

Irvine Police Department

Policies

LAW ENFORCEMENT CODE OF ETHICS

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

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

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

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

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

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

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MISSION, VISION AND VALUES STATEMENTS

Mission

Working in partnership with the community. We will preserve the peace, uphold the law with fairness and provide quality service.

Vision Statement

We will engage with our community through exemplary service and unparalleled professionalism, while employing a staff that reflects the growth and diversity of our community.

We will commit to implementing the latest technology and best practices to meet the demands of modern policing.

We will invest in the success of the men and women of the Irvine Police Department by providing unrivaled opportunities for training, advancement and personal growth.

Values

Integrity - Recognizing right from wrong and the willingness to do what is right, no matter the consequences. Set the example.

Quality of Service - Providing the highest level of service to our community.

Accountability - Accepting responsibility for our decisions and actions.

Respect - Valuing human life, having considerate and courteous regard for all persons. We follow, honor and defend the constitution of this country.

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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 Irvine Police Department to perform their functions based on established legal authority.

100.2 POLICY

It is the policy of the Irvine 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 PEACE OFFICER POWERS

Sworn members of this department are authorized to exercise peace officer powers pursuant to applicable state law (Penal Code § 830.1 et seq. and 13510.1).

100.3.1 ARREST AUTHORITY INSIDE THE JURISDICTION OF THE IRVINE POLICE DEPARTMENT

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

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

100.3.2 ARREST AUTHORITY OUTSIDE THE JURISDICTION OF THE IRVINE POLICE DEPARTMENT

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

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

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

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

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

100.3.3 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).

100.3.4 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.

100.3.5 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.

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- (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.

Irvine 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.

100.4 INTERSTATE PEACE OFFICER POWERS

Peace officer powers may be extended to other states:

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

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

100.5 CONSTITUTIONAL REQUIREMENTS

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

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.

102.2 POLICY

It is the policy of the Irvine 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. 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).

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

103.2.2 COMMAND STAFF

Command Staff shall consist of the following:

- Chief of Police
- Assistant Chief of Police
- Commanders
- Lieutenants

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

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103.3.1 ACCEPTABLE ABBREVIATIONS

The following abbreviations are acceptable substitutions in the manual:

- General Orders may be abbreviated as "GO"
- Policy Manual sections may be abbreviated as "Section 106.X" or "§ 106.X"

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.

CFR - Code of Federal Regulations.

City - The City of Irvine.

Professional Staff - Employees and volunteers who are not sworn peace officers.

Department/IPD - The Irvine 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 Irvine Police Department Policy Manual.

May - Indicates a permissive, discretionary or conditional action.

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

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

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

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

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

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

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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.

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 he/she has been provided access to, and has had the opportunity to review the Policy Manual and General Orders. 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 will ensure that the Policy Manual is periodically reviewed and updated as necessary.

103.7 REVISIONS TO POLICIES

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

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

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

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

General Orders

104.1 PURPOSE AND SCOPE

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

104.1.1 GENERAL ORDER PROTOCOL

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

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

Any General Orders issued after publication of the manual shall be numbered consecutively starting with the last two digits of the year, followed by the number 01. For example, 18-01 signifies the first General Order for the year 2018.

104.2 RESPONSIBILITIES

104.2.1 STAFF

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

104.2.2 CHIEF OF POLICE

The Chief of Police, or his/her designee, shall issue all General Orders.

104.3 ACCEPTANCE OF GENERAL ORDERS

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

Off-Duty Law Enforcement Actions

105.1 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 Irvine Police Department with respect to taking law enforcement action while off-duty.

105.2 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 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.

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Off-Duty Law Enforcement Actions

105.4.2 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.

105.4.3 PROFESSIONAL STAFF RESPONSIBILITIES

Professional Staff 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.

105.5 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.

Standards of Conduct

106.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the Irvine 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 supervisor.

106.2 POLICY

The continued employment or appointment of every member of the Irvine 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.

106.3 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.

106.3.1 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.

The person countermanding the original order shall notify, in writing, the person issuing the original order, indicating the action taken and the reason.

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106.3.2 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.

106.4 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.

106.5 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:

106.5.1 LAWS, RULES AND ORDERS

- (a) Violation of, or ordering or instructing a subordinate to violate any policy, procedure, rule, order, directive, requirement or failure to follow instructions contained in department or City manuals.
- (b) Disobedience of any legal directive or order issued by any department member of a higher rank.
- (c) Violation of federal, state, local or administrative laws, rules or regulations.
- (d) Suspension or revocation of any officer's POST certification by the California Commission on Peace Officer Standards and Training is grounds for discipline including unpaid suspension and/or termination.

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106.5.2 ETHICS

- (a) Using or disclosing one's status as a member of the Irvine 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.

106.5.3 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.

106.5.4 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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106.5.5 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.

106.5.6 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.

106.5.7 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 Human Resources Department of changes in relevant personal information (e.g., information associated with benefits determination) in a timely fashion.

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106.5.8 PERFORMANCE

- (a) Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any workrelated investigation.
- (b) The falsification of any work-related records, making misleading entries or statements with the intent to deceive or the willful and unauthorized removal, alteration, destruction and/or mutilation of any department record, public record, book, paper or document.
- (c) Failure to participate in, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any departmentrelated business.
- (d) Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of this department or its 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:
 - (a) While on department premises.
 - (b) At any work site, while on--duty or while in uniform, or while using any department equipment or system.
 - (c) Gambling activity undertaken as part of an officer's official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.
- (g) Improper political activity including:
 - (a) Unauthorized attendance while on--duty at official legislative or political sessions.
 - (b) Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on--duty or, on department property except as expressly authorized by City policy, the memorandum of understanding, or the Chief of Police.
- (h) Engaging in political activities during assigned working hours except as expressly authorized by City policy, the memorandum of understanding, or the Chief of Police.
- (i) Any act on or off-duty that brings discredit to this department.
- (j) Careless workmanship resulting in spoilage or waste of materials or work of an unacceptable nature.

106.5.9 CONDUCT

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- (a) Failure of any member to promptly and fully report activities on his/her part or the part of any other member where such activities resulted in contact with any other law enforcement agency or that may result in criminal prosecution or discipline under this policy.
- (b) Unreasonable and unwarranted force to a person encountered or a person under arrest.
- (c) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.
- (d) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily harm on another.
- (e) Engaging in horseplay that reasonably could result in injury or property damage.
- (f) Discourteous or disrespectful treatment of any member of the public or any member of this department or the City.
- (g) Discriminatory treatment of any member of the public or any member of this department or the City, not enumerated in policy section 106.5.3.
- (h) Use of obscene, indecent, profane or derogatory language while on--duty or in uniform.
- (i) Criminal, dishonest, or disgraceful conduct, whether on- or off-duty, that adversely affects the member's relationship with this department.
- (j) Unauthorized possession of, loss of, or damage to department property or the property of others, or endangering it through carelessness or maliciousness.
- (k) 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.
- (l) 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.
- (m) 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.
- (n) 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.
- (o) Violating any misdemeanor or felony statute, on or off-duty.
- (p) Department personnel shall not commit any act which conflicts with the department's values of Integrity, Quality Service, Accountability, and Respect.

106.5.10 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).

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- (c) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.
- (d) Unsafe firearm or other dangerous weapon handling to include loading or unloading firearms in an unsafe manner, either on- or off- duty.
- (e) Carrying, while on the premises of the work place, any firearm or other lethal weapon that is not authorized by the member's appointing authority.
- (f) Unsafe or improper driving habits or actions in the course of employment or appointment.
- (g) Any personal action contributing to a preventable traffic collision.
- (h) Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable, but within 24 hours.

106.5.11 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.

106.6 CLASSIFICATION OF DISCIPLINARY MEASURES

The classification and explanation of Department disciplinary measures are as follows:

DISCIPLINARY MEASURE	WHO MAY ADMINISTER
Paid Suspension Pending Investigation	Any Supervisor, with prior Command Staff notification
Written Reprimand / Letter of Reprimand	Any Supervisor, upon the approval of the respective Division Commander
Deduction from Pay	Police Chief
Suspension	
Demotion in Rank	
Suspension with Recommendation for Termination	

106.7 ADMINISTERING A WRITTEN REPRIMAND / LETTER OF REPRIMAND

A supervisor administering a written reprimand must follow the preliminary steps below:

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- a. Once the misconduct has been observed, investigated if necessary, documented and a decision has been made to issue a written reprimand, the supervisor must obtain review of the disciplinary action by his/her respective Division Commander.
- b. Once Commander review is completed, the written reprimand will be provided to the concerned employee by the issuing supervisor.
- c. The affected employee will be asked to sign the reprimand. If the employee refuses to sign the reprimand, the supervisor will note the refusal on the document.
- d. The supervisor will give a copy of the signed reprimand to the concerned employee. An additional copy will be placed and retained in the employee's working file until his/her next review period.
- e. The original written reprimand shall be placed in the employee's personnel file where it will be retained for one year from the date of issuance. The reprimand will then be automatically purged from the personnel file and placed in the officer's Internal Affairs file where it will be maintained pursuant to the City's established records retention schedule or applicable state law(s) [if/when the City's retention schedule has not yet been amended to coincide with a new state law].
- f. Pursuant to Government Code section 3304(b), personnel may appeal their written reprimand. Under the Memorandum of Understanding between the Irvine Police Officers Association and the City of Irvine, personnel wishing to appeal their written reprimand must notify the Chief of Police in writing via email within ten (10) calendar days of being notified of the written reprimand. The written notice of appeal must specify the action being appealed and the grounds for the appeal. Personnel failing to timely serve written notification of appeal will waive his/her right to appeal.
- g. Pursuant to Government Code section 3305, this written reprimand is an adverse comment. Therefore, under Government Code section 3306, personnel have the right to submit a written response to it within 30 days. The written response will be kept in the employee's personnel file with the written reprimand.

Chapter 2 - Organization and Administration

Organizational Structure and Responsibility

200.1 PURPOSE AND SCOPE

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

200.2 OFFICE OF THE CHIEF OF POLICE

The Chief of Police is responsible for the overall administration and management of the Irvine Police Department. The Office of the Chief of Police consists of the following positions:

- **Assistant Chief of Police**

The Assistant Chief of Police reports directly to the Chief of Police and manages the various functions of the department, which are organized under the Administrative Services Division, the Patrol Operations Division, the Investigations Division, and the Special Operations Division.

- **The Office of Professional Standards**

The Office of Professional Standards operates under the direction of a lieutenant who manages Internal Affairs, Risk Management and Worker's Compensation. The Office of Professional Standards reports directly to the Chief of Police.

200.3 DIVISIONS

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

- Patrol Operations Division
- Special Operations Division
- Investigations Division
- Administrative Services Division

200.3.1 ADMINISTRATIVE SERVICES DIVISION

The Administrative Services Division is led by an executive manager, whose primary responsibility is to provide general management direction and control for the Administrative Services Division. The Administrative Services Division consists of Auxiliary Services, Business Services, Fiscal Services, and Technology Services. The executive manager of the Administrative Services Division reports directly to the Chief of Police.

- **Auxiliary Services**

Auxiliary Services operates under the direction and control of a manager and consists of the Business Desk, Property & Evidence, Custody Operations/Contract, Technical Services, and Police Facilities Maintenance.

- **Business Services**

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Business Services operates under the direction and control of an administrator and consists of Records, the Crime Analysis Unit, and the Real Time Crime Center.

- **Fiscal Services**

Fiscal Services operates under the supervision of a senior management analyst who is responsible for developing and managing the department operating budget, accounts, purchases, revenue and contracts.

- **Technology Services**

Under the supervision of a technology administrator, Technology Services is responsible for implementing and maintaining the software platforms and technology equipment utilized by Irvine Police Department.

200.3.2 PATROL OPERATIONS DIVISION

The Patrol Operations Division is led by a commander, whose primary responsibility is to provide general management direction and control over the Patrol Operations Division. The Patrol Operations Division consists of the Patrol and Field Services Bureaus.

- **Patrol and Field Services Bureaus**

The Patrol Bureau is managed by lieutenants who serve as Watch Commanders for specific shifts. These lieutenants provide general direction for all field services, including patrol operations, Open Space patrol, the Field Training program, the Directed Enforcement Team, the Irvine Spectrum Center Team, Crime Scene Investigations, the Animal Services Unit, community services officers, and the canine (K-9) officers.

- **Patrol Division Lieutenants**

Designated lieutenants assigned to the Patrol Bureau serve as Area Lieutenants for each of the three (3) geographical areas of the city. The Area Lieutenants serve as a point of contact for the community and coordinate department efforts to address quality of life issues.

200.3.3 INVESTIGATIONS DIVISION

The Investigations Division is led by a commander, whose primary responsibility is to provide general management direction and control over the Investigations Division. The Investigations Division consists of the General Investigations Bureau and the Special Investigations Bureau.

- **General Investigations Bureau**

The General Investigations Bureau is managed by a lieutenant who is responsible for its overall operations. The General Investigations Bureau is comprised of the following units: Property Crimes, Crimes Against Persons, Fraud, and Auto Theft.

- **Special Investigations Bureau**

The Special Investigations Bureau is managed by a lieutenant who is responsible for its overall operations. The Special Investigations Bureau is comprised of the following units:

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Specialized Investigations, Threat Management, Youth Services, and oversees both the Police Explorer Program and the Task Force Officers for the DEA, JTTF, OCFA Arson Abatement, Orange County SMART, and OCRFCL.

200.3.4 SPECIAL OPERATIONS DIVISION

The Special Operations Division is led by a commander whose primary responsibility is to provide general management direction and control over the Special Operations Division. The Special Operations Division consists of the Special Operations Bureau, the Office of Professional Development, the Office of Emergency Management, and the Traffic Bureau.

- **Special Operations Bureau**

The Special Operations Bureau is managed by a lieutenant. This bureau consists of the Office of Public Relations, the Communications Bureau, the Wellness Team, and the Honor Guard.

- **The Office of Public Relations**

The Office of Public Relations is supervised by a sergeant who is responsible for the coordination of all official information released to the public, such as official statements, media information, publications, public presentations, department internet content and social media postings.

Community Outreach Unit

The Community Outreach Unit is part of the Office of Public Relations. 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.

- **Communications Bureau**

The Communications Bureau is led by an administrator who is responsible for overseeing the efficient and effective operation of the Communications Bureau in coordination with other supervisors. See policy section 802.4.1 for more detail.

- **The Wellness Team**

The Wellness Team is comprised of various entities including the Peer Support Team, the Department Chaplains, and other programs designed to care for the health of department personnel.

- **Honor Guard**

The Honor Guard has the responsibility for representing the department at formal ceremonial and community events, including law enforcement funerals.

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- **Office of Professional Development**

The Office of Professional Development is managed by a lieutenant. This office consists of the Hiring, Training, and Recruitment Units.

- **Office of Emergency Management**

The Office of Emergency Management is led by a manager who provides direction and oversight for the development and implementation of the City's Emergency Management Plan and response. The programs operating under Emergency Management include the Emergency Operations Center, Orange County Mutual Aid coordination, Technical Reserves, Community Emergency Response Team (CERT), Irvine Disaster Emergency Communications (IDEC), and Homeland Security Grants.

- **Traffic Bureau**

The Traffic Bureau is managed by a lieutenant who provides direction and oversight of the Great Park and traffic related operations including motorcycle enforcement, Area Traffic Officers, Special Events, Parking Enforcement, Traffic Investigations, and Crossing Guards. The Traffic Lieutenant also oversees the Reserve Officer 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, the Chief of Police will designate the Assistant Chief of Police 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) Designated Division Commander
- (c) Designated Lieutenant
- (d) Command Duty Officer

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.

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.

Office of Professional Standards

201.1 PURPOSE AND SCOPE

The Office of Professional Standards is responsible for handling assignments and duties of a sensitive or confidential nature. The mission of the office is to perform those duties and assignments in a professional, confidential, unbiased, and efficient manner. The duties of the Office of Professional Standards shall include the following assignments:

- (a) Internal Affairs Investigation
- (b) Risk Management Liaison
- (c) Discovery Requests
- (d) Pitchess Motions
- (e) Other Potentially Sensitive Issues
- (f) Audits and Inspections

201.2 CODE OF CONDUCT

Conduct of personnel assigned to the Office Professional Standards shall conform to the following ethical standards:

Internal Affairs Investigations: Employees of the Office of Professional Standards shall conduct internal affairs investigations in an objective, professional, and confidential manner. The goal of the internal affairs investigator shall be objective and accurate fact-finding. Unless directed otherwise by the Chief of Police or his/her staff, the Office of Professional Standards shall not be involved in the recommending of discipline in regards to its internal affairs function.

Other Special Assignments or Investigations: From time to time, the Office of Professional Standards will be called upon to complete assignments, conduct inquiries and investigations of a highly sensitive nature. Because of this need for utmost security, the Office of Professional Standards shall maintain the highest level of confidentiality, only providing information to the Chief of Police or his/her staff. All files and/or recordings of investigations or inquiries of a sensitive nature shall be maintained in a locked and secured environment within the Office of Professional Standards.

201.3 EMPLOYEE COOPERATION

All personnel of this department shall cooperate fully and shall provide complete and truthful information in any internal affairs or criminal investigation.

201.4 CONTRACTORS / CONTRACT EMPLOYEES

The rules of this manual, where relevant, including the Codes of Conduct, shall apply to those employees of any independent contractor providing services to the City of Irvine Police Department and/or its agents.

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Nothing in these sections shall be construed so as to form an employer/employee relationship between the City of Irvine and the employees of any independent contractor providing services for the City of Irvine Police Department and/or its agents.

Audits, Controls and Inspections

202.1 PURPOSE AND SCOPE

To establish a formalized process by which the systems and units of the department will conduct annual or other periodic inspections or audits to ensure compliance with established policies, procedures and orders.

202.2 DEPARTMENT-WIDE CONTROLS

- (a) Driver License – Status Checks (All Personnel): The City Human Resources Department receives automated driver license status reports from the California Department of Motor Vehicles on all city employees. Any noted deficiencies (i.e., suspensions, expirations etc.) will be forwarded to the Office of Professional Standards for correction.
- (b) Domestic Violence Firearm Restrictions/Criminal History (Police Officers): The automated Criminal History System (CHS) will notify the police department of any entry into an officer's record, which may affect his/her ability to perform the duties of a police officer. Entries such as, but not limited to, a firearm restriction resulting from a domestic violence incident or criminal behavior will be forwarded to the Department for review. The information received will be sent to the employee's Division Commander/Lieutenant and to the Office of Professional Standards. The automated reporting by the state does not absolve the employee from the requirement to notify the Department of the conduct or any court imposed restriction, immediately upon learning about it.
- (c) Computer Queries (CHS, DMV, Department Database (All Personnel)): Criminal History and Department of Motor Vehicles inquiries are currently audited annually by the Department of Justice in conjunction with the Irvine Police Department. In the event a suspicion or concern should arise in the use of the intra-department database, specific inquiries are handled on a case-by-case basis. Unresolved audit issues, in any automated system, are referred to the Office of Professional Standards.
- (d) Workplace Inspections: The Office of Professional Standards will conduct workplace inspections at a minimum of twice yearly. The inspections are documented and this documentation is retained in the Office of Professional Standards. Managers and supervisors are expected to conduct workplace inspections routinely during the course of their duties.
- (e) Petty Cash Audits: The Office of Professional Standards shall audit the petty cash funds maintained by the petty cash custodians and the funds maintained in the Records Office at least twice per year. The petty cash funds shall be maintained in accordance with policy §354 – Cash handling, Security & Management.
- (f) Cellular/Work Station Telephones: Managers/Supervisors shall monitor and review the telephone usage by those who have phones assigned to them. Telephone bills will be sent from finance directly to the Office of Professional Standards for distribution and review by department personnel. Reimbursement to the City for personal phone calls, including text messaging, is the sole responsibility of the involved employee.

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- (g) Payroll Sheets, Overtime, and Time-Off Requests: The audit and inspection of these operations is critical for the reduction of inaccurate payroll sheets (time sheets), overtime usage, and conflicting time-off requests. The audit and inspection of overtime, payroll sheets and time off requests by Department employees is conducted on a daily basis by their immediate supervisor.
 - 1. The supervisor or his/her designee shall complete payroll sheets using the Virtual Timecard Interface (VTI) system. Each employee shall review his/her electronic payroll sheet and then provide an electronic signature. The supervisor or his/her designee will then make a final review of the payroll sheets. The review shall be verified with the supervisor's electronic signature prior to submission to payroll. It is necessary to ensure that each payroll-related transaction is correct.
 - 2. Overtime requests shall be granted only with the approval of the supervisor or his/her designee. While it is normally a sergeant's responsibility to monitor his or her assigned shift, the monthly analysis of leave usage and overtime expenditures is the responsibility of the employee's commander, lieutenant, or business services administrator.
 - 3. Time-off requests shall be granted only with the approval of the supervisor or his/her designee. Command staff members shall be apprised of any questions or inaccuracies regarding the time sheets, overtime compensation or concerns about time off requests.
- (h) Work Schedules: The audit and inspection of the work schedule for employees of this department shall be the responsibility of their immediate supervisor. Only the supervisor or his/her designee shall make modifications or adjustments to the work schedule. The supervisor shall apprise the Division Commander/Lieutenant /Business Services Administrator of modifications to the normal work unit schedules.
- (i) Personnel Records: Annual audit of personnel background investigation and training records. This audit shall be conducted by the California Peace Officers Standards and Training (POST).

202.3 PATROL

- (a) Uniforms and Personal Equipment: The Irvine Police Department prides itself on the professionalism of its employees. Uniform and equipment inspections are necessary to ensure the standards and professional image to the public are maintained. Supervisors shall:
 - 1. Conduct regular inspections of all field personnel uniforms and equipment.
 - 2. Conduct work area inspections.
- (b) Field Personnel Activities: The below listed audits and inspections are supervised by the Division Commander, lieutenants and sergeants to ensure the duties of field personnel are being conducted in accordance with department policies.
 - 1. Work productivity: Review work product using department automated systems, such as CAD, RMS, etc.;

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2. Arrest approval: Approval on a “case-by-case” basis of arrests made by probationary officers, both lateral and entry level.
 3. MDC messages: Each employee's supervisor should periodically review a random selection of Mobile Data Computer (MDC) messages for that employee to ensure compliance with Department policy.
- (c) Patrol Vehicles: The below listed audits and inspections are the shared responsibility of the Operations Division Commander, Operations lieutenants and sergeants. The purpose is to ensure that each vehicle in the patrol fleet, and its equipment, is being maintained to meet the needs of the department.
1. Equipment logs: It is the employee's responsibility to report all equipment problems or malfunctions to the Technical Services Unit. The Technical Services Unit is responsible to keep a log on vehicle equipment problems.
 2. Vehicle Equipment: Ensure that employees are conducting inventories of vehicle equipment. Field Personnel using expendable supplies will contact the Technical Services Unit either in person or in writing, to arrange for replacement supplies. The Technical Services Unit is responsible for maintaining adequate levels of expendable supplies. Vehicle equipment includes safety supplies, the Mobile Data Computer, Mobile Video System, GPS system, and any other department-installed aftermarket device.
 3. Vehicle Damage Log: Closely monitor the entries and signature page of the Vehicle Damage Log. The Technical Services Unit will ensure that vehicle changeover information is reflected in the log.
- (d) Purging of Patrol Files: Purging of the patrol files shall be the responsibility of the sergeant assigned to complete the employee's annual performance review. Before writing the review, the sergeant will check the officer's patrol file, maintained in the Watch Commanders Office. Once the review is completed, given to and signed by the employee, all paperwork from the previous year used to prepare the review will be purged from the file and replaced by a copy of the latest review. Purged materials will be shredded.
1. In the event an employee assigned to the Field Services Division is separated from employment with the department, it is the responsibility of that employee's supervisor to pull his/her patrol file from the Watch Commander's Office, seal it, and then forward it to the Office of Professional Development (OPD) Lieutenant. The OPD Lieutenant shall review the employee file for relevant documents to be retained. Purged Materials shall be shredded.

202.4 CRIMINAL INVESTIGATION DIVISION

- (a) Petty Cash, Flash Money, and Asset Seizures: The petty cash shall be maintained in accordance with policy §354 – Cash Handling, Security and Management. Any discrepancies in the petty cash bank will be immediately reported to the Office of Professional Standards. The maintenance of the "flash money" fund is the immediate responsibility of the Special Investigations Sergeant. Any discrepancies in the "flash money" fund will be immediately reported to the Office of Professional Standards

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and the Special Investigations Bureau Lieutenant or Criminal Investigation Bureau Lieutenant. The audit and inspections of "flash money" fund shall be the primary responsibility of the Office of Professional Standards. The Office of Professional Standards shall audit the "flash money" on an annual basis or whenever there is a transfer of the Special Investigations Supervisor.

1. The maintenance of the asset seizures log shall be the primary responsibility of the Special Investigations Unit Sergeant. The City's Finance Section, in conjunction with the Office of Professional Standards shall audit the asset seizure accounts on an annual basis.
- (b) Criminal Investigation Division Vehicles: The respective Sergeant or his or her designee will conduct monthly inspection of all vehicles assigned to the various sections of the Special Investigation or Criminal Investigation Division. Reports of damage, excessive wear, or other unsafe conditions will be immediately reported to the Special Investigation or Criminal Investigation Bureau Lieutenant. The Special Investigation or Criminal Investigation Bureau Lieutenant or his or her designee shall report such conditions to the Technical Services Unit for correction.

202.5 POLICE FACILITIES MAINTENANCE

The Business Services Administrator within the Administration Bureau is responsible for the overall maintenance of the Police facility. Employees observing a problem in the building should immediately report it to the Business Services Administrator or property personnel. Emergency conditions or repairs requiring immediate attention will be reported to the Division Commander/ Lieutenant, who will make the appropriate notifications. General cleaning and janitorial services are on a contractual basis with an outside company.

- (a) Public Areas: The janitorial service shall continue to clean these areas. The Business Services Administrator in conjunction with staff members from Facilities Maintenance/ Public Works shall conduct random inspections of these areas to ensure proper service levels are being met.
- (b) Briefing Room: The sergeant conducting briefing is responsible for ensuring that each shift keeps the briefing room clean and orderly. When the briefing room is used for purpose other than briefing, it is the responsibility of the person conducting the function to ensure the room is clean and orderly at the end of the function.
- (c) Report Writing Area: Sergeants are responsible for daily inspections of the report writing area. Each sergeant shall check the area at the end of his or her watch to ensure the report writing area is left in a clean and orderly manner.
- (d) Locker Rooms: The janitorial service, as contracted, and at the direction of the Business Services Administrator, has the responsibility for locker room cleanliness. Sergeants shall check the locker room for cleanliness. 3/12 Sergeants will check the locker room on Sundays and the 4/10 Sergeants shall check it on Tuesdays. Department personnel are expected to keep their lockers and overhead storage bins clean and orderly.
- (e) Refrigerators: The janitorial service, as contracted, will clean the refrigerators on the last Friday of every month. All items that remain during cleaning will be discarded.

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- (f) Individual Work Areas: Individual employees are responsible for maintaining their work areas in a neat and clean condition. The janitorial service will perform general cleaning such as trash removal and vacuuming. The individual employees, using Department supplies, are responsible for maintaining the cleanliness of their own desks. Supervisors who are assigned personnel with work areas in the police facility will inspect those common areas on a regular basis.

Department managers and supervisors have the responsibility and obligation to enforce a zero tolerance harassment and discrimination policy during the course of these regular inspections.

202.6 PROPERTY

A property audit is conducted on an annual basis by the Office of Professional Standards. At least fifty items of booked property will be selected at random for inspection. Verification will be made that the item selected is in fact the same item as described and/or of the same measure as when originally booked. The associated written paperwork will be checked, as will the computer/tracking/accounting information, for completeness and accuracy. The selected items will emphasize items of high value and will include drugs/narcotics, money and firearms. A report of the findings will be forwarded to the Chief of Police for review and determination of any corrective measures.

202.7 ANIMAL SERVICES

The Office of Professional Standards shall conduct an annual audit of the inventory, distribution and use of controlled substances provided by the department-sanctioned veterinarian.

202.8 CANINE UNIT

The Office of Professional Standards shall conduct an annual audit of the inventory and use of controlled substances used for training of police canines.

Verbal Counseling Supervisor's Observations

203.1 PURPOSE AND SCOPE

Supervisors shall review employee performance on a daily basis. Supervisors may commend or provide constructive criticism to employees through the use of verbal counseling or supervisor's written observations. Positive behavior that reflects or supports the Department's core values should be documented whenever possible.

Additionally, employees demonstrating behavior contrary to our Department's core values or any provision of the Department Policy Manual can be reminded or instructed about how to improve behavior, performance or compliance with the Department Policy Manual, in a written Supervisor's Observation. Verbal counseling and/or Supervisor's Observations, even if the content addresses the need for improvement of performance, behavior or compliance are not considered discipline by the Department.

203.2 VERBAL COUNSELING PROCEDURE

All Supervisors should routinely seek opportunities to provide training and guidance to employees for the positive affect of increased knowledge, more proficient skills and adherence to the provision of the Policy Manual and Department Values. Verbal Counseling shall be considered anytime a supervisor discusses employee behavior or performance for the purpose of positively changing the behavior in the future. The first incidence of verbal counseling with a particular employee for a particular behavior or performance issue may or may not be documented in writing. However, nothing shall prohibit a supervisor from making reference to verbal counseling if the discussed behavior continues and additional efforts are needed for instruction, behavioral or performance modification as discussed below.

The involved employee's Division Commander or Division Lieutenant should be made aware of the counseling as soon as practical.

203.3 PROCEDURES FOR SUPERVISOR'S OBSERVATIONS

Any Supervisor may issue a written Supervisor's Observation. The Supervisor's Observation should be presented to the employee in a private setting, free of interruption.

- (a) Present the Supervisor's Observation document and explain its purpose.
- (b) Discuss the issue and give the employee an opportunity to thoroughly read the document.
- (c) Require the employee to sign the document. If the employee refuses to sign, note the refusal on the document.
- (d) Provide the employee a copy of the Supervisor's Observation.
- (e) The original Supervisor's Observation shall be kept in the involved employee's performance review file. A copy of the document shall also be forwarded to the employee's Area Lieutenant and/or Business Service Manager as appropriate.

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Verbal Counseling Supervisor's Observations

- (f) The Supervisor's Observation shall remain in an employee's performance review file until his/her next performance review at which time it shall be removed and given to the employee.

Probationary Employees

204.1 PROBATIONARY TERM

The probationary period is considered an integral part of the examination, recruiting, testing, and selection process during which the agency will determine whether the employee is fit for the position.

All the original and promotional appointments shall be tentative and subject to a probationary period of actual and continuous service. The probationary period for sworn personnel is eighteen (18) months. The probationary period for lateral sworn personnel is (12) months. The probationary period for a sworn supervisor position is one (1) year. The probationary period for non-sworn employees is six (6) months, with the exception of the following classifications for which the probationary period is one (1) year: Public Safety Dispatcher and Supervisor; Public Safety Assistant and Senior Forensic Specialist I/II, Civilian Investigator I/II, and Police Recruit. Periods of time on paid or unpaid leave exceeding five days (consecutive or not) shall automatically extend the probationary period by that number of days the employee is on leave.

204.2 EXTENSION OF PROBATIONARY PERIOD

Upon recommendation from the Chief of Police and the approval of the City Personnel Officer or his/her designee, the probationary period may be extended for a period not to exceed one hundred-eighty (180) days. (Article 6, Section 3, City of Irvine Personnel Rules and Procedures).

204.3 RELEASE FROM PROBATION

During the probationary period, an employee may be released at any time without cause. In cases of promotion, the employee does not acquire regular status in the new position until the successful completion of this probationary period. If the employee fails to satisfactorily complete the probationary period in the promotional position, the employee shall be entitled to return to the position held prior to promotion at the range and step held prior to promotion.

204.4 POST CERTIFICATION

As a condition of probation, all probationary officers shall be required to have successfully completed a POST certified training academy. Those officers who have training or educational backgrounds that are acceptable to POST for the Basic Certificate are excluded.

204.5 REMEDIAL TRAINING

As a condition of probation, officers may be required to attend specialized training, should it be determined that he/she is lacking in certain knowledge or skills to successfully carry out the duties as a "competent" law enforcement officer in the City of Irvine.

204.6 PROBATIONARY EMPLOYEE ARREST REPORT APPROVAL

Probationary police officers who have successfully completed the Department's field training program are required to seek the approval of an on-duty field supervisor for all custodial arrests. Except in exigent or under circumstances where a supervisor has granted that specific officer

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permission to make non-notification custodial arrests, the approval by a supervisor is required prior to an arrest by a probationary police officer. This requirement shall be terminated upon successful completion of the employee's probationary period.

Building Security / Employee Identification

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Building Security / Employee Identification

205.6 VISITOR IDENTIFICATION

All persons entering the secured area of the department shall be required to check in and out with the front desk personnel. The front desk staff will authenticate the visitor and either escort the visitor, or contact another department employee to escort the visitor to their destinations. Visitors will be escorted at all times and visitor activity will be monitored.

The front desk staff will provide the visitor with an identification badge attached to a color-coded lanyard, which the person shall place on an outer garment. This includes utility repair and delivery personnel. Law enforcement personnel from other agencies may wear their own identification, if visible.

Visitors issued a YELLOW colored badge may go unescorted in non-restricted areas of the department. Visitors issued a RED badge should be escorted.

Ride-alongs: This visitor shall be accompanied by the "host" officer and not permitted to wander freely.

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Building Security / Employee Identification

Interns: This person is a temporary, part-time volunteer "employee" and has access to general work areas.

Visitors who are under constant personal escort by a member of the department are not required to wear a visitor badge.

Contract personnel (not employees of the City or Police Department) working in the police facility on a temporary basis will be issued a temporary identification card by the Office of Professional Development. The card will be yellow in color, have their name, picture, job description, and card expiration date. The card will be worn visibly on the outermost garment attached to a yellow lanyard. Contract personnel may be issued a restricted electronic access card, depending on need.

205.7 SECURITY CONSIDERATIONS

In order to enforce this policy and ensure a reasonable level of security, members of the department will, with just cause and due consideration, challenge anyone within the facility who does not possess proper identification. The individual will be asked to obtain proper identification before conducting any further business.

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Building Security / Employee Identification

Civic Center Facility Evacuation Plan

206.1 EMPLOYEE SAFETY

In the event of an earthquake or other natural/manmade event that causes damage to or threatens the occupants of the police facility, an assessment will be made by the ranking Irvine Police Department personnel present (Watch Commander) as to whether or not an evacuation is necessary and if so, to what extent. Should employees be directed to evacuate, they will do so in accordance with the City of Irvine Emergency Evacuation Guidelines.

Electronic Mail

207.1 PURPOSE AND SCOPE

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

207.2 EMAIL RIGHT OF PRIVACY

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

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

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

207.3 PROHIBITED USE OF EMAIL

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

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

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

207.4 EMAIL RECORD MANAGEMENT

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

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Electronic Mail

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

207.4.1 EMAIL TEMPLATES

Employees utilizing the signature or business card features at the closing of their email correspondence with the public may choose from several pre-approved templates available through the Department's Public Information Office. Employees shall not modify the signature format or add customized mottos, quotes, or tag lines without prior approval from the Public Information Office.

License to Carry a Firearm

208.1 PURPOSE AND SCOPE

The purpose of this policy is to provide a written process for the application, issuance, denial, appeal, and revocation of a license to carry a firearm (Penal Code § 26150; Penal Code § 26155).

208.1.1 APPLICATION OF POLICY

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

208.2 POLICY

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

208.3 QUALIFIED APPLICANTS

In order to qualify for a license to carry a firearm, the applicant must:

- (a) Be deemed not to be a disqualified person as provided in Penal Code § 26202.
- (b) Be deemed not to be prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm (Penal Code § 26185; Penal Code § 26195).
- (c) Be a resident of the City of Irvine (Penal Code § 26150; Penal Code § 26155).
 - 1. Non-resident applicants may be eligible for a license if they are members of the California Rifle & Pistol Association, Inc., Gun Owners of America, Inc., Gun Owners of California, Inc., the Second Amendment Foundation, or the Firearms Policy Coalition and are not otherwise prohibited from possessing firearms under federal or California law. Proof of membership is required.
- (d) Be at least 21 years of age, and present clear evidence of identity and age as defined in Penal Code § 16400 (Penal Code § 26150; Penal Code § 26155).
- (e) Fully complete the California Department of Justice (DOJ) application (Penal Code § 26175).
- (f) Submit fingerprints and a complete criminal background check (Penal Code § 26185).
- (g) Pay all associated application fees (Penal Code § 26190).
- (h) Be the recorded owner of the firearm, with the California DOJ, for which the license will be issued, as determined by the Irvine Police Department (Penal Code § 26162).
- (i) Be free from any psychological conditions that might make the applicant unsuitable for carrying a firearm (Penal Code § 26190).
- (j) Complete required training described in Penal Code § 26165.

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License to Carry a Firearm

208.4 APPLICATION PROCESS

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

208.4.1 PHASE ONE (TO BE COMPLETED BY ALL APPLICANTS)

- (a) Any individual applying for a license to carry a firearm shall first fully complete a California DOJ application to be signed under penalty of perjury. Any applicant who provides false information or statements on the application will be removed from further consideration and may be prosecuted for a criminal offense (Penal Code § 26180).
 - 1. If an incomplete application package is received, the Chief of Police or the authorized designee may do any of the following:
 - (a) Require the applicant to complete the package before any further processing.
 - (b) Advance the incomplete package to phase two for conditional processing pending completion of all mandatory conditions.
 - (c) Issue a denial if the materials submitted at the time demonstrate that the applicant would not qualify for a license to carry a firearm even if the package was completed (e.g., not a resident, disqualifying criminal conviction).
- (b) Applicant fees shall be submitted and processed according to department-established procedures and Penal Code § 26190.
 - 1. Additional fees may be required for fingerprinting, training, or psychological testing, in addition to the application fee.
 - 2. Full payment of the remainder of the application fee will be required upon issuance of a license.
 - 3. Payment of related fees may be waived if the applicant is a duly appointed reserve peace officer as defined in Penal Code § 830.6 (a) or (b) (Penal Code § 26170).
- (c) Additional documents may be requested of the applicant as required to complete the application process (e.g., photograph, proof of residency).
- (d) The applicant shall submit proof of ownership or registration of each firearm to be licensed.

Within 90 days of receiving the completed application for a new license, the Department shall give written notice to the applicant of the Department's initial determination, based on its preliminary investigation, whether or not the applicant is a disqualified person (Penal Code § 26202).

If the determination is that the applicant is not a disqualified person, the notice shall inform the applicant to proceed with the training requirements as specified in Penal Code § 26165.

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208.4.2 PHASE TWO

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

- (a) Fingerprints and related information required by the California DOJ shall be submitted to the California DOJ as provided in Penal Code § 26185.
- (b) The Chief of Police may, based upon criteria established by the Chief of Police, require that the applicant be referred to an authorized psychologist used by the Department for psychological testing. The cost of such psychological testing shall be paid by the applicant but shall not exceed the reasonable costs to the Department (Penal Code § 26190).
- (c) The applicant shall complete a course of training approved by the Department, which complies with Penal Code § 26165.
- (d) The applicant shall submit any firearm to be considered for a license to the armorer or other department authorized gunsmith, at no cost to the applicant, for a full safety inspection. The Chief of Police reserves the right to deny a license for any firearm that has been altered from the manufacturer's specifications or that is unsafe (Penal Code § 31910).
- (e) The applicant shall successfully complete a firearms safety and proficiency examination with the firearm to be licensed, to be administered by the department armorer, or provide proof of successful completion of another department-approved firearms safety and proficiency examination, including completion of all releases and other forms. The cost of any outside inspection/examination shall be the responsibility of the applicant.

Once the Chief of Police or authorized designee has verified the successful completion of phase two, the license to carry a firearm will either be granted or denied (Penal Code § 26170).

208.5 ISSUED FIREARMS PERMITS

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

- (a) The license will be subject to any and all reasonable restrictions or conditions the Chief of Police has deemed warranted, including restrictions as to the time, place, manner, and circumstances under which a person may carry the firearm (Penal Code § 26200(b)).
 - 1. All such restrictions or conditions shall be conspicuously noted on any license issued (Penal Code § 26200(c)).
 - 2. The licensee will be required to sign a Restrictions and Conditions Agreement. Any violation of any of the restrictions and conditions may result in the immediate revocation of the license.
- (b) The license shall clearly identify the licensee, bear a photograph and fingerprints of the licensee with the expiration date, type of firearm, restrictions, and other pertinent information as described by Penal Code § 26175. The license may be laminated (Penal Code § 26175).
- (c) The license will be valid for a period not to exceed two years from the date of issuance (Penal Code § 26220).

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1. A license issued to a state or federal magistrate, commissioner, or judge will be valid for a period not to exceed three years.
 2. A license issued to any reserve peace officer as defined in Penal Code § 830.6(a) or (b), or a custodial officer employed by the Sheriff as provided in Penal Code § 831.5 will be valid for a period not to exceed four years, except that such license shall be invalid upon the individual's conclusion of service as a reserve officer.
- (d) If the licensee's place of residence was the basis for issuance of a license and the licensee moves out of the county of issuance, the license shall expire 90 days after the licensee has moved (Penal Code § 26210).
- (e) The licensee shall notify this department in writing within 10 days of any change of place of residency. Within 10 days of receiving such notice, the Department shall notify the California DOJ (Penal Code § 26210).

208.5.1 AMENDMENTS TO LICENSES

Any licensee may apply to amend a license at any time during the period of validity by completing and submitting a written Application for License Amendment along with the current processing fee to the Department in order to (Penal Code § 26215):

- (a) Add or delete authority to carry a firearm listed on the license.
- (b) Change restrictions or conditions previously placed on the license.
- (c) Change the address or other personal information of the licensee (Penal Code § 26210).

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

208.5.2 REVOCATION OF LICENSES

Any license issued pursuant to this policy shall be revoked by the Chief of Police for any of the following reasons (Penal Code § 26195):

- (a) The licensee is prohibited by state or federal law from owning or purchasing a firearm.
- (b) The licensee has become a disqualified person and cannot receive such a license in accordance with the standards set forth in Penal Code § 26202.
- (c) The licensee has breached any of the conditions or restrictions described in Penal Code § 26200.
- (d) Any information provided by a licensee in connection with an application for a new license or a license renewal is inaccurate or incomplete.
- (e) If the license is one to carry "loaded and exposed," the license shall be revoked immediately upon a change of the licensee's place of residence to another county (Penal Code § 26210).

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License to Carry a Firearm

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

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

208.5.3 LICENSE RENEWAL

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

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

Within 90 days of receiving the completed application for a renewal license, the Department shall give written notice to the applicant of the department's initial determination whether or not the applicant is a disqualified person (Penal Code § 26202).

If the determination is that the applicant is not a disqualified person, the notice shall inform the applicant to proceed with the training requirements as specified in Penal Code § 26165. The Department shall then submit the renewal notification to the California DOJ as provided in Penal Code § 26185.

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

208.6 DEPARTMENT REPORTING AND RECORDS

The Department shall maintain a record of the following and immediately provide copies of each to the California DOJ (Penal Code § 26225):

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

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

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208.7 CONFIDENTIAL RECORDS

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

208.8 LIMITED BUSINESS LICENSE TO CARRY A CONCEALED FIREARM

The authority to issue a limited business license to carry a concealed firearm to a non-resident applicant is granted only to the Sheriff of the county in which the applicant works. A chief of a municipal police department may not issue limited licenses and these applicants should be referred to the Sheriff's Office (Penal Code § 26150).

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

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

208.9 WRITTEN NOTICE FOR DENIAL OF LICENSE

The Chief of Police or the authorized designee shall give written notice to the applicant for a new license that the license is approved or denied within 120 days of the initial application or within 30 days after receipt of the applicant's criminal background check from the California DOJ, whichever is later (Penal Code § 26205).

Written notice to an applicant for a renewal license that is approved or denied shall be given within 120 days of receiving the completed application (Penal Code § 26205).

Additionally, regardless of the type of license, if the license is denied, the notice shall state which requirement was not satisfied (Penal Code § 26205).

208.9.1 ADDITIONAL REQUIREMENTS

If an application for a new license, renewal of a license, or revocation is denied based on a determination that the person is a disqualified person as provided by Penal Code § 26202, the Chief of Police or the authorized designee shall provide the person with the notice of determination as provided by Penal Code § 26202(d), Penal Code § 26205, or Penal Code § 26195(b)(3). The notice shall state the reason why the determination was made and inform the applicant that they

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may request a hearing from a court. The Department shall also provide the most recent California DOJ hearing request form to the applicant (Penal Code § 26206).

If an application for a new license, renewal of a license, or revocation is denied for any other reason as described in Penal Code § 26206(i), the Chief of Police or the authorized designee shall provide the person with the notice required under Penal Code § 26205 or Penal Code § 26195(b)(3), as applicable, and inform the applicant they may apply to the county Superior Court for a writ of mandate pursuant to Code of Civil Procedure § 1085 (Penal Code § 26206).

208.10 POLICY AVAILABILITY

This policy shall be made accessible to the public as provided by Penal Code § 26160.

Retiree Concealed Firearms

209.1 PURPOSE AND SCOPE

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

209.2 POLICY

It is the policy of the Irvine Police Department to provide identification cards to qualified former or retired officers as provided in this policy. Based on California state law, an Irvine Police Department retirement ID card allows a retiree, in good standing, CCW privileges within the State of California only (5-year renewal)(Penal Code §25455 and 25465). The LEOSA identification card (HR 218) allows CCW privileges outside the state of California (renewed annually).

209.2.1 QUALIFIED RETIREES

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 or her employment shall be issued an identification card with a "CCW Approved" endorsement upon honorable retirement (Penal Code §26300(a).

- (a) For the purpose of this policy, "honorably retired" includes all peace officers who have qualified for, and accepted, a service or disability retirement.
- (b) Honorable retirement status does not apply to any officer who retires in lieu of termination.
- (c) Any officer retiring because of a psychological disability (Penal Code §26305(a)) shall not be eligible to receive a "CCW Approved" endorsement.

209.2.2 CARRYING CONCEALED WEAPONS IN CALIFORNIA UPON RETIREMENT

Upon the honorable retirement of a sworn Irvine Police Department employee, the Office of Professional Development (OPD) shall issue the employee an Irvine Police Department identification card meeting the format requirements of PC §25460(c). If the privilege to carry a concealed weapon (CCW) is authorized, the authorization is valid for five years from the date of retirement and is valid in the State of California only. In accordance with PC §25465, the card must be renewed every five (5) years to retain CCW privileges. A copy of the issued identification card noting the retirement date and expiration of the CCW authorization shall be forwarded to and retained by the Office of Professional Standards.

209.3 LEOSA (HR 218)

The Chief of Police may also issue an identification card for LEOSA purposes (CCW to a state other than California) 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

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than 10 years, separated from service after completing any applicable probationary period due to a service-connected disability as determined by this department.

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

209.3.1 REQUIRED IDENTIFICATION FOR LEOSA

The LEOSA gives two options for identification.

- (a) The LEOSA identification card should contain a photograph of the former officer and identify him/her as having been employed as an officer. It should also indicate the date the retiree has met qualification requirements with the same type firearm not less recently than one year before the individual is carrying the concealed firearm.
- (b) Possess a photographic identification card issued by the agency from which the individual separated from service as a law enforcement officer that identifies the person as having been employed as a police officer or law enforcement officer. Additionally, a certification issued by the State in which the individual resides or by a certified firearms instructor that is qualified to conduct a firearms qualification test for active duty officers within that State that indicates that the individual has, not less than 1 year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the State or a certified firearms instructor that is qualified to conduct a firearms qualification test for active duty officers within that State to have met active duty standards for qualification to carry a firearm of the same type as the concealed firearm.

209.3.2 AUTHORIZATION

Any qualified former law enforcement officer, including a former officer of this department, may carry a concealed firearm under 18 USC § 926C (LEOSA) 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.

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- (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.

209.4 CALIFORNIA IDENTIFICATION CARD ISSUANCE

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

- (a) For the purpose of this policy, honorably retired includes all peace officers who have qualified for, and accepted, a service or disability retirement. It shall not include any officer who retires in lieu of termination.
- (b) No CCW Approved endorsement shall be issued to any officer retiring because of a psychological disability (Penal Code § 26305 and 25465(c)).

209.4.1 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(c)):

- (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. If a CCW endorsement has been denied or revoked, the identification card shall be stamped "No CCW Privilege." Penal Code § 26305 and 26325(b) and (c)

209.4.2 QUALIFIED RETIREES FROM INCORPORATED JURISDICTION

The Irvine 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.

209.4.3 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(c)(2)).

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209.5 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.

209.5.1 RESPONSIBILITIES UNDER LEOSA (HR 218)

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

- (a) Sign a waiver of liability of the Department for all acts taken related to carrying a concealed firearm, acknowledging both his/her personal responsibility as a private person for all acts taken when carrying a concealed firearm as permitted by LEOSA and also that these acts were not taken as an employee or former employee of the Department.
- (b) Remain subject to all applicable department policies and federal, state and local laws.
- (c) Demonstrate good judgment and character commensurate with carrying a loaded and concealed firearm.
- (d) Successfully pass a criminal history background check indicating that he/she is not prohibited by law from receiving or possessing a firearm.

209.5.2 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) Remain subject to all applicable department policies and federal, state and local laws.
- (b) Not engage in conduct that compromises public safety.
- (c) Only be authorized to carry a concealed firearm approved by the Department.

209.6 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.

209.7 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.

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- (b) Prior to revocation of any CCW endorsement, the Department shall provide the affected retiree with written notice of a hearing by either personal service or first class mail, postage prepaid, return receipt requested to the retiree's last known address (Penal Code § 26315).
 - 1. The retiree shall have 15 days from the date of service to file a written request for a hearing.
 - 2. The hearing, absent written agreement between the parties, shall be held no later than 120 days after the request is received (Penal Code § 26315).
 - 3. The failure to submit a timely written request for a hearing shall be deemed a waiver of such right.
- (c) A hearing for the denial or revocation of any CCW endorsement shall be conducted before a hearing board composed of three members, one selected by the Department, one selected by the retiree or his/her employee organization, and one selected jointly (Penal Code § 26320).
 - 1. The decision of such hearing board shall be binding on the Department and the retiree.
 - 2. Any retiree who waives the right to a hearing or whose CCW endorsement has been revoked at a hearing shall immediately surrender his/her identification card. The Department will then reissue a new identification card which shall be stamped "No CCW Privilege."
- (d) Members who have reason to suspect the conduct of a retiree has compromised public safety shall notify the watch commander as soon as practicable. The watch commander should promptly take appropriate steps to look into the matter and, if warranted, contact the retiree in person and advise him/her of the temporary suspension and hearing information listed below.
 - 1. Notification of the temporary suspension should also be promptly mailed to the retiree via first class mail, postage prepaid, return receipt requested (Penal Code § 26312).
 - 2. The watch commander should document the investigation, the actions taken and, if applicable, any notification made to the retiree. The memo should be forwarded to the Chief of Police.
 - 3. The personal and written notification should be as follows:
 - (a) The retiree's CCW endorsement is immediately and temporarily suspended.
 - (b) The retiree has 15 days to request a hearing to determine whether the temporary suspension should become permanent revocation.
 - (c) The retiree will forfeit his/her right to a hearing and the CCW endorsement will be permanently revoked if the retiree fails to respond to the notice of hearing within the 15-day period.
 - 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

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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.

209.8 FIREARM QUALIFICATIONS FOR LEOSA (HR 218)

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

If the former officer chooses, they may qualify at a range of their choice and at their expense provided the qualification is with a certified firearms instructor that is qualified to conduct a firearms qualification test.

209.8.1 RETIRED SWORN OFFICER QUALIFICATION GUIDELINES FOR LEOSA (HR 218)

Chapter 44, 18 USC, section § 926C(c), requires the retired law enforcement officer to qualify annually and meet state standards. Since the State of California does not have a standard for firearms training and qualification, the retired sworn employee who wishes to carry their firearm outside California is required to qualify at least once every 12 months with a certified firearms instructor from a law enforcement agency or with a firearms instructor certified and licensed by the National Rifle Association (NRA). Retired sworn members can contact the Office of Professional Development (OPD) for the proper forms and to arrange to complete the qualification process.

By federal standards, retired sworn employees will be required to demonstrate their ability to:

- (a) Safely load the firearm
- (b) Safely unload the firearm
- (c) Safely check the firearm and verify that it is clear of all ammunition

The retired sworn employee will be required to qualify with the firearm by shooting the following 10-round course using a standard silhouette target:

- (a) Retiree can load and fire 5 rounds into a silhouette target at a distance of 7 yards—no time limit.
- (b) Retiree can reload and fire an additional 5 rounds into a silhouette target at a distance of 7 yards—no time limit.
- (c) At least 8 rounds fired must impact within scored portion of silhouette target.

