Ensure adherence to CPC 422.93, which protects hate crime victims and witnesses from being reported to federal immigration authorities if they have not committed any crime under state law. Supervisors should also be aware of the immigration remedies available to victims of crime. (U-Visa, T-Visa, S-Visa, etc.)
7. Respond to and investigate any reports of hate crimes committed under the color of authority.
8. Provide appropriate assistance, including activating the California Department of Justice hate crime rapid response protocol if necessary. For information see the California Department of Justice webpage or use following link: <https://oag.ca.gov/sites/all/files/agweb/pdfs/civilrights/AG-Rapid-Response-Team-Protocol-2.pdf>
9. Report or ensure any suspected multi-mission extremists crimes are reported to the agency TLO, or assigned designee, and direct the TLO/ designee to send the data to the Joint Regional Information Exchange System.
10. Make a final determination as to whether the incident should be classified as a hate crime.

Training

All staff, including dispatch, desk personnel, volunteers, records, support staff, officers, supervisors, and managers shall be properly trained on the department's hate crimes policy. The agency will follow all legislatively mandated training requirements.

POST offers training and video courses to assist law enforcement in the identification, investigation, documentation and reporting of hate crimes. These courses provide officers with information and skills necessary to effectively identify, investigate, document and report hate crimes. Various training programs include the history and definitions of hate crimes, recognition of hate groups, international terrorism, legal considerations, victims' considerations, initial response duties, victim interviewing and care, suspect identification and interrogation, evidence identification, report writing, the role of law enforcement, investigative strategies, intelligence collection, supervisory roles, community relations, media relations and local program training development, and other topics such as proper use of computer systems and methods for reporting. POST also maintains an extensive array of training videos on applicable topics such as working with those with mental illness and intellectual disabilities, hate crimes, and working with minority communities.

For more information on POST training opportunities and available videos, visit the POST website at www.post.ca.gov. In conjunction with POST training opportunities, trainers may utilize other state and federal agencies that offer training courses, such as the U.S. Department of Justice.

Planning and Prevention

The general underreporting of hate crimes is an identified issue in California. Underreporting is caused by victims not reporting hate crimes or hate incidents due to a number of factors, including fear of reprisal and the belief that law enforcement will not properly investigate them. A report by the State Auditor in 2018 determined that California law enforcement has not taken adequate action to identify, report and respond to hate crimes. There is also an extreme underreporting of anti-disability and anti-gender hate crimes. The agency's plan to remedy this underreporting *shall be inserted into the policy* (emphasis added).

In order to facilitate the recommendations contained within this policy, it is strongly recommended that agencies build and strengthen relationships with the community, engage in dialogue, and provide education to the community about this policy. Agency personnel are also encouraged to learn about the inherent issues concerning their communities in relation to hate crimes. Assigned personnel should perform the following:

1. Meet with residents in target communities to allay fears; emphasize the agency's concern over this and related incidents; reduce the potential for counter-violence; and provide safety, security, and crime prevention information. Cultural diversity education and immersion programs (if available) could facilitate this process.
2. Provide direct and referral assistance to the victim and his/her family.
3. Conduct public meetings on hate crime threats and violence in general.
4. Establish relationships with formal community-based organizations and leaders.
5. Expand, where appropriate, preventive programs such as hate, bias, and crime reduction seminars for school children.

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6. Review the Attorney General's latest opinion on hate crime statistics and targets in order to prepare and plan for future crimes, specifically for Arab/Middle Eastern and Islamic communities.²
 7. Provide orientation of and with communities of specific targeted victims such as immigrants, Muslims, Arabs, LGBTQ, Black or African-American, Jewish, Sikh, disabled persons, etc.

Hate crimes are not only a crime against the targeted victim(s) but also have impacts on the victim's family and community. Working constructively with segments of this larger community after such crimes is essential to help reduce fears, stem possible retaliation, prevent additional hate crimes, and encourage any other previously victimized individuals to step forward and report such crimes. This is particularly important if an upward trend has been identified in these crimes.

Although hate incidents are not criminal events, they can be indicators of, or precursors to, hate crimes. Most California law enforcement agencies do not track hate incidents. It is recommended that hate incidents be investigated and documented, if directed by policy, as part of the overall planning to prevent hate crime.

Tracking social media is also another identified area to find indicators of, or precursors to, hate crimes. It is recommended that agencies assign personnel to find, evaluate and monitor public social media sources to identify possible suspects in reported hate crimes, or to determine suspects or suspect groups in future hate crimes or hate incidents affecting the identified individuals, groups or communities that may be victimized, and planned hate-based events.

Release of Information

Agencies should have procedure and/or policy on public disclosure of hate crimes. Establishing a relationship with stakeholders, before any incident occurs, to develop a network and protocol for disclosure would assist greatly in any disclosure.

The benefit of public disclosure of hate crime incidents includes:

1. Dissemination of correct information.
2. Assurance to affected communities or groups that the matter is being properly and promptly investigated.
3. The ability to request information regarding the commission of the crime(s) from the victimized community.

Agencies should provide the supervisor, public information officer, or designee with information that can be responsibly reported to the media. When appropriate, the law enforcement media spokesperson should reiterate that the hate crimes will not be tolerated, will be taken seriously, and will be prosecuted to the full extent of the law.

Agencies are encouraged to consider the following when releasing information to the public regarding hate crimes and hate incidents that have been reported within the jurisdiction:

²As described in CPC 13519.6(b)(8)

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1. Informing community organizations in a timely manner when a community group has been the target of a hate crime.
 2. Informing the community of the impact of these crimes on the victim, the victim's family, and the community, and the assistance and compensation available to victims.
 3. Informing the community regarding hate crime law and the legal rights of, and the remedies available to, victims of hate crimes.
 4. Providing the community with on-going information regarding hate crime and/or hate incidents (if policy requires it).

Reporting

The agency policy shall require development of a procedure for data collection, documentation, and mandated reporting requirements. The agency shall:

1. Ensure that hate crimes are properly investigated, documented and reported.
2. During documentation, ensure hate crimes are flagged properly to allow for required reporting to the California Department of Justice. This is typically indicated by the title/penal code section identifying the report as a hate crime. Some agencies have added a check box specifically indicating a hate crime that could, if required by the agency policy, require a secondary review by an investigator/detective, supervisor or other identified party. It is the agency executive's responsibility to determine the form of documentation and type of indicators on crime reports.
3. The agency head or their designee (identified in the agency policy) should make a final determination as to whether the incident should be classified as a hate crime by the agency.
4. Agencies shall develop procedures to comply with legally mandated reporting, including the California Department of Justice, pursuant to CPC 13023.

Checklist for the agency's policy creation

- Message from the law enforcement's agency's chief executive is included
 - The updated existing policy or newly adopted policy includes the content of the model policy framework from POST.
 - Definition of "hate crime" included from:
 - CPC 422.55
 - CPC 422.56
 - CPC 422.6
 - Title by title specific protocol regarding:
 - Prevention
 - Is contact is established with identified persons and/or communities who are likely targets?
 - Have we formed and/or are we cooperating with hate crime prevention and response networks?
 - Has a plan for the agency to remedy underreporting of hate crimes and the more extreme underreporting of anti-disability and anti-gender hate crimes been created?
 - Response
 - Requirement that all hate crimes be properly investigated and supervised
 - Requirement that any hate crimes committed under the color of authority are investigated
 - Accessing Assistance
 - Information provided for activating the Department of Justice hate crime rapid response protocol when necessary
 - Victim assistance and follow-up
 - Reporting
 - Protocol for reporting suspected hate crimes to the Department of Justice per CPC 13023
 - Training
 - Has a checklist for first responders been created and provided personnel (see exemplar officer checklist in appendix)
 - Does the checklist include first responder responsibilities include:
 - Determining the need for additional resources if necessary?
 - Referral information for appropriate community and legal services?
 - The requirement to provide the agency's hate crimes brochure per CPC 422.92?
 - Information regarding bias motivation from CPC 422.87
 - Information regarding the general underreporting of hate crimes and the more extreme underreporting of anti-disability and anti-gender hate crimes
- Definitions of terms used in the policy are listed
- Specific procedure for transmitting and periodically retransmitting the policy and any related orders to officers is included.
 - Procedure shall include a simple and immediate way for officers to access the policy in the field when needed
- Title or titles of the officer or officers responsible for assuring the department has a hate crime brochure (per CPC 422.92) and ensuring that all officers are trained to distribute the brochure to all suspected hate crime victims and all other interested persons.
- A requirement that all officers be familiar with the policy and carry out the policy at all times unless directed by the law enforcement chief executive or the chief executive's designee.

APPENDIX

Definitions and Laws

In accordance with CPC sections 422.55, 422.56, 422.6, and 422.87, for purposes of all other state law unless an explicit provision of law or the context clearly requires a different meaning, the following shall apply:

Hate crime

“Hate crime” means a criminal act committed, in whole or in part, because of one or more of the following actual or perceived characteristics of the victim:

- (1) Disability.
- (2) Gender.
- (3) Nationality.
- (4) Race or ethnicity.
- (5) Religion.
- (6) Sexual orientation.
- (7) Association with a person or group with one or more of these actual or perceived characteristics.

(b) “Hate crime” includes, but is not limited to, a violation of Section 422.6.

“Association with a person or group with these actual or perceived characteristics” Includes advocacy for, identification with, or being on the ground owned or rented by, or adjacent to, any of the following: a community center, educational facility, family, individual, office, meeting hall, place of worship, private institution, public agency, library, or other entity, group, or person that has, or is identified with people who have, one or more of those characteristics listed in the definition of “hate crime” under paragraphs 1 to 6, inclusive, of CPC 422.55 subdivision (a).

Note: A “hate crime” need not be motivated by hate but may be motivated by any bias against a protected characteristic.

Hate Speech

The First Amendment to the U.S. Constitution protects most speech, even when it is disagreeable, offensive, or hurtful. The following types of speech are generally not protected: fighting words, true threats, perjury, blackmail, incitement to lawless action, conspiracy and solicitation to commit any crime.

Hate incident

A hate incident is an action or behavior motivated by hate or bias but legally protected by the First Amendment right to freedom of expression. Examples of hate incidents include:

- Name-calling
- Insults and epithets
- Distributing hate material in public places
- Displaying hate material on your own property

Bias Motivation

Bias motivation is a preexisting negative attitude toward actual or perceived characteristics referenced in Section 422.55. Depending on the circumstances of each case, bias motivation may include, but is not limited to, hatred, animosity, resentment, revulsion, contempt, unreasonable fear, paranoia, callousness, thrill-seeking, desire for social dominance, desire for social bonding with those of one's "own kind," or a perception of the vulnerability of the victim due to the victim being perceived as being weak, worthless, or fair game because of a protected characteristic, including, but not limited to, disability or gender.

Disability Bias

In recognizing suspected disability-bias hate crimes, officers should consider whether there is any indication that the perpetrator was motivated by hostility or other bias, occasioned by factors such as, but not limited to, dislike of persons who arouse fear or guilt, a perception that persons with disabilities are inferior and therefore "deserving victims," a fear of persons whose visible traits are perceived as being disturbing to others, or resentment of those who need, demand, or receive alternative educational, physical, or social accommodations.

In recognizing suspected disability-bias hate crimes, officers should consider whether there is any indication that the perpetrator perceived the victim to be vulnerable and, if so, if this perception is grounded, in whole or in part, in anti-disability bias. This includes, but is not limited to, if a perpetrator targets a person with a particular perceived disability while avoiding other vulnerable-appearing persons such as inebriated persons or persons with perceived disabilities different than those of the victim, those circumstances could be evidence that the perpetrator's motivations included bias against persons with the perceived disability of the victim and that the crime must be reported as a suspected hate crime and not a mere crime of opportunity.

Disability

Disability includes mental disability and physical disability as defined in GC 12926, regardless of whether those disabilities are temporary, permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

Gender

Gender means sex and includes a person gender identity and gender expression. Gender expression means a person's gender-related appearance and behavior, whether or not stereotypically associated with the persons assigned sex at birth. A person's gender identity and gender related appearance and behavior, whether or not stereotypically associated with the person's assigned sex at birth.

In Whole or In Part

"In whole or in part because of" means that the bias motivation must be a cause in fact of the offense whether or not other causes also exist. When multiple concurrent motives exist, the prohibited bias must be a substantial factor in bringing about the particular result. There is no requirement that the bias be a main factor, or that crime would not have been committed but for the actual or perceived characteristic.

Nationality

Nationality includes citizenship, country of origin, and national origin.

Race or Ethnicity

Race or ethnicity includes ancestry, color, and ethnic background.

Religion

Religion includes all aspects of religious belief, observance, and practice and includes agnosticism and atheism.

Sexual orientation

Sexual orientation means heterosexuality, homosexuality, or bisexuality.

Victim

Victim includes, but is not limited to, a community center, educational facility, entity, family, group, individual, office, meeting hall, person, place of worship, private institution, public

Statutes and Legal Requirements

Items listed in this section include sections from the California Penal Code (CPC), Welfare and Institutions Code (WI) and Government Code (GC).

Definitions

CPC 422.55 - Provides general definition of hate crimes in California.

CPC 422.56- Provides definitions of terms included in hate crimes statutes.

GC 12926- Disability-related definitions applicable to some hate crime statutes.

Felonies

Hate Crimes

CPC 422.7 - Commission of a crime for the purpose of interfering with another's exercise of civil rights.

Related Crimes

CPC 190.2(a)(16) - Homicide penalties related to certain hate crime related acts.

CPC 190.03(a) - Homicide penalties related to certain hate crime related acts.

CPC 288(b)(2) - Sexual assault of dependent person by caretaker

CPC 368(b) - Dependent adult abuse generally - may apply as disability-related hate crime.

CPC 594.3 - Vandalism of places of worship.

CPC 11412 - Causing or attempting to cause other to refrain from exercising religion by threat.

CPC 11413 - Arson or destructive device at place of worship.

Misdemeanors

Hate Crimes

CPC 422.6 - Use of force, threats, or destruction of property to interfere with another's exercise of civil rights.

CPC 422.77 - Violation of civil order (Bane Act) protecting the exercise of civil rights

Related Crimes

CPC 302 - Disorderly conduct during an assemblage of people gathered for religious worship at a tax-exempt place of worship.

CPC 538(c) - Unauthorized insertion of advertisements in newspapers and redistribution to the public.

CPC 640.2 - Placing handbill, notice of advertisement on a consumer product or product packaged without authorization.

CPC 11411 - Terrorism of owner or occupant of real property. Placement or display of sign, symbol, or other physical impression without authorization, engagement in pattern of conduct, or burning or desecration of religious symbols.

Enhancements

CPC 190.2(a)(16) - Special circumstances imposing the Death Penalty or Life Without Possibility of Parole, if the victim was intentionally killed because of sexual orientation, gender, or disability.

CPC 190.3 - Special circumstances imposing LWOP if the victim was intentionally killed because of sexual orientation, gender, or disability.

CPC 422.75 - Penalty for felony committed because of victim's race, color, religion, nationality, country or origin, ancestry, disability, or sexual orientation shall be enhanced one, two, or three years in prison, if the person acts alone; and two, three, or four years if the person commits the act with another.

CPC 1170.8 - Enhancement for robbery or assault at a place of worship.

CPC 1170.85(b) - Felony assault or battery enhancement due to age or disability.

Reporting

CPC 13023- Requirement for law enforcement agencies to report hate crime data to DOJ.

WI 15630 – Elder and Dependent Adult Abuse Mandated Reporting (may apply in disability-related hate crimes).

Training and Policy Requirements

CPC 422.87 - Hate crimes policy adoption and update requirements (AB 1985, Effective January 1, 2019).

CPC 13519.6 - Defines hate crime training requirements for peace officers.

CPC 13519.41 - Training requirements on sexual orientation and gender identity-related hate crimes for peace officers and dispatchers (AB 2504, Effective January 1, 2019).

Miscellaneous Provisions

CPC 422.78 - Responsibility for prosecution of stay away order violations.

CPC 422.86 - Public policy regarding hate crimes.

CPC 422.89 - Legislative intent regarding violations of civil rights and hate crimes

CPC 422.92 - Hate crimes victims brochure requirement for law enforcement agencies.

CPC 422.93 - Protection of victims and witnesses from being reported to immigration authorities.

GC 6254 - Victim confidentiality.

HATE CRIME CHECKLIST

Page _____ of _____

VICTIM	<p style="text-align: center;"><u>Victim Type:</u></p> <p><input type="checkbox"/> Individual Legal name (Last, First): _____ Other Names used (AKA): _____</p> <p><input type="checkbox"/> School, business or organization Name: _____ Type: _____ <i>(e.g., non-profit, private, public school)</i> Address: _____</p> <p><input type="checkbox"/> Faith-based organization Name: _____ Faith: _____ Address: _____</p>	<p style="text-align: center;"><u>Target of Crime (Check all that apply):</u></p> <p><input type="checkbox"/> Person <input type="checkbox"/> Private property <input type="checkbox"/> Public property</p> <p><input type="checkbox"/> Other _____</p> <p style="text-align: center;"><u>Nature of Crime (Check all that apply):</u></p> <p><input type="checkbox"/> Bodily injury <input type="checkbox"/> Threat of violence</p> <p><input type="checkbox"/> Property damage</p> <p><input type="checkbox"/> Other crime: _____</p> <p>Property damage - estimated value _____</p>
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BIAS	<p style="text-align: center;"><u>Type of Bias</u> (Check all characteristics that apply):</p> <p><input type="checkbox"/> Disability</p> <p><input type="checkbox"/> Gender</p> <p><input type="checkbox"/> Gender identity/expression</p> <p><input type="checkbox"/> Sexual orientation</p> <p><input type="checkbox"/> Race</p> <p><input type="checkbox"/> Ethnicity</p> <p><input type="checkbox"/> Nationality</p> <p><input type="checkbox"/> Religion</p> <p><input type="checkbox"/> Significant day of offense <i>(e.g., 9/11, holy days)</i></p> <p><input type="checkbox"/> Other: _____</p> <p>Specify disability (be specific): _____ _____</p>	<p style="text-align: center;"><u>Actual or Perceived Bias – Victim’s Statement:</u></p> <p><input type="checkbox"/> Actual bias [Victim actually has the indicated characteristic(s)].</p> <p><input type="checkbox"/> Perceived bias [Suspect believed victim had the indicated characteristic(s)]. <i>If perceived, explain the circumstances in narrative portion of Report.</i></p> <hr/> <p style="text-align: center;"><u>Reason for Bias:</u></p> <p>Do you feel you were targeted based on one of these characteristics? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Explain in narrative portion of Report.</i></p> <p>Do you know what motivated the suspect to commit this crime? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Explain in narrative portion of Report.</i></p> <p>Do you feel you were targeted because you associated yourself with an individual or a group? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Explain in narrative portion of Report.</i></p> <p>Are there indicators the suspect is affiliated with a Hate Group (i.e., literature/tattoos)? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Describe in narrative portion of Report.</i></p> <p>Are there Indicators the suspect is affiliated with a criminal street gang? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Describe in narrative portion of Report.</i></p>
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	<p style="text-align: center;"><u>Bias Indicators (Check all that apply):</u></p> <p><input type="checkbox"/> Hate speech <input type="checkbox"/> Acts/gestures <input type="checkbox"/> Property damage <input type="checkbox"/> Symbol used</p> <p><input type="checkbox"/> Written/electronic communication <input type="checkbox"/> Graffiti/spray paint <input type="checkbox"/> Other: _____</p> <p><i>Describe with exact detail in narrative portion of Report.</i></p>
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HISTORY	<p style="text-align: center;"><u>Relationship Between Suspect & Victim:</u></p> <p>Suspect known to victim? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Nature of relationship: _____</p> <p>Length of relationship: _____</p> <p><i>If Yes, describe in narrative portion of Report</i></p>	<p><input type="checkbox"/> Prior reported incidents with suspect? Total # _____</p> <p><input type="checkbox"/> Prior unreported incidents with suspect? Total # _____</p> <p>Restraining orders? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><i>If Yes, describe in narrative portion of Report</i></p> <p>Type of order: _____ Order/Case# _____</p>
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WEAPONS	<p>Weapon(s) used during incident? <input type="checkbox"/> Yes <input type="checkbox"/> No Type: _____</p> <p>Weapon(s) booked as evidence? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Automated Firearms System (AFS) Inquiry attached to Report? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>
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HATE CRIME CHECKLIST

Page ____ of ____

EVIDENCE	Witnesses present during incident? <input type="checkbox"/> Yes <input type="checkbox"/> No	Statements taken? <input type="checkbox"/> Yes <input type="checkbox"/> No
	Evidence collected? <input type="checkbox"/> Yes <input type="checkbox"/> No	Recordings: <input type="checkbox"/> Video <input type="checkbox"/> Audio <input type="checkbox"/> Booked
	Photos taken? <input type="checkbox"/> Yes <input type="checkbox"/> No	Suspect identified: <input type="checkbox"/> Field ID <input type="checkbox"/> By photo
	Total # of photos: _____ D#: _____ Taken by: _____ Serial #: _____	<input type="checkbox"/> Known to victim

OBSERVATIONS	<u>VICTIM</u>	<u>SUSPECT</u>
	<input type="checkbox"/> Tattoos <input type="checkbox"/> Shaking <input type="checkbox"/> Unresponsive <input type="checkbox"/> Crying <input type="checkbox"/> Scared <input type="checkbox"/> Angry <input type="checkbox"/> Fearful <input type="checkbox"/> Calm <input type="checkbox"/> Agitated <input type="checkbox"/> Nervous <input type="checkbox"/> Threatening <input type="checkbox"/> Apologetic <input type="checkbox"/> Other observations: _____	<input type="checkbox"/> Tattoos <input type="checkbox"/> Shaking <input type="checkbox"/> Unresponsive <input type="checkbox"/> Crying <input type="checkbox"/> Scared <input type="checkbox"/> Angry <input type="checkbox"/> Fearful <input type="checkbox"/> Calm <input type="checkbox"/> Agitated <input type="checkbox"/> Nervous <input type="checkbox"/> Threatening <input type="checkbox"/> Apologetic <input type="checkbox"/> Other observations: _____

ADDITIONAL QUESTIONS (Explain all boxes marked "Yes" in narrative portion of report):

Has suspect ever threatened you?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Has suspect ever harmed you?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Does suspect possess or have access to a firearm?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Are you afraid for your safety?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Do you have any other information that may be helpful?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

Resources offered at scene: Yes No Type: _____

MEDICAL		<u>Victim</u>	<u>Suspect</u>	
	<input type="checkbox"/>	<input type="checkbox"/>		Declined medical treatment
	<input type="checkbox"/>	<input type="checkbox"/>		Will seek own medical treatment
	<input type="checkbox"/>	<input type="checkbox"/>		Received medical treatment
	Authorization to Release Medical Information, Form 05.03.00, signed? <input type="checkbox"/> Yes <input type="checkbox"/> No			Paramedics at scene? <input type="checkbox"/> Yes <input type="checkbox"/> No Unit # _____ Name(s)/ID #: _____ Hospital: _____ Jail Dispensary: _____ Physician/Doctor: _____ Patient #: _____

Officer (Name/Rank)	Date
Officer (Name/Rank)	Date
Supervisor Approving (Name/Rank)	Date

Supplemental Hate Crime Report.pdf

Hate incident (No Crime Committed)

Hate Crime (422.6 PC, 51.7 CC, 52.1 CC)

VICTIM

VICTIM TYPE

Individual

Legal name (Last, First):

Date of Birth	Age	Sex	Race

School, business or organization

Name: _____

Type: _____
 (e.g., non-profit, private, public school)

Faith-based organization

Name: _____

Faith: _____

Other

Name: _____

Type: _____

Address: _____

Date and time of incident:

Location of incident:

Date and time of report:

Location of report:

Agency Case #:

NATURE OF CALL FOR SERVICE (check all that apply)

Crime against persons

Crime against property

Gang activity

Other _____

BIAS

TYPE OF BIAS

(Check all characteristics that apply)

Disability

Gender

Gender identity/expression

Sexual orientation

Race

Ethnicity

Nationality

Religion

Significant day of offense

(e.g., 9/11, holy days)

Association with a person or group with one or more of these characteristics (actual or perceived)

Other: _____

ACTUAL OR PERCEIVED BIAS – VICTIM’S STATEMENT

Actual bias [Victim has the indicated characteristic(s)].

Perceived bias [Suspect believed victim had the indicated characteristic(s)].

REASON FOR BIAS:

Do you feel you were targeted based on one of these characteristics?

Yes No

Do you know what motivated the suspect to commit this crime?

Yes No

Do you feel you were targeted because you associated yourself with an individual or a group?

Yes No

Are there indicators the suspect is affiliated with a Hate Group (i.e., literature/tattoos)?

Yes No

Are there Indicators the suspect is affiliated with a criminal street gang?

Yes No

BIAS INDICATORS (CHECK ALL THAT APPLY):

Hate speech

Acts/gestures

Property damage

Symbol used

Written/electronic communication

Graffiti/spray paint

Other: _____

HISTORY

SUSPECT INFORMATION				RELATIONSHIP BETWEEN SUSPECT & VICTIM			
Legal name (Last, First): _____				Suspect known to victim: <input type="checkbox"/> Yes <input type="checkbox"/> No			
Other Names used (AKA): _____				Nature of relationship: _____			
Date of Birth	Age	Sex	Race	Length of relationship: _____			
				<input type="checkbox"/> Prior reported incidents with suspect: <i>Total #</i> _____			
Relationship to Victim: _____				Prior unreported incidents with suspect: <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown			

WEAPONS/FORCE

Weapon(s) used during incident? Yes No Type: _____

Force used during incident? Yes No Type: _____

EVIDENCE

Witnesses present during incident? Yes No Statements taken? Yes No

Evidence collected? <input type="checkbox"/> Yes <input type="checkbox"/> No	Recordings:	<input type="checkbox"/> Video	<input type="checkbox"/> Audio	<input type="checkbox"/> Booked
Photos taken? <input type="checkbox"/> Yes <input type="checkbox"/> No	Suspect identified:	<input type="checkbox"/> Field ID	<input type="checkbox"/> By photo/video	<input type="checkbox"/> Known

RESOURCES

Resources offered at scene: Yes No

Marsy's Law Handout Hate Crimes Brochure Other: _____

MEDICAL

Victim	Suspect	
<input type="checkbox"/>	<input type="checkbox"/>	Declined medical treatment
<input type="checkbox"/>	<input type="checkbox"/>	Will seek own medical treatment
<input type="checkbox"/>	<input type="checkbox"/>	Received medical treatment
<input type="checkbox"/>	<input type="checkbox"/>	Injuries observed

Completed by	Date
Name/Title/ID number	

CA-POST LD 30 V-5.0.pdf

Basic Course

Workbook Series

Student Materials

Learning Domain 30

Crime Scenes, Evidence, and Forensics

Version 5.0

THE MISSION OF THE CALIFORNIA COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING IS TO CONTINUALLY
ENHANCE THE PROFESSIONALISM OF CALIFORNIA LAW ENFORCEMENT IN SERVING ITS COMMUNITIES

**Basic Course Workbook Series
Student Materials
Learning Domain 30
Crime Scenes, Evidence, and Forensics
Version 5.0**

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THE ACADEMY TRAINING MISSION

The primary mission of basic training is to prepare students mentally, morally, and physically to advance into a field training program, assume the responsibilities, and execute the duties of a peace officer in society.