Upon successful completion of the range course, the retired sworn employee and the certified firearms instructor must complete the Irvine Police Department Firearms Proficiency Test for Qualified Retired Officers form. The form must be returned to OPD. Upon confirming successful completion of all requirements, OPD will issue the Irvine Police Department Retired Peace Officer's Compliance Certification card to the retired sworn employee.

Purchase of Retired Officer's Weapon

210.1 PURPOSE AND SCOPE

The purpose of this policy is to outline the process and conditions associated with the purchase and transfer of a Department-issued duty weapon to a retiring officer.

210.2 AUTHORITY

In accordance with Irvine Municipal Code §2-8-110 (D), the Irvine Police Department may, upon the honorable retirement of a peace officer after ten or more years of full-time service with the City of Irvine, authorize the conveyance of that officer's Department duty weapon to the retiring officer, or either the Irvine Police Association or the Irvine Police Management Association on behalf of and for resale to the retiring peace officer, for fair market value.

210.3 PROCEDURE

The Office of Professional Development shall coordinate the weapon retirement process:

- (a) Thirty days or more before the officer is to retire; submit the City's Agreement for Appraisal and Transfer of Police Department Duty Weapon through the chain of command.
- (b) Receive the duty weapon to be transferred from the retiring officer. Ensure that a temporary replacement weapon is issued to the employee.
- (c) Issue a Duty Weapon Purchase Application packet to the retiring officer that includes the following:
 1. Purchase of Duty Weapon letter from the Office of Professional Development (OPD);
 2. Irvine Police Department (IPD) Authorization to Transfer Retiree Duty Weapon form;
 3. City of Irvine's Agreement for Appraisal and Transfer of Police Department Duty Weapon letter, complete with all required signatures.
- (d) Deliver the firearm to be transferred, and one ammunition magazine, to the Armorer, who will affect a fair market appraisal of the firearm by a licensed firearms dealer and experienced in such appraisals.
- (e) Ensure all required fields are completed on the application, and that the weapon is logged accordingly on the Department Weapon Inventory Control System.
- (f) Within 10 days of the date that the handgun is transferred to the retiree, the name of the officer and the make, model, and serial number shall be entered into the Automated Firearms System (AFS) via the California Law Enforcement Telecommunications System (CLETS) (Penal Code §27065(c)).

Administrative Communications

211.1 PURPOSE AND SCOPE

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

211.2 MEMORANDUMS

Memorandums 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.

211.3 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.

211.4 SURVEYS

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

Staffing Levels

212.1 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.

212.2 MINIMUM STAFFING LEVELS

Minimum staffing levels will be determined by the Assistant Chief of Police. These staffing levels will remain effective until any updates are made by the Assistant Chief.

212.2.1 SUPERVISION DEPLOYMENTS

Unless otherwise indicated by staffing levels, two field supervisors should be on duty at any given time. In order to accommodate training and other unforeseen circumstances, an officer may be used as field supervisors in place of a field sergeant.

Training

213.1 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.

213.2 PHILOSOPHY

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

213.3 OBJECTIVES

The objectives of the Training Program are to:

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

213.4 TRAINING PLAN

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

213.4.1 TRAINING MANAGER

The Training Manager shall be the lieutenant currently assigned to the Office of Professional Development (OPD). It is the responsibility of the Training Manager to maintain, review, and update the training plan as is needed. The plan will address the following areas:

- (a) Legislative Changes
- (b) State Mandated Training
- (c) Critical Issues
- (d) Perishable Skills

213.5 TRAINING NEEDS ASSESSMENT

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

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213.5.1 MASTER TRAINING PLAN

The Training Manager maintains the Department Master Training Plan, a tiered list of training programs and classes available to both sworn and civilian personnel based upon each employee's position, specialty or task within the organization. A training plan exists for each position in the Department. For each plan, courses are tiered in three groups; Mandatory, Essential and Desirable.

- (a) Mandatory training - Training in this category is required by federal law, state law, and/or department policy. Unless otherwise noted, this training should be completed within one year of appointment to the position.
- (b) Essential training - This training has been designated by the Department as necessary for the professional development of an employee in his/her specified rank and/or task assignment.
- (c) Desirable training - Upon completion of the mandatory and essential courses, an employee may pursue additional interests in their law enforcement training. The department will make a positive effort to accommodate an individual's desired career path, with consideration for the needs of the department and anticipated employee career direction.

The Department Training Officer shall keep informed on current, relevant training opportunities of benefit to the department and its employees. The Training Officer will disseminate information regarding upcoming training courses to specialty areas when the courses address that specific specialty. It is not the Training Officer's function to solicit individuals for specific training except in areas of mandated training, as defined in the Master Training Plan.

213.6 TRAINING STAFF

The Training Manager and his/her staff will serve to assist with identifying training needs for the Department.

The training staff 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 staff 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 staff should convene on a regular basis as determined by the Training Manager to review the identified incidents. The staff 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.

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

213.7 TRAINING PROCEDURES

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:

- (a) Court appearances
- (b) Annual vacation
- (c) Sick leave
- (d) Physical limitations preventing the employee's participation.
- (e) Emergency situations

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

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

213.7.1 DEPARTMENT PAID TRAINING REQUESTS

Employees seeking permission to attend a training opportunity should submit a completed seminar Training Request Form (TRF) and a course flyer to their immediate supervisor. Supervisors, command staff members and personnel from the Office of Professional Development will process the request in accordance with the outline below.

Training funded by the Department:

- (a) Employee's Responsibility: Complete a TRF. Submit a completed TRF to your supervisor as soon as practical to ensure enough time for approval and processing prior to the class.
 - 1. Discuss the class with your supervisor with respect to:
 - (a) Career development
 - (b) Scheduling concerns
 - 2. Notify the Court Liaison regarding the dates and location of the intended training.
 - 3. Notify the OPD Lieutenant if you have any special travel requests related to department training.
- (b) Supervisor's Responsibility:
 - 1. Deliver the TRF to the Division Commander or Division Manager.

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2. Make the notation in the schedule that the employee may be away.
- (c) Division Commander's/Manager's Responsibility:
 1. Review the TRF and approve if appropriate.
 2. Identify on the TRF the account that will be used for the training.
 3. Forward the request to the Training Officer.
- (d) Training Officer's Responsibility:
 1. Review the request and confirm that the class is:
 - (a) Current and relevant
 - (b) Has received generally favorable evaluations from previous attendees.
 2. Check the employee's master training record to see if he or she has been to any similar training. Report relevant findings to the Division Commander/Manager, if applicable.
- (e) OPD Training Sergeant's Responsibility:
 1. Review the TRF and, if needed, confirm the budget code to be used.
 2. Forward the TRF to the OPD Lieutenant.
- (f) OPD Lieutenant's Responsibility:
 1. If the training is to be held outside the State of California, forward the TRF to the Chief of Police for endorsement.
 2. Forward the TRF packet to the OPD Administrative Secretary for processing.
- (g) OPD Administrative Assistant's Responsibility:
 1. Make necessary registration, travel, hotel, and/or ground transportation arrangements.
 2. Request warrants for fees.
 3. Provide a training packet to the employee.
 4. Provide OPD Lieutenant final cost totals, if applicable.
 5. Any special travel requests require OPD Lieutenant approval.

213.7.2 APPROVED REQUESTS

Approved requests for department-sponsored training will be processed by OPD staff, who will make necessary arrangements for attendance, lodging, transportation, and notification of the employee. The employee is responsible for notifying his or her immediate supervisor for staffing purposes.

213.7.3 DENIED REQUESTS

Requests that are denied during the process will be returned to the initiating employee with the appropriate comments. A copy of the denied request shall be filed with OPD.

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213.7.4 SUBMITTING AN EXPENSE REPORT

Prior to attending a department-funded training course, the employee should receive all necessary paperwork and instructions from OPD. If the employee does not receive the packet within one week of the course start date, the employee must contact OPD.

Upon completion of the training course, the employee shall submit to OPD:

- (a) A completed City of Irvine Expense Report form 22-10, signed by the employee's supervisor.
- (b) A course flyer.
- (c) A copy of the course Certificate of Completion.
- (d) Commuter trainings and conferences (including one day courses) require itemized receipts for money spent and for which reimbursement is requested. Original receipts must be taped to standard 8 ½" x 11" sheets of blank paper and submitted with the expense report. Receipts must be itemized; credit card receipts showing only the total amount will not be accepted.
 - 1. Expense reports submitted without itemized receipts generally will not be accepted. Employees should make every effort possible to obtain itemized receipts for all items, including food purchases. The Office of Professional Development may direct employees who submit expense reports without itemized receipts to contact the establishment to obtain a duplicate receipt before resubmitting the report.
 - 2. An employee who submits an expense report without itemized receipts must author a memo, directed to the Chief of Police, explaining the expenses, and the reason why no itemized receipt is available. The memorandum shall include the date of the expense, the amount and description of the expense. It is the sole discretion of the Chief of Police whether or not an expense report will be approved for processing if it is submitted without itemized receipts.
- (e) Trainings with an overnight stay do not require receipts for meal reimbursements as long as the total daily amount does not exceed the current federal per diem rate, (www.gsa.gov) for the area/county where the training is held. The employee will write on the Expense Report form, under description, "meals per diem rate", and put the federal per diem dollar rate in the "meals \$" column.
- (f) If the department has paid for hotel accommodations, the employee must submit the hotel receipt to the Office of Professional Development within five working days after the employee's return. There are no exceptions to this requirement. Employees may redact hotel bills so they don't show phone calls, items or services the employee paid for personally.
- (g) A completed City of Irvine Course Evaluation form is required for the general purpose of tracking city-wide training attendance and overall effectiveness of the program.

Following the completion of any educational course, conference, seminar, or training program, employees may be required to provide a summary of the information received to share with other employees.

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213.7.5 EMPLOYEE REIMBURSEMENT AND COMPENSATION

The reimbursement schedule will follow current City of Irvine Financial Policies and Procedures reimbursement guidelines for POST and non-POST courses.

213.7.6 OVERNIGHT ACCOMMODATION

Compensation allowances for overnight accommodation while attending a training class will vary according to the duration of the class, distance to the class site, time to travel to the class site, and pre-class authorization. The distance from the police facility to the training site shall be determined through the use of any legitimate web-based mapping program or any satellite/Global Positioning System estimate. References to the length of time to travel to the training location refers to the estimated time it will take to travel from the police facility to the training location, taking into consideration the location of the training, the time of day and the day of week the employee will be traveling to the training class. (e.g. delays caused by traffic congestion can be considered in determining the estimated "travel time.")

Mandatory/Essential Training equal to one (1) day in length:

Employees will be compensated for a hotel accommodation one night prior to the first day of training, if, using standard ground transportation, the travel time from the police facility to the training site is greater than 50 miles away or takes two hours or longer.

Mandatory/Essential Training greater than one (1) day in length:

Employees will be compensated for a hotel accommodation one night prior to the first day of training and shall be continuous until the last morning of training:

- (a) If, using standard ground transportation, travel from the police facility to the training site is greater than 50 miles or takes two hours or longer (or)
- (b) If the training is physically demanding in nature and the length of time required to the travel to and from the teaching site each day would negatively impact the training results. The Professional Development Lieutenant is responsible for determining whether or not the travel time required would negatively impact the employee.

Additional guidelines for training accommodations:

- (a) No overnight accommodations will be considered for personnel attending the Basic Post Academy. It is the new employee's personal responsibility to make living arrangements that can accommodate the rigorous academy schedule and are conducive to his or her personal success while attending the academy.
- (b) The department will provide for a non-smoking room, associated taxes/municipal levies and on-site parking fees.
- (c) For training spanning multiple work weeks, hotel accommodations generally will not be provided over the weekend unless the cost of transportation to and from the training is significantly greater than the cost of the hotel accommodation.
- (d) Nothing in this policy prohibits an employee from extending their hotel accommodations into their off-duty time at their own expense; however, arrangements with the hotel and payment must be made by the employee.

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Desirable Training equal to or less than one day in length does not qualify for overnight accommodation. Exemptions can be made at the discretion of the OPD Lieutenant.

Desirable Training greater than one day in length and either more than 50 miles away or two hours away by standard ground transportation will qualify for overnight accommodation. Hotel accommodation will be provided one night prior to the first day of training and shall be continuous until the last morning of training.

213.7.7 MILEAGE

- (a) Mileage reimbursement will be considered for the driver of any privately-owned vehicle who attends training funded or sanctioned by the Department that occurs outside the police facility. This does not include regularly scheduled SWAT training.
- (b) Employees who are permitted by the department and who choose to travel by privately-owned vehicle will receive mileage reimbursement calculated based on the location they start their commute to the training site, minus their normal miles driven from their residence to work. The mileage reimbursement rate is set by the IRS. Each year the Office of Professional Development will verify the current Standard Mileage Rates for Business, by checking the IRS's website at www.irs.gov.
- (c) Use of City-owned vehicles to attend seminars, courses and classes: Employees are encouraged to use City-owned vehicles when available to attend a seminar, school, or course, unless the training is voluntary and on the employees own time. Employees should consult with their supervisor prior to the training date concerning the use of a City-owned vehicle for the training period.
- (d) Use of a City-owned vehicle for police academy training: Because of a specific arrangement between the department and the police academy, vehicles may be used for academy training. Vehicles will only be provided for academy training if the use does not conflict with the patrol function.

213.7.8 TRAVEL TIME AND TRAINING TIME FOR DEPARTMENT PAID TRAINING

Travel Time:

- (a) Department paid training:
 - 1. Commuter Classes:
 - (a) If the training program occurs during regularly scheduled work days and takes place at a location different from the department, employees will not be compensated traveling to and from the training location from home since such travel time is considered normal home to work travel per the FLSA.
 - (b) Travel during the workday to attend training, after the employee has reported to work, is hours worked for the City. Employees will be compensated at straight time and if the overtime threshold (see definition below) is exceeded, the training time will be compensated at the overtime rate; however, travel from the employee's last training location to home is not compensable. Supervisors should not require employees who will

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be traveling during the work day for training to report to their normal work site at the start or the end of their shift unless it is truly necessary for the employee to report to such location.

- (c) If the combination of training hours and travel exceed an employee's normal work-day hours, the employee should be compensated at the overtime rate.

2. **Overnight Travel** (Classes requiring travel the day prior to the start date of the class):

- (a) Overnight travel for department training will be compensated for time spent in actual transit, irrespective of the mode of travel, or whether or not the travel occurs during working hours.
- (b) Employees will be compensated at straight time and if the overtime threshold is exceeded, the training time will be compensated at the overtime premium rate.
- (c) Supervisors should schedule travel for overnight training for a day and time mutually agreed upon by the department and the employee.

(b) Training Time:

1. Department paid training (Mandatory, Essential and Desirable): Employees will be compensated for actual time spent in class during regularly scheduled work days at straight time. To the extent the training is conducted or extends into after hours, the training time will be compensated at straight time and if the overtime threshold is exceeded, the training time will be compensated at the overtime rate. An eight-hour training day will be considered equal to a ten-hour work day. However, a forty hour training class, consisting of five 8-hour days, will be considered a forty-hour work week. 3/12.5 and 4/10 sworn employees will adjust their schedules to a 5/8 for the period of the training.
2. Overtime Threshold Defined: When a sworn employee modifies his or her schedule to attend training, the employee will not be eligible for overtime since they are subject to the 28 day FLSA work period, unless the training hours exceed the overtime threshold of 80 hours in the pay period the training occurred. Non-sworn employees working the 3/12 or 4/10 schedules may also be asked to adjust their work schedules for such training. This may trigger overtime for employees on the 3/12 work schedule, if the training hours exceed the overtime threshold of 40 hours in the FLSA work period.
3. Every effort should be made by the department to schedule training to avoid unnecessary overtime.

213.7.9 PER DIEM FOR MEALS

- (a) Department-paid training (Mandatory, Essential and Desirable) held at a site other than a City facility (excluding regularly scheduled SWAT training):

1. **General Guidelines For All Training Courses:**

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- (a) The department will not reimburse expenses associated with alcoholic beverages.
 - (b) Employees are not eligible for a per diem reimbursement for training in the Desirable category that has been paid for by the employee through professional development funds.
 - (c) Employees are not eligible for a per diem reimbursement when the training is held at any City of Irvine facility.
2. POST and Non-POST Reimbursable Training Courses:
- (a) Employees attending training that requires an overnight stay will not need to save receipts for reimbursement, if the total daily amount does not exceed the federal per diem rate for the area/county where the training is held.
 - (b) Employees attending any length of commuter training or conference (including one day courses) will be reimbursed **only** for lunch, **with itemized receipts**, up to the current federal per diem rate for the area/county where the training is held.
 - 1. An employee who submits an expense report without itemized receipts must author a memo, directed to the Chief of Police, explaining the food purchases made, and the reason why no itemized receipt is available. It is the sole discretion of the Chief of Police whether or not an expense report will be approved for processing if it is submitted without itemized receipts.
 - (c) When the trainings require an overnight stay, the employee will not need to submit receipts with the Expense Report form, as long as the total daily meal expense does not exceed the federal per diem rate for the area/county the training was held.

213.7.10 VOLUNTARY TRAINING FUNDED THROUGH THE CITY OF IRVINE PROFESSIONAL DEVELOPMENT FUNDS (NOT DEPARTMENT PAID MANDATORY, ESSENTIAL, OR DESIRABLE TRAINING)

The City of Irvine understands the value of training which employees seek on their own to better themselves both in their current jobs and for career advancement. To that end, an employee who, on his/her own initiative attends an independent school, college, or training offered through professional organizations may be eligible to be reimbursed for the cost of such coursework. In accordance with the Department of Labor regulation 29 CFR section 785.30, such training is not compensable as hours worked because the employee is indeed taking such training on his/her own initiative. However, at the discretion of a supervisor, an employee may be compensated by the department to attend a voluntary training class in lieu of his or her regular assignment, providing doing so does not result in an overtime fill for any employee.

Voluntary use of Professional Development funded training is eligible for compensation for travel accommodations per City policy. Travel accommodations include transportation, lodging, and meals.

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Employee paid training not covered by Professional Development will not be compensated for travel accommodations.

An employee requesting to use Professional Development funds for such training must submit a request to the Chief of Police or his/her designee at least 30 days prior to the training and await approval. Once notified that the training has been approved, the employee shall:

- (a) Coordinate the training schedule with immediate supervisor.
- (b) Complete and submit a TRF to the immediate supervisor which should be routed to OPD.
- (c) Notify the Court Liaison regarding the dates and location of the intended training.
- (d) Contact the training host and register for the course. Pay the tuition and other expenses as necessary. *HR will order a check to pay tuition or the OPD Administrative Assistant may pay for the tuition with her P-card if the request is received at least 30 days prior to the training.
- (e) If the employee pays for the tuition, submit the receipt for the training along with the pre-approved Professional Development Reimbursement form to Office of Chief of Police. A certificate of completion must be attached to the Professional Development form in order for the employee to be reimbursed.
- (f) Submit a copy of the certificate of attendance to OPD for inclusion in the training file.

213.7.11 TRAINING FUNDED THROUGH THE CITY OF IRVINE EDUCATIONAL REIMBURSEMENT PROGRAM

An employee who wishes to attend a training course or certificate program that is sponsored by an accredited educational institution, and for which course credits or units are granted, is eligible for reimbursement through Educational Reimbursement, providing:

- (a) The course has a direct nexus to the job duties of that employee, AND
- (b) The course credits could be applied towards a degree (AA, BA, BS, etc.), AND
- (c) The application of these funds is consistent with the employee's labor agreement, AND
- (d) The class is completed on the employee's own time.

The employee retains the ability to decide whether or not he or she will use professional development or educational reimbursement funds in instances described above.

This policy does not change the manner in which educational reimbursement funds can be utilized for employees who are pursuing actual college degrees (AA, BA, BS, MA, MPA, JD, etc.). It is recognized that employees who are pursuing college degrees or advanced degrees can be reimbursed for elective courses that are required for graduation that may not necessarily have a job nexus.

Wellness Team

214.1 PURPOSE AND SCOPE

The Irvine Police Department recognizes the value of providing an "in-house" Wellness Support Program for department personnel and their family to help support managing both professional and personal stress. The Wellness Support Team will consist of department personnel who are trained to provide support and/or assist the employee in obtaining professional resources.

The Wellness Support Team will provide assistance and support to Department personnel after traumatic incidents or events. The team will also provide support when personal or professional stress negatively affects the employee's work performance, personal well-being, or relations with others. The team will work cooperatively with mental health professionals and will refer department personnel and family members to professional resources when needed or requested.

214.2 PSYCHOLOGICAL SERVICES

The Wellness Support Team is designed to work cooperatively with the department's contracted mental health professionals, The Counseling Team International (TCTI) or Premier First Responder Psychological Services. TCTI or Premier First Responder Psychological Services should be consulted by the Wellness Support Team any time there is a question regarding appropriate resources for department personnel. TCTI may be contacted 24 hours a day at 800-222-9691. Premier First Responder Psychological Services may be contacted 24 hours a day at 657-215-1518.

214.3 CONFIDENTIALITY

The success of the Wellness Team Program will be determined greatly by the observance of confidentiality. It is imperative that each member of the Wellness Team maintain strict confidentiality with regard to information communicated between department personnel and the Wellness Team member. Conversations between Wellness Team personnel and department personnel are not privileged communications under the California Evidence Code. The department however will respect the confidentiality of conversations between Wellness Team members and Department personnel with the following exceptions:

- (a) Information concerning the commission of a crime
- (b) The employee or a third party is a danger to themselves or others
- (c) Communication in which the law enforcement personnel's intent to defraud or deceive an investigation into a critical incident is revealed

Disclosures under these exceptions will be reported directly to the Program Manager, who will determine the proper course of action.

Limitations to confidentiality, as outlined above, will be explained to department personnel prior to any official contact between Wellness Team members and the employee. The Wellness Team member will remind department personnel of these limitations throughout the contact, if needed.

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The Wellness Team member will assist department personnel in obtaining professional resources if additional confidentiality is needed.

214.4 WELLNESS TEAM STRUCTURE

The Wellness Team shall be structured as follows:

- (a) Program Manager: A lieutenant or commander will have management oversight of the program.
- (b) Program Coordinators: Two supervisors will be Program Coordinators. The Coordinators will be selected by the Program Manager with approval of the Chief of Police or his designee. Coordinators are responsible for the day to day operations of the team, training, budget, coordination with other department supervisors, and maintaining anonymous statistical data regarding program usage. Coordinators will report directly to the Program Manager.
- (c) Team Members: Members of the Wellness Team will be selected from department personnel. The size of the team will be determined by the Program Coordinators and Manager.

214.5 MEMBER SELECTION / RETENTION

Wellness Team Members will be selected based on the following criteria:

- (a) Motivated by a desire to assist their fellow employees
- (b) Ability to maintain confidentiality
- (c) Possess above average communication skills
- (d) Willingness to work within the guidelines of this policy
- (e) Agree to be on-call and willing to respond at any hour to assist Department personnel and/or their families
- (f) Participation in a selection process
- (g) Off probation at time of appointment

The selection process will be determined by the Program Coordinators and Manager, and will include an interview and nominations by department personnel. Wellness Team members should be willing to commit a minimum of two years to the program if selected.

The Wellness Team is not considered a Specialty Assignment under the Memorandum of Understanding (MOU). Participation in this program is considered a non-compensated collateral duty assignment and team members may be removed at any time. Grounds for removal include, but are not limited to:

- (a) Failure to maintain confidentiality
- (b) Failure to attend assigned training or meetings
- (c) Conflict of interest between the employee's duty assignment and participation in the program

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214.6 ROLE OF WELLNESS TEAM MEMBERS

Wellness Team members provide support and assistance in times of stress and crisis. The responsibilities of a Wellness Team member are as follows:

- (a) Convey trust and anonymity and assure confidentiality within this policy to Department personnel that seek assistance from the program.
- (b) Respond at any hour to assist Department personnel and/or their families following a critical incident.
- (c) Respond to Department personnel's request for peer support or assistance.
- (d) Attend assigned training and scheduled meetings.
- (e) Act as a liaison between department personnel and mental health resources.
- (f) Be available to department personnel for additional follow-up support.
- (g) Maintain contact with the program Coordinator regarding program activities.

214.7 TRAINING

Newly selected Wellness Team members will receive the following training:

- (a) Basic Peer Support
- (b) Basic Critical Incident Stress Management
- (c) Prevention and Recognition of Depression and Suicide

Wellness Team members will receive semi-annual training in the following areas:

- (a) Effective listening
- (b) Critical incident stress management
- (c) Debriefing and defusing techniques
- (d) Post-traumatic stress
- (e) Problem-solving skills
- (f) Relationship termination
- (g) Grief and loss
- (h) Assessment skills
- (i) Referral follow-up

214.8 ACCESSING THE WELLNESS TEAM

The Wellness Team is available 24 hours a day, seven days a week to all Department personnel. The Wellness Team can be found on the department's intranet. Department personnel may contact a member of the team in person, by phone, or by email.

214.9 CRITICAL INCIDENT RESPONSE

The Wellness Team is intended to be a resource available to department personnel during and/or after a critical incident. These incidents include, but are not limited to:

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- (a) Officer-involved shootings
- (b) Incidents involving an employee's death or serious injury
- (c) Incidents involving the death or serious injury to a child
- (d) Response or involvement in a mass casualty incident
- (e) Any incident likely to trigger an emotional response from the employee and/or affect the employee's ability to perform their duties in the future
- (f) Any other incident deemed appropriate by the on-duty manager or field supervisor

In the event of a critical incident, on-duty manager or field supervisor should contact one of the Wellness Team Coordinators. If the coordinators are unavailable, then the Wellness Team Manager should be contacted. The on-duty manager or field supervisor should provide the Coordinator with a synopsis of the event and the number of involved employees. The Coordinator will determine how many Wellness Team members are needed and will coordinate the team's response. The Coordinator will also contact Premier First Responder Psychological Services, or The Counseling Team International if needed.

On-duty Wellness Team members may be utilized if they are not directly involved in the event and they are not needed for field duties. Wellness Team members should contact the on-duty manager or field supervisor prior to contacting involved employees. The on-duty manager or field supervisor should brief the Wellness Team member(s) on the event and identify the involved employees.

All employees involved in the incident will be given the opportunity to meet with members of the Wellness Team. In instances where the employee does not wish to speak with members of the Wellness Team, the team members will ask the employee if they would like to speak with the Department Chaplain or a licensed mental health professional from The Counseling Team International (TCTI) or Premier First Responder Psychological Services. The Wellness Team member will help facilitate contact with the Chaplain or mental health provider, if requested.

Department personnel that are involved in a critical incident will be given the opportunity to identify a specific member of the Wellness Team that they would like to respond on their behalf.

214.10 OVERTIME COMPENSATION

Wellness Team members are entitled to overtime compensation as set forth in the team member's applicable Memorandum of Understanding (MOU) when engaged in wellness support activities.

Members of the Wellness Team are encouraged to meet with department personnel seeking assistance while on duty, if possible. Approval to meet with an employee while off-duty must be approved by one of the Wellness Team Coordinators or any member of command staff.

In the event a Wellness Team member is called in to assist after a critical incident, that team member is entitled to receive overtime compensation.

Chaplains

215.1 PURPOSE AND SCOPE

This policy establishes the guidelines for Irvine Police Department chaplains to provide counseling or emotional support to members of the Department, their families and members of the public.

215.2 POLICY

The Irvine Police Department shall ensure that department chaplains are properly appointed, trained and supervised to carry out their responsibilities without financial compensation.

215.3 ELIGIBILITY

Requirements for participation as a chaplain for the Department may include, but are not limited to:

- (a) Being above reproach, temperate, prudent, respectable, hospitable, able to teach, be free from addiction to alcohol or other drugs, and excessive debt.
- (b) Managing their households, families and personal affairs well.
- (c) Having a good reputation in the community.
- (d) Successful completion of an appropriate-level background investigation.
- (e) A minimum of five years of successful counseling experience.
- (f) Possession of a valid driver license.

The Chief of Police may apply exceptions for eligibility based on organizational needs and the qualifications of the individual.

215.4 RECRUITMENT, SELECTION AND APPOINTMENT

The Irvine Police Department shall endeavor to recruit and appoint only those applicants who meet the high ethical, moral and professional standards set forth by this department.

All applicants shall be required to meet and pass the same pre-employment procedures as department personnel before appointment.

215.4.1 SELECTION AND APPOINTMENT

Chaplain candidates shall successfully complete the following process prior to appointment as a chaplain:

- (a) Submit the appropriate written application.
- (b) Include a recommendation from employers or volunteer programs.
- (c) Interview with the Chief of Police and the chaplain coordinator.
- (d) Successfully complete an appropriate-level background investigation.
- (e) Complete an appropriate probationary period as designated by the Chief of Police.

Chaplains are volunteers and serve at the discretion of the Chief of Police. Chaplains shall have no property interest in continued appointment. However, if a chaplain is removed for alleged

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misconduct, the chaplain will be afforded an opportunity solely to clear his/her name through a liberty interest hearing, which shall be limited to a single appearance before the Chief of Police or the authorized designee.

215.5 IDENTIFICATION AND UNIFORMS

As representatives of the Department, chaplains are responsible for presenting a professional image to the community. Chaplains shall dress appropriately for the conditions and performance of their duties. Uniforms and necessary safety equipment will be provided for each chaplain. Identification symbols worn by chaplains shall be different and distinct from those worn by officers through the inclusion of "Chaplain" on the uniform and not reflect any religious affiliation.

Chaplains will be issued Irvine Police Department identification cards, which must be carried at all times while on duty. The identification cards will be the standard Irvine Police Department identification cards, with the exception that "Chaplain" will be indicated on the cards. Chaplains shall be required to return any issued uniforms or department property at the termination of service.

Chaplains shall conform to all uniform regulations and appearance standards of this department.

215.6 CHAPLAIN COORDINATOR

The Chief of Police shall delegate certain responsibilities to a chaplain coordinator. The coordinator shall be appointed by and directly responsible to the Administrative Services Division Commander or the authorized designee.

The chaplain coordinator shall serve as the liaison between the chaplains and the Chief of Police. The function of the coordinator is to provide a central coordinating point for effective chaplain management within the Department, and to direct and assist efforts to jointly provide more productive chaplain services. Under the general direction of the Chief of Police or the authorized designee, chaplains shall report to the chaplain coordinator and/or watch commander.

The chaplain coordinator may appoint a senior chaplain or other designee to assist in the coordination of chaplains and their activities.

The responsibilities of the coordinator or the authorized designee include, but are not limited to:

- (a) Recruiting, selecting and training qualified chaplains.
- (b) Conducting chaplain meetings.
- (c) Establishing and maintaining a chaplain callout roster.
- (d) Maintaining records for each chaplain.
- (e) Tracking and evaluating the contribution of chaplains.
- (f) Maintaining a record of chaplain schedules and work hours.
- (g) Completing and disseminating, as appropriate, all necessary paperwork and information.
- (h) Planning periodic recognition events.
- (i) Maintaining liaison with other agency chaplain coordinators.

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An evaluation of the overall use of chaplains will be conducted on an annual basis by the coordinator.

215.7 DUTIES AND RESPONSIBILITIES

Chaplains assist the Department, its members and the community, as needed. Assignments of chaplains will usually be to augment the Operations Division. Chaplains may be assigned to other areas within the Department as needed. Chaplains should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the Department.

All chaplains will be assigned to duties by the chaplain coordinator or the authorized designee.

Chaplains may not proselytize or attempt to recruit members of the Department or the public into a religious affiliation while representing themselves as chaplains with this department. If there is any question as to the receiving person's intent, chaplains should verify that the person is desirous of spiritual counseling or guidance before engaging in such discussion.

Chaplains may not accept gratuities for any service or any subsequent actions or follow-up contacts that were provided while functioning as a chaplain for the Irvine Police Department.

215.7.1 COMPLIANCE

Chaplains are volunteer members of this department, and except as otherwise specified within this policy, are required to comply with the Volunteer Program Policy and other applicable policies.

215.7.2 OPERATIONAL GUIDELINES

- (a) Chaplains shall be permitted to ride with officers during any shift and observe Irvine Police Department operations, provided the watch commander has been notified and has approved the activity.
- (b) In responding to incidents, a chaplain shall never function as an officer.
- (c) When responding to in-progress calls for service, chaplains may be required to stand-by in a secure area until the situation has been deemed safe.
- (d) Chaplains shall serve only within the jurisdiction of the Irvine Police Department unless otherwise authorized by the Chief of Police or the authorized designee.
- (e) Each chaplain shall have access to current department member rosters, addresses, telephone numbers, duty assignments and other information that may assist in his/her duties. Such information will be considered confidential and each chaplain will exercise appropriate security measures to prevent distribution of the data.

215.7.3 ASSISTING DEPARTMENT MEMBERS

The responsibilities of a chaplain related to department members include, but are not limited to:

- (a) Assisting in making notification to families of members who have been seriously injured or killed and, after notification, responding to the hospital or home of the member.
- (b) Visiting sick or injured members in the hospital or at home.

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- (c) Attending and participating, when requested, in funerals of active or retired members.
- (d) Serving as a resource for members when dealing with the public in incidents, such as accidental deaths, suicides, suicidal subjects, serious accidents, drug and alcohol abuse and other such situations that may arise.
- (e) Providing counseling and support for members and their families.
- (f) Being alert to the needs of members and their families.

215.7.4 ASSISTING THE DEPARTMENT

The responsibilities of a chaplain related to this department include, but are not limited to:

- (a) Assisting members in the diffusion of a conflict or incident, when requested.
- (b) Responding to natural and accidental deaths, suicides and attempted suicides, family disturbances and any other incident that in the judgment of the watch commander or supervisor aids in accomplishing the mission of the Department.
- (c) Responding to all major disasters, such as natural disasters, bombings and similar critical incidents.
- (d) Being on-call and, if possible, on-duty during major demonstrations or any public function that requires the presence of a large number of department members.
- (e) Attending department and academy graduations, ceremonies and social events and offering invocations and benedictions, as requested.
- (f) Participating in in-service training classes.
- (g) Willingness to train others to enhance the effectiveness of the Department.

215.7.5 ASSISTING THE COMMUNITY

The duties of a chaplain related to the community include, but are not limited to:

- (a) Fostering familiarity with the role of law enforcement in the community.
- (b) Providing an additional link between the community, other chaplain coordinators and the Department.
- (c) Providing liaison with various civic, business and religious organizations.
- (d) Promptly facilitating requests for representatives or leaders of various denominations.
- (e) Assisting the community in any other function as needed or requested.
- (f) Making referrals in cases where specialized attention is needed or in cases that are beyond the chaplain's ability to assist.

215.7.6 CHAPLAIN MEETINGS

All chaplains are required to attend scheduled meetings. Any absences must be satisfactorily explained to the chaplain coordinator.

215.8 PRIVILEGED COMMUNICATIONS

No person who provides chaplain services to members of the Department may work or volunteer for the Irvine Police Department in any capacity other than that of chaplain.

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Department chaplains shall be familiar with state evidentiary laws and rules pertaining to the limits of the clergy-penitent, psychotherapist-patient and other potentially applicable privileges and shall inform members when it appears reasonably likely that the member is discussing matters that are not subject to privileged communications. In such cases, the chaplain should consider referring the member to a non-department counseling resource.

No chaplain shall provide counsel to or receive confidential communications from any Irvine Police Department member concerning an incident personally witnessed by the chaplain or concerning an incident involving the chaplain.

215.9 TRAINING

The Department will establish a minimum number of training hours and standards for department chaplains. The training, as approved by the Training Manager, may include:

- Stress management
- Death notifications
- Symptoms of post-traumatic stress
- Burnout for members of law enforcement and chaplains
- Legal liability and confidentiality
- Ethics
- Responding to crisis situations
- The law enforcement family
- Substance abuse
- Suicide
- Officer injury or death
- Sensitivity and diversity

Psychological Services

216.1 PURPOSE

There are times when Department employees will be involved in traumatic situations and these events may cause post-traumatic stress. Post-traumatic stress is a normal reaction to a highly stressful or terrifying event. Symptoms may include fear, anxiety, flashbacks, insomnia, nightmares, and uncontrollable thoughts about the event. The Department recognizes that early intervention by trained counseling professionals can serve to mitigate the symptoms of post-traumatic stress and contribute to the positive mental health of employees.

The purpose of this policy is to promote the well-being of all employees by establishing procedures for the utilization of the Department-recognized counseling professionals.

216.2 COUNSELING SERVICE

The Counseling Team International (TCTI) is a contracted mental health provider for employees of the Irvine Police Department. Department employees may contact TCTI at 800-222-9691 to receive voluntary counseling services free of charge (up to 10 sessions). Counseling sessions are confidential between the employee and the treating therapist. The Department will not receive notification that the employee is being treated and information obtained by the therapist will not be disclosed to anyone without the consent of the employee. Limitations to confidentiality, including mandated reporting laws, should be discussed with the therapist prior to treatment.

In the aftermath of a critical incident or traumatic event, Department supervisors and managers shall provide the number for TCTI to employees when needed or requested. Employees should also be provided with additional resources, including access to members of the Department's Peer Support Team (IPD Policy 214) and/or Department chaplains (IPD Policy 215).

Emergency Operations Plan

217.1 PURPOSE AND SCOPE

The City has prepared an Emergency Operations 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).

217.2 ACTIVATING THE EMERGENCY PLAN

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

217.2.1 RECALL OF PERSONNEL

In the event that the Emergency Operations Plan is activated, all employees of the Irvine 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.

217.3 LOCATION OF THE PLAN

The Emergency Operations Plan is available in the storage cupboard in the Emergency Operations Center (EOC) and the watch commander's office. All supervisors should familiarize themselves with the Emergency Operations Plan. The Emergency Management Administrator should ensure that department personnel are familiar with the roles police personnel will play when the plan is implemented.

217.4 UPDATING OF MANUALS

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

Standardized Emergency Management System (SEMS) / National Incident Management System (NIMS) / Incident Command System (ICS) / Emergency Operations Center (EOC) Activation

218.1 PURPOSE AND SCOPE

The Standardized Emergency Management System (SEMS) and the National Incident Management System (NIMS) are designed to provide a comprehensive approach to incident management that is applicable to all jurisdictional levels and across functional disciplines. Both of these systems use the Incident Command System (ICS) as a key component.

218.2 HISTORY AND DESCRIPTION

As a result of lessons learned from the Loma Prieta Earthquake in 1989 and problems identified in operations at the Oakland Hills Fire in 1991, the State of California enacted SEMS (California Government Code §8607). SEMS contains several systems as part of its framework for responding to and managing emergencies involving multiple jurisdictions or multiple agency response. Most significant of these systems is the ICS. The use of SEMS is required for State disaster assistance.

On February 28, 2003, President Bush issued Homeland Security Presidential Directive 5 (HSPD-5). HSPD-5 directed the Secretary of Homeland Security to develop and administer NIMS. NIMS provides a consistent nationwide template that enables all government, private sector, and non-governmental organizations to work together during domestic incidents. The components of NIMS are similar and complimentary to the SEMS components. NIMS has as a key component the use of ICS. The use of NIMS is required for Federal disaster assistance.

ICS is a standardized on-scene emergency management system designed for meeting the demands of a small or large emergency or non-emergency situation. It represents best practices and has become the standard for emergency management across the country. It can be expanded or contracted to meet the needs of the incident and it may be used for planned events, natural disasters, and acts of terrorism.

218.3 TRAINING

It is the policy of the Irvine Police Department to be fully compliant with the SEMS and NIMS training requirements as established by the State of California as well as the Federal Government.

218.4 SYSTEM ACTIVATION PROTOCOL

Both SEMS and NIMS have been formally adopted as standards for incident management in the City of Irvine. Use of ICS is required during any multi-jurisdictional and/or multi-functional (i.e. law and fire) incident that could potentially become a local, state, or federal disaster. The use of ICS is encouraged whenever it will assist in the orderly and professional management of personnel and resources during a planned or unplanned event.

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Standardized Emergency Management System (SEMS) / National Incident Management System (NIMS) / Incident Command System (ICS) / Emergency Operations Center (EOC) Activation

~~The materials necessary to implement ICS (vests, forms, checklists, etc.) are located in the~~ Emergency Operations Center, Mobile Communications Vehicle, and Mobile Command Post Vehicle.

218.5 EOC ACTIVATION

The City of Irvine Emergency Operations Center (EOC) is located adjacent to the Irvine Police Department's Communications Bureau. Instructions for assembling the EOC are located in a binder on the wall as you enter the room. Should the primary EOC become uninhabitable, an alternate EOC is located at the Operations Support Facility on Oak Canyon.

The EOC's purpose is to coordinate the overall City response and support for an emergency event. There are three levels of EOC activation:

1. Level III – Monitoring (Decentralized Coordination and Direction)
 - (a) A minor to moderate incident characterized by adequate local response capability and sufficient resources to favorably resolve the situation. A local emergency may or may not be proclaimed. The EOC will be staffed minimally and activities will typically be limited to information gathering and very few requests coming in from the field or Department Operation Centers (DOC).
2. Level II - Partial Activation (Centralized Coordination and Decentralized Direction)
 - (a) A moderate to severe emergency characterized by a possible need for mutual aid to ensure a favorable resolution of the situation. In most cases, a local emergency will be proclaimed. A State of Emergency may be proclaimed by the Governor. Activation of the EOC may occur. Activation of one or more DOCs may occur. EOC is staffed with a Section Chief for each of the five sections. Additional positions will be staffed based upon the needs of the incident.
3. Level I – Full Activation (Centralized Coordination and Direction)
 - (a) A major disaster exemplified by depletion of resources and mutual aid response capability area wide, necessitating extensive Statewide and Federal assistance. Generally, a local emergency and state of emergency will be proclaimed. A Presidential Declaration of major disaster or emergency will likely be requested. EOC is staffed with all pre-identified positions and possibly more; as driven by the needs of the incident.

Pursuant to the City of Irvine Operations Plan, the decision to activate the EOC lies with the City Manager or other designees including: Assistant City Manager, Chief of Police, Director of Public Works, Police Watch Commander, and Emergency Management Administrator.

If it becomes necessary to activate the EOC, the City of Irvine Emergency Management Team will be recalled to assist with the necessary set-up. If these staff members are not readily available, the Police Watch Commander may designate any appropriate staff to set-up the EOC based on the procedures set forth in the EOC set-up binder.

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Standardized Emergency Management System (SEMS) / National Incident Management System (NIMS) / Incident Command System (ICS) / Emergency Operations Center (EOC) Activation

~~218.6 EXECUTION OF HEALTH ORDERS~~

Any sworn member of this Department may execute and enforce all orders of the local health officer issued for the purpose of preventing the spread of any contagious, infectious, or communicable disease (Health & Safety Code §100106).

CAL-OSHA Reporting Requirements

219.1 PURPOSE AND SCOPE

The purpose of this policy is to articulate the requirements and procedures for notifying Cal/OSHA when field personnel respond to a call that would necessitate such notifications.

219.2 POLICY

This policy contains California Occupational Safety and Health Division (Cal/OSHA) Reporting Requirements.

219.3 SERIOUS ILLNESS, INJURY OR DEATH REPORTING

California Code of Regulations Title 8 section §342(b) requires that whenever a state, county, or local fire or police agency is called to an accident involving an employee in which a serious injury, illness, or death occurs as the result of his/her employment or at his/her place of employment, the nearest office of the Division of Occupational Safety and Health shall be notified by telephone immediately by the responding agency.

Title 8 section §342(a) defines “immediately” as not longer than 8 hours after knowledge of the incident becomes known.

Title 8 section §330(h) defines “serious injury or illness” as: “any injury or illness occurring in a place of employment or in connection with any employment which requires inpatient hospitalization for a period in excess of 24 hours for other than medical observation or in which an employee suffers a loss of any member of the body or suffers any serious degree of permanent disfigurement, but does not include any injury or illness or death caused by the commission of a Penal Code violation, except the violation of Section §385 of the Penal Code, or an accident on a public street or highway.”

219.4 NOTIFICATION RESPONSIBILITY

While the Orange County Fire Authority often makes this notification, it shall be the responsibility of the field supervisor responding to an accident involving the serious injury, illness, or death of an employee as a result of his/her employment or at his/her place of employment, to ensure that the Cal/OSHA district office in Santa Ana is notified. This office is located at:

200 East McFadden Avenue, Suite 122
Santa Ana, CA. 92705
(714) 558-4451

If a field supervisor does not respond to an accident as articulated above, it shall be the responsibility of the police officer or other field personnel on scene to notify the field supervisor of the accident and the nature of the injury. It shall then be the field supervisor’s responsibility to ensure notification is made pursuant to this procedure.

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Policies

CAL-OSHA Reporting Requirements

219.5 PERMANENT AMUSEMENT RIDES

Cal/OSHA Division of Occupational Safety and Health (DOSH) regulates the installation and safe operation of permanent amusement rides in the State of California.

219.5 ACCIDENT RESPONSE AND NOTIFICATION

California Code of Regulations Title 8 section §344.15(a) requires the operator of a permanent amusement ride to immediately report or cause to be reported to the Cal/OSHA Division of Occupational Safety and Health (DOSH) division's Ride and Tramway Unit office each known accident where maintenance, operation, or use of the permanent amusement ride results in a death or serious injury to any person unless the injury does not require medical service other than ordinary first aid.

California Code of Regulations Title 8 section §344.15(c) requires that whenever a state, county, or local fire or police agency is called to an accident involving a permanent amusement ride covered by this Article where the death of a patron or a patron injury requiring medical service other than first aid has occurred, the Ride and Tramway Unit of the Division shall be notified by telephone immediately by the responding agency.

219.6 NOTIFICATION INFORMATION

When making a report to Cal/OSHA, be prepared to give as much of the following information as possible (§8 CCR 342 (c)):

1. Time and date of accident
2. Employer's name, address and telephone number
3. Name and job title, or badge number of person reporting the accident
4. Address of site of accident or event
5. Name of person to contact at site of accident
6. Name and address of injured employee(s)
7. Nature of injury
8. Location where injured employee(s) was (were) moved to
9. List and identity of other law enforcement agencies present at the site of accident
10. Description of accident and whether the accident scene or instrumentality has been altered

Orange County Great Park Balloon

220.1 PURPOSE AND SCOPE

The purpose of this policy is to articulate the requirements and procedures for field personnel responding to calls for service involving the Orange County Great Park Balloon.

220.2 BALLOON OPERATION

The Orange County Great Park Balloon is a tethered, helium balloon. It is maintained and operated by Aerophile, a French company that specializes in tethered helium balloon rides. The pilots involved in the flight and recovery of the balloon are FAA certified pilots employed by Aerophile.

Information for contacting the Orange County Great Park Balloon pilots is contained in the Orange County Great Park information pages on the department intranet, in dispatch, and with the Park Safety Officers.

220.3 REGULATING AGENCY

The Federal Aviation Administration oversees the operation of the Orange County Great Park Balloon.

220.4 AIRCRAFT RESPONSE AND NOTIFICATION

Any reports involving the Orange County Great Park Balloon, including, but not limited to, accidents, crashes, injuries to passengers or crew requiring medical attention more than ordinary first aid, maintenance problems, and/or operational problems, shall be faxed to the Principal Operations Inspector at (562) 420-6765 as soon as is practical after the incident.

The Balloon is also considered by the State of California as a "Permanent Amusement Ride" (CCR Title 8, section 344.15 (c)). As such, any injury requiring medical attention beyond basic first aid shall be immediately reported to OSHA/Ride and Tramway Unit at (714) 567-7211.

220.5 SUPERVISOR'S RESPONSIBILITIES

It shall be the responsibility of the field supervisor responding to an incident at the Orange County Great Park Balloon to ensure notification is made pursuant to this policy.

If a field supervisor does not respond to an accident as articulated above, it shall be the responsibility of the police officer or other field personnel on scene to notify the field supervisor of the accident and the nature of the injury. It shall then be the field supervisor's responsibility to ensure notification is made pursuant to this procedure.

Supervisors will also ensure that all notifications are made in accordance with the Major Incident Notification Protocol policy.

Public Safety Partnership Award

221.1 PURPOSE AND SCOPE

The Public Safety Partnership Award provides a collaborative opportunity for the Irvine Police Department and Irvine Rotary Club to formally honor and recognize an individual who has distinguished him/herself by taking exemplary action to save a life, render aid, provide comfort to a victim or assist a member of the Irvine Police Department in a significant manner or circumstance. This program encourages each department employee to identify and acknowledge a member of the community, business employee or visitor who has, through deliberate action, performed a public service that exceeds the standard expectation of civilian involvement.

The procedure below identifies the process and general criteria used to recognize an individual. The decision to present a Public Safety Partnership Award rests solely with the Irvine Police Department.

221.2 PROCEDURE

The Public Safety Partnership Award is presented periodically by the Irvine Police Department and Irvine Rotary Club. The action of a potential recipient may be directly witnessed by a Department employee or circumstantially discovered. Examples of exemplary action include, but are not limited to the following:

- (a) Providing direct assistance at a vehicle collision scene or compromised structure in a manner that prevents further injury, or further significant damage that may lead to loss of life; or performing lifesaving measures.
- (b) Administering first aid or comfort to an injured, ill, choking victim or to a wandering person.
- (c) Taking unsolicited, timely and deliberate action to locate or identify a suspect, victim or witness who may not have been identified without the individual's involvement.
- (d) Provide significant assistance or render critical aid to a member of the Irvine Police Department.
- (e) Reporting a significant public safety incident and/or providing key information leading to the resolution of a criminal event.
- (f) Exhibiting exceptional courage and bravery without regard to personal safety or risk when faced with a dangerous or significant situation or incident.

Department Employee Involvement: Employees of the Irvine Police Department are encouraged to notify their supervisor of an exemplary action taken by a civilian. If deemed worthy, the employee may be asked to prepare a brief written summary of the event. It is permissible to identify more than one deserving individual from a single event.

Community Recognition Program

222.1 PURPOSE AND SCOPE

The Community Recognition Program provides an opportunity for Irvine Police Department employees to honor citizens in Irvine who have distinguished themselves in circumstances that involve public safety service. This program encourages each department employee to seek out and identify community members who have, through deliberate action, performed a public service that exceeds the standard expectation of citizen involvement. Through the presentation of a Community Recognition Coin, that employee can acknowledge the citizen's extraordinary action on behalf of the Department.

All field personnel, sworn and civilian, will be issued a Department Community Recognition Coin along with a community recognition card. The procedure below identifies the process for the presentation of the coins. Any member of the department may recognize a member of the community. The decision to present a recognition coin to a citizen rests solely with the department member.

222.2 PROCEDURE

Citizen action may be directly witnessed by the department employee or discovered circumstantially. Examples of exemplary action include:

- (a) Providing needed traffic control at an accident scene to prevent further injury or damage
- (b) Administering first aid to an injured person
- (c) Taking unsolicited, timely and deliberate action to locate or identify a suspect, victim or witness who would have likely not been identified without the citizen involvement

The positive impact of the coin award is enhanced when it is presented as soon as practical after the event has stabilized or concluded. The employee shall also complete the community recognition card, which will provide the department with documentation of the award. Blank cards are available from the Administrative Secretary assigned to the Assistant Chief of Police. A current home or work address and telephone number is needed on the card for future contact.

Completed cards shall be placed in the Community Recognition Bin, located on the counter in the office of the Assistant Chief's Administrative Secretary. The card will be processed and then forwarded to the Assistant Chief. A copy of the card will be forwarded to the Chief of Police and the Department's Press Information Officer.

It is possible to identify more than one deserving citizen from a single event. Should the need for community coins exceed the supply on hand, the employee should prepare a community recognition card for each intended recipient, with a notation on the card of each citizen who did not receive a coin. The Administrative Secretary to the Assistant Chief will coordinate the presentation of the remaining coins.

Cardio Optimum Performance Survey

223.1 POLICY

Cardio Optimum Performance Survey

223.2 PURPOSE OF THE PROGRAM

In accordance with the Memorandum of Understanding between the Irvine Police Association (IPA) and the City of Irvine (City), dated January 1995 - June 1998, a Cardiovascular Optimum Performance Survey (COPS) program has been developed.

IPA employees over the age of 40 will have the option to participate in a "Cardiovascular Performance Survey" once every two (2) years. The program will be carried out by HOAG Executive Health.

223.3 PROGRAM ADMINISTRATION

The program will be administered by Public Safety under the direction of the Administrative Services Division. The diagnostic cardiovascular program will consist of:

- (a) Health History
- (b) Blood Pressure
- (c) Body Fat Analysis
- (d) Smoking Cessation (Support Program - Optional)
- (e) Blood Panel to Identify Risk Factors
- (f) Nutritional Workshops - Spouse included
- (g) Stress Reduction Classes
- (h) Treadmill Stress Test
- (i) Cardiovascular Exercise Program

All components of the evaluation process will be off-site under the direct supervision of a HOAG Executive Health board-certified cardiologist. All studies will be performed without cost to IPA members in the over 40 age group.