FOREWORD

The California Commission on Peace Officer Standards and Training sincerely appreciates the efforts of the many curriculum consultants, academy instructors, directors and coordinators who contributed to the development of this workbook. We must also thank the California law enforcement agency executives who allowed their personnel to participate in the development of these training materials.

This student workbook is part of the POST Basic Course Training System. The workbook component of this system provides a self-study document for every learning domain in the Basic Course. Each workbook is intended to be a supplement to, not a substitute for, classroom instruction. The objective of the system is to improve academy student learning and information retention and ultimately contribute to you becoming a peace officer committed to safety, and to the communities you will serve.

The content of each workbook is organized into sequenced learning modules to meet requirements as prescribed both by California law and the POST Training and Testing Specifications for the Basic Course.

It is our hope that the collective wisdom and experience of all who contributed to this workbook will help you, the student, to successfully complete the Basic Course and to enjoy a safe and rewarding career as a peace officer.

MANUEL ALVAREZ, Jr.
Executive Director

LD 30: Crime Scenes, Evidence, and Forensics

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Preface

Introduction

Student workbooks

The student workbooks are part of the POST Basic Course Instructional System. This system is designed to provide students with a self-study document to be used in preparation for classroom training.

Regular Basic Course training requirement

Completion of the Regular Basic Course is required, prior to exercising peace officer powers, as recognized in the California Penal Code and where the POST-required standard is the POST Regular Basic Course.

Student workbook elements

The following elements are included in each workbook:

- chapter contents, including a synopsis of key points,
 - supplementary material, and
 - a glossary of terms used in this workbook.
-

How to Use the Student Workbook

Introduction

This workbook provides an introduction to the training requirements for this Learning Domain. You may use the workbook in several ways: for initial learning, for test preparation, and for remedial training.

Workbook format

To use the workbook most effectively, follow the steps listed below.

Step	Action
1	Begin by reading the: Preface and How to Use the Workbook, which provide an overview of how the workbook fits into the POST training program and how it should be used.
2	Refer to the Chapter Synopsis section at the end of each chapter to review the key points that support the chapter objectives.
3	Begin reading the text.
4	Complete the workbook learning activities at the end of each chapter. These activities reinforce the material taught in the chapter.
5	Refer to the Glossary section for a definition of important terms. The terms appear throughout the text and are bolded and underlined (e.g., <u>term</u>).

Chapter 1

Crime Scenes

Overview

Learning need

Peace officers must have a general understanding of the total range of basic criminal investigation procedures in order to make the appropriate decisions regarding the identification and preservation of evidence at the scene of a crime.

Learning objectives

The following table identifies the student learning objectives for this chapter.

After completing study of this chapter, the student will be able to...	Objective ID
<ul style="list-style-type: none">• identify the goal of a criminal investigation.	30.01.1
<ul style="list-style-type: none">• perform the steps of a preliminary criminal investigation including:<ul style="list-style-type: none">- proceed safely to the scene- determine need for emergency medical services and aid any injured persons- verify that a crime, if any, has occurred- identify and arrest the suspect(s), if appropriate- as soon as possible, provide dispatch with any suspect information including physical descriptions, direction of flight, mode of travel, and other pertinent information- contain and protect the crime scene, initiate a crime scene log and cause the proper collection of evidence- locate and interview victim(s) and/or witness(es) and identify other sources of information- collect all available information necessary to write a clear and accurate report (who, what, when, where, why and how)	30.01.2

Continued on next page

Overview, Continued

Learning objectives (continued)

After completing study of this chapter, the student will be able to...	Objective ID
<ul style="list-style-type: none">demonstrate actions peace officers may employ to preserve possible evidence at a crime scene.	30.01.5
<ul style="list-style-type: none">identify the primary purpose of conducting a(n):<ul style="list-style-type: none">initial survey of a crime scene, andcrime scene search.	30.01.6 30.01.7
<ul style="list-style-type: none">identify criteria for allowing crime scene photographs to be admitted as evidence by the court.	30.01.9
<ul style="list-style-type: none">identify elements to be included on a crime scene diagram.	30.01.10

In this chapter

This chapter focuses on the documentation of a crime scene that must take place prior to the collection of evidence. Refer to the table below for a specific topic.

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Preliminary Criminal Investigations

Introduction

The role of responding peace officers to calls involving criminal activity goes well beyond that of making an arrest. The actions taken or not taken by peace officers can greatly influence the prosecutor's success in obtaining a conviction.

Types of investigations

An **investigation** is the systematic gathering of information from a variety of sources and the documentation of evidence, observations, and findings.

Law enforcement agencies conduct a variety of different types of investigations including, but not limited to:

- background investigations (e.g., screening job applicants),
 - internal investigations (e.g., regarding conduct of officers),
 - permit investigations (e.g., prior to issuing business licenses), and
 - criminal investigations.
-

Criminal investigations

A **criminal investigation** is a systematic approach to the:

- establishment of a criminal violation,
- identification and arrest of a suspect, and
- gathering of evidence for presentation in a court of law.

The ultimate goal of a criminal investigation is to determine if a crime occurred, provide investigative leads, and assist in the successful prosecution of the guilty and exoneration of the innocent.

Continued on next page

Preliminary Criminal Investigations, Continued

Preliminary investigations

The investigation of a crime often takes place in a number of phases. It begins with the preliminary investigation and progresses through more in-depth follow-up investigations ultimately leading to the arrest or indictment of a suspect.

The **preliminary investigation** begins when the responding officers first receives the call. It continues through the writing and filing of the primary officer's investigative report.

Involved individuals

A number of individuals and organizations are involved in the preliminary investigation of a crime. Each person participating must understand and anticipate the needs and requirements of the other individuals involved.

Individuals involved in the investigative process may include, but are not limited to:

- reporting parties,
 - responding officers,
 - investigating officers,
 - victims,
 - witnesses,
 - evidence technicians,
 - medical examiners,
 - forensic scientists, and
 - attorneys.
-

Continued on next page

Preliminary Criminal Investigations, Continued

Components of a preliminary investigation (continued)

	Action(s)	Guidelines
Components of a preliminary investigation (continued)	Determine need for emergency medical services.	<ul style="list-style-type: none"> • Officers have a primary responsibility for the preservation of life that must supersede the apprehension of a suspect. • Officers should render first aid and request additional emergency medical services when needed. • While rendering aid, officers must also remain alert to: <ul style="list-style-type: none"> - officer safety, - record accidental destruction or alteration of evidence, and - the need to record any medical assistance rendered to injured parties by officers, medical personnel, or others. <p>NOTE: For additional information regarding rendering first aid refer to LD 34: <i>First Aid and CPR</i>.</p>
	Verify that a crime has occurred.	<ul style="list-style-type: none"> • Do not assume that the information that was dispatched will be a valid reflection of the actual event. Information initially given to the dispatcher may not have been complete or accurate. • Upon arrival officers should: <ul style="list-style-type: none"> - visually inspect the scene, - gather information from involved parties, and - establish the body or elements of the crime (corpus delicti) to determine if a crime has been committed and, if so, identify the specific crime.

Continued on next page

Preliminary Criminal Investigations, Continued

Components of a preliminary investigation (continued)	Action(s)	Guidelines
Assessment (continued)	Identify and arrest suspect(s), if appropriate.	<ul style="list-style-type: none"> • Suspect identification may be based on: <ul style="list-style-type: none"> - victim and/or witness statements, - spontaneous confessions and/or statements made by suspects themselves, or - physical, biological, trace, and impression evidence at the crime scene. (e.g., fingerprints, clothing, weapons, etc.) • If sufficient probable cause exists to believe the suspect is guilty of a crime, the suspect can be taken into custody. • A search of the suspect incident to the custodial arrest may include a full search of: <ul style="list-style-type: none"> - the arrestee's person, - containers on the arrestee's person, and - the nearby physical area that was under the immediate control of the arrestee. <p>NOTE: Searches incident to arrest can be more inclusive than cursory/frisk searches for weapons only.</p> <p>NOTE: For additional information regarding searches and custody, refer to LD 15: <i>Laws of Arrest</i> and LD 16: <i>Search and Seizure</i>.</p>

Continued on next page

Preliminary Criminal Investigations, Continued

**Components of
a preliminary
investigation
(continued)**

	Action(s)	Guidelines
Assessment (continued)	Provide dispatch with pertinent information as soon as possible.	<ul style="list-style-type: none"> • If suspect(s) have fled the scene, officers should provide the dispatcher and other field units with information such as: <ul style="list-style-type: none"> - physical description(s), including clothing - direction(s) and route(s) of flight, and/or - mode of travel. (e.g., on foot, by vehicle, etc.) - time and location last observed - information regarding vehicles (if known) • Additional pertinent information may include: <ul style="list-style-type: none"> - type of crime, - extent of injuries, - type of business, (if applicable) - location of occurrence, - time of occurrence, - description of vehicle, (if applicable) - description of weapon, (if applicable) and/or - description of property taken, (if applicable) - need for forensic personnel or criminalists at the scene • Additional broadcasts can be made if/when additional information is obtained during the preliminary investigation.

Continued on next page

Preliminary Criminal Investigations, Continued

Components of a preliminary investigation
(continued)

	Action(s)	Guidelines
Preliminary Investigation	Secure and protect the crime scene.	<ul style="list-style-type: none"> The primary responding officer to a crime is responsible for the integrity of the crime scene until that officer is relieved of that responsibility. Set up crime scene perimeter tape (if applicable).
	Determine jurisdiction	<ul style="list-style-type: none"> Make appropriate notifications based on agency policies and procedures.
	Identify and preserve possible evidence.	<ul style="list-style-type: none"> Proper crime scene management requires: <ul style="list-style-type: none"> preventing the contamination or destruction of evidence, initiating a crime scene log (if appropriate), documenting all personnel entering/exiting the scene documenting the crime scene, identifying and preserving evidence, and protecting the victim's property from damage or theft.
	Locate and interview victim(s), and or witness(es).	<ul style="list-style-type: none"> Officers should obtain and document information needed to: <ul style="list-style-type: none"> determine the crime, identify and locate the victim(s) or suspect(s), and generate additional crime broadcasts. Responding officers may be responsible for locating and interviewing all persons present at a crime scene.

Continued on next page

Preliminary Criminal Investigations, Continued

Components of a preliminary investigation (continued)

	Action(s)	Guidelines
Preliminary Investigation (continued)	Identify other possible sources of information.	<ul style="list-style-type: none"> As quickly as possible, collect as much information as is available. <p>NOTE: A listing of possible sources of information is provided in the <i>Supplemental Materials</i> portion of this workbook.</p>
Report	Collect available information necessary to write a clear and effective investigative report.	<ul style="list-style-type: none"> Officers should begin taking field notes as soon as possible after arriving at the crime scene. Notes should reflect information needed to report on the who, what, where, when, how, and why of the crime. <p>NOTE: For additional detailed information regarding investigative reports refer to LD 18: <i>Investigative Report Writing</i>.</p>

Continued on next page

Preliminary Criminal Investigations, Continued

Follow-up investigations

Actions taken by officers involved in the preliminary investigation can have a direct impact on follow-up law enforcement actions. Further investigative actions that may be required include, but are not limited to:

- reviewing the original report to develop additional leads.
 - viewing all evidence seized and ensuring proper packaging and preservation for submissions to a crime laboratory.
 - conducting follow-up interviews with the reporting officer, victim(s), witness(es), and suspect(s).
 - evaluating statements, evidence, and laboratory results.
 - gathering additional evidence through surveillance.
 - identifying, locating, arresting, or seeking warrants for the arrest of suspect(s).
 - conducting custodial interviews.
 - compiling and conducting field show-ups and lineups.
 - seeking warrants for searches and recovering stolen property.
 - maintaining a liaison with the prosecutor.
 - complying with victim/witness obligations.
-

Preservation of a Crime Scene

Introduction The crime scene itself is a form of evidence and should be treated by officers just as carefully as any other form of evidence.

Role of responding officer It is the responsibility of the initial primary responding officer to secure and protect the integrity of the crime scene until officially and properly relieved.

Initially, officers should not touch anything or do anything that could alter a crime scene in any way except to preserve life or administer aid to a victim.

Contamination When two objects touch each other, it is possible for trace substances of one to be transferred to the other. For example, whenever an individual enters a crime scene, it is possible for that individual to introduce physical evidence to the scene (e.g., fibers, hair, fingerprints, DNA, etc.) as well as to remove physical evidence from the scene (e.g., fibers on clothing, soil on shoes, etc.).

Such transfers can take place not only to potential suspects, but also peace officers who enter or leave a crime scene. For this reason, crime scenes must be carefully protected and personnel investigating the scene may need to wear protective gear to avoid any intentional or unintentional forms of contamination.

Continued on next page

Preservation of a Crime Scene, Continued

Protecting the crime scene

A crime scene encompasses not only the immediate area where a crime took place, but also other areas related to the crime (e.g., vehicles, escape routes, etc.). The following table identifies actions that can be taken by responding officers to protect the scene of a crime.

Action	Additional Information
Establish a perimeter.	<ul style="list-style-type: none">• An inner perimeter should include that area which contains specific evidence of the crime.• An outer perimeter may be established as a means of securing and controlling access to the inner perimeter.• Access to the inner perimeter should be limited to only those <i>authorized</i> individuals directly related to the criminal investigation.• Isolate the scene and deny entry.• A perimeter should be larger than is apparently necessary. One rule to follow is to double the distance from the center of the crime scene to the farthest location of any piece of evidence.• Prevent all unauthorized people from entering the scene (e.g., family members, neighbors, media, etc.).
Assign personnel.	<ul style="list-style-type: none">• The primary responding officer should assign law enforcement personnel to maintain inner and outer perimeters.• If necessary, assistance for perimeter containment may be obtained from those other than law enforcement personnel.

Continued on next page

Preservation of a Crime Scene, Continued

**Protecting
the crime
scene**
(continued)

Action	Additional Information
Place fixed barriers.	<ul style="list-style-type: none">• Police barrier tape can be used to establish and identify clear boundaries to maintain crime scene integrity.• Use cones and other traffic barricades to restrict access to the area.• Vehicles or other items can be strategically positioned to block traffic.
Maintain a crime scene log.	<ul style="list-style-type: none">• Record information on who had access to the crime scene.• Include information such as:<ul style="list-style-type: none">- date,- time in and out,- name and rank,- badge or ID number,- agency, and- reason for entry.

Continued on next page

Preservation of a Crime Scene, Continued

Evidence protection

Evidence within a crime scene may be moved, damaged, or obliterated by even the smallest disturbance. Because of this, initial responding officers must take actions to protect physical evidence.

IF...	THEN...
<ul style="list-style-type: none"> • the crime scene may be affected by: <ul style="list-style-type: none"> - environmental factors, (e.g., rain, wind, etc.) or - individuals not authorized to participate in the investigation, (e.g., bystanders) 	<ul style="list-style-type: none"> • action may be necessary to protect the evidence such as, but not limited to: <ul style="list-style-type: none"> - providing a tent covering to protect from rain or sunlight, - erecting temporary walls or barriers to reduce wind contamination, or - using cardboard to temporarily cover tire tracks or footprints.
<ul style="list-style-type: none"> • movement of evidence, if required (e.g., to transfer a victim, officer safety, etc.) 	<ul style="list-style-type: none"> • officers should: <ul style="list-style-type: none"> - verbally notify appropriate personnel of the action taken, - document and photograph, if appropriate, and condition of the evidence, and - document all actions taken.

Evidence tampering by peace officers

Penal Code Section 141(b) states a peace officer who knowingly, willfully, intentionally, and wrongfully alters, modifies, plants, places, manufactures, conceals, or moves any physical matter, digital image, or video recording, with specific intent that the action will result in a person being charged with a crime or with the specific intent that the physical matter, digital image, or video recording will be concealed or destroyed, or fraudulently represented as the original evidence upon a trial, proceeding, or inquiry, is guilty of a felony punishable by two, three, or five years in the state prison.

Crime Scene Surveys and Searches

Introduction

Movements at a crime scene should be carefully planned. Prior to any crime scene search responding officers must determine if the crimes committed are major crimes or minor crimes and then develop a specific search plan.

During major crime investigations

The **initial survey** should consist of securing the scene, noting visible evidence, calling for necessary resources, and controlling entry into the scene until properly relieved.

A major scene is defined by the need for specialized investigators and forensic personnel.

Initial surveys

Once a crime scene has been secured, an initial survey should be undertaken to identify the kind and amount of evidence that *may* exist in the designated area. The purpose of conducting such a survey is to give responding officers an opportunity to assess the amount of time, equipment, and personnel that may be needed to actually collect and process the evidence.

Officers should proceed cautiously through the crime scene area, being careful *not to touch, step on or disturb, or remove* any possible evidence when conducting the initial survey.

NOTE: For personal protection and for the protection of the evidence itself, officers may be required to wear items such as latex gloves, shoe covers, or other forms of protective clothing when conducting an initial crime scene survey.

Crime scene search

A **crime scene search** is a systematic, coordinated effort conducted in order to:

- locate evidence (physical, trace, impression, or biological) that indicates a crime has taken place, and
 - identify individual(s) who were present at the scene or may have committed the crime.
-

Continued on next page

Crime Scene Surveys and Searches, Continued

Search plans

Prior to conducting a crime scene search, all involved law enforcement personnel should have a clear understanding of the search plan. Everyone assisting in the search for evidence should be made aware of the:

- type of crime that has taken place,
- type of items that may be associated with the crime,
- perimeters of the area to be searched, and
- searching pattern that will be used.

NOTE: Searching officers should not limit themselves to collecting only items that they *think* are evidence. They must keep in mind that everything found in the crime scene should be considered evidence.

Selecting a search pattern

There are a number of different search patterns that can be used when attempting to locate evidence at a crime scene. The selection of a specific search pattern used at a crime scene should be based on the:

- location and configuration of the crime scene,
 - number of personnel available for the search, and
 - personal preference.
-

Documentation

The condition of the crime scene along with the location and description of items of possible evidence identified during any search should be documented in:

- the officer's field notes,
 - photographs,
 - crime scene diagrams, and
 - the officers original report and other supplemental reports.
-

Continued on next page

Crime Scene Surveys and Searches, Continued

Search patterns

The following table identifies five such patterns commonly used.

Pattern	Description
Line	<ul style="list-style-type: none">Officer begins at one corner of the crime scene and searches back and forth across the area, moving in parallel straight lines (in the same manner as if mowing grass).The search can be modified for use by two or more officers walking side by side when the crime scene is a large open area (e.g., open field, street, etc.).
Quadrant	<ul style="list-style-type: none">Crime scene area is divided into fourths or specified quadrants.Quadrants are searched one at a time by the officer(s).
Grid	<ul style="list-style-type: none">An imaginary grid is superimposed on the crime scene area.All blocks within the grid are the same size.Officer(s) begin searching at one corner and proceed, searching one block at a time. <p>NOTE: A variation of this pattern is the sector search where a large area is divided into designated sectors and searched one at a time (e.g., searching a building by floors or by rooms).</p>

Continued on next page

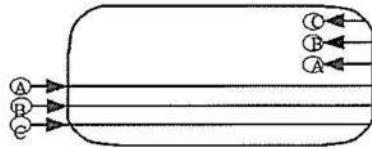
Crime Scene Surveys and Searches, Continued

Search patterns
(continued)

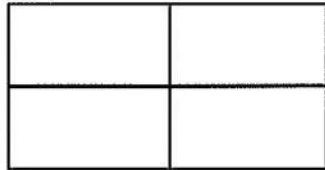
Pattern	Description
Spiral	<ul style="list-style-type: none">• Officer begins searching by circling the outer perimeter of the crime scene.• Officer continues spiraling in an ever-smaller circle toward the center of the crime scene area.• Useful when:<ul style="list-style-type: none">- searching a small crime scene area alone, or- it is believed that evidence that once was centrally located has been moved or hidden some distance from the original point of the crime.
Wheel	<ul style="list-style-type: none">• An imaginary circle is superimposed on the crime scene area.• The circle is divided into manageable pie-shaped wedges (or “spokes” as on a wheel).• Each wedge or section between spokes is searched one at a time.

Search Patterns

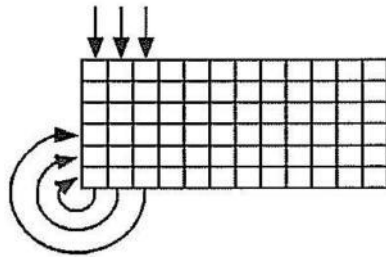
Line



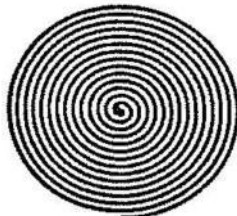
Quadrant



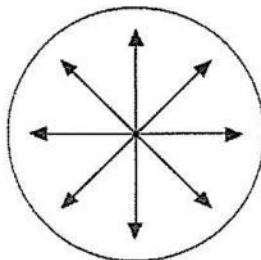
Grid



Spiral



Wheel



Photographs

Introduction Photographs of a crime scene can record how the scene appeared and how the evidence was found at the scene.

Benefits Crime scene photographs can:

- provide investigators with a visual record of the crime scene.
- allow the court to visually see the crime scene and the position and the state of each item of evidence at the scene.
- serve as a means of preserving fragile evidence.
- be stored as evidence indefinitely and be readily available if needed later.
- negate or validate statements made by suspects or witnesses.

Photographs as evidence Crime scene photographs are often used in a court of law as a form of demonstrative evidence. Photographs may be admissible as evidence if they:

- show an object or person relevant to the crime,
- accurately represent, without distortion, the object or scene photographed,
- are marked properly to identify contents and location, and
- are not used solely to appeal to the emotions or prejudice the court or jury.

Continued on next page

Photographs, Continued

Types of photographs

The following table identifies the four primary types of photographs taken to document a crime scene.

Type	Example
Location	<ul style="list-style-type: none">External view of the building, vehicle, or area where the crime has taken place (i.e., address, license plate).
Witnesses	<ul style="list-style-type: none">Candid photographs of groups of bystanders, witnesses, etc.
Evidence	<ul style="list-style-type: none">All visible items of evidence at the scene
Close-ups	<ul style="list-style-type: none">Close shots showing details of injuries, bodies, or individual items of evidence

General guidelines

Cameras can be used along with lighting equipment, tripods, and measuring devices to create images of the crime scene.

Peace officers should ensure the accuracy and credibility of all photographs taken at a crime scene.

Guidelines	Rationale/Description
Take photographs prior to conducting any detailed search for evidence.	<ul style="list-style-type: none">Such action helps ensure that the photographs record how the evidence was found at the crime scene.

Continued on next page

Photographs, Continued

General guidelines
(continued)

Guidelines	Rationale/Description
Take numerous different types of photographs.	<ul style="list-style-type: none">• Include:<ul style="list-style-type: none">- location (e.g., scene address)- witnesses and bystanders,- items of evidence, and- close-up images of evidence showing details.
Use markers and scale measures in the photographs.	<ul style="list-style-type: none">• Take initial photographs prior to placement of any marker(s) and after placing markers.• Place sequentially indexed markers next to items to:<ul style="list-style-type: none">- identify and call attention to the items, and- identify the order in which the photographs were taken.• Place measuring devices next to items to show:<ul style="list-style-type: none">- relative size of the items,- distances between objects,- degree of photographic enlargement, or- to call attention to particular trace evidence.
Use a tripod when possible.	<ul style="list-style-type: none">• Use of tripods or other stable items can help hold the camera steady and improve the quality of the photograph.• Tripods are especially beneficial when taking close-up shots of evidence.

Continued on next page

Photographs, Continued

General guidelines (continued)

Guidelines	Rationale/Description
Prepare a written log of all photographs taken.	<ul style="list-style-type: none"> • Do not rely on memory. • Accurately record all information that will be needed to properly label finished prints.
Avoid photographing extraneous persons.	<ul style="list-style-type: none"> • Do not include persons in the shot except when specifically photographing: <ul style="list-style-type: none"> - the body of a victim, - close-ups of an individual's injuries, or - onlookers and/or witnesses at a crime scene.

Photograph

For a photograph to be useful, the conditions under which it was taken must be properly documented.

	Guidelines
Photographer	<ul style="list-style-type: none"> • Full name, rank, identification number
Time	<ul style="list-style-type: none"> • Time and date the photograph was taken
Location	<ul style="list-style-type: none"> • Address of the crime scene and where the particular photos were taken
Camera Position	<ul style="list-style-type: none"> • Distance from the camera to the subject • Height of the camera from the ground when the photograph was taken

Continued on next page

Photographs, Continued

Photograph
(continued)

	Guidelines
Equipment	<ul style="list-style-type: none">• Type of camera and lens• Camera settings (e.g., shutter speed, lens setting, etc.)• Light source (e.g., natural light, electronic flash attachment, etc.)
Other Information	<ul style="list-style-type: none">• Name of individual if appropriate (e.g., witness, victim, etc.)• Any additional remarks pertaining to the case

Digital photography

Digital photography often provides easy means for documenting a crime scene.

When digital photography is used, images should be preserved and their storage location clearly noted in the officer's documentation.

NOTE: It is unprofessional and creates a loss of public trust when officers take unofficial photographs.

Crime Scene Sketches and Diagrams

Introduction

While photographs capture the position and state of individual items of evidence, they do not offer a “bird’s eye view” of the layout or the relative position of items of evidence or the spatial relationship of items of evidence. Sketches and diagrams can be used to supplement photographs and provide this additional information regarding the crime scene.

Benefits

Crime scene sketches and diagrams can:

- display a crime scene as a whole or in part.
 - provide clear and concise descriptions of all pieces of evidence.
 - show the relationship of items to each other.
 - show measured distances between items.
 - illustrate positions and movement of involved parties (e.g., victims, suspects, witnesses).
 - provide a permanent record of the conditions not easily recorded in words.
 - aid in reconstructing the crime scene.
 - supplement written field notes.
 - assist the reporting officer in writing comprehensive investigative reports.
 - illustrate the crime scene without extra clutter.
-

Rough sketches

A **crime scene sketch** is a rough drawing created by an investigating officer at the crime scene. It contains details and measurements that will be used when the final accurate diagram is later drawn. Rough sketches should be included in an officer’s field notes.

A crime scene sketch should:

- be drawn at the crime scene,
 - be complete enough to stand alone, and
 - include measurements pinpointing the location of all major items of physical evidence and critical features of the scene (e.g., furniture, plants, personal possessions, etc.)
 - geographic direction arrow with “N” indicating where the “north” compass point would be.
-

Continued on next page

Crime Scene Sketches and Diagrams, Continued

Diagrams

A **crime scene diagram** is a measured drawing showing the location of all important items, particularly items of physical evidence.

A crime scene diagram should show the:

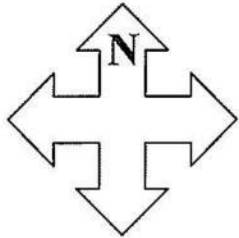
- layout of the entire scene,
- measured locations within the crime scene of each piece of evidence,
- locations of significant features of the scene, and
- spatial relationship between items.

Diagrams may be included with the officer's investigative report.

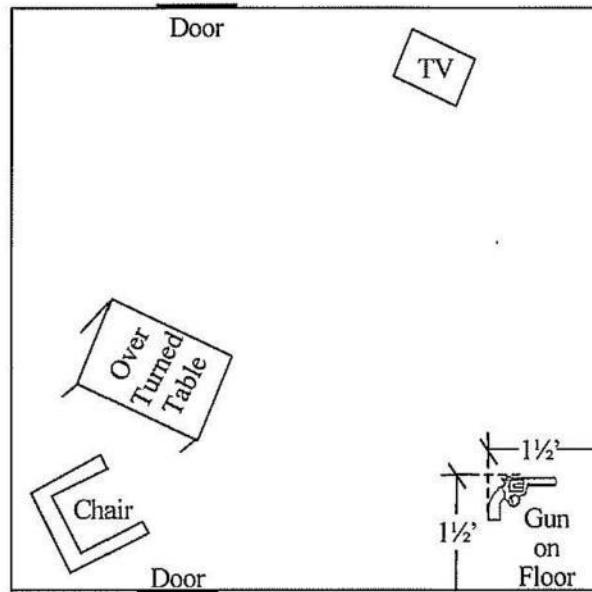
Continued on next page

Crime Scene Sketches and Diagrams, Continued

Overhead



Living Room

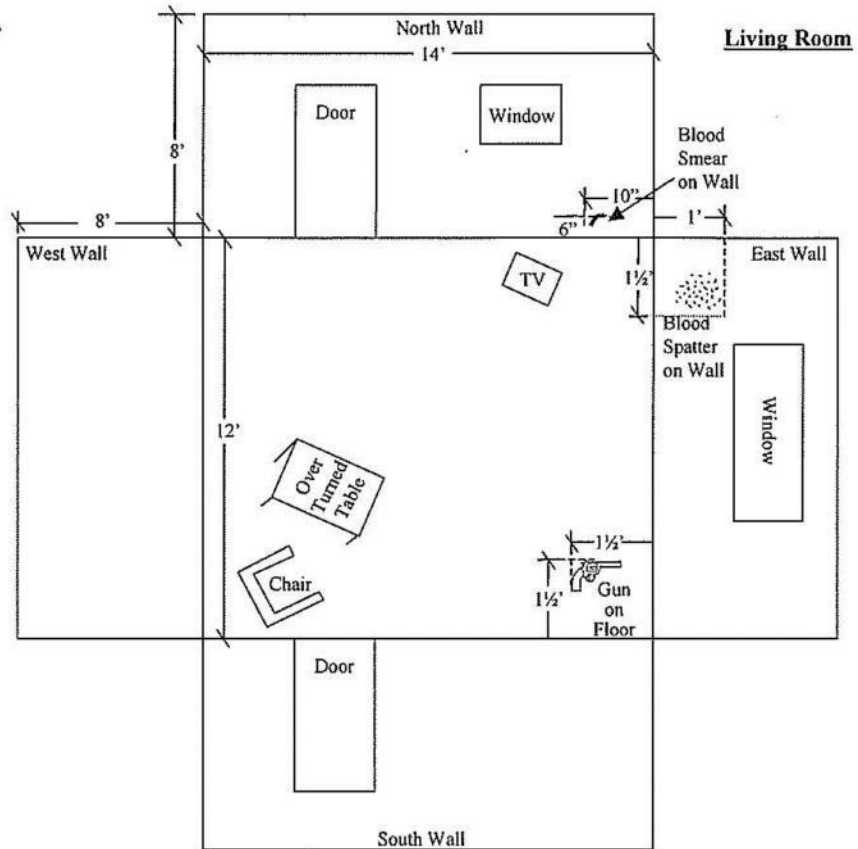
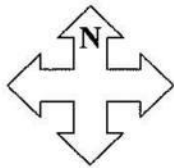


(not drawn to scale)

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Crime Scene Sketches and Diagrams, Continued

Exploded
view/Cross
section



(not drawn to scale)

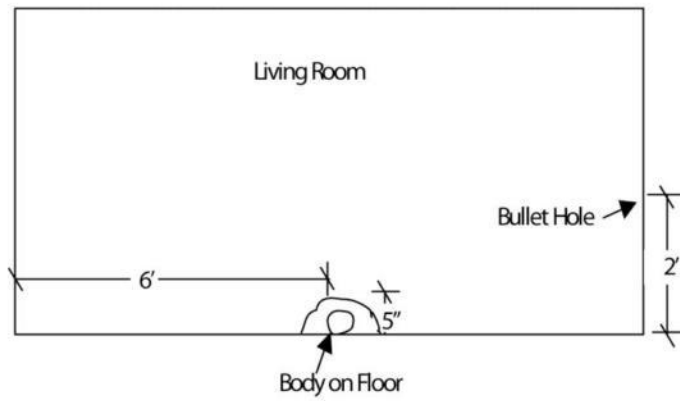
Continued on next page

Crime Scene Sketches and Diagrams, Continued

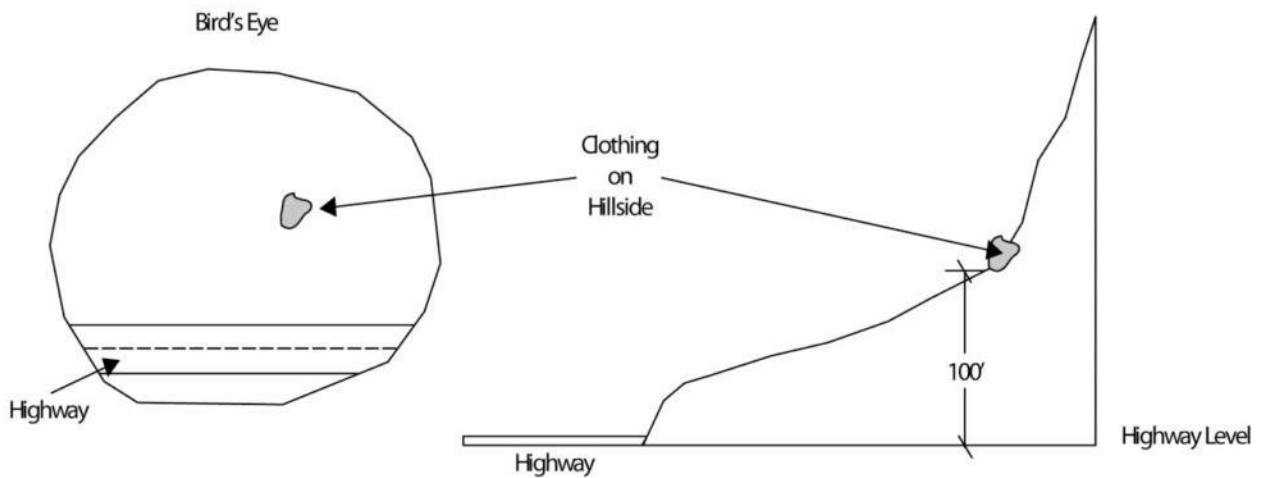
Elevation

Elevation

Example 1



Example 2

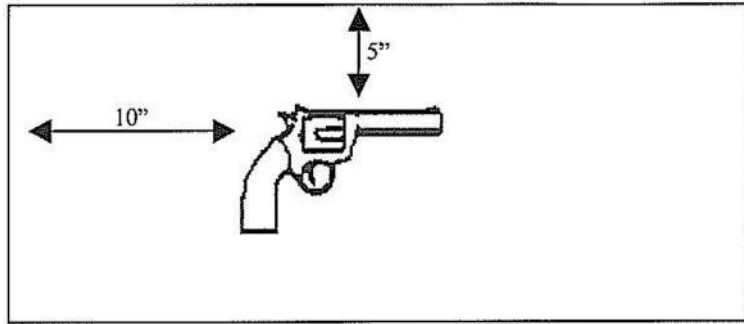


(not drawn to scale)

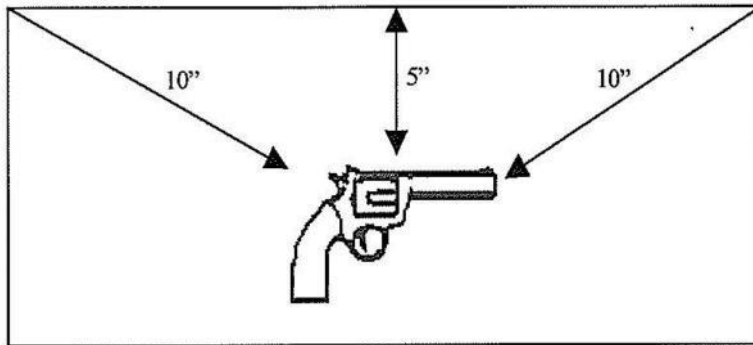
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Crime Scene Sketches and Diagrams, Continued

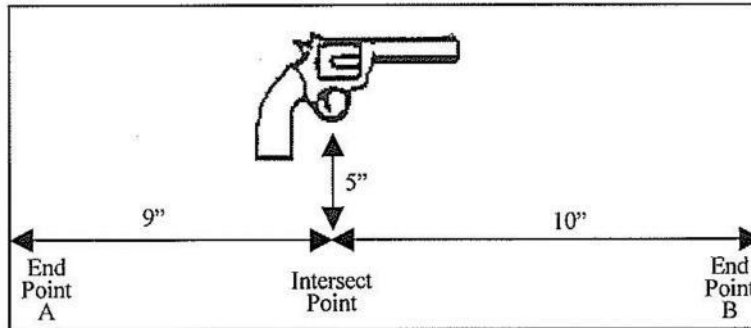
**Rectangular
coordination**



Triangulation



**Coordinate/
transect**



Continued on next page

Crime Scene Sketches and Diagrams, Continued

Content elements

Final crime scene diagrams should include specific types of information. The following table identifies the information that should be noted at the time the initial sketch is drawn and included on the final diagram.

	Guidelines
Diagraming Officer	<ul style="list-style-type: none">• Full name• Rank• Identification number
Other Individuals	<ul style="list-style-type: none">• Full name of anyone assisting in taking measurements• Identity of victim(s)
Time	<ul style="list-style-type: none">• Time and date the initial crime scene sketch was drawn
Crime Identification	<ul style="list-style-type: none">• Crime classification (e.g., burglary, homicide, etc.)• Case number (if known)
Details	<ul style="list-style-type: none">• Major discernible items of physical evidence and critical features• All possible entrances and exits (e.g., doors, windows, attic access, etc.)• Not to scale• Crime scene location/address

Continued on next page

Crime Scene Sketches and Diagrams, Continued

Content
elements
(continued)

	Guidelines
Location and Position	<ul style="list-style-type: none">• Address of the crime scene• Position where the particular sketch was drawn• Scale of the drawing• Location of major discernible items of physical evidence and critical features• Compass direction (i.e., location of north on the sketch) <p>NOTE: If the scale is not known, a notation should be added stating that the drawing is not to scale.</p>
Other Information	<p>Legend (explaining any symbols used to identify objects) Any additional remarks pertaining to the case</p> <p>NOTE: Notations should be written using a consistent orientation of lettering in the diagram. Individuals should not be required to turn the drawing in order to read a notation.</p>

Chapter Synopsis

Learning need Peace officers must have a general understanding of the total range of basic criminal investigation procedures in order to make the appropriate decisions regarding the identification and preservation of evidence at the scene of a crime.

Ultimate goal [30.01.1] The ultimate goal of a criminal investigation is to determine if a crime occurred, provide investigative leads, and assist in the successful prosecution of the guilty and exoneration of the innocent.

Steps of a preliminary investigation [30.01.2] Although no two crime scenes are the same, the basic components of a preliminary criminal investigation remain similar. Approach and arrival, assessment, scene preservation, preliminary investigation and the investigative report.

Preserving a crime scene [30.01.5] A crime scene encompasses not only the immediate area where a crime took place, but also other areas related to the crime.

Crime scene surveys and searches [30.01.6, 30.01.7] Initial survey is an initial visual sweep of a crime scene. Crime scene search is a planned and coordinated systematic search of a crime scene.

Crime scene photographs [30.01.9] Photographs of a crime scene can record how the scene appeared and how the evidence was found at the scene.

Continued on next page

Chapter Synopsis, Continued

**Components
a crime
scene diagram
[30.01.10]**

A crime scene diagram may include: **of**

- layout of the entire scene,
 - measurements within the crime scene for each piece of evidence, and the total measurement of the scene
 - reference points for two-point placement; triangulation placement, (reference points should be fixed points that will not change over time: (e.g., walls, curb lines, light standards)
 - locations of significant features of the scene, and
 - spatial relationships between items.
-

Workbook Learning Activities, Continued

**Activity
questions**
(continued)

3. At approximately 7:30 am, a lifeguard reporting for work discovered a body face down in the sand on the beach at the water's edge. You are called to the scene. Although there is blood visible on the victim's shirt, the mode of death is not obvious. There appears to be a trail in the sand that may indicate the body had been dragged to its current position from a public parking lot approximately 40 feet away. A number of people have begun to gather on the beach to see what is happening.

As the initial responding officer, where would you establish inner and outer perimeters of this crime scene? What actions would you take to secure each?

Continued on next page

Workbook Learning Activities, Continued

Student notes

Chapter 2

Evidence Collection

Overview

Learning need Peace officers must be aware of, and comply with, the general guidelines for the collection, packaging, and processing of physical evidence found at a crime scene to ensure that each piece of evidence is admissible in a court of law.

Learning objectives The following table identifies the student learning objectives for this chapter.

After completing study of this chapter, the student will be able to...	Objective ID
<ul style="list-style-type: none">demonstrate appropriate precautions that should be taken prior to collection and removal of physical evidence from a crime scene.	30.02.1
<ul style="list-style-type: none">identify the purpose of collecting control/known samples.	30.02.2
<ul style="list-style-type: none">identify the primary reason for establishing a chain of custody record.	30.02.4
<ul style="list-style-type: none">prepare the information that should be noted on a chain of custody record.	30.02.5
<ul style="list-style-type: none">identify the three forms of fingerprint impressions that may be found at a crime scene.	30.02.6
<ul style="list-style-type: none">apply the basic steps for developing latent fingerprints	30.02.16
<ul style="list-style-type: none">identify general guidelines for collecting and processing physical evidence that may be located at a crime scene.	30.02.15

Continued on next page

Overview, Continued

In this chapter This chapter focuses on the handling of specific forms of evidence collected at a crime scene. Refer to the table below for a specific topic.

Topic	See Page
Handling Evidence	2-3
Chain of Custody	2-17
Fingerprints	2-20
Developing Latent Prints	2-24
Collecting and Processing Evidence	2-30
Chapter Synopsis	2-85
Workbook Learning Activities	2-87

Handling Evidence

Introduction

Evidence can take any size, shape, or form. It may be obvious or imperceptible to the naked eye. Even if an item may not have obvious evidentiary value to an officer, it should be properly secured and identified.

Common errors

The most common errors made in the handling of evidence at a crime scene include the **failure to**:

- identify items of possible evidentiary value,
 - use the appropriate techniques for properly collecting and labeling a specific type of evidence,
 - submit sufficient quantities of evidence,
 - protect evidence from contamination,
 - submit control/known standard to be used for comparison purposes, and
 - maintain the chain of custody.
-

Precautions

The collection of evidence should proceed slowly and cautiously, no evidence should be overlooked or compromised. Prior to beginning the actual collection process, officers should consider:

- photographing all potential items of evidence to demonstrate their appearance and location when found.
 - diagraming the location and position of items of evidence to aid in later reconstructions of the scene.
 - taking notes regarding the physical appearance of evidence to document the condition in which it was found (i.e., “wet”, “dry”, “dirty”, “dusty”).
 - wearing appropriate clothing such as disposable gloves and nonrestrictive, noninterfering clothing to include booties or shoe covers.
-

Continued on next page

Handling Evidence, Continued

Perishable/ fragile evidence

The first officers at a crime scene should immediately observe and record any evidence that could be easily lost, damaged, contaminated, or destroyed by environmental elements or the presence of other individuals. Such perishable/fragile evidence should be noted, photographed, documented, and collected first.

Examples of evidence include, but are not limited to:

- fingerprints,
 - biological fluids, stains, DNA
 - gunshot residue,
 - hairs and fibers,
 - botanical materials
 - flammable liquids and accelerant,
 - shoe, foot, or tire impressions, etc.
-

Trace and transfer evidence

Trace evidence is evidence that is very small and usually cannot be seen with the naked eye. Oblique lighting may assist with visualization of trace evidence.

Transfer evidence is evidence that is transferred or passed when two objects come into contact with one another.

There can be numerous types of trace and transfer evidence at a crime scene. Examples include, but are not limited to:

- hair, fibers
 - latent fingerprints,
 - soil,
 - paint chips,
 - glass fragments,
 - biological fluids, etc.
-

Continued on next page

Handling Evidence, Continued

Areas to examine

The searching officer should examine the object or area from an angle. Possible areas or objects to examine may include, but are not limited to:

- suspected points of entry or direct contact (e.g., window sills, broken glass, door or metal associated with hit-and-run cases, etc.).
 - points of direct contact (e.g., furniture, carpeting, bedding, or clothing).
-

Locating trace and transfer evidence

Special considerations may arise when searching for trace and transfer evidence at a crime scene. Search techniques may include:

- examining the area carefully using:
 - the naked eye,
 - a magnifying lens,
 - oblique lighting (e.g., flashlight held at an angle),
 - using an evidence vacuum, and/or
 - specialized light.
-

Officer observations

Rain, snow, heat, humidity, wind, cold, or crowds and spectators can quickly destroy or compromise an officer's ability to locate physical evidence. The first officer on the scene should make note of such environmental conditions.

Depending on the nature of the crime and the conditions, responding officers may need to take action to protect perishable/fragile evidence until it can be properly documented and collected. For example, shoe prints or tire tracks may need to be covered by something that will not compromise or destroy the evidence.

NOTE: Although environmental conditions *may* be harmful to evidence, officers should *not* automatically assume that evidence has been destroyed because such conditions exist.

Continued on next page

Handling Evidence, Continued

Control/ known standard

In order to establish a link between a piece of evidence and a person or a crime scene, the unique identity of the object must be shown to the exclusion of all other similar objects. This can be done by collecting **control standard** and **known standard** samples at the crime scene.

	An item of evidence from a <i>known</i> source used to...	Examples
Control Standard	<ul style="list-style-type: none">demonstrate a normal condition of a surface or other object.	<ul style="list-style-type: none">To determine the significance of a fluid on a particular cloth, it may be necessary to collect a control sample of an adjacent portion of the cloth that has not been contaminated by the fluid.When investigating a hit and run incident, a control sample may be collected from undamaged portions of the vehicle to demonstrate the normal paint on a vehicle before impact. A known standard of any transferred paint may also be collected from damaged portions to be compared with paint on other portions of the vehicle.

Continued on next page

Handling Evidence, Continued

**Control/
known
standard
(continued)**

	An item of evidence from a <i>known</i> source used to...	Examples
Known Standard	<ul style="list-style-type: none"> compare with items of evidence from an <i>unknown source</i>. 	<ul style="list-style-type: none"> Fibers from a carpet at the crime scene (known standard) can be collected and compared with fibers found in a person's automobile (evidence of unknown source). A known individual's fingerprints (known standard) can be collected and compared with the fingerprints collected at the crime scene (evidence of unknown source).

NOTE: A known standard may also be referred to as an *exemplar*.

**Collecting
known
standards
and controls**

Peace officers should use the same care and precautions when collecting, packaging, and marking known standards and controls as they would for any other form of evidence. This includes maintaining the proper chain of custody.

Continued on next page

Handling Evidence, Continued

Equipment

The ability to properly collect and preserve evidence may depend on officers having access to the appropriate equipment. A basic crime scene equipment kit may include, at a minimum, the following items.

NOTE: The following lists are *not* intended to be all inclusive. Requirements vary depending on the nature of the crime scene and available equipment.

	Examples
Camera Equipment	<ul style="list-style-type: none">• Camera (e.g., film, instant processing, video, digital, etc.)• Fingerprint camera• Photographic lighting equipment• Detachable flash to provide oblique lighting• Extra batteries• Tripod
Measuring Equipment	<ul style="list-style-type: none">• Tape measures• Rulers• Markers• Compass• L-shaped measures (that show dimension in two directions)
Documentation Materials	<ul style="list-style-type: none">• Property/evidence collection forms• Evidence labels• Graph paper• Templates for drawing• Writing implements (e.g., pens, pencils, etc.)
Lighting Equipment	<ul style="list-style-type: none">• Flashlights• Flood lamps• Black lights• Batteries/power source

Continued on next page

Handling Evidence, Continued

Equipment
(continued)

	Examples
Collection Equipment	<ul style="list-style-type: none"> • Latex gloves • Shoe covers • Sterile swabs or swatch material (for collecting liquids) • Scraper/scalpel • Magnifying device • Casting materials and rubber containers • Brushes and other tools (e.g., pliers, screwdriver, putty knife, etc.)
Packaging Equipment	<ul style="list-style-type: none"> • Various sizes of manila envelopes • Various sizes of paper bags • Plastic bags for “wet” evidence transport from scene • Various bags including paper, polyethylene, and plastic • Clear air tight containers • Cardboard boxes and pieces of cardboard • Other clean evidence containers of various types and sizes • Puncture proof containers (for sharp objects) • Glassen paper • Permanent marking instruments (e.g., felt-tipped pens, sharp-tipped stylus, etc.) • Evidence tape

Continued on next page

Handling Evidence, Continued

Equipment
(continued)

	Examples
Specialty Kits or Equipment	<ul style="list-style-type: none">• Fingerprint kit• Drug testing kit (presumptive)• Blood field kit (to test for the presence of blood)• Paraffin test kit (to test for gunshot residue)
Other	<ul style="list-style-type: none">• Distilled water• Soft paper (i.e., paper towels)• Large roll or sheets of butcher paper• String or cord• Rubber bands, paper clips

Continued on next page

Handling Evidence, Continued

Packaging evidence

Physical evidence can be damaged, lost, contaminated, or changed during handling and transportation. All pieces of evidence must be carefully packaged separately, using new and clean containers and packaging materials. The following table identifies general procedures for packaging whole objects.

IF the item is...	then...
large, bulky, or heavy	<ul style="list-style-type: none">• place the item on wood or heavy cardboard.• prevent shifting and contact with other items by fastening the item down firmly with string or wire passed through perforations in the supporting material. <p>NOTE: Organic plant materials should be packaged in paper (e.g., marijuana).</p>
small, light weight, or fragile	<ul style="list-style-type: none">• wrap the item lightly with soft paper, taking care not to damage any evidence.• place the item in a small box or other container, as soon as possible, for transport.

NOTE: Additional information regarding packaging specific types of evidence is addressed later in this workbook.

Continued on next page

Handling Evidence, Continued

Containers

Being aware of the types of containers that can be used with specific types of evidence will aid officers in making the appropriate selections during the collection process. The following table identifies common containers and the types of evidence with which they can be used.

	can be used for packaging...	Examples
Paper	<ul style="list-style-type: none">• most dry items.	<ul style="list-style-type: none">• Sheets, bags, envelopes, etc.• Best type of container to use• Easy to store• Allows items to “breathe”• Easy to write on• Can be transferred to other containers, if necessary• Organic plant material (e.g., marijuana, mushrooms)
Cardboard	<ul style="list-style-type: none">• firearms or• items that need protection such as:<ul style="list-style-type: none">- bloody clothing or- knives or other weapons with dried blood or tissue on them- shoe casts	<ul style="list-style-type: none">• Boxes, flat pieces, etc.• Item should be carefully placed in an appropriate sized box.

Continued on next page

Handling Evidence, Continued

Containers (continued)

	can be used for packaging...	Examples
Metal	<ul style="list-style-type: none">chemicals oritems with flammable fluids on them (e.g., gasoline-soaked rags).	<ul style="list-style-type: none">Small tins, larger containers, etc.Should be airtight and sturdy enough to prevent leakage or easy damageOther packaging materials should not be included within the can (e.g., paper, bubble wrap, etc.).
Plastic	<ul style="list-style-type: none">paper orsmall amounts of narcotics or drugs.	<ul style="list-style-type: none">Bags, containers, etc.Do not use with items that are wet or damp and could mildew quickly. (Plastic is nonporous and will not allow air to get in.)

NOTE: For more information on packaging of narcotics and drugs refer to LD 12: *Controlled Substances*.

Continued on next page

Handling Evidence, Continued

Sealing evidence

To maintain the chain of custody, each container containing a piece of evidence should be properly sealed.

Evidence tape can be used to seal all containers (i.e., boxes, envelopes, vials, etc.) in such a way that they cannot be opened without breaking the seal. The person packaging the evidence should sign or initial and date the seal using permanent ink so that the marking extends from the seal onto the container.

Marking and labeling evidence

To ensure that evidence presented in court is the same evidence collected at the crime scene, the outside of each container or wrapped item should be identified and labeled separately.

If the item is not packaged inside some form of container that can then be marked, an evidence tag should be carefully attached to the item. Care must be taken to tape the tag to the item in such a way as to not alter, scratch, or prevent the processing or examination of the item.

Using permanent ink, the following information should be carefully and legibly noted on the evidence label or tag.

- Collecting officer's name
 - Collecting officer's identification number (i.e., serial/badge number)
 - Time and date the evidence was collected
 - Location where the evidence was collected
 - Content description (including quantity and size)
 - Type of crime (e.g., burglary, homicide)
-

Continued on next page

Handling Evidence, Continued

Marking and labeling evidence (continued)

- Any other related information such as:
 - case control number, or
 - witness(es) to the collection
- Collecting officer's signature

NOTE: Unless agency policy is to the contrary, officers should not place any markings directly on an item of evidence itself. Marking evidence in this manner may affect or even destroy its evidentiary value.

Submitting evidence

After each collected sample has been properly photographed, collected, marked, packaged, and labeled, it is ready to be transported to the local property room or office and "submitted into evidence." At that time, the evidence becomes the responsibility of the property and evidence manager.

Specific agency policy will dictate which items may be recorded on a single property form. The property form becomes the chain of custody record for that item, documenting when, why, how, and by whom the item has been handled.

Evidence collection teams

Evidence technicians are specially trained individuals who respond to the crime scene at the request of the officer. Once at the scene, they may be involved in collecting, preserving, and transporting physical evidence.