Members under 40 years of age may use professional development funds to also participate in the medical evaluation. Only \$500.00 of professional development funds may be used toward the cost of the evaluation. The employee would be responsible for the balance to HOAG.

223.4 NOTIFICATION AND SCHEDULING

The cardiovascular evaluations are to be conducted on "City" time. IPA members will have the ability to flex their working schedules to facilitate completion of the evaluation, pending supervisor approval.

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Cardio Optimum Performance Survey

It will be the member's responsibility to schedule all components of the evaluation package with assistance from the HOAG Executive Health Center. Based on the program contract with HOAG, the evaluation must be completed by December 31.

223.5 CONFIDENTIALITY

To preserve the integrity of the Cardiovascular Optimum Performance Survey, the guarantee of confidentiality of medical information (derived as a result of the medical studies) will become a part of the agreement for services between HOAG Executive Health and the City.

It is understood and agreed upon that the results of these surveys are strictly confidential and are protected under the doctor-patient privilege. The Department and the City do not have the right to obtain the results of the surveys - or to use the cardiovascular surveys to inquire into the physical fitness of the employee to perform his/her job. Any disclosure of results of the surveys shall be done by the affected employee only.

If the IPA member wishes to have the COPS medical information released to the City of Irvine or the Public Safety Department, a signed medical release form must be provided to the HOAG Executive Health Center - with a copy to Public Safety Administration.

Department Use of Social Media

224.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that any use of social media on behalf of the Department is consistent with the department mission.

This policy does not address all aspects of social media use. Specifically, it does not address:

- Personal use of social media by department members (see the Employee Speech, Expression and Social Networking Policy).
- Use of social media in personnel processes (see the Recruitment and Selection Policy).
- Use of social media as part of a criminal investigation, other than disseminating information to the public on behalf of this department (see the Investigation and Prosecution Policy).

224.1.1 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

224.2 POLICY

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

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

224.3 AUTHORIZED USERS

Only members authorized by the Chief of Police, Public Information Manager, Public Information Officer or authorized designee may utilize social media on behalf of the Department. A Social Media Team is in place to provide content, which must be approved by a manager.

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

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

224.4 AUTHORIZED CONTENT

Only content that is appropriate for public release, that supports the department mission and that conforms to all department policies regarding the release of information may be posted.

Examples of appropriate content include:

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Department Use of Social Media

- (a) Announcements.
- (b) Highlights of arrests and other law enforcement activity
- (c) Tips and information related to crime prevention.
- (d) Investigative requests for information.
- (e) Requests that ask the community to engage in projects that are relevant to the department mission.
- (f) Real-time safety information that is related to in-progress crimes, geographical warnings, or disaster information.
- (g) Traffic information.
- (h) Newsreleases.
- (i) Recruitment of personnel.
- (j) Posts soliciting help locating missing persons and suspects.

The Public Information Manager or Officer shall review and approve content before it is posted.

224.4.1 INCIDENT-SPECIFIC USE

In instances of active incidents where speed, accuracy and frequent updates are paramount (e.g., crime alerts, public safety information, traffic issues), the Press Information Officer or the authorized designee will be responsible for the compilation of information to be released, subject to the approval of the Incident Commander.

224.5 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 Irvine Police Department or its members.
- (e) Any information that could compromise the safety and security of department operations, members of the Department, victims, suspects or the public.
- (f) Any content posted for personal use.
- (g) Any content that has not been properly authorized by this policy or a supervisor.

Any member who becomes aware of content on this department's social media site that he/she believes is unauthorized or inappropriate should promptly report such content to a supervisor. The supervisor will ensure its removal from public view and investigate the cause of the entry.

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Department Use of Social Media

224.5.1 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 members of the public to contact department members directly.

224.6 MONITORING CONTENT

The Public Information Officer Manager or Lieutenant assigned to the Public Information Unit shall monitor social media channels to ensure content is appropriate and effective.

224.7 RETENTION OF RECORDS

The department shall utilize social media archiving software to ensure all content is properly retained. Any deleted posts will be archived by the Public Information Unit and saved to the Public Information Unit network folder.

224.8 TRAINING

The Public Information Officer or Manager will be responsible for training new members and approving their posts until they demonstrate proficiency.

Speech, Expression, and Social Networking

225.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with the use of social networking sites, and provides guidelines for the regulation and balancing of member speech and expression with the needs of the Irvine Police Department.

This policy applies to all forms of communication including but not limited to digital media, print media, public or private speech, and use of all internet services, including the web, email, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, and other file-sharing sites.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech, or expression that is protected 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 a member from speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or an employee group, about matters of public concern, such as misconduct or corruption.

Members are encouraged to consult with their supervisors regarding any questions arising from the application or potential application of this policy.

225.2 POLICY

Members of public entities occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of the Irvine Police Department. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that members 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 Department will carefully balance the individual member's rights against the needs and interests of the Department when exercising a reasonable degree of control over its members' speech and expression.

225.3 SAFETY

Members should carefully consider 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 Irvine Police Department members, such as posting personal information in a public forum or posting a photograph taken with a Global Positioning System (GPS)-enabled camera, can result in compromising a member's home address or family ties. Members should therefore not disseminate or post any information on any forum or medium that could reasonably be anticipated to compromise the safety of any member, a member's family, or associates. Examples of the type of information that could reasonably be expected to compromise safety include:

- Disclosing a photograph and name or address of an officer who is working undercover.
- Disclosing the address of a fellow department member.

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- Otherwise disclosing where another officer can be located off-duty.

225.4 PROHIBITED SPEECH, EXPRESSION, AND CONDUCT

To meet the safety, performance, and public-trust needs of the Irvine Police Department, the following are prohibited unless the speech is otherwise protected (e.g., a member speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or an employee group, 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 Department or its members.
- (b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the Department and tends to compromise or damage the mission, function, reputation, or professionalism of the Department or its members. Examples may include:
 - 1. Statements that indicate disregard for the law or the state or U.S. Constitutions.
 - 2. Expression that demonstrates support for criminal activity.
 - 3. Participation 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 member as a witness. For example, posting to a website statements or expressions 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 members of the Department (e.g., 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 members 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 Department.
- (f) Use or disclosure, through whatever means, of any information, photograph, digital media, or other recording obtained or accessible as a result of employment or appointment 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, digital media, or audio recordings, likenesses, or images of department logos, emblems, uniforms, badges, patches, marked vehicles, equipment, or other material that specifically identifies the Irvine 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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Speech, Expression, and Social Networking

Members 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).

225.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

While members are not restricted from engaging in the following activities as private citizens or as authorized members of recognized bargaining units or employee groups, members may not represent the Irvine Police Department or identify themselves in any way that could be reasonably perceived as representing the 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, or public broadcast; or on any website.

Additionally, when it can reasonably be construed that a member, acting in their individual capacity or through an outside group or organization, including as an authorized member of a recognized bargaining unit or an employee group, is affiliated with this department, the member shall give a specific disclaiming statement that any such speech or expression is not representative of the Irvine Police Department.

Members retain their rights to vote as they choose, to support candidates of their choice, and to express their opinions as private citizens, including as authorized members of recognized bargaining units or employee groups, on political subjects and candidates at all times while off-duty. However, members may not use their official authority or influence to interfere with or affect the result of elections or nominations for office. Members are also prohibited from directly or indirectly using their official authority to coerce, command, or advise another member to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes (5 USC § 1502).

225.5 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts, or anything published or maintained through file-sharing software or any internet site, including social media, that is accessed, transmitted, received, or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

The Department should not require a member to disclose a personal user name or password for accessing personal social media or to open a personal social website.

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225.6 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 the 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 their 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.

225.7 TRAINING

Subject to available resources, the Department should provide training regarding the limitations on speech, expression, and use of social networking to all members of the Department.

Discriminatory Harassment

226.1 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.

226.2 POLICY

The Irvine 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.

226.3 DEFINITIONS

Definitions related to this policy include:

226.3.1 DISCRIMINATION

The Department prohibits all forms of discrimination, including any employment-related action by a member that adversely affects an applicant or member and is based on the actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status and other classifications protected by law.

Discriminatory harassment, including sexual harassment, is verbal or physical conduct that demeans or shows hostility or aversion toward an individual based upon that individual's protected class. It has the effect of interfering with an individual's work performance or creating a hostile or abusive work environment.

Conduct that may, under certain circumstances, constitute discriminatory harassment, can include making derogatory comments, crude and offensive statements or remarks; making slurs or off-color jokes, stereotyping; engaging in threatening acts; making indecent gestures, pictures, cartoons, posters or material; making inappropriate physical contact; or using written material or department equipment and/or systems to transmit or receive offensive material, statements or pictures. Such conduct is contrary to department policy and to a work environment that is free of discrimination.

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Discriminatory Harassment

226.3.2 SEXUAL HARASSMENT

The Department prohibits all forms of discrimination and discriminatory harassment, including sexual harassment. It is unlawful to harass an applicant or a member because of that person's sex.

Sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors or other verbal, visual or physical conduct of a sexual nature when:

- (a) Submission to such conduct is made either explicitly or implicitly a term or condition of employment, position or compensation.
- (b) Submission to, or rejection of, such conduct is used as the basis for any employment decisions affecting the member.
- (c) Such conduct has the purpose or effect of substantially interfering with a member's work performance or creating an intimidating, hostile, or offensive work environment.

226.3.3 ADDITIONAL CONSIDERATIONS

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

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

226.3.4 RETALIATION

Retaliation is treating a person differently or engaging in acts of reprisal or intimidation against the person because the person has engaged in protected activity, filed a charge of discrimination, participated in an investigation, or opposed a discriminatory practice. Retaliation will not be tolerated.

226.4 RESPONSIBILITIES

This policy applies to all department personnel. All members shall follow the intent of these guidelines in a manner that reflects department policy, professional standards, and the best interest of the Department and its mission.

Members are encouraged to promptly report any discriminatory, retaliatory, or harassing conduct or known violations of this policy to a supervisor. Any member who is not comfortable with reporting violations of this policy to the member's immediate supervisor may bypass the chain of command and make the report to a higher-ranking supervisor or manager. Complaints may also be filed with the Chief of Police, the Director of Human Resources, or the City Manager.

Any member who believes, in good faith, that the member has been discriminated against, harassed, or subjected to retaliation, or who has observed harassment, discrimination, or

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retaliation, is encouraged to promptly report such conduct in accordance with the procedures set forth in this policy.

Supervisors and managers receiving information regarding alleged violations of this policy shall determine if there is any basis for the allegation and shall proceed with resolution as stated below.

226.4.1 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors and managers shall include but are not limited to:

- (a) Continually monitoring the work environment and striving to ensure that it is free from all types of unlawful discrimination, including harassment or retaliation.
- (b) Taking prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment, or retaliation.
- (c) Ensuring that their subordinates understand their responsibilities under this policy.
- (d) Ensuring that members who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.
- (e) Making a timely determination regarding the substance of any allegation based upon all available facts.
- (f) Notifying the Chief of Police or the Director of Human Resources in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment, or retaliation no later than the next business day.

226.4.2 SUPERVISOR'S ROLE

Supervisors and managers shall be aware of the following:

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

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

226.4.3 QUESTIONS OR CLARIFICATION

Members with questions regarding what constitutes discrimination, sexual harassment, or retaliation are encouraged to contact a supervisor, a manager, the Chief of Police, the Director of Human Resources, the City Manager, or the California Civil Rights Department for further information, direction, or clarification (Government Code § 12950).

226.5 INVESTIGATION OF COMPLAINTS

Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved member should take prompt and reasonable steps to mitigate or eliminate

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any continuing abusive or hostile work environment. It is the policy of the Department that all complaints of discrimination, retaliation or harassment shall be fully documented and promptly and thoroughly investigated.

226.5.1 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.

226.5.2 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 Director of Human Resources, or the City Manager.

226.5.3 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.

226.6 DOCUMENTATION OF COMPLAINTS

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

- (a) Approved by the Chief of Police, the City Manager, or the Director of Human Resources, depending on the ranks of the involved parties.

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- (b) Maintained in accordance with the department's established records retention schedule.

226.6.1 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.

226.7 TRAINING

All new members shall be provided with a copy of this policy as part of their orientation. The policy shall be reviewed with each new member. The member shall certify by signing the prescribed form that the member has been advised of this policy, is aware of and understands its contents, and agrees to abide by its provisions during the member's term with the Department.

All members shall receive annual training on the requirements of this policy and shall certify by signing the prescribed form that they have reviewed the policy, understand its contents, and agree that they will continue to abide by its provisions.

226.7.1 STATE-REQUIRED TRAINING

The Training Manager should ensure that employees receive the required state training and education regarding sexual harassment, prevention of abusive conduct, and harassment based on gender identity, gender expression, and sexual orientation as follows (Government Code § 12950.1; 2 CCR 11024):

- (a) Supervisory employees shall receive two hours of classroom or other effective interactive training and education within six months of assuming a supervisory position.
- (b) All other employees shall receive one hour of classroom or other effective interactive training and education within six months of their employment or sooner for seasonal or temporary employees as described in Government Code § 12950.1.
- (c) All employees shall receive refresher training every two years thereafter.

If the required training is to be provided by 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).

226.7.2 TRAINING RECORDS

The Training Manager shall be responsible for maintaining records of all discriminatory harassment training provided to members. Records shall be retained in accordance with established records retention schedules and for a minimum of two years (2 CCR 11024).

226.8 WORKING CONDITIONS

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

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226.9 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).

Personnel Complaints

227.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the Irvine Police Department. This policy shall not apply to any questioning, counseling, instruction, informal verbal admonishment or other routine or unplanned contact of a member in the normal course of duty, by a supervisor or any other member, nor shall this policy apply to a criminal investigation.

227.2 POLICY

The Irvine Police Department takes seriously all complaints regarding the service provided by the department and the conduct of its members.

The department will accept and address all complaints of misconduct in accordance with this policy and applicable federal, state and local law, municipal and county rules and the requirements of any collective bargaining agreements.

It is also the policy of this department to ensure that the community can report misconduct without concern for reprisal or retaliation.

227.3 PERSONNEL COMPLAINTS

Personnel complaints include any allegation of misconduct or improper job performance that, if true, would constitute a violation of department policy or of federal, state or local law, policy or rule. Personnel complaints may be generated internally or by the public.

Inquiries about conduct or performance that, if true, would not violate department policy or federal, state or local law, policy or rule may be handled informally by a supervisor and shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures or the response to specific incidents by the department.

227.3.1 COMPLAINT CLASSIFICATIONS

Personnel complaints shall be classified in one of the following categories:

Informal - A matter in which the watch commander is satisfied that appropriate action has been taken by a supervisor of rank greater than the accused member.

Formal - A matter in which a supervisor determines that further action is warranted. Such complaints may be investigated by a supervisor of rank greater than the accused member or referred to the Office of Professional Standards, depending on the seriousness and complexity of the investigation.

Suspended - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the assigned supervisor or the Office of Professional Standards, such matters may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

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227.3.2 SOURCES OF COMPLAINTS

The following applies to the source of complaints:

- (a) Individuals from the public may make complaints in any form, including in writing, by email, in person or by telephone.
- (b) Supervisors shall initiate a complaint based upon observed misconduct or receipt from any source alleging misconduct that, if true, could result in disciplinary action.
- (c) Anonymous and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.
- (d) Tort claims and lawsuits may generate a personnel complaint.
- (e) The California Commission on Peace Officer Standards and Training (POST) may provide information to the department that could result in a personnel complaint.

227.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

227.4.1 COMPLAINT FORMS

Personnel complaint forms will be maintained in a clearly visible location in the public area of the police facility.

227.4.2 ACCEPTANCE

All complaints will be courteously accepted by any department member and promptly given to the appropriate supervisor. Although written complaints are preferred, a complaint may also be filed orally, either in person or by telephone. Such complaints will be directed to a supervisor. If a supervisor is not immediately available to take an oral complaint, the receiving member shall obtain contact information sufficient for the supervisor to contact the complainant. The supervisor, upon contact with the complainant, shall complete and submit a complaint form as appropriate.

Although not required, complainants should be encouraged to file complaints in person so that proper identification, signatures, photographs, or physical evidence may be obtained as necessary.

A complainant shall be provided with a copy of the complaining party's statement at the time it is filed with the Department (Penal Code § 832.7).

227.4.3 AVAILABILITY OF WRITTEN PROCEDURES

The department shall make available to the public a written description of the investigation procedures for complaints (Penal Code § 832.5).

227.4.4 HATE COMPLAINTS AGAINST PEACE OFFICERS

Internal complaints or complaints from the public shall be accepted and investigated in accordance with this policy where it is alleged that an officer has in the previous seven years, and since 18 years of age, engaged in membership in a hate group, participated in a hate group activity, or advocated any public expression of hate (Penal Code § 13682).

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227.5 DOCUMENTATION

Supervisors shall encourage the complainant to complete a complaint form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible and document the complaint in Axon Standards.

Complaints, including any allegation made, meeting the following criteria, shall be documented in Axon Standards and routed to the affected Lieutenant or Commander and cc the "Office of Professional Standards" group, by the end of the supervisor's work week:

1. Dishonesty relating to the reporting, investigation, or prosecution of a crime, or relating to the reporting of, or investigation of, misconduct by a police officer.
2. Abuse of power, including, but not limited to, intimidating witnesses, knowingly obtaining a false confession, and knowingly making a false arrest.
3. Physical abuse including excessive or unreasonable use of force.
4. Sexual assault as defined in Penal Code §832.7(b).
5. Demonstrating bias on the basis of race, national origin, religion, gender identity or expression, housing status, sexual orientation, mental or physical disability, or other protected status.
6. Participation in a law enforcement gang; defined in Penal Code §13510.8(b)(7).
7. Failure to intercede when present and observing another officer using force that is clearly beyond that which is necessary.
8. Participation by an employee in a hate group or in any hate group activity or advocating for any public expressions of hate.

227.6 ADMINISTRATIVE INVESTIGATIONS

Allegations of misconduct will be administratively investigated as follows.

227.6.1 SUPERVISOR RESPONSIBILITIES

In general, the primary responsibility for the investigation of a personnel complaint shall rest with the member's immediate supervisor, unless the supervisor is the complainant, or the supervisor is the ultimate decision-maker regarding disciplinary action or has any personal involvement regarding the alleged misconduct. The Chief of Police or the authorized designee may direct that another supervisor investigate any complaint.

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

The responsibilities of supervisors include but are not limited to:

- (a) Ensuring that upon receiving or initiating any formal complaint, a complaint form is completed and entry is made into Axon Standards.
- (a) The original complaint form will be directed to the Office of Professional Standards and the Axon Standards entry will be routed to the affected lieutenant and commander

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- (b) In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to the member's lieutenant, who will initiate appropriate action.
- (b) Responding to all complainants in a courteous and professional manner.
- (c) Resolving those personnel complaints that can be resolved immediately.
 - (a) Follow-up contact with the complainant should be made within 24 hours of the department receiving the complaint.
 - (b) If the matter is resolved and no further action is required, the supervisor will note the resolution in Axon Standards and forward the entry to the affected lieutenant and commander.
- (d) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the watch commander and the Chief of Police are notified via the chain of command as soon as practicable.
- (e) Promptly contacting the Human Resources Department and the watch commander for direction regarding their roles in addressing a complaint that relates to sexual, racial, ethnic or other forms of prohibited harassment or discrimination.
- (f) Forwarding unresolved personnel complaints to the lieutenant and commander who will determine whether to contact the complainant or assign the complaint for investigation.
- (g) Informing the complainant of the investigator's name and the complaint number within three days after assignment.
- (h) Investigating a complaint as follows:
 - 1. Making reasonable efforts to obtain names, addresses and telephone numbers of witnesses.
 - 2. When appropriate, ensuring immediate medical attention is provided and photographs of alleged injuries and accessible uninjured areas are taken.
- (i) Ensuring that the procedural rights of the accused member are followed (Government Code § 3303 et seq.).
- (j) Ensuring interviews of the complainant are generally conducted during reasonable hours.

227.6.2 ADMINISTRATIVE INVESTIGATION PROCEDURES

Whether conducted by a supervisor or a member of the Office of Professional Standards, the following applies to members covered by the Public Safety Officers Procedural Bill of Rights Act (POBR) (Government Code § 3303):

- (a) Interviews of an accused member shall be conducted during reasonable hours and preferably when the member is on-duty. If the member is off-duty, he/she shall be compensated.

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- (b) Unless waived by the member, interviews of an accused member shall be at the Irvine Police Department or other reasonable and appropriate place.
- (c) No more than two interviewers should ask questions of an accused member.
- (d) Prior to any interview, a member shall be informed of the nature of the investigation, the name, rank and command of the officer in charge of the investigation, the interviewing officers and all other persons to be present during the interview.
- (e) All interviews shall be for a reasonable period and the member's personal needs should be accommodated.
- (f) No member should be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers.
- (g) Any member refusing to answer questions directly related to the investigation may be ordered to answer questions administratively and may be subject to discipline for failing to do so.
 - (a) A member should be given an order to answer questions in an administrative investigation that might incriminate the member in a criminal matter only after the member has been given a *Lybarger* advisement. Administrative investigators should consider the impact that compelling a statement from the member may have on any related criminal investigation and should take reasonable steps to avoid creating any foreseeable conflicts between the two related investigations. This may include conferring with the person in charge of the criminal investigation (e.g., discussion of processes, timing, and implications).
 - (b) No information or evidence administratively coerced from a member may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.
- (h) The interviewer should record all interviews of members and witnesses. The member may also record the interview. If the member has been previously interviewed, a copy of that recorded interview shall be provided to the member prior to any subsequent interview.
- (i) All members subjected to interviews that could result in discipline have the right to have an uninvolved representative present during the interview. However, in order to maintain the integrity of each individual's statement, involved members shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.
- (j) All members shall provide complete and truthful responses to questions posed during interviews.
- (k) No member may be requested or compelled to submit to a polygraph examination, nor shall any refusal to submit to such examination be mentioned in any investigation (Government Code § 3307).

No investigation shall be undertaken against any officer solely because the officer has been placed on a prosecutor's *Brady* list or the name of the officer may otherwise be subject to disclosure pursuant to *Brady v. Maryland*. However, an investigation may be based on the underlying acts

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or omissions for which the officer has been placed on a *Brady* list or may otherwise be subject to disclosure pursuant to *Brady v. Maryland* (Government Code § 3305.5).

227.6.3 ADMINISTRATIVE INVESTIGATION FORMAT

Complaint- Include the identity of the members, the identity of the assigned investigators, the initial date and source of the complaint.

Background - Provide a brief summary of the facts giving rise to the investigation.

Investigation- List the allegations separately, including applicable policy sections, with a brief summary of the evidence relevant to each allegation.

Findings - A separate recommendation finding should be provided for each allegation.

Discussion- A recommendation regarding further action or disposition should be provided.

Exhibits - A separate list of exhibits (e.g., recordings, photos, documents) should be attached to the report.

227.6.4 DISPOSITIONS

Each personnel complaint shall be classified with one of the following dispositions:

Unfounded - When the investigation discloses that the alleged acts did not occur or did not involve department members. Complaints that are determined to be frivolous will fall within the classification of unfounded (Penal Code § 832.8).

Exonerated - When the investigation discloses that the alleged act occurred, but the act was justified, lawful and/or proper.

Not sustained - When the investigation discloses there is insufficient evidence to sustain the complaint or fully exonerate the member.

Sustained - A final determination by an investigating agency, commission, board, hearing officer, or arbitrator, as applicable, following an investigation and opportunity for an administrative appeal pursuant to Government Code § 3304 and Government Code § 3304.5 that the actions of an officer were found to violate law or department policy (Penal Code § 832.8).

If an investigation discloses misconduct or improper job performance that was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

227.6.5 COMPLETION OF INVESTIGATIONS

Every investigator or supervisor assigned to investigate a personnel complaint or other alleged misconduct shall proceed with due diligence in an effort to complete the investigation within one year from the date of discovery by an individual authorized to initiate an investigation (Government Code § 3304).

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In the event that an investigation cannot be completed within one year of discovery, the assigned investigator or supervisor shall ensure that an extension or delay is warranted within the exceptions set forth in Government Code § 3304(d) or Government Code § 3508.1.

227.6.6 NOTICE TO COMPLAINANT OF INVESTIGATION STATUS

The member conducting the investigation should provide the complainant with periodic updates on the status of the investigation, as appropriate.

227.7 ADMINISTRATIVE SEARCHES

Assigned lockers, storage spaces and other areas, including desks, offices and vehicles, may be searched as part of an administrative investigation upon a reasonable suspicion of misconduct.

Such areas may also be searched any time by a supervisor for non-investigative purposes, such as obtaining a needed report, radio or other document or equipment.

Lockers and storage spaces may only be administratively searched in the member's presence, with the member's consent, with a valid search warrant or where the member has been given reasonable notice that the search will take place (Government Code § 3309).

227.7.1 DISCLOSURE OF FINANCIAL INFORMATION

An employee may be compelled to disclose personal financial information under the following circumstances (Government Code § 3308):

- (a) Pursuant to a state law or proper legal process
- (b) Information exists that tends to indicate a conflict of interest with official duties
- (c) If the employee is assigned to or being considered for a special assignment with a potential for bribes or other improper inducements

227.8 ADMINISTRATIVE LEAVE

When a complaint of misconduct is of a serious nature, or when circumstances indicate that allowing the accused to continue to work would adversely affect the mission of the Department, the Chief of Police or the authorized designee may temporarily assign an accused employee to administrative leave. Any employee placed on administrative leave:

- (a) May be required to relinquish any department badge, identification, assigned weapons and any other department equipment.
- (b) Shall be required to continue to comply with all policies and lawful orders of a supervisor.
- (c) May be temporarily reassigned to a different shift, generally a normal business-hours shift, during the investigation. The employee may be required to remain available for contact at all times during such shift, and will report as ordered.

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227.9 CRIMINAL INVESTIGATION

Where a member is accused of potential criminal conduct, a separate supervisor or investigator shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation.

The Chief of Police shall be notified as soon as practicable when a member is accused of criminal conduct. The Chief of Police may request a criminal investigation by an outside law enforcement agency.

A member accused of criminal conduct shall be advised of his/her constitutional rights (Government Code § 3303(h)). The member should not be administratively ordered to provide any information in the criminal investigation.

The Irvine Police Department may release information concerning the arrest or detention of any member, including an officer that has not led to a conviction. No disciplinary action should be taken until an independent administrative investigation is conducted.

227.10 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES

Upon completion of a formal investigation, an investigation report should be forwarded to the Chief of Police. The Chief of Police may accept or modify any classification or recommendation for disciplinary action and/or return the file for further investigation or action.

227.10.1 CHIEF OF POLICE RESPONSIBILITIES

Upon receipt of any written recommendation for disciplinary action, the Chief of Police shall review the recommendation and all accompanying materials. The Chief of Police may modify any recommendation and/or may return the file to the Office of Professional Standards for further investigation or action.

Once the Chief of Police is satisfied that no further investigation or action is required by staff, the Chief of Police shall determine the amount of discipline, if any, that should be imposed. In the event disciplinary action is proposed, the Chief of Police shall provide the member with a pre-disciplinary procedural due process hearing (*Skelly*) by providing written notice of the charges, proposed action and reasons for the proposed action. With some exceptions, written notice shall be provided within one year from the date of discovery of the misconduct (Government Code § 3304(d)). The Chief of Police shall also provide the member with:

- (a) Access to all of the materials considered by the Chief of Police in recommending the proposed discipline.
- (b) An opportunity to respond orally or in writing to the Chief of Police within seven days of receiving the notice.
 - 1. Upon a showing of good cause by the member, the Chief of Police may grant a reasonable extension of time for the member to respond.
 - 2. If the member elects to respond orally, the presentation may be recorded by the Department. Upon request, the member shall be provided with a copy of the recording.

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Once the member has completed his/her response or if the member has elected to waive any such response, the Chief of Police shall consider all information received in regard to the recommended discipline. Within 30 days of the decision, the Chief of Police shall provide a written notice to the member including 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.

227.10.2 NOTICE OF FINAL DISPOSITION TO THE COMPLAINANT

The Chief of Police or the authorized designee shall ensure that the complainant is notified of the disposition (i.e., sustained, not sustained, exonerated, unfounded) of the complaint (Penal Code § 832.7(f)).

227.10.3 NOTICE REQUIREMENTS

The disposition of any civilian's complaint shall be released to the complaining party within 30 days of the final disposition. This release shall not include what discipline, if any, was imposed (Penal Code § 832.7(f)).

227.11 PRE-DISCIPLINE EMPLOYEE RESPONSE

The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the Chief of Police after having had an opportunity to review the supporting materials and prior to imposition of any recommended discipline. The employee shall consider the following:

- (a) The response is not intended to be an adversarial or formal hearing.
- (b) Although the employee may be represented by an uninvolved representative or legal counsel, the response is not designed to accommodate the presentation of testimony or witnesses.
- (c) The employee may suggest that further investigation could be conducted or the employee may offer any additional information or mitigating factors for the Chief of Police to consider.
- (d) In the event that the Chief of Police elects to cause further investigation to be conducted, the employee shall be provided with the results prior to the imposition of any discipline.
- (e) The employee may thereafter have the opportunity to further respond orally or in writing to the Chief of Police on the limited issues of information raised in any subsequent materials.

227.12 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

In the event that a member tenders a written resignation or notice of retirement prior to the imposition of discipline, it shall be noted in the file. The tender of a resignation or retirement by itself shall not serve as grounds for the termination of any pending investigation or discipline (Penal Code § 13510.8).

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227.13 POST-DISCIPLINE APPEAL RIGHTS

Non-probationary employees have the right to appeal a suspension without pay, punitive transfer, demotion, reduction in pay or step, or termination from employment. The employee has the right to appeal using the procedures established by any collective bargaining agreement, Memorandum of Understanding and/or personnel rules.

In the event of punitive action against an employee covered by the POBR, the appeal process shall be in compliance with Government Code § 3304 and Government Code § 3304.5.

During any administrative appeal, evidence that an officer has been placed on a *Brady* list or is otherwise subject to *Brady* restrictions may not be introduced unless the underlying allegations of misconduct have been independently established. Thereafter, such *Brady* evidence shall be limited to determining the appropriateness of the penalty (Government Code § 3305.5).

227.14 PROBATIONARY EMPLOYEES AND OTHER MEMBERS

At-will and probationary employees and those members other than non-probationary employees may be released from employment for non-disciplinary reasons (e.g., failure to meet standards) without adherence to the procedures set forth in this policy or any right to appeal. However, any probationary officer subjected to an investigation into allegations of misconduct shall be entitled to those procedural rights, as applicable, set forth in the POBR (Government Code § 3303; Government Code § 3304).

At-will, probationary employees and those other than non-probationary employees subjected to discipline or termination as a result of allegations of misconduct shall not be deemed to have acquired a property interest in their position, but shall be given the opportunity to appear before the Chief of Police or authorized designee for a non-evidentiary hearing for the sole purpose of attempting to clear their name or liberty interest. There shall be no further opportunity for appeal beyond the liberty interest hearing and the decision of the Chief of Police shall be final.

227.15 RETENTION OF PERSONNEL INVESTIGATION FILES

All personnel complaints shall be maintained in accordance with the established records retention schedule and as described in the Personnel Records Policy.

227.16 REQUIRED REPORTING TO POST

The Chief of Police or the authorized designee shall notify POST on the appropriate POST form within 10 days of certain officer personnel events, including but not limited to (Penal Code § 13510.9):

- (a) Termination or separation from employment or appointment. Separation from employment or appointment includes any involuntary termination, resignation, or retirement.
 - 1. A POST affidavit-of-separation form shall be executed and maintained by the Department and submitted to POST as required by Penal Code § 13510.9 and 11 CCR 1003.
- (b) Events that could affect an officer's POST certification, such as:

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1. Complaints, charges, or allegations of serious misconduct (as defined by Penal Code § 13510.8).
2. Findings of civilian review boards.
3. Final dispositions of any investigations.
4. Civil judgments or court findings based on conduct, or settlement of a civil claim against an officer or the Irvine Police Department based on allegations of conduct by an officer.

The Chief of Police or the authorized designee shall be responsible for providing POST access to or duplication of investigation documentation (e.g., physical or documentary evidence, witness statements, analysis, conclusions) within the applicable timeframe provided in Penal Code § 13510.9.

227.16.1 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.

227.16.2 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

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- (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.

Grievance Procedure

228.1 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 verbal communication between employees and supervisors.

228.1.1 GRIEVANCE DEFINED

A grievance is any difference of opinion concerning terms or conditions of employment or the dispute involving the interpretation or application of any of the following documents by the person(s) affected:

- The employee bargaining agreement (Memorandum of Understanding)
- This Policy Manual
- City rules and regulations covering personnel practices or working conditions

Grievances may be brought by an individual affected employee or by a group representative.

Specifically outside the category of grievance are complaints related to 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.

228.2 PROCEDURE

If an employee believes he or she has a grievance as defined above, then that employee shall observe the procedures as outlined in their respective MOU.

228.3 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.

Anti-Retaliation

229.1 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.

229.2 POLICY

The Irvine Police Department has a zero tolerance for retaliation and is committed to taking reasonable steps to protect from retaliation members who, in good faith, engage in permitted behavior or who report or participate in the reporting or investigation of workplace issues. All complaints of retaliation will be taken seriously and will be promptly and appropriately investigated.

229.3 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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229.3.1 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)).

229.4 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 City Director of Human Resources.

Members shall act in good faith, not engage in unwarranted reporting of trivial or minor deviations or transgressions, and make reasonable efforts to verify facts before making any complaint in order to avoid baseless allegations. Members shall not report or state an intention to report information or an allegation knowing it to be false, with willful or reckless disregard for the truth or falsity of the information or otherwise act in bad faith.

Investigations are generally more effective when the identity of the reporting member is known, thereby allowing investigators to obtain additional information from the reporting member. However, complaints may be made anonymously. All reasonable efforts shall be made to protect the reporting member's identity. However, confidential information may be disclosed to the extent required by law or to the degree necessary to conduct an adequate investigation and make a determination regarding a complaint. In some situations, the investigative process may not be complete unless the source of the information and a statement by the member is part of the investigative process.

229.5 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.

229.6 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.

229.7 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 Office of Professional Standards for investigation pursuant to the Personnel Complaints Policy.

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229.7.1 DISPLAY OF WHISTLE-BLOWER LAWS

The Department shall display a notice to members regarding their rights and responsibilities under the whistle-blower laws, including the whistle-blower hotline maintained by the Office of the Attorney General (Labor Code § 1102.8).

229.8 RECORDS RETENTION AND RELEASE

The Records Supervisor shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

229.9 TRAINING

The policy should be reviewed with each new member.

All members should receive periodic refresher training on the requirements of this policy.

Reporting of Arrests, Convictions, and Court Orders

230.1 PURPOSE AND SCOPE

The purpose of this policy is to describe the notification requirements and procedures that members must follow when certain arrests, convictions, and court orders restrict their ability to perform the official duties and responsibilities of the Irvine Police Department. This policy will also describe the notification requirements and procedures that certain retired officers must follow when an arrest, conviction, or court order disqualifies them from possessing a firearm.

230.2 DOMESTIC VIOLENCE CONVICTIONS AND COURT ORDERS

Federal and California law prohibit individuals convicted of, or having an outstanding warrant for, certain offenses and individuals convicted of certain offenses and individuals subject to certain court orders from lawfully possessing firearms. Such convictions and court orders often involve allegations of the use or attempted use of force, or threatened use of a weapon on any individual in a domestic relationship (e.g., spouse, cohabitant, parent, child) (18 USC § 922; Penal Code § 29805).

All members and retired officers with identification cards issued by the Department are responsible for ensuring that they have not been disqualified from possessing firearms 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.

230.3 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 a member'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.

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, and shall be reported as provided in this policy.

230.4 REPORTING

All members and all retired officers with an identification card issued by the Department shall immediately notify their supervisors (retired officers should immediately notify the watch commander or the Chief of Police) in writing of any past or current criminal detention, arrest, charge, or conviction in any state or foreign country, regardless of whether or not the matter

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was dropped or rejected, is currently pending or is on appeal, and regardless of the penalty or sentence, if any.

All members and all retired officers with an identification card issued by the Department shall further promptly notify their supervisors (retired officers should immediately notify the watch commander or the Chief of Police) in writing if they become the subject of a domestic violence-related order or any court order that prevents the member or retired officer from possessing a firearm or requires suspension or revocation of applicable POST certification.

Any member whose criminal arrest, conviction, or court order restricts or prohibits that member from fully and properly performing their duties, including carrying a firearm, may be disciplined. This includes but is 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 the member's own time and expense.

Any member failing to provide prompt written notice pursuant to this policy shall be subject to discipline, up to and including termination.

Retired officers may have their identification cards rescinded or modified, as may be appropriate (see the Retiree Concealed Firearms Policy).

230.5 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.

230.5.1 NOTIFICATION REQUIREMENTS

The Administrative Services Division Commander 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

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department or any former peace officer if this department was responsible for the investigation (11 CCR 1003).

The Administrative Services Division Commander 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).

230.6 POLICY

The Irvine Police Department requires disclosure of member arrests, convictions, and certain court orders to maintain the high standards, ethics, and integrity in its workforce, and to ensure compatibility with the duties and responsibilities of the Department.

Nepotism and Conflicting Relationships

231.1 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.

231.1.1 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.

231.2 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.

231.2.1 EMPLOYEE RESPONSIBILITY

Prior to entering into any personal or business relationship or other circumstance which the employee knows or reasonably should know could create a conflict of interest or other violation of this policy, the employee shall promptly notify his/her uninvolved, next highest level of supervisor.

Whenever any employee is placed in circumstances that would require the employee to take enforcement action or provide official information or services to any relative or individual with whom the employee is involved in a personal or business relationship, the employee shall promptly notify his/her uninvolved, immediate supervisor. In the event that no uninvolved supervisor is immediately available, the employee shall promptly notify dispatch to have another uninvolved employee either relieve the involved employee or minimally remain present to witness the action.

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231.2.2 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.

Brady Material Disclosure

232.1 PURPOSE AND SCOPE

This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called “*Brady* information”) to a prosecuting attorney.

232.1.1 DEFINITIONS

Definitions related to this policy include:

Brady information -Information known or possessed by the Irvine Police Department that is both favorable and material to the current prosecution or defense of a criminal defendant.

232.2 POLICY

The Irvine 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 Irvine 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.

232.3 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.

232.4 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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- (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.

232.5 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.

232.6 TRAINING

Department members should receive periodic training on the requirements of this policy.

Chapter 3 - General Operations

Operational Responsibilities

300.1 PURPOSE AND SCOPE

Communications within the Irvine Police Department shall generally flow throughout the chain of command for the sake of consistency and uniformity. Sergeants and other supervisory personnel shall keep command staff informed of significant events related to department operations.

300.2 POLICY

Supervisory personnel are expected to reinforce the concept of the "Chain of Command" with subordinate personnel. There are occasions when subordinates (at any level) will seek out supervisors for a favorable response or opinion. Supervisors are expected to direct the employee to his or her immediate supervisor or approach that supervisor on behalf of the employee.

300.3 WATCH COMMANDER

The "watch commander" is generally responsible for overall department patrol operations. The watch commander will typically be one of the on-duty Operations Lieutenant(s) or command staff member, but may be delegated to an on-duty patrol sergeant if an Operations Lieutenant is unavailable or not assigned. Personnel serving a watch commander assignment shall be responsible for:

- (a) General supervision of active police operations and facility operations
- (b) Security of the Civic Center Complex
- (c) Approval of all arrest reports submitted during the shift
- (d) Receiving and processing of citizen complaints
- (e) Affecting the Command Notification Protocol
- (f) Oversight of the custody facility
- (g) Coordination and management of major field incidents

300.4 POLICE OPERATIONS COMMANDER

The Police Operations Commander shall:

- (a) Provide full-time attention to crime and quality of life issues in the assigned geographic areas.
- (b) Identify crime trends and sprees, and coordinating the appropriate resources to effectively address these issues.
- (c) Attend community events and meetings as a representative of the Police Department.
- (d) Work in conjunction with the other division commanders and the Assistant Chief to ensure consistent application of policies and procedures that transcend the geographic areas.
- (e) Provide direct supervision of Operations Lieutenants.
- (f) Communicate with the Assistant Chief regarding significant events.

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- (g) Handle personnel complaints as appropriate and in accordance with department policy.
- (h) In the absence of an Operations Lieutenant, serve as the on-duty Command Duty Officer. In this capacity:
 - 1. Be available to on-duty supervisors for guidance and support
 - 2. Answer the watch commander's line when able
 - 3. Monitor field activity and make proper notifications regarding significant events
 - 4. Serve as incident commander for significant field operations

300.5 LIEUTENANT

Lieutenants have a vital role in the daily management and oversight of all department operations. Personnel assigned to these positions:

- (a) Report to the appropriate Division Commander, but may take direction from the other Division Commanders, on issues related to their specific areas of responsibility.
- (b) Exercise functional responsibility for the overall public safety operation during their shift, unless relieved by a Division Commander, the Assistant Chief or Chief of Police. In addition, each will have responsibilities for specific division operations functions.
- (c) Will, in conjunction with the Division Commanders and/or Assistant Chief, develop selective enforcement and task-force approaches to key problem areas.
- (d) Are responsible for the management of specific field services shifts as assigned, although the lieutenant's shifts may not correspond to a standard patrol shift. Operations Lieutenants work schedules that are coordinated to maximize the management of the patrol shifts during the 24/7 operation.
- (e) Serve as the watch commander during their shift. When unavailable for a period of time, the lieutenant will delegate the watch commander responsibility to the patrol sergeants. Once notified by the lieutenant, the shift sergeants will share this responsibility until relieved by the lieutenant or other command level officer.
- (f) Will closely monitor the performance of field sergeants during their shift. They will ensure the sergeants provide quality briefings, training and conduct periodic uniform and equipment inspections.
- (g) Will work in the field and maintain familiarity with changes in the city's topography and population demographics.
- (h) Will review and provide input in supervisory matters of the sergeants on their shifts and their subordinates. In the event a sergeant issues a supervisor's observation of a positive or negative nature to a subordinate, the Operations Lieutenant who was on-duty at the time of the related incident will review the supervisor's observation. The lieutenant will make relevant notations on the document, citing agreement or disagreement with the content, and then forward the document to the Division Commander of the affected employee (see related procedure – Verbal Counseling & Supervisors' Observations).

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- (i) Will review and approve reports. They will continually monitor field activities, calls for service and pending calls. Each has the responsibility to ensure that sergeants adequately review written police reports and that reports are written when necessary.
- (j) In addition to the general responsibilities above, each of the Operations Lieutenants shall have specific responsibilities as assigned.
- (k) Participate in patrol briefings when available.
- (l) Serve as a department liaison to other municipal departments within the City, community organizations and events, and outside government organizations.

300.6 FIELD SUPERVISOR (SERGEANT)

Field supervisors are expected to provide direct first line supervision of all field personnel by shift and/or Area. Field sergeants are accountable to their assigned Operations Lieutenants and to on-duty command staff members.

Sergeants should provide daily training for their personnel both during briefing and in the field. Sergeants will periodically include police officers in training by assigning topics for officers to research and present. Regular inspections of personnel, equipment, and vehicles shall also be performed.

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 facilitate the briefing session; however officers may facilitate all or part of the session for training purposes with supervisor approval.

Briefing should accomplish, at a minimum, the following basic tasks:

- (a) Brief 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) Notify officers of changes in schedules and assignments.
- (c) Notify personnel of changes in department policy.
- (d) Review recent incidents for training purposes.
- (e) Provide training on a variety of subjects, including department policy.

The supervisor conducting briefing is responsible for preparation of the materials necessary for a constructive and dynamic briefing. Supervisors may delegate this responsibility to a subordinate officer in his or her absence or for training purposes.

Field sergeants are expected to provide direct field supervision. Field Sergeants should not remain at the police facility longer than necessary to complete a task or assignment. They are expected to follow-up on calls, monitor the performance of field personnel, and provide remedial training in a timely fashion when appropriate.

Sergeants are expected to provide written documentation regarding both positive and negative employee performance when appropriate. Each sergeant is responsible for the thoroughness,

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accuracy, and objectivity of each personnel evaluation and supervisor's observation that he/she generates.

Sergeants shall submit all written supervisor's observations to the employee's lieutenant (depending on the employee's assignment) for evaluation and review. A completed copy of any supervisor's observation shall also be forwarded to the Division Commander.

Sergeants shall not, through expression or implication, emphasize a minimum productivity standard or "quota" of arrests, citations, or other like enforcement activities. Sergeants should ensure that each employee's performance reflects a balance between enforcement and service consistent with the agency's mission, vision and values.

Sergeants are expected to mirror the philosophies of the administration and to serve as a conduit between management and line personnel. In that context, sergeants are expected to provide constructive input regarding department operations to command staff, using the chain of command.

Sergeants shall be proficient in each of the assignments identified below. These supervisory tasks will be distributed evenly among all sergeants on each shift. In addition to these assignments, field sergeants are also responsible to:

- (a) Perform periodic inspections
- (b) Provide accurate and timely training
- (c) Develop in-service training
- (d) Approve officers' reports in the field and/or station
- (e) Survey the police vehicle fleet for cleanliness and serviceability
- (f) Purge outdated material on briefing boards
- (g) Handle shift scheduling and requests for time off
- (h) Maintain the appearance of the briefing, report writing, and locker rooms
- (i) Assess each arrest situation for adherence to codified law, department philosophy and agency procedures
- (j) Supervise field operations, tactical response to critical incidents, and any outside agency assist
- (k) Ensure proper command staff notifications are made, consistent with the Major Incident Notification policy
- (l) Make periodic safety and security checks of the civic center complex

Assignment	Description

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Scheduling Sergeant	Each shift will assign a primary scheduling sergeant. Where shifts overlap, it will be imperative that the scheduling sergeant crosscheck each shift to ensure minimum coverage is met. Further, the scheduling sergeant will monitor the vacation and personal leave accruals of all officers on his/her shift to ensure that they do not exceed department guidelines. Each scheduling sergeant shall also serve as the shift's buyback coordinator. (See 3/12 Patrol Shift Buyback Procedure)
Timecards	Each sergeant shall be responsible for the proper and timely completion of his/her personnel's timecards.
Performance Evaluations	Sergeants are responsible for providing an accurate, constructive performance assessment for each employee they supervise. Sergeants are assigned the responsibility of preparing, presenting and submitting employee performance evaluations as needed. The sergeant/assessor shall solicit input from other department supervisors and command staff. Other supervisors with relevant knowledge or information about an employee's performance shall relay that information to the sergeant/assessor.
Supervisor's Written Observations	Positive and negative attributes of each officer should be documented through the use of the supervisor's written observations.

300.7 ACTING FIELD SUPERVISOR

Field Training Officers will occasionally be called upon to assume a leadership role in field operations in the event a field supervisor is not available. The selection of an acting field supervisor will be made at the shift sergeant's discretion and will be made in consideration of the employee's experience level and leadership abilities. If an acting field supervisor is employed, the following protocol is in effect:

- (a) The acting supervisor will be designated a Sam radio call sign (Sam 40 through Sam 49 are reserved for acting field supervisors). The shift sergeant will determine the appropriate call sign.
- (b) The shift sergeant is responsible for ensuring that communications personnel and field personnel are aware of the reassignment and that the acting supervisor is reflected as a Sam unit in the CAD system.
- (c) The acting field supervisor will not be responsible for a beat assignment nor will he or she be responsible for routine service calls. Further, the acting supervisor will have the authority and responsibilities of a field supervisor for the duration of the assignment.

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300.8 SPECIALTY ASSIGNMENT AND NON-SWORN SUPERVISOR

Supervisors, both sworn and non-sworn, working in specialty assignments or station-based units shall ensure employees are compliant with the provisions of this policy manual. Further, it is the responsibility of these supervisors to ensure their employees' performance is, at all times, consistent with the Department's mission, vision, and values.

300.9 POLICE OFFICER

Each police officer is directly responsible to the field supervisor in his or her area and on his/her shift. Officers are expected to perform their duties with consideration given to local, state, and federal laws, department policies and, at all times, consistent with the department's mission, vision, and values. Officers will be evaluated based upon the overall quality of their work product.

Officer Response to Calls

301.1 PURPOSE AND SCOPE

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

301.1.1 DEFINITIONS

Forward Facing Red Light – Steady red light illuminated to the front of the emergency vehicle.

Siren - Audible sound alerting the public of emergency personnel's response.

- (a) Wail - A siren sound producing a slow, continuous automatic cycling of increasing and decreasing frequencies and sound levels
- (b) Yelp - A siren sound producing a rapid, continuous automatic cycling of increasing and decreasing frequencies and sound levels

Hi/Lo – A non-siren audible warning sound alternating between a fixed high and a fixed low frequency, specifically used to alert targeted communities of an immediate need to evacuate.

301.2 RESPONSE TO ROUTINE CALLS

Officers dispatched to routine, non-emergency calls for service shall respond without lights and sirens and obey all traffic laws while en route to the call.

The Department recognizes that, generally, the public is better served when patrol officers and civilian field personnel address the concerns of the community with an in-person response. This results in a higher level of customer service and a better outcome to public concerns. Therefore, a call for non-emergency police assistance will generally require a physical response to the location(s) of the call for service. In situations where a caller is unable or unwilling to meet with an officer in-person, a telephonic response may be provided. Otherwise, a telephonic response may be provided in place of an in-person response only when it is believed that a telephonic response can best meet the needs of the involved parties AND with prior approval from a field supervisor or the Watch Commander. Field personnel handling a call by telephone should continually evaluate the situation to determine if a telephonic response is appropriate and should respond in person if the situation cannot be satisfactorily resolved over the phone.

301.3 RESPONSE TO EMERGENCY 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.

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Officer Response to Calls

Officers should only respond Code-3 when so dispatched or when circumstances reasonably indicate an emergency response is required. Units not dispatched to a call should not respond Code-3 unless the watch commander or the field supervisor authorizes an additional unit(s). Officers not authorized to respond Code-3 shall observe all traffic laws and proceed without the use of emergency lights and siren.

301.3.1 REQUESTING EMERGENCY ASSISTANCE

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

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

301.3.2 INITIATING CODE 3 RESPONSE

If an officer believes a Code-3 response to any call is appropriate, the officer shall immediately notify the Communications Bureau. The notification should be made over the air.

Pressing the Code-3 button on the MDC can be used in place of an over the air notification ONLY when there is an imminent threat to the physical safety of an officer or member of the public (e.g. during a foot pursuit, officer in a fight, active shooter response, etc.).

The watch commander or field supervisor will monitor the response and make a determination as to whether one or more officers driving Code-3 is appropriate.

301.3.3 RESPONSIBILITIES OF RESPONDING OFFICERS

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

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

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Officer Response to Calls

301.3.4 COMMUNICATIONS RESPONSIBILITIES

A dispatcher shall assign a Code-3 response in the following situations:

- (a) When requested by a member of the department;
- (b) To assist an endangered officer;
- (c) Injury traffic collisions;
- (d) Any crime in progress, where serious bodily injury has been committed or threatened, or shots have been fired;
- (e) Medical aid calls for service, where it is reasonable to believe a person's life may be endangered;
- (f) Any other type of call where human life is threatened with serious injury or death.

The dispatcher shall:

- (a) Attempt to assign the closest available unit to the location requiring assistance
- (b) Confirm the location from which the unit is responding
- (c) Notify and coordinate allied emergency services (e.g., fire and ambulance) if necessary
- (d) Continue to obtain and broadcast information as necessary concerning the response and monitor the situation until it is stabilized or terminated
- (e) Control all radio communications during the emergency and coordinate assistance under the direction of the watch commander or field supervisor

Motorcycle officers should not be assigned Code-3 responses, unless other units are not available. Two police vehicles will be dispatched Code-3 to the scene of an emergency and this number of police vehicles may be increased if/when deemed necessary by the supervisor on duty.

Civilian personnel assigned to the field shall not respond to any call for service Code-3.

301.3.5 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) Monitor Unit Status/Incident Status when emergency traffic is occurring to ensure appropriate amount of personnel are responding Code-3
- (d) 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.

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Officer Response to Calls

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

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

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

301.3.6 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 Bureau of the equipment failure so that another unit may be assigned to the emergency response.

301.4 HI/LO AUDIBLE WARNING SOUND

The Hi/Low audible warning sound may be used to alert targeted communities of an immediate need to evacuate. The Hi/Lo audible warning sound is an indicator to people in a specific area that they are in imminent danger and need to evacuate immediately. When using the Hi/Lo sound, emergency lights should be activated and all traffic laws must be obeyed.

The Hi/Lo audible warning sound shall not be used while driving Code 3. If a Code 3 response is necessary, Wail/Yelp are approved Code 3 sirens. Indiscriminate use of the Hi/Lo audible warning sound may reduce the public's awareness of the uniquely identifiable sound and purpose and is therefore prohibited.

Report Preparation

302.1 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.