Larger urban law enforcement agencies may be equipped with evidence collection technicians and large investigative units including mobile crime unit.

Officers in smaller or rural jurisdictions may not have evidence teams available to them. It becomes the officer's responsibility to determine how an item of evidence is best collected, packaged, and transported.

Continued on next page

Handling Evidence, Continued

**Specific
agency
policies**

Policies and procedures can vary for different law enforcement agencies.

Peace officers are responsible for being aware of and complying with their own agency's policies and procedures regarding the handling and collection of physical evidence related to a crime scene.

Chain of Custody

Introduction For any piece of evidence to be considered valid and reliable by the court, it must be accounted for from the time it is collected at the scene until it is presented in court.

Court testimony Individuals within the judicial process who have handled a piece of evidence (e.g., investigating officers, evidence technicians, etc.) may be asked in court to positively identify that evidence and testify regarding:

- who had contact with the evidence,
 - when or during what time periods the evidence was handled,
 - under what circumstances the evidence was handled, and
 - what changes, if any, were made to the evidence.
-

Definition The **chain of custody** is the written, witnessed, unbroken record of all individuals who maintained control or had access to any physical evidence. A complete and accurate chain of custody record is absolutely essential in establishing the validity and integrity of evidence in court.

Continued on next page

Chain of Custody, Continued

Property

Different categories of property may require a recorded chain of custody. The following table describes a number of such categories.

Category	Description	Example(s)
Evidence	<ul style="list-style-type: none">Property which may:<ul style="list-style-type: none">- be related to a crime or investigation, or- implicate or clear a person of a criminal charge	<ul style="list-style-type: none">ToolsFingerprintsHair or fibersPhysical evidence
Non-evidence	<ul style="list-style-type: none">Property that comes into law enforcement custody, but cannot be connected to a crimeProperty that may be submitted by an officer or any other individual	<ul style="list-style-type: none">Found property (e.g., bicycles)Weapons held in safe keeping
Personal Property	<ul style="list-style-type: none">Property which a person had in possession at the time of arrest that has no evidentiary value	<ul style="list-style-type: none">BillfoldMoneyClothing

Chain of custody record

The chain of custody begins when an item is first collected as evidence. From this time, supplying complete, clear, concise information and using appropriate documentation techniques will aid in keeping the chain of custody intact.

Continued on next page

Chain of Custody, Continued

Chain of custody record (continued)

Although the format of property forms may vary, each will require specific information including:

- the report number,
 - who initially found the item,
 - where and when the item was found,
 - a description of the item,
 - who recovered, packaged, and labeled the item,
 - who transported the item,
 - where it was submitted, and
 - where, how, and when the item was secured.
-

Handling evidence

Anyone who handles evidence officially accepts custody of that evidence by signing the chain of custody record.

Individuals who may become involved in maintaining the chain of custody include, but are not limited to:

- responding officers,
- investigating officers,
- evidence technicians,
- property personnel,
- laboratory personnel, or
- individuals from the district attorney's office.
- defense experts
- medical professionals.

NOTE: It is important to limit the number of individuals in the chain of custody in order to maintain accountability and integrity of evidence.

Fingerprints

Introduction

In 1946, the California Supreme Court stated that “fingerprints are the strongest evidence to prove the identity of a person and under the circumstances of a case may alone be sufficient to identify the defendant as the criminal.” Today, fingerprints are still the most common form of physical evidence found at a crime scene.

Description

A **fingerprint** is a copy or impression of the ridges and valleys present on the outermost layer of human skin. These ridges and valleys can be found not only on the tips of the fingers, but also below the first digit and sides of fingers, and on palms, feet, and toes. Each pattern that makes up a fingerprint is unique to that specific individual. These patterns first appear on human appendages between 100 and 120 days after conception and, except for size or some form of external permanent damage, will remain the same throughout the person’s lifetime.

Continued on next page

Fingerprints, Continued

Locations

Most crime scenes are likely to contain some form of fingerprint evidence. When searching for possible fingerprints, officers should first concentrate on all possible places a person may have touched. The following table identifies a number of such locations.

Location	Additional Information	Examples
Entry points/ exit points	<ul style="list-style-type: none">• Best source of fingerprints• Person may have touched something to gain entry or exit to the building, room, or vehicle.	<ul style="list-style-type: none">• Window frames and sills• Door handles, surfaces, or frames
Objects that required movement	<ul style="list-style-type: none">• Person may have had to touch, move, or open something in order to gain access or reach a particular item or to carry out a specific crime.	<ul style="list-style-type: none">• Counter tops• Steering wheel• Drawers
Objects used during the crime	<ul style="list-style-type: none">• Person may have had to use tools or other items in order to commit the actual crime.	<ul style="list-style-type: none">• Screwdriver, crow bar, or other forms of tools

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Fingerprints, Continued

Precautions

Fingerprints are a form of perishable/fragile evidence that can be easily smeared or destroyed. Because of this, officers at a crime scene should always:

- handle items as little as possible,
- pick up items by holding areas least likely to contain a print (i.e., on rough surfaces),
- keep in mind that wearing gloves or using handkerchiefs, while keeping their own prints off an item, may also wipe away any prints already on the item, and
- bring any portable object with fingerprints on it to the lab whenever possible, rather than attempting to process the object for fingerprints at the crime scene.

NOTE: If an item is large or bulky, the portion bearing the fingerprints may be detached and brought to the lab (e.g., drawer, window panes, etc.).

Continued on next page

Fingerprints, Continued

Forms of fingerprints

There are three forms of fingerprint evidence that can be found at a crime scene: **visible fingerprints**, **plastic fingerprints**, and **latent fingerprints**. Each form requires different techniques for identification and collection. The following table identifies each form.

Form	Description	Collection Technique
Visible	<ul style="list-style-type: none">• Impression was left behind in blood, paint, grease, oil, or similar materials.	<ul style="list-style-type: none">• When possible, allow print to dry.• Photograph print with a special fingerprint camera. (A fingerprint camera will produce a 1:1 ratio original-size photograph.)• Describe and document the location for each print in field notes.• Collect the object or portion of the object on which the visible print appears. (This should be done only if movement will not damage the print.)
Plastic	<ul style="list-style-type: none">• Impression was left on soft substances such as heavy grease, melted candle wax, soap, putty around a window, or similar materials.	
Latent	<ul style="list-style-type: none">• Impression was left by secretions from perspiration or oils on the skin.• Most commonly found at a crime scene• Invisible to the naked eye until developed	<ul style="list-style-type: none">• Techniques vary depending on the nature of the surface where the fingerprint was left.

NOTE: If a fingerprint camera is not available, a standard camera can be used by including a scale for size next to the fingerprint image

Developing Latent Prints

Introduction

Fingerprints left on a nonporous surface may be developed (made visible to the naked eye) by the use of special powders which adhere to the fingerprint itself or by chemicals.

Fingerprints left on a porous surface will require chemical development procedures which should be done by trained personnel.

Latent fingerprints on *nonporous* surfaces

A **nonporous surface** is any surface that does not absorb liquids or oils (e.g., plastic, glass, etc.). The following table describes one process used for developing a latent fingerprint on a nonporous surface.

Basic Steps	General Guidelines
Identify possible locations where prints may have been left.	<ul style="list-style-type: none">• Identify surfaces likely to have latent prints.• Identify which of these surfaces might be threatened by contamination (such surfaces should be developed first.)• If possible, retrieve the entire item for further examination at a laboratory.• If item, or the relevant portion of the item cannot be transported, take close-up photographs of each identified surface.
Prepare equipment (brush, powder, etc.).	<ul style="list-style-type: none">• Select the appropriate color of powder. (Black is the most common color used.)

Continued on next page

Developing Latent Prints, Continued

Latent fingerprints on *nonporous* surfaces (continued)

Basic Steps	General Guidelines
Lightly dust surface.	<ul style="list-style-type: none">• Carefully touch brush to powder and lightly dust each surface with a small amount of powder.• If necessary, add more powder gradually in small amounts.• After powder has been absorbed and all print details have been developed, gently brush away excess powder to “clean” the rest of the surface.
Photograph revealed fingerprint in place.	<ul style="list-style-type: none">• Photograph print with a special fingerprint camera.• If a fingerprint camera is not available, a standard camera can be used by including a scale for size next to the fingerprint image.

Continued on next page

Developing Latent Prints, Continued

Latent fingerprints on *porous* surfaces

A **porous surface** is any surface that will absorb liquids or oils (e.g., paper, fabric, leather, wood, etc.).

Officers who believe latent prints exist on an item with a porous surface should:

- handle porous surfaces with gloves to avoid cross-contamination of the evidence collector to the evidence item.
- avoid “overwriting” of a porous object (e.g., “demand note” in paper bag and collector writes on paper bag, transferring writing to evidence item).
- carefully place each item in a separate container to avoid contamination.
- mark, seal, and label the container, noting “to be processed for latent prints” clearly on the label.
- document the collection in their notes and in the investigative report.

NOTE: Refer to the guidelines for collecting *documents* later in this chapter.

Developing latent prints on porous materials

Specialized technicians have a number of techniques which can be selected for developing a latent print on a porous surface. Each technique relies on an interaction between the perspiration or oil in the latent fingerprint and the chemical that has been applied.

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Developing Latent Prints, Continued

Lifting latent fingerprints

Lifting a latent fingerprint refers to the process of removing a developed latent fingerprint from the surface where it was found. The following table identifies techniques for lifting latent prints from a nonporous surface.

Technique	General Guidelines
Fingerprint tape	<ul style="list-style-type: none">• Make sure tape begins with a ¼ inch section folder over.• Affix the loose end of a roll of appropriate size transparent cellulose tape (e.g., two-inch-wide) next to the developed fingerprint with one hand while holding onto the roll with the other hand.
	<ul style="list-style-type: none">• Beginning at the affixed end, slide thumb along tape to gently force it down over the developed fingerprint.
	<ul style="list-style-type: none">• Beginning at the affixed roll end, carefully peel the tape from the surface.
	<ul style="list-style-type: none">• Place the tape containing the lifted fingerprint onto a latent fingerprint lift card.• When developed fingerprint is properly secured to the card, sever the remaining tape from the roll.
Preassembled lifter	<ul style="list-style-type: none">• Apply and peel off lifter “patch” to the surface containing the developed latent print using the same initial technique as with cellulose tape.

Continued on next page

Developing Latent Prints, Continued

Lifting latent fingerprints (continued)

Technique	General Guidelines
Preassembled lifter (continued)	<ul style="list-style-type: none">Place cellophane tape over the adhesive (“sticky”) side of the lifter to protect the print.
	<ul style="list-style-type: none">If the lifter is opaque, examine and photograph the lifted fingerprint on the reverse side only. (Photographs should be printed with the negatives reversed.)

NOTE: Latent prints should be photographed in place prior to any attempt to lift the fingerprint from the surface.

Latent fingerprint cards

Lifted prints are placed on special latent print cards. The color of the card selected should be in contrast with the color of the powder used (black, white, or transparent).

Each card should be labeled with the following information.

- Date/time
 - Case title or number
 - Collector’s name and signature
 - Sketch of exact location where latent fingerprint was found
 - Description of item that latent fingerprint was found on
 - Any other required identification numbers (e.g., case number, evidence item number, etc.)
 - Diagram of the location of the latent fingerprint on the surface area and direction of the latent on the surface area.
-

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Developing Latent Prints, Continued

Packaging

Latent fingerprint cards should be placed in envelopes, sealed, and labeled appropriately as evidence.

All latent fingerprint cards should also be noted in the officer's field notes as well as in the investigative report.

Rolling fingerprint/ known standards

To be useful, fingerprints from an unknown source found at the crime scene must be matched with fingerprints from a known source (fingerprint known/standard).

The collecting and recording of the fingerprints of a known individual is often referred to as **rolling** the fingerprints. Rolled fingerprints may be obtained from individuals who are considered suspects or from individuals to be eliminated as suspects (e.g., victims, witnesses, initial responding officers, etc.).

Collecting and Processing Evidence

Introduction

Numerous other forms of evidence can be identified at any crime scene. Although specific techniques may differ, basic principles regarding the documentation, collection, and processing of evidence remain the same.

General guidelines

The following general guidelines should be followed consistently when collecting all forms of evidence.

- Be aware of and comply with specific agency policies and procedures for evidence collection and packaging.
- Document the existence, condition, and location of each piece of evidence within the crime scene using photographs, sketches/diagrams, and written entries in the field notes. Include information regarding exact location, color, pattern, size, shape, etc.
- Collect and package all evidence in an appropriate manner, using techniques that will not harm or compromise the evidentiary value of the item.
- After each piece of evidence is packaged, seal with evidence tape, label, and process according to specific agency policies and procedures.
- Document the collection of each piece of evidence collected, along with the techniques used for collection and packaging in field notes and investigative report.
- When applicable, collect, package and process control/known standard samples in the same manner as the corresponding evidence samples from the crime scene.

NOTE: The remainder of this lesson contains information regarding the application of the guidelines noted above to specific forms of evidence that may be located at a crime scene.

Continued on next page

Collecting and Processing Evidence, Continued

Basic equipment

The following table identifies the basic equipment that will be required in order to roll a person's fingerprints for comparison purposes.

Equipment	Description
Fingerprint ink	<ul style="list-style-type: none">• Printer's ink• Contains a mixture of oils that permits the print to dry rapidly
Slab	<ul style="list-style-type: none">• A piece of plate glass or other nonporous surface that holds ink• Should be 4" x 10" in size
Rubber roller	<ul style="list-style-type: none">• Made of hard rubber• One inch in diameter and four inches in length• Used to spread ink evenly on the slab
Fingerprint card	<ul style="list-style-type: none">• Standard FBI or other law enforcement form with designated spaces for:<ul style="list-style-type: none">- single and grouped fingerprints- description data on the person- signatures
Card holder	<ul style="list-style-type: none">• A piece of wood with metal strips that hold the fingerprint card in place

NOTE: Officers may also use portable ink or "inkless" pads for rolling fingerprints.

Continued on next page

Collecting and Processing Evidence, Continued

Recording process

The following table identifies the steps involved in obtaining a legible set of rolled fingerprints.

Basic Steps	General Guidelines
Prepare person's hands.	<ul style="list-style-type: none">• Clean the person's hands of dirt, grease, or perspiration by wiping them with a small cotton ball dipped in carbon tetrachloride or other acceptable cleaner. <p>NOTE: If there is gunshot residue or blood on the person's hands, this evidence should be collected before recording the person's fingerprints.</p>
Prepare fingerprint card.	<ul style="list-style-type: none">• Fill in fingerprint card with requested data relating to the person<ul style="list-style-type: none">- Full name- Description- Date- Signature of member of the submitting agency who can testify in court as to the origin of the fingerprints• Have the person sign a full name on the card within the signature block.• Place a fingerprint card in a holder.
Prepare equipment (slab, ink, etc.).	<ul style="list-style-type: none">• Place a few drops of clean, fresh fingerprint ink on a clean glass/stainless steel slab.• Use a back and forth motion with the roller to spread ink evenly over the slab.

Continued on next page

Collecting and Processing Evidence, Continued

Recording process
(continued)

Basic Steps	General Guidelines
Record rolled fingerprints from right hand one at a time.	<ul style="list-style-type: none"> • Instruct the person to look away from card, relax fingers, and let the officer do all the work. • Roll person's thumb on the inked slab in a 180 degree arc (from nail edge to nail edge), so that the thumb is inked from below the first joint to the tip. • Grip the person's inked thumb between the first and second joint with right hand. • Control the pressure with the officer's left hand and guide the movement of the person's thumb on the appropriate block on the card; roll the inked thumb inward toward the center of the person's body (in 180 degree arc). • Place each finger, one at a time on inked slab just as the thumb was placed. • On the corresponding block on the fingerprint card, roll each finger away from the center of the person's body.
Record pressed fingerprints from right hand one at a time.	<ul style="list-style-type: none"> • Press thumb on the inked slab. • Without rolling, press inked thumb on the bottom of the card in the appropriate space. • Press all four fingers simultaneously on the inked slab. • Without rolling, press all four fingers on the bottom of the card in the appropriate space.

Continued on next page

Collecting and Processing Evidence, Continued

Recording process (continued)

Basic Steps	General Guidelines
Record rolled and pressed fingerprints from left hand.	<ul style="list-style-type: none">• Repeat the same steps as for the right hand.
Document process.	<ul style="list-style-type: none">• Document in the officer's notes and investigative report that fingerprints have been obtained.

Palm prints

If palm prints were found at the crime scene, palm prints can be recorded from a known individual by using the following process.

- Roll a layer of ink directly on the person's palm with ink roller.
 - Press palm down on a palm print card.
 - Record all required information just as with fingerprints.
-

Fingerprint patterns

Fingerprints from unknown sources are matched with known standard fingerprints by a means of comparing fingerprint pattern characteristics. To determine if a fingerprint is identifiable with a known standard, individual points of identification must match.

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Collecting and Processing Evidence, Continued

Fingerprint patterns (continued)

There are a number of common overall pattern characteristics that are the basis for all classification coding systems.

Pattern Characteristics	Description
Arch	<ul style="list-style-type: none">• Composed of ridges that enter from one side of the print, then flow, or tend to flow, to the opposite side• May contain plain small arches without much angle all the way to sharp angled tented arches
Loop	<ul style="list-style-type: none">• Composed of ridges that enter from one side of the print, recurve, then flow out on the same side as they entered
Whorl	<ul style="list-style-type: none">• Any pattern that does not fit into a loop or arch
Scarred or mutilated	<ul style="list-style-type: none">• Used only if ridge pattern cannot be identified due to scars or some other form of physical damage to the fingerprint

State classification system

Agency fingerprint examination personnel are trained to compare fingerprints from a known individual with those collected at the scene of a crime or from items related to a crime.

If no match is initially obtained, the crime scene prints may be submitted to the state's **Automated Fingerprint Identification System (AFIS)**. Full or partial fingerprints can be compared with state rolled fingerprint files.

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Collecting and Processing Evidence, Continued

Human biological fluids and stains

Human **biological fluids** and stains (i.e., blood, semen, vaginal secretions, saliva, fingerprint residue, touch DNA, perspiration) may be found at any crime scene, not just those crime scenes associated with violent crimes.

DNA genetic identification

Deoxyribonucleic Acid (DNA) is a substance that is found in the chromosomes in the nucleus of all human cells. It provides the genetic coding information that determines characteristics that are unique to each individual.

Techniques have been developed that enable forensic scientists to isolate strands of DNA from cells contained in blood, semen, ear wax, perspiration, latent fingerprint residue, hair roots, cut hair, skin, and other human tissue. It may also be possible to obtain DNA from samples of saliva collected from chewing gum, stamps or envelopes, or other items.

Once processed, portions of DNA from a control/known standard (e.g., a person) can be compared with corresponding portions of DNA information collected from blood, semen, or another unknown source that relates to a crime.

NOTE: Identical twins will have the same DNA profile.

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Collecting and Processing Evidence, Continued

DNA databases

All 50 states have passed legislation granting the authority to collect samples for DNA analysis from all felons convicted of violent crimes to be entered into local, state and federal CODIS DNA databases. The CODIS database can link perpetrators to forensic evidence recovered at the crime scene and can provide case-to-case hits, linking forensic evidence from different crime scenes and jurisdictions. CODIS is a national database. This information, along with information from DNA analysis of crime-related evidence from unknown sources (e.g., sperm collected from a rape victim), is organized in computer databases at the state and federal levels.

Access to this information is limited to *law enforcement investigative purposes only*.

NOTE: Some states have granted the authority to collect samples for DNA testing from individuals who have been arrested, but not yet convicted of certain specified violent crimes.

Continued on next page

Collecting and Processing Evidence, Continued

Evidentiary value

Blood and other biological fluids collected at a crime scene can provide valuable information for officers. The following table provides some examples of the types of information that may be obtained.

The identification and analysis of...	may...
blood	<ul style="list-style-type: none">• identify an individual's DNA.• indicate the direction of movement by an individual.• indicate where a victim actually died.• identify a weapon and a possible method in which it was used (if it is a blunt instrument).• aid in determining direction, velocity, distance of travel, or angle of impact.• show whether or not an individual had consumed alcohol or used certain drugs.• establish the individual blood type
Semen	<ul style="list-style-type: none">• identify an individual's DNA.• indicate whether or not the individual has had a vasectomy.• establish the individual blood type.
vaginal secretions	<ul style="list-style-type: none">• identify an individual's DNA.• indicate the presence of sperm (and possibly information leading to identification of male sexual partner(s)).• establish the individual blood type.
saliva, perspiration, urine, or other biological fluids	<ul style="list-style-type: none">• identify an individual's DNA.• establish blood type.

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Collecting and Processing Evidence, Continued

Collection of fluids/stains

The collection and preservation of blood and other biological fluids require special precautions and considerations on the part of officers. The specific technique to use for collection and preservation of the evidence is dependent on the location and condition of the substance. Officers working around biological evidence can contaminate the evidence by talking, sneezing, coughing, or perspiring.

The following table presents general guidelines for the collection and preservation of biological fluids collected from a crime scene.

Basic Steps	General Guidelines
Take appropriate safety precautions	<ul style="list-style-type: none">• All biological fluids should be considered infectious and handled with care.• There is always a risk that blood and other biological fluids can transmit infectious diseases (e.g., HIV, hepatitis, etc.).• Wear latex gloves, masks, and eye protection when handling biological fluids.
Document location and appearance of evidence	<ul style="list-style-type: none">• Photograph the item in place prior to collection.• Describe location and condition of fluid or stain in notes.• Use sketches and diagrams if necessary.
Collect stained item or portion of the item	<ul style="list-style-type: none">• Collect the entire object on which the substance appears (e.g., bloody clothing, stained cushions, etc.).• If the entire object cannot be collected, remove and collect the portion of the item containing the stain.

Continued on next page

Collecting and Processing Evidence, Continued

Collection of fluids/stains (continued)

Basic Steps	General Guidelines	
If the stained item/ portion cannot be collected, collect samples	Swabbing	<ul style="list-style-type: none"> • Moisten small amount of clean gauze/cotton swab in distilled water. • Dab the wet area with the moistened gauze to absorb the fluid. • <i>Air dry</i> gauze. • Wrap collected item in clean paper.
	Scraping	<ul style="list-style-type: none"> • Scrape fragments/flakes onto a clean paper. • Fold the paper carefully several times (i.e., bundle).
Package dried sample using appropriate container.	<ul style="list-style-type: none"> • When possible, wet or damp collectable items should be dried at room temperature before packaging. <ul style="list-style-type: none"> - Artificial heat (e.g., hair dryer) should not be used to dry item. • Each item should be placed in a separate container to avoid contamination. • Evidence should be placed (e.g., whole or portion of item, gauze/cotton swab, bundle containing dry scrapings, etc.) in a porous container such as a paper envelope, paper bag, or cardboard box. <p>NOTE: Items should <i>never</i> be placed in airtight containers where moisture can build and promote bacterial growth.</p>	

NOTE: If the substance is on a person it may be collected by swabbing or scraping.

Continued on next page

Collecting and Processing Evidence, Continued

Collection of fluids/stains (continued)

Basic Steps	General Guidelines
Process according to specific agency policies or procedures.	<ul style="list-style-type: none"> • Seal each container and label properly as evidence. • Freeze/refrigerate "dry" samples as soon as possible.
Document process in field notes and investigative reports.	<ul style="list-style-type: none"> • Identify all items or samples collected. • Describe technique used for collection, packaging, and processing each item or sample.

Control/known standard

For comparison purposes, control samples of unstained items (e.g., unstained carpet sample) and known samples of biological fluids from individuals whose identity is known (e.g., suspect(s), victim(s), etc.) should also be obtained.

Samples collected from individuals must be collected in a medically approved manner and processed according to specific agency policies or procedures.

NOTE: Each specimen that is maintained in a liquid state (e.g., vials of blood, semen sample) should be refrigerated, if it cannot be immediately transported. Known standards for comparison against biological evidence recovered from the crime scene or crime scene evidence can be obtained by collecting a "Buccal" or "cheek swab" from a known subject. This is collected using sterile cotton swabs and, once dried, must be stored appropriately pending analysis by a crime laboratory.

NOTE: If the collection procedure is considered invasive (e.g., drawing blood) officers may be required to show probable cause and obtain a search warrant prior to collecting the sample. For additional information regarding such requirements, refer to LD 16: *Search and Seizure*.

Continued on next page

Collecting and Processing Evidence, Continued

Blood stain patterns

Blood stain patterns (e.g., spatter) left at a crime scene may provide valuable information regarding the sequence of events, the nature of the event that caused the bleeding (e.g., force, velocity, direction, etc.), and movement of persons or objects.

Responding officers who encounter blood spatters and patterns should:

- recognize their potential for providing critical information,
 - request a blood spatter analyst, if needed, to assist with the crime scene investigation.
 - take necessary steps to protect the area without disturbing the spatter or pattern itself,
 - document the location and describe the spatter or pattern within their field notes, and
 - take photographs of the spatter or pattern.
-

Semen or vaginal secretions

Seminal fluid and vaginal secretion stains collected at a crime scene or from a victim may provide evidence leading to the identification or elimination of possible suspects.

Possible locations for such stains at a crime scene include, but are not limited to:

- bedding, floors, furniture,
- articles of discarded clothing,
- towels, napkins, tissues, and washcloths,
- condoms, or
- vehicles.

NOTE: Any item collected should be allowed to air dry, if necessary, and packaged and preserved accordingly.

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Collecting and Processing Evidence, Continued

Saliva

During an investigation, it may be necessary to collect an Oral Reference Sample from an individual.

To obtain an Oral Reference Sample, officers can:

- use a sterile cotton swab, swab inside of the cheek, swabbing both sides of the inner cheek walls, capturing epithelial cells,
- allow the swab to air dry completely,
- place the swab into a porous container (e.g., paper envelope, cardboard box, etc.), and
- package, seal, and label each container for processing.

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Collecting and Processing Evidence, Continued

Firearms and ammunition

A great deal of evidence may be obtained from firearms or ammunition associated with a crime. Because of this, the use of appropriate techniques when collecting and handling firearms related evidence is critical.

Related terms

To better understand the techniques required for proper collection of firearm related evidence, peace officers need to become familiar with the following terms.

A **semiautomatic pistol** is a handgun that features a **magazine** which holds cartridges that self-load automatically into the firing chamber of the weapon. A **revolver** is a handgun equipped with a revolving **cylinder** that can contain several cartridges and can be fired repeatedly without being reloaded until the cylinder is empty.

A **cartridge** is a self-contained unit which includes a projectile and propellant capable of firing the projectile through the barrel of a handgun. A **bullet** is the projectile that is expelled from the cartridge. A single cartridge is also called a **round**.

A **cartridge case** is an empty container left after the round has been fired.

A **shotgun** is a smooth-bored firearm designed to be fired from the shoulder. Shotguns are primarily intended for firing multiple projectiles at one time.

A **rifle** is a gun with spiral grooves cut into the inner surface of the barrel. Some rifles may have a smooth-bored barrel.

A single cartridge used in a shotgun is referred to as a **shotgun shell**. Rather than a single projectile, a shotgun shell contains a number of small round projectiles referred to as **shot**. The projectiles that are contained in the shell are often referred to as the load.

NOTE: Some states have granted the authority to collect samples for DNA testing from individuals who have been arrested, but not yet convicted of certain specified violent crimes.

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Collecting and Processing Evidence, Continued

Evidentiary value

Several types of physical evidence can be related to the discharge of ammunition from a firearm. The following table provides some examples of the types of information that may be obtained.

The recovery of...	may lead to...
a spent bullet or cartridge case	<ul style="list-style-type: none"> • identification of the type, manufacturer and condition of the firearm from which it was fired. • determination of the position of the shooter at the time the weapon was fired. • identification from the fingerprints of the individual who has loaded the firearm. • identification of the exact firearm from which it was fired from microscopic markings left by that firearm's barrel, striker pin, ejector, or other internal components. • linking of crime scenes using data from expended cartridge cases through the National Integrated Ballistic Information Network (NIBIN).
a firearm	<ul style="list-style-type: none"> • evidence regarding whether or not it had been recently fired. • fingerprints or DNA leading to the identification of an individual who has loaded the firearm. • serial numbers leading to identification of ownership of the firearm. • markings within the barrel, on the striker pin, or other internal components that could be matched with markings on a particular bullet or cartridge case. • matching unspent ammunition with spent bullets or expelled cartridge cases.
Gun shot residue on a person's hand(s) or clothing	<ul style="list-style-type: none"> • evidence that the individual may have discharged a firearm or handled a discharged firearm. • An estimate of the distance from a fired weapon to an individual, surface area or article of clothing.

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Collecting and Processing Evidence, Continued

Collection of firearms

When a firearm is discovered at a crime scene, specific steps should be taken to ensure that potential evidence is not damaged or destroyed. The following table identifies guidelines for this process.

Basic Steps	General Guidelines
Take all appropriate safety precautions.	<ul style="list-style-type: none">• Treat all firearms as if they are loaded.• Ask for assistance from someone more knowledgeable when dealing with an unfamiliar type of firearm.• Comply with all local agency safety rules and guidelines.• Be aware of evidence contamination by the officer, fingerprint, or DNA.
Document location and general appearance of the firearm.	<ul style="list-style-type: none">• When appropriate, <i>before</i> touching any firearm, take photographs, and draw sketches.• Make notations in field notes regarding the:<ul style="list-style-type: none">- exact location of the firearm relative to fixed reference point(s) at the scene.- physical appearance of the firearm.

Continued on next page

Collecting and Processing Evidence, Continued

Firearm evidence collection

Basic Steps	Guidelines
Pick up the firearm carefully	<ul style="list-style-type: none"> • Handle the firearm as little as possible. • Handle in such a way as not to destroy latent fingerprints or touch DNA that may be present. <ul style="list-style-type: none"> - Lift the firearm by grasping a textured surface (i.e., handle grip) where fingerprints are not likely to be recoverable. • Never attempt to lift a firearm by placing something (i.e., pencil, pen) inside the firearm's barrel, or through the trigger guard. • Always keep the firearm pointed in the safest possible direction. • Always keep fingers or any other objects away from the trigger. <p>NOTE: Due to the sensitivity of firearms DNA analysis, DNA profiles may be developed from firearms, they should be handled while wearing fresh latex gloves.</p>
Conduct an initial examination of the firearm to determine if the firearm is loaded.	<ul style="list-style-type: none"> • Note whether or not the safety is on and the hammer is cocked. • Make a record in field notes regarding: <ul style="list-style-type: none"> - the position of safety, hammer, slide or bolt, etc. - location and number of unspent rounds in cylinder/magazine. (For revolvers, note whether rounds have been fired and their location within the cylinder.)

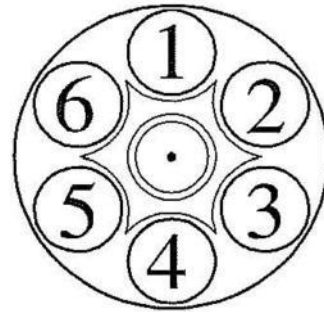
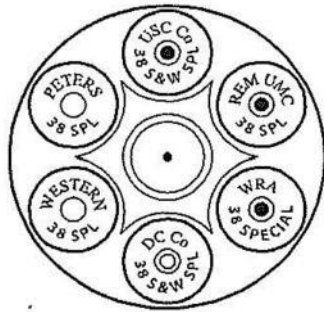
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Collecting and Processing Evidence, Continued

**Facing
rear of
cylinder**

Appearance of cylinder as
recovered

Diagram to be made by officer
recovering weapon



EXAMPLE NOTES

<u>Chamber Position</u>	<u>Condition</u>	<u>Cartridge Headstamp</u>
1	Fired	U.S.C. Co.
2	Fired	REM-UMC
3	Fired	WRA
4	Misfired	D.C. Co.
5	Loaded	WESTERN
6	Loaded	PETERS

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Collecting and Processing Evidence, Continued

Firearm evidence collection (continued)

Basic Steps	Guidelines
Render the firearm safe.	<ul style="list-style-type: none"> • If the firearm is loaded, have an officer who is qualified to handle that type of weapon render the firearm safe. • Use care to collect any unspent cartridges. • If a firearm cannot be rendered safe because of rust, damage, or for any other reason, officers should refer to their specific agency policies and procedures before taking further action. <p>NOTE: Additional information regarding the appropriate actions for rendering firearms safe can be located in LD 35: <i>Firearms/Chemical Agents.</i></p>
Conduct a more thorough examination of the firearm.	<ul style="list-style-type: none"> • Use care not to harm possible fingerprints or touch DNA left on the firearm. • Note the make, model, serial number, manufacturer, caliber, barrel length, and finish of the firearm. Older rifles and shotguns may not have serial numbers. If this is the case, officers should note the lack of a serial number in their notes and report. • Check for the presence or absence of stains, dust, or any trace evidence. • Make a detailed sketch in field notes indicating the location of any trace evidence that is found on the firearm. • Record all observations in field notes.

Continued on next page

Collecting and Processing Evidence, Continued

**Firearm
evidence
collection
(continued)**

Basic Steps	Guidelines
Collect and process the firearm per specific agency policies and procedures.	<ul style="list-style-type: none">• Carefully package, seal, and label firearm appropriately.• Comply with all agency policies and guidelines regarding the further disposition of the collected firearm.• If necessary, use appropriate techniques to process for latent fingerprints that may be present on the firearm.
Document collection process in field notes and investigative report.	<ul style="list-style-type: none">• Document all items collected.• Document who rendered the firearm safe.• Identify manner in which firearm was packaged and processed.

Continued on next page

Collecting and Processing Evidence, Continued

Collection of unspent ammunition from a firearm

Live cartridges found in revolvers or semiautomatic pistols can contain latent fingerprints or touch DNA of the person who loaded the weapon. Their position within the firearm, chamber, or magazine can also provide important information for investigating officers. For this reason, firearms and unspent rounds should be handled in such a way as not to destroy latent fingerprints or DNA that may be present.

The following table presents guidelines for preserving evidence associated with unfired ammunition found within a handgun.

Basic Steps	Revolvers	Semiautomatic Pistols
Examine and document condition and location of ammunition within the firearm.	<ul style="list-style-type: none">• Follow all fundamental rules of firearms safety.• Open cylinder.• Identify and document the position and condition (loaded, empty, fired) of every chamber.	<ul style="list-style-type: none">• Follow all fundamental rules of firearms safety.• Note the position of a control feature (e.g., safety, cocking indicator, selector, etc.).• Carefully release and remove magazine.• Identify and document the position and condition of rounds within the magazine.
Remove unspent cartridges/magazine from firearm.	<ul style="list-style-type: none">• Carefully remove cartridges one at a time from cylinder.	<ul style="list-style-type: none">• Eject any cartridge that may still be in the pistol's chamber.• Lock slide to the rear (open).• Visually and physically verify that there is no round in the chamber.

Continued on next page

Collecting and Processing Evidence, Continued

Collection of unspent ammunition from a firearm
(continued)

Basic Steps	Revolvers	Semiautomatic Pistols
Package and preserve each cartridge/magazine separately.	<ul style="list-style-type: none"> • Do not apply any marks directly to bullet or cartridge. • Package each extracted cartridge in appropriate <i>separate packaging</i>. • Label each container with the same number as the chamber from which the cartridge was removed. • Package firearm separately. • Seal, label, and dispose of evidence according to agency policy or procedures. • Document all items collected and packaged in field notes and investigative report. 	<ul style="list-style-type: none"> • Document the ejection of any cartridge in field notes. • Process magazine for latent fingerprints. • Do not to remove unspent cartridges from magazine. • Package magazine, and any extracted rounds in appropriate separate containers. • Seal, label, and secure evidence according to agency policy or procedures. • Document all items collected and packaged in field notes and investigative report.

Continued on next page

Collecting and Processing Evidence, Continued

Collection of unspent ammunition from a firearm (continued)

Basic Steps	Revolvers	Semiautomatic Pistols
Document collection process in field notes and investigative report.	<ul style="list-style-type: none">• Document all items collected.• Identify manner in which cartridges/magazine was packaged and processed.	

NOTE: If a firearm appears to be jammed, officers should not attempt to clear the jam. Instead, they should comply with agency policy or guidelines regarding such situations.

Spent bullets and casings

Unique microscopic striation markings are created when the bullet is fired or the case is expelled from the firearm. When compared with the markings on a known firearm, such markings may provide conclusive evidence that the spent ammunition was fired from a single weapon to the exclusion of all other weapons.

Examples of markings on bullets and/or cases include, but are not limited to:

- striation marks on the cartridge case created by the firing pin,
 - extractor and ejector marks,
 - marks left by the lips of the magazine, or
 - striation marks or scratches on the bullet created as it was fired through the barrel.
-

Continued on next page

Collecting and Processing Evidence, Continued

Spent shotgun ammunition

A shotgun shell can contain a number of projectiles (i.e., shot). Expelled shotgun projectiles *cannot* be traced to a specific weapon. A spent bullet or cartridge case can be traced to a certain weapon. The ejected shotgun shells can lead to evidence regarding characteristics or bore size (**gauge**) of the type of shotgun used.

Shotgun shells also contain material used to separate the shot pellets from the powder charge (gun powder) within the shell. This material, usually made of cardboard, felt, or plastic, is the **shot wad**. The wad is expelled through the barrel behind the shot pellets.

Collecting expelled wad at a crime scene can aid in determining the gauge of the firearm and possibly the manufacturer of the ammunition. It can also help identify the location of the shooter when the weapon was fired.

Continued on next page

Collecting and Processing Evidence, Continued

Collecting spent ammunition

Special care is required when recovering and handling spent ammunition from a crime scene. The following table identifies general guidelines to follow in order not to damage or contaminate any evidence.

Basic Steps	General Guidelines
Identify and document	<ul style="list-style-type: none">• Locate and record as notes and sketches in field notes, and photograph the exact location and position of each bullet, cartridge case, or shot wad found.
Collect	<ul style="list-style-type: none">• Pick up items carefully while wearing disposable gloves.• If an item is embedded in hard material, (i.e., wood, plaster, etc.), it should not be removed from that material. Instead, if possible:<ul style="list-style-type: none">- the entire object containing the embedded item should be collected as evidence, or- some of the material surrounding the item should be removed with the item. (Also collect a control sample of the material for comparison purposes.)
Package and preserve	<ul style="list-style-type: none">• Do not place any markings on expended bullets or cartridge cases.• Individually wrap each item separately in tissue, soft cotton, or paper padding and place it in separate containers or envelopes.• Appropriately seal and label each container and note the location where the item was found.

Continued on next page

Collecting and Processing Evidence, Continued

Gunshot residue

Whenever a firearm is discharged, particles of unburned powder and gases are blown through openings in the firearm's cylinder, ejection port, or through the barrel itself. Such residue is made up of the elements barium, lead, and antimony and is not visible by the naked eye.

Trace residue of this material may be left on the palm area and back of the shooter's hand(s) and between the web of the fingers. The actual amount of residue deposited can vary depending on the type of firearm and ammunition used, and the conditions when the firearm was discharged.

Precautions

Gunshot residue (GSR) on the skin is an especially transient form of microscopic trace evidence. For successful lab analysis and identification, samples should be collected from the person's hands *as soon as possible*. To help preserve gunshot residue evidence, the individual's hands can be protected with paper bags.

To avoid the possibility of loss or transfer of residue material, officers **should not**:

- allow anyone or anything to have physical contact with the person's hands,
- place hands inside pants pockets or jacket pockets
- let the person wash his or her hands, or
- fingerprint the person prior to taking samples.

NOTE: Unless officer safety issues demand otherwise, a person should not be handcuffed until after gunshot residue samples have been collected.

NOTE: Long sleeve clothing such as jackets and shirts may also contain gun shot residue and should be considered during the investigation.

NOTE: If the gun residue test is not going to be administered in the field the individuals' hands should be covered with paper bags as soon as possible to preserve evidence.

Continued on next page

Collecting and Processing Evidence, Continued

Hairs and fibers

The location of hairs or fibers at a crime scene may indicate some form of contact between a person and the point of entry, an object, or the victim.

Hairs

Hairs collected at a crime scene cannot be used to identify a particular individual (with the exception of DNA analysis), but they may be used to eliminate or identify general characteristics of individuals (e.g., color, whether the hair is natural, bleached, or tinted, length, fine or coarse texture, synthetic, etc.).

DNA identification of an individual can occur when hair analysis is conducted.

Example: Hairs embedded in the windshield on the driver's side may assist officers in determining who was driving the vehicle at the time of impact.

Fibers

Criminal activity often involves some type of direct contact between a person and some object (e.g., point of entry). During this contact, evidence may be transferred from the person to the object. Air currents may also transfer fibers to other areas.

Most fiber can be classified in the laboratory as:

- animal (e.g., wool, etc.),
- plant fiber (e.g., cotton, linen, etc.), or
- synthetic (e.g., nylon, polyester, rayon, etc.).

Matching the fibers with control/known standards taken from a crime scene or from a person can aid in linking a fiber with an object, location, or person.

DNA can identify people and can be used to assist in placing suspect(s), witness(es), and victim(s) at a crime scene.

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Collecting and Processing Evidence, Continued

Protecting trace and transfer evidence

Because of its size and delicate nature, trace and transfer evidence such as hairs and fibers can be easily lost, damaged, or destroyed at the crime scene and while being transported. The following table identifies precautions officers should be aware of when handling either form of evidence.

Officers should...	Officers should not...
<ul style="list-style-type: none">• control access to a crime scene.• close windows or shield areas which may contain hairs and fibers, to protect from wind, movement, moisture, etc.• avoid cross-contamination between fiber samples and control/known standards.• select packaging containers that will protect the evidence and allow laboratory technicians to easily locate the evidence within the package.• document in field notes any actions taken to protect hairs and fibers.	<ul style="list-style-type: none">• fold or bend hairs or fibers when handling or packaging them.• seal packages containing wet hair or fibers until they have air dried.• place hairs or scrape fibers directly into an envelope. (Samples can easily fall out of unsealed corners.)• place hairs or scrape fibers directly into a plastic bag. (Static electricity may cause fibers to stick to the interior of the bag.)

Continued on next page

Collecting and Processing Evidence, Continued

Collecting hairs and fibers

Officers must be extra cautious when collecting strands of hair or fibers from a crime scene. The following table identifies guidelines for this process.

Basic Steps	General Guidelines
Document location and appearance of hairs/fibers.	<ul style="list-style-type: none">• Photograph the hairs or fibers in the location found.• Describe and draw sketches within field notes of the exact location on the object or area within the crime scene.
Collect individual hairs/fibers using appropriate techniques.	<ul style="list-style-type: none">• If visible and firmly attached to an object (e.g., clothing, pillow, etc):<ul style="list-style-type: none">- Leave hairs or fibers intact and collect the entire object.- Handle the object carefully and as little as possible to avoid disturbing any other trace or transferred evidence that may be on the item.- If necessary, air dry the article being sure to protect it from air currents that may disturb hairs/fibers.
Tape lifts of hair and fiber evidence	<ul style="list-style-type: none">• If loosely attached, or attached to an object or surface, carefully remove each hair or fiber with gloved hands or tape lifts.

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Collecting and Processing Evidence, Continued

Collecting hairs and fibers (continued)

Basic Steps	General Guidelines
Package and process each item separately.	<ul style="list-style-type: none"> • Select packaging that will properly protect the trace evidence. <ul style="list-style-type: none"> - Package collected objects so that hairs or fibers will not become dislodged during transportation. - Package individual hairs by carefully placing them into a bindle. (Be sure not to bend or fold the hair when forming the bindle.) • Seal and label each container. • Process the evidence according to specific agency policy and procedures.
Document the collection process in field notes and investigative report.	<ul style="list-style-type: none"> • Document all items collected. • Identify manner in which each hair/fiber sample was packaged and processed.

Collecting control/ known standard

For comparison purposes control/known standard samples of hair should be collected from sources associated with the crime (e.g., people, victims, carpet, items of clothing, etc.). Control/known standards should be collected as soon as possible. Individuals can easily change their hair color, length, etc. over time. Known standards must be collected lawfully

Do not cut samples of hair from the individual. Hair should be **pulled out** in order to obtain the hair's root.

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Collecting and Processing Evidence, Continued

Collecting control/known standard
(continued)

The following table identifies general guidelines for collecting control/known standards from individuals.

	General Guidelines
Head/scalp hair	<ul style="list-style-type: none"> • Use a new, unused plastic comb to <i>briskly</i> back comb all parts of the individual's scalp including: <ul style="list-style-type: none"> - left and right temples, - crown, and - base of the neck. • A minimum of 15-20 hairs should be collected from each area of the scalp. • If hairs vary in color, obtain samples of all colors. • Seal and label noting any additional information such as the individual's: <ul style="list-style-type: none"> - general overall hair color, - age, and/or - signs of hair treatment (dying, highlighting, bleaching, etc.).
Body hair	<ul style="list-style-type: none"> • Collect 15-20 hairs from other parts of the body such as: <ul style="list-style-type: none"> - face (if applicable), - pubic area, - chest, or - underarm. • If hairs vary in color, obtain samples of all colors.

NOTE: Depending on specific agency policy and guidelines, control/known standard involving head/scalp or body hair may be collected by medical personnel rather than peace officers.

NOTE: Under certain circumstances, it may be necessary to collect a known sample of a known standard from animals (e.g., family pets) that may have been at the crime scene.

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Collecting and Processing Evidence, Continued

Fingernail swabbing, scraping, and evidence collection

If a crime has involved a physical encounter, material may have been transferred beneath the victim's or individual's fingernails. This material may be useful as evidence connecting an individual to a crime.

Until fingernail swabbing and scrapings can be taken, the individual's hands should be enclosed by a paper bag and taped closed at the individual's wrist to preserve any at-risk evidence. The following table identifies guidelines for collecting evidence from the fingernail of an individual.

	General Guidelines
Fingernail swabbing and scrapings	<ul style="list-style-type: none">• Collect scraping from each finger on a separate piece of paper. If swabs are taken, use a clean, sterile swab to collect the material; document the area and package separately.• Carefully fold the paper into a bundle.• Label each bundle as to the finger the scraping was taken from and place in a separate envelope.• Seal and label each envelope.• Process according to specific agency policy or crime laboratory procedures.• Document in field notes and investigative report.

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Collecting and Processing Evidence, Continued

Tool marks and tools

When a hard object, such as a metal tool, comes into contact with a softer object, and force is applied, an impression is left on the softer object. Comparing the tool marks left at the scene of a crime with the unique characteristics and imperfections of a particular tool, may provide conclusive evidence linking that tool to the crime.

Tool marks

A **tool mark** is an impression, scratch, gouge, cut, or striation/abrasion on an object that is the result of a tool forcibly coming into contact with the object.

There are three basic types of tool marks:

- Impressions (stamped indentations in the object),
 - Striation/abrasion marks (marks caused by the friction of the tool being forced across the object), and
 - Combination marks (including both impressions and striations/abrasions).
-

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Collecting and Processing Evidence, Continued

Identification and documentation

The most likely location for tool marks is at the point of any forced entry to a building, room, container, vehicle, etc.

Once located, all tool marks should be carefully documented. The following table identifies recommendations for documenting tool marks at a crime scene.

Documentation	Description
Over-all photographs	<ul style="list-style-type: none">• Depict the entire object that bears the tool mark.• Show the physical location and arrangement within the crime scene of the object bearing the mark.
Close-up photographs	<ul style="list-style-type: none">• Show the detail of the actual tool mark revealing the direction, depth and other characteristics.• Include an L-shaped scale/ruler in the photograph to show relative size. <p>NOTE: Close-up photographs are for identification and orientation purposes only. They are not used for actual comparisons.</p>
Written notes and sketches	<ul style="list-style-type: none">• Document within field notes the location and brief description of the marks.• Include sketches that accurately reflect the position of all marks in relation to fixed reference points (e.g., height from the floor, distance from window frame, etc.).

NOTE: Officers should not open, close, or otherwise handle doors or windows at a crime scene before first examining such areas for the existence of trace or transfer evidence or fingerprints.

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Collecting and Processing Evidence, Continued

Trace and transfer evidence

Tool marks themselves should be examined carefully for evidence, such as hair, fibers, small amounts of blood, paint chips, metal shavings, etc. All particles of evidence that loosely adhere to the tool mark should be removed and processed using techniques that are appropriate for each form of evidence.

Collecting tool marks

The technique used for collecting tool marks is dependent on the area and/or the item where the marks are located. If an object or section has been broken or detached by force, the entire item should be collected and processed as evidence. Often, tool marks will appear on items that are still attached to the original structure.

NOTE: **Do not** attempt to place a tool back into a tool mark to identify whether or not they match.

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Collecting and Processing Evidence, Continued

Collecting tool marks (continued)

The following table presents guidelines for collecting tool marks based on their location.

Possible Item/Area	Guidelines
Twisted door knob	<ul style="list-style-type: none">• Channel lock pliers, vise grips, or wrenches can be used to forcefully twist open door knobs. Such tools often leave friction/striation marks.• Mark the original position of the knob relative to the door (e.g., top).• Carefully remove the door knob from the door.• Gently cover the knob with soft paper to protect surfaces, then place in a strong wrapper.
Pried knob bolt	<ul style="list-style-type: none">• Screwdrivers can be used to pry open the bolt on a door knob, leaving friction/striation marks. (Screwdrivers can be used in similar ways to pry open windows.)• Remove the striker plate and screws as well as the door knob bolt, if possible.• Mark each item indicating the top and front of its position prior to removal.• Gently cover each item with soft paper to protect surfaces, then place each in a separate container.

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Collecting and Processing Evidence, Continued

Collecting tool marks (continued)

Item/Area	Guidelines
Metal window or door frames	<ul style="list-style-type: none"> • When merited by the severity of a crime, the entire window or door frame may need to be removed and processed as evidence. • Once removed, areas containing impression and/or friction/striation marks should be gently covered with soft paper. • Mark the frame indicating top and front as it was positioned prior to removal. • If marking is not possible, include a separate sketch. • Wrap the entire frame in strong paper. <p>NOTE: If an object is too large or heavy for complete removal, samples of metal may be removed from the object to be used as known reference standards.</p>
Wooden window or door frames	<ul style="list-style-type: none"> • Using a small saw, cut away the piece of frame containing the tool mark(s) and surrounding surface. • Mark the collected item as to position of the sample with the original frame. • If marking is not possible, include a separate sketch. • Gently cover the item with soft paper to protect surfaces, then place in a container. • Collect known reference standards of other pieces of wood and paint scrapings. Such standards may be used for comparisons with any wood or paint particles found on a suspected tool.

NOTE: There may be conditions where the collection of an item containing a tool mark is not practical. Under such conditions, casting material may be used to make a reverse impression of the area.

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Collecting and Processing Evidence, Continued

Tools

If the tool suspected of making the tool mark is located at the crime scene, special steps to preserve the tool for evidence processing should be followed to preserve evidence such as latent prints or DNA.

Markings left on suspected tools themselves may be fragile and easily damaged during transportation. Care should be given to preserve trace evidence through packaging or collect by tape lifting prior to packaging.

The following table identifies general guidelines for the collection and preservation of tools located at a crime scene.

Basic Steps	General Guidelines
Document the location and condition of the tool.	<ul style="list-style-type: none">• Photograph the tool in the location it was found.• Describe location and condition of the tool in notes.• Use sketches and diagrams if necessary.
Collect tool in a manner that preserves evidence.	<ul style="list-style-type: none">• After examining the item for trace and transfer evidence, secure any moving parts against movement (i.e., jaws of pliers, wrenches, etc.).• Wrap the jaws of pliers, wrenches, etc. separately with soft paper to protect surfaces.• Tape a paper bag over the tip of the tool to prevent loss or contamination of trace evidence. (If blood is found on the tool, follow procedures noted for the collection of biological fluids.)
Package and process each item separately.	<ul style="list-style-type: none">• Carefully wrap each tool in packaging bag or box.• Place each in an appropriate sized container (bag or box) to prevent movement.• Process the evidence according to specific agency policy or procedures.

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Collecting and Processing Evidence, Continued

Tools (continued)

Basic Steps	General Guidelines
Document the collection process in field notes and investigative reports.	<ul style="list-style-type: none"> • Identify each tool that was collected, how it was collected, and how it was packaged and processed.

Alcohol

When alcohol is discovered at the scene of a crime, the courts may require that a sample of the alcohol be made available.

The following table identifies general guidelines for the collection of alcoholic beverages found at the scene of a crime.

	General Guidelines
Collection	<ul style="list-style-type: none"> • If <i>open containers</i> of alcohol are found in a vehicle on the roadway: <ul style="list-style-type: none"> - mark level of liquid in each container. - fill a separate plastic container <i>to capacity</i> with samples of the contents from each open container. • If it must be shown that alcoholic beverages have been <i>consumed by an individual</i>, have a qualified medical person draw a blood sample from the individual. (This process should be witnessed, preferably by the officer.)

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Collecting and Processing Evidence, Continued

Alcohol (continued)

	General Guidelines
Packaging	<ul style="list-style-type: none">• Package alcohol containers separately from other samples.• Vials of collected blood samples should be labeled and identify the person who drew the sample, the witness, and the date and time the sample was taken.• Place each vial of collected alcohol or blood in a separate container.

NOTE: For additional information regarding actions pertaining to alcohol, refer to LD 13: *ABC Laws*.

Bite marks

The following table identifies general guidelines for the collection and processing of bite marks found at the scene of a crime on victims, food, or other items at a crime scene.