302.1.1 REPORT PREPARATION

Employees should ensure that reports are sufficiently detailed for their purpose and free from errors prior to submission. It is the responsibility of the assigned employee to complete and submit all reports taken during the shift before going off-duty unless permission to hold the report has been approved by a supervisor. Generally, reports requiring prompt follow-up action on active leads, or arrest reports where the suspect remains in custody should not be held.

Handwritten reports must be prepared legibly. If the report is not legible, the submitting employee will be required by the reviewing supervisor to promptly make corrections and resubmit the report. Employees who dictate reports shall use appropriate grammar, as content is not the responsibility of the typist. Employees who generate reports on computers are subject to all requirements of this policy.

All reports shall accurately reflect the identity of the persons involved, all pertinent information seen, heard or assimilated by any other sense, and any actions taken. Employees shall not suppress, conceal or distort the facts of any reported incident, nor shall any employee make a false report orally or in writing. Generally, the reporting employee's opinions should not be included in reports unless specifically identified as such.

- (a) Reports will be completed during the shift and not held until end of watch. Field supervisors will survey personnel for completed reports periodically throughout the watch and review each report when it is submitted. Officers should remain in the field while completing reports unless it is absolutely necessary to return to the police facility.
- (b) It is the primary responsibility of the assigned officer to ensure that reports are fully prepared or that supervisory approval has been obtained to "Hold" a report before going off-duty. Officers desiring to "Hold" a report before going off-duty shall adhere to the following policies:
 - 1. Officers shall complete the face page of any report they have approval to "Hold" before going off-duty.
 - 2. Officers wishing to "Hold" a report before they go off-duty shall obtain their supervisor's approval and add the approving supervisor's name in the notes section of the report.
 - 3. A "Hold" will not be approved for arrest reports when suspects are booked at Orange County Jail. Officers shall ensure such reports are completed and approved by a supervisor before an officer's end of watch.

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4. Personnel working the last shift of their work week must submit all completed reports by the end of their shift. Reports shall not be held over the officer's days off.
- (c) When conducting field investigations involving outstanding known suspects, or requiring urgent follow-up (not amounting to a detective call-out) officers shall ensure his or her direct supervisor and the appropriate detective personnel have been apprised of the case prior to the officer's end of watch. Reports of this nature shall be completed and approved prior to the officer's end of watch.
- (d) Reports shall be completed prior to an officer's end of watch in all instances where a field investigation leads to a detective call-out. The Detective Sergeant responsible for the investigation associated with the investigation shall determine whether it is appropriate for a field sergeant to approve the report, or if the report will be forwarded to Investigations for approval.
- (e) Reports shall be prepared legibly and reasonably free of grammar, punctuation, and spelling errors.
 1. If the report is not prepared legibly, or there are grammar, punctuation, and spelling errors, the supervisor will require the officer to promptly correct the report.
 2. Officers who choose to dictate their reports by any means shall use appropriate grammar and punctuation in their dictation as content is not the responsibility of the transcriptionist.
- (f) Officers have several options for completing their reports:
 1. The preferred method for completing and submitting reports is through the use of the on-line report system.
 2. Officers can choose to type their narrative on a computer or dictate their narrative through the department-approved dictation service.
 3. Certain county, state, and federal forms may require handwriting. In these cases the forms should be completed legibly.

302.1.2 CONTACT INFORMATION FOR FOLLOW-UP INVESTIGATION

Critical to any continuing investigation is the availability of complete and accurate contact information for each person listed in the report. Without this valuable data in the initial report, detectives cannot reach victims, witnesses and others with information needed to successfully resolve the case. It is, therefore, expected that Department employees who prepare initial reports of incidents or crimes will include the information, below:

- (a) Home and work addresses
- (b) Telephone numbers
- (c) Cell phone numbers
- (d) E-mail addresses
- (e) Occupation – if unemployed, ask for prior occupation;

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- (f) School, if a student

If the requested information is not available, not applicable, or refused, then state this on the report by using terms “None”, “N/A”, or “Refused”, in the space where that particular information should be.

302.2 REQUIRED REPORTING

Written reports are required in all of the following situations on the appropriate department approved form unless otherwise approved by a supervisor.

302.2.1 CRIMINAL ACTIVITY

When a member responds to a call for service, or as a result of self-initiated activity becomes aware of any activity where a crime has occurred, the member shall document the incident regardless of whether a victim desires prosecution. Activity to be documented in a written report includes:

- (a) All arrests
- (b) All felony crimes
- (c) Non-Felony incidents involving threats or stalking behavior
- (d) Situations covered by separate policy. These include:
 - 1. Use of Force Policy
 - 2. Domestic Violence Policy
 - 3. Child Abuse Policy
 - 4. Senior and Disability Victimization Policy
 - 5. Hate Crimes Policy
 - 6. Suspicious Activity Reporting Policy
- (e) All misdemeanor crimes where the victim desires a report

Misdemeanor crimes where the victim does not desire a report shall be documented using the department-approved alternative reporting method (e.g., dispatch log).

302.2.2 NON-CRIMINAL ACTIVITY

The following incidents shall be documented using the appropriate approved report:

- (a) Any use of force against any person by a member of this department (see the Use of Force Policy)
- (b) Any firearm discharge (see the Firearms Policy)
- (c) Anytime a person is reported missing, regardless of jurisdiction (see the Missing Persons Policy)
- (d) Found property or found evidence
- (e) Traffic collisions above the minimum reporting level (see Traffic Collision Reporting Policy)

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- (f) Suspicious incidents that may indicate a potential for crimes against children or that a child's safety is in jeopardy
- (g) Suspicious incidents that may place the public or others at risk
- (h) Whenever the employee believes the circumstances should be documented or at the direction of a supervisor

302.2.3 DEATH CASES

Death investigations require specific investigation methods depending on circumstances and should be handled in accordance with the Death Investigations Policy. The handling officer should notify and apprise a supervisor of the circumstances surrounding the incident to determine how to proceed. The following cases shall be appropriately investigated and documented using the approved report:

- (a) Sudden or accidental deaths.
- (b) Suicides.
- (c) Homicide or suspected homicide.
- (d) Unattended deaths (No physician or qualified hospice care in the 20 days preceding death).
- (e) Found dead bodies or body parts.

302.2.4 INJURY OR DAMAGE BY CITY PERSONNEL

Reports shall be taken if an injury occurs that is a result of an act of a City employee. Additionally, reports shall be taken involving damage to City property or City equipment.

302.2.5 MISCELLANEOUS INJURIES

Any injury that is reported to this department shall require a report when:

- (a) The injury is a result of drug overdose
- (b) Attempted suicide
- (c) The injury is major/serious, whereas death could result
- (d) The circumstances surrounding the incident are suspicious in nature and it is desirable to record the event

The above reporting requirements are not intended to be all-inclusive. A supervisor may direct an employee to document any incident he/she deems necessary.

302.2.6 MANDATORY REPORTING OF JUVENILE GUNSHOT INJURIES

A report shall be taken when any incident in which a child 18 years or younger suffered an unintentional or self-inflicted gunshot wound. The Records Bureau shall notify the California Department of Public Health (CDPH) of the incident as required by CDPH (Penal Code § 23685).

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302.3 REPORT CORRECTIONS

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should return the report to the officer with the necessary corrections noted on the report. If the report writing program was used to complete the report, the supervisor should "Add [a] Note" to the report explaining the necessary corrections. The supervisor should then return the report to the reporting officer as soon as is practical. It shall be the responsibility of the reporting officer to ensure that any report returned to the Records Bureau for correction is corrected and re-submitted for approval in a timely manner. The supervisor shall place a notice of correction in the officers patrol file noting the correction.

302.4 REPORT CHANGES OR ALTERATIONS

Reports that have been approved by a supervisor and submitted to the Records Bureau for filing and distribution should not be modified or altered except by way of a supplemental report. Minor formatting corrections may be made by Records Bureau personnel when necessary. Reviewed reports that have not yet been submitted to the Records Bureau may be corrected or modified by the authoring officer only with the knowledge and authorization of the reviewing supervisor.

Major Incident Notification

303.1 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.

303.2 POLICY

The Irvine 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. It shall be the policy of the Irvine Police Department to ensure proper notification and communication occur between field personnel and command personnel as to evolving incidents affecting police operations.

303.3 MINIMUM CRITERIA FOR NOTIFICATION

Most situations where the media shows a strong interest are also of interest to the Chief of Police and the affected Division Commander. A Command Officer is any officer at the rank of lieutenant or above. The following list of incident types is provided as a guide for notification and is not intended to be all inclusive; any significant incident that affects Department operations may qualify for a command level notification:

- Cases involving injury or death to a police officer or other City employee
- Arrests where the individual arrested has received a significant injury (limb dislocations, loss of consciousness, broken bones) or is hospitalized as a result of a custodial arrest
- Department personnel involved in traffic accidents causing injury to any party
- Major crimes or incidents involving serious injury, death or significant loss (homicide, assault with a deadly weapon, robbery, rape, death investigations and any crime or incident involving persons of public significance)
- Traffic accidents resulting in significant injury, death, or potential city liability
- SWAT call-outs
- Officer-involved shooting - on or off duty (see Officer-Involved Shootings and Deaths Policy for special notifications)
- Significant injury or death to employee - on or off duty
- Death of an Irvine official
- Arrest of a department employee or prominent Irvine official
- Aircraft crash
- In-custody deaths

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- Significant non-official contacts with outside law enforcement personnel (e.g. arrests, suspected of criminal activity, victims of significant crimes and any other circumstances that might warrant contact of an outside law enforcement agency)
- Contacts by members of this Department with any elected official, member of the City Manager's office, or department director concerning an arrest, complaint, call for service, or any other concern regarding police operations
- Acts of terrorism or significant threats of terrorism
- Community-sensitive issues
- Significant arrests made by Irvine police officers at any location or significant arrests made by outside agencies within Irvine
- Police pursuits involving Irvine police officers at any location and any police pursuits within Irvine by outside agencies
- Activities involving mutual aid of outside agencies (e.g. helicopters, K-9, bomb squad, crime lab, narcotics, Musick Jail escapes, etc.), or where Irvine police officers respond to a request for mutual aid by another police agency
- Significant internal affairs matters
- Any incident in which an officer of this Department takes any official police action, identifying him or herself as a peace officer while off duty
- Any matter in which the supervisor reasonably deems necessary based on sensitivity, public reaction, or need for coordination
- Activation of the Emergency Telephone Notification System (I Alert)
- Response to structure or brush fires, suspected arson fires, and vehicle fires with injuries
- Hate crimes and hate incidents
- Arrest of a school employee

303.4 WATCH COMMANDER RESPONSIBILITY

The watch commander or acting watch commander/sergeant is responsible for making the appropriate verbal notification to the Command-duty officer. 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. See attached: [Command Notification Protocol](#)

303.4.1 STAFF NOTIFICATION

In the event an incident occurs described in the Major Incident Notification Policy, it shall be the responsibility of the involved Command Officer to determine if the Chief, Assistant Chief and/or other appropriate personnel should be notified. Notification is considered complete only when the person to be notified has acknowledged.

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303.4.2 NOTIFICATION OF CITY MANAGER, ASSISTANT CITY MANAGERS

If contact and notification is made by way of direct verbal communication with the Chief of Police or Assistant Chief of Police, he or she will assume the responsibility to notify either the City Manager or Assistant City Manager, or delegate notification as appropriate.

If direct verbal contact is not achieved with the Chief of Police or designated Command Officer, it shall be the responsibility of the highest-ranking on-duty officer to contact and notify the City Manager or the Assistant City Manager of the major case and/or unusual police activity.

303.4.3 DETECTIVE NOTIFICATION

If the incident requires that a detective respond it shall be the on-duty supervisor's responsibility to direct the notification of the on-call Criminal Investigation Division (CID) Supervisor when an incident requires investigator/detective involvement.

303.4.4 TRAFFIC BUREAU NOTIFICATION

In the event of a traffic fatality or major injury, the Traffic Sergeant shall be notified who will then contact the appropriate accident investigator. The Traffic Sergeant will notify the Traffic Lieutenant.

303.4.5 NOTIFICATION OF TRAFFIC ENGINEER

It shall be the on-scene supervisor's responsibility to direct notification of the City Traffic Engineer in all cases involving traffic accident fatalities or potential fatalities as soon as possible after the accident.

303.4.6 PRESS INFORMATION OFFICER (PIO)

The Press Information Officer shall be called after members of staff have been notified that it appears the media may have a significant interest in the incident.

Private Persons Arrests

304.1 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.

304.2 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.

304.3 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.

304.4 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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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

304.5 REPORTING REQUIREMENTS

In all circumstances in which a private person is claiming to have made an arrest, the individual must complete and sign a department Private Person's Arrest form under penalty of perjury.

In addition to the Private Person's Arrest Form (and any other related documents such as citations, booking forms, etc.), officers shall complete a narrative report regarding the circumstances and disposition of the incident.

Death Investigation

305.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where officers initially respond to and investigate the circumstances of a deceased person.

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 and use of appropriate resources and evidence gathering techniques is critical.

305.2 INVESTIGATION CONSIDERATIONS

Emergency medical services shall be called in all suspected death cases unless the death is obvious (e.g., decapitated, decomposed).

A supervisor shall be notified as soon as possible to assist and provide appropriate personnel and resources. The on-scene supervisor should determine whether follow-up investigation is required and notify the Investigation Division Commander as necessary. The watch commander will make notification to command staff in accordance with the Major Incident Notification Policy.

305.2.1 CORONER REQUEST

Government Code § 27491 and Health and Safety Code § 102850 direct the Coroner to inquire into and determine the circumstances, manner, and cause of certain deaths. The Coroner shall be called in any of the following cases:

- (a) Unattended deaths (No physician in attendance or during the continued absence of the attending physician. This 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) Deaths where the physician is unable to state the cause of death. Unwillingness does not apply. This 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 (including suicide where the deceased has a history of being victimized by domestic violence)
- (f) Deaths involving any criminal action or suspicion of a criminal act. This includes child and dependent adult negligence and abuse.
- (g) Deaths related to or following known or suspected self-induced or criminal abortion
- (h) Deaths associated with a known or alleged rape or crime against nature
- (i) Deaths following an accident or injury (primary or contributory). This includes deaths known or suspected as resulting (in whole or in part) from or related to accident or injury, either old or recent.

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- (j) Deaths from drowning, fire, hanging, gunshot, stabbing, cutting, starvation, exposure, alcoholism, drug addiction, strangulation, or aspiration
- (k) Deaths from accidental poisoning (e.g., food, chemical, drug, therapeutic agents)
- (l) Deaths from occupational diseases or occupational hazards
- (m) Deaths from 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) Deaths that occur in prison or while under sentence. This 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. This includes patients that are admitted to hospitals unresponsive and expire without regaining consciousness.

The body shall not be disturbed or moved from the position or place of death without permission of the Coroner.

305.2.2 OFFICER RESPONSIBILITIES

Death investigation cases require certain actions be taken:

- (a) Summon the Orange County Fire Authority in all suspected death cases, unless the death is obvious (decapitation, decomposition, etc.)
- (b) Secure and preserve the scene
- (c) Notify a supervisor
- (d) Notify the Coroner as soon as practical
- (e) Call a crime scene investigator; if one is not available, ensure photographs are taken
- (f) Prepare a complete report of the incident, which shall be approved prior to going off duty

305.2.3 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene of a death investigation and ensure the appropriate actions are taken, including:

- (a) Appropriate resources are requested to assist as necessary.
- (b) Ensure any potential crime scene is protected as needed, including secondary scenes such as at the hospital where the deceased is transported.
- (c) Ensure the Coroner is notified by the handling officer on scene as soon as practical.
- (d) Notification to the appropriate Area Detective Sergeant as needed for call-outs.

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- (e) Notification of command staff in accordance with the Major Incident Notifications policy.
- (f) Review and approve any related reports.

In some cases where the death is clearly of natural causes, such as a hospice case, a supervisor does not need to respond. Contact with with the officer and an explanation of the circumstances can suffice for the supervisor notification.

305.2.4 SEARCHING DEAD BODIES

- (a) The Coroner or a 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. If such a donor card is located, the Coroner or a designee shall be promptly notified (Government Code § 27491.3).
- (b) The Coroner, with the permission of the Department, may take property, objects, or articles found on the deceased or in the immediate vicinity of the deceased that may be necessary for conducting an investigation to determine the identity of the deceased or the cause or manner of death (Government Code § 27491.3).
- (c) Should exigent circumstances indicate to an officer that any other search of a known dead body is warranted prior to the arrival of the Coroner or a designee, the investigating officer should first obtain verbal consent from the Coroner or a designee (Government Code § 27491.2).
- (d) Whenever reasonably possible, a witness, preferably a relative to the deceased or a member of the household, should be requested to remain nearby the scene and available to the officer pending the arrival of the Coroner or a designee. The name and address of this person shall be included in the narrative of the death report.
- (e) Whenever personal effects are removed from the body of the deceased by the Coroner or a designee, a receipt shall be obtained. This receipt shall be attached to the death report.

305.2.5 REPORTING

All incidents involving a death shall be documented on the appropriate form.

305.2.6 SUSPECTED HOMICIDE

If the initially assigned officer suspects that the death involves a homicide or other suspicious circumstances, the officer shall take steps to protect the scene. The Investigations Bureau shall be notified to determine the possible need for an investigator to respond to the scene.

If the on-scene supervisor, through consultation with the watch commander or Investigations Bureau supervisor, is unable to determine the manner of death, the investigation shall proceed as though it is a homicide.

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The investigator assigned to investigate a homicide or death that occurred under suspicious circumstances may, with the approval of their supervisor, request the Coroner to conduct physical examinations and tests, and to provide a report.

305.2.7 EMPLOYMENT-RELATED DEATHS OR INJURIES

Any member of this agency who responds to a death, serious illness, or serious injury and determines that it 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)).

305.2.8 DEATHS OF VICTIMS WITH AN IDENTIFIABLE HISTORY OF VICTIMIZED DOMESTIC VIOLENCE

Prior to making any findings as to the manner and cause of death of a deceased individual with an identifiable history of being victimized by domestic violence, investigating officers should consider factors identified in Penal Code § 679.07 (e.g., premature or untimely death, partner wanting to end relationship, scene gives appearance of death due to suicide or accident) and proceed with the investigation according to the code's requirements.

305.3 POLICY

It is the policy of the Irvine Police Department to respond to, document, and investigate incidents where a person is deceased. Investigations involving the death of a person, including deaths from natural causes, accidents, workplace incidents, suicide, and homicide, shall be initiated, conducted, and properly documented.

305.4 UNIDENTIFIED DEAD BODY

If the identity of a dead body cannot be established, the handling officer will request from the Coroner a unique identifying number for the body. The number shall be included in any report.

305.5 DEATH NOTIFICATION

When reasonably practicable, and if not handled by the Coroner's Office, notification to the next-of-kin of the deceased person shall be made, in person, by the officer assigned to the incident. If the next-of-kin lives in another jurisdiction, a law enforcement official from that jurisdiction shall be requested to make the personal notification.

If a deceased person has been identified as a missing person, this department shall attempt to locate family members and inform them of the death and location of the deceased missing person's remains. All efforts to locate and notify family members shall be recorded in appropriate reports.

Outside Agency Warrant Service

306.1 PURPOSE AND SCOPE

From time to time, outside federal, state or local law enforcement agencies serve search or arrest warrants within the City of Irvine. This procedure outlines our responsibilities when we are notified that any agency plans to execute such warrants in the City of Irvine.

306.2 SUPERVISOR RESPONSIBILITIES

Generally, whenever an outside agency is serving a search or arrest warrant in the City of Irvine, a field supervisor should be present in order to ensure we are providing the proper support to the agency and that we are in a position to mitigate any potential community impact.

The field supervisor shall contact the person in charge of the warrant service and inquire about the nature of the warrant, number of personnel involved, expected duration of the warrant service, and other pertinent information that may be of interest to on-duty personnel or other on or off-duty command personnel. In addition, the field supervisor should conduct an in-house records check of the location and any known suspects associated with the warrant. Based on the unique circumstances of the warrant service, the supervisor may offer support in gathering and providing additional intelligence helpful to the outside agency serving the warrant.

It is not expected that the responding field supervisor be present with the outside agency when entry is made. Once the supervisor has made contact and gathered the needed information, it is permissible that the supervisor take a position a safe distance away from the actual target residence. Once entry has been made and the situation has been deemed to be safe, the supervisor, at his or her discretion, may leave or remain at the scene. The supervisor may also remain at the scene after entry has been made if requested to do so by the agency serving the warrant.

306.3 NOTIFICATIONS

A Command Staff page shall be sent as soon as practical. At minimum, the body of the message should include the agency serving the warrant, the crime for which the warrant has been issued, the address, the time the warrant is expected to be executed and the name of the Irvine Police supervisor at the scene. The field supervisor will also be responsible for ensuring a Mobile Data Computer (MDC) message is sent to on-duty personnel with relevant information about the warrant service.

306.4 PATROL OFFICER RESPONSIBILITIES

During the course of area patrols, if an officer becomes aware of an outside agency in Irvine who has, or intends to serve a warrant, the officer shall contact a field supervisor.

306.5 COMMUNICATION DIVISION RESPONSIBILITIES

Any Communications employee who is notified that an outside agency will be serving a warrant in Irvine shall make every effort to learn what agency is serving the warrant, the crime for which the warrant has been issued, the address of the warrant, the person in charge of the warrant service,

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a contact phone number, number of personnel present, an approximate time that entry is planned, and any other pertinent information. Communications personnel should also inform the outside agency representative that a field supervisor will be inquiring further. Communications personnel shall then notify an on-duty supervisor.

Outside Agency Assistance

307.1 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.

307.2 POLICY

It is the policy of the Irvine 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.

307.3 ASSISTING OUTSIDE AGENCIES

Generally, requests for any type of assistance from another agency should be routed to the watch commander's office for approval. In some instances, a memorandum of understanding or other established protocol may exist that eliminates the need for approval of individual requests.

When an authorized employee of an outside agency requests the assistance of this Department in taking a person into custody in our jurisdiction, available officers shall respond and assist in making a lawful arrest. If an officer receives a request in the field for law enforcement assistance in our jurisdiction, that officer shall notify a supervisor.

Officers may respond to a request for emergency assistance, however, they shall notify a supervisor of their activity as soon as practicable.

Arrestees may be temporarily detained by this department until arrangements for transportation are made by the outside agency. Probation violators who are temporarily detained by this department will not ordinarily be booked at this department. Only in exceptional circumstances, and subject to supervisor approval, will this department provide transportation of arrestees to other facilities on behalf of another agency.

When transportation assistance is rendered, a report shall be prepared and submitted by the handling member unless otherwise directed by a supervisor.

307.3.1 INITIATED ACTIVITY

Any on-duty officer who engages in law enforcement activities of any type that are not part of a mutual aid request and take place outside the jurisdiction of the Irvine Police Department shall notify his/her supervisor or the watch commander and Communications Bureau as soon as practicable. This requirement does not apply to special enforcement details or multi-agency units that regularly work in multiple jurisdictions.

307.4 REQUESTING OUTSIDE ASSISTANCE

If assistance is needed from another agency, the member requesting assistance should, if practicable, first notify a supervisor. The handling member or supervisor should direct assisting personnel to where they are needed and to whom they should report when they arrive.

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The requesting member should arrange for appropriate radio communication capabilities, if necessary and available, so that communication can be coordinated between assisting personnel.

307.5 REPORTING REQUIREMENTS

Incidents of outside assistance or law enforcement activities that are not documented in a crime report may be documented in an incident case report as directed by the watch commander.

307.6 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 Support Services Division Commander 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 Bureau and the watch commander to ensure use of the equipment and supplies is in compliance with the applicable sharing agreements.

The Training Manager should maintain documentation that the appropriate members have received the required training.

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307.8 MUTUAL AID PLAN

The Orange County Chiefs' of Police and Sheriff's Association maintains a Mutual Aid Plan. This plan defines different types of emergencies, and when and how mutual aid is requested and coordinated. Overall, its intent is to provide a guide for Orange County agencies for the request and management of countywide resources during local emergencies.

Mutual Aid Defined: The voluntary sharing of personnel and resources when an agency cannot sufficiently deploy its own resources to respond to an unusual occurrence.

Local Emergency Defined: The duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the territorial limits of a county, city and county, or city, caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, drought, sudden and severe energy shortage or earthquake.

The Police Chief is responsible for determining that available resources in the affected jurisdiction have been reasonably depleted and that an emergency situation in the affected jurisdiction may become or is already beyond the control of that department's resources.

The Chief of Police may request mutual aid prior to the formal declaration of emergency or activation of an EOC. A request for mutual aid is not dependent on a formal declaration of a local emergency.

In response to a request for law enforcement mutual aid by a Chief of Police within the Operational Area (Orange County), the Sheriff will implement procedures to activate the mutual aid plan. The Sheriff will coordinate the response of law enforcement resources, including law enforcement resources of unaffected operational area municipalities, the local CHP, and other law enforcement agencies within the Operational Area to assist the affected local Chief of Police in the manner requested.

307.9 GEOGRAPHIC AREA ORGANIZATION

Orange County is organized into five geographical areas (UASI regions) to define, coordinate and balance law enforcement response during mutual aid conditions. Geographic area organization is intended to provide continuity of government operations emergency situations so as not to deplete any one, singular, county law enforcement resource.

Irvine is a part of Area D, which also includes Costa Mesa, Newport Beach, Laguna Beach and U.C. Irvine. Irvine is designated as the coordinating agency for this area. Coordinating agencies will coordinate notification and response requests with law enforcement agencies within their geographic area. Coordination includes notification of impending personnel and resource requests as well as ensuring personnel status reports (ICS 204 – Assignment List) are transmitted to the Operational Area Coordinator at the Orange County Sheriff's Department.

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307.10 STATUTORY JURISDICTION AND LEGAL AUTHORITY - UNIVERSITY OF CALIFORNIA, IRVINE

The actions of this department in reference to U.C. Irvine, U.C. Irvine property, and the U.C. Irvine Police Department shall be consistent with the provisions of the existing M.O.U. between the Irvine Police Department and the U.C. Irvine Police Department.

307.10.1 ASSISTANCE POLICY

Normally, officers of either department (Irvine police department and UCI) will assist in the jurisdiction of the other upon request or upon the observed need.

For all preplanned events, such as protests or demonstrations, prior coordination between command level officers at both departments is required before assisting in such events.

For unplanned critical incidents, such as major crimes, the U.C. Irvine Police Department may request our assistance. In these instances, the Irvine Police Department may elect to assist U.C. Irvine Police, or assume control of the investigation, as mutually agreed upon by Irvine Police and U.C. Irvine Police.

When an officer from one department is confronted with an emergency service need in the operational jurisdiction of the other department, which, in the officer's judgment, requires immediate action, he will take the necessary action and notify the other agency as soon as possible.

An assisting officer shall not take any action or participate in any activity in conflict with a policy or regulation of his or her own department.

307.10.2 ANIMAL SERVICES

The Animal Services Division of the City of Irvine is the primary service provider to the University of California, Irvine. This coverage includes handling any animal-related incidents that take place on the campus.

This coverage is limited to the university property, which is located within the Irvine City limits. It does not include any state or university property which is located outside the city limits.

Animal Services Officers will not conduct routine patrol of the university property. They will respond only when a request for service has been made by the University.

307.11 CONCURRENT JURISDICTION - IRVINE VALLEY COLLEGE

An agreement, or Memorandum of Understanding (MOU), exists between the Irvine Police Department and the Irvine Valley College (IVC) Police Department. Pursuant to California Education Code §§67381 and 72330, and Penal Code §830.32, this agreement outlines the crime reporting and criminal investigation responsibilities relating to incidents that occur on the Irvine Valley College property. Action taken by any member of this Department relative to jurisdictional issues and criminal activity shall conform to the provisions of this policy and the MOU.

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307.11.1 IVC POLICE DEPARTMENT REPORTING & INVESTIGATIVE RESPONSIBILITIES

The IVC Police Department is responsible for the initial report and any needed follow-up investigation related to the following crimes:

- (a) Grand theft and petty theft
- (b) Vehicle burglary and theft from a vehicle
- (c) Vandalism
- (d) Disturbing the peace
- (e) Non-domestic violence-related restraining orders
- (f) Alcohol possession
- (g) Trespassing
- (h) All infraction and misdemeanor-related Health and Safety Code violations
- (i) Other infractions and low-grade misdemeanors
- (j) Non-injury traffic collisions or collisions not involving serious injury

The Irvine Valley College Police will be responsible for all investigative follow-up related to initial crime reports they take. At the request of the Chief of Irvine Valley College Police or his designee, however, Irvine Valley College Police may occasionally call upon the assistance of the Irvine Police Department for investigative follow-up.

Copies of all reports completed by the Irvine Valley College Police Department shall be forwarded to the Irvine Police Records Bureau for informational purposes within three days from the date the crime was reported.

The Chief of Irvine Valley College Police Department or his designee shall notify an Irvine Police Supervisor of any incidents occurring on the IVC Campus that require immediate attention or action of the Irvine Police Department.

307.11.2 IRVINE POLICE DEPARTMENT REPORTING & INVESTIGATIVE RESPONSIBILITIES

The Irvine Police will be responsible for the initial report and any needed follow-up investigation related to the following crimes:

- (a) All Part I violent felonies, including:
 - 1. Homicide
 - 2. Robbery
 - 3. Kidnapping
 - 4. Rape
- (b) Other sex crimes
- (c) Felony assaults – all assaults involving a firearm or great bodily injury
- (d) Brandishing or possessing a firearm or other deadly weapon

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- (e) Domestic violence related incidents
- (f) Felony drug offenses
- (g) Crimes against children
- (h) Traffic collisions involving serious injury or death
- (i) Driving under the influence of drugs or alcohol
- (j) Other crimes likely linked to a crime series in the City of Irvine
- (k) Auto Theft
- (l) Missing person cases
- (m) Other felonies

Officers responsible for documenting a crime or incident that occurred on the IVC campus shall take the report as a "courtesy report". The reporting officer will check all appropriate boxes on the report form that identify the report as a courtesy report.

Notwithstanding the foregoing, when any Irvine Police Officer witnesses an incident on the IVC campus and initiates an investigation or creates a report, all aspects of the law enforcement response to the incident and follow-up investigation will be handled by the Irvine Police Department. Copies of all reports of the incident that are generated will be forwarded to the Chief of Irvine Valley College Police for informational purposes.

Upon request, the Irvine Police Department will make available to Irvine Valley College Police at least once annually, and not more than once quarterly, statistical data on criminal activity that was reported on or adjacent to the immediate surrounding area of the Irvine Valley College campus. This data will be used for the specific purpose of complying with the Student Right-To-Know and Campus Security Act of 1990 (Public Law 101-542).

307.11.3 DISPOSITION OF EVIDENCE

Irvine Valley College Police will collect and store physical evidence in those cases for which they assume responsibility. They will also store and dispose of all found property and other items that come to their attention and require police involvement. Upon request of the IVC Police Chief and approval from the Irvine Police Chief or his designee, evidence requiring special storage (such as refrigeration or freezing) may be stored at the Irvine Police Department.

307.11.4 POLICE RADIO COMMUNICATIONS BETWEEN AGENCIES

Police radios used by IVC Police Officers are configured for open two-way communication with Irvine Police personnel on the IPD Green-1 talk group. Orange County Communications (Control One) has designated IVC Police Department as Station 38. While IVC Police personnel are permitted to monitor the IPD Green-1 at any time, sworn on-duty IVC personnel are only authorized to communicate with IPD personnel using Green-1:

- (a) To call for assistance during emergency incidents involving the threat of life or great bodily injury.

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- (b) To call for assistance during felony in-progress crimes, such as a felony assault or occupied stolen vehicle.
- (c) To coordinate with IPD units during the establishment of a perimeter to contain or prevent escape of a suspect.
- (d) To test the radio equipment and assess mutual assistance capabilities between agencies, with the knowledge and permission of the IPD watch commander.

307.11.5 PROCESSING AND TRANSPORTING ARRESTEES

IPD personnel will transport and process all in-custody arrestees from Irvine Valley College. In cases of crimes reported to and documented by Irvine Valley College Police, any resulting arrest reports will be delivered to the Irvine Police Department Court Liaison Officer for submission to the Orange County District Attorney's Office as part of a court package. It is the responsibility of Irvine Valley College to follow through on cases submitted to the District Attorney's Office. The Irvine Police Department will not be responsible for lost arrest reports submitted by campus police, nor will the Irvine Police Department have the responsibility to review arrest reports submitted by Irvine Valley College.

307.12 CIVIL UNREST / FIRE ESCORTS

The Orange County Chiefs of Police and Sheriff's Association (OCCPSA) and the California Highway Patrol Border Division Command (CHP) established an understanding concerning patrol escorts for fire department strike teams during periods of civil unrest in Region 1 when the circumstances require police escorts.

The decision to commit fire resources during an incident of civil unrest is entirely the responsibility of the fire agencies as determined by Mutual Aid agreements; the policies and procedures of the fire agencies, and the decisions of fire department executives. So too, it is understood by the Orange County Fire Chiefs that the decision to commit police personnel to fire agencies responding in areas of civil unrest will be the sole responsibility of the responsible police agency chief as determined by, and in accordance with, existing mutual aid agreements, mutual assist agreements, and the policies and procedures of the involved police departments. The primary enforcement agency (the law enforcement agency with jurisdiction where the civil disturbance is taking place) will determine what police resources will be needed to protect fire personnel.

Assistance may be requested from other Orange County law enforcement agencies to augment the primary enforcement agency's ability to provide patrol escorts. At any point during the crisis, the primary enforcement agency may ask the Orange County Sheriff, the Operational Area Coordinator for Law Enforcement Mutual Aid, for assistance. If the Orange County Sheriff cannot provide adequate resources, the Sheriff will immediately notify the CHP of the primary enforcement agency's request for assistance. The CHP will then assess its ability to commit resources, and respond accordingly.

The law enforcement Incident Command System will be utilized to establish effective communication channels and coordination of effort. The escort missions will cease when there is a concurrence among the involved agencies that escorts are no longer required.

Bias-Based Policing

308.1 PURPOSE AND SCOPE

This policy provides guidance to department members that affirms the Irvine 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).

308.1.1 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).

308.2 POLICY

The Irvine 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.

308.3 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.

308.3.1 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.

308.4 MEMBER RESPONSIBILITIES

Every member of this department shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based policing to a supervisor. Members should, when reasonable to do so, intervene to prevent any biased-based actions by another member.

308.4.1 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.

308.4.2 REPORTING OF STOPS

Unless an exception applies under 11 CCR 999.227, an officer conducting a stop of a person shall collect the data elements required by Government 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 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 Irvine Police Department is the primary agency, the Irvine 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).

308.4.3 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).

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308.5 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.

308.6 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

The Office of Professional Standards Manager shall ensure that all data required by the California Department of Justice (DOJ) regarding complaints of racial bias against officers is collected and provided to the Records Supervisor for required reporting to the DOJ (Penal Code § 13012; Penal Code § 13020). See the Records Bureau 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 Bureau Policy).

308.7 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.

308.7.1 ADDITIONAL STATE REQUIREMENTS

Training should be conducted as directed by the Office of Professional Development.

- (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)).

Search and Seizure

309.1 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 Irvine Police Department personnel to consider when dealing with search and seizure issues.

309.2 POLICY

It is the policy of the Irvine 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.

309.3 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
- Vehicle searches under certain circumstances
- Exigent circumstances

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

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

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

309.3.1 RESIDENCE

Absent a valid search warrant, exigent circumstances, probation or parole authorization, or valid consent, every person has a reasonable expectation of privacy inside his/her home. Individuals

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do not, however, generally have a reasonable expectation of privacy in areas around their home where the general public (e.g., mail carriers & solicitors) would reasonably be permitted to go.

309.3.2 PLAIN VIEW

Because an individual does not have an expectation of privacy as to items that are in plain view, no "search" has taken place in a constitutional sense when an object is viewed from a location where the officer has a right to be.

An item in plain view may generally be seized when all of the following conditions exist:

- (a) It was viewed from a lawful location
- (b) There is probable cause to believe that the item is linked to criminal activity
- (c) The location of the item can be legally accessed

It is important to note that the so-called "Nexus Rule" requires that even items in plain view must not be seized unless there is probable cause to believe that the item will aid in an investigation. Such a nexus should be included in any related reports.

309.3.3 EXIGENT CIRCUMSTANCES

Exigent circumstances permitting entry into premises without a warrant or valid consent generally include any of the following:

- (a) Imminent danger of injury or death
- (b) Serious damage to property
- (c) Imminent escape of a suspect
- (d) The destruction of evidence

An exigency created by the officer's own conduct as an excuse for a warrantless entry is not generally permitted.

309.4 SEARCH PROTOCOL

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

- (a) Members of this department will strive to conduct searches with dignity and courtesy.
- (b) Officers should explain to the person being searched the reason for the search and how the search will be conducted.
- (c) Searches should be carried out with due regard and respect for private property interests and in a manner that minimizes damage. Property should be left in a condition as close as reasonably possible to its pre-search condition.
- (d) In order to minimize the need for forcible entry, an attempt should be made to obtain keys, combinations or access codes when a search of locked property is anticipated.

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- (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.

309.5 DOCUMENTATION

Officers shall 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.

Use of Force

310.1 PURPOSE AND SCOPE

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

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

This policy does not apply to situations in which a person allows him/herself to be searched, escorted, handcuffed, or restrained, which are not considered uses of force.

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

310.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

Force - The application of physical techniques or tactics, chemical agents, or weapons in order to control, restrain, or overcome resistance by another person.

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

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

310.2 POLICY

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

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

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

310.2.1 DUTY TO INTERCEDE

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

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

310.2.2 FAIR AND UNBIASED USE OF FORCE

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

310.2.3 DUTY TO REPORT EXCESSIVE FORCE

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

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

310.2.4 FAILURE TO INTERCEDE

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

310.3 USE OF FORCE

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

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

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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.

310.3.1 FORCE OPTIONS

Force options are choices available to a police officer concerning the methods available to control a subject. These force options may include the controlling of a subject through advice, warning, persuasion and the use of physical force. The use of physical force is sometimes necessary for the protection of the public, the subject and/or the officer. When physical force is applied, the officer may be required to escalate or de-escalate the force used depending on the subject's level of force or resistance. An officer's selection of a force option or the amount of force should be based on the degree of resistance of the subject as well as other relevant conditions or circumstances of the specific situation.

Every situation is unique, and an officer may be required to initiate force at any level, however, the following force options should be used as a guideline for determining the reasonable options available. Officers should continuously consider all known facts and circumstances of every use of force decision and consider both escalation and de-escalation tactics, while considering the following:

- (a) Officer Presence: An officer's presence alone is a form of power and control. An officer's authority and uniform are frequently enough to bring about order or compliance.
- (b) Tactical Communications: Effective communications are a basic element of the use of force. A major goal of law enforcement is to generate voluntary compliance without resorting to physical force. This may include persuasion, advice and warnings.
- (c) Controlling Force: This is the lowest level of physical force and the goal is applying force without injury to gain compliance. This would include such tactics as firm grip control, escort holds, compliance holds, and holds or restraint devices used to overcome a violently resisting subject.

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- (d) Intermediate Force: This involves the use of the baton, ASP, Taser, less lethal devices, chemical agents and any other available instrument or tactic that may result in injury to the suspect. This level of force should only be used when a suspect fails to submit to Controlling Force techniques or when Controlling Force tactics reasonably appear to be inappropriate and/or ineffective.
- (e) 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 (See Penal Code § 835a).

310.3.2 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).

310.3.3 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.

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- (l) Training and experience of the officer.
- (m) Potential for injury to officers, suspects, bystanders, and others.
- (n) Whether the person appears to be resisting, attempting to evade arrest by flight, or is attacking the officer.
- (o) The risk and reasonably foreseeable consequences of escape.
- (p) The apparent need for immediate control of the subject or a prompt resolution of the situation.
- (q) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.
- (r) Prior contacts with the subject or awareness of any propensity for violence.
- (s) Any other exigent circumstances.

310.3.4 FORCE COMPLIANCE TECHNIQUES

Force compliance techniques may be effective in controlling a physically or actively resisting individual. Officers may only apply those force compliance techniques for which they have successfully completed department-approved training. Officers utilizing any force 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 force compliance technique shall be discontinued once the officer determines that compliance has been achieved.

310.3.5 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).

310.3.6 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).

310.3.7 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

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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 Irvine Police Department for this specific purpose.

310.3.8 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.

310.3.9 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).

310.4 DEADLY FORCE APPLICATIONS

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

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

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

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

- (a) An officer may use deadly force to protect themselves 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 themselves, 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).

Additionally, an officer shall not use deadly force against a person whose actions are a threat solely to property unless the person poses an imminent danger of death or serious physical injury to the officer or others in close proximity.

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).

310.4.1 SHOOTING AT OR FROM MOVING VEHICLES

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

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

310.4.2 DISPLAYING OF FIREARMS

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

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- (a) If the officer does not initially perceive a threat but reasonably believes that the potential for such threat exists, firearms should generally be kept in the low-ready or other position not directed toward an individual.
- (b) If the officer reasonably believes that a threat exists based on the totality of circumstances presented at the time (e.g., high-risk stop, tactical entry, armed encounter), firearms may be directed toward such threat until the officer no longer perceives such threat.

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

310.5 REPORTING THE USE OF FORCE

Any use of force by a member of this department shall be documented promptly, completely, and accurately in an appropriate report, depending on the nature of the incident. Uses of force, as defined by Lexipol Policy 310.1.1, shall be documented on Irvine Police Department's *Use of Force Report* form. The officer should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances. To collect data for purposes of training, resource allocation, analysis, and related purposes, the Department may require the completion of additional report forms, as specified in department policy, procedure, or law. See the Report Preparation Policy for additional circumstances that may require documentation.

310.5.1 NOTIFICATION TO SUPERVISORS

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

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

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

310.5.2 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

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

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310.5.3 REPORT RESTRICTIONS

Officers shall not use the term "excited delirium" to describe an individual in an incident report. Officers may describe the characteristics of an individual's conduct, but shall not generally describe the individual's demeanor, conduct, or physical and mental condition at issue as "excited delirium" (Health and Safety Code § 24402).

310.6 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.

310.7 SUPERVISOR RESPONSIBILITY

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

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

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- (b) Ensure that any injured parties are examined and treated.
- (c) When possible, separately obtain a recorded interview regarding the facts and circumstances of the use of force with the subject(s) 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 shall not be summarized or included in any related documentation prepared and/or presented in connection with criminal charges against the subject. Rather, information regarding and content of the interview shall only be included in documentation prepared for the administrative review process (e.g., A use of force liability review in Blue Team).
 - 2. The fact that a recorded interview was conducted shall be documented in a property or supplemental report. This supplemental report should be brief and indicate that a recorded interview was conducted for administrative purposes.
 - 3. The recording of the interview shall be distinctly marked for retention until all potential for civil litigation has expired.
 - 4. Any and all recorded interviews may become discoverable in future civil/criminal proceedings and/or in response to Public Records Act requests depending on the circumstances.
 - 5. If the interview leads to information that the supervisor believes may be subject to disclosure under Brady v. Maryland (1963) 373 U.S. 83, then the supervisor should contact Professional Standards to determine whether and how to disseminate information to prosecutors.
- (d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas. These photographs should be retained until all potential for civil litigation has expired.
- (e) Identify any witnesses not already included in related reports.
- (f) Review and approve all related reports.
- (g) Determine if there is any indication that the subject may pursue civil litigation.
 - 1. If there is an indication of potential civil litigation, the supervisor should promptly notify the Lieutenant overseeing the Office of Professional Standards via email.
- (h) Evaluate the circumstances surrounding the incident and initiate an administrative review in the following situations:
 - 1. Uses of force involving controlling force used to overcome a violently resisting subject, intermediate, or deadly force.
 - 2. Incidents where there are questions of policy non-compliance.
 - 3. Incidents where the subject was injured as a result of the force used.
 - 4. Any other reason further investigation or documentation may be appropriate.
- (i) Document the administrative review in Blue Team and forward to the appropriate Lieutenant and cc the "Use of Force" group.

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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.

310.7.1 WATCH COMMANDER RESPONSIBILITY

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

310.8 TRAINING

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

310.8.1 STATE-SPECIFIC TRAINING REQUIREMENTS

Required state-specific training shall include guidelines regarding vulnerable populations, including but not limited to children, elderly persons, pregnant individuals, and individuals with physical, mental, and developmental disabilities (Government Code § 7286(b)).

310.8.2 TRAINING REQUIREMENTS

Required annual training shall include:

- (a) Legal updates.
- (b) De-escalation tactics, including alternatives to force.
- (c) The duty to intercede.
- (d) The duty to request and/or render medical aid.
- (e) Warning shots (see the Firearms Policy).
- (f) All other subjects covered in this policy (e.g., use of deadly force, chokeholds and carotid holds, discharge of a firearm at or from a moving vehicle, verbal warnings).
- (g) 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.

310.9 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)).

310.10 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)).

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310.11 POLICY AVAILABILITY

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

310.12 PUBLIC RECORDS REQUESTS

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

Handcuffing and Restraints

311.1 PURPOSE AND SCOPE

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

311.2 POLICY

The Irvine Police Department authorizes the use of restraint devices in accordance with this policy, the Use of Force Policy, the Transporting Persons in Custody Policy, and department training. Restraint devices shall not be used to punish, to display authority, or as a show of force.

311.3 USE OF RESTRAINTS

Only members who have successfully completed Irvine 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/detained 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.

311.3.1 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.

311.3.2 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 restraints, 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 themselves 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 determination that such restraints are necessary for the safety of the detainee, officers, or others.

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(Penal Code § 3407; Penal Code § 6030). See the Transporting Persons in Custody Policy for guidelines relating to transporting pregnant persons.

311.3.3 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.

311.4 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.

311.4.1 MEDICAL CONSIDERATIONS

Prior to booking or release, medical assistance shall be obtained for any person(s) who has sustained visible injury, expressed a complaint of an injury or continuing pain, or who has been rendered unconscious. 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 practical, should be witnessed by another officer and/or medical personnel and a supervisor notified. If an audio recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

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

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311.5 APPLICATION OF SPIT HOODS

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

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

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

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

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

311.6 APPLICATION OF AUXILIARY RESTRAINT DEVICES

Auxiliary restraint devices include transport belts, waist or belly chains, transportation chains, leg restraints, 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.

311.7 APPLICATION OF LEG RESTRAINT DEVICES

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

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

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

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311.7.1 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 their 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 their 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.

311.7.2 TRANSPORTING RESTRAINED PERSONS

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

- (a) Restrained suspects may be transported in a patrol unit. They should be seated in an upright position and secured by a seat belt. The long lead of the restraint should be placed outside the rear door and wrapped around the door pillar bringing it up through the passenger front door to prevent the lead from dragging on the ground. When the person cannot be transported in a seated position he/she should be taken by ambulance/paramedic unit.
- (b) When taken by ambulance/paramedic unit, the restrained person shall be accompanied by an officer. The transporting officer should inform medical personnel that positional asphyxia is a concern and that the person should remain in an upright position where practicable. If medical personnel determine that it is in the best interest of the restrained person to be transported while lying down, the person should be kept on his/her side or back with appropriate adjustments to restraints so that the person's arms are not pinned beneath them.
- (c) Officers shall inform the jail staff that a restraint device was used on the arrestee prior to arrival at the jail.

311.8 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.

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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.

311.9 TRAINING

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

- (a) Proper placement and fit of handcuffs and other restraint devices approved for use by the Department.
- (b) Response to complaints of pain by restrained persons.
- (c) Options for restraining those who may be pregnant without the use of leg restraints, 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.
- (e) Proper placement of safely secured persons into an upright or seated position to avoid placement on the stomach for an extended period, as this could reduce the person's ability to breathe.

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312.1 PURPOSE AND SCOPE

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

312.2 POLICY

In order to control subject(s) who are violent or potentially violent individuals, the Irvine Police Department authorizes officers to use control devices in accordance with the guidelines in this policy and the Use of Force Policy.

312.3.1 SPECIAL CONSIDERATIONS

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

- (a) Circumstances or crime involved.
- (b) Demeanor and behavior of the person.
- (c) Person is already handcuffed or otherwise restrained.
- (d) Whether the person is known to be pregnant.
- (e) The age and health of the person; special consideration should be given to:
 - 1. Elderly subjects
 - 2. Juveniles
 - 3. Subjects with a mental and/or physical disability

312.4 RESPONSIBILITIES

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312.4.1 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.

312.4.2 ARMORER RESPONSIBILITIES

The armorer 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 annually inspected by the armorer or the designated instructor for a particular control device. The inspection shall be documented.

312.4.3 USER RESPONSIBILITIES

All normal maintenance, charging or cleaning shall remain the responsibility of personnel using the various devices, with the exception of the Kinetic Energy Projectile device (e.g., 40mm), which will be maintained and serviced by the armorer.

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

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312.7.3 TREATMENT FOR OC SPRAY EXPOSURE

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

312.8 POST-APPLICATION NOTICE

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

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312.9 KINETIC ENERGY PROJECTILE GUIDELINES

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

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312.10 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 re-certified annually.

- (a) Proficiency training shall be monitored and documented by a certified, control-device weapons or tactics instructor.
- (b) All training and proficiency for control devices will be documented in the officer's training file.
- (c) Officers who fail to demonstrate proficiency with the control device or knowledge of this agency's Use of Force Policy will be provided remedial training. If an officer cannot demonstrate proficiency with a control device or knowledge of this agency's Use of Force Policy after remedial training, the officer will be restricted from carrying the control device and may be subject to discipline.

312.11 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES

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

Conducted Energy Device

313.1 PURPOSE AND SCOPE

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

313.2 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.

313.3 ISSUANCE AND CARRYING CEDS

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

The armorer 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.

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

Officers who carry the CED shall carry it in an approved 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.

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313.5.6 DANGEROUS ANIMALS

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

313.5.7 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.

313.6 DOCUMENTATION

Officers shall document all CED discharges in the related arrest/crime reports and the CED report forms. 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 on the report form. 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.

313.6.1 CED REPORT FORM

As applicable based on the device type, items that shall be included in the CED report form are:

- (a) The brand, model, and serial number of the CED and any cartridge/magazine.
- (b) Date, time, and location of the incident.
- (c) Whether any warning, display, laser, or arc deterred a subject and gained compliance.
- (d) The number of probes deployed, CED activations, the duration of each cycle, the duration between activations, and (as best as can be determined) the duration that the subject received applications.
- (e) The range at which the CED was used.
- (f) The type of mode used (e.g., probe deployment, drive-stun).
- (g) Location of any probe impact.
- (h) Location of contact in drive-stun mode.
- (i) Description of where missed probes went.
- (j) Whether medical care was provided to the subject.
- (k) Whether the subject sustained any injuries.
- (l) Whether any officers sustained any injuries.

The Training Manager should periodically analyze the report forms to identify trends, including deterrence and effectiveness. The Training Manager should also conduct audits of CED

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device data downloaded to an approved location and reconcile CED report forms with recorded activations. CED information and statistics, with identifying information removed, should periodically be made available to the public.

313.6.2 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

313.7 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).

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313.8 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 armorer 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.

313.9 TRAINING

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

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

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- (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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314.1 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.

314.2 POLICY

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

314.3 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 armorer. 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 written authorization of the member's Division Commander. This exclusion does not apply to the carrying of a single folding pocketknife that is

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314.3.5 PERSONALLY OWNED DUTY FIREARMS

Personally owned duty firearms are subject to the following restrictions:

- (a) The firearm shall be in good working order and on the department list of approved firearms.
- (b) The firearm shall be inspected by the Rangemaster or armorer prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.
- (c) Prior to carrying the firearm, members shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule. Members must demonstrate proficiency and safe handling, and that the firearm functions properly.

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

314.3.7 AUTHORIZED OFF-DUTY FIREARMS

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

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

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- (b) Only firearms manufactured by Berretta, Browning, Colt, CZ USA, Dan Wesson, Ed Brown, FN, Glock, Kimber, Les Baer, Nighthawk, Para Ordinance, Sig Sauer, Smith & Wesson, STI, Walther, Wilson Combat, Ruger, Springfield Armory or Heckler & Koch are authorized.
- (c) The caliber of the firearm must be .357, .380, .38, 9mm, 10mm, .40 or .45.
- (b) The firearm shall be carried concealed at all times and in such a manner as to prevent accidental unintentional displaying, cocking, discharge or loss of physical control.
- (c) It will be the responsibility of the member to submit the firearm to the Rangemaster for inspection prior to being personally carried. Thereafter the firearm shall be subject to periodic inspection by the armorer.
- (d) Prior to carrying any 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.
- (e) The member will successfully qualify with the firearm prior to it being carried.
- (f) Members shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Rangemaster, who will maintain a list of the information.
- (g) Members shall only carry department-authorized ammunition.
- (h) When armed, officers shall carry their Irvine Police Department identification card indicating CCW/HR 218 approved.
- (i) Sworn employees authorized to carry an off-duty firearm may own more than one firearm for this purpose. The employee must meet all of the requirements, above, for each firearm.

314.3.8 AMMUNITION

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

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

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314.4 EQUIPMENT

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

Maintenance and repair of authorized personally owned firearms are the responsibility of the individual member.

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314.4.1 REPAIRS OR MODIFICATIONS

Each member shall be responsible for promptly reporting any damage or malfunction of an assigned firearm to a supervisor or Rangemaster, or the armorer.

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

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

314.4.2 HOLSTERS

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

314.4.3 TACTICAL LIGHTS

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

314.5 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 repair, load or unload a firearm anywhere in the Department. Members shall not pull the trigger on a firearm during cleaning or inspection.
- (d) Shotguns or rifles removed from vehicles or the equipment storage room shall be loaded and unloaded in the parking lot and outside of the vehicle. Members shall not pull the trigger on shotguns, rifles, or 40mm launcher during cleaning or inspection.
- (e) Members shall not place or store any firearm or other weapon on department premises except where the place of storage is locked. No one shall carry firearms into the jail section or any part thereof when securing or processing an arrestee, but shall place all firearms in a secured location. Members providing access to the jail section to persons from outside agencies are responsible for ensuring firearms are not brought into the jail section.
- (f) Members shall not use any automatic firearm, heavy caliber rifle, gas or other type of chemical weapon or firearm from the armory, except with approval of a supervisor.

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

314.5.1 INSPECTION AND STORAGE

Handguns shall be inspected regularly and upon access or possession by another person. Shotguns and rifles shall be inspected at the beginning of the shift by the member to whom the weapon is issued. The member shall ensure that the weapon is carried in the proper condition and loaded with approved ammunition and no round in the chamber. 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, and the trigger shall never be pulled during inspection. Inspection of the trigger function will be inspected by the Armorer.

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

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314.5.4 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.

314.6 FIREARMS TRAINING AND QUALIFICATIONS

All members at the rank of sergeant and below who carry a firearm while on-duty are required to successfully qualify bi-monthly with their duty firearms. In addition to bi-monthly handgun training, all members will qualify with patrol rifle and low light shooting at least annually. Members will qualify with off-duty and secondary firearms annually. Training and qualifications must be on an approved range course. See [Policy Manual: 315.4 QUALIFICATION REQUIREMENTS](#).

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

314.6.1 NON-CERTIFICATION OR NON-QUALIFICATION

If any member fails to meet minimum standards for firearms training or qualification for any reason, including injury, illness, duty status or scheduling conflict, that member shall notify his/her immediate supervisor prior to the end of the required training or qualification period. See [Policy Manual: 315.2 DISCIPLINARY/REMEDIAL ACTION](#).

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

- (a) Additional range assignments may be scheduled to assist the member in demonstrating consistent firearm proficiency.
- (b) Members shall be given credit for a range training or qualification when obtaining a qualifying score or meeting standards after remedial training.
- (c) No range credit will be given for the following:
 - (a) Failure to meet minimum standards or qualify after remedial training
 - (b) Unauthorized range make-up

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

314.6.2 PATROL RIFLE TRAINING

Officers shall not carry or use the patrol rifle unless they have successfully completed an initial rifle user's course approved by POST, and achieved a qualification score with a certified patrol rifle instructor. Officers shall thereafter be required to successfully complete annual training and qualification conducted by a certified patrol rifle instructor. Any officer who fails to qualify or who fails to successfully complete two or more department-sanctioned training/qualification sessions within a calendar year will no longer be authorized to carry the patrol rifle without successfully retaking the initial patrol officer's user's course and qualification.

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314.7 FIREARM DISCHARGE

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

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

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

314.7.1 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.

314.7.2 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).

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314.8 ARMORER AND 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 at his/her request 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 armorer 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 and armorer have 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 or armorer.

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 and/or armorer should keep accurate records of all training shoots, qualifications, repairs, maintenance or other records as directed by the Training Manager.

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315.1 QUALIFICATION PERIODS

The Chief of Police, Assistant Chief, Division Commanders and lieutenants are required to demonstrate proficiency with their authorized duty firearm at least quarterly. Quarters are January-March, April-June, July-September and October-December.

All sworn personnel of the rank of sergeant and below are required to demonstrate proficiency with their authorized duty firearm at least once during each bi-monthly period, commencing with January-February of each year.

Proficiency will be demonstrated by completing a qualifying course at a department designated range. Participation in mandatory department scheduled qualifications may take the place of the semi-annual, quarterly or bi-monthly qualification period in which it occurs.

315.2 DISCIPLINARY/REMEDIAL ACTION

If an employee fails to respond to the range during the designated qualification period, he/she shall receive the following disciplinary and/or corrective action. In addition, a copy of the employee's Unexcused Failure to Qualify Notification shall be forwarded to his/her command level manager.

- (a) The employee shall immediately contact the Office of Professional Development (OPD) Sergeant to explain the absence. The employee shall respond to the designated range on the first open range day and qualify. The employee must also provide proof of qualification to OPD.
- (b) If this is the first unexcused absence during the bi-monthly period within the last twelve months, the employee will receive a supervisor's observation.
- (c) If this is the second unexcused absence within the last twelve months, the employee will receive a written letter of reprimand.
- (d) If this is the third unexcused absence within eighteen months of the second unexcused absence, the employee will receive one day off without pay or other action as deemed appropriate by the Chief of Police.

If an employee attempts to demonstrate proficiency by shooting the prescribed course, but fails to meet the minimum requirements, the following steps shall be taken:

- (a) Immediately remediate with the Range Master and an additional course in an attempt to qualify.
- (b) If the employee still fails to meet the minimum requirements, they shall notify the Office of Professional Development Sergeant who will schedule additional remedial instruction within ten days.
- (c) If the Office of Professional Development Sergeant determines that the employee cannot meet the minimum requirements after the remedial instruction, the sergeant shall submit a memo to the employee's Area Commander/Lieutenant detailing the problem.

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- (d) An employee who does not meet minimum requirements for demonstrated proficiency in the use of firearms may not be allowed to carry firearms in the course of their employment and will have limitations placed on their peace officer powers and job assignment and may be subject to termination.

315.3 RANGE INFORMATION

Qualification will be completed at a department approved range during the hours designated by the Range Master. It is the responsibility of all personnel using the range to properly sign in, and follow the directions of the Rangemaster and properly records their scores (if applicable). The Rangemaster maintains the authority and ability to assess a sworn employee's level of proficiency and to determine if the employee has qualified during the testing event.

The department will pay for all range fees. Ammunition will be supplied for .380, .38, 9mm, .40 and .45 caliber weapons. The employee will supply ammunition of any other caliber. When using any department-approved range, employees shall be aware of and comply with all regulations at the range site. While at the range site, personnel will follow the directions of the Range Master.

Employees may shoot at the department approved range in addition to special scheduled qualifications; however, employees will be limited to a maximum of 3 courses of fire per qualification period for such practice.

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Use of Force Review

316.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a process to review the use of force by employees of this department.

316.2 REVIEW BOARD

The Irvine Police Department is charged with the important responsibility of objectively evaluating the use of force. It is the policy of this department that the Use of Force Review Board will conduct a Use of Force Review when the use of force is used by an employee in the following situations:

1. Controlling force is used to overcome a violently resisting subject.
2. Any situation in which intermediate or deadly force is used.
3. Any accidental or intentional discharge of a firearm, whether the employee is on or off duty, excluding range training or recreational use.

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

316.2.1 COMPOSITION OF THE BOARD

The Use of Force Review Board may be comprised of the following person(s):

- Lieutenant or manager responsible for the employee who used force
- Office of Professional Development Lieutenant
- Office of Professional Standards Lieutenant
- Any other investigator as designated by the Chief of Police

316.2.2 RESPONSIBILITIES OF THE BOARD

The Use of Force Review Board will be empowered to conduct an administrative investigation into the circumstances of an incident and will review all available relevant information including the Blue Team entry completed by the employee's supervisor. At the conclusion of their review, the Board will make one of two recommendations:

1. The use of force was within department policy and procedure.
2. The use of force requires additional investigation.

If additional investigation is required, the investigation may be assigned to the Office of Professional Standards or other persons(s) as designated by the Chief of Police. Assigned investigators may review video or other evidence, interview witnesses including other employees present, and interview the employee(s) who used force. The involved employee(s) will be notified in advance of the interview and any allegations(s) against them and may be represented by legal counsel and/or other representation through all phases of the investigation. At the conclusion of the investigation, written findings will be submitted to the Chief of Police.

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At the conclusion of the investigation, the Office of Professional Development Lieutenant may convene the separate training committee to address training needs and recommendations for this department without specific reference to the facts of the incident considered.

Officer-Involved Shootings and Deaths

317.1 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 an officer's use of force.

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.

317.2 POLICY

The policy of the Irvine Police Department is to ensure that officer-involved shootings and/or deaths resulting from an officer's use of force are investigated in a thorough, fair and impartial manner.

317.3 TYPES OF INVESTIGATIONS

These incidents involve several separate investigations. The investigations may include:

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

317.4 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.

317.4.1 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 Irvine Police Department would control the investigation if the suspect's crime occurred in Irvine.

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 criminal investigation. At the discretion of the Chief or Police, the investigation may be conducted by the agency in control of the criminal investigation of the involved suspect(s) or may be in concurrence with the other involved agency.

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317.4.2 CRIMINAL INVESTIGATION OF INVOLVED OFFICER ACTIONS

When an officer from this department is involved, the criminal investigation will be handled according to the Criminal Investigation section of this policy. See policy section 317.6 for more detail.

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.

317.4.3 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.

317.5 INVESTIGATION PROCESS

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

317.5.1 UNINVOLVED OFFICER RESPONSIBILITIES

Upon arrival at the scene of an officer-involved shooting, the first uninvolved IPD 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.

317.5.2 WATCH COMMANDER RESPONSIBILITIES

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

317.5.3 NOTIFICATIONS

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

- Involved Officer's Chain of Command (up to and including the Chief of Police)
- Investigation Division Commander
- Orange County D.A. Office (Special Assignments Unit)
- Outside agency investigator (if applicable)
- Office of Professional Standards
- Civil liability response team (if appropriate)

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- Psychological/wellness personnel
- Chaplain (if requested)
- Coroner (if necessary)
- Involved officer's agency representative (if requested)
- Public Information Officer

317.5.4 SUPERVISOR RESPONSIBILITIES

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

- (a) Attempt to obtain a statement of the situation from any uninvolved officers.
 1. This statement shall be recorded via the supervisor and officer's individual BWC devices.
- (b) In the event there are no uninvolved officers who can supply an adequate statement, the supervisor shall administratively order any involved IPD officer to immediately provide public safety information necessary to secure the scene, identify injured parties and pursue suspects.
 1. Public safety information shall be limited to such things as outstanding suspect information, number and direction of any shots fired, perimeter of the incident scene, identity of known or potential witnesses and any other pertinent information.
 2. Compelled public safety information shall be recorded via the supervisor and officer's individual BWC devices. Compelled public safety information may not be used against the officer in any subsequent criminal proceeding involving the officer.
- (c) Provide all available information through the chain of command. Available information should also be shared with the Communications Bureau in order to aid in the apprehension of any outstanding suspect(s) and/or safety of the community. If feasible, sensitive information should be communicated over secure networks.
- (d) Take command of and secure the incident scene with additional IPD members until properly relieved by another supervisor.
- (e) 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 collect it.
- (f) As soon as practicable, ensure that involved officers are transported (separately, if feasible) to a suitable location for further direction.
 1. Each involved IPD officer should be given an administrative order not to discuss the incident with other involved officers or IPD members pending further direction from a supervisor.

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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 replacement weapon.
- (g) Upon stabilization of a critical incident and after obtaining a public safety statement from the involved employee(s), a supervisor shall ensure any applicable BWC devices (which may have captured any portion of the critical incident) be promptly transported to the station for downloading.
- (h) Upon completion of the video or data transfer, the BWC shall be returned to the employee. See policy section 441.24 for more detail.
- (i) All outside inquiries about the incident shall be directed to the watch commander and/or Public Information Office.

317.5.5 INVOLVED OFFICERS

The following shall be considered for the involved officer:

- (a) Any request for legal or union representation will be accommodated.
 - (a) In order to maintain the integrity of each individual officer's statement, involved officers shall not consult or meet with a representative or an attorney collectively or in groups prior to being interviewed (Government Code § 3303(i)).
 - (b) Requests from involved non-IPD 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 clinician shall be provided by the Department to each involved IPD officer. A licensed clinician should also be provided to any other affected IPD members.
 1. Interviews with a licensed clinician will be considered privileged.
 2. An interview or session with a licensed clinician may take place prior to the member providing a formal interview or report. However, involved officers shall not be permitted to consult or meet collectively or in a group with a licensed clinician prior to providing a formal interview or report.
 3. Any officer directly involved in the incident will be required to meet with a department approved licensed clinician before returning to work.
 4. Any witnessing officer/employee, not directly involved in the incident, may be required to meet with a department approved licensed clinician before returning to work.
 5. A separate fitness-for-duty exam may also be required (see policy section 1015 for more detail).
- (e) Communications between the involved officer and a peer support member are addressed in the Wellness Program Policy.

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Each involved IPD officer shall be placed on paid administrative leave for one calendar week following an officer-involved shooting or death in order to recover from the incident. Based upon his/her discretion, the Chief of Police can extend this administrative leave time. It shall be the responsibility of the watch commander to make schedule adjustments to accommodate such leave.

317.5.6 NOTIFICATION TO DEPARTMENT OF JUSTICE

The California Department of Justice (DOJ) is required to investigate an officer-involved shooting resulting in the death of an unarmed civilian. The incident commander, in consultation with the OCDA's Special Assignment Unit, should promptly notify the DOJ in all incidents involving an officer-involved shooting resulting in the death of an unarmed civilian, including where it is undetermined if the civilian was unarmed.

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

317.5.7 NOTIFICATION OF U.S. ATTORNEY GENERAL

The federal Death in Custody Reporting Act of 2000 (PL 106-297) requires all state and local agencies to report information to the U.S. Attorney General regarding the death of any person who is in the process of arrest or under the physical restraint, of law enforcement officers, even if the person was not formally under arrest at the time. An in-custody death is also defined as someone who is killed by any use of force by law enforcement officers prior to booking.

Refer to policy section 912.8 for further detail regarding the requirements under this federal reporting act.

317.6 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 should be assigned to partner with investigators from outside agencies or the District Attorney's Office to avoid duplicating efforts in related criminal investigations.

The following shall be considered for the involved officer:

- (a) IPD supervisors and Office of Professional Standards personnel should not participate directly in any voluntary interview of IPD officers. This will not prohibit such personnel from remotely monitoring interviews.
- (b) If requested, any involved officer will be afforded the opportunity to consult individually with a representative(s) 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 (Government Code § 3303(i)).

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- (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.

A voluntary statement must be provided within seven (7) calendar days following the incident. In extenuating circumstances, the Chief of Police, or the Chief's designee, may extend the timeframe for an officer to provide a voluntary statement.

No administratively coerced statement will be provided to any internal or external criminal investigators unless the officer expressly consents.

317.6.1 REPORTS BY INVOLVED IPD OFFICERS

In the event that suspects remain outstanding or subject to prosecution for related offenses, this department shall retain the authority to require involved IPD 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 IPD 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. See policy section 317.6 for more detail regarding involved officer statements.

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

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

317.6.2 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 and the OCDA Office 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

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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.

317.6.3 INVESTIGATIVE PERSONNEL

Once notified of an officer-involved shooting or death, it shall be the responsibility of the designated Investigations Bureau 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 and recorded video/audio, except administrative and/or restricted reports, will be forwarded to the designated Investigations Bureau supervisor for approval. Administrative and/or restrictive reports shall be maintained exclusively by members who are authorized such access.

317.7 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 IPD officers to determine conformance with department policy. The investigation will be conducted under the supervision of the Office of Professional Standards 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. This section shall not prohibit follow up questions with respect to topics covered in

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the voluntary statement if necessary for the administrative investigation. 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. See policy section 317.6 for more detail regarding involved officer statements.
 - 2. If requested, the officer shall have the opportunity to select an uninvolved representative or attorney 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 an 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 Office of Professional Standards shall compile all relevant information and reports necessary for the Department to determine compliance with applicable policies.
 - 6. Regardless of whether the use of force is an issue in the case, the completed administrative investigation shall be submitted to the Use of Force Review Board, which will restrict its findings as to whether there was compliance with the Use of Force Policy.
 - 7. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

317.8 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.

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317.9 AUDIO AND VIDEO RECORDINGS

Any officer involved in a shooting or death shall be permitted to review all relevant BWC and MVS/BWC recordings, privately with the employee's representative, prior to completing any related reports or submitting to any interviews with department investigators, investigators from the Orange County District Attorney's Office, or the Attorney General of California.

Unless necessary to conduct an investigation of a critical incident or otherwise permitted by this policy, uninvolved employees shall not view a critical incident BWC or MVS/BWC recording or data without the express permission of the Chief of Police or an authorized designee.

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 MVS, BWC video, or other video or audio recordings with approval of assigned investigators or a supervisor.

Any release of BWC or MVS/BWC recordings or data related to a critical incident shall be in coordination with the Office of the Chief of Police.

317.10 DEBRIEFING

Following an officer-involved shooting or death, the Irvine 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.

317.10.1 CRITICAL INCIDENT/STRESS DEBRIEFING

A critical incident/stress debriefing should occur as soon as practicable and ideally only after all involved personnel have provided a statement. The Wellness Program Manager or Coordinator is responsible for organizing the debriefing. Notes and recorded statements should not be taken because the sole purpose of the debriefing is to help mitigate the stress-related effects of a traumatic event.

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

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

317.10.2 TACTICAL DEBRIEFING

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

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317.11 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 available to the watch commander, Special Operations Division Commander and Public Information Officer in the event of inquiries from the media.

The Department shall not subject any involved IPD officer to visits by the media (Government Code § 3303(e)). No involved IPD officer shall make any comment to the media unless he/she is authorized by the Chief of Police, the Assistant Chief, or a Division Commander. Department members receiving inquiries regarding officer-involved shootings or deaths occurring in other jurisdictions shall refrain from public comment and will direct those inquiries to the agency having jurisdiction and primary responsibility for the investigation.

317.12 REPORTING

If the death of an individual occurs in the Irvine Police Department jurisdiction and qualifies to be reported to the state as a justifiable homicide or an in-custody death, the Operations Division Commander will ensure that the Business Services Manager and/or Investigations Lieutenant is provided with enough information to meet the reporting requirements (Penal Code § 196; Penal Code § 13022; Government Code § 12525).

Special Weapons and Tactics Team

318.1 PURPOSE AND SCOPE

The Special Weapons and Tactics Team (SWAT) is comprised of two specialized teams: the Crisis Negotiation Team (CNT) and the Tactical Teams. The unit has been established to provide specialized support in handling critical field operations where intense negotiations and/or special tactical deployment methods beyond the capacity of field officers appear to be necessary. This policy is written to comply with the guidelines established in the Attorney General's Commission on Special Weapons and Tactics Report (September 2002) and the POST 2005 SWAT Operational Guidelines and Standardized Training Recommendations (Penal Code § 13514.1).

318.1.1 OPERATIONAL AND ADMINISTRATIVE POLICY

The Policy Manual sections pertaining to the Special Weapons and Tactics Team (SWAT) are divided into Administrative and Operational Policy and Procedures. Since situations that necessitate the need for such a police response vary greatly from incident to incident and such events often demand on-the-scene evaluation, the Operational Policy outlined in this manual section serves as a guideline to department personnel allowing for appropriate on scene decision making as required. The Administrative Procedures, however, are more restrictive and few exceptions should be taken.

318.1.2 SWAT TEAM DEFINED

A SWAT team is a designated unit of law enforcement officers that is specifically trained and equipped to work as a coordinated team to resolve critical incidents that are so hazardous, complex, or unusual that they may exceed the capabilities of first responders or investigative units including, but not limited to, hostage taking, barricaded suspects, snipers, terrorist acts and other high-risk incidents. As a matter of department policy, such a unit may also be used to serve high-risk warrants, both search and arrest, where public and officer safety issues warrant the use of such a unit.

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Special Weapons and Tactics Team

318.2.1 POLICY CONSIDERATIONS

A needs assessment should be conducted to determine the type and extent of SWAT missions and operations appropriate to this department. The assessment should consider the team's capabilities and limitations and should be reviewed annually by the SWAT Commander or his/her designee.

Special Weapons and Tactics Team

318.3 TRAINING NEEDS ASSESSMENT

The SWAT Commander shall conduct an annual SWAT Training needs assessment to ensure that training is conducted within team capabilities, department policy and the training guidelines as established by POST (11 C.C.R. § 1084).

318.3.1 INITIAL TRAINING

The Tactical Team operators and tactical team supervisors/team leaders should not be deployed until successful completion of the POST-certified Basic SWAT Course or its equivalent.

- (a) To avoid unnecessary or redundant training, previous training completed by members may be considered equivalent when the hours and content (topics) meet or exceed department requirements or POST standardized training recommendations.

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Special Weapons and Tactics Team

318.3.2 UPDATED TRAINING

Appropriate team training for the Tactical Team's functions and other supporting resources should be completed prior to full deployment of the team.

Tactical Team operators and tactical team supervisors/team leaders should complete update or refresher training as needed.

318.3.3 SUPERVISION AND MANAGEMENT TRAINING

Command and executive personnel are encouraged to attend training for managing the SWAT function at the organizational level to ensure personnel who provide active oversight at the scene of SWAT operations understand the purpose and capabilities of the teams.

Command personnel who may assume incident command responsibilities should attend a SWAT or Critical Incident Commander course or its equivalent. SWAT command personnel should attend a POST-certified SWAT commander or tactical commander course, or its equivalent.

318.3.5 TRAINING SAFETY

Use of a designated safety officer should be considered for all tactical training.

318.3.6 SCENARIO BASED TRAINING

SWAT teams should participate in scenario-based training that simulates the tactical operational environment. Such training is an established method of improving performance during an actual deployment.

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318.3.7 TRAINING DOCUMENTATION

Team training shall be documented and records maintained by the SWAT Team (both CNT and the Tactical Team).

318.4 UNIFORMS, EQUIPMENT, AND FIREARMS

318.4.1 UNIFORMS

SWAT teams from this agency should wear uniforms that clearly identify team members as law enforcement officers. It is recognized that certain tactical conditions may require covert movement. Attire may be selected appropriate to the specific mission.

318.4.2 EQUIPMENT

SWAT teams from this agency should be adequately equipped to meet the specific mission(s) identified by the agency.

318.4.3 FIREARMS

Weapons and equipment used by SWAT (both CNT and the Tactical Team), the specialized units, and the supporting resources should be agency-issued or approved, including any modifications, additions, or attachments.

318.5 MANAGEMENT/SUPERVISION OF THE SPECIAL WEAPONS AND TACTICS TEAM

The SWAT Commander shall be selected by the Chief of Police upon recommendation of staff.

318.5.1 PRIMARY UNIT MANAGER

Under the direction of the Chief of Police, through the Operations Division Commander, the Special Weapons and Tactics Team shall be managed by a lieutenant.

318.5.2 TEAM SUPERVISORS

Each Crisis Negotiation Team and Tactical team will be supervised by a sergeant.

The team supervisors shall be selected by the Chief of Police upon specific recommendation by staff and the SWAT Commander.

The following represent the supervisor responsibilities for each team on SWAT.

- (a) The Crisis Negotiation Team supervisor's primary responsibilities are to supervise the operations of the Crisis Negotiation Team which will include deployment, training, first line participation, and other duties as directed by the SWAT Commander.
- (b) The Tactical Team supervisor's primary responsibilities are to supervise the operations of the Tactical Team, which will include deployment, training, first line participation, and other duties as directed by the SWAT Commander.

318.6 CRISIS NEGOTIATION TEAM ADMINISTRATIVE PROCEDURES

The Crisis Negotiation Team has been established to provide skilled verbal communicators who may be utilized to attempt to de-escalate and effect surrender in critical situations where suspects have taken hostages, barricaded themselves, or have suicidal tendencies.

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Special Weapons and Tactics Team

The following procedures serve as directives for the administrative operation of the Crisis Negotiation Team.

318.6.1 SELECTION OF PERSONNEL

Interested sworn personnel, who are off probation, shall submit a memorandum to the SWAT Commander. Qualified applicants will then be invited to participate in a testing process. Interested personnel shall be evaluated by the following criteria:

- (a) Recognized competence and ability as evidenced by performance.
- (b) Demonstrated good judgment and understanding of critical role of negotiator and negotiation process.
- (c) Effective communication skills to ensure success as a negotiator.
- (d) Special skills, training, or appropriate education as it pertains to the assignment.
- (e) Commitment to the unit, realizing that the assignment may necessitate unusual working hours, conditions, and training obligations.

The SWAT Commander shall submit a list of successful applicants to staff for final selection.

318.6.2 TRAINING OF CRISIS NEGOTIATORS

Those officers selected as members of the Crisis Negotiation Team should attend the Basic Negotiators Course as approved by the Commission on Peace Officer Standards and Training (POST) prior to primary use in an actual crisis situation. Untrained officers may be used in a support or training capacity. Additional training will be coordinated by the team supervisors.

A minimum of one training day per month will be required to provide the opportunity for role playing and situational training necessary to maintain proper skills. This will be coordinated by the team supervisor.

Continual evaluation of a team member's performance and efficiency as it relates to the positive operation of the unit shall be conducted by the team supervisors. Performance and efficiency levels, established by the team supervisors, will be met and maintained by all team members. Any member of the Crisis Negotiation Team who performs or functions at a level less than satisfactory shall be subject to dismissal from the unit.

318.7 SWAT TEAM ADMINISTRATIVE PROCEDURES

The Tactical Team was established to provide a skilled and trained team which may be deployed during events requiring specialized tactics in such situations as cases where suspects have taken hostages and/or barricaded themselves as well as prolonged or predictable situations in which persons armed or suspected of being armed pose a danger to themselves or others.

The following procedures serve as directives for the administrative operation of the Tactical Team.

318.7.1 SELECTION OF TACTICAL TEAM PERSONNEL

Interested sworn personnel who are off probation shall submit a memo of interest to the SWAT Commander. Those qualifying applicants will then be invited to participate in the testing process.

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The type and order of the tests will be given at the discretion of the SWAT Commander. The testing process will consist of an oral board, a physical agility test (PAT), SWAT basic firearms course, a scenario-based test, and input from Command staff and supervisors.

318.7.2 TEAM EVALUATION

Continual evaluation of a team member's performance and efficiency as it relates to the positive operation of the unit shall be conducted by the SWAT Commander. The performance and efficiency level, as established by the team supervisors, will be met and maintained by all Tactical Team members. Any member of the Tactical Team who performs or functions at a level less than satisfactory shall be subject to dismissal from the team.

318.8 OPERATION GUIDELINES FOR THE SPECIALIZED WEAPONS AND TACTICS (SWAT) TEAM

The following procedures serve as guidelines for the operational deployment of the SWAT Team. Generally, the Tactical Team and the Crisis Negotiation Team will be activated together. It is recognized, however, that a Tactical Team may be used in a situation not requiring the physical presence of the Crisis Negotiation Team or vice versa. This shall be at the discretion of the SWAT Commander.

318.8.1 ON-SCENE DETERMINATION

The supervisor in charge on the scene of a particular event will assess whether the SWAT Team is to respond to the scene. Upon final determination by the watch commander, he/she will notify the SWAT Commander.

318.8.3 OUTSIDE AGENCY REQUESTS

Deployment of the Department SWAT Team to assist an outside agency must be approved by the Chief of his/her designee.

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318.8.7 COMMUNICATION WITH SPECIAL WEAPONS AND TACTICS TEAM PERSONNEL

All of those persons who are non-Special Weapons and Tactics Team personnel should refrain from any non-emergency contact or interference with any member of the unit during active negotiations. Operations require the utmost in concentration by involved personnel and, as a result, no one should interrupt or communicate with SWAT Team personnel directly. All non-emergency communications shall be channeled through the SWAT Sergeant(s) or his or her designee.

Hostage and Barricade Incidents

319.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where officers have legal cause to contact, detain or arrest a person, and the person refuses to submit to the lawful requests of the officers by remaining in a structure or vehicle and/or by taking a hostage.

The scope of this policy is not intended to address all variables that officers encounter during their initial response or when a hostage or barricade situation has developed. This policy does not require or purport to recommend specific strategies or tactics for resolution as each incident is a dynamic and rapidly evolving event.

319.1.1 DEFINITIONS

Definitions related to this policy include:

Barricade situation - An incident where a person maintains a position of cover or concealment and ignores or resists law enforcement personnel, and it is reasonable to believe the subject is armed with a dangerous or deadly weapon.

Hostage situation - An incident where it is reasonable to believe a person is:

- (a) Unlawfully held by a hostage-taker as security so that specified terms or conditions will be met.
- (b) Unlawfully held against his/her will under threat or actual use of force.

319.2 POLICY

It is the policy of the Irvine Police Department to address hostage and barricade situations with due regard for the preservation of life and balancing the risk of injury, while obtaining the safe release of hostages, apprehending offenders and securing available evidence.

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Hostage and Barricade Incidents

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319.7 REPORTING

Unless otherwise relieved by a supervisor or Incident Commander, the handling officer at the scene is responsible for completion and/or coordination of incident reports.

Canines

320.1 PURPOSE AND SCOPE

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

320.2 POLICY

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

320.3 ASSIGNMENT

Canine handlers should be assigned to the Operations Division where they can assist on routine calls for service or other details based on the current operational needs.

320.4 CANINE COORDINATOR

The canine coordinator shall be appointed by and directly responsible to the Operations Division or the authorized designee.

The responsibilities of the coordinator include but are not limited to:

- (a) Reviewing all canine use reports to ensure compliance with policy and to identify training issues and other needs of the program.
- (b) Maintaining a liaison with the vendor kennel.
- (c) Maintaining a liaison with command staff and functional supervisors.
- (d) Maintaining a liaison with other agency canine coordinators.
- (e) Maintaining accurate records to document canine activities.
- (f) Recommending and overseeing the procurement of equipment and services for the teams of handlers and canines.
- (g) Scheduling all canine-related activities.
- (h) Ensuring the canine teams are scheduled for regular training to maximize their capabilities.

320.5 REQUESTS FOR CANINE TEAMS

Operations Division members are encouraged to request the use of a canine. Requests for a canine team from department units outside of the Operations Division shall be reviewed by the watch commander.

320.5.1 OUTSIDE AGENCY REQUEST

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

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- (a) Canine teams shall not be used for any assignment that is not consistent with this policy.
- (b) The canine handler shall have the authority to decline a request for any specific assignment that he/she deems unsuitable.
- (c) It shall be the responsibility of the canine handler to coordinate operations with agency personnel in order to minimize the risk of unintended injury.
- (d) It shall be the responsibility of the canine handler to complete all necessary reports or as directed.
- (e) If the request involves the use of the K9 in a tactical search, such as for a person, a field supervisor should respond with the canine team to an outside agency assist to ensure that the team is utilized appropriately and in a manner consistent with this policy.

320.5.2 PUBLIC DEMONSTRATION

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

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320.7.1 ARTICLE DETECTION

A canine trained to find objects or property related to a person or crime may be used to locate or identify articles. A canine search should be conducted in a manner that minimizes the likelihood of unintended bites or injuries.

320.7.2 NARCOTICS DETECTION

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

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

320.7.3 BOMB/EXPLOSIVE DETECTION

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

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

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

320.8 HANDLER SELECTION

The minimum qualifications for the assignment of canine handler include:

- (a) An officer who is currently off probation.
- (b) Residing in an adequately fenced, single-family residence (minimum 6-foot high fence with locking gates).
- (c) A garage that can be secured and accommodate a canine vehicle.
- (d) Must live a reasonable distance from the Irvine city limits. The Canine Coordinator shall determine an appropriate distance from the city limits that will allow for a timely response in an emergency.
- (e) Agreeing to be assigned to the position for a minimum of three years.

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- (f) Must have a history of good judgment and decision making and consistently receive “Meets Expectations” or better performance evaluations, with no Performance Improvement Plans (PIP.)

320.9 HANDLER RESPONSIBILITIES

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

The canine handler will be responsible for the following:

- (a) Except as required during appropriate deployment, the handler shall not expose the canine to any foreseeable and unreasonable risk of harm.
- (b) The handler shall maintain all department equipment under his/her control in a clean and serviceable condition.
- (c) When not in service, the handler shall maintain the canine vehicle in a locked garage, away from public view.
- (d) When a handler is off-duty for an extended number of days, the assigned canine vehicle should be stored at the Irvine Police Department facility.
- (e) Handlers shall permit the canine coordinator to conduct spontaneous on-site inspections of affected areas of their homes as well as their canine vehicles to verify that conditions and equipment conform to this policy.
- (f) Any changes in the living status of the handler that may affect the lodging or environment of the canine shall be reported to the canine coordinator as soon as possible.
- (g) When off-duty, the canine shall be in a kennel provided by the City at the home of the handler. When a canine is kenneled at the handler’s home, the gate shall be secured with a lock. When off-duty, the canine may be let out of the kennel while under the direct control of the handler.
- (h) The canine should be permitted to socialize in the home with the handler’s family for short periods of time and under the direct supervision of the handler.
- (i) Under no circumstances will the canine be lodged at another location unless approved by the canine coordinator or watch commander.
- (j) When off-duty, the handler shall not involve the canine in any law enforcement activity or official conduct unless approved in advance by the canine coordinator or watch commander.
- (k) Whenever a canine handler is off-duty for an extended number of days, it may be necessary to temporarily relocate the canine. In those situations, the handler shall give reasonable notice to the canine coordinator so that appropriate arrangements can be made.

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320.9.1 CANINE IN PUBLIC AREAS

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

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

320.10 HANDLER COMPENSATION

The canine handler shall be available for call-out under conditions specified by the canine coordinator.

The canine handler shall be compensated for time spent in the care, feeding, grooming, and other needs of the canine in accordance with the Fair Labor Standards Act (FLSA), and according to the terms of the collective bargaining agreement (29 USC § 207).

320.11 CANINE INJURY AND MEDICAL CARE

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

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

Each canine must be examined and inoculated annually by the designated veterinarian.

The Canine Coordinator shall be notified before any non-emergency surgery is performed on or anesthesia is administered to the police dog. Planned veterinary examinations at a non-designated facility shall be approved by the Canine Coordinator.

320.12 TRAINING

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

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

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

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320.12.1 CONTINUED TRAINING

Each canine team shall thereafter be recertified to meet POST standards and a current nationally recognized standard or other recognized and approved certification standards on an annual basis. Additional training considerations are as follows:

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

320.12.2 FAILURE TO SUCCESSFULLY COMPLETE TRAINING

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

320.12.3 TRAINING RECORDS

Each canine handler shall maintain a personal file containing a complete copy of all training documentation and certificates. As with any training session, the handler is responsible for providing a copy of the Certificate to the Office of Professional Development and to the unit supervisor. Further, the handler shall enter all significant training into the K9 tracking database.

320.12.4 TRAINING AIDS

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

320.12.5 CONTROLLED SUBSTANCE TRAINING AIDS

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

The Chief of Police or the authorized designee may authorize a member to seek a court order to allow controlled substances seized by the Irvine Police Department to be possessed by the member or a narcotics-detection canine trainer who is working under the direction of this department for training purposes, provided the controlled substances are no longer needed as criminal evidence.

As an alternative, the Chief of Police or the authorized designee may request narcotics training aids from the Drug Enforcement Administration (DEA).

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

320.12.6 CONTROLLED SUBSTANCE PROCEDURES

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

- (a) All controlled substance training samples shall be weighed and tested prior to dispensing to the individual canine handler or trainer.
- (b) The weight and test results shall be recorded and maintained by this department.
- (c) Any person possessing controlled substance training samples pursuant to court order or DEA registration shall maintain custody and control of the controlled substances and shall keep records regarding any loss of, or damage to, those controlled substances.
- (d) All controlled substance training samples will be inspected, weighed and tested quarterly. The results of the quarterly testing shall be recorded and maintained by the canine coordinator with a copy forwarded to the dispensing agency.
- (e) All controlled substance training samples will be stored in locked, airtight and watertight cases at all times, except during training. The locked cases shall be secured in the rear cargo compartment of the canine handler's assigned patrol vehicle during transport and stored in an appropriate locked container. There are no exceptions to this procedure.
- (f) The canine coordinator shall periodically inspect every controlled substance training sample for damage or tampering and take any appropriate action.
- (g) Any unusable controlled substance training samples shall be returned to the Property and Evidence Section or to the dispensing agency.
- (h) All controlled substance training samples shall be returned to the dispensing agency upon the conclusion of the training or upon demand by the dispensing agency.

320.12.7 EXPLOSIVE TRAINING AIDS

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

Explosive training aids designed specifically for canine teams should be used whenever feasible. Due to the safety concerns in the handling and transportation of explosives, inert or non-hazardous training aids should be employed whenever feasible. The use of explosives or destructive devices for training aids by canine teams is subject to the following:

- (a) All explosive training aids, when not in use, shall be properly stored in a secure facility appropriate for the type of materials.
- (b) An inventory ledger shall be maintained to document the type and quantity of explosive training aids that are stored.

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- (c) The canine coordinator shall be responsible for verifying the explosive training aids on hand against the inventory ledger once each quarter.
- (d) Only members of the canine team shall have access to the explosive training aids storage facility.
- (e) A primary and secondary custodian will be designated to minimize the possibility of loss of explosive training aids during and after the training. Generally, the handler will be designated as the primary custodian while the trainer or authorized second person on-scene will be designated as the secondary custodian.
- (f) Any lost or damaged explosive training aids shall be promptly reported to the canine coordinator, who will determine if any further action will be necessary. Any loss of explosives will be reported to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).

Mounted Unit

321.1 PURPOSE AND SCOPE

The Mounted Unit (MU) is to augment and support field deployments to enhance public safety and promote positive relationships with the community. MU officers will serve in this capacity as a collateral assignment.

321.2 GOALS AND OBJECTIVES

Members of the MU will use their specialized training and equipment to provide support as requested in the following areas:

- (a) Enhancement/supplement patrols of the Great Park or Open Space
- (b) Search and rescue operations in locations not easily accessible
- (c) Support of community events to promote positive relationships

321.3 PERSONNEL RESPONSIBILITIES

- (a) Division Commander - The Operations Commander will provide executive oversight of the MU.
- (b) Lieutenant - The assigned lieutenant will be the MU Commander. The duties of the MU Commander will include but not be limited to: Personnel selections, budgetary issues, community relations and liaison with other management personnel relative to the MU.
- (c) Sergeant - The assigned sergeant(s) will supervise day to day unit operations and training. This will be a collateral assignment. The sergeant's duties will include but not be limited to: Organizing and overseeing training, review and approval of operational plans, supervision of deployments, and other duties as assigned.
- (d) Police Officer - The MU Officer, regardless of rank, shall be responsible for routine exercising of the horse, care and cleaning of the horse and care and cleaning of all related equipment. They will also be responsible for attending department sanctioned training, consistent with best practices and POST standards. MU officers must also maintain their skill level, as defined by POST standards and this policy.

All assigned MU officers are responsible for notifying their unit chain of command of any and all problems related to the horse and equipment or deployment staffing conflicts.

321.4 ADMINISTRATION

Assignment to the MU:

- (a) Qualified reserve or regular officers of any rank may be selected and assigned to the MU.
- (b) The MU is a collateral duty assignment.
- (c) The following tasks will not be compensated when performed during periods that are not authorized deployments or training days:
 - 1. Regular care and cleaning of the horse and equipment

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2. Riding the horse to maintain adequate fitness levels for the horse and rider
3. Feeding the horse

321.5 MINIMUM QUALIFICATIONS CRITERIA FOR MOUNTED UNIT MEMBERS

- (a) The candidate must demonstrate basic equitation skills as follows:
 1. Properly saddle and bridle the horse and inspect the equipment.
 2. Lead the horse at the walk and the trot.
 3. Mount the horse properly.
 4. Ride the horse around the arena at the walk, trot, and lope on command while posting/trotting.
 5. Ride the horse to the middle of the arena and stop smartly from the walk, trot, and lope.
 6. Walk forward and back through an "L" pattern.
 7. Hold the horse in place and perform a 360-degree turn to the right, stop and perform a 360-degree turn to the left.
 8. Lead the horse and correctly tie it to a rail.
- (b) Each horse and rider, prior to appointment, must pass a pre-assignment riding examination to determine suitability for training and field deployment operations by a certified mounted instructor. The examination will include, but not be limited to, exposing the horse to the following:
 1. Walking a gauntlet with noises of all sorts
 2. Sign waving
 3. Flag waving
 4. Balloons in the air and popping
 5. Plastic and/or cloth overhead obstacles
 6. Plastic tarp crossing
 7. Firing of handgun blanks
 8. Code three vehicles
 9. Smoke grenades and flares
 10. Firecrackers
- (c) The assigned MU Officer will complete a mounted P.O.S.T. school as soon as practical

321.6 HORSES

All horses assigned to the MU will be purchased or leased by an individual officer and maintained by that officer.

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Horses selected shall satisfy the recognized criteria and standards as set forth by this manual, including but limited to certification by a Certified MU Instructor (Refer to §.10 - Horse Selection Procedure).

321.7 EQUIPMENT

- (a) MU members will have access to a horse trailer and tow vehicle.
- (b) The department will issue certain items of tack and equipment to officers assigned to the MU, as determined by the Chief of Police. MU personnel must provide, or have access to, a western style saddle (brown or black), halter and lead rope, bridle, other required tack and equipment, and all grooming equipment.
- (c) The uniform for the MU will be determined by the Chief of Police.
- (d) The cost of items mandated by the department, including specialized uniforms, headwear, footwear, and pants shall be borne by the department. Maintenance of such items shall be maintained by the officer.
- (e) All equipment will be approved by unit management prior to use.

321.8 TRAINING

- (a) Conducted twice a month and attended by all assigned officers to the MU. This will be a minimum of eight (8) hours held on each training day.
- (b) Each of the MU officers is responsible for informing their regular duty supervisor of any scheduling adjustments that need to be made. This will be done as soon as each MU officer is notified of the training date and time.
- (c) Failure to participate on scheduled training days may preclude the member from certification. Unjustified absences, failure to train, or failure to certify may result in disqualification from the MU.
- (d) Performance, training and deployment records of the horse and officer shall be maintained by the MU supervisor, as well as, all pertinent papers and veterinary records on the horse.

321.9 OPERATIONS

- (a) Deployment:
 - 1. All deployments in Irvine will be at the discretion of the Operations Commander, or their designee.
 - 2. All outside employment and mutual aid will be at the discretion of the Chief of Police, or their designee.
 - 3. An Officer in Charge (O.I.C.) will be designated for all deployments. The O.I.C. will report directly to the Incident Commander. The MU's mission will be carried out by the O.I.C. at the direction of the Incident Commander. While the Incident Commander will determine the overall mission, the MU O.I.C. will determine the means of carrying out said mission.

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4. MU officers should be deployed in teams of two to ensure the safety of officers and citizens. If an outside agency MU Officer is deployed in Irvine, an Irvine officer will be his/her partner whenever possible.
 5. MU officers will inform their regular duty supervisor of any scheduled deployments as soon as possible to determine if a scheduling conflict exists. If a conflict exists, the MU supervisor shall be informed by the officer immediately so the conflict can be resolved between the two supervisors.
- (b) Safety Rules:
1. MU officers should not position their horses within close proximity to a person who is sitting or lying on the ground.
 2. MU officers shall not allow the horse to be fed by any member of the public.
 3. MU officers should not run the horse at a full gallop unless there is an emergency situation that is ongoing and only after due regard is given for the safety of the horse, officer and the public.
 4. Only when the MU Officer has control of the horse and permission is given, will a community member be allowed to approach and touch the horse. The MU Officer will determine the number of persons who may safely touch or approach the horse.
 5. Horses are not to be left unattended while secured outside the trailer.
 6. Horses should not be allowed to graze while on-duty.
 7. Prisoners shall not be transported on horseback, or led via a rope or other type device.
- (c) Horse Nuisance:
1. MU officers will attempt to prevent the horse from defecating or urinating on the sidewalks or in a crosswalk. If the horse urinates, the MU officer, as soon as practical, will cover it with dirt or sand. If the horse defecates, the officer will pick it up and carry it away.
- (d) Reporting of an Injury to a Member of the Public:
1. All injuries to civilians will be reported to the MU Commander, via the chain of command. Risk Management in Human Resources shall also be notified. The appropriate reports will be made, in accordance with department policy.
- (e) Injury to On-duty Horse:
1. Should a horse be injured while on-duty, the MU officer will determine the need for medical treatment. If possible and needed, the horse will be transported to a large animal veterinarian or hospital. If the horse cannot be transported, a veterinarian will be called and asked to respond to the scene.
 2. A field supervisor and the MU chain-of-command shall be notified immediately of any moderate or major injury(s) sustained by a horse while on-duty. If the injury requires immediate medical attention, a veterinarian may be called. A written account of the incident will be submitted to the Chief of Police.

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3. Payment for veterinarian services for on-duty horses will be provided by the department in the amount up to \$5,000.00, with exceptions based on extenuating circumstances, as determined by the Chief of Police. The Chief of Police or his or her designee will review and approve submitted requests for payment of veterinarian services reports if determined such services and corresponding injury was sustained as a result of or in connection with the use of the horse for the City's MU. Reported veterinarian services for on-duty horses must be made when the injury first becomes known to be considered for payment. Payment for injuries that are not reported and off-duty injuries will be the responsibility of the officer. Preventative veterinarian services shall not be the responsibility of the department.
- (f) Unavailability for Duty:
1. In the event that a horse or MU officer is unable to work due to injury, illness, or other circumstances, the MU officer will notify the MU supervisor. In the event of a scheduled deployment, the MU officer will also contact other members of the MU for proper coverage.
- (g) Unauthorized Persons Riding Police Horses:
1. Members of the public shall not be allowed to sit or ride on the police horse during deployments. Police officers who are not part of the MU will not be allowed to ride the police horse.
- (h) Grooming:
1. Prior to all deployments, all horses shall either be bathed or thoroughly brushed. The horse shall be properly trimmed; including the bridle path, face, ears, and legs. The length of the mane and tail are optional. The mane and tail will not be matted or tangled and free of hay and bedding materials.

321.10 HORSE SELECTION PROCEDURES

- (a) Disposition:
1. All horses selected must be calm, gentle and free of vicious habits or traits that might present a danger to the rider, other horses, and the public. They must not be hard to catch when turned out, nor balk, rear, or shy away when groomed or saddled. The horse must be quiet and not object to being rubbed or petted by strangers. The horse should be comfortable with most types of general noises and objects.
- (b) Health:
1. A basic veterinary health check by a competent equine veterinarian is required to ensure all horses selected are sound, and that they are free of any physical impairment that would prevent them from completing their objectives. Such examination must be completed every two years. A copy of the veterinarian's statement of soundness for mounted duty must be provided to the Unit Supervisor and maintained in the primary rider's/owner's file. The examinations will be paid for by the police department.

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(c) Color:

1. There are no color restrictions of the selected horse.

(d) Appearance:

1. The overall appearance of the horse selected will reflect the highest standard of professionalism represented by the Irvine Police Department.

(e) Breed:

1. There are no restrictions regarding the breed of the horse selected.

(f) Gender:

1. Only geldings and mares will be allowed selection to the MU. There shall not be any stallions.

(g) Size:

1. A minimum of 14 hands with the weight proportionate to the height.

Domestic Violence

322.1 PURPOSE

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.

322.1.1 SCOPE

Domestic violence is alleged criminal conduct and it is the policy of the Irvine Police Department to stress enforcement of criminal laws related to domestic violence, the protection of the victim, and the availability of civil remedies and community resources. This includes the arrest of domestic violence offenders if there is probable cause to believe an offense has occurred. In responding to domestic violence incidents, officers are discouraged from making dual arrests. The below listed procedures will assist and guide members of the Irvine Police Department in handling calls involving domestic violence.

322.1.2 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.

322.2 POLICY

The Irvine Police Department's response to incidents of domestic violence and violations of related court orders shall stress enforcement of the law to protect the victim and shall communicate the philosophy that domestic violence is criminal behavior. It is also the policy of this department to facilitate victim and offender access to appropriate civil remedies and community resources whenever feasible.

322.2.1 REPORTING OF DOMESTIC VIOLENCE

Penal Code §13730 requires that a written report be completed on all incidents of domestic violence. All such reports should be documented under the appropriate crime classification and, in the "Type of Crime" box of the crime report form, the distinction "Domestic Violence" should be made. The handling officer of an incident related to domestic disturbance not amounting to a criminal offense will prepare an incident report to document the occurrence.

322.3 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.

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322.4 INVESTIGATIONS

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

- (a) Calls of reported, threatened, imminent, or ongoing domestic violence and the violation of any court order are of extreme importance and should be considered among the highest response priorities. This includes incomplete 9-1-1 calls.
- (b) When practicable, officers should obtain and document statements from the victim, the suspect, and any witnesses, including children, in or around the household or location of occurrence.
- (c) Officers should list the full name and date of birth (and school if available) of each child who was present in the household at the time of the offense. The names of other children who may not have been in the house at that particular time should also be obtained for follow-up.
- (d) When practicable and legally permitted, video or audio record all significant statements and observations.
- (e) All injuries should be photographed, regardless of severity, taking care to preserve the victim's personal privacy. Where practicable, photographs should be taken by a person of the same sex. Victims whose injuries are not visible at the time of the incident should be asked to contact the Investigations Bureau in the event that the injuries later become visible.
- (f) Officers should request that the victim complete and sign an authorization for release of medical records related to the incident when applicable.
- (g) If the suspect is no longer at the scene, officers should make reasonable efforts to locate the suspect to further the investigation, provide the suspect with an opportunity to make a statement, and make an arrest or seek an arrest warrant if appropriate.
- (h) Seize any firearms or other dangerous weapons in the home, if appropriate and legally permitted, for safekeeping or as evidence. If the domestic violence involved threats of bodily harm, any firearm discovered in plain view or pursuant to consent or other lawful search must be taken into temporary custody (Penal Code § 18250).
- (i) When completing an incident or arrest report for violation of a court order, officers should include specific information that establishes that the offender has been served, including the date the offender was served, the name of the agency that served the order, and the provision of the order that the subject is alleged to have violated. When reasonably available, the arresting officer should attach a copy of the order to the incident or arrest report.
- (j) Officers should take appropriate enforcement action when there is probable cause to believe an offense has occurred. Factors that should not be used as sole justification for declining to take enforcement action include:
 - 1. Whether the suspect lives on the premises with the victim.
 - 2. Claims by the suspect that the victim provoked or perpetuated the violence.
 - 3. The potential financial or child custody consequences of arrest.

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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.

322.4.1 IF A SUSPECT IS ARRESTED

If a suspect is arrested, officers should:

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

322.4.2 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.

322.4.3 OFFICERS INVOLVED IN DOMESTIC VIOLENCE

Domestic Violence incidents involving peace officers shall be investigated in the same manner as incidents involving the general public and in accordance with the provisions of this policy. Irvine Police Officers must notify a supervisor in domestic violence situations involving a peace officer as a victim, witness, suspect, or other association.

A supervisor shall respond to every domestic violence incident involving a peace officer within the City of Irvine. The supervisor will assess the incident, make the appropriate notifications, and ensure documentation is sent to the Office of Professional Standards. The Office of Professional Standards will normally make notifications to outside agencies, unless practical reasons (i.e., return of police property) require a field supervisor to contact the outside agency immediately.

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In those domestic violence incidents involving Irvine Police personnel, the command duty officer shall be notified as soon as practicable, regardless of the jurisdiction where the incident occurred. The Chief of Police may direct an Office of Professional Standards representative or supervisory designee to respond to the incident to make an assessment and take appropriate administrative action.

322.4.4 ARRESTING OFFICERS' RESPONSIBILITIES REGARDING FIREARMS

If a suspect is arrested, officers shall (Penal Code § 273.76):

- (a) Query the Automated Firearms System through the California Law Enforcement Telecommunications System (CLETS) for any firearms owned or possessed by the arrestee.
 - 1. The investigating or filing officer shall include a copy of the Automated Firearms System report when filing the case with the district attorney or prosecuting city attorney.
- (b) Ask the arrestee, victim, and any other household members, if applicable, about any firearms owned or possessed by the arrestee.
- (c) Ensure that any firearm or other deadly weapon in plain sight or discovered pursuant to a consensual or other lawful search is taken into temporary custody pursuant to Penal Code § 18250.
- (d) Document in the arrest report the detailed actions taken required by Penal Code § 273.76.

322.5 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.

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

322.5.1 WRITTEN NOTICE TO VICTIMS - VICTIM'S RESOURCE GUIDE

Penal Code §13701 requires that police agencies provide domestic violence victims with a written document that provides certain information. Officers are required by law to present this information, which is consolidated within the Victims' Resource Guide. The pamphlet contains:

- (a) A statement informing the victim that despite official restraint of the person alleged to have committed domestic violence, the restrained person may be released at any time;
- (b) A statement that provides information about a shelter they may contact in the area;
- (c) A statement that provides information about other community services they may contact in the area;
- (d) A statement informing the victim of domestic violence that he or she can ask the District Attorney to file a criminal complaint;
- (e) A statement that "For further information about the California Victim's Compensation Program, you may contact 1-800-777-9229";
- (f) A statement informing the victim of the right to go to the Superior Court and file a petition requesting any of the following orders for relief:
 - 1. An order restraining the attacker from abusing the victim and other family members;
 - 2. An order directing the attacker to leave the household;
 - 3. An order preventing the attacker from entering the residence, school, business, or place of employment of the victim;
 - 4. An order awarding the victim or the other parent custody of or visitation with a minor child or children;
 - 5. An order restraining the attacker from molesting or interfering with minor children in the custody of the victim;
 - 6. An order directing the party not granted custody to pay support of minor children, if that party has a legal obligation to do so;
 - 7. An order directing the defendant to make specified debt payments coming due while the order is in effect;
 - 8. An order directing that either or both parties participate in counseling.
- (g) A statement informing the victim of the right to file a civil suit for losses suffered as a result of the abuse. This includes medical expenses, loss of earnings, and other expenses for injuries sustained and damage to property, and any other related expenses incurred by the victim or any agency that shelters the victim;
- (h) In the case of an alleged violation of Penal Code §§243(e), 261, 261.5, 262, 273.5, 286, 288a, or 289, a Domestic Violence, Sexual Assault & Violent Crime Victim

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Information pamphlet shall be provided which shall include, but is not limited to, the following information:

1. The names and locations of rape victim counseling centers within the county, including those centers specified in Penal Code §13837, and their 24-hour counseling service telephone numbers;
2. A simple statement on the proper procedures for a victim to follow after a sexual assault;
3. A statement that sexual assault by a person who is known to the victim, including sexual assault by a person who is the spouse of the victim, is a crime;
4. A statement that domestic violence or assault by a person who is known to the victim, including domestic violence or assault by a person who is the spouse of the victim, is a crime.

322.5.2 DOMESTIC VIOLENCE SHELTERS

Domestic violence shelter locations within the City shall not be disclosed to anyone other than employees of the Irvine Police Department. Upon approval of the on duty supervisor, under exigent circumstances, employees of other law enforcement agencies may be given this information. Employees may make reference to transporting the victim to a domestic violence shelter, but shall not mention it by name, address or city, in police reports or other correspondence.

Officers may be called upon to provide transportation from the Irvine Police Department to a domestic violence shelter within the City of Irvine. This service is provided to prevent the victim from being followed to the shelter location.

When transporting the victim to the shelter, there shall be no reference either by name or location on the radio. Officers with citizen ride-a-longs will not be used to transport domestic violence victims to the shelter.

322.6 DISPATCH ASSISTANCE

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

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

322.7 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).

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Canadian domestic violence protection orders shall also be enforced in the same manner as if issued in this state (Family Code § 6452).

322.8 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.

322.9 TENANCY ISSUES

Officers may request a person who is not in lawful possession of the premises to leave when:

- (a) The complainant is in lawful possession of the premise (as exhibited by rent receipts, lease, deed, verification by apartment manager, etc.).
- (b) The complainant has requested that the person leave the premises. The officer will stand by until the suspect removes essential belongings. If the suspect does not leave upon request, an arrest should be made under Penal Code §602.5. If the complainant requesting removal of the suspect cannot show proof of lawful possession, the officer should refer the complainant for a Temporary Restraining Order or other appropriate civil remedy. If appropriate, a domestic violence situation involving a tenancy issue may be resolved through the proper application for an Emergency Protective Order.

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322.10 PROTECTIVE ORDER VIOLATIONS

Absent exigent circumstances, if probable cause exists to believe an offender has violated a protective order as defined in Penal Code §13701(b), an arrest shall be made. These court orders involve the following:

- (a) Prohibit threats, harassment or violence;
- (b) Excludes a party from a dwelling;
- (c) Prohibit other behaviors specified by the court;
- (d) These protective orders pertain to parties labeled as petitioner and respondent who are married, formerly married, dating, formerly dated, engaged, formerly engaged, cohabiting, formerly cohabited or have had a child together. The court orders under Penal Code §13701(b) may be captioned as follows:
 - 1. Domestic Violence Protective Order;
 - 2. Criminal Court Protective Order;
 - 3. Emergency Protective Order (EPO);
 - 4. Order to Show Cause and Temporary Restraining Order (TRO);
 - 5. Order After Hearing;
 - 6. Restraining Order – Juvenile;
 - 7. Judgment of Dissolution and Order.

Any officer determining that there is probable cause to believe that a protective order issued by a tribunal of another state is valid shall enforce such order as if issued in this state.

322.11 VIOLATION OF RESTRAINING ORDERS - ENFORCEMENT PROCEDURES

Violation of a restraining order is a misdemeanor under Penal Code §§273.6 or 166(c)4, and may be a felony under PC §§273.6(d), 646.9 or 136. An arrest shall be made when probable cause exists to believe the subject of a restraining order has violated the order, whether or not in the presence of an officer and evidence of proof of service of the order exists. Proof of service may be established by any one of the following:

- (a) The existence of the order and proof of service to the suspect has been verified by the officer.
- (b) The complainant produces a valid copy of the order bearing a file stamp of a court and proof of service on the suspect.
- (c) The officer has verified the existence of the order and the order reflects that the suspect was personally present in court when the order was made which removes the proof of service requirements.
- (d) The existence of the order has been verified and there is proof that an officer has previously informed the suspect of its terms.

Any officer making an arrest for violation of a non-warrant felony or misdemeanor domestic violence restraining order should evaluate the totality of the circumstances to determine whether

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reasonable cause exists to seek an increased bail amount. Any officer seeking to increase the amount of bail in such circumstances shall prepare a declaration in support of increased bail when there is reasonable cause to believe that the scheduled bail amount is insufficient to assure an arrestee's appearance or to protect the victim or family member of a victim (Penal Code §1269c).

322.12 RESTRAINING ORDER - UNSERVED

If the victim is not in possession of the restraining order and/or for any reason the officer cannot verify the validity of the order, the following action shall be taken:

- (a) Write a report and give the police report number to the victim.
- (b) Inform the victim how to contact the detective bureau for further action.
- (c) Inform the victim of the right to make a private person's arrest for the appropriate violation. In domestic violence cases where the suspect has left the scene, an investigation should be conducted to determine if a crime has been committed.

322.13 OBTAINING EMERGENCY PROTECTIVE ORDERS

Emergency Protective Orders are available 24 hours a day, whether or not court is in session. To obtain an emergency protective order, the steps below shall be followed:

- (a) Complete the "Application for Emergency Protective Order/Emergency Protective Order".
- (b) Call the Judicial Hearing Officers (JHO) at any time, day or night.
- (c) The officer should be prepared to discuss the situation with the JHO, who will decide whether to grant the EPO.
- (d) If the EPO is granted, the officer shall complete the remaining portions of the "Application for Emergency Protective Order/Emergency Protective Order".
- (e) The officer shall make a reasonable effort to serve the EPO on the suspect. The order may be served orally or in person.
- (f) The officer will then complete the proof of service portion of the EPO.
- (g) The officer shall give the protected person, as well as the suspect, if possible, a copy of the EPO, with an explanation of terms of the order. Both parties shall also be encouraged to read the "Warnings and Information" printed on the reverse side of the order.
- (h) The EPO must be entered into CLETS as soon as possible, even if the order hasn't been served.
- (i) A copy of the EPO shall immediately be hand delivered to Records Bureau personnel to file/enter the EPO into CLETS. If there are no records personnel on duty, the officer will contact the Communications Bureau, and provide the relevant data and have them make the CLETS entry.
- (j) An EPO shall be entered into CLETS whether it was served or not.
- (k) Records personnel will fax or deliver a copy of the EPO to the Family Law Division of Superior Court by 0900 on the next court day.

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322.14 STAY-AWAY ORDERS

Stay-away orders are issued in criminal cases when the probability of victim intimidation exists. Violation of a stay-away order is a misdemeanor under Penal Code §166(c) (1). Witness intimidation is also a violation of Penal Code §136.1 and potentially a violation of Penal Code §422. Examples of witness intimidation include attempting to prevent or dissuade a victim from attending or giving testimony at any proceeding, or using force or expressing or implying a threat of force or violence related to the court proceeding.

322.15 RESTRAINING ORDER - SERVICE

When the officer verifies that a restraining order exists but cannot verify proof of service or prior knowledge of the order by the suspect, the officer shall perform the following:

- (a) At the request of the complainant and upon presentation of an endorsed copy of the restraining order and a proof of service form, serve a copy of the order on the suspect.
- (b) Submit the completed proof of service form to the court, regardless of whether or not the suspect is taken into custody. The notice of service shall immediately be transmitted to the California Department of Justice Restraining Order and Protective Order System. The officer shall provide the information to the Records Bureau personnel prior to going off duty. If no Records Bureau staff members are on duty, the officer will contact Communications, provide the relevant data and have them make the CLETS entry. The date/time of the CLETS entry should be added to the report by the officer.
- (c) Immediately inform the suspect of the terms of the order and place the suspect on notice that violation of the order will result in arrest.
- (d) Obtain the suspect's address.
- (e) Enforce the order but do not make an arrest for any violation of the order occurring prior to established proof of service or before an officer's admonition of the terms of the order.
- (f) If the suspect continues to violate the order after being advised of the terms, an arrest should be made.
- (g) If the suspect complies with the order, the officer shall complete a report detailing the specific terms of the order and advisement, the name of the advising officer, and the date and time of the advisement.
- (h) The department copy of the restraining order shall be updated to reflect the information listed above.

Officers shall give full faith to out-of-state restraining or protective orders and enforce the violation. There shall be a presumption of validity where an order appears authentic on its face.

In the event the suspect has fled, due diligence will be expended to locate the suspect. A written report shall be made with the complainant being advised of the DR number of the incident.

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322.16 EMERGENCY PROTECTIVE ORDERS

- (a) Family Code §6241 mandates the Superior Court to provide a judge, commissioner, or referee to hear applications and issue Emergency Protective Orders based on criteria outlined in Family Code §6250. Discretionary authority is given to the field officer to determine whether phone application to a judge for an EPO is appropriate. An officer should apply for an EPO whenever one is requested by a domestic violence victim. A judicial officer may issue an Emergency Protective Order whenever one is requested by a domestic violence victim and/or a law enforcement officer asserts reasonable grounds that:
 - 1. A person is in immediate and present danger of domestic violence based upon the person's allegation of a recent incident of abuse or threat of abuse by the person against whom the order is sought.
 - 2. A child is in immediate and present danger of abuse by a family or household member, based on an allegation of a recent incident of abuse or threat of abuse by the family or household member.
 - 3. A child is in immediate and present danger of being abducted by a parent or relative, based on a reasonable belief that a person has intent to abduct a child or flee with the child from the jurisdiction or based on an allegation of a reasonable threat to abduct the child or flee with the child from the jurisdiction.
 - 4. An elder or dependent adult is in immediate and present danger of abuse as defined in Welfare and Institutions Code §15610.7 based on an allegation of a recent incident of abuse or threat of abuse by the person against whom the order is sought, except that no emergency protective order shall be issued based solely on an allegation of financial abuse.
- (b) Under Penal Code §646.91, a peace officer may also obtain an Emergency Protective Order when the officer has reasonable grounds to believe that a person or the person's immediate family is in immediate and present danger of being stalked.
 - 1. Any such Emergency Protective Order shall be reduced to writing, signed by the officer.
 - 2. Any officer seeking such an order shall serve the order on the restrained person if such person can be reasonably located and shall provide the person protected with a copy of the order. A copy of the order shall also be filed with the court as soon as practicable after issuance.
- (c) Emergency Protective Orders may be obtained by telephone to prohibit a suspect who resides with a complainant, regardless of their marital status or relationship from:
 - 1. Physically or verbally contacting the victim or disturbing his/her peace.
 - 2. Remaining or returning to the victim's residence, regardless of who holds legal title to, or leases the residence.
 - 3. Continuing a specified behavior as described in the order.
- (d) Officers investigating the scene of current or recent situations of domestic violence should remain cognizant of the potential for continued and escalated violence. An

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Emergency Protective Order should be sought if there is reason to believe, based on factual evidence such as a recent history of violence that the victim may still be in danger.

322.17 DOMESTIC VIOLENCE SUPPORT

Victims of domestic violence or abuse have the right to have a domestic violence counselor (as defined in Evidence Code §1037.1) and a support person of the victim's choosing present at any interview by law enforcement authorities (Penal Code §679.05). The investigating officer must advise the victim of his/her right to have an advocate and support person present at any subsequent interview(s), including additional interviews by the reporting and/or detectives handling the case. The victim should be advised that any advocate working for the agencies listed on the Domestic Violence resource card would qualify.

- (a) For the purposes of this section, an initial investigation by law enforcement to determine whether a crime has been committed and to determine the identity of the suspect(s) shall not constitute a law enforcement interview.
- (b) The support person may be excluded from an interview if the law enforcement authority or the District Attorney determines the presence of that person would be detrimental to the purpose of the interview.
- (c) The investigating officer should articulate in the report that the victim was advised of their right to a counselor and/or support person.

322.18 VICTIM INFORMATION AND NOTIFICATION EVERYDAY (VINE) PROGRAM

When appropriate, officers should advise the victim of the availability of the Victim Information and Notification Everyday (VINE) Program. VINE is a free, computer-based telephone service that allows victims to check on an offender's custody status and register to receive automatic notification when an inmate is released from County Jail. The contact phone number for VINE is printed on the Irvine Police Department Domestic Violence, Sexual Assault & Violent Crime Victim Information.

322.19 FIREARMS

Officers shall take into temporary custody firearms or other deadly weapons in plain sight or discovered pursuant to a consensual search or other lawful search in domestic violence incidents and process them for safekeeping as authorized in Penal Code §18250. During the investigation of a domestic violence occurrence, officers should ask the parties involved if there are any firearms or deadly weapons on the premises.

Confiscated firearms shall be retained by the Department for a minimum of 48 hours from seizure. The officer taking custody of any firearm or other deadly weapon shall document the seizure on a Weapons Seizure Report Form (IPD form 73-02). The officer will have the owner or possessor sign the form. The officer shall provide a copy for the owner or possessor. The Weapons Seizure Report Form shall fully describe the weapon (including the serial number) and indicate the location where the weapon may be recovered along with any applicable time limit for recovery. (Penal Code §18255)

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No person who is the subject of an Emergency Protective Order issued pursuant to Penal Code §646.91 may own, possess, receive, purchase or attempt to purchase a firearm while such order is in effect. Any weapons located under these circumstances shall be booked for safekeeping.

- (a) Any officer seizing a firearm shall explain to the owner or possessor that the firearm will not be released until the owner or possessor presents proof from the California Department of Justice that he/she can legally possess firearms (PC §§33855 and 33865). The officer shall direct the attention of the owner of the firearm or other deadly weapon to the Weapons Seizure Report form for information on the process to reclaim the property.
- (b) Officers should document in the report the presence of all weapons, the basis for any seizures, whether weapons were discovered or disclosed but not seized, and the reason the weapons were not seized (PC §13730(c));
- (c) Officers shall conduct a want/warrant check to identify if the suspect has any registered firearms (AFS), any domestic violence restraining orders (DVROS), or is on parole (SRF). Officers may also check the owner's or possessor's automated criminal history to determine if the person is, through prior court sanction, prohibited from possessing or owning a firearm. Responses to these inquiries, coupled with the facts of the case, may justify charges being filed against the defendant.
- (d) If the weapon itself is illegal to possess (i.e. serial numbers removed) is stolen, used in a crime, or the owner cannot legally possess weapons due to a conviction, restraining order violations, etc. the weapon shall then be booked into evidence.

322.19.1 RETURN OF FIREARMS

- (a) If, within five days after the seizure, a firearm or other deadly weapon is not retained for use as evidence related to criminal charges brought as a result of the domestic violence incident and the officer has no reason to believe that such firearm or weapon would further endanger the victim or person reporting the domestic violence, the Department shall notify the lawful owner or other person who was in lawful possession of the firearm or weapon of its availability (Penal Code §18265).
- (b) If, however, any officer has reasonable cause to believe that a firearm or other deadly weapon seized in a domestic violence incident would likely result in further danger to the victim or person reporting such incident or that further investigation of such firearm or weapon is required through the Department of Justice or other sources, the Department shall, within five days of the seizure, notify the owner or other person who was in lawful possession of the firearm or weapon that such firearm or weapon will be retained for up to 60 days from the date of the seizure.
- (c) If, after 45 days, the Department has been unable to clear the firearm or other deadly weapon for release, the Department shall commence the process of preparing a petition to the Superior Court to determine if the firearm or other weapon should be returned. Such petition shall be filed within 60 days from the date of the initial seizure or upon timely application to the court for an extension within no more than 90 days (Penal Code §18400).

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- (d) Under no circumstances shall any firearm be returned to any individual unless and until such person presents valid identification and written notification from the California Department of Justice which conforms to the provisions of Penal Code §§33855 and 33865).
- (e) In no case in which a firearm or other deadly weapon is not retained as evidence shall the Department be required to retain such firearms or other deadly weapon longer than 180 days after notice has been provided to the owner that such firearm or other deadly weapon is available for return. At the expiration of such period, the firearm or other deadly weapon may be processed for disposal in accordance with applicable law (Penal Code §34000(a)).

322.20 STANDARDS FOR ARRESTS

Officers investigating a domestic violence report should consider the following:

- (a) An arrest should be made when there is probable cause to believe that a felony or misdemeanor domestic violence offense has been committed (Penal Code § 13701). Any decision to not arrest an adult when there is probable cause to do so requires supervisor approval.
 - 1. Officers are only authorized to make an arrest without a warrant for a misdemeanor domestic violence offense if the officer makes the arrest as soon as probable cause arises (Penal Code § 836).
- (b) An officer responding to a domestic violence call who cannot make an arrest will advise the victim of 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,

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rather than the first, aggressor (Penal Code § 13701). In identifying the dominant aggressor, an officer shall consider:

1. The intent of the law to protect victims of domestic violence from continuing abuse.
 2. The threats creating fear of physical injury.
 3. The history of domestic violence between the persons involved.
 4. Whether either person acted in self-defense.
- (e) An arrest shall be made when there is probable cause to believe that a violation of a domestic violence court order has been committed (Penal Code § 13701; Penal Code § 836), regardless of whether the offense was committed in the officer's presence. After arrest, the officer shall confirm that a copy of the order has been registered, unless the victim provides a copy (Penal Code § 836).

322.21 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)).

322.22 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.

322.23 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

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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).
 - 1. An officer should ensure that the Records Bureau is notified of any firearm obtained for entry into the Automated Firearms System (Family Code § 6383) (see the Records Bureau 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).

322.24 PUBLIC ACCESS TO POLICY

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

322.25 DECLARATION IN SUPPORT OF BAIL INCREASE

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

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323.1 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 Irvine Police Department members as required by law (Penal Code § 368.6).

The Irvine 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).

323.1.1 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 their ability to carry out normal activities or to protect their 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

323.2 POLICY

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

323.2.1 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)).

323.3 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.
- (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.

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- (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 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)).

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323.3.1 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)).

323.4 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).
 - 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).

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- (g) Make reasonable efforts to determine whether any person committed unlawful interference in a mandated report.

323.5 MANDATORY NOTIFICATION

Members of the Irvine 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.
- (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

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

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

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)).

323.5.1 NOTIFICATION PROCEDURE

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

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

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323.6 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.

323.6.1 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)).

323.6.2 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.
- (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.

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323.7 INTERVIEWS

323.7.1 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.

323.7.2 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.

323.8 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.

323.9 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.

323.9.1 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:

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- (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 Investigations Bureau supervisor so an interagency response can begin.

323.9.2 SUPERVISOR RESPONSIBILITIES

The Investigations Bureau supervisor should:

- (a) Work with professionals from the appropriate agencies, including APS, other law enforcement agencies, medical service providers, and local prosecutors, to develop community specific procedures for responding to situations where there are 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 Investigations Bureau 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.

323.10 TRAINING

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

- (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.

323.10.1 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

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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)).

323.11 RECORDS BUREAU RESPONSIBILITIES

The Records Bureau 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.

323.12 JURISDICTION

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

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

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

323.13 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

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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 their person or health may be endangered, is guilty of a misdemeanor.

Penal Code § 368 (f)

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

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

Welfare and Institutions Code § 15610.05

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

Welfare and Institutions Code § 15610.06

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

Welfare and Institutions Code § 15610.30

- (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.

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

Welfare and Institutions Code § 15610.43

- (a) "Isolation" means any of the following:
 - 1. Acts intentionally committed for the purpose of preventing, and that do serve to prevent, an elder or dependent adult from receiving his or her mail or telephone calls.
 - 2. Telling a caller or prospective visitor that an elder or dependent adult is not present, or does not wish to talk with the caller, or does not wish to meet with the visitor where the statement is false, is contrary to the express wishes of the elder or the dependent adult, whether he or she is competent or not, and is made for the purpose of preventing the elder or dependent adult from having contact with family, friends, or concerned persons.
 - 3. False imprisonment, as defined in Section 236 of the Penal Code.
 - 4. Physical restraint of an elder or dependent adult, for the purpose of preventing the elder or dependent adult from meeting with visitors.
- (b) The acts set forth in subdivision (a) shall be subject to a rebuttable presumption that they do not constitute isolation if they are performed pursuant to the instructions of a physician and surgeon licensed to practice medicine in the state, who is caring for the elder or dependent adult at the time the instructions are given, and who gives the instructions as part of his or her medical care.
- (c) The acts set forth in subdivision (a) shall not constitute isolation if they are performed in response to a reasonably perceived threat of danger to property or physical safe.

Welfare and Institutions Code § 15610.57

- (a) "Neglect" means either of the following:

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

Welfare and Institutions Code § 15610.63

"Physical abuse" means any of the following:

- (a) Assault, as defined in Section 240 of the Penal Code.
- (b) Battery, as defined in Section 242 of the Penal Code.
- (c) Assault with a deadly weapon or force likely to produce great bodily injury, as defined in Section 245 of the Penal Code.
- (d) Unreasonable physical constraint, or prolonged or continual deprivation of food or water.
- (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.

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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.

323.14 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.
 - (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,

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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.

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324.1 PURPOSE AND SCOPE

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

324.1.1 DEFINITIONS

Definitions related to this policy include:

Child - Unless otherwise specified by a cited statute, a child is any person under the age of 18 years.

Child abuse - Any offense or attempted offense involving violence or neglect with a child victim when committed by a person responsible for the child's care or any other act that would mandate notification to a social service agency or law enforcement (Penal Code § 11165.9; Penal Code § 11166).

324.2 POLICY

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

324.3 MANDATORY NOTIFICATION

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

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

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

When the abuse or neglect occurs at a licensed facility or is alleged to have resulted from the actions of a person who is required to have a state license (e.g., foster homes, group homes, day care), notification shall also be made to the California Department of Social Services or other applicable licensing authority. When the alleged abuse or neglect involves a child of a minor parent or a dependent adult, notification shall also be made to the attorney of the minor or the dependent adult within 36 hours (Penal Code 11166.1; Penal Code 11166.2).

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

324.3.1 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.

324.4 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).

324.5 INVESTIGATIONS AND REPORTING

In all reported or suspected cases of child abuse, a report will be written. Officers shall write a report even if the allegations appear unfounded or unsubstantiated.

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

- (a) The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected child abuse victim was contacted.
- (b) The exigent circumstances that existed if officers interviewed the child victim without the presence of a parent or guardian.

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- (c) Any relevant statements the child may have made and to whom he/she made the statements.
- (d) If a child was taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.
- (e) Documentation of any visible injuries 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).

324.5.1 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).

324.5.2 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

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.

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324.6 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.
 - 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).

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

324.6.1 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.

324.6.2 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.

324.7 INTERVIEWS

324.7.1 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.

324.7.2 DETAINING SUSPECTED CHILD ABUSE VICTIMS FOR AN INTERVIEW

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

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

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324.7.3 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).

324.8 MEDICAL EXAMINATIONS

If the child has been the victim of abuse that requires a medical examination, the investigating officer should obtain consent for such examination from the appropriate parent, guardian or agency having legal custody of the child. The officer should also arrange for the child's transportation to the appropriate medical facility.

In cases where the alleged offender is the custodial parent or guardian and is refusing consent for the medical examination, officers should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for officers to take the child for a medical examination, the notified supervisor should consider obtaining a court order for such an examination.

324.9 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.

324.9.1 SUPERVISOR RESPONSIBILITIES

The Investigations Bureau supervisor should:

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

324.9.2 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:

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- (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 Investigations Bureau supervisor so an interagency response can begin.

324.10 STATE MANDATES AND OTHER RELEVANT LAWS

California requires or permits the following:

324.10.1 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).

324.10.2 REQUESTS FOR REMOVAL FROM THE CHILD ABUSECENTRAL INDEX (CACI)

Any person whose name has been forwarded to the California Department of Justice (DOJ) for placement in California's CACI, as a result of an investigation, may request that his/her name be removed from the CACI list. Requests shall not qualify for consideration if there is an active 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.

324.10.3 CACI HEARING OFFICER

The Investigations Bureau supervisor will normally serve as the hearing officer but must not be actively connected with the case that resulted in the person's name being submitted to CACI. Upon receiving a qualified request for removal, the hearing officer shall promptly schedule a hearing to take place during normal business hours and provide written notification of the time and place of the hearing to the requesting party.

324.10.4 CACI HEARING PROCEDURES

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

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

- (a) Case reports including any supplemental reports
- (b) Statements by investigators
- (c) Statements from representatives of the District Attorney's Office
- (d) Statements by representatives of a child protective agency who may be familiar with the case

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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.

324.10.5 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).

324.11 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 and victim support.

Missing Persons

325.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

325.1.1 DEFINITIONS

Definitions related to this policy include:

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 their ordinary habits or behavior, and who may be in need of assistance (Penal Code § 14215).

Missing person networks - Databases or computer networks that are available to law enforcement and that are suitable for obtaining information related to missing persons investigations. This includes the National Crime Information Center (NCIC), the National Missing and Unidentified Persons System (NamUs), the California Law Enforcement Telecommunications System (CLETS), the Missing Person System (MPS), and the Unidentified Persons System (UPS).

325.2 POLICY

The Irvine 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 Irvine 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).

325.3 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

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

325.4 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).

325.5 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 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 (34 USC § 41308).
- (f) Complete the appropriate report forms accurately and completely and initiate a search as applicable according to 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 their telecommunications carrier.
 - (i) Contact the appropriate agency if the report relates to a missing person report previously made to another agency and that agency is actively investigating the report. When this is not practicable, 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.

325.6 RETURN HOME REGISTRY

The Return Home Registry is a searchable database that can be accessed by the Communications Bureau and other specified department personnel to assist in reuniting missing or found persons with their family members and/or caregivers in the event they wander from their home.

325.7 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.

325.7.1 SUPERVISOR RESPONSIBILITIES

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

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

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

325.7.2 RECORDS BUREAU RESPONSIBILITIES

The responsibilities of the receiving member shall include but are not limited to:

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- (a) As soon as reasonable under the circumstances, notifying and forwarding a copy of the report to the agency of jurisdiction for the missing person's residence in cases where the missing person is a resident of another jurisdiction (Penal Code § 14211).
- (b) Notifying and forwarding a copy of the report to the agency of jurisdiction where the missing person was last seen (Penal Code § 14211).
- (c) Notifying and forwarding a copy of the report to the agency of jurisdiction for the missing person's intended or possible destination, if known.
- (d) Forwarding a copy of the report to the Investigations Bureau.
- (e) Coordinating 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).

325.8 INVESTIGATIONS BUREAU FOLLOW-UP

In addition to completing or continuing any actions listed above, the investigator assigned to a missing person investigation:

- (a) Shall ensure that the missing person's school is notified within 10 days if the missing person is a juvenile.
 - 1. The notice shall be in writing and should also include a photograph (Education Code § 49068.6).
 - 2. The investigator should meet with school officials as appropriate to stress the importance of including the notice in the child's student file, along with the investigator's 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 party and/or other witnesses within 30 days of the initial report and within 30 days thereafter to keep them informed, as appropriate, and to determine if any additional information has become available.
- (c) Should consider contacting other agencies involved in the case to determine if any additional information is available.
- (d) Shall verify and update CLETS, NCIC, and any other applicable missing person networks within 30 days of the original entry into the networks and every 30 days thereafter until the missing person is located (34 USC § 41308).
- (e) Should continue to make reasonable efforts to locate the missing person and document these efforts at least every 30 days.
- (f) Shall maintain a close liaison with state and local child welfare systems and the National Center for Missing and Exploited Children (NCMEC) if the missing person is under the age of 21 and shall promptly notify NCMEC when the person is missing from a foster care family home or childcare institution (34 USC § 41308).
- (g) Should make appropriate inquiry with the Coroner.
- (h) Should obtain and forward medical and dental records, photos, X-rays, and biological samples pursuant to Penal Code § 14212 and Penal Code § 14250.

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- (i) Shall attempt to obtain the most recent photograph for persons under 18 years of age if it has not been obtained previously and forward the photograph to California DOJ (Penal Code § 14210) and enter the photograph into applicable missing person networks (34 USC § 41308).
- (j) 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).

325.9 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.

325.9.1 UNIDENTIFIED PERSONS

Members investigating a case of an unidentified person who is deceased or a living person who cannot assist in identifying themselves should:

- (a) Obtain a complete description of the person.
- (b) Enter the unidentified person's description into the NCIC Unidentified Person File and the NamUs database.
- (c) Use available resources, such as those related to missing persons, to identify the person.

325.10 CASE CLOSURE

The Investigations Bureau supervisor may authorize the closure of a missing person case after considering the following:

- (a) Closure is appropriate when the missing person is confirmed returned or evidence has matched an unidentified person or body.
- (b) If the missing person is a resident of Irvine 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.

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- (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.

325.11 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.
- (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.

Return Home Registry

326.1 PURPOSE AND SCOPE

This procedure outlines the features of the Return Home Registry (RHR) database and department expectations regarding its use when responding to service calls related to high risk missing persons, including our aging adult population and minors who may suffer from a condition which could impact their ability to safely return home on their own.

326.2 PROGRAM OVERVIEW

The Return Home Registry (RHR) is a searchable database that can be accessed by the Communication Bureau and other specified department personnel to assist in reuniting missing or found persons with their family members and/or caregivers in the event they wander from their home and are unable to safely return home on their own. Those entered into the RHR include persons of all ages who suffer from one or more developmental disorders or dementia related illnesses that may impact their ability to safely return home. These conditions include, but are not limited to: Alzheimer's, Autism, Cerebral Palsy, Down syndrome, and children with debilitating illnesses or special needs.

326.3 DATABASE CHARACTERISTICS

The database, which is located within the "Operations" section of the Records Management System (RMS) under "Registrants", will retain only that information necessary to aid department personnel and the community in locating registrants who are missing or returning those who have been found to their relatives and caregivers. The data file for each program registrant will contain:

- (a) Relevant biographical information
- (b) A minimum of two current photographs (one portrait & one full body)
 - 1. If possible, the photographs should be those either provided by a caregiver or taken by an officer. An official state ID photo can be entered if there are no other photographs available.
- (c) Caregiver or Emergency Contact information
- (d) Past patterns of travel and behavior
- (e) Other vital information on the registrant's mannerisms, appearance or speech anomalies

326.4 APPLICATION TO FIELD SERVICES

Each department employee who contacts an unregistered person, who fits the criteria above, should present this program to the relative or caregiver and attempt to register the person. They should also offer to register any person who meets the criteria if specifically requested by a caregiver or family member in the case of a minor or an individual who could be consider a "High Risk" missing person.

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Registration Process: The handling employee will complete the RHR Registration Form within the RMS, including taking uploading photographs taken by family/caregiver or by the public safety employee. . Completed registration forms will be submitted to the sergeant overseeing the Mental Health Outreach Unit via the normal RMS workflow process. RHR forms do not need a report associated with them, but a report should be taken if appropriate under policy. Alternatively, during community outreach events, employees of Public Safety can take paper copies of the RHR form to community events and allow members of the public to register their loved ones. However, if they accept a paper copy, it is that employees responsibility to later upload all of the information, including required photographs, into the RHR form on the RMS, and to workflow that form via the RMS workflow process.

Using the database: In the event an officer discovers a disoriented person who is unable to provide useful information that would assist in identifying his/her identity or residence, the officer should query the RHR database; alternatively, they can request the Communications Bureau query the RHR database based on the information they have available (including description, name, etc.). If the person has registered with RHR and a match is made, the officer will have valuable information that will facilitate a rapid return of the person to their relatives or caregivers.

When responding to a report of an at-risk missing person, the officer should ask the Communications Bureau to query the RHR database for registration information. If the missing person is in the database, the Communications Bureau can forward his/her photographs to all field personnel. The Communications Bureau can also provide information regarding previous walk-away events, mannerisms and other anomalies that could aid in the search.

326.5 COMMUNICATIONS DIVISION RESPONSIBILITY

In the event the Communications Bureau receives a missing person, walk-away, or other related service call that involves a program registrant, the handling dispatcher will ensure the following:

- (a) Check RHR for to determine if the missing person is in the system.
- (b) Provide available information to field personnel.

326.6 REPORTING

Field Personnel handling lost or found persons will reference in their report any use of the RHR database. Further, if the person was previously unregistered, the employee will document the registration, referral, or refusal in their report or in the Call For Service Notes, whichever is most appropriate.

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327.2 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 Irvine 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).

327.2.1 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.

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

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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:
 - 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

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- 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.

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

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- Meeting hall
- Person
- Place of worship
- Private institution
- Public agency
- Library
- Other victim or intended victim of the offense

327.3 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.

327.4 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.

327.4.1 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):

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- (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, Islamic, lesbian, gay, bisexual, transgender, and queer or questioning (LGBTQ), Black, Native American, immigrant, Jewish, Asian American, and Pacific Islander 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 Bureau for mandated reporting to the California 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 Bureau Policy.
- (m) Maintaining the department's supply of up-to-date hate crimes brochures (Penal Code § 422.92; Penal Code § 422.87).
- (n) Submitting required hate crime materials to the California Department of Justice in accordance with the timeline established by state law (Penal Code § 13023).

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(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.

327.4.2 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.

327.5 RESPONSE, VICTIM ASSISTANCE, AND FOLLOW-UP

A Hate Incident differs from a Hate Crime in that it involves behaviors that, though motivated by bias against a protected group, are not criminal acts. Hostile or hateful speech or other disrespectful/discriminatory behavior may be motivated by bias but is not generally illegal. These actions become crimes when they directly incite perpetrators to commit a criminal act against persons or property, or if they place a potential victim in reasonable fear of physical injury. Due to

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the sensitive nature of hate incidents, they should be handled in line with how personnel respond and handle hate crimes.

327.5.1 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.

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- 5. Statements made by suspects; exact wording is critical.
- 6. The victim's protected characteristics and determine if bias was a motivation "in whole or in part" in the commission of the crime.
- (j) Adhere to Penal Code § 422.93, which protects hate crime victims and witnesses from being reported to federal immigration authorities if they have not committed any crime under state law.
- (k) Provide information regarding immigration remedies available to victims of crime (e.g., U-Visa, T-Visa, S-Visa).
- (l) Provide the department's Hate Crimes Brochure (per Penal Code § 422.92) if asked, if necessary, or per policy.
- (m) Utilize proper techniques for interviewing people with disabilities and be aware of and provide appropriate accommodations (e.g., ADA standards, Braille, visuals, translators for the deaf or hard of hearing).
- (n) Document any suspected multi-mission extremist crimes.
- (o) A report shall be taken in all hate incidents or perceived hate incidents
- (p) All reports should be completed and submitted by the assigned officers before the end of the shift, unless a supervisor provides approval to hold the report.

327.5.2 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.

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- (f) Request the assistance of translators or interpreters when needed to establish effective communication.
- (g) Conduct a preliminary investigation and record information regarding:
 - 1. Identity of suspected perpetrators.
 - 2. Identity of witnesses, including those no longer at the scene.
 - 3. Offer of victim confidentiality per Government Code § 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.

327.5.3 SUPERVISION

The supervisor shall confer with the initial responding officer and take reasonable steps to ensure that necessary preliminary actions have been taken. The supervisor shall request any appropriate personnel necessary to accomplish the following:

- (a) Provide immediate assistance to the crime victim by:

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1. Expressing the department's official position on the importance of these cases and the measures that will be taken to apprehend the perpetrators.
 2. Expressing the department's interest in protecting victims' anonymity (confidentiality forms, Government Code § 7923.615) to the extent reasonably possible. Allow the victims to convey their immediate concerns and feelings.
 3. Identifying individuals or agencies that may provide victim assistance and support. Local victim assistance resources may include family members or close acquaintances, clergy, or a department chaplain, as well as community service agencies that provide shelter, food, clothing, child care, or other related services (per Penal Code § 422.92).
- (b) Take reasonable steps to ensure that all relevant facts are documented on an incident and/or arrest report and make an initial determination as to whether the incident should be classified as a hate crime for federal and state bias-crimes reporting purposes.
 - (c) Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.
 - (d) In cases of large-scale hate crime waves, or in circumstances where the potential exists for subsequent hate crimes or incidents, consider directing resources to protect vulnerable sites (such as assigning an officer to specific locations that could become targets).
 - (e) Verify hate crimes are being properly reported, including reporting to the Department of Justice, pursuant to Penal Code § 13023.
 - (f) Verify adherence to Penal Code § 422.93, which protects hate crime victims and witnesses from being reported to federal immigration authorities if they have not committed any crime under state law. Supervisors should also be aware of the immigration remedies available to victims of crime (e.g., U-Visa, T-Visa, S-Visa).
 - (g) Respond to and properly initiate an investigation of any reports of hate crimes committed under the color of authority.
 - (h) Provide appropriate assistance, including activating the California Department of Justice hate crime rapid response protocol if necessary. For additional information refer to the California Department of Justice website.
 - (i) Verify reporting of any suspected multi-mission extremist crimes to the agency Hate Crimes Coordinator.
 - (j) Make a final determination as to whether the incident should be classified as a hate crime and forward to the Chief of Police for approval.

327.6 TRAINING

All members of this department will receive POST-approved training on hate crime recognition and investigation (Penal Code § 13519.6).

Training should include (Penal Code § 422.87):

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- (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.
- (d) When a gun violence restraining order may be appropriate for prevention of hate crimes (Penal Code § 13519.6).

327.7 APPENDIX

See attachments:

[Statutes and Legal Requirements.pdf](#)

[Hate Crime Checklist.pdf](#)

[Supplemental Hate Crime Report.pdf](#)

Child and Dependent Adult Safety

328.1 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.

328.2 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 Irvine 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.

328.3 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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328.3.1 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.

328.3.2 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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Child and Dependent Adult Safety

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.

328.3.3 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

328.3.4 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.

328.4 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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Child and Dependent Adult Safety

Under no circumstances should a child or dependent adult be left unattended or without appropriate care.

328.5 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).

Identity Theft

329.1 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.

329.2 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.

Gun Violence Restraining Orders

330.1 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).

330.1.1 DEFINITIONS

Definitions related to this policy include:

Gun violence restraining order (GVRO) - 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).

330.2 POLICY

It is the policy of the Irvine 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.

330.3 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).

330.3.1 EX PARTE GUN VIOLENCE RESTRAINING ORDERS

Ex Parte GVROs are issued when an individual poses a significant danger in the near future. Either a law enforcement officer, or an immediate family member, may petition for an Ex Parte GVRO. To grant an order, the petitioner must show:

1. substantial likelihood that the individual poses a significant danger in the near future, or injury to self or others, by having a firearm or ammunition in his or her possession, and
2. that less restrictive alternatives have been ineffective, inadequate, or inappropriate.

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Ex Parte GVROs must be obtained during court hours and expire after 21 days.

Officers shall provide assistance to any member of the public that requests assistance in obtaining an Ex Parte GVRO.

330.3.2 TRAINING AND EDUCATION

The department will maintain ongoing training for personnel on the matter of GVROs and Ex Parte GVROs. The department will also maintain an ongoing engagement with the community to educate them on Ex Parte orders.

330.3.3 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 residence that 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, possesses, or expresses an intent to acquire a firearm.
- (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 or expresses intent to obtain a firearm (see the Mental Illness Commitments Policy) (Penal Code § 18108).

330.4 SERVICE OF GUN VIOLENCE RESTRAINING ORDERS

An officer serving any gun violence restraining order shall:

- (a) Verbally ask the subject of the order if he/she has any firearm, ammunition, or magazine in his/her possession or under his/her custody or control (Penal Code § 18160).
- (b) Request that any firearms or ammunition be immediately surrendered and issue a receipt for the surrendered items (Penal Code § 18120).
- (c) Take into temporary custody any firearm or other deadly weapon discovered in plain view or pursuant to consent or other lawful search (Penal Code § 18250).
- (d) Inform the restrained person of any scheduled hearing regarding the order (Penal Code § 18160).
- (e) Transmit the original proof of service form to the issuing court as soon as practicable but within one business day (Penal Code § 18115).
- (f) As soon as practicable, but by the end of his/her shift, submit proof of service to the Records Supervisor for prompt entry into the California Restraining and Protective Order System (Penal Code § 18115).

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The officer should also inform the restrained person that he/she is required, within 24 hours, to surrender to a law enforcement agency any other firearms and ammunition he/she owns or that are in his/her custody or control or sell them to a firearms dealer. This notification should be documented.

All firearms and ammunition collected shall be handled and booked in accordance with the Property and Evidence Policy.

330.4.1 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 Bureau for filing with the court and entry into appropriate databases.

330.5 SEARCH WARRANTS

If a person who has been served with a gun violence restraining order refuses to surrender any firearm or ammunition, the officer should consider whether to seek a search warrant. If a search warrant is to be obtained, the preparation and service of the search warrant shall be done in accordance with the Warrant Service Policy. Additionally, (Penal Code § 1542.5):

- (a) The officer serving the warrant shall take custody of any firearm or ammunition that is controlled, possessed or owned by the person who is the subject of the gun violence restraining order, including any discovered pursuant to the warrant, a consensual search or other lawful search.
- (b) If the location being searched is jointly occupied and the firearm or ammunition is owned by a person other than the restrained person, the firearm or ammunition should not be seized if the following conditions are met:
 - 1. The firearm or ammunition can be stored in a manner that does not allow the restrained person to have control or access.
 - 2. There is no evidence that the owner unlawfully possesses the firearm or ammunition.
- (c) If a locked gun safe belonging to someone other than the subject of a gun violence restraining order is discovered, the officer shall not search the contents of the safe unless the owner consents or there is a valid search warrant for the safe. Any search of the safe must be done in the owner's presence.

330.6 RECORDS BUREAU RESPONSIBILITIES

The Records Bureau is responsible for ensuring:

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- (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).

330.7 COURT-ORDERED FIREARMS AND AMMUNITION SURRENDERS

Authorized members shall accept firearms and ammunition from any individual who is the subject of a gun violence restraining order. The member receiving any firearm or ammunition shall:

- (a) Record the individual's name, address and telephone number.
- (b) Record the serial number of the firearm.
- (c) Prepare an incident report and property report.
- (d) Provide a property receipt to the individual who surrendered the firearms and ammunition.
- (e) Package and submit the firearms and ammunition in accordance with the Property and Evidence Policy.

330.8 21 DAY HEARINGS

After the issuance of the emergency GVRO, the court will:

- (a) Initiate a case listing the law enforcement agency as petitioner and the restrained person as the respondent.
- (b) Set a hearing within 21 days in Department C61 at the Central Justice Center.
- (c) Send notice of hearing to the law enforcement agency care of the issuing officer and respondent.
- (d) Send notice to the Irvine Police Department Court Liaison who will also notify the issuing officer.
- (e) Appearance by the officer is mandatory, unless absence is authorized by a supervisor to not attend, such as scheduled vacation or similar court absences.

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- (f) The emergency GVRO may be dismissed if no appearance is made by the issuing officer.
- (g) Without further court order, emergency GVRO's expire 21 days from the date of issuance.

330.9 STORAGE AND 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 stored in accordance with the Property and Evidence Policy.

Firearms and ammunition shall be returned to the restrained person upon the expiration of the order in accordance with Penal Code § 18120 and the Property and Evidence Policy (Penal Code § 18108).

330.10 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.
 - 4. Renewal orders.
- (b) Developing and maintaining factors to consider when assessing the need to seek an order, including (Penal Code § 18108; Penal Code § 18155):
 - 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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- (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 (Penal Code § 18108).
- (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 and participate in the evidence presentation process (Penal Code § 18108).

330.11 RENEWAL OF GUN VIOLENCE RESTRAINING ORDERS

The Investigations Bureau supervisor is responsible for the review of a gun violence restraining order (including temporary or ex parte orders) obtained by the Department to determine if renewal should be requested within the time prescribed by law (Penal Code § 18190).

330.12 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).

330.13 TRAINING

The Training Manager should ensure that members receive periodic training on the requirements of this policy (Penal Code § 18108).

Mandatory Employer Notification

331.1 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.

331.2 POLICY

The Irvine Police Department will meet the reporting requirements of California law to minimize the risks to children and others.

331.3 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.

331.3.1 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).

331.3.2 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).

331.3.3 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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331.3.4 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).

331.4 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).

331.5 OFFICER RESPONSIBILITY

Any officer who arrests any school employee for any offense shall notify a supervisor as soon as practical.

331.6 SUPERVISOR & COMMAND DUTY OFFICER RESPONSIBILITY

In the event any school employee from any kind of school is arrested for a sexually based crime or possession of any kind of controlled substance, the on-duty supervisor shall notify the on-duty or on-call command duty officer.

The command officer should research the actual code sections to determine the following:

- (a) Does the arrestee work for a qualifying entity requiring notification to the employer, and what that entity is (public school, community college, private school, etc.)
- (b) What offense has been charged and whether or not that offense qualifies for notification.
- (c) Who or what entity requires notification (School District Superintendent, Office of the Chancellor, Commission on Teacher Credentialing, etc.).

331.6.1 MAKING THE NOTIFICATION

Once it is determined a notification should be made and who or what entity will be notified, the command officer, in conjunction with the Chief of Police or his or her designee shall make these appropriate notifications.

Registered Offender Information

332.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the Irvine 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.

332.2 POLICY

It is the policy of the Irvine 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.

332.3 REGISTRATION

The Special Investigations 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.

332.3.1 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.).

332.4 MONITORING OF REGISTERED OFFENDERS

The Special 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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Registered Offender Information

The Special Investigation Unit supervisor should also establish a procedure to routinely disseminate information regarding registered offenders to Irvine Police Department personnel, including timely updates regarding new or relocated registrants.

332.5 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 Irvine Police Department's website. Information on sex registrants placed on the Irvine 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).

332.5.1 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).

332.5.2 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).

Civic Center Complex Response and Emergency Procedures

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Civic Center Complex Response and Emergency Procedures

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Aircraft Landings at the Orange County Great Park

338.1 PURPOSE AND SCOPE

As a former operational airport, the runways at the Orange County Great Park are often used by pilots attempting emergency aircraft landings. This policy describes the responsibility of responding officers when an aircraft makes a successful emergency landing at the Orange County Great Park. If the landing is unsuccessful and the aircraft is damaged or destroyed, officers should refer to the Aircraft Accidents policy.

338.2 RESPONDING OFFICERS' RESPONSIBILITIES

Responding officers' primary responsibility is to ensure the aircraft is safely parked, attend to any injured parties in the aircraft or on the ground, make proper notifications, and document the landing. To accomplish this, responding officers should:

- (a) Take necessary precautions to ensure their own safety and the safety of other persons responding to the scene.
- (b) Determine the nature of the landing and what assistance is needed from additional personnel.;
- (c) Determine if there are injured parties in the aircraft or on the ground and take the appropriate actions to attend to the injured.
- (d) Ensure the aircraft is parked and its engine is shut down.
- (e) Cordon off the aircraft and prevent non-involved persons from interfering in the incident.
- (f) Notify their immediate supervisor of the landing and the circumstances that necessitated the landing at the OCGP.
- (g) Interview the pilot to determine the reason for the landing and complete an incident report to document the landing.
- (h) Make the appropriate notifications as articulated in this policy.
- (i) Not allow the aircraft to taxi or takeoff.

338.3 SUPERVISOR'S RESPONSIBILITIES

Supervisors responding to an aircraft landing at the Orange County Great Park should ensure that all proper notifications of the event are made, including:

- (a) Command Notification
- (b) Great Park Sergeant
- (c) Great Park Operations Manager
- (d) Federal Aviation Administration

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Aircraft Landings at the Orange County Great Park

338.4 AIRCRAFT GROUND MOVEMENT AND TAKEOFF

An aircraft should only be allowed to taxi if the aircraft's position upon the officer's arrival constitutes a significant risk to other persons or property at the Orange County Great Park. If an emergency situation were to require the movement of an aircraft, officers should select a parking location that is:

- (a) Secure from pedestrians and other vehicle traffic on the runways.
- (b) Isolated from combustible materials, such as buildings, vehicles, or foliage.
- (c) Readily accessible to IPD and OCFA.
- (d) Conducive to allowing a mechanic to perform repair work.
- (e) Prepared to handle HAZMAT spillage (not uphill from a storm drain or sewer, etc).

At no time shall an officer allow an aircraft, excluding law enforcement, fire services, or military aircraft not in distress, to take off from the Orange County Great Park. Once an aircraft has landed, it can only take off with the authorization of Orange County Great Park management.

Once a pilot has obtained authorization from Orange County Great Park management to take off from the Park, officers will be requested to secure the runways prior to the take-off. Officers should use their lights and siren and public address system to clear people and vehicles off of the runways in advance of the take off. Officers should then stage in an advantageous position to view the runways and runway access points to intercept any persons or vehicles that may attempt to gain access to the runway while the aircraft is taxiing and taking off. Once the aircraft is safely airborne, officers may clear the runways and allow activity to return to normal.

338.5 DOCUMENTATION

If the responding officer determines that criminal activity has occurred, s/he shall complete the appropriate crime report as articulated in the Report Preparation policy.

If no criminal activity has occurred, the responding officer shall complete an incident report documenting the aircraft landing. The report shall include the details of the landing, the nature of the emergency that necessitated the landing, identification of the aircraft (make, model, color, and registration [tail] number), registered owner of the aircraft, and complete information of the pilot, including the pilot license number, and any passengers. Law enforcement, fire services, and military aircraft not in distress are generally excluded from this documentation requirement, unless, in the opinion of the responding officer and/or her/his supervisor, the landing should be documented.

Unmanned Aircraft System (UAS)

339.1 PURPOSE AND SCOPE

The mission of the Irvine Police Unmanned Aircraft System (UAS) is to assist police personnel in enhancing public safety while protecting the rights and privacy of the general public.

Department personnel shall make every effort to avoid invading a person's reasonable expectation of privacy when operating a UAS. When operating a UAS, the Irvine Police Department will abide by all Federal Aviation Administration (FAA) flight regulations and obtain the proper authorization for flight. Additionally, the need, availability and use of the UAS will not supersede the issuance of a warrant when otherwise required.

Managers, supervisors, operators and visual observers involved in deploying a UAS will consider the protection of individuals' civil rights and reasonable expectation of privacy as a key component of any decision made to deploy the UAS. UAS Remote Pilot in Command, Pilots and Visual Observers will ensure operations of the UAS intrude as little as possible upon those who live, work and visit the City of Irvine.

339.2 POLICY

To accomplish this primary goal, the Irvine Police Department will adhere to the following:

Authorized use of Department UAS include:

1. Aerial photography and video for:
 - (a) Crime scenes or traffic collision investigations for evidence collection purposes.
 - (b) Social media, marketing materials and publications for public relations purposes.
2. Natural disaster evaluation and response.
3. Searches for missing persons, suspects or articles (such as weapons) within established police perimeters or search zones when deployment is intended to enhance the safety of officers, suspects, victims or the community at large.
4. Enhancement of animal and officer safety by mapping and identifying wildlife paths of travel in unpopulated areas.
5. In response to and during calls for service, when deployment is intended to enhance the safety of officers, suspects, victims or the community at large.
6. Deployment in preparation for, and during SWAT operations, serving a search or arrest warrant, conducting a parole or probation search, and for investigations requiring an operational plan when deployment is intended to enhance the safety of officers, suspects, victims or the community at large.
7. Deployment at the request of the Orange County Fire Authority (OCFA) to include but is not limited to, monitoring open space, active fires, or other hazards and disasters.
8. Monitoring large public gatherings when the deployment is intended to enhance situational awareness and community safety. Using a UAS allows for quick mitigation of traffic hazards, medical aids, and other public safety concerns.