	General Guidelines
Documentation	<ul style="list-style-type: none">• Photograph the area:<ul style="list-style-type: none">- with and without showing a scale within the photograph.• Photographs should be at a 90 degree or perpendicular angle to the bite mark.

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Collecting and Processing Evidence, Continued

Bite marks
(continued)

	General Guidelines
Collection	<ul style="list-style-type: none">• Collect any saliva near the bite mark by swabbing the area with a clean cotton swab moistened with distilled water.• Collect a control sample of the area adjacent to the bite mark by using another clean cotton gauze moistened with distilled water.• Allow all swabs to thoroughly air dry.
Packaging	<ul style="list-style-type: none">• Once “dried”, place swabs in separate paper envelopes labeled with victim name, collector, date, time.• If evidence cannot be immediately processed, it should be stored frozen. <p>NOTE: Bite marks found on food should be processed immediately.</p> <p>NOTE: Other instrumentalities of a crime scene could contain bite marks.</p>

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Collecting and Processing Evidence, Continued

Clothing

Items of clothing associated with a crime scene may contain both obvious (e.g., large blood stains) and hidden (e.g., fine paint particles) forms of evidence. General guidelines regarding the collection of clothing as evidence are noted in the following table.

	General Guidelines
Collection	<ul style="list-style-type: none">• Wear gloves when packaging clothing.• Avoid shaking, excessive folding, or unnecessary handling.• Do not disturb the contents of pockets, cuffs, hems, or pleats.• Place each clothing item in a clean paper bag.
	<ul style="list-style-type: none">• If clothing is being collected directly from a person:<ul style="list-style-type: none">- have the person stand on a large sheet of white paper.- ask the individual to remove clothing and shoes.- place each item in a separate paper bag.- provide the individual with a jail jump suit or other clothing to wear.- carefully fold up the paper.- place folded sheet of paper and items of clothing in separate clean paper bags.
	<ul style="list-style-type: none">• If clothing is dry:<ul style="list-style-type: none">- fold dry clothing as little as possible, keeping stained areas on top.- place each item in a separate clean paper bag.- if item cannot be immediately processed, freeze as soon as possible.

Continued on next page

Collecting and Processing Evidence, Continued

Clothing (continued)

	General Guidelines
Collection (continued)	<ul style="list-style-type: none"> If clothing is wet, let the item air dry thoroughly, then follow the same procedures as for dry clothing.
	<ul style="list-style-type: none"> If clothing has been obtained from a hospital: <ul style="list-style-type: none"> remove each item from hospital container, dry if still wet and, once dry, repackage in separate clean paper bags.
Packaging	<ul style="list-style-type: none"> Keep each person's clothing in separate containers. Do not place clothing in plastic or airtight containers which may promote bacterial growth.

Cloth fragments

General guidelines regarding the collection of cloth fragments as evidence are noted in the following table.

	General Guidelines
Collection	<ul style="list-style-type: none"> Collect small fragments using gloved hands or tape lifts. Avoid folding the item. Collect large fragments by handling them as little as possible. If fragment is wet, allow to air dry prior to packaging.
Packaging	<ul style="list-style-type: none"> Package each fragment separately. Place in clean paper bags.

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Collecting and Processing Evidence, Continued

Controlled substances and drug paraphernalia

Officers may encounter numerous types of controlled substances and drug paraphernalia at a crime scene. Responding officers should be aware that drugs can come in many different colors, sizes, and forms such as powders, liquids, pills, or capsules.

Depending on specific agency policy, officers may be equipped with **presumptive narcotic field testing kits**. Use of such kits can help officers determine if a drug is present and make a preliminary identification of the type of drug found. The immediate results obtained from presumptive field tests can provide sufficient probable cause for an arrest. Although, all results must be confirmed by a forensic laboratory before evidence can be admissible in court.

NOTE: Officer safety must be a priority when handling evidence involving controlled substances, drug paraphernalia, or when investigating clandestine laboratories.

NOTE: For additional information regarding narcotics, other drugs, and drug paraphernalia, refer to LD 12: *Controlled Substances*.

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Collecting and Processing Evidence, Continued

Controlled substances and drug paraphernalia (continued)

The following table identifies general guidelines for the collection of controlled substances and drug paraphernalia at a crime scene.

Collection	General Guidelines
	<ul style="list-style-type: none"> • Wear latex gloves and masks. • Special care should be taken when handling drug paraphernalia to avoid possible transfer of infectious diseases. • Handle any original packaging with care so possible trace evidence and latent fingerprints will not be destroyed or damaged.
	<ul style="list-style-type: none"> • For PCP: <ul style="list-style-type: none"> - Handle with extreme caution. PCP can be extremely volatile. - Place the amount found on each person, or in each area, in a separate clean glass vial with a lid. - Seal each vial in a heat sealed plastic bag. - Place sealed envelope into a second heat sealed plastic bag and seal.
	<ul style="list-style-type: none"> • For most other drugs: <ul style="list-style-type: none"> - Place the amount found on each person, or in each area, in a separate container. - <i>Do not</i> place marijuana in any airtight container.
	<ul style="list-style-type: none"> • For syringes and other drug paraphernalia: <ul style="list-style-type: none"> - Place each in puncture resistant containers. - Place a warning label on the face of the evidence envelope.

NOTE: Some drugs, such as PCP, can be absorbed through skin; Fentanyl particles, if disturbed, can be accidentally inhaled; if Fentanyl is suspected, exit the scene and contact Fire Department and Hazardous Materials Unit.

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Collecting and Processing Evidence, Continued

Controlled substances and drug paraphernalia
(continued)

	General Guidelines
Packaging	<ul style="list-style-type: none">• Place each item collected from each person in separate containers.• Cushion glass vials with packing material to prevent breakage.• Properly seal and label all containers. <p>NOTE: Do not use slang expressions or conclusive statements as to the contents when labeling containers and envelopes. The exact nature of each substance must be determined or confirmed by the laboratory.</p>

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Collecting and Processing Evidence, Continued

Documents

During a search of a crime scene, officers may discover documents that have bearing on the investigation of the crime. Laboratory examination of the technique used to create the document (handwritten, typed, etc.) as well as the paper and ink may provide information relating to identification, authenticity, and dating of the material.

The following table identifies general guidelines for the collection of documents from a crime scene.

	General Guidelines
Collection	<ul style="list-style-type: none">• Avoid any excessive handling or folding to guard against damage or alteration to possible latent fingerprints or impression marks (i.e., indentations left from writing on another document that has been placed on top of the document being collected).• If the original document was written using a typewriter or printed on a word processor or printer attached to a computer system, collect the entire instrument, storage devices, and paper that remains in the instrument.
Packaging	<ul style="list-style-type: none">• Label the envelope/plastic cover <i>before</i> placing the document inside (to protect document from officer labeling impression marks).• Place the document in the envelope/plastic cover.• Place the envelope/plastic cover between two sheets of stiff cardboard.• Wrap cardboard with paper or place in an appropriate container.

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Collecting and Processing Evidence, Continued

Documents
(continued)

	General Guidelines
<p>Control/ Known Standards</p>	<ul style="list-style-type: none"> • Obtain a control/known standard when possible. • Control/known standard samples may be in the form of: <ul style="list-style-type: none"> - other similar documents prepared by the person at a previous time or - documents prepared by the person at the request of an investigating officer. • When requesting a control/known standard involving <i>handwriting</i>: <ul style="list-style-type: none"> - simulate the original document as much as possible. (e.g., same type of paper, writing instrument, etc.) - <i>do not</i> show the original document to the person. - dictate the text to be written. - offer no suggestions regarding spelling, punctuation, style, or format. - remove the first sample from the person's sight and request a second be prepared. <p>NOTE: If it is not known whether the individual is left or right handed, the officer may wish to request that a sample be written using each hand.</p>

Continued on next page

Collecting and Processing Evidence, Continued

Glass

By examining and analyzing glass fragments from a crime scene, it may be possible to determine a point of impact, direction and angle of impact, number and order of bullets fired through the glass, or source and origin of the glass. Trace and transfer evidence (e.g., latent fingerprints) may also be present. Examples of the different types of glass that may be found at a crime scene include, but are not limited to:

- window glass,
- plate glass (usually used for store fronts),
- tempered glass (e.g., shower doors, storm doors, vehicle side windows, etc.),
- safety glass, (vehicle windshield)
- glass bottles, or
- colored or clear lenses (e.g., glasses, camera lenses, headlight lenses, watch crystals, etc.).

All broken glass should be handled carefully to protect any transfer biological evidence, touch DNA, or suspect blood from the break and avoid cuts or injury to collector, further breakage, contamination, or damage to any existing latent fingerprints. The following table identifies general guidelines for the collection of glass and glass fragments at a crime scene.

Continued on next page

Collecting and Processing Evidence, Continued

Glass (continued)

	General Guidelines
Documentation	<ul style="list-style-type: none">• If a window has been shattered (e.g., bullet holes, tools, bricks, spark plug piece), photograph the fracture patterns.
Collection	<ul style="list-style-type: none">• Carefully examine glass fragments for blood evidence and preserve for fingerprint or trace evidence processing.
	<ul style="list-style-type: none">• If the direction of force is in question, collect all glass fragments.• If direction of force is not a concern, collect only one sample of glass from each broken object.
Packaging	<ul style="list-style-type: none">• Package glass found inside separately from glass found outside.
	<ul style="list-style-type: none">• Place fragments into an appropriate container.

Impressions (shoe, feet, tire, etc.)

Shoes, feet, or tire treads may leave impressions on soft surfaces such as soil, mud, snow, etc. Impressions may also be found on hard surfaces such as floors, glass, paper, or doors. By comparing crime scene impressions with features of a particular person's shoes, feet, or tires, it may be possible to implicate or eliminate an individual's involvement with a crime. Preserve shoe and tire impressions at the scene for photographs and casting of the impression.

Soft and hard surface impressions require different collection techniques. The selection of a specific technique and the actual collection should be done only by law enforcement personnel who have been trained to do so.

Continued on next page

Collecting and Processing Evidence, Continued

Money

Money that is found at the scene of a crime may be a valuable source of evidence. Depending on how it had been handled, money may be contaminated by trace evidence such as drug residue. Although rare, currency may also contain latent fingerprints. The following table identifies general guidelines for handling money from a crime scene.

	General Guidelines
Documentation	<ul style="list-style-type: none">• Officers should note the denominations and total amount of money collected in their field notes and investigative reports.
Collection	<ul style="list-style-type: none">• <i>Do not</i> place any marks on bills or coins. (Bills can be identified by serial number.)• If wet, allow bills to air dry prior to packaging.• Carefully place money in a special money envelope.• If trace or transfer evidence is on currency, handle each bill in the same manner as with other documents.
Packaging	<ul style="list-style-type: none">• Seal envelope and note the denominations and amount of money on the outside of the envelope.• All money (domestic and/or foreign) should be processed separately from all other forms of evidence and property.

NOTE: A witness signature should be required to verify the amount of money being submitted. Officers should comply with their agency's policy and procedures when processing money.

Continued on next page

Collecting and Processing Evidence, Continued

Paint

Paint is another form of physical evidence that can be found when investigating burglaries, vehicular hit-and-run crimes, or numerous other investigations. Paint can be found at a crime scene in the form of chips (from dry paint), smears (from wet paint), or a combination of both.

Although paint can be individualized, matches can be used to imply identifications based on the number of layers, color consistency, and composition. It may be possible to identify the manufacture and year of a vehicle from a collected paint sample.

The following table identifies general guidelines for collecting paint samples at a crime scene

	General Guidelines
Collection	<ul style="list-style-type: none">• Paint should be collected only after tool marks, trace evidence, latent fingerprints, etc. have been documented and collected.• If paint sample is small or difficult to remove, collect the entire object on which the paint appears, if possible.
	<ul style="list-style-type: none">• Flake paint chips off surface by bending the item slightly, if possible. Collect the flakes into one end of a clean paper bindle. (Flaking is most applicable with metal surfaces.)• Collect any appropriate paint chips that may be on the ground outside a point of entry or surrounding the scene of a vehicle collision.

Continued on next page

Collecting and Processing Evidence, Continued

Paint
(continued)

	General Guidelines
Collection (continued)	<ul style="list-style-type: none">• If flaking is not possible, use a clean bladed instrument to scrape paint from surface into one end of a clean paper bindle.• Include all layers of paint present, down to the original surface.• Use a separate clean blade for each sample collected.
Packaging	<ul style="list-style-type: none">• Seal and label each envelope. (If the paint is from a vehicle, include a description and the license plate number of the vehicle.)• Package and submit blade used with each evidence sample. (Mark evidence envelope as <i>hazardous</i> when sharp blade is included.)

Continued on next page

Collecting and Processing Evidence, Continued

Tape

Different types of tape (e.g., duct, electrical, adhesive, etc.) found at a crime scene may contain latent fingerprints, DNA, fibers, hairs, or other evidence associated with a crime and link a suspect to the tape.

The following table identifies general guidelines for the collection of tape at a crime scene.

Basic Steps	General Guidelines
Collection	<ul style="list-style-type: none">• Handle tape as little as possible.• Preserve the ends of the tape where the suspect might have touched to preserve for DNA and fingerprint processing.• Examine tape for the presence of trace or transfer evidence that may be adhering to the tape. If trace or transfer evidence is found, remove from the tape and package separately according to the guidelines appropriate for that particular form of evidence.• <i>Do not</i> crumple tape into a ball.• If tape is on a weapon or some other object (e.g., narcotics container), <i>do not</i> attempt to remove it. Collect the entire object as evidence.• Do not attempt to match torn or cut edges. Collect the entire roll as evidence.
Packaging	<ul style="list-style-type: none">• Do not place tape directly onto or into paper.• Place sample into a nonporous container (e.g., plastic, glass, wax paper)• Each sample should be placed in a separate container.• Label each container, then place the container into a paper bag, envelope, or cardboard box.• Seal and label outer packaging.

Chapter Synopsis

Learning need Peace officers must be aware of and comply with the general guidelines for the collection, packaging, and processing physical evidence found at a crime scene to ensure that each piece of evidence is admissible in a court of law.

Precautions [30.02.1] Prior to beginning the actual collection process, officers should consider:

- photographing evidence.
- sketching the location and position of items of evidence.
- taking notes regarding the physical appearance of evidence to document the condition in which it was found.
- wearing appropriate clothing, such as disposable gloves, masks and nonrestrictive, noninterfering clothing.
- avoid officer contamination of evidence.

Control/known standard [30.02.2] To establish a link between a piece of evidence and a person or a crime scene, the unique identity of the object must be shown to the exclusion of all other similar objects.

Chain of custody [30.02.4] A complete and accurate chain of custody record is absolutely essential in establishing the validity and integrity of evidence in court.

Chain of custody record [30.02.5] The chain of custody begins when an item is first collected as evidence.

Continued on next page

Chapter Synopsis, Continued

Forms of fingerprints
[30.02.6]

Three types of fingerprints can be found at a crime scene. They include visible, plastic and latent.

General collection guidelines
[30.02.15]

Numerous other forms of evidence can be identified at any crime scene. Although specific techniques may differ, basic principles regarding the documentation, collection, and processing of evidence remain the same.

Developing latent fingerprints
[30.02.16]

Specialized technicians have a number of techniques which can be selected for developing a latent print. Each technique relies on an interaction between the perspiration or oil in the latent fingerprint and the chemical that has been applied.

Workbook Learning Activities, Continued

Activity questions
(continued)

3. Complete the chart below by filling in appropriate packaging containers and evidence.

Type of Evidence	Appropriate Packaging
blood or other biological fluids	
	paper bags
	glass vials
individual hair or fibers	
PCP	
money	
	plastic containers
marijuana	
cartridge cases	

4. List three common errors officers make in collecting and handling evidence. For each error, explain the possible consequences that could occur.

Continued on next page

Workbook Learning Activities, Continued

**Activity
questions**
(continued)

7. Officers respond to an automobile accident in which a pedestrian was struck and killed. Officers find the driver slumped over the wheel and an open can of beer on the seat. The driver smells strongly of beer. List the types of evidence officers should attempt to collect and the purpose of each. For each piece of physical evidence listed, describe appropriate handling, packaging, and processing procedures.

Workbook Corrections

Suggested corrections to this workbook can be made by going to the POST website at: www.post.ca.gov

Workbook Corrections, Continued

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Supplemental Material

Graphic Illustrations

In this section Refer to the following table for specific reference documents included in this section.

Graphic Illustrations	See Page
Sources of Investigative Information	S-2

Sources of Investigative Information

Introduction

In the course of an investigation, officers must recognize and use all possible sources of information available to them. Worthwhile information may be obtained from:

- informants, and/or
 - written documents and reference materials.
-

Motivation

Officers who use information supplied by an informant need to be aware of why that person is willing to offer information. Possible motives include, but are not limited to:

- civic responsibility or feeling of duty,
 - desire for monetary compensation for furnishing information,
 - desire to gain present or future law enforcement favor,
 - fear of impending arrest,
 - fear of possible personal harm by a criminal element,
 - jealousy of one who will be affected by the information,
 - elimination of criminal competition, or
 - revenge against someone who may have taken advantage of them.
-

Written documents

Written documents can include private and public records and numerous other written sources.

There are a number of private organizations and businesses records capable of providing information. Most private organizations will cooperate with a request for information from law enforcement, if tactfully approached. Officers should assure the responsible party that the source will be kept confidential.

In the event the information is needed as evidence in a court of law, officers should seek a subpoena for the records rather than compromise any informant from within an organization.

Continued on next page

Sources of Investigative Information, Continued

Written documents and references

The following table presents a number of possible sources of private records that may provide valuable information. Officers should not limit themselves to only those noted in the table.

Source	Types of Information
Apartment housing and other housing projects	<ul style="list-style-type: none">• Record of present and former tenants• Possible forwarding addresses
Auto rental or leasing companies	<ul style="list-style-type: none">• Identity of persons leasing cars• Driver's license information• Make, model or car used• Mileage traveled
Banks and loan agencies	<ul style="list-style-type: none">• Records on bank accounts and deposits• Loan information• Credit record• In order to obtain this information, it may be necessary to get a search warrant (privacy interests seem to be increasing).
City directories and telephone directories	<ul style="list-style-type: none">• Names, addresses, telephone numbers• City directories generally list occupation• May alphabetically list all streets in the city with street numbers and with the identity of each building occupant• Usually list telephone numbers in sequence and the individual's identity

Continued on next page

Sources of Investigative Information, Continued

Written documents and references (continued)

Source	Types of Information
Commercial credit agencies	<ul style="list-style-type: none"> Files on those who have applied for credit Residence history of applicant Employment history of applicant Other charge accounts Debts Personal history
Dun and Bradstreet Ratings (99 Church St. New York, N.Y. 10007)	<ul style="list-style-type: none"> Records on businesses including financial data credit and organizational data Stock brokers, wholesale and retail dealers
Hotel association	<ul style="list-style-type: none"> Files on bad checks, gamblers, and employees at hotels and motels Security personnel may be able to furnish this information
Laundry and dry cleaning businesses	<ul style="list-style-type: none"> Many have their own markings Records on when services were rendered <ul style="list-style-type: none"> - Names - Addresses
Lawyers' directory	<ul style="list-style-type: none"> Arranged by city and state Lawyers in United States by name and background data
Macrame's Blue Book	<ul style="list-style-type: none"> Source for all manufactures of industrial equipment, products, and materials List of manufacturers in alphabetical order by company name, product classification and trade name

Continued on next page

Sources of Investigative Information, Continued

Written documents and references (continued)

Source	Types of Information
Military registers (Army, Air Force, Navy and Marine)	<ul style="list-style-type: none"> Name, serial number, date of birth, date of rank Commissioned and warrant officers only
Moving companies	<ul style="list-style-type: none"> Person moving or storing furniture Destinations, dates, and addresses
National Association of Life Underwriter (11 West 42nd ST., New York, N.Y.)	<ul style="list-style-type: none"> Insurance company clearinghouse General biographical data on all persons who have had life insurance policies
National Board of Fire Underwriters	<ul style="list-style-type: none"> General information on persons who have or have had a fire insurance policy
Newspapers	<ul style="list-style-type: none"> Back issues
Poor's Register of Corporations, Directors and Executives	<ul style="list-style-type: none"> Available in public libraries Gives listing of executives, corporations, firms, products Approximately 30,000 listings
Public utilities	<ul style="list-style-type: none"> Maintain application for service Often, records are kept by name Usually have record of person who had service previously at the same address Companies may have a special agent's office which can offer assistance

Continued on next page

Sources of Investigative Information, Continued

Written documents and references (continued)

Source	Types of Information
Real estate companies	<ul style="list-style-type: none"> • Records of residents and former tenants of rental property • Records of buyers and sellers of property
School and college records	<ul style="list-style-type: none"> • Biographical data • Sample handwriting and student signature • Educational achievements • School yearbooks <ul style="list-style-type: none"> - Names - Activities - Pictures
Taxicab companies	<ul style="list-style-type: none"> • Records of trips kept by drivers on each customer
Travel agency and other transportation companies	<ul style="list-style-type: none"> • List time, date, location from and destination • Names, addresses of passengers • Dates of ticket purchase • Dates of travel • Points of disembarkment • Hotel accommodations • Itineraries

Glossary

Introduction **The following glossary terms apply only to Learning Domain 30: Crime Scene, Evidence, and Forensics.**

Automated Fingerprint Identification System (AFIS) Statewide file of full or partial rolled fingerprints collected from known individuals; can be referred to compare with fingerprints from unknown source collected at a crime scene

bindle A sheet of paper folded several times to create a holder resembling an envelope.

biological fluids Human bodily fluid such as blood, semen, vaginal secretions, saliva, perspiration, etc.

bullet A projectile that is expelled from a cartridge

cartridge A self-contained unit which includes a projectile and propellant capable of firing the projectile through the barrel of a firearm

cartridge case An empty container left after cartridge has been fired

chain of custody The written, witnessed, unbroken record of all individuals who maintained control or had access to any physical evidence

control standard A piece of evidence that can be used to demonstrate a normal condition of a surface or object

Continued on next page

Glossary, Continued

corpus delicti

The established body or elements of a crime

coroner

A public official who investigates by inquest any death not due to natural causes

crime scene diagram

A measured drawing showing the location of all important items, particularly items of physical evidence; shows layout of the entire scene, measured locations within the crime scene of each piece of evidence, locations of significant features of the scene, and spatial relationship between items

crime scene search

A planned, systematic, coordinated effort conducted for the purpose of locating physical evidence that a crime has taken place and to identify the individuals who committed the crime

crime scene sketch

A rough drawing created by an investigating officer at the crime scene; contains details and measurements that will be used when the final accurate diagram is later drawn

criminal investigation

A systematic approach to the establishment of a criminal violation, identification and arrest of a suspect, and gathering of evidence for presentation in a court of law

custodial arrest

An arrest in which the suspect will be transported to a law enforcement facility such as a station, jail, or detox center

cylinder

Round device found on a revolver which contains a series of chambers; rotates to place each chamber, holding a single cartridge, into a firing position

Continued on next page

Glossary, Continued

**Deoxyribo-
nucleic Acid
(DNA)**

A substance found in the chromosomes in the nucleus of human cells that provides genetic coding information unique to every person

fingerprint

A copy or impression of the ridges and valleys present on the outermost layer of human skin; these ridges and valleys can be found on the tips of fingers, length and sides of fingers, palms, feet, and toes

**forensic
pathologist**

Doctor of pathology as it relates to the courts

gauge

Measurement that refers to the bore size of a shotgun

**initial
survey**

The first sweep of a crime scene; allows responding officer(s) the opportunity to establish the kinds and amount of evidence that exists and the amount of time, equipment and personnel that will be required to process the scene

**inner
perimeter**

Designated area which contains specific evidence of a crime and is under the control of law enforcement officers

investigation

The systematic gathering of information from a variety of sources and the documentation of evidence, observations, and findings.

**known
standard**

An item of evidence which has a known source that can be used to compare with an item from an unknown source (also referred to as an exemplar)

**latent
fingerprint**

Impression left by secretions from perspiration or oils on the skin; *not* visible to the naked eye without special treatment or development

Continued on next page

Glossary, Continued

lifting The process of removing a developed latent fingerprint from the surface where it was found

magazine A container that holds cartridges and fits inside the magazine well of a semiautomatic pistol or rifle

manner of death A board classification of the cause of death

medical examiner coroner An appointed medical physician specializing in forensic pathology with the responsibility of investigating all sudden, unexplained, unnatural, or suspicious deaths; duties include conducting autopsies and assisting in law enforcement investigations

nonporous surface Any surface that does *not* absorb liquids or oils (e.g., plastic, glass, etc.)

outer perimeter Designated area which surrounds an inner perimeter and is used as a means of securing and controlling access to an inner perimeter

plastic fingerprint Impression left when a finger is pressed into a soft substance such as heavy grease, melted candle wax, soap, or window putty; does not require any treatment in order to be visible to the naked eye

porous surface Any surface that absorbs liquids or oils (e.g., cloth, unfinished wood)

Continued on next page

Glossary, Continued

preliminary investigation The initial phase of a criminal investigation which establishes whether a crime has been committed; begins when responding officer(s) arrive at the scene and culminates with the filing of an investigative report

Presumptive narcotic field testing kit Prepackaged kit containing the materials necessary for an officer at a crime scene to determine if a drug is present and make a preliminary identification of the type of drug found

probable cause When the totality of the circumstances causes a person of ordinary care and prudence to entertain an honest and strong suspicion that the person to be arrested is guilty of a crime

revolver Any handgun equipped with a revolving cylinder that can contain several cartridges and be fired repeatedly without being reloaded until the cylinder is empty

rifle A gun fired from the shoulder with spiral grooves cut into the inner surface of the barrel

rolling Collecting and recording of the fingerprints of a known individual

round A single cartridge

semiautomatic pistol Any handgun that features a magazine which holds cartridges that self-load automatically into the firing chamber of the weapon

shot Small round projectiles contained within a shotgun shell (also referred to as the load)

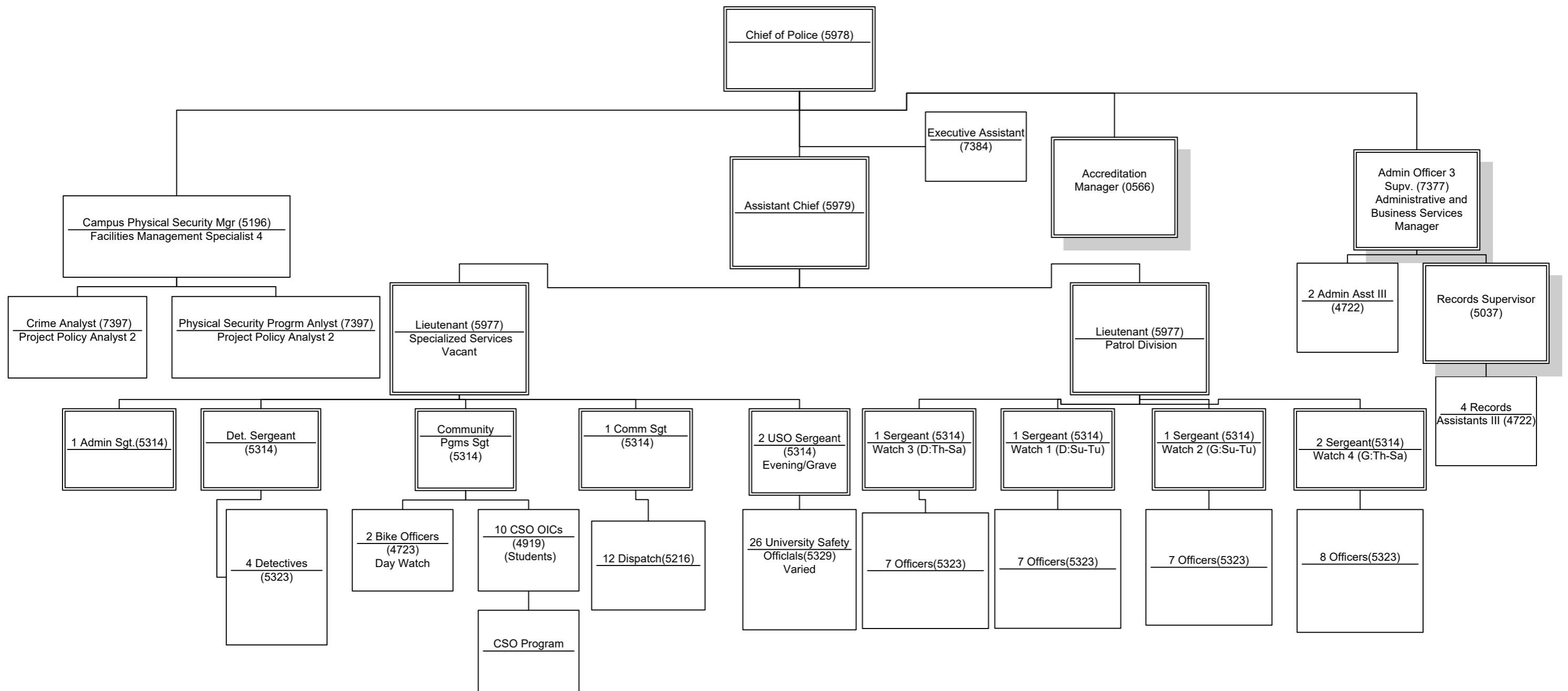
Continued on next page

Glossary, Continued

shotgun	A smooth-bored firearm designed to be fired from the shoulder with two hands; primarily intended to fire multiple projectiles
shotgun shell	A single cartridge used in a shotgun
shot wad	Material contained within a shotgun shell that separates the shot from the powder charge
tool mark	An impression, scratch, gouge, cut, or abrasion on an object that is the result of a tool forcibly coming into contact with the object
trace evidence	Any evidence that is very small; it usually cannot be seen with the naked eye without close scrutiny
transfer evidence	Any evidence that is easily transferred or passed when two objects touch
visible fingerprint	An impression left behind in blood, paint, or other similarly colored liquid that does not require any treatment in order to be visible to the naked eye

UCSD PD September 2023 TC-2.pdf

UCSD POLICE ORGANIZATION September 2023



All UCs Inventory.pdf

Categories and Descriptions	UCB	UCD	UCI	UCLA	UCM	UCR	UCSD	UCSF	UCSB	UCSC	Total
Category 1 - Unmanned, remote Piloted, Powered Aerial or Ground Vehicles											
<i>Remotec Andros F6A Robot</i>	1	0	0	0	0	0	0	0	0	0	1
Category 5 - Command and Control Vehicles that are either built or modified to facilitate operational control and direction of public safety units											
<i>Command Post - Vehicle</i>	1	0	0	0	0	0	0	0	0	0	1
Category 7 - Battering Rams, Slugs, and Breaching Apparatuses											
<i>Royal 12 GA. Shotgun Frangible Breaching Rounds</i>	0	0	0	193	0	0	0	0	0	0	193
Category 8 - Firearms and Ammunition of .50 caliber or greater, excluding standard issue shotguns and standard issue shotgun ammunition											
<i>Remington 870 12 Ga. Shotgun (Breaching or Bean Bag Use Only)</i>	13	0	0	1	0	5	10	0	0	0	29
Category 11 - Noise-Flash Diversionary Devices and Explosive Breaching Tools											
<i>Royal 12 GA. Shotgun Flash Bang Rounds</i>	0	0	0	12	0	0	0	0	0	0	12
<i>Def-Tec Multi-port Plus II Distraction Device Model #8922</i>	0	0	0	0	0	0	0	10	0	0	10
Category 12 - Munitions Containing Tear Gas or OC Excluding Standard Service Issued Hand-Held Pepper Spray											
<i>FN Herstal 303-5 18mm Rounds (PAVA/OC)</i>	480	100	0	0	120	0	135	1500	0	120	2455
<i>Def-Tec 40mm Direct Impact Munition Model #6320 (OC)</i>	5	0	0	50	5	0	0	4	0	5	69
<i>Def-Tec 40mm Direct Impact Munition Model #6322 (CS)</i>	5	0	0	0	5	0	0	18	0	5	33
<i>FTC PAVA Capsaicin Rounds</i>	0	0	0	1875	0	0	1210	0	0	0	3085
<i>Def-Tec MK-9 Pepper Spray (OC) Canisters, Model #5099</i>	8	0	0	0	0	0	0	0	0	6	14
<i>Sabre MK-9 Pepper Spray (OC) Canister Model 91H2060</i>	0	0	6	0	0	0	8	0	0	0	14

<i>Def-Tec Riot Control Continuous Discharge Canister Model #1082</i>	0	2	0	0	0	0	0	0	0	0	2
Categories and Descriptions	UCB	UCD	UCI	UCLA	UCM	UCR	UCSD	UCSF	UCSB	UCSC	Total
Category 13 - Taser Shockwave, Microwave Weapons, Water Cannons, and Long Range Acoustic Devices											
<i>Long Range Acoustic Device (LRAD)</i>	1	1	1	2	1	1	1	1	1	1	11
Category 14 - Kinetic Energy Weapons and Munitions											
<i>FN Herstal 303 Launcher</i>	5	1	1	1	1	5	1	4	1	1	21
<i>FN Herstal 303-3 18mm Rounds (Washable Paint)</i>	390	100	200	0	0	200	150	2400	120	200	3760
<i>Def-Tec/LMT 40mm Launcher (Models #1327, #1425, #1426, # ?)</i>	4	5	13	18	1	1	1	14	15	11	83
<i>Def-Tec 40mm eXact Impact Munition Model #6325</i>	100	100	150	120	7	20	62	281	356	55	1251
<i>Def-Tec 40mm Direct Impact Marking Munition Model #6326</i>	0	0	0	50	0	0	0	0	0	0	50
<i>Def-Tec 40mm Bean Bag Round Model #6025</i>	0	0	0	0	0	0	0	22	0	0	22
<i>FTC Pepper ball Rifle</i>	0	0	0	4	0	0	2	0	0	0	6
<i>Def-Tec 12 Ga. Bean Bag Rounds Model #3027</i>	625	0	0	0	0	0	168	0	0	0	793
<i>Accusox 12ga. Bean Bag Rounds</i>	0	0	0	0	0	233	0	0	0	0	233

**Domestic Violence and Sexual
Assault rev2023-05-04.pdf**

UCSD Police Department Guarantees

The UCSD Police Department is committed to the following principles by providing ten guarantees:

1. **WE WILL** meet with you alone, privately, or you may certainly be accompanied by an advocate or support person.
2. **WE WILL** provide a female officer to conduct the initial interview if requested and one is available.
3. **WE WILL** fully investigate and take your assault seriously, regardless of the gender, race, ethnicity, sexual orientation, age, or religion of those parties involved.
4. **WE WILL** not prejudge you or your actions. Assault victims are victims and therefore not responsible for the criminal actions of others.
5. **WE WILL** treat you and your case with courtesy, sensitivity, dignity, and understanding.
6. **WE WILL** assist you in arranging for your medical needs and/or hospital treatment.
7. **WE WILL** provide you with advocate and counseling referral information.
8. **WE WILL** not release your name to the public or to the press (pursuant to PC293).
9. **WE WILL** discuss and explain the criminal justice process. You will be kept informed as to the progress of the investigation which may lead to the arrest and prosecution of the offender.
10. **WE WILL** continue to be available in order to answer your questions and to assist you as the process of investigation and/or prosecution proceeds.

NOTICE: Qualifying victims of certain crimes may receive financial assistance for certain qualifying losses resulting from a crime when the losses are not reimbursed by other sources (property and cash losses as well as compensation for "pain and suffering" are not covered by this program). For information about the California victims' compensation program, please call a program representative at (800) 777-9229. [GC13959-139693]

Referral Services

Rape Crisis and DV Hotline (24 hours/day) (858) 272-1767
Suicide and Crisis Lifeline (24 hours/day) Call or Text 9-8-8

Shelters

Battered Women's Services (619) 234-3164
Center for Community Solutions (858) 272-5777
East County Emergency Quarters (619) 447-2428
Oceanside Women's Resource Center (760) 757-3500
San Diego Rescue Mission (619) 687-3720
Traveler's Aid (619) 295-8393

Child Abuse

Child Abuse Hotline (24 hours/day) (800) 344-6000
Child Protective Services (858) 560-5191
Polinsky Children's Center (858) 514-4600
Casa de Amparo (North County) (760) 754-5500

Victim's Assistance

San Diego County Victim Assistance (619) 531-4041
YWCA of San Diego (619) 239-3164
San Diego Family Justice Center (619) 533-6000
—or (866) 933-4673

Legal Assistance

San Diego District Attorney (DV Unit) (619) 531-4300
San Diego City Attorney (DV Unit) (619) 533-5544
UCSD Office of Student Conduct (858) 534-6225
UCSD Student Legal Services (858) 534-4374
Legal Aid Society (877) 534-2524

Counseling

UCSD

- Faculty and Staff Assistance Program (FSAP) (858) 534-5523
- CARE at Sexual Assault Resource Center (SARC) (858) 534-5793
- Counseling and Psychological Services (CAPS) (858) 534-3755
- Office for the Prevention of Harassment and Discrimination (OPHD) (858) 534-8298

Alcoholics/Narcotics Anonymous (800) 690-2666
County Mental Health (619) 692-8200

Additional Referrals

Runaway Hotline (800) 786-2929
UCSD Women's Center (858) 822-0074

Domestic Violence and Sexual Assault Handbook



University of California San Diego
Police Department



9500 Gilman Drive #0017
La Jolla, CA 92093-0017

Tel: (858) 534-4357

Visit <http://police.ucsd.edu>

Domestic Violence

Domestic violence is a tragedy that directly or indirectly affects all of us on the university campus. The university setting creates its own set of problems with its unique mixture of faculty, staff, and students. These problems are often complex and solutions are not easily found. Situations involving divorce, spousal abuse, child abuse, child custody and violence are not uncommon. The result is that University police officers are frequently called upon to assist in handling situations of domestic violence.

NOTICE: A victim of domestic violence may ask the District Attorney to file a criminal complaint against the person alleged to have committed the domestic violence. A victim also has the right to go to the Superior Court and file a petition requesting any of the following orders for relief: [13701(c)(9)(F) Penal Code]

- ⇒ An order restraining the attacker from abusing the victim and other family members.
- ⇒ An order directing the attacker to leave the residence.
- ⇒ An order preventing the attacker from entering the residence, school, business, or place of employment of the victim.
- ⇒ An order awarding the victim or the other parent custody of or visitation with a minor child or children.
- ⇒ An order restraining the attacker from molesting or interfering with minor children in the custody of the victim.
- ⇒ An order directing the party not granted custody to pay support of minor children, if that party has a legal obligation to do so.
- ⇒ An order directing the defendant to make specified debit payments coming due while the order is in effect.
- ⇒ An order directing either/both parties to participate in counseling.

NOTICE: A victim of domestic violence, has the right to file a civil suit against the person alleged to have committed the violence for losses suffered as a result thereof; including medical expenses, loss of earnings, expenses for injuries sustained and damage to property, and any other related expenses incurred by the victim or any agency that shelters the victim. [13701(c)(9)(G) Penal Code]

With the assistance of a peace officer, a victim has the right to apply for an Emergency Protective Order. An Emergency Protective Order is an ex parte (one-sided) order issued by a judicial officer who has determined that an immediate and present danger of domestic violence exists or that a child is in immediate and present danger of abuse. [6251 Family Code]

The order is issued in order to prevent the recurrence of acts of violence and sexual abuse and to provide for a separation of the persons involved in the domestic violence for a period sufficient to enable these persons to seek a resolution of the causes of the violence. [6220 Family Code]

An Emergency Protective Order is valid until the close of the fifth full court day or the seventh calendar day following the issuance of the order which ever is earliest. [6256 Family Code]

NOTICE: Despite official restraint of the person alleged to have committed domestic violence, the restrained person may be released from custody at any time. [137301(c)(9)(A) Penal Code]

Sexual Assault

Tragically, sexual assaults do occur within the University community. These types of assaults occur in all kinds of relationships, from husband and wife, boyfriend and girlfriend, to dating relationships, casual acquaintances, and total strangers. It is very important to remember that domestic violence as well as a sexual assault committed by a person known to the victim, including the spouse of the victim, is a criminal offense. [13701(c)(9)(H)(iii) and (iv) Penal Code]

A sexual assault is a violent crime that poses significant and serious consequences to the victim. Physical injuries may be involved requiring immediate medical attention. Sexual assault victims also face the possibility of contracting infectious diseases, STDs, including AIDS, and in some cases unwanted pregnancies. In addition, serious psychological trauma often follows an assault, requiring professional mental health treatment.

Sexual assault is a serious crime and is dealt with accordingly. UCSD Police Officers have been trained to properly handle these cases with professionalism and sensitivity to those involved.

One significant aspect in the correct handling of sexual assault cases is the transference of valuable information to those who have been victimized. This handout has been prepared to identify victim's rights, guarantees, and provide helpful referral information.

If you have been sexually assaulted, you are strongly encouraged to immediately report the assault to the UCSD Police Department. It is important to quickly identify and legally apprehend the offender in order to prevent any further violence toward you or other members of the community.

Equally important is the preservation of criminal evidence, therefore, do not shower and do not wash or throw away your clothing. Evidence gleaned from these areas is essential to the successful prosecution of a sexual assault.

NOTICE: Subject to certain exceptions, prior to an in-depth police interview, you have the right to have a sexual assault victim counselor and/or a support person of your choosing present during the interview. [679.04(a) Penal Code]

NOTICE: Subject to certain exceptions, prior to the commencement of any evidentiary or physical examination, you have the right to have present with you, a sexual assault victim counselor and/or a support person of your choosing. [679.04(b)(2) Penal Code]

NOTICE: You also have the right to have a sexual assault victim counselor and/or a support person present at any interview conducted by a defense attorney or investigator/agent employed by the defense attorney. [679.04(b)(2) Penal Code]

By reporting the assault to the police department, you will receive professional assistance and valuable referral information in order to manage the legal, medical, and psychological aftermath of a sexual assault.

If you elect not to report the incident to the police department, we recommend you seek professional advice and counseling from one of the referral services listed in this pamphlet. In particular, UCSD students are encouraged to contact the campus Sexual Assault Resource Center (SARC) at (858) 534-5793 for help and assistance in dealing with the multitude of issues in the aftermath of a sexual assault.

UCSD Police Department Contact Information

Emergency	Call or Text 9-1-1
Non-Emergency	(858) 534-4357
Detectives Unit	(858) 534-4359
CSD Escorts	(858) 534-9255
Crime Prevention	(858) 534-3644

Statutes and Legal Requirements.pdf

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.

Crowd Control -Terms and Definitions.pdf

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416.21.1 TERMS AND DEFINITIONS

Anarchist A person who uses unlawful, violent means to cause disorder or upheaval.

Active Resistance To intentionally and unlawfully oppose the lawful order of a peace officer in a physical manner (e.g., bracing, tensed muscles, interlock arms/legs, pushing, kicking, etc.).

After Action Report A report covering response actions, application of ICS, modifications to plans and procedures, training needs, and recovery activities.

Arrest Protocol The formal process of placing subjects under arrest, taking into custody, and associating the arresting peace officer(s) with the specific individual arrested.

Arrest Teams Personnel assigned to arrest duties during civil disobedience/civil disorder incidents.

Assaultive Resistance Aggressive or combative behavior which attempts or threatens to assault an officer.

Booking Teams Personnel assigned to custodial processing duties during incidents of civil disobedience/civil disorder.

Chemical Agents See Nonlethal Chemical Agents

Civil Disobedience An unlawful event involving a planned or spontaneous demonstration by a group of people.

Civil Disorder An unlawful event involving significant disruption of the public order.

Command The authority a peace officer lawfully exercises over subordinates by virtue of his/her rank and assignment or position.

Compliance Techniques Reasonable, lawful, use-of-force methods intended to encourage suspect cooperation.

Compliant Behavior Behavior consistent with submitting to lawful orders of a peace officer without resistance.

Control Devices Devices intended to assist peace officers in gaining control of subjects who refuse to submit to lawful authority (e.g., batons, electronic control devices, restraints, chemical agents, etc.).

Cordoning Surrounding or enclosing a particular problem area; also referred to as perimeter control.

Critical Facilities Any location essential to the well-being and safety of the community requiring law enforcement protection during a critical incident.

Crowd A number of persons gathered together.

Crowd Control Law enforcement response to a pre-planned or spontaneous event, activity, or occurrence that has become unlawful or violent and may require arrests and/or the dispersal of the crowd.

Crowd Dynamics Factors which influence crowd behavior.

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Crowd Management, Intervention and Control

Crowd Intervention Law enforcement response to a pre-planned or spontaneous event, activity, or occurrence to deal with isolated unlawful behavior or an impact to public safety while allowing the event/activity/occurrence to continue.

Crowd Management Encompasses law enforcement management, intervention, and control strategies when responding to all forms of public assemblies and gatherings. Also refers specifically to strategies and tactics employed before, during, and after a gathering for the purpose of maintaining the event's lawful activities.

Decontamination Procedures taken to reduce the effects of any nonlethal chemical agent or bio-hazard exposure.

Discipline Peace officer behavior that is consistent with demonstrating self-control, teamwork, moderation, and restraint.

Dispersal Order Lawful orders communicated by law enforcement personnel commanding individuals unlawfully assembled to disperse.

Dismounted Tactics Non-mobile tactical formations generally involving team, squad, and platoon-sized units.

Emergency Operations Center (EOC) A location from which centralized emergency management is performed. EOC facilities are established by an agency or jurisdiction to coordinate the overall agency or jurisdictional response and support to an emergency.

Essential Elements of Information (EEI) Critical tactical information, obtained from any source, received prior to and/or during an event which is considered so essential that without it, meaningful planning cannot proceed.

Flash Mob A group of people organized using social media to coordinate meeting at a specific location at a specific time for entertainment, satire, or, in some cases, criminal activity.

Flashpoint Specific location(s) which become the initial source of unlawful activity and the origin or focal point of civil disorder.

Force Options Reasonable force alternatives that may be utilized by law enforcement to effect arrest, overcome resistance, and prevent escape.

Formations Coordinated unit tactics utilized by law enforcement to control crowds, stop unlawful activity, and disperse and/or arrest violators.

Incident Action Plan (IAP) A written document containing general management objectives that reflect the overall incident strategy and specific plans using personnel and resources. Incident Action Plans will vary in content and form depending upon the kind and size of an incident.

Incident Command System (ICS) The statewide model for field-level management of emergencies mandated by the Standardized Emergency Management System (SEMS). ICS is specifically designed to allow its user(s) to adopt an integrated organizational structure equal to the complexity and demands of single and multiple incidents without being hindered by jurisdictional boundaries.

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Incident Objectives Statements of guidance and direction necessary for the selection of appropriate strategy(s), and the tactical use of resources. Incident objectives are based on realistic expectations of what can be accomplished when allocated resources have been effectively deployed. Incident objectives must be achievable and measurable, yet flexible enough to adjust to strategic and tactical alternatives.

Leadership The art and exercise of influence to obtain willing compliance, confidence, respect, and loyal cooperation of personnel.

Less Lethal Impact Munitions Projectiles launched or otherwise deployed for purposes of overcoming resistance , preventing escape, effecting arrest, reducing serious injury and may be applied without a significant likelihood of causing death.

Life Threatening Any action likely to result in serious injury or death of an officer or another person.

Management The process of planning, organizing, coordinating, directing, budgeting, and controlling resources.

Mobile Arrest and Booking Teams Mobile teams designated to assist field personnel with mass arrests and processing.

Mobile Field Force An organized, mobile law enforcement tactical force equipped and trained to respond to unusual occurrences. The mobile field force is currently the statewide standard configuration known as "Mutual Aid Response Mobile Field Force."

Mobile Tactics The ability to rapidly deploy law enforcement personnel using vehicles. The vehicles may also be used for crowd control and containment.

Mob A disorderly group of people engaged in unlawful activity.

Mounted Tactics Crowd control while mounted on horses.

Non-Compliant Behavior Behavior which does not yield to the lawful order of a peace officer but offers no physical resistance (sometimes referred to as "passive resistance").

Nonlethal Chemical Agents Devices utilized by law enforcement agencies which may include CS, CN, OC, and HC (smoke).

Noticed Events Public assemblies, demonstrations or crowd events, which are planned for in advance and allows for prior notice, whether direct or indirect, to law enforcement.

Operations Plan A plan describing the tactical deployment of resources at an incident or event to meet the objectives of the Incident Action Plan.

Operations Security (OPSEC) Methods used to prevent sensitive information, which may compromise the integrity and safety of a law enforcement operation, from being improperly disseminated.

Pain Compliance Stimulation of nerves or the manipulation of joints to elicit a sense of unease or distress in a subject, causing that subject to comply with lawful directives.

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Passive Resistance Refers to intentional and unlawful opposition of a lawful order of a peace officer during arrest situations but involves no physical resistance. (See Active Resistance).

Perimeter Control See Cordoning.

Photographic Teams Law enforcement photographers assigned to memorialize designated activity involving civil disobedience.

Policy Statements of principles and values which guide the performance of a specific agency activity. Policy establishes limits of action and reflects a statement of guiding principles that should be followed in order to achieve an agency's objective.

Procedure A method of performing an operation or a manner of proceeding on a course of action within the limits of policy.

Public Disruption The interruption or disturbance of public order.

Stakeholder Entities having a legal, professional, economic or community interest/responsibility in a public assembly or gathering.

Sectoring An overall area of operation and dividing it into sub-sections based upon geographical and/or defined boundaries.

Social Media Communications of social interaction, using highly accessible and scalable devices, including web-based and mobile technologies used to promote interactive dialogue.

Spontaneous Events Public assemblies, demonstrations or crowd events, which occur without prior planning and/or without prior notice to law enforcement.

Standardized Emergency Management System (SEMS) A system required by California Government Code for managing response to multi-agency and multi-jurisdictional emergencies in California. SEMS consists of five organizational levels that are activated as necessary: Field Response, Local Government, Operational Area, Region and State.

Tear Gas The term used in the California Penal Code for what law enforcement more accurately refers to as "nonlethal chemical agents." Unified Command In ICS, it is described as a unified team effort, which allows all agencies with responsibility for the incident, either geographical or functional, to manage an incident by establishing a common set of incident objectives and strategies. It maintains agency authority, responsibility and accountability.

Unity of Command The concept by which each person within an organization reports to one and only one designated person.

Unlawful Assembly Penal Code Section 407 defines an "unlawful assembly" as: "Whenever two or more persons assemble together to do an unlawful act, or to do a lawful act in a violent, boisterous or tumultuous manner, such assembly is an unlawful assembly." "Boisterous or tumultuous manner" has been interpreted by the courts to mean conduct which poses a clear and present danger of imminent violence.

Crowd Managment Strategies.jpg

Letter head.pdf



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Crowd Control - Case Laws (1).pdf

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416.21.4 APPLICABLE CASE LAW

USE OF FORCE

Bryan v. McPherson 630 F. 3d 805 (9th Cir. 2011)

Chew v. Gates 27 F.3d 1432, 1443 (9th Cir. 1994)

Deorle v. Rutherford 272 F. 3d 1272, 1284 (9th Cir. 2001)

Eberle v. City of Anaheim 901 F. 2d 814 (9th Cir. 1990)

Forrester v. City of San Diego 25 F. 3d 804 (9th Cir. 1994)

Graham v. Connor 490 U.S. 386 (1989)

Hammer v. Gross 932 F. 2d 842 (9th Cir. 1991)

Headwaters Forest Defense v. County of Humboldt 240 F.3d 1185(9th Cir. 2000), *vacated and remanded on other grounds*, 534 U.S. 801 (2001) (Headwaters I)

Headwaters Forest Defense v. County of Humboldt 276 F. 3d 1125 (9th Cir. 2002) (Headwaters II)

Mattos v. Agarano 661 F. 3d 433 (9th Cir. 2011)

Scott v. Henrich 39 F. 3d 912 (9th Cir. 1994)

Young v. County of Los Angeles 655 F. 3d 1156 (9th Cir. 2011)

UNLAWFUL ASSEMBLY

Bacon In re, (1966) 240 Cal. App. 2d 34

Brown In re, (1973) 9 Cal. 3d 612

Chambers v. Municipal Co urt (1997) 65 Cal. App. 3d 904

Collins v. Jordan 110 F. 3d 1363 (9th Cir. 1996)

Galvin v. Hay 374 F. 3d 739 (9th Cir. 2004)

Kay In re, (1970) 1 Cal. 3d 930, 943

Menotti v. City of Seattle 409 F. 3d 1113 (9th Cir. 2005)

Wagner In re, (1981) 119 Cal. App. 3d 90

RIOTS

People v. Bundte (1948) 87 Cal. App. 2d 735, 744, cert. denied 337 U.S. 915

People v. Cipriani (1991) 18 Cal. App. 3d 299, 304

People v. Davis (1968) 68 Cal. 2d 481

People v. Jones (1971) 19 Cal. App. 3d 437

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LYNCHING

People v. Jones (1971) 19 Cal. App. 3d 437

People v. Patino (1979) 95 Cal. App. 3d 11

RIGHT OF ACCESS

Los Angeles Free Press v. City of Los Angeles 9 Cal. App. 3d 448, 457 (1970) cert. denied, 401 U.S. 982

Cox v. State of New Hampshire 312 U.S. 569 (1941)

Seattle Affiliate of the October 22nd Coalition to Stop Police Brutality, etc. v. City of Seattle 550 F. 3d 788 (9th Cir. 2008)

Mardi Gras of San Luis Obispo v. City of San Luis Obispo 189 F. Supp. 2d 1018 (2002) (This case addresses impermissible prior restraint on protected expression in public forums, including an analysis of reasonable "Time, Place and Manner" restrictions and content-based regulations that are not the least restrictive means to further a compelling state interest.)