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9. Training in accordance with FAA and IPD standards.

When the drone is being flown pursuant to any authorized use above, the onboard cameras will be turned to face away from occupied structures as feasible or the recording function will be turned off to minimize inadvertent video or still images of uninvolved persons. Contact with subjects directly involved in the deployment (suspects, missing/lost persons) shall be recorded whenever possible to document interaction with police personnel. Every effort should be made to record detentions and arrests without jeopardizing safety. However, it is recognized that the measures mentioned above may not always be possible or appropriate. In those instances where the recording feature is not activated due to reasonable mitigating factors, the drone operator shall activate the recording feature as soon as it is practical to do so.

Unauthorized use of Department UAS include:

1. Surveillance of any person or persons who are not suspects in an active criminal investigation.
2. Photographing or recording individuals involved in lawful protests, demonstrations, rallies, marches or other expressions of free speech.
3. Following suspects who are evading law enforcement in a moving vehicle in excess or beyond the limitations of a UAS or in conflict with FAA guidelines.
4. When use of the UAS would not enhance the safety of officers, suspects, or victims, or the community at large in preparing for and during SWAT operations, the service of search warrants, conducting parole or probation searches, or for investigations requiring an Operational Plan.
5. Traffic enforcement purposes (i.e., UAS will not be used to covertly monitor intersections for traffic violations or pace vehicles to calculate speed).
6. Boxing-in, or blocking the path of any person not actively involved as a suspect in an active criminal investigation, who could be legally detained.
7. Arming any drone with any form of lethal or less-lethal weapon.

Notwithstanding the uses or restrictions above, the Chief of Police or his or her designee must approve any other use.

339.2.1 DEFINITIONS

1. Federal Aviation Administration (FAA). The national aviation authority of the United States, with powers to regulate all the aspects of aviation in the U.S.
2. An Unmanned Aircraft System (UAS) is an unmanned aircraft and the equipment necessary for the safe and efficient operation of the aircraft. An unmanned aircraft is a component of a UAS. It is defined by statute as an aircraft that is operated without the possibility of direct human intervention from within or on the aircraft (Public Law 112-95, Section 331(8)).
3. UAS Pilot is the person who is piloting (physically) the flight of the UAS.

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4. UAS Team is the team of authorized personnel associated with operation of Unmanned Aircraft Systems.
5. UAS Visual Observers (VOs) are ground-based observers who assist with operation of a UAS. They will assist the remote pilot in command (RPIC) to utilize the "see and avoid" technique by scanning the area for air traffic or possible hazards.
6. Remote Pilot in Command (RPIC) is the person who is ultimately responsible for the safe operation of the UAS and the public's safety during the flight, whether physically piloting the UAS or monitoring another authorized pilot.
7. IMSAFE (Illness, Medication, Stress, Alcohol, Fatigue, and Emotion) is the Aeronautical Information Manual's recommended mnemonic for pilots to use to assess their fitness to fly.

339.3 MANAGEMENT / SUPERVISION OF UNMANNED AIRCRAFT SYSTEM (UAS)

The Operations Commander, or his/her designee, shall serve as the UAS Commander and is responsible for the overall management of the team. Given the technical nature of aviation, the UAS Commander may, at their discretion, assign responsibility for UAS operations to a UAS Supervisor with the necessary knowledge, skills and abilities to safely and effectively manage the day-to-day operation of the UAS Team.

In consultation with the UAS Commander, the deployment of a UAS shall only be for authorized missions and by the approval authority depicted in the below matrix:

Authorized UAS Missions	Approval Authority	Deployment Guideline
Photography for social media, Department publications and branding	Command Staff	Static
Natural disaster evaluation and response	Command Staff	Dynamic
Mapping crime scenes and traffic collision investigations	Sergeant or above	Static
Search for missing person(s)	Sergeant or above	Dynamic
Animal Services mapping and location of wildlife paths of travel in unpopulated areas	Command Staff	Static
Deployment during Special Weapons and Tactics (SWAT) operations, high-risk warrant service, or in response to operational plans.	Command Staff	Dynamic
Training	Sergeant or above	Static
In response to and during calls for service	Sergeant or above	Static

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Searches for suspects or articles such as weapons within established police perimeters	Sergeant or above	Dynamic
Crowd and Event Management	Commander or above	As Directed
Assisting OCFA or other agencies with any approved mission	Command Staff	As Directed
Any other use	Chief of Police or their designee	As Directed

339.4 DEPLOYMENT GUIDELINE

A UAS deployment requires a minimum flight crew of a Remote Pilot in Command (RPIC), UAS pilot, and Visual Observer. After completing a risk assessment, the RPIC may serve as the UAS pilot and Visual Observer if the mission can be completed safely.

Visual Observer(s) and additional flight crew staff may be required to ensure the safe operation of a UAS. Due to the nature of many public safety UAS missions, more personnel will likely be required to execute a mission safely and effectively.

As part of the mission planning / preflight procedures, the RPIC shall conduct a risk assessment. The RPIC will evaluate the mission parameters and determine if the mission can be completed safely. The RPIC will determine any additional personnel needed to ensure its safe completion of a mission. The FAA may impose minimum staffing requirements for UAS operations. When or if those minimum staffing requirements are present, the IPD UAS team will meet or exceed the requirement.

Factors that shall be considered when completing a risk assessment:

- Operating environment (i.e. weather, airspace clearance, visibility)
- Purpose of flight
- Potential hazards
- Risk to life
- Safety of the scene
- Capabilities of proposed UAS
- Human Factors (IMSAFE)

339.5 UAS SUPERVISOR

The UAS Supervisor is responsible for the following:

1. Ensuring all UAS Team members understand applicable regulatory requirements, standards, and organizational safety policies and procedures.
2. Observe and control safety systems through monitoring and supervision of UAS Pilots and Visual Observers.
3. Measure RPIC and VO performance and compliance with organizational goals, objectives and regulatory requirements.

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4. When necessary, suspect the UAS responsibilities of team members failing to meet department standards.
5. Review the standards and practices of agency personnel as they impact flight safety.
6. Ensure that RPICs, Pilots and VOs receive the proper training to fulfill the duties of their respective roles.
7. Act as the Flight Safety Officer or designate a member of the UAS Team to fulfill the role of the Flight Safety Officer. The Flight Safety Officer will provide the UAS Team with up-to-date safety information, conduct training session debriefs, identify safety-related concerns and corrective actions, and reinforce that safety is the responsibility of all members of the UAS Team.

339.6 UAS PILOTS AND VISUAL OBSERVERS

UAS Team must acquire a valid FAA Part 107 Certification within 120 days of joining the UAS Team. On any given mission, a UAS team member may be called upon to perform the duties of either a UAS Pilot or a UAS Visual Observer. UAS Team members must maintain proficiency in the operational standards of both positions. The Chief of Police is responsible for determining the number of certified personnel necessary to best serve the Department's needs.

The primary duty of a UAS Pilot is to operate the drone in a safe and effective manner in accordance with FAA regulations and Department procedures. Pilots must remain knowledgeable of all of the above guidelines at all times.

The primary duty of a VO is to coordinate operations between the UAS and ground personnel. The VO will also identify risks to police personnel, the public and property, including the drone, and take immediate steps to coordinate with the RPIC to mitigate or avoid those risks.

In order to fly a mission (other than flights required for training or currency), pilots must have completed three (3) currency events within the previous 90 days. Currency events include landings, takeoffs and simulator flights.

339.7 UAS FLIGHT CREW RESPONSIBILITIES AND COORDINATION

339.7.1 UAS REMOTE PILOT IN COMMAND RESPONSIBILITY

1. The UAS Remote Pilot in Command, in conjunction with the approving authority, is directly responsible for and is the final authority over the operation of the UAS.
2. UAS Pilots and Remote Pilots in Command have the absolute authority to reject a flight due to weather, aircraft limitations or physical conditions. No member of the Irvine Police Department, regardless of rank, can order a UAS Pilot to conduct a flight when, in the opinion of the Pilot, it would be too unsafe to do so.
3. UAS Pilots are responsible for compliance with FAA regulations and the Irvine Police Department UAS Policy.
4. Pilots shall communicate as warranted with Air Traffic Control (ATC) and other aircraft. When under the control of ATC, the Pilot will not monitor law enforcement radio communications.

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5. Pilots shall be responsive to the requests of the UAS Visual Observer in order to accomplish the mission.
6. Pilots shall be responsible for documentation for mission training and updating of flight books.

339.7.2 UAS VISUAL OBSERVER RESPONSIBILITY

1. See and avoid any obstacle that will reduce safety during the mission or training.
2. UAS Visual Observers are responsible for the law enforcement aspect of the deployment.
3. Operate any attachments to the drone, allowing the UAS Pilot to maintain complete focus on the operation of the drone.
4. Remain alert for suspicious persons or activities on the ground and coordinate response by ground units. UAS Visual Observers shall monitor radio updates.
5. Assist the UAS Pilot to achieve safe operation of the drone.

339.7.3 UAS FLIGHT CREW COORDINATION

1. The UAS Pilot and UAS Visual Observer will work closely to form the crew that will ultimately accomplish mission objectives.
2. The UAS Pilot and UAS Visual Observer are the custodians of evidence. In this capacity, they are responsible for the safeguarding and proper processing of any evidence including, but not limited to, digital imagery to include still and video images.
3. In the interest of safety, both the UAS Pilot and Visual Observer must be comfortable with any decision made while working as a crew. This begins when deciding whether to accept the mission and continues throughout the mission.
4. Every UAS crew member has an obligation to communicate any concerns to the UAS Supervisor, Remote Pilot in Command or UAS supervisor prior to flight.
5. UAS Visual Observers have the right, as well as the responsibility, to question the UAS Pilot whenever they do not understand something, or are uncomfortable with certain procedures, weather, mission parameters, etc.

339.8 PREFLIGHT AND POST FLIGHT PROCEDURES

339.8.1 PREFLIGHT PROCEDURE

Preflight procedures will be conducted prior to each flight mission and will be done in accordance with the checklist prepared by the Irvine Police Department UAS Supervisor and will include the manufacturer's recommendations if given. Any issues found during the preflight procedures should be documented and addressed. The RPIC will factor in any unresolved issues into their risk assessment when determining if a mission can be conducted safely.

339.8.2 LAUNCH PROCEDURES

1. Prior to the launch of the UAS, the RPIC is responsible for ensuring the checklist is completed and proper authorization is obtained.

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2. The RPIC is responsible for ensuring all UAS deployed for a mission are inspected and the aircraft and ground station are safe to operate.
3. The RPIC will communicate with the Visual Observer(s) to ensure the area is visibly clear of air traffic and the pilot is aware of hazardous obstacles or safety concerns that could interfere with the safe operation of the mission.
4. As warranted, the RPIC is responsible for notifying the John Wayne Air Traffic Control Tower (or other appropriate FAA facility), in accordance with the FAA's rules and guidelines.

339.8.3 POST FLIGHT

Postflight procedures will be completed at the conclusion of the each mission. Postflight procedures will be done in accordance with a checklist prepared by the Irvine Police Department UAS Supervisor and include manufacturer's recommendations if given.

339.8.4 DOCUMENTATION

The RPIC is responsible for ensuring the completion of UAS Preflight and Postflight forms for all missions. The documentation can be completed by an involved crew member and shall, at minimum include:

- (a) Date and Location
- (b) Reason for the flight
- (c) Safety Checklist
- (d) Airspace identification and Notification as needed
- (e) Any additional relevant information to the mission

339.9 UAS COLLISIONS

1. If a collision occurs during the operation of the UAS and results in serious injury to any person, any loss of consciousness, or if it causes damage to any property (other than the UAS) in excess of \$500 to repair or replace the property, notification shall be made to the Flight Standards District Office located in Long Beach within 10 days, per FAA guidelines.
 - (a) Flight Standards District Office for Orange County https://www.faa.gov/about/office_org/field_offices/fsdo/lgb/
 1. Long Beach Flight Standards District Office (562) 420-1755 - Office
Address: 5001 Airport Plaza Drive, Long Beach, CA 90815
2. While at the scene, the Remote Pilot in Command shall notify the UAS supervisor or the Incident Commander, who shall respond to photograph or direct CSI to photograph the collision scene and any resulting injuries or property damage. The Remote Pilot in Command shall be responsible for completing an Incident Report to the UAS Supervisor describing the incident and damage. If the collision results in less than \$500 in damage, or the only damage is to the UAS, an Incident Report shall be completed by the Pilot and notification to the UAS Supervisor shall be made. In either case, the UAS Supervisor shall conduct or direct a review of the collision and determine if the

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collision could have been prevented through maintenance, training, etc., and ensure all necessary paperwork has been submitted. As warranted, the UAS Supervisor should contact the City's Risk Management Administrator.

339.10 MAINTENANCE

A properly maintained UAS is essential to its safe operation. Compliance with the preflight checklist, postflight inspection and the immediate repair of mechanical problems will ensure the availability and safety of the Department's UAS.

The UAS Supervisor will designate a UAS Maintenance Officer who will coordinate maintenance for the UAS. This assignment can be in addition to other duties of a team member or someone outside the UAS Team. If possible, maintenance will be scheduled when it will have the least impact on operations. The Maintenance Officer shall notify the UAS Supervisor and UAS Supervisor of the operational status of the UAS. The Maintenance Officer shall be responsible for keeping the UAS maintenance record updated.

339.11 TRAINING

All members within the UAS Team who will act as a UAS Pilots, RPICs or VOs, shall be trained and will maintain proficiency in their pilot/observer abilities. Each UAS Team Member shall be a certified Part 107 operator in accordance with FAA requirements and standards within 120 days of joining the team. The UAS Supervisor may, with UAS Commander approval, extend the time to obtain a Part 107 certificate by 30 days.

All members of the UAS Team will maintain proficiency by participating in monthly training. During these training sessions, the UAS Pilot may be required to pass a qualification course. The training will vary and include a quarterly qualification course and skills-based exercises consistent with Public Safety deployment scenarios. A UAS Pilot with no documented training or flight time within 90 days (due to vacation, court appearance, etc.) will have to show proficiency before deploying a UAS. The UAS Pilot can also utilize a simulator program (if available and with approval) to stay proficient if there are scheduling issues or a lack of flight training due to weather. A UAS Pilot unable to pass a qualification course will have their pilot duties suspended until they successfully demonstrate proficiency.

339.12 DATA RETENTION

With the exception of training and demonstration purposes, when the UAS is utilized to capture video or still images the recordings shall be reviewed for evidentiary value. Any items of evidentiary value shall be downloaded and booked as evidence under the related case number. Audio and/or images captured by a UAS and booked as evidence shall be retained in accordance with Irvine Police Department property and evidence policy 808.

UAS and associated equipment shall be stored in a secured location within the Irvine Police Department or approved offsite location and UAS shall not be operated for personal use.

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339.13 REPORTING

1. The UAS Supervisor Team Leader should submit statistics to the UAS Commander for review each month. These reports should include:
 - (a) Number of flights
 - (b) Personnel involved
 - (c) Reason for flights Total flight time
 - (d) Training exercises

339.14 STORAGE

UAS and associated equipment shall be stored in a secured location within the Irvine Police Department or approved offsite locations. Except when otherwise directed by a supervisor or required by exigent circumstances, UAS shall only be used by those to whom it was assigned. Use of a UAS should be limited to official purposes and in the capacity for which it was designed.

ADA Compliance

340.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for equal access to Irvine Police Department services, programs, and activities for persons with disabilities, in accordance with Title II of the Americans with Disabilities Act (ADA).

This policy also includes guidelines to provide effective communication with persons with disabilities. See the Service Animals Policy for guidance on protecting the rights of individuals who use service animals in accordance with the ADA.

340.1.1 DEFINITIONS

Definitions related to this policy include (28 CFR 35.104):

ADA coordinator - The member designated by the Chief of Police to coordinate the department's efforts to comply with the ADA (28 CFR 35.107).

Assistive devices, auxiliary aids, and services - Tools used by persons with disabilities to facilitate their participation in services, programs, and activities offered by the Irvine Police Department and to facilitate effective communication. 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; a qualified reader; or a qualified interpreter.

Disability - A physical or mental impairment that substantially limits a major life activity including hearing, seeing, or speaking, regardless of whether the person uses assistive devices, auxiliary aids, and services. Individuals who wear ordinary eyeglasses or contact lenses are not considered to have a disability (42 USC § 12102; 28 CFR 35.108).

Facility - All aspects of department buildings, structures, sites, complexes, equipment, rolling stock or other conveyances, roads, walkways, parking areas, and other real or personal property (28 CFR 35.108).

Modification - Any change, adjustment, alteration, adaptation, or accommodation that renders a department service, program, or activity suitable for use, enjoyment, or participation by a person with a disability. This may include alteration of existing buildings and facilities.

A modification includes any change or exception to a policy, practice, or procedure that allows a person with a disability to have equal access to services, programs, and activities. It also includes the provision or use of assistive devices, auxiliary aids, and services.

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, transliterators, sign language interpreters, and intermediary interpreters.

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340.2 POLICY

It is the policy of the Irvine Police Department that persons with disabilities, including victims, witnesses, suspects, and arrestees, have equal access to services, programs, and activities of the Department.

The Department will not discriminate against or deny any individual access to services, programs, or activities based upon the presence or suspected presence of disabilities.

340.3 ADA COORDINATOR RESPONSIBILITIES

The responsibilities of the ADA coordinator include but are not limited to (28 CFR 35.130):

- (a) Collaborating with the City ADA coordinator regarding the Irvine Police Department's efforts to provide equal access to services, programs, and activities.
 - 1. Maintaining department compliance with accessibility standards for department web content and mobile applications as required by 28 CFR 35 Subpart H (28 CFR 35.200).
- (b) Collaborating with the City ADA coordinator to facilitate a process of periodic self-evaluation. The process should include:
 - 1. Inspection of current department facilities to identify access issues.
 - 2. Review of current department services, activities, and programs for access issues.
 - 3. Assessment and update, if necessary, of current compliance measures.
 - 4. Identification of recurring areas of complaint for which new methods of modification should be considered.
 - 5. Review of the department's emergency programs, services, and activities as they apply to persons with disabilities.
 - 6. Recommendation of a schedule to implement needed improvements.
- (c) Acting as a liaison with local disability advocacy groups or other disability-focused groups regarding access to department services, programs, and activities.
- (d) Developing procedures that will enable members to access assistive devices, auxiliary aids, and services, and making the procedures available as appropriate.
 - 1. A list of qualified interpreter services with contact and availability information should be maintained and easily accessible to members.
- (e) Developing procedures for the review and processing of requests for modifications that will help members provide persons with disabilities access to department services, programs, and activities, as appropriate.
- (f) Establishing procedures for the booking process to assist members with managing commonly encountered disabilities such as sight or mobility impairments and intellectual or developmental disabilities.
- (g) Providing notice to the public regarding the rights and protections afforded by the ADA. This may include posters, published notices, handbooks, manuals, and pamphlets.

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describing department services, programs, and activities and the availability of assistive devices, auxiliary aids, and services, as well as modifications (28 CFR 35.106).

- (h) Collaborating with other [city/county] departments during the planning process to provide that new construction and any alteration to an existing building or facility are undertaken in compliance with the ADA (28 CFR 35.151).
- (i) Developing, implementing, and publishing appropriate procedures to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to services, programs, and activities. The complaint procedures should include an appeal process (28 CFR 35.107).
- (j) Verifying that third parties providing department services, programs, or activities through contract, outsourcing, licensing, or other arrangement have established reasonable policies and procedures to prevent discrimination against and denial of access to persons with disabilities.
- (k) Recommending amendments to this policy as needed.

340.4 REQUESTS

The goal of any modification should be to allow a person with a disability to participate in a service, program, or activity the same as a person who does not have a disability.

Upon receiving a request for a modification, members should make reasonable efforts to accommodate the request based on the preference of the person with the disability. Members should not ask about the nature and extent of a person's disability but should limit questions to elicit information necessary to determine the need for a modification and the appropriate type of modification.

If the requested modification or an alternative modification can reasonably be made at the time of the request, the member should make the modification. A member who is unable to accommodate a request or unsure about whether a request should be accommodated should contact a supervisor.

The supervisor should review and approve the request, if practicable and appropriate. Otherwise, the supervisor should document the requesting person's contact information and the modification being requested and forward the request to the ADA coordinator for processing as soon as reasonably practicable.

340.4.1 DENIAL OF A REQUEST

The following should be considered before denying a request for modification:

- (a) Requests for modifications should be approved unless complying with the request would result in (28 CFR 35.150):
 - 1. A substantial alteration of the service, program, or activity.
 - 2. An undue financial or administrative burden on the Department. All resources available for use in the funding and operation of the service, program, or activity at issue should be considered in this determination.

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3. A threat to or the destruction of the historic significance of a historic property.
 4. A direct threat to the health or safety of others (28 CFR 35.139).
- (b) If any of these circumstances are present, the ADA coordinator should work with department members and the person requesting the modification to determine if an alternative modification is available.
- (c) Where new construction or physical modification of an existing building or facility would be unfeasible or unduly burdensome, the ADA coordinator should work with department members to determine whether alternative modifications are available. Alternative methods that should be considered include (28 CFR 35.150):
1. Reassigning services, programs, or activities to accessible buildings or facilities.
 2. Utilizing technology, equipment, rolling stock, or other conveyances.
 3. Delivering the services, programs, or activities directly to a person with a disability by way of home visits or meeting the person at an accessible location.
 4. Any other means or methods that would make services, programs, or activities readily accessible.
- (d) If no alternative modification is appropriate, the ADA coordinator shall issue a written statement explaining why a modification of the service, program, or activity will not be made (28 CFR 35.150).

340.4.2 PERSONAL DEVICES AND ASSISTANCE

Although members should make every effort to comply with requests, the provision of personal devices or assistance (e.g., wheelchairs, eyeglasses, hearing aids, personal assistance in eating or using the restroom) to persons with disabilities is not required (28 CFR 35.135).

340.4.3 SURCHARGES

Surcharges shall not be imposed upon persons with disabilities to cover the costs of providing modifications (28 CFR 35.130(f)).

340.5 COMMUNICATIONS WITH PERSONS WITH DISABILITIES

Members should remain alert to the possibility of communication problems when engaging with persons with disabilities. When a member knows or suspects an individual requires assistance to effectively communicate, the member should identify the individual's choice of assistive devices, auxiliary aids, and services. The individual's preferred communication method should 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 may be 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.

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In emergency situations involving an imminent threat to the safety or welfare of any person, members may use whatever modification reasonably appears effective under the circumstances. This may include 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. Once the emergency has ended, the method of communication should be reconsidered. The member should inquire as to the individual's preference and give primary consideration to that preference.

340.5.1 TYPES OF ASSISTANCE AVAILABLE

Department members shall not refuse an available type of assistive device, auxiliary aid, or service to a person with a disability who is requesting assistance. The Department will not require persons with disabilities to furnish their own assistive device, auxiliary aid, or service as a condition for receiving access to department services, programs, and activities. The Department will make every reasonable effort to provide equal access and timely assistance to persons with disabilities through a variety of assistive devices, auxiliary aids, and services (28 CFR 35.160).

The Department will not require that persons with disabilities use department-provided assistive devices, auxiliary aids, and services. Department-provided assistive devices, auxiliary aids, and services may include but are not limited to the means described in this policy.

340.5.2 AUDIO RECORDINGS AND ENLARGED PRINT

The Department may develop audio recordings to assist people who are blind or have a visual impairment. If such a recording is not available, members may read aloud from the appropriate form or provide forms with enlarged print.

340.5.3 QUALIFIED INTERPRETERS

A qualified interpreter may be needed in lengthy or complex transactions (e.g., interviewing a victim, witness, suspect, or arrestee) with individuals who normally rely on sign language or speechreading (i.e., lip-reading) to understand what others are saying. The qualified interpreter should not be a person with an interest in the matter. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a legal proceeding.

Qualified interpreters should be:

- (a) Available within a reasonable amount of time.
- (b) Experienced in providing interpretation services related to law enforcement matters in the person's primary language.
- (c) Familiar with the use of text- and video-based communications products and systems.
- (d) Certified in either American Sign Language (ASL) or Signing Exact English (SEE).
- (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.

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Members should use department-approved procedures to request a qualified interpreter at the earliest reasonable opportunity or when it is reasonably apparent that an interpreter is needed. The use of a video remote interpreting service should be considered, where appropriate, if a live interpreter is not available. Persons with disabilities shall not be required to provide an interpreter (28 CFR 35.160).

340.5.4 TELECOMMUNICATION SERVICES

In situations where an individual without a disability would have access to a telephone (e.g., during booking or attorney contacts), members must also provide those with communication-related disabilities the opportunity to place calls using an available TTY, TDD, or other voice, text, or video-based communications product or system. Members shall provide additional time, as needed, for effective communication due to the slower nature of assisted communications.

The Department will accept all TDD and computer modem calls placed by individuals with communications-related disabilities and received via a telecommunications relay service (28 CFR 35.162).

340.5.5 COMMUNITY VOLUNTEERS

Where qualified interpreters are unavailable to assist members, department-approved community volunteers who have demonstrated competence in communication services, such as ASL or SEE, may be called upon to provide interpreter services when appropriate. However, department members must carefully consider the nature of the interaction and the relationship between the individual with the disability and the volunteer to be reasonably satisfied that the volunteer can provide neutral and unbiased assistance.

340.5.6 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 interaction and relationship between the individual with the disability and the person offering services must be carefully considered to determine whether the family member or friend can provide neutral and unbiased assistance.

Except in an emergency involving an imminent threat to the safety or welfare of any person and no qualified interpreter is reasonably available, members shall not use a minor child as an interpreter (28 CFR 35.160).

340.5.7 FIELD ENFORCEMENT CONSIDERATIONS

Due to the unpredictable and varied nature of field enforcement, the Department recognizes that it is impracticable to provide immediate access to a comprehensive supply of assistive devices, auxiliary aids, and services to every member of this department. Members involved in interactions with persons with disabilities that occur in the field should assess each situation to determine if communication assistance is necessary. The length, complexity, and importance of the communication, as well as the individual's preferred method of communication, should be

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considered when determining what, if any, resources should be used and whether a qualified interpreter or other service is needed.

340.5.8 WITNESS OR VICTIM INTERVIEWS

Members who interview a witness or victim who demonstrates or states they are deaf or have a hearing loss shall make a good faith effort to secure the services of an interpreter without any unnecessary delay, unless the individual affirmatively indicates they do not need or cannot use an interpreter (Evidence Code § 754).

340.6 CUSTODIAL INTERROGATIONS

In an effort to ensure that the rights of individuals with disabilities are protected during a custodial interrogation, this department will provide reasonable modifications before beginning an interrogation, unless exigent circumstances exist or the individual has made a clear indication that the individual understands the process and desires to proceed without receiving a modification. *Miranda* warnings should be provided to a suspect via the individual's preferred method of communication.

Interrogations should be recorded whenever reasonably practicable. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

340.7 ARREST

If an individual with a communication-related disability is arrested, the arresting officer shall use department-approved procedures to provide a qualified interpreter as soon as reasonably practicable, unless the individual indicates a preference for a different assistive device, auxiliary aid, or service, or the officer reasonably determines another effective method of communication exists under the circumstances.

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.

340.8 WEBSITE ACCESS

The ADA coordinator should work with the appropriate parties to develop online content that is readily accessible to persons with disabilities. Department web content should be developed in conformance with the most current guidelines issued by the U.S. Department of Justice and federal regulations (28 CFR 35 Subpart H; 28 CFR 35.200).

Department website content should also be made available to persons with disabilities in an alternative format upon request, if reasonably practicable.

340.9 DOCUMENTATION

Whenever any modification has been provided, the member involved should document:

- (a) The type of modification, assistive device, auxiliary aid, or service provided.
- (b) Whether the individual elected to use an assistive device, auxiliary aid, or service provided by the Department or another identified source, as applicable.

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- (c) Whether the individual's express preference for the modification was not honored and the reason why an alternative method was used.

The documentation and any written communications exchanged should be maintained consistent with the Records Maintenance and Release Policy.

All written communications exchanged in a criminal case shall be attached to the member's report or placed into evidence.

340.10 COMPLAINTS

A member who receives a complaint or becomes aware of potential disability discrimination, an ADA violation, or a person's inability to access the department's programs, services, or activities should document the complaint and promptly refer the matter to the ADA coordinator (28 CFR 35.107). The Department shall assist persons with disabilities who require assistance to file a complaint regarding members of this department. The Department may provide a qualified interpreter or forms in enlarged print, as appropriate.

340.11 TRAINING

Members should receive periodic training on ADA compliance, to include:

- (a) Awareness and understanding of this policy, related procedures, forms, and available resources.
- (b) Procedures for handling requests for modifications.
- (c) Accessing assistive devices, auxiliary aids, and services needed to accommodate requests for modifications.
- (d) General requirements of the ADA, including modifying policies and practices, communicating with individuals with disabilities, and identifying alternate ways to provide access to programs, services, and activities as appropriate to the member's job duties.

Management staff, even if they do not interact regularly with individuals with disabilities, should receive training as appropriate to understand and reinforce this policy.

The Training Manager should maintain records of all training provided and retain a copy in each member's training file in accordance with the established records retention schedule.

340.11.1 CALL-TAKER TRAINING

Emergency call-takers shall be trained in the use of department assistive devices, auxiliary aids, and services for communicating with individuals with communication-related disabilities. 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 calls using TTY, TDD, or other voice, text, and video-based communications products and systems.

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- (d) Hands-on experience in using TTY, TDD, or other voice, text, and video-based communications products and systems.

Training should be provided for all Communications Bureau members who may have contact with individuals from the public who have communication-related disabilities. Refresher training should be provided as appropriate.

Victim and Witness Assistance

341.1 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.

341.2 POLICY

The Irvine Police Department is committed to providing guidance and assistance to the victims and witnesses of crime. The members of the Irvine 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.

341.2.1 REPORTING

Irvine Police Department personnel completing any crime report shall check the appropriate box on the face page if a Victims' Resource Guide was provided. In the event a victim is not provided with a resource guide, the narrative of the report shall contain an explanation as to why it was not provided.

341.3 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 Irvine 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. The Waymakers Victim Advocate is designated as the department's victim liaison.

341.3.1 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).

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- (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 Irvine Police Department jurisdiction (Penal Code § 680.2).
- (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).

341.3.2 WAYMAKERS VICTIM ADVOCATE RESPONSIBILITIES

The Irvine Police Department contracts with Waymakers to provide a dedicated victim advocate. The overarching purpose of this advocate is to provide prompt, compassionate and comprehensive services to victims of crime. While the Waymakers advocate may serve all victims, victims of domestic violence, sexual assault, hate crimes or other violent crimes should be given priority.

The Waymakers victim advocate shall be responsible for reviewing all cases of domestic violence, sexual assault and other violent crimes. The advocate should work in conjunction with the case detective to ensure each of these victims is contacted and offered services. If the victim of domestic violence, sexual assault, hate crime or other violent crime is a UC Irvine student, it shall be the responsibility of the Waymakers victim advocate to make the victim aware of U.C. Irvine's C.A.R.E. (Campus Assault Resources and Education) Office. The advocate may also seek the victim's consent to release contact information to the C.A.R.E. Office.

More specifically, the Waymakers victim advocate will be responsible for providing:

- (a) Crisis intervention
- (b) Emergency assistance for food, clothing, shelter or medical care
- (c) Emergency transportation
- (d) Resource and referral information
- (e) Assistance obtaining a restraining order
- (f) Orientation to the criminal justice system
- (g) Obtaining restitution
- (h) Filing for victim compensation through the State of California

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It is also expected the Waymakers victim advocate, from time to time, will ride-a-long with a field sergeant, respond to violent crimes, provide immediate crisis counseling as necessary, and provide resource and contact information to victims for future use.

341.4 CRIME VICTIMS

Officers should provide all victims with the applicable victim information handouts.

Based on the nature of the crime, the investigating Department employee should take the time to explain the various resources available to the victim, and direct the victim to the pages in the pamphlet that contain information relevant to the victim's particular crime.

For victims of domestic violence, sexual assault, hate crimes, and other violent crimes, personnel taking initial crime reports should inform these victims about our dedicated contract Waymakers Victim Advocate, briefly explain what services this person can offer, and how this advocate may be contacted.

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.

341.4.1 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).

341.5 VICTIM INFORMATION

The Administrative Services Supervisor shall ensure that victim information handouts are available and current. These should include as appropriate:

- (a) Shelters and other community resources for victims of domestic violence.
- (b) Community resources for victims of sexual assault.
- (c) Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams, and information about evidence collection, storage, and preservation in sexual assault cases (34 USC § 10449; 34 USC § 20109; Penal Code § 13823.95(a)).
- (d) An explanation that victims of sexual assault who seek a standardized medical evidentiary examination shall not be required to participate or agree to participate in the criminal justice system, either prior to the examination or at any other time (Penal Code § 13823.95(b)).
- (e) An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.

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- (f) A clear explanation of relevant court orders and how they can be obtained.
- (g) Information regarding available compensation for qualifying victims of crime (Government Code § 13962).
- (h) VINE® information (Victim Information and Notification Everyday), including the telephone number and whether this free service is available to allow victims to check on an offender's custody status and to register for automatic notification when a person is released from jail.
- (i) Notice regarding U visa and T visa application processes.
- (j) Resources available for victims of identity theft.
- (k) A place for the officer's name, badge number, and any applicable case or incident number.
- (l) The "Victims of Domestic Violence" card containing the names, phone numbers, or local county hotlines of local shelters for battered women and rape victim counseling centers within the county and their 24-hour counseling service telephone numbers (Penal Code § 264.2).
- (m) The rights of sexual assault victims card with the required information as provided in Penal Code § 680.2.
- (n) Any additional information required by state law (Penal Code § 13701; Penal Code § 679.02; Penal Code § 679.04; Penal Code § 679.05; Penal Code § 679.026).

341.5.1 VICTIM SERVICES PARTNERS

Meeting the needs of victims is dependent upon the mutual teamwork and cooperation of victim advocates, law enforcement officials, District Attorney Personnel and others. Officers should familiarize themselves with our community partners who work in collaboration with us to ensure seamless service to victims as they progress through the criminal justice system. These partners include:

- (a) **Waymakers / Victim Assistance Programs:** Victim Assistance Programs is recognized by the State of California and the County of Orange as the institutionalized victim service agency charged with the responsibility to provide comprehensive service to all victims of crime. The Irvine Police Department contracts with Waymakers for a full-time victim advocate, who works out of the Centralized Investigations Division, and who is dedicated to serving victims in the City of Irvine.
- (b) **Waymakers / Crisis Response Team (CRT):** The Waymakers Crisis Response Team is a branch of Victim Assistance Programs. This unit is available to respond in the wake of critical incidents, such as murders, affecting a family or a neighborhood. CRT counselors will offer short and long term crisis counseling to family members, friends, neighbors and others who may be experiencing post-traumatic stress or other issues.
- (c) **Human Options:** This agency offers emergency shelter for women who are victims of domestic violence and their children. Human Options also operates a 24-hour domestic violence hotline and has staff that specializes in counseling and community outreach.

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- (d) Trauma Intervention Programs, Inc. (TIP): TIP can be called out in the wake of any traumatic incident, such as a serious crime, a traffic collision, or a suicide. TIP volunteers generally respond within one-half hour and offer short-term crisis counseling for the victim, and friends and family members.
- (e) Irvine Police Chaplain Program: Department Chaplains should be considered when dealing with victims and their friends and family members who have been impacted by any traumatic incident or crime.
- (f) FOR Families: Operated by City of Irvine's Community Services Department, this unit is available to assist individuals and/or families with relationship problems, family violence, marital difficulties, drug and alcohol abuse, adolescent issues, stress and depression and financial assistance referrals. Officers may provide a FOR Families blue handout in conjunction with a Victims' Resource Guide. When investigating domestic incidents, or other incidents not amounting to a crime, officers should provide the involved party with a FOR Families handout, if they believe the person may benefit from the services offered.
- (g) SAFE Place (Anaheim Regional Medical Center): This is the location where every adult victim of a sex crime can receive a forensic examination. Waymakers Victim Assistance Programs are present at the forensic exam to offer the victim support, guidance and counseling.
- (h) Child Abuse Services Team (CAST): CAST is operated by Orange County Department of Social Services and provides support in the form of forensic interviews and medical examinations of children who are suspected of being sexually abused.
- (i) Crime Survivors, Inc. Victim Emergency Bags: Crime Survivors, Inc., provides victim emergency bags which are stored in the trunks of most of the marked units. There are both adult and child bags. These bags contain various items victims of sexual assault, domestic violence, child abuse and other violent crime may find comforting. Officers may provide these bags to victims at their discretion.
- (j) Department of Social Services: This County agency can work in conjunction with law enforcement to ensure the safety of children and elders in cases involving child abuse, child sexual abuse and elder abuse.
- (k) Victim Information and Notification Everyday (VINE) Program: When appropriate, officers should advise the victim of the availability of the Victim Information and Notification Everyday (VINE) program. VINE is a free, computer-based telephone service that allows victims to check on an offender's custody status and register to receive automatic notification when an inmate is released from jail. The contact phone number for VINE is printed on the Irvine Police Department Victim's Resource Guide.

The majority of the preceding list of resources is presented in the Victim Resource Guide. Officers investigating criminal matters should consider the victim's individual needs when providing the Guide and make every effort to explain relevant services and resources.

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341.6 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.

341.7 CRIMINAL INVESTIGATIONS DIVISION RESPONSIBILITIES

All cases involving domestic violence, sexual assault, hate crimes or other crimes of violence shall be assigned to a detective. It shall be the responsibility of the assigned detective to:

- (a) Review each case.
- (b) In conjunction with the Waymakers Victim Advocate, assess what resources or support may be required of the victim.
- (c) In conjunction with the victim advocate, ensure the victim receives any needed support or resources.

The Criminal Investigations Division Lieutenant is responsible for reviewing this policy at least annually and updating it as needed. The Investigations Lieutenant is also responsible to, at least annually, review the Victims' Resource Guide and Card to ensure it is up to date and contains current resource information.

In the event the Department does not have a contract for this service at any point, the designated Crime Victim Liaison will be the Criminal Investigations Lieutenant during that time.

341.8 RECORDS DIVISION RESPONSIBILITIES

The Records Bureau supervisor shall be the liaison to the local Victim-Witness Assistance Program office. It shall be his/her responsibility to forward copies of police reports requested by personnel at the local victim centers to verify the criminal activity upon which the application for assistance is based. The Records Maintenance and Release policy in this manual regarding release of reports shall be followed in all cases.

Community Relations

342.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for community relationship-building.

Additional guidance on community relations and outreach is provided in other policies, including the:

- Hate Crimes Policy
- Limited English Proficiency Services Policy
- Communications with Persons with Disabilities Policy
- Chaplains Policy
- Patrol Function Policy
- Suspicious Activity Reporting Policy

342.2 POLICY

It is the policy of the Irvine Police Department to promote positive relationships between members of the department and the community by treating community members with dignity and respect and engaging them in public safety strategy development and relationship-building activities, and by making relevant policy and operations information available to the community in a transparent manner.

342.3 MEMBER RESPONSIBILITIES

Officers should, as time and circumstances reasonably permit:

- (a) Make casual and consensual contacts with community members to promote positive community relationships (see the Detentions and Photographing Detainees Policy).
- (b) Become reasonably familiar with the schools, businesses and community groups in their assigned jurisdictional areas.
- (c) Work with community members to identify issues and solve problems related to community relations and public safety.
- (d) Conduct periodic foot patrols of their assigned areas to facilitate interaction with community members. Officers carrying out foot patrols should notify an appropriate supervisor and Communications Bureau of their status (i.e., on foot patrol) and location before beginning and upon completion of the foot patrol. They should also periodically inform Communications Bureau of their location and status during the foot patrol.

342.4 COMMUNITY AND YOUTH ACTIVITIES AND PROGRAMS

The Youth Services Supervisor should organize or assist with programs and activities that create opportunities for department members and community members, especially youth, to interact in a positive setting. Examples of such programs and events include:

- (a) Department-sponsored athletic programs (e.g., baseball, basketball, soccer, bowling)

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- (b) Youth leadership and life skills mentoring
- (c) School resource officer/Drug Abuse Resistance Education (D.A.R.E.®) programs

342.5 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.

Native American Graves Protection and Repatriation

343.1 PURPOSE AND SCOPE

This policy is intended to 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.).

343.1.1 DEFINITIONS

Definitions related to this policy include (43 CFR 10.2):

Funerary objects - Objects that, as part of the death rite or ceremony of a Native American culture, are reasonably believed to have been placed intentionally at the time of death or later with or near individual human remains. Funerary objects are either associated funerary objects or unassociated funerary objects.

Associated funerary objects are any funerary objects related to removed human remains, where the location of the human remains is known. This includes objects that were made exclusively for burial purposes or to contain human remains, regardless of the physical location or existence of any related human remains.

Unassociated funerary objects are any other funerary objects that are identified by a preponderance of the evidence such as:

- Related to human remains but the remains were not removed, or the location of the remains is unknown.
- Related to specific individuals or families.
- Removed from specific burial sites with Native American cultural affiliation.
- Removed from an area where such burial sites are known to have existed, but the site no longer exists.

Native American human remains - Any physical part of the body of a Native American individual.

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.

343.2 POLICY

It is the policy of the Irvine Police Department that the protection of Native American human remains, funerary objects, associated funerary objects, unassociated funerary objects, sacred

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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.

343.3 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, unassociated 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 10.5).

No photography or video recording may be permitted by the media or any group or individual who may wish to exhibit the remains.

Without delay, the appropriate agency or group shall be notified to respond and take control of the scene. These include the following (43 CFR 10.5):

- Federal land - Appropriate agency at the U.S. Department of the Interior or U.S. Department of Agriculture
- State land/Private land - Coroner, when appropriate (Health and Safety Code § 7050.5)
- Tribal land - Responsible Indian tribal official

343.4 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 10.7).

Limited English Proficiency Services

344.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

344.1.1 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 Irvine 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).

344.2 POLICY

It is the policy of the Irvine 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.

344.2.1 IDENTIFICATION OF LEP INDIVIDUAL'S LANGUAGE

The Department will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language in an effort to avoid misidentifying that language.

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344.3 LEP COORDINATOR

The Chief of Police shall delegate certain responsibilities to an LEP Coordinator. The LEP Coordinator shall be appointed by, and directly responsible to, the Operations Division Commander or the authorized designee.

The responsibilities of the LEP Coordinator include, but are not limited to:

- (a) Coordinating and implementing all aspects of the Irvine 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 Bureau Supervisor. The list should include information regarding the following:
 - 1. Languages spoken
 - 2. Contact information
 - 3. Availability
- (d) Identifying standards and assessments to be used by the Department to qualify individuals as qualified bilingual members or authorized interpreters.
- (e) 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.
- (f) Receiving and responding to complaints regarding department LEP services.
- (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.

344.4 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:

- (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.

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- (d) The cost of providing LEP assistance and the resources available.

344.5 TYPES OF LEP ASSISTANCE AVAILABLE

Irvine 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.

344.6 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.

344.7 AUDIO RECORDINGS

The Department may develop audio recordings of important or frequently requested information in a language most likely to be understood by those LEP individuals who are representative of the community being served.

344.8 QUALIFIED BILINGUAL MEMBERS

Bilingual members may be qualified to provide LEP services when they have demonstrated through established department procedures a sufficient level of skill and competence to fluently communicate in both English and a non-English language. Members utilized for LEP services must demonstrate knowledge of the functions of an interpreter/translator and the ethical issues involved when acting as a language conduit. Additionally, bilingual members must be able to communicate technical and law enforcement terminology, and be sufficiently proficient in the non-English language to perform complicated tasks, such as conducting interrogations, taking statements, collecting evidence or conveying rights or responsibilities.

When a qualified bilingual member from this department is not available, personnel from other City departments, who have been identified by the Department as having the requisite skills and competence, may be requested.

344.9 AUTHORIZED INTERPRETERS

Any person designated by the Department to act as an authorized interpreter and/or translator must have demonstrated competence in both English and the involved non-English language, must have an understanding of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the department case or investigation

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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.

344.9.1 SOURCES OF AUTHORIZED INTERPRETERS

The Department may contract with authorized interpreters who are available over the telephone. Members may use these services with the approval of a supervisor and in compliance with established procedures.

Other sources may include:

- Qualified bilingual members of this department or personnel from other City departments.
- Individuals employed exclusively to perform interpretation services.
- Contracted in-person interpreters, such as state or federal court interpreters, among others.
- Interpreters from other agencies who have been qualified as interpreters by this department, and with whom the Department has a resource-sharing or other arrangement that they will interpret according to department guidelines.

344.9.2 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF LANGUAGE ASSISTANCE

Language assistance may be available from community volunteers who have demonstrated competence in either monolingual (direct) communication and/or in interpretation or translation (as noted in above), and have been approved by the Department to communicate with LEP individuals.

Where qualified bilingual members or other authorized interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the LEP individual and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

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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.

344.10 CONTACT AND REPORTING

While all law enforcement contacts, services and individual rights are important, this department will utilize the four-factor analysis to prioritize service to LEP individuals so that such services may be targeted where they are most needed, according to the nature and importance of the particular law enforcement activity involved.

Whenever any member of this department is required to complete a report or other documentation, and interpretation services are provided to any involved LEP individual, such services should be noted in the related report. Members should document the type of interpretation services utilized and whether the individual elected to use services provided by the Department or some other identified source.

344.11 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

The Irvine Police Department will take reasonable steps and will work with the Human Resources Department to develop in-house language capacity by hiring or appointing qualified members proficient in languages representative of the community being served.

344.11.1 EMERGENCY CALLS TO 9-1-1

Department members will make every reasonable effort to promptly accommodate LEP individuals utilizing 9-1-1 lines. When a 9-1-1 call-taker receives a call and determines that the caller is an LEP individual, the call-taker shall quickly determine whether sufficient information can be obtained to initiate an appropriate emergency response. If language assistance is still needed, the language is known and a qualified bilingual member is available in the Communications Bureau, the call shall immediately be handled by the qualified bilingual member.

If a qualified bilingual member is not available or the call-taker is unable to identify the caller's language, the call-taker will contact the contracted telephone interpretation service and establish a three-way call between the call-taker, the LEP individual and the interpreter.

Dispatchers will make every reasonable effort to dispatch a qualified bilingual member to the assignment, if available and appropriate.

While 9-1-1 calls shall receive top priority, reasonable efforts should also be made to accommodate LEP individuals seeking routine access to services and information by utilizing the resources listed in this policy.

344.12 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary.

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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.

344.13 INVESTIGATIVE FIELD INTERVIEWS

In any situation where an interview may reveal information that could be used as the basis for arrest or prosecution of an LEP individual and a qualified bilingual member is unavailable or lacks the skills to directly communicate with the LEP individual, an authorized interpreter should be used. This includes interviews conducted during an investigation with victims, witnesses and suspects. In such situations, audio recordings of the interviews should be made when reasonably possible. Identification and contact information for the interpreter (e.g., name, address) should be documented so that the person can be subpoenaed for trial if necessary.

If an authorized interpreter is needed, officers should consider calling for an authorized interpreter in the following order:

- An authorized department member or allied agency interpreter
- An authorized telephone interpreter
- Any other authorized interpreter

Any *Miranda* warnings shall be provided to suspects in their primary language by an authorized interpreter or, if the suspect is literate, by providing a translated *Miranda* warning card.

The use of an LEP individual's bilingual friends, family members, children, neighbors or bystanders may be used only when a qualified bilingual member or authorized interpreter is unavailable and there is an immediate need to interview an LEP individual.

344.14 CUSTODIAL INTERROGATIONS

Miscommunication during custodial interrogations may have a substantial impact on the evidence presented in a criminal prosecution. Only qualified bilingual members or, if none is available or appropriate, authorized interpreters shall be used during custodial interrogations. *Miranda* warnings shall be provided to suspects in their primary language by the qualified bilingual member or an authorized interpreter.

In order to ensure that translations during custodial interrogations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

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344.15 BOOKINGS

When gathering information during the booking process, members should remain alert to the impediments that language barriers can create. In the interest of the arrestee's health and welfare, the safety and security of the facility, and to protect individual rights, it is important that accurate medical screening and booking information be obtained. Members should seek the assistance of a qualified bilingual member whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by an LEP individual.

344.16 COMPLAINTS

The Department shall ensure that LEP individuals who wish to file a complaint regarding members of this department are able to do so. The Department may provide an authorized interpreter or translated forms, as appropriate. Complaints will be referred to the LEP Coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Authorized interpreters used for any interview with an LEP individual during an investigation should not be members of this department.

Any notice required to be sent to an LEP individual as a complaining party pursuant to the Personnel Complaints Policy should be translated or otherwise communicated in a language-accessible manner.

344.17 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.

344.18 TRAINING

To ensure that all members who may have contact with LEP individuals are properly trained, the Department will provide periodic training on this policy and related procedures, including how to access department-authorized telephonic and in-person interpreters and other available resources.

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.

344.18.1 TRAINING FOR AUTHORIZED INTERPRETERS

All members on the authorized interpreter list must successfully complete prescribed interpreter training. To complete interpreter training successfully, an interpreter must demonstrate proficiency in and ability to communicate information accurately in both English and in the target language, demonstrate knowledge in both languages of any specialized terms or phraseology, and

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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.

Service Animals

345.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to ensure that 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 (ADA).

345.1.1 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; Civil Code § 54.1; 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)).

345.2 POLICY

It is the policy of the Irvine Police Department to provide equal access to services, programs, and activities of the Department to persons with service animals. Department members shall protect the rights of persons assisted by service animals in accordance with state and federal law. This protection extends to a person authorized to train a service dog (Civil Code § 54.2).

345.3 IDENTIFICATION AND USE OF SERVICE ANIMALS

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 Irvine Police Department affords to all members of the public (28 CFR 35.136).

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.

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- Doing work or performing tasks for persons with traumatic brain injury, intellectual disabilities, or psychiatric disabilities, such as reminding a person with depression to take medication.
- Alerting a person with anxiety to the onset of panic attacks, providing tactile stimulation to calm a person with post-traumatic stress disorder, assisting people with schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items or follow daily routines.

345.4 INQUIRIES REGARDING SERVICE ANIMALS

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 their disabilities nor should members ask any individual to provide any license, certification, or identification card for the service animal.

345.5 CONTACT WITH SERVICE ANIMALS

Service animals are not pets. Department members should not interfere with a service animal by talking to, petting, or otherwise initiating contact.

345.6 REMOVAL OF SERVICE ANIMALS

If a service animal is not housebroken, exhibits vicious behavior, poses a direct threat to the health of others, or unreasonably disrupts or interferes with normal business operations, a department supervisor 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); 28 CFR 35.139).

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 access to services, programs, and activities to an individual with a disability. Members are expected to provide all services, programs, and activities that are reasonably available to an individual with a disability, with or without a service animal.

345.7 COMPLAINTS

When handling calls of a complaint regarding a service animal, members 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).

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Absent a violation of law independent of the ADA, officers should take no enforcement action beyond keeping the peace. Individuals who believe they have been discriminated against as a result of a disability should be referred to the Civil Rights Division of the U.S. Department of Justice (DOJ).

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Public Alerts

349.1 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.

349.1.1 DEFINITIONS

Abduction - is any child under the age of 18-years, who has been unwillingly removed from their environment without permission from the child's legal guardian or a designated legal representative.

349.2 POLICY

Public alerts may be employed using the Emergency Alert System (EAS), local radio, Alert OC messages, Wireless Emergency Alerts (WEA), 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.

349.3 RESPONSIBILITIES

349.3.1 MEMBER RESPONSIBILITIES

Members of the Irvine Police Department should notify their supervisor, watch commander, or Investigations Bureau Supervisor as soon as practicable upon learning of a situation where public notification, a warning, or enlisting the help of the media and public could assist in locating a missing person, apprehending a dangerous person, or gathering information.

349.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor apprised of the need for a public alert is responsible to make the appropriate notifications based upon the circumstances of each situation. The supervisor shall promptly notify the Chief of Police, the appropriate Division Commander and the Press Information Officer when any public alert is generated.

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

- (a) Updating alerts
- (b) Canceling alerts
- (c) Ensuring all appropriate reports are completed
- (d) Preparing an after-action evaluation of the investigation to be forwarded to the Division Commander

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349.3.3 EMERGENCY TELEPHONE NOTIFICATION SYSTEM - ALERT OC

The emergency telephone notification system (Alert OC) is an internet based emergency warning system that assists Department personnel in making concise, essential emergency notifications in a timely manner.

See attachment: [Alert OC Message Templates.pdf](#)

349.4 WIRELESS EMERGENCY ALERTS (WEA)

Wireless Emergency Alerts (WEA) may be issued for severe weather events, police activity, or any natural or human-caused incident or hazard which poses a threat to public safety and where a protective action is necessary.

349.4.1 ACTIVATION CRITERIA FOR ISSUING WIRELESS EMERGENCY ALERTS (WEA)

The following activation criteria shall be taken in to consideration and weighed by the Incident Commander or appropriate staff when considering the use of WEA:

- (a) Severity: There must be a significant threat to public safety and life.
- (b) Public Protection: There must be a need for the public to take a protective action.
- (c) Warning: There must be a need to provide warning information to the public.
- (d) Timing: The situation must require immediate public knowledge to avoid adverse impacts.
- (e) Geographic Area: The situation must be limited to a defined geographic area.
- (f) Traditional Media Inadequate: Other forms of traditional media and social media are not viable alternatives for timely delivery of emergency notification for the incident.

349.4.2 PROCEDURE FOR ISSUING A WEA DIRECTLY (IPD ACCESS)

The supervisor in charge will ensure the following:

- (a) Determine whether the incident necessitates use of WEA by evaluating the "Activation Criteria" as contained in this policy.
- (b) If the use of WEA is determined to be warranted and approval is obtained by the on duty Command Officer, the supervisor in charge or other appropriate staff shall establish contact with the Emergency Management Administrator, Communications Manager, or Supervising Dispatcher with WEA administrative privileges,
- (c) The supervisor in charge will provide details sufficient enough for the WEA administrator to develop an appropriate message and select the appropriate geographic area for distribution.
- (d) When timing permits, notification should be made to the Orange County Sheriff's Department (OCSD) via Control One regarding the intent to distribute the WEA message. NOTE: This courtesy notification **IS NOT** a prerequisite for message distribution when a hazard posing imminent threat to life safety is present.
- (e) When timing permits, the WEA Administrator should have the draft WEA message reviewed by one other person to confirm that message is clear and the targeted geographic area is appropriate.

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In the event that all access to WEA systems are down, the on duty Command Officer may make a request to the Orange County Sheriff's Department (OCSd) via Control One to have a message sent on the department's behalf. When making this request, the requestor should follow the following process:

- (a) Notification is made to the Orange County Sheriff's Department Watch Commander or Control One Supervisor of the need to issue a WEA.
- (b) Completion of the Orange County Operational Area Integrated Public Alert and Warning System (IPAWS) and Wireless Emergency Alerts (WEA) request forms. On the WEA form, the IPD supervisor will specify the geographic region to be notified (i.e. the area within the hazard zone). When crafting the WEA message (on WEA form) the IPD supervisor must include the following:
 - 1. What the threat is (i.e. severe weather, fire, police activity, etc.)
 - 2. Where the threat is (i.e. specific landmarks, cross streets, known areas, etc.)
 - 3. What protective action or measure the supervisor wants the public to take in response to the known threat

The supervisor must sign and submit the IPAWS and WEA request forms via fax or email noted on the forms. [See attachment: 02 OA IPAWS and AlertOC Request Form.pdf](#)

- (a) As a last resort, the supervisor may authorize and provide the message verbally over the phone to Control One if IPAWS and WEA forms are unavailable or inaccessible.

349.5 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.

349.5.1 CRITERIA FOR AMBER ALERT

The following conditions must be met before activating an AMBER Alert (Government Code § 8594(a)):

- (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.

349.5.2 PROCEDURE FOR AMBER ALERT

The supervisor in charge will ensure the following:

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- (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 Press Information Officer or other authorized individual to handle media liaison
 - 7. A telephone number for the public to call with leads or information
- (b) 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)

349.6 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.

349.6.1 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.

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- (d) Public dissemination of available information may help avert further harm or accelerate apprehension of the suspect.

349.6.2 PROCEDURE FOR BLUE ALERT

The supervisor in charge should ensure the following:

- (a) An initial press release is prepared that includes all available information that might aid in locating the suspect:
 - 1. The license number and/or any other available description or photograph of the vehicle
 - 2. Photograph, description and/or identification of the suspect
 - 3. The suspect's identity, age and description, if known
 - 4. Detail regarding location of incident, direction of travel, potential destinations, if known
 - 5. Name and telephone number of the Press Information Officer or other authorized individual to handle media liaison
 - 6. A telephone number for the public to call with leads or information
- (b) The local California Highway Patrol communications center is contacted to initiate a multi-regional or statewide EAS broadcast.
- (c) The information in the press release is forwarded to the Sheriff's Department Emergency Communications Bureau so that general broadcasts can be made to local law enforcement agencies.
- (d) The following resources should be considered as circumstances dictate:
 - 1. Entry into the California Law Enforcement Telecommunication System (CLETS)
 - 2. The FBI local office

349.7 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).

349.7.1 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.

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- (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.

349.7.2 PROCEDURE FOR SILVER ALERT

Requests for a Silver Alert shall be made through the California Highway Patrol (Government Code § 8594.10).

349.8 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).

349.8.1 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.

349.8.2 PROCEDURE

Public safety emergency alerts should be activated by following the guidelines issued by the Office of Emergency Services (Government Code § 8593.7).

349.9 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).

349.9.1 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:

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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.

349.9.2 PROCEDURE FOR YELLOW ALERT

Requests for a Yellow Alert shall be made through the California Highway Patrol (Government Code § 8594.15).

349.10 FEATHER ALERT

A Feather Alert may be issued when an Indigenous person is reported missing. The determination that criteria has been met for the alert shall be made within 24 hours following the initial report being made to the Department (Government Code § 8594.13).

349.10.1 CRITERIA FOR FEATHER ALERT

The Department may request that a Feather Alert be activated if it is determined that the alert would be an effective tool in the investigation of missing and murdered Indigenous persons, including young women or girls. The following factors shall be considered to make that determination (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 is missing.
- (d) The investigating officer or supervisor believes that the person is in danger and missing under circumstances that indicate any of the following:
 1. The missing person's physical safety may be endangered.
 2. The missing person may be subject to trafficking.
 3. The missing person suffers from a mental or physical disability, or substance use disorder.
- (e) There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person.

349.10.2 PROCEDURE FOR FEATHER ALERT

Requests for a Feather Alert shall be made through the California Highway Patrol (Government Code § 8594.13).

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349.11 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).

349.11.1 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 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.

349.11.2 PROCEDURE FOR ENDANGERED MISSING ADVISORIES

Requests for an endangered missing advisory shall be made through the California Highway Patrol (Government Code § 8594.11).

349.12 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).

349.12.1 PROCEDURE FOR EBONY ALERT

Requests for an Ebony Alert shall be made through the California Highway Patrol (Government Code § 8594.14).

349.12.2 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.

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- (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.

Emergency Telephone Notification System - Alert OC

350.1 PURPOSE AND SCOPE

This procedure describes use of the Emergency Telephone Notification System, also referred to in the public safety industry as “Reverse 911” or “Mass Notification”. In the City of Irvine and the County of Orange, this system is referred to as “Alert OC”. This procedure also defines the criteria for system activation and the preferred content of the message to be sent to the community.

350.2 SYSTEM DEFINED

The emergency telephone notification system is an internet based emergency warning system that assists department personnel in making concise, essential emergency notifications in a timely manner. This system allows department personnel, at the direction of the Incident Commander, PIO or Emergency Management Administrator, to initiate a voice message broadcast to an unlimited number of residential and business telephones in predetermined geographic locations or from a pre-defined group. The system utilizes the 911 database to complete the notifications.

The company used by this department to facilitate the Emergency Telephone Notifications System is Everbridge. Also, the Orange County Sheriff's Department Control One can provide message assistance 24/7.

350.3 LEGAL AUTHORITY

Use of the 911 database is regulated by the California Public Utilities Code. The information contained in the 911 database is confidential and proprietary, and therefore shall not be disclosed or utilized except by authorized personnel for the purposes permitted by law. While the system was initially designed for hard-line phones, the public can provide cellular or voice-over Internet Protocol (VoIP) phone numbers for entry into the emergency telephone notification systems database via the City of Irvine's Internet website.

This policy is based, in part, on the authority afforded to local agencies to record, schedule, send, and track voice and text messages in order to provide emergency related information to the public. The development of emergency notification system technologies “to provide information about vulnerabilities and protective measures” is also supported by the United States Office of Homeland Security. Additionally, the “National Emergency Number Association” supports the acquisition and deployment of emergency notification systems to increase homeland security and to address domestic protection concerns.

350.4 ACTIVATION AUTHORITY

Prior to activation of Alert OC, the Incident Commander (the department representative in charge of an incident who is at or above the rank of Sergeant), PIO or Emergency Management Administrator shall adhere to the following protocol:

- (a) Determine whether the incident necessitates use of Alert OC by evaluating the “Activation Criteria” as contained in this policy.

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- (b) If use of Alert OC is determined to be warranted, the Incident Commander shall develop an appropriate notification message for review and approval by the on-duty Command Officer.
- (c) Evaluate and determine the geographic area or group to receive the notification message.
- (d) The Incident Commander shall receive approval by the on duty Command Officer prior to sending a notification message using Alert OC.
 - 1. In the absence or unavailability of an on-duty Command Officer, the Incident Commander shall follow the notification procedures as defined in the Major Incident Notification Protocol prior to activation of I Alert.
 - 2. The duty Command Officer or designee shall be responsible for immediately notifying appropriate Command Staff regarding the nature of the incident and use of Alert OC.
- (e) Use of the Alert OC Text-to-Speech function is prohibited.

350.5 ACTIVATION CRITERIA

The following activation criteria shall be taken into consideration and weighed by the Incident Commander or appropriate staff when considering use of the Alert OC system.

- (a) Severity: Is there a significant threat to the public life and safety?
- (b) Public Protection: Is there a need for the public to take a protective action to reduce loss of life or substantial loss of property?
- (c) Warning: Will providing warning information assist members of the public in making the decision to take proper and prudent action?
- (d) Timing: Does the situation require immediate public knowledge in order to avoid adverse impacts?
- (e) Geographic Area: Is the situation limited to a defined geographic area? Is that area a size that will allow for an effective use of the system, given the outgoing call capacity?
- (f) Resources: Are other means of disseminating information in a timely manner inadequate or unavailable?

350.6 AUTHORIZED ACTIVATION EVENTS

- (a) Priority Emergency Messages:
 - 1. Barricaded criminal suspects, requiring shelter in place
 - 2. Special Weapons and Tactics responses
 - 3. Active shooter/armed suspect incident
 - 4. Robbery involving a deadly weapon
 - 5. Violent rape with an outstanding suspect
 - 6. Kidnapping or Amber Alert
 - 7. Aggravated assault with a deadly weapon

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8. Hostage situations or other major police activity, requiring resident action
9. Bomb threats requiring evacuation or shelter in place
10. Homeland Security/Attack – impending or actual attack
11. Aviation incident
12. Prisoner/custody escapes
13. Brush or structure fire requiring immediate evacuation
14. National emergency declared by the President of the United States
15. Emergency declared by the Governor of the State of California
16. Other severe emergencies as directed by the Mayor, City Manager or Director of Public Safety

(b) Priority Notification Messages:

1. Earthquake related information
2. Severe Weather Alerts issued by the National Weather Services
3. Local flash flooding or high wind advisories requiring immediate action
4. Evacuation notices
5. Shelter openings and locations
6. Extended water, electrical or gas main breaks or outages
7. Water quality issues
8. “All Clear” message

(c) Public health alerts:

1. Infectious disease outbreak
2. Immunization/vaccination notices
3. Biological, chemical, gas or hazardous material alert
4. Boil-water alerts
5. Dangerous wild animal alert

(d) City staff/department notifications and Volunteer Groups:

1. Personnel call back
2. CERT Activation
3. IDEC Activation

(e) Annual Testing Public Opt-In and Groups ONLY

350.7 PROHIBITED USES

- (a) Political messages, advertisement or solicitation of campaign contributions

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- (b) Non-municipal “for-profit” or “non-profit” activity or solicitation
- (c) Non-official business information (i.e. news, articles, retirement announcements, etc.)
- (d) Messages of a commercial nature
- (e) Routine informational or educational messages

350.8 MESSAGE CONTENT

- (a) Source of the message: The message should clearly identify the person issuing the alert (department, name and rank/title) and indicate the time and date.
- (b) Description of hazard or risk: The warning message shall describe the event that has occurred (or may occur) and the danger that it poses. The hazard should be described in sufficient detail so that all members of the public can understand the character of the threat from which they are to protect themselves.
- (c) Location of the hazard: The message should also describe the geographic areas that are at risk. The details of the location should be described in terms easily understood by the public using well known landmarks and geographic boundaries.
- (d) Guidance for protective actions: The message should include information on what people should do to protect themselves.
- (e) Time available to act: Public warnings must also address the “when” aspect of the response. The warning message should include information on the time available for those in the affected area to take the appropriate protective action.
- (f) Information/status: Where to get further information, if applicable.

350.8.1 SAMPLE ALERT OC MESSAGES

[See attachment: Alert OC Message Templates.pdf](#)

Records Sealing Procedure

351.1 DEFINITIONS

Requests or Court Orders to “seal” an arrest record are authorized by Penal Code (PC) §851 and the California Department of Justice. This policy will outline the department’s policy in processing requests. Requests to seal records may be in different forms or received by the department in a variety of ways. The forms will be of two primary types:

- (a) Court ordered sealing – adult and juvenile
- (b) Citizen requests for sealing – adult and juvenile

351.2 COURT-ORDER SEALING

This is an order of the court for a record to be sealed. It is mandatory and will be handled explicitly as follows:

- (a) Date/time stamp the request upon receipt.
- (b) Log the receipt of the Notice of Sealing in the Petition to Seal and Destroy Records Log.
- (c) Complete a Notice of Records Sealing.
- (d) Send a copy of the Notice of Records Sealing to Investigations, CSI and Crime Analysis.
- (e) Upon receipt of all records, seal according to the Records Bureau procedures.
- (f) Send form notification letters to the arrestee, court, etc., notifying them of the sealing.
- (g) Retain unsealed documents and court order in locked cabinet until destruction date.

351.3 CITIZEN REQUEST FOR RECORD SEALING

This is a request from a private citizen to have the records from their arrest sealed. It is a personal request (not a court order) to have records sealed based on provisions as outlined in PC851.8. A request, whether received by mail or via the front desk, will be handled in the following manner:

- (a) Records Bureau:
 - 1. Date/time stamp the request upon receipt.
 - 2. Forward the request to the Records Bureau Supervisor or designee.
 - 3. Log receipt of the request in the “Petition to Seal and Destroy Records Log” in the Record Bureau Supervisor’s bookcase.
 - 4. Run the requesting party through the Records Management System to verify case number.
 - 5. Complete a cover sheet (Citizen Request for Record Sealing) with the name, date of birth, I.P.D. case number and court number, if available.

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6. Fill in a due date for fifteen days from the date of receipt of the request. (The department has 60 days to respond to the request. Failure to respond will be reflected as a formal denial of the request.).
7. Forward the cover letter and petition, to the Criminal Investigation Division (CID) Lieutenant for review.
- (b) Criminal Investigation Division (CID) Lieutenant - The CID Lieutenant should review the request and forward it to the appropriate area supervisor for review and comment. The review should encompass two areas:
 1. Factual Innocence:
 - (a) Factual Innocence can be determined by comparing the case in question to standards of:
 1. Did a crime occur?
 2. Was the defendant responsible?
 3. Was the defendant arrested without cause and subjected unnecessarily to the processes of the court?
 4. The court determined via trial, the defendant is factually innocent.
 5. If the defendant was not involved in the crime or a crime was not committed, his/her factual innocence may be established.
 - (b) Factual Innocence is not established by:
 1. The court fails to file charges
 2. The court's lack of prosecution
 3. The case is dismissed in the furtherance of justice (PC 1385).
 2. Pending Litigation:
 - (a) The reviewing supervisor will contact the Office of Professional Standards to determine if the defendant or co-defendant has filed a claim or civil action against the officers, the department, or the City in the case in question.
 - (b) Records will not be destroyed in a case with litigation pending, or until that action is resolved.
 - (c) The reviewing supervisor will forward the results of the inquiry to the CID Lieutenant. The CID Lieutenant will forward the completed inquiry to the Records Bureau for additional processing.

351.4 SEALING APPROVED

If this is the determination of the department, this action must have concurrence by the District Attorney's Office before proceeding.

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- (a) Produce a cover letter to the District Attorney explaining the request and the determination by the department. Establish a response due date thirty days from the date the request was sent.
- (b) Forward the cover letter and complete package via the Court Liaison officer to the District Attorney's Office (Upon return/approval from the District Attorney):
 - 1. Send standard sealing notice to necessary areas of the department.
 - 2. Upon receipt of all records, seal according to the Records Bureau procedures.
 - 3. Notify California Department of Justice.
 - 4. Send form notification letter(s) to arrestee, court, etc., notifying them of the sealing.

351.5 SEALING DENIED

If this is the determination of the department, then the following steps should be followed:

- (a) Remove and destroy the copy of the case from the returned packet.
- (b) Complete standard form denial letter and send to the requesting party.
- (c) Place copy of the request, denial from the CID Lieutenant and the standard form denial letter sent to the requesting party with the case file for future reference.

Media Relations

352.1 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.

352.2 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Chief of Police. In situations not warranting immediate notice to the Chief of Police and in situations where the Chief of Police has given prior approval, Division Commanders, watch commanders, and designated Press Information Officers (PIOs) may prepare and release information to the media in accordance with this policy and the applicable laws regarding confidentiality.

352.3 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.

352.3.1 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 a supervisor or the PIO.

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352.3.2 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).

352.4 POLICY

It is the policy of the Irvine 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.

352.5 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.

352.6 MEDIA REQUESTS

Any media request for information or access to a law enforcement incident shall be referred to the PIO, or if unavailable, to the first available supervisor. Prior to releasing any information to the media, 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 the PIO.
- (b) In situations involving multiple agencies or government departments, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this department.
- (c) Under no circumstance should any 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.

352.7 CONFIDENTIAL OR RESTRICTED INFORMATION

It shall be the responsibility of the PIO to ensure that confidential or restricted information is not inappropriately released to the media (see the Records Maintenance and Release and Personnel

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Records policies). When in doubt, authorized and available legal counsel should be consulted prior to releasing any information.

352.7.1 EMPLOYEE INFORMATION

The identities of officers involved in shootings or other critical incidents may only be released to the media upon the consent of the involved officer or upon a formal request filed.

Any requests for copies of related reports or additional information not contained in the information log (see the Information Log section in this policy), including the identity of officers involved in shootings or other critical incidents, shall be referred to the PIO.

Requests should be reviewed and fulfilled by the Custodian of Records, or if unavailable, the watch commander or the authorized designee. Such requests will be processed in accordance with the provisions of the Records Maintenance and Release Policy and public records laws.

352.8 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.

352.8.1 INFORMATION LOG

The Department will maintain a daily information log of significant law enforcement activities. Log entries shall only contain information that is deemed public information and not restricted or confidential by this policy or applicable law. Upon request, the log entries shall be made available to media representatives through the watch commander.

The daily information log will generally include:

- (a) The date, time, location, case number, type of crime, extent of injury or loss, and names of individuals involved in crimes occurring within this jurisdiction, unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation, or the information is confidential (e.g., juveniles or certain victims).
- (b) The date, time, location, case number, name, birth date, and charges for each person arrested by this department, unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation or the information is confidential (e.g., juveniles).
- (c) The time and location of other significant law enforcement activities or requests for service with a brief summary of the incident.

At no time shall identifying information pertaining to a juvenile arrestee (13 years of age and under), victim, or witness be publicly released without prior approval of a competent court. The identity of a minor 14 years of age or older shall not be publicly disclosed unless the minor has

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been arrested for a serious felony and the release of such information has been approved by the watch commander (Welfare and Institutions Code § 827.5).

Identifying information concerning deceased individuals shall not be released to the media until notification of next of kin or otherwise cleared through the Coroner.

Any requests for copies of related reports or additional information not contained in this log shall be referred to the designated department media representative, the custodian of records, or if unavailable, to the watch commander. Such requests will generally be processed in accordance with the provisions of the Public Records Act (see the Records Maintenance and Release Policy).

Cash Handling, Security and Management

353.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure department members handle cash appropriately in the performance of their duties. The processes articulated in this policy shall be consistent with the provisions of the City Financial Policy.

This policy does not address cash-handling issues specific to the Property and Evidence and Informants policies.

353.2 POLICY

It is the policy of the Irvine Police Department to properly handle and document cash transactions and to maintain accurate records of cash transactions in order to protect the integrity of department operations and ensure the public trust.

353.3 PETTY CASH FUNDS

The Chief of Police shall designate one or more persons as the fund manager responsible for maintaining and managing the petty cash fund.

The Records Bureau Supervisor and Records Leads shall be the Petty Cash Custodians. The Petty Cash Custodians will be responsible for the documentation of petty cash disbursements and replenishment of funds.

Documentation: Removal of any funds from petty cash should be accompanied by appropriate documentation and approvals. For each disbursement, a log entry and the required back-up paperwork (petty cash voucher and receipts or petty cash advance with return receipt and expense reports when appropriate) must be completed.

Each petty cash fund requires the creation and maintenance of an accurate and current transaction ledger and the filing of invoices, receipts, cash transfer forms and expense reports by the fund manager.

Petty cash expenses may be reimbursed up to \$100. Petty cash cannot be used for subscriptions, dues, memberships, vendors with whom we have standing purchase orders, or areas where the City has income tax reporting responsibilities (i.e., clothing reimbursement). Petty cash can be used for business meeting expenses, mileage reimbursement, outside oral board expenses, office and other supplies. Petty cash disbursements shall not be used to circumvent the City's established purchase process.

353.4 PETTY CASH TRANSACTIONS

The fund manager shall document all transactions on the ledger and any other appropriate forms. Each person participating in the transaction shall sign or otherwise validate the ledger, attesting to the accuracy of the entry. Transactions should include the filing of an appropriate receipt, invoice or cash transfer form. Transactions that are not documented by a receipt, invoice or cash transfer form require an expense report.

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353.5 PETTY CASH AUDITS

The Office of Professional Standards shall perform an audit no less than once every six months or at least twice per year. This audit requires that the designated auditor and at least one command staff member, selected by the Chief of Police, review the transaction ledger and verify the accuracy of the accounting. The designated auditor and the participating member shall sign or otherwise validate the ledger attesting to the accuracy of all documentation and fund accounting. A discrepancy in the audit requires documentation by those performing the audit and an immediate reporting of the discrepancy to the Chief of Police.

Transference of fund management to another member shall require a separate petty cash audit and involve a command staff member.

The City's Finance section, in conjunction with the Office of Professional Standards, shall audit the petty cash accounts on an annual basis.

353.6 ROUTINE CASH HANDLING

Those who handle cash as part of their property or Special Investigations Unit supervisor duties shall discharge those duties in accordance with the Property and Evidence and Informants policies.

Members who routinely accept payment for department services shall discharge those duties in accordance with the procedures established for those tasks.

353.7 OTHER CASH HANDLING

Members of the Department who, within the course of their duties, are in possession of cash that is not their property or that is outside their defined cash-handling responsibilities shall, as soon as practicable, verify the amount, summon another member to verify their accounting, and process the cash for safekeeping or as evidence or found property, in accordance with the Property and Evidence Policy.

Cash in excess of \$2,000 requires immediate notification of a supervisor, special handling, verification and accounting by the supervisor. Each member involved in this process shall complete an appropriate report or record entry.

Subpoenas and Court Appearances

354.1 PURPOSE AND SCOPE

This policy establishes the guidelines for department members who must appear in court. It will allow the Irvine Police Department to cover any related work absences and keep the Department informed about relevant legal matters.

354.1.1 DEFINITIONS

Mandatory Appearance - Subpoenas marked as mandatory appearance require an employee's physical appearance in the specified court. Failure to appear as directed in the specified court or hearing location may result in disciplinary action.

On Call - When an employee receives a subpoena of a type which does not require him/her to appear in court but rather allows him/her to remain available by phone or wireless device so that he or she may be directed to appear in court within a reasonable amount of time.

Trailing Status - When an employee remains on standby status for additional court sessions until notified otherwise.

Subject to Recall - When an employee has appeared in court, or is at the time on-duty, and has been told by a member of the court that he/she is free to leave the court or return to duty, subject to being available by phone or wireless device if called back.

Court Liaison Officer (CLO) – The Court Liaison Officer (CLO) is the Irvine Police Department employee assigned to facilitate communication and transfer official documents and files between various components of the justice system and Irvine Police personnel.

354.2 POLICY

Irvine Police Department members will respond appropriately to all subpoenas and any other court-ordered appearances.

354.3 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.

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- (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)).

354.3.1 SUBPOENA ACCEPTANCE

Authorized department agents described above include front desk personnel and the CLO. Any department employee accepting a subpoena shall immediately provide a copy of the subpoena to the CLO as a copy to the individually named employee.

Subpoena service is also acceptable by courier or CLO from the court to this department. Subpoenas can be served electronically and will be considered served at the time they were sent. The scheduling program, commonly known as ISE, is utilized to deliver subpoena information to employees and track the ongoing status of those delivered subpoenas. Department personnel are responsible for checking ISE and their work email account on each work day for subpoenas issued through the system.

354.3.2 SPECIAL NOTIFICATION REQUIREMENTS

Any member who is subpoenaed to testify, agrees to testify or provides information on behalf of or at the request of any party other than the City Attorney or the prosecutor shall notify his/her immediate supervisor without delay regarding:

- (a) Any civil case where the City or one of its members, as a result of his/her official capacity, is a party.
- (b) Any civil case where any other city, county, state or federal unit of government or a member of any such unit of government, as a result of his/her official capacity, is a party.
- (c) Any criminal proceeding where the member is called to testify or provide information on behalf of the defense.
- (d) Any civil action stemming from the member's on-duty activity or because of his/her association with the Irvine Police Department.
- (e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the Irvine Police Department.

The supervisor will then notify the Chief of Police, via the chain of command. The appropriate prosecuting attorney will also be notified in a manner determined by the Chief of Police. The Chief of Police should also determine if additional legal support is necessary.

No member shall be retaliated against for testifying in any matter.

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354.3.3 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.

354.3.4 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.

354.4 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.

354.5 STANDBY / ON CALL

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.

354.6 COURTROOM PROTOCOL / ATTIRE

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 as listed below:
 - 1. Sworn Personnel: Officers shall appear either in uniform or wear conservative attire appropriate to a courtroom setting, such as a suit or a coat, dress shirt and tie.
 - 2. Civilian Personnel: Whenever their appearance is required in court, personnel shall wear conservative attire appropriate to a courtroom setting, such as a suit or a coat, dress shirt and tie.
 - 3. Forbidden Attire: At no time should casual attire such as shorts, sandals, denim or corduroy slacks, etc. be worn in the courtroom.
 - 4. Firearms: Firearms carried by personnel who are in plain clothes shall have the Department badge displayed immediately adjacent to any holstered firearm.
- (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.

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354.6.1 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.

354.7 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.

354.8 EMPLOYEE RESPONSIBILITIES IF UNABLE TO ATTEND COURT

An employee may refuse to accept a subpoena for legitimate reasons, such as illness, previously-approved training, and vacations, which have been scheduled and approved. Regular scheduled days off are not valid reasons for refusing the subpoena or missing court. Once a subpoena is accepted, an employee unable to attend the proceeding as directed shall follow the notification protocol below:

- (a) **Illness:** The employee shall notify the CLO as soon as possible.
- (b) **Any other reason:** The employee shall, in the following order:
 - 1. Prepare a memo to the CLO explaining the conflict.
 - 2. Obtain a supervisor's approval and signature on the memo.
 - 3. Forward the memo to the CLO and request the CLO to contact the appropriate DA.

After-hours Property Access

355.1 PURPOSE AND SCOPE

This information establishes a procedure for after-hours emergency access to restricted areas within Property. For the purpose of this procedure, the restricted areas shall be the main property room, the freezer room and the bike cage area.

355.2 GENERAL RESTRICTIONS

A separate Property key shall be designated for after-hours emergency access to the restricted Property rooms/areas. Only the Business Services Administrator and the Administrative Services Division Commander shall have access to this key. Their use of this key shall be limited to after-hours' emergency use only.

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355.5 REPORTING REQUIREMENT

All after-hours emergency accesses shall be documented as soon as possible after the emergency situation has been negated. At minimum, the date, time, necessitating circumstances, employee(s) name(s) and serial number(s) and actions taken are to be documented in an incident report with a DR number assigned to it. The person handling the emergency shall be responsible for the initial report. The responding Property Officer or the Business Services Administrator shall prepare a supplemental report as to their involvement. A copy of said report shall be routed to the Chief of Police and the Property Section for their knowledge and/or action. Non-emergency, after-hours access, shall be documented on a log maintained with the emergency access key. The log shall include the employee's name, date, time and reason for the entry.

355.6 IMMEDIATE NOTIFICATION REQUIREMENT

- (a) The on-duty supervisor shall be responsible for the following notifications:
 - 1. The Chief of Police
 - 2. Administrative Services Division Commander
 - 3. Administrative Services Business Services Administrator
- (b) This notification shall be completed at the time of occurrence or as soon thereafter as possible.

Criminal Offender Record Information (CORI)

356.1 PURPOSE AND SCOPE

This policy provides guidelines for the release of criminal offender information, security of that information, and persons authorized to release that information.

356.2 AUTHORITY

This policy is established pursuant to the mandate of the Regulations Regarding Security of Criminal Offender Record Information in California (Title 11, California Administrative Code). Other authority includes Penal Code §11105, which delineates who has access to Criminal Offender Record Information (CORI), and Penal Code §§11140 through 11144, which establishes penalties for the improper use of criminal history information.

356.2.1 DEFINITIONS

Criminal Offender Record Information - (CORI) shall include CII manual/automated rap sheets and abstracts, CII crime summaries, CII criminal history transcripts, FBI rap sheets, and any IPD documents containing a list of prior arrests.

Criminal Justice Agency - Means a public agency or component thereof which performs a criminal justice activity as its principal function.

Authorized Recipient - Means any person or agency authorized by court order, statute or case law to receive CORI.

Right to Know - Means persons or agencies authorized by court order, statute or decisional case law to receive the information.

Need to Know - means a necessity exists to obtain CORI in order to execute official responsibilities.

356.3 AUTHORIZED RECIPIENTS OF CORI

CORI may be released only to authorized recipients who have both a right to know and a need to know. All trained law enforcement personnel with proper identification are authorized recipients, if they have an official need to know. The California Department of Justice has issued a list of agencies authorized to receive criminal history information. This list can be found in the "Information Dissemination Manual" located in the Records Bureau. Persons not included in the Department of Justice list are not authorized recipients and shall not receive CORI.

356.4 CLETS ADMINISTRATOR

The Records Supervisor is the designated CLETS Administrator for the Irvine Police Department. This supervisor is responsible for ensuring compliance with this procedure and with applicable records security regulations and requirements imposed by federal and state law. The CLETS Administrator or designee will resolve specific questions that arise regarding authorized recipients of CORI.

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Criminal Offender Record Information (CORI)

356.5 RELEASE OF CORI

Only the persons listed below are authorized to release CORI. Each authorized person releasing CORI is responsible to ensure that each request granted appears legitimate and that the requester is an authorized recipient with a right and need to know.

- (a) CLETS Administrator
- (b) Records Supervisor
- (c) Lead Records Specialists and Records Specialists
- (d) Personnel specifically designated in writing by the Support Services Division Commander with the concurrence of the CLETS Administrator
- (e) Public Safety Assistants assigned to the Records Bureau

356.6 RELEASE OF CORI TO FIELD PERSONNEL

Personnel shall not have access to CORI until a background investigation and fingerprint check have been completed and approved. CORI shall not be transmitted by radio broadcast under any circumstance to field personnel or vehicles. Nothing in this procedure is intended to prohibit broadcasting warrant information concerning wanted persons.

356.7 JUVENILE RECORDS

Nothing in this policy is intended to alter existing statutes, case law, or the policies and orders of the Juvenile Court regarding the release of juvenile offender records. Refer to Policy Manual §938 for more specific information regarding cases involving juveniles.

356.8 REVIEW OF CRIMINAL OFFENDER RECORD

Penal Code §§11120 through 11127 provide the authority and procedure whereby an individual may review his/her own California Department of Justice (CII) rap sheet. Individuals shall be allowed to review their arrest or conviction record on file with the Department of Justice after complying with all legal requirements.

356.9 PROTECTION OF CORI

CORI shall be stored in the Records Bureau where consistent personnel coverage will be provided. CORI stored elsewhere shall be secured in locked desks, locked file cabinets, or in locked rooms. Direct access to CORI stored in the Records Bureau shall be restricted to the Records Bureau personnel authorized to release it. Direct access to CORI stored in desks, file cabinets, and rooms outside the Records Bureau shall be restricted to those persons who possess both the right to know and the need to know the information.

356.10 COMPUTER TERMINAL SECURITY

Computer terminal equipment capable of providing access to automated criminal offender record information is located within Public Safety to preclude access by unauthorized persons. No employee shall be authorized to operate computer terminal equipment with access to CORI until the operator has completed the appropriate training. Information system devices shall be

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Criminal Offender Record Information (CORI)

positioned in such a way as to prevent unauthorized individuals from accessing and viewing CORI. Screen protectors shall be used if the monitor is in view of unauthorized individuals.

356.11 DESTRUCTION OF CORI

When any document providing CORI has served the purpose for which it was obtained, it shall be destroyed by crosscut shredding. Each employee shall be responsible for destroying the CORI documents they receive.

356.12 TRAINING PROGRAM

All personnel authorized to process or release CORI shall be required to complete a training program prescribed by the CLETS Administrator or designee. The Office of Professional Development shall coordinate the course to provide training in the proper use, control, and dissemination of CORI.

356.13 PENALTIES FOR MISUSE OF RECORDS

Penal Code §§11140 and 11144 make it a misdemeanor to furnish, buy, receive, or possess Department of Justice rap sheets without authorization by a court, statute, or case law. Title 11, California Administrative Code §702 provides that authorized persons or agencies violating the Regulations Regarding the Security of Criminal Offender Record Information in California may lose direct access to CORI maintained by the California Department of Justice. Divulging the content of any criminal record to anyone other than authorized personnel is a violation of Policy. Employees who obtain, or attempt to obtain, information from the department files other than that to which they are entitled in accordance with their official duties are in violation of Policy.

Each suspected incident of unauthorized or improper use of CORI, or failure to take physical security measures to protect CORI, will be investigated by the Office of Professional Standards. Violations may result in disciplinary action, criminal penalties and/or financial liability for the cost of improper use.

Observed Holidays and Staffing

357.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for Department personnel for City observed holidays. Deviation from this policy requires Division Commander approval.

The following are City authorized holidays subject to this policy:

1. New Year's Day
2. Martin Luther King Jr. Day
3. Washington's Birthday
4. Memorial Day
5. Juneteenth
6. Independence Day
7. Labor Day
8. Veterans Day
9. Thanksgiving Day
10. Day After Thanksgiving
11. Christmas Eve
12. Christmas Day

Where a holiday indicates "normal staffing" for patrol, the shift may go down to minimum staffing, however, patrol sergeants and patrol officers will not be forced off.

357.2 NEW YEAR'S DAY

Sworn Personnel

Officers and Sergeants

- Uniformed Patrol (assigned to Bravo and Delta shifts) and Traffic personnel will observe the holiday on the actual day – January 1. Alpha shifts will observe on December 31.
- Non-uniformed personnel will observe on date City observes the holiday. If the holiday falls on a Saturday, personnel will observe and be off on Friday. If the holiday falls on a Sunday, personnel will observe and be off on Monday.

Lieutenants and Commanders

- Observe the holiday on the actual date if assigned to work that day. If not assigned to work on the holiday, will observe on the date the City observes the holiday.

Professional Staff

Non-exempt professional staff assigned to the following units will observe the holiday on the actual day - January 1.

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Policies

Observed Holidays and Staffing

- Animal Services
- Business Desk
- Civilian Investigators
- CSI
- CSO
- CTI
- Dispatch
- Great Park
- Open Space
- Records

All other professional staff will observe on date the City observes.

Operational Staffing

- Animal Services will staff two Animal Service Officers, one for day coverage and one for evening coverage
- Communications will be at minimum staffing
- Crime Analysis Unit may staff part-time personnel
- Crime Scene Investigation will staff two Forensic Specialists, one for day coverage and one for evening coverage
- Front Desk will be closed
- Great Park will maintain normal staffing with part-time personnel
- Open Space will maintain normal staffing with part-time personnel
- Property will be closed
- Records will be at minimum staffing
- Technical Services may work two hours to handle vehicle issues
- Alpha Shift the night prior (Dec 31) - normal staffing
- Alpha Shift day of (Jan 1) - normal staffing
- Bravo Shift day of (Jan 1) - normal staffing
- Delta Shift (Jan 1) - normal staffing
- K9 Unit - normal staffing
- Traffic - off duty
- Watch Commander - normal staffing

Irvine Police Department

Policies

Observed Holidays and Staffing

357.3 MARTIN LUTHER KING JR. DAY

Sworn Personnel

All sworn personnel will observe on the date the City observes the holiday, except for patrol officers assigned the Alpha 3/12 shift, as they observe the holiday on the night prior.

Professional Staff

Professional staff will observe on the date the City observes the holiday.

Operational Staffing

- Animal Services will staff two Animal Service Officers, one for day coverage and one for evening coverage
- Communications will be at minimum staffing
- Crime Analysis Unit may staff part-time personnel
- Crime Scene Investigation will staff two Forensic Specialists, one for day coverage and one for evening coverage
- Front Desk will be at minimum staffing with part-time personnel
- Great Park will maintain normal staffing with part-time personnel
- Open Space will maintain normal staffing with part-time personnel
- Property will be closed
- Records will be at minimum staffing
- Technical Services may work two hours to handle vehicle issues
- Alpha 3/12 (Sunday evening prior) - normal staffing
- Alpha 4/10 (day of) - normal staffing
- Bravo 4/10 (day of) - normal staffing
- Delta 4/10 (day of) - normal staffing
- K9 Unit - normal staffing
- Traffic - four motor officers will work (a combination of two early and two late) and up to two Traffic Investigators
- Watch Commander - normal staffing

357.4 WASHINGTON'S BIRTHDAY

Sworn Personnel

All sworn personnel will observe on the date the City observes the holiday, except for patrol officers assigned the Alpha 3/12 shift, as they observe the holiday on the night prior.

Professional Staff

Professional staff will observe on the date the City observes the holiday.

Irvine Police Department

Policies

Observed Holidays and Staffing

Operational Staffing

- Animal Services will staff two Animal Service Officers, one for day coverage and one for evening coverage
- Communications will be at minimum staffing
- Crime Analysis Unit may staff part-time personnel
- Crime Scene Investigation will staff two Forensic Specialists, one for day coverage and one for evening coverage
- Front Desk will be at minimum staffing with part-time personnel
- Great Park will maintain normal staffing with part-time personnel
- Open Space will maintain normal staffing with part-time personnel
- Property will be closed
- Records will be at minimum staffing
- Technical Services may work two hours to handle vehicle issues
- Alpha 3/12 (Sunday evening prior) - normal staffing
- Alpha 4/10 (day of) - normal staffing
- Bravo 4/10 (day of) - normal staffing
- Delta 4/10 (day of) - normal staffing
- K9 Unit - normal staffing
- Traffic - four motor officers will work (a combination of two early and two late) and up to two Traffic Investigators
- Watch Commander - normal staffing

357.5 MEMORIAL DAY

Sworn Personnel

All sworn personnel will observe on the date the City observes the holiday, except for patrol officers assigned the Alpha 3/12 shift, as they observe the holiday on the night prior.

Professional Staff

Professional staff will observe on the date the City observes the holiday.

Operational Staffing

- Animal Services will staff two Animal Service Officers, one for day coverage and one for evening coverage
- Communications will be at minimum staffing
- Crime Analysis Unit may staff part-time personnel

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Policies

Observed Holidays and Staffing

- Crime Scene Investigation will staff two Forensic Specialists, one for day coverage and one for evening coverage
- Front Desk will be at minimum staffing with part-time personnel
- Great Park will maintain normal staffing with part-time personnel
- Open Space will maintain normal staffing with part-time personnel
- Property will be closed
- Records will be at minimum staffing
- Technical Services may work two hours to handle vehicle issues
- Alpha 3/12 (Sunday evening prior) - normal staffing
- Alpha 4/10 (day of) - normal staffing
- Bravo 4/10 (day of) - normal staffing
- Delta 4/10 (day of) - normal staffing
- K9 Unit - normal staffing
- Traffic - four motor officers will work (a combination of two early and two late) and up to two Traffic Investigators
- Watch Commander - normal staffing

357.6 JUNETEENTH

Sworn Personnel

Officers and Sergeants

- Uniformed Patrol (assigned to Bravo and Delta shifts) and Traffic personnel will observe the holiday on the actual day – June 19. Alpha shifts will observe on June 18.
- Non-uniformed personnel will observe on the date the City observes the holiday. If the holiday falls on a Saturday, personnel will observe and be off on Friday. If the holiday falls on a Sunday, personnel will observe and be off on Monday.

Lieutenants and Commanders

- Observe the holiday on the actual date if assigned to work that day. If not assigned to work on the holiday, will observe on the date the City observes the holiday.

Professional Staff

Non-exempt professional staff assigned to the following units will observe the holiday on the actual day.

- Animal Services
- Business Desk
- Civilian Investigators

Irvine Police Department

Policies

Observed Holidays and Staffing

- CSI
- CSO
- CTI
- Dispatch
- Great Park
- Open Space
- Records

All other professional staff will observe on date City observes.

Operational Staffing

- Animal Services will staff two Animal Service Officers, one for day coverage and one for evening coverage
- Communications will be at minimum staffing
- Crime Analysis Unit may staff part-time personnel
- Crime Scene Investigation will staff two Forensic Specialists, one for day coverage and one for evening coverage
- Front Desk will be at minimum staffing with part-time personnel
- Great Park will maintain normal staffing with part-time personnel
- Open Space will maintain normal staffing with part-time personnel
- Property will be closed
- Records will be at minimum staffing
- Technical Services may work two hours to handle vehicle issues
- Alpha Shift the night prior (June 18) - normal staffing
- Alpha Shift day of (June 19) - normal staffing
- Bravo Shift day of (June 19) - normal staffing
- Delta Shift (June 19) - normal staffing
- K9 Unit - normal staffing
- Traffic - four motor officers will work (a combination of two early and two late) and up to two Traffic Investigators
- Watch Commander - normal staffing

357.7 INDEPENDENCE DAY- 4TH OF JULY

Sworn Personnel

Officers and Sergeants

Irvine Police Department

Policies

Observed Holidays and Staffing

- Uniformed Patrol (assigned to Bravo and Delta shifts) and Traffic personnel will observe the holiday on the actual day – July 4. Alpha shifts will observe on July 3.
- Non-uniformed personnel will observe on the date the City observes the holiday. If the holiday falls on a Saturday, personnel will observe and be off on Friday. If the holiday falls on a Sunday, personnel will observe and be off on Monday.

Lieutenants and Commanders

- Observe the holiday on the actual date if assigned to work that day. If not assigned to work on the holiday, will observe on the date the City observes the holiday.

Professional Staff

Non-exempt professional staff assigned to the following units will observe the holiday on the actual day - July 4.

- Animal Services
- Business Desk
- Civilian Investigators
- CSI
- CSO
- CTI
- Dispatch
- Great Park
- Open Space
- Records

All other professional staff will observe on date City observes.

Operational Staffing

- Animal Services will staff two Animal Service Officers, one for day coverage and one for evening coverage
- Communications will be at minimum staffing
- Crime Analysis Unit may staff part-time personnel
- Crime Scene Investigation will staff two Forensic Specialists, one for day coverage and one for evening coverage
- Front Desk will be closed
- Great Park will maintain normal staffing with part-time personnel
- Open Space will maintain normal staffing with part-time personnel
- Property will be closed

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Observed Holidays and Staffing

- Records will be at minimum staffing
- Technical Services may work two hours to handle vehicle issues
- Alpha Shift the night prior (July 3) - normal staffing
- Alpha Shift day of (July 4) - normal staffing
- Bravo Shift day of (July 4) - normal staffing
- Delta Shift (July 4) - normal staffing
- K9 Unit - normal staffing
- Traffic - off duty
- Watch Commander - normal staffing

357.8 LABOR DAY

Sworn Personnel

All sworn personnel will observe on the date the City observes the holiday, except for patrol officers assigned the Alpha 3/12 shift, as they observe the holiday on the night prior.

Professional Staff

Professional staff will observe on the date the City observes the holiday.

Operational Staffing

- Animal Services will staff two Animal Service Officers, one for day coverage and one for evening coverage
- Communications will be at minimum staffing
- Crime Analysis Unit may staff part-time personnel
- Crime Scene Investigation will staff two Forensic Specialists, one for day coverage and one for evening coverage
- Front Desk will be at minimum staffing with part-time personnel
- Great Park will maintain normal staffing with part-time personnel
- Open Space will maintain normal staffing with part-time personnel
- Property will be closed
- Records will be at minimum staffing
- Technical Services may work two hours to handle vehicle issues
- Alpha 3/12 (Sunday evening prior) - normal staffing
- Alpha 4/10 (day of) - normal staffing
- Bravo 4/10 (day of) - normal staffing
- Delta 4/10 (day of) - normal staffing

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Observed Holidays and Staffing

- K9 Unit - normal staffing
- Traffic - four motor officers will work (a combination of two early and two late) and up to two Traffic Investigators
- Watch Commander - normal staffing

357.9 VETERANS DAY

Sworn Personnel

Officers and Sergeants

- Uniformed Patrol (assigned to Bravo and Delta shifts) and Traffic personnel will observe the holiday on the actual day – November 11. Alpha shifts will observe on November 10.
- Non-uniformed personnel will observe on the date the City observes the holiday. If the holiday falls on a Saturday, personnel will observe and be off on Friday. If the holiday falls on a Sunday, personnel will observe and be off on Monday.

Lieutenants and Commanders

- Observe the holiday on the actual date if assigned to work that day. If not assigned to work on the holiday, will observe on the date the City observes the holiday.

Professional Staff

Professional staff will observe on the date the City observes the holiday.

Operational Staffing

- Animal Services will staff two Animal Service Officers, one for day coverage and one for evening coverage
- Communications will be at minimum staffing
- Crime Analysis Unit may staff part-time personnel
- Crime Scene Investigation will staff two Forensic Specialists, one for day coverage and one for evening coverage
- Front Desk will be at minimum staffing with part-time personnel
- Great Park will maintain normal staffing with part-time personnel
- Open Space will maintain normal staffing with part-time personnel
- Property will be closed
- Records will be at minimum staffing
- Technical Services may work two hours to handle vehicle issues
- Alpha Shift the night prior (Nov 10) - normal staffing
- Alpha Shift day of (Nov 11) - normal staffing
- Bravo Shift day of (Nov 11) - normal staffing

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Observed Holidays and Staffing

- Delta Shift (Nov 11) - normal staffing
- K9 Unit - normal staffing r
- Traffic - four motor officers will work (a combination of two early and two late) and up to two Traffic Investigators
- Watch Commander - normal staffing

357.10 THANKSGIVING DAY

Sworn Personnel

All sworn personnel will observe on the date the City observes the holiday, except for patrol officers assigned the Alpha 4/10 shift, as they observe the holiday on the night prior.

Professional Staff

Professional staff will observe on the date City observes the holiday.

Operational Staffing

- Animal Services will staff two Animal Service Officers, one for day coverage and one for evening coverage
- Communications will be at minimum staffing
- Crime Analysis Unit may staff part-time personnel
- Crime Scene Investigation will staff two Forensic Specialists, one for day coverage and one for evening coverage
- Front Desk will be closed
- Great Park will maintain normal staffing with part-time personnel
- Open Space will maintain normal staffing with part-time personnel
- Property will be closed
- Records will be closed
- Technical Services will be closed
- Alpha 4/10 (Wednesday evening prior) - normal staffing
- Alpha 4/10 (day of) - normal staffing
- Bravo 4/10 (day of) - normal staffing
- Delta 4/10 (day of) - normal staffing
- K9 Unit - normal staffing
- Traffic - off duty
- Watch Commander - one manager will be on-duty - hours directed by the Operations Division Commander

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Observed Holidays and Staffing

357.11 DAY AFTER THANKSGIVING

Sworn Personnel

All sworn personnel will observe on the date the City observes the holiday, except for patrol officers assigned the Alpha 4/10 shift as they observe the holiday on the night prior.

Professional Staff

Professional staff will observe on the date City observes the holiday.

Operational Staffing

- Animal Services will staff two Animal Service Officers, one for day coverage and one for evening coverage
- Communications will be at minimum staffing
- Crime Analysis Unit may staff part-time personnel
- Crime Scene Investigation will staff two Forensic Specialists, one for day coverage and one for evening coverage
- Front Desk will be at minimum staffing with part-time personnel
- Great Park will maintain normal staffing with part-time personnel
- Open Space will maintain normal staffing with part-time personnel
- Property may work two hours to clear out lockers
- Records will be at minimum staffing
- Technical Services may work two hours to handle vehicle issues
- Alpha 4/10 (Thursday evening prior) - normal staffing
- Alpha 3/12 (day of) - normal staffing
- Bravo 3/12 (day of) - normal staffing
- Delta 3/12 (day of) - normal staffing
- K9 Unit - normal staffing
- Traffic - off duty
- Watch Commander - normal staffing

357.12 CHRISTMAS EVE

Sworn Personnel

Officers and Sergeants

- Uniformed Patrol (assigned to Bravo and Delta shifts) and Traffic personnel will observe the holiday on the actual day – December 24. Alpha shifts will observe on December 23.

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Observed Holidays and Staffing

- Non-uniformed personnel will observe the holiday on the date the City observes the holiday. Generally, if the holiday falls on a Saturday, personnel will observe and be off on Friday; if the holiday falls on a Sunday, personnel will observe and be off on Monday. However, employees should refer to their MOU and/or the City holiday calendar to confirm the days designated annually by Human Resources.

Lieutenants and Commanders

- Observe the holiday on the actual date if assigned to work that day. If not assigned to work on the holiday, will observe on the date the City observes the holiday. However, employees should refer to their MOU and/or the City holiday calendar to confirm the days designated annually by Human Resources.

Professional Staff

Non-exempt professional staff assigned to the following units will observe the holiday on the actual day - December 24.

- Animal Services
- Business Desk
- Civilian Investigators
- CSI
- CSO
- CTI
- Dispatch
- Great Park
- Open Space
- Records

All other professional staff will observe on date City observes.

For City Hall Holiday Leave (each year), personnel should reference their respective MOU and coordinate with their supervisor.

Operational Staffing

- Animal Services will staff two Animal Service Officers, one for day coverage and one for evening coverage
- Communications will be at minimum staffing
- Crime Analysis Unit may staff part-time personnel
- Crime Scene Investigation will staff two Forensic Specialists, one for day coverage and one for evening coverage
- Front Desk will be at minimum staffing with part-time personnel

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Observed Holidays and Staffing

- Great Park will maintain normal staffing with part-time personnel
- Open Space will maintain normal staffing with part-time personnel
- Property may work two hours to clear out lockers
- Records will be at minimum staffing
- Technical Services may work two hours to handle vehicle issues
- Alpha Shift the night prior (Dec 23) - normal staffing
- Alpha Shift day of (Dec 24) - normal staffing
- Bravo Shift day of (Dec 24) - normal staffing
- Delta Shift (Dec 24) - normal staffing
- K9 Unit - normal staffing
- Traffic - off duty
- Watch Commander - normal staffing

357.13 CHRISTMAS DAY

Sworn Personnel

Officers and Sergeants

- Uniformed Patrol (assigned to Bravo and Delta shifts) and Traffic personnel will observe the holiday on the actual day – December 25. Alpha shifts will observe on December 24.
- Non-uniformed personnel will observe the holiday on the date the City observes the holiday. Generally, if the holiday falls on a Saturday, personnel will observe and be off on Friday; if the holiday falls on a Sunday, personnel will observe and be off on Monday. However, employees should refer to their MOU and/or the City holiday calendar to confirm the days designated annually by Human Resources.

Lieutenants and Commanders

- Observe the holiday on the actual date if assigned to work that day. If not assigned to work on the holiday, will observe on the date the City observes the holiday. However, employees should refer to their MOU and/or the City holiday calendar to confirm the days designated annually by Human Resources.

Professional Staff

Non-exempt professional staff assigned to the following units will observe the holiday on the actual day - December 25.

- Animal Services
- Business Desk
- Civilian Investigators

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Observed Holidays and Staffing

- CSI
- CSO
- CTI
- Dispatch
- Great Park
- Open Space
- Records

All other professional staff will observe on date City observes.

For City Hall Holiday Leave (each year), personnel should reference their respective MOU and coordinate with their supervisor.

Operational Staffing

- Animal Services will staff two Animal Service Officers, one for day coverage and one for evening coverage
- Communications will be at minimum staffing
- Crime Analysis Unit may staff part-time personnel
- Crime Scene Investigation will staff two Forensic Specialists, one for day coverage and one for evening coverage
- Front Desk will be closed
- Great