FIRST AMENDMENT

Brown In re, (1973) 9 Cal. 3d 612

Chambers v. Municipal Court (1977) 65 Cal. App. 3d 904 -

Cohen v. California 403 U.S. 15 (1971)

Jefferson v. Superior Court (1975) 51 Cal. App. 3d 721)

McMahon v. Albany Unified School District (2003) 104 Cal. App. 4th 1275

PUBLIC PLACE OBSTRUCTION

Coates, et al, v. City of Cincinnati 402 U.S. 611 (1971)

Cox In re , (1970) 3 Cal. 3d 205, 220

People v. Man (1974) 39 Cal.App. 3d Supp. 1, 4-5

OBSTRUCTING PEACE OFFICER

In re M.L.B. (1980) 110 Cal. App. 3d 501

People v. Patino (1979) 95 Cal. App. 3d 11

THROWING SUBSTANCES

People v. Whitney (1978) 76 Cal. App. 3d 863

Crowd Control - Applicable Laws.pdf

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416.21.3 APPLICABLE LAWS

CALIFORNIA PENAL CODE

69 Resisting or deterring officer

71 Threat of injury made to peace officer in performance of his duties

102 Retaking property from officer

148 Resisting or obstructing public officer

148.1 False reporting planting of bomb

148.2 Interfering with firefighter or EMT

148.4 Tampering with a fire alarm

148.9 Giving false identification

151 Advocating injury or death of peace officer

169 Picketing in or near courthouse with intent to interfere or obstruct administration of justice or influence judge, juror, witness, or officer of the court

171f Entering State Capitol without authorization-disorderly conduct

182 Conspiracy

185 Wearing masks or personal disguises in the commission of any public offense

197 Killing in defense of self or property and arresting fugitives or quelling riot

218 Derailing or wrecking train

219 Wrecking train or firing bridge

219.1 Throwing missile at vehicle of common carrier

219.2 Throwing missile or shooting at trains, street cars, or vessels

240 Assault - defined

241 Assault; Assault against peace officer, or other specified persons engaged in performance of duties
(Note: see 241 PC subsections)

242 Battery - defined

243 Battery; punishment (Note: see 243 PC subsections)

244 Throwing acid w/intent to disfigure or burn

245 Assault with deadly weapon, firearm, assault weapon, or machine-gun (ADW) (Note: see 245 PC subsections)

246 Discharge firearm at inhabited dwelling, vehicle or aircraft

247 Discharge firearm at unoccupied aircraft or motor vehicle or uninhabited building or dwelling house

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Crowd Management, Intervention and Control

- 247.5** Discharging laser at aircraft
- 248** Interfere with helicopter operation - light or bright device
- 302** Disorderly conduct at church service
- 372** Maintaining public nuisance
- 374** Littering and waste matter defined (Note: see 374 PC subsections)
- 375** Use of offensive substance in place of public assembly; manufacture of offensive substance
- 396** Price gouging during state of emergency
- 403** Disturbing an assembly
- 404** Riot - defined
- 404.6** Incitement to riot
- 405** Punishment of participants in riot
- 405a** Lynching - defined
- 405b** Lynching - punishment
- 406** Rout - defined
- 407** Unlawful assembly
- 408** Participating in a rout or unlawful assembly
- 409** Refusal to disperse when ordered
- 409.5** Closing areas in emergency
- 410** Duty to suppress riot or rout
- 415** Fighting, causing loud noise, or using offensive words in public place
- 415.5** Unlawful acts committed in buildings or grounds of Colleges or University
- 416** Duty of crowd to disperse when ordered; Restitution for property damage
- 420** Obstructing entry on government land
- 422** Threats to commit crime resulting in death or great bodily injury
- 422.6** Civil Rights; Interfere with property damage or speech
- 451** Arson
- 452** Unlawfully causing a fire
- 453** Possession or manufacture of combustible or explosive material or fire bomb
- 455** Attempts to burn
- 463** Burglary during state of emergency

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- 555** Entry without permission (Note: see 555 PC subsections)
- 587** Injuring or obstructing railroad tracks, rights-of-way or structures
- 588** Injuring public road or bridge (Note: see 588 PC sections)
- 591** Injuring or tapping telegraph, telephone, or cable telephone line
- 594** Vandalism
- 602** Trespassing
 - 602.5** Unauthorized entry of dwelling
 - 602.8** Trespass - Entering cultivated, fenced, or posted land
 - 602.10** Physical obstruction of student or teacher from attending or instructing at a University of California, California State University, or Community College
 - 602.11** Obstruct entry/exit of health care facility, place of worship, or school
- 616** Tampering with posted legal notice
- 626** Definitions - miscellaneous crimes - schools (Note: See 626 PC subsections)
- 640** Infractions committed on or in facilities or vehicles of a public transit system (Note: see 640 PC subsections)
- 647** Disorderly conduct - defined
 - 647c** Accosting person in public place, disorderly conduct, impose, or begging
 - 647e** Alcoholic beverages; possession of opened containers on posted premises; regulation by local ordinance
- 659** Counseling or aiding another in the commission of a misdemeanor
- 726** Unlawful assembly - officer's duty to disperse
- 727** Arrest for refusal to disperse
- 835a** Use of reasonable force to effect arrest
- 836** Arrest by Peace Officer
- 4600** Destroying or injuring prison or jail (including jail property)
- 12600** Peace Officer may purchase, possess, or transport less-lethal weapons
- 12601** Less-lethal weapon - definitions

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WEAPONS LAWS

- 171b** Bringing firearm or other specified weapons into courthouse or public meeting
- 171c** Bringing loaded firearm into state office, State Capitol grounds, or public school grounds
- 171d** Bringing loaded firearms into residence of Governor or other constitutional officer
- 171f** Entering State Capitol without authorization - disorderly conduct within
- 374c** Discharging firearms on a public highway
- 417** Drawing or exhibiting weapon in a rude or threatening manner (Note: see 417 PC subsections)
- 626.9** Bringing or possessing firearm on grounds of public school, college, or university
- 626.10** Knives, razors, tasers, stunguns, etc., on school grounds, exceptions
- 16590** Manufacture, importation, sale or possession of disguised firearms or other deadly weapons prohibited; carrying concealed weapons prohibited; exceptions
- 17500** Possession of deadly weapon with intent to commit assault 25400 Unlawful to carry concealed firearms without license
- 25850** Loaded firearm; carrying in public place or in vehicle
- 18710** Possession of destructive device prohibited
- 22610** Purchase, possession, or use of stun gun

CALIFORNIA VEHICLE CODE

- 23110** Throwing substance at vehicles
- 23112** Throwing, depositing, or dumping matter on highway

CALIFORNIA ELECTION CODE

- 18340** Prevention of electors from assembly; misdemeanor
- 18380** Vandalism at polling places, violations; misdemeanor
- 18502** Interference with officers or voters; imprisonment
- 18540** Use of force, violence, tactic of coercion or intimidation; penalties

IndHazCorRec.pdf

IDENTIFIED HAZARDS AND CORRECTION RECORD

Date of Inspection: _____ Person Conducting Inspection: _____

UNSAFE CONDITION OR WORK PRACTICE	LOCATION	PRIORITY	PERSON ASSIGNED	CORRECTIVE ACTION TAKEN (DATE)

Video Audio Evid Review Form.pdf



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ATTACHMENT A

Video/Audio Evidence Review Acknowledgment

In this case, there is video evidence that you will have an opportunity to view after you have given a public safety statement (if applicable). Video evidence has limitations and may depict the events differently than you recall, and may not depict any or all of the events as seen or heard by you. Video has a limited field of view and may not capture events normally seen by the human eye. The “frame rate” of video may limit the camera’s ability to capture movements normally seen by the human eye. Videos are a two-dimensional medium and may not capture depth, distance or positional orientation as well as the human eye. Remember, the video evidence is intended to assist your memory and ensure that your initial statement explains your state of mind at the time of the incident. You should not feel in any way compelled or obligated to explain any difference in what you remember and acted upon from what viewing the additional evidence provides you. If listening to audio recordings or viewing video recordings provides additional clarity to what you remember that is fine; if it does not, that is fine also.

Read and Acknowledged:

Signature

Date and Time

Printed Name

Badge No.

Witnessed:

Signature

Date and Time

Printed Name

Title/Position

Impound Sections.pdf

UNIVERSITY OF CALIFORNIA
POLICE DEPARTMENT
VEHICLE IMPOUND SECTIONS AND RELEASE CONDITIONS

22651(i) CVC- Five (5) or more parking citations with no response in 21 days from issuance or 14 days' delinquent.

RELEASE TO: Owner or person in control of vehicle

UPON: Evidence of his or her identity **AND** an address within this state where he or she can be located **AND** satisfactory evidence that all parking penalties due for the vehicle and all other vehicles registered to the registered owner of the impounded vehicle, and all traffic violations of the registered owner, have been cleared.

22651(j) CVC- Illegally parked **AND** no license plates or evidence of registration

RELEASE TO: Owner or person in control of vehicle

UPON: Evidence of identity **AND** a California address (No authority to hold until registered or plates installed)

22651(o) CVC- Registration Expired more than 6 months

RELEASE TO: Registered Owner or person in control of vehicle

UPON: Proof of current registration **AND** presentation of valid driver's license

22651(p) CVC- Driver issued a notice to appear for the following vehicle code sections: 12500, 14601, 14601.1, 14601.2, 14601.3, 14601.4, 14601.5, or 14604.

RELEASE TO: Owner or agent

UPON: Presentation of valid Driver's License **AND** proof of current registration

22655 CVC- Removed for Investigation of Hit and Run on public and specified private property (refer to section for details)

RELEASE TO: Owner

UPON: Demand by Owner after 48 hours (not including weekends or holidays)

22655.5(b) CVC- Probable cause to believe vehicle contains or is evidence itself of a crime which cannot readily be removed, which tends to show a crime has been committed.

RELEASE TO: Owner

UPON: Release from investigating officer

UCSD Informal Discovery Request.pdf



UC San Diego Police Department
9500 Gilman Drive CSC-B, La Jolla, CA 92093
Phone: (858) 534-4357
www.police.ucsd.edu

INFORMAL DISCOVERY REQUEST
Traffic Infraction

PEOPLE OF THE STATE OF CALIFORNIA

vs.

Name

Citing Agency: UC SAN DIEGO POLICE DEPARTMENT

Citation Number: _____

Violation Date: _____

Pursuant to California Penal Code sections 1054 and 1054.1, and California Government Code section 26500, the defendant in the above entitled matter does hereby request under informal discovery the following (check only applicable):

A copy of the reverse side of the citing officer's copy of the above referenced Notice to Appear.

A copy of all records regarding the maintenance and calibration of the RADAR/LIDAR unit used in this case.

A copy of the engineering and traffic survey for _____

which justifies the prima facie speed limit relevant to the alleged violation charged in the above-referenced Notice to Appear (generally applicable when RADAR/LIDAR used).

Other – the Defendant in Pro Per must attach a detailed request for additional discovery items.

Signature – Defendant in Pro Per

Printed Name

Date

Address

Telephone Number

INFORMAL DISCOVERY REQUEST

California Penal Code Section 1054. This chapter shall be interpreted to give effect to all of the following purposes:

- (a) To promote the ascertainment of truth in trials by requiring timely pretrial discovery.
- (b) To save court time by requiring that discovery be conducted informally between and among the parties before judicial enforcement is requested.
- (c) To save court time in trial and avoid the necessity for frequent interruptions and postponements.
- (d) To protect victims and witnesses from danger, harassment, and undue delay of the proceedings.
- (e) To provide that no discovery shall occur in criminal cases except as provided by this chapter, other express statutory provisions, or as mandated by the Constitution of the United States.

California Penal Code Section 1054.1. The prosecuting attorney shall disclose to the defendant or his or her attorney all of the following materials and information, if it is in the possession of the prosecuting attorney or if the prosecuting attorney knows it to be in the possession of the investigating agencies:

- (a) The names and addresses of persons the prosecutor intends to call as witnesses at trial.
- (b) Statements of all defendants.
- (c) All relevant real evidence seized or obtained as a part of the investigation of the offenses charged.
- (d) The existence of a felony conviction of any material witness whose credibility is likely to be critical to the outcome of the trial.
- (e) Any exculpatory evidence.
- (f) Relevant written or recorded statements of witnesses or reports of the statements of witnesses whom the prosecutor intends to call at the trial, including any reports or statements of experts made in conjunction with the case, including the results of physical or mental examinations, scientific tests, experiments, or comparisons which the prosecutor intends to offer in evidence at the trial.

California Government Code Section 26500. The District Attorney is the public prosecutor, except as otherwise provided by law.

The public prosecutor shall attend the courts, and within his or her discretion shall initiate and conduct on behalf of the people all prosecutions for public offenses.

**Student Mental Health
Emergency Protocol - FINAL.pdf**

UC SAN DIEGO PROTOCOL STUDENT MENTAL HEALTH [SMH] EMERGENCY

I. SCOPE

The Student Mental Health (SMH) Emergency Protocol is designed to facilitate communication during a student mental health emergency, to endeavor to provide the student experiencing the SMH Emergency with appropriate and responsive academic support and follow-up care.

The protocol applies when a student is transported to the hospital for a SMH-related emergency. To the extent legally permissible, information shared shall include: the student's name, student ID number, date/time of transport, whether the transport was voluntary or involuntary, location of the transport (if known), and where the student was transported (if known).

II. PROTOCOL SUMMARY

This protocol applies to currently enrolled UC San Diego undergraduate, graduate and professional students. This protocol does not apply to Extended Studies students, or to visiting students or other individuals who are enrolled in Summer Session courses or participating in conferences or events on campus.

This protocol specifically applies when a student is transported to the hospital for a SMH emergency. When a transport occurs, the following individuals will be notified*:

- A. The Student's Principal Administrator (defined below)
- B. The Director and Clinical Director of Counseling and Psychological Services [CAPS]
- C. The Director and Hospital Point of Contact for Student Affairs Case Management [SACM]
- D. The Executive Director of Student Health and Well-Being [SHWB]
- E. The Assistant Vice Chancellor for Student Affairs [AVC-SA]

** NOTE: The Associate Dean for Admissions & Student Affairs for the School of Medicine and/or the Directors of the Medical Scientist Training Program should be notified of student mental health emergencies (as the Principal Contact for supporting students). However, due to the unique privacy concerns of medical students, the School of Medicine/Directors of MSTP will not notify others unless deemed necessary by the Principal Contact; instead, they will follow an internal protocol to provide appropriate follow up and support to students who experience a mental health emergency.*

III. PRINCIPLES

During a SMH emergency, the first priority is the health and safety of individuals involved. The flow of information should allow for maximum sharing of pertinent information with the

appropriate parties that can address the health and safety emergency. SMH Emergencies involve inherently sensitive information, classified as P-4 sensitive information by [University of California Policy](#). Information sharing must adhere to the following principles:

- A. FERPA allows for sharing of identifiable information without consent only to those whose knowledge of such information is necessary to protect the health or safety of the student or other persons; information should only be shared with those who have a need to know;
- B. Only the minimum necessary information will be shared for individuals to perform their duties;
- C. Care should be taken in all cases where information is shared beyond the first responder and healthcare teams to ensure only relevant and necessary data are shared. In many cases, individuals have a need to know only that a student needs additional resources or has accommodations, without specifying the reason for the needs; and
- D. Communications and notifications should occur only through approved university systems; personal devices and accounts may not be used to convey student information related to an SMH emergency.

IV. DEFINITIONS

Principal Administrator: The person who is responsible for supporting the health, safety, and holistic well-being of students in their respective college, graduate or professional program community. The following individuals are considered Principal Administrators:

- A. College Dean of Student Affairs (undergraduate students)
- B. Assistant Dean, Graduate Education and Postdoctoral Affairs (graduate students including students enrolled in the Rady School of Management, School of Global Policy and Strategy, School of Public Health, and Scripps Institution of Oceanography)
- C. Director of Student Affairs, Skaggs School of Pharmacy (pharmacy students)
- D. Associate Dean for Admissions & Student Affairs, School of Medicine (medical students)*
- E. Directors of the Medical Scientist Training Program [MSTP] (MD/PhD students in the PhD portion of the program)*

** NOTE: The Associate Dean for Admissions & Student Affairs for the School of Medicine and/or the Directors of the Medical Scientist Training Program should be notified of student mental health emergencies (as the Principal Contact for supporting students). However, due to the unique privacy concerns of medical students, the School of Medicine/Directors of MSTP will not notify others unless deemed necessary by the Principal Contact; instead, they will follow an internal protocol to provide appropriate follow up and support to students who experience a mental health emergency.*

Student: A student is defined as an individual who is currently enrolled in a UC San Diego undergraduate, graduate or professional program. "Student" does not include Extended Studies students, or visiting students or other individuals who are enrolled in Summer Session courses

or participating in conferences or events on campus.

Student Mental Health (SMH) Emergency: A student mental health emergency is defined as an event or series of events that impacts a student’s mental health or safety, or the health or safety of others, where there’s a risk of serious injury and/or loss of life. This may include, but is not limited to: a student who exhibits severe disruptive behavior that appears to have a psychiatric basis; a student who is observed creating a disturbance on- or off-campus and may be a danger to themselves or others; a student who has made a suicide attempt or threat or has spoken to someone about a plan to do so; or a student who has threatened to harm another person or has spoken to someone about a plan to do so.

V. PROTOCOL STATEMENT

The purpose of the SMH Emergency Protocol is to facilitate communication during a Student Mental Health Emergency that requires transport to a hospital, to ensure the Student experiencing the SMH Emergency receives appropriate and responsive academic support and follow-up care. The primary concern of those responding to the SMH Emergency is the safety and well-being of the Student experiencing the emergency (as well as the safety and well-being of other students who may be directly impacted by the SMH Emergency).

The protocol applies to currently enrolled UC San Diego undergraduate, graduate or professional students. This protocol does not apply to extended studies students, or to visiting students or other individuals who are enrolled in Summer Session courses or participating in conferences or events on campus.

This protocol specifically applies in circumstances where a Student is transported to the hospital for a SMH Emergency. When a transport occurs, the following individuals will be notified*:

- A. The Student’s Principal Administrator
- B. The Director and Clinical Director of Counseling and Psychological Services [CAPS]
- C. The Director and Hospital Point of Contact for Student Affairs Case Management [SACM]
- D. The Executive Director of Student Health and Well-Being [SHWB]
- E. The Assistant Vice Chancellor for Student Affairs [AVC-SA]

** NOTE: The Associate Dean for Admissions & Student Affairs for the School of Medicine and/or the Directors of the Medical Scientist Training Program should be notified of student mental health emergencies (as the Principal Contact for supporting students). However, due to the unique privacy concerns of medical students, the School of Medicine/Directors of MSTP will not notify others unless deemed necessary by the Principal Contact; instead, they will follow an internal protocol to provide appropriate follow up and support to students who experience a mental health emergency.*

This protocol is considered complete once all applicable notifications have occurred.

1. Notification Process

- a. If **UC San Diego Police Department** [UCSD PD] responds to a call regarding a SMH Emergency or is notified by another law enforcement agency of an off-campus call involving a SMH Emergency, they will alert the Associate Director of the Center for Student Accountability, Growth, and Education (or designee).
 - i. Immediately following contact by UCSD PD, the Associate Director of the Center for Student Accountability, Growth, and Education (or designee) will notify the Principal Administrator, CAPS Director and Clinical Director, SACM Director and Hospital Point of Contact, SHWB Executive Director, and AVC-SA via text message.
 - ii. To the extent legally permissible, information shared by the Associate Director of SAGE (or designee) via text message shall include: the Student's name, student ID number, date/time of transport, whether the transport was voluntary or involuntary, location of the transport (if known), and where the Student was transported (if known).
 - iii. The text message from the Associate Director of SAGE (or designee) shall serve as notification only, with receiving parties acknowledging they received the message. In order to protect student privacy, information beyond what is specified in section ii should not be asked for or shared via text message.
- b. If **CAPS** becomes aware of a SMH Emergency and a signed Release of Information is obtained or on file, they will alert the Student's Principal Administrator.
 - i. Immediately following contact by CAPS, the Principal Administrator will confirm the individual is a currently enrolled Student and notify the SACM Director and Hospital Point of Contact, SHWB Executive Director, and AVC-SA via text message.
 - ii. To the extent legally permissible, information shared by the Principal Administrator via text message shall include: the Student's name, Student ID number, date/time of transport, whether the transport was voluntary or involuntary, location of the transport (if known), and where the Student was transported (if known).
 - iii. The text message from the Principal Administrator shall serve as notification only, with receiving parties acknowledging they received the message. In order to protect student privacy, information beyond what is specified in section ii should not be asked for or shared via text message.
- c. If **Student Health Services** becomes aware of a SMH Emergency and a signed Release of Information is obtained or on file, they will alert the Student's Principal Administrator.
 - i. Immediately following contact by the Student Health Services, the Principal Administrator will confirm the individual is a currently enrolled Student and notify the SACM Director and Hospital Point of Contact, CAPS Director and Clinical Director, SHWB Executive Director, and AVC-SA via text message.

- ii. To the extent legally permissible, information shared by the Principal Administrator via text message shall include: the Student's name, Student ID number, date/time of transport, whether the transport was voluntary or involuntary, location of the transport (if known), and where the Student was transported (if known).
 - iii. The text message from the Principal Administrator shall serve as notification only, with receiving parties acknowledging they received the message. In order to protect student privacy, information beyond what is specified in section ii should not be asked for or shared via text message.
- d. If the **Triton CORE Team** becomes aware of a SMH Emergency and a signed Release of Information is obtained or on file, they will alert the Student's Principal Administrator.
- i. Immediately following contact by the Triton CORE Team, the Principal Administrator will confirm the individual is a currently enrolled Student and notify the SACM Director and Hospital Point of Contact, CAPS Director and Clinical Director, SHWB Executive Director, and AVC-SA via text message.
 - ii. To the extent legally permissible, information shared by the Principal Administrator via text message shall include: the Student's name, Student ID number, date/time of transport, whether the transport was voluntary or involuntary, location of the transport (if known), and where the Student was transported (if known).
 - iii. The text message from the Principal Administrator shall serve as notification only, with receiving parties acknowledging they received the message. In order to protect student privacy, information beyond what is specified in section ii should not be asked for or shared via text message.
- e. If the **SACM Director or Hospital Point of Contact** becomes aware of a SMH Emergency via another source of information (see Appendix A for potential sources of information), they will alert the Student's Principal Administrator.
- i. Immediately following contact by SACM, the Principal Administrator will confirm the individual is a currently enrolled Student and notify the CAPS Director and Clinical Director, SHWB Executive Director, and AVC-SA via text message.
 - ii. To the extent legally permissible, information shared by the Principal Administrator via text message shall include: the Student's name, Student ID number, date/time of transport, whether the transport was voluntary or involuntary, location of the transport (if known), and where the Student was transported (if known).
 - iii. The text message from the Principal Administrator shall serve as notification only, with receiving parties acknowledging they received the message. In order to protect student privacy, information beyond what is specified in section ii should not be asked for or shared via text message.

- f. If the student's **Principal Administrator** becomes aware of a SMH Emergency via another source of information (see Appendix A for potential sources of information), they will confirm that the individual is a currently enrolled Student.
 - i. Once the Student's status is verified, the Principal Administrator will notify the CAPS Director and Clinical Director, SACM Director and Hospital Point of Contact, SHWB Executive Director, and AVC-SA via text message.
 - ii. To the extent legally permissible, information shared by the Principal Administrator via text message shall include: the Student's name, Student ID number, date/time of transport, whether the transport was voluntary or involuntary, location of the transport (if known), and where the Student was transported (if known).
 - iii. The text message from the Principal Administrator shall serve as notification only, with receiving parties acknowledging they received the message. In order to protect student privacy, information beyond what is specified in section ii should not be asked for or shared via text message.

VII. REVIEW PROCESS

The protocol will be housed with the Office of the Assistant Vice Chancellor - Student Affairs, in collaboration with Student Health & Well-Being and UC San Diego Health. It will be reviewed annually and updated, as needed, by a group that includes at least one Principal Administrator for undergraduate students, one Principal Administrator for graduate and professional students, and representatives from Counseling and Psychological Services, the College Mental Health Program, Student Affairs Case Management, Student Health and Well-Being, the Triton CORE Team, and the Assistant Vice Chancellor - Student Affairs.

APPENDIX A

Potential Source(s) of Information Regarding a Student Mental Health Emergency

- Triton Concern Line or Triton Concern Form
- Roommate(s)
- Resident/House Advisor or Residence Life On-Call Staff
- Graduate and Family Housing Staff
- Other student(s), friend(s), or concerned parties
- Parent or family member
- Faculty member
- Staff member
 - Academic Department Student Affairs Contact
 - College or Department Advising Staff
 - Campus Community Centers/EDI Staff
 - International Student and Programs Office [ISPO]
 - Office of Student Accountability, Growth, and Education [SAGE]
 - Graduate Program Coordinator
 - Other Staff Member

APPENDIX B**2023-2024 Academic Year Contact Information**

Principal Administrators:

Name	Title	Cell
Tamara Schaps	Interim Assistant Dean, Graduate Student Affairs	612-720-5139
Kama Guluma	Associate Dean for Admissions & Student Affairs, School of Medicine	N/A
Neil Chi	Co-Director, Medical Scientist Training Program	
Paul Insel	Co-Director, Medical Scientist Training Program	
Sarah Gallenberg	Dean of Student Affairs, Eighth College	858-226-1954
Amber Vlasnik	Dean of Student Affairs, Marshall College	858-414-5689
Jason Thibodeaux	Dean of Student Affairs, Muir College	858-230-1695
Sherry Mallory	Dean of Student Affairs, Revelle College	858-329-2642
Mario Garibay	Dean of Student Affairs, Roosevelt College	858-226-8306
Josh Brimmeier	Dean of Student Affairs, Seventh College	858-761-2091
Diane LeGree	Dean of Student Affairs, Sixth College	858-291-3168
James Smith	Dean of Student Affairs, Warren College	858-291-3489
Candis Marelllo	Professor of Clinical Pharmacy & Associate Dean for Student Affairs, Skaggs School of Pharmacy and Pharmaceutical Sciences	N/A

Individuals Who Need to Be Notified:

Name	Title	Cell
Piya Bose	Assistant Vice Chancellor-Student Affairs [AVC-SA]	845-616-1639
Sarah Clavell Storer	Clinical Director, Counseling and Psychological Services [CAPS]	858-761-3798
Reina Juarez	Director, Counseling and Psychological Services [CAPS]	858-688-2404
Andrew Hua	Director, Student Affairs Case Management	858-761-8576
	Hospital Point of Contact, Student Affairs Case Management	858-761-6535
Edward Junkins	Executive Director, Student Health and Well-Being	858-287-5434

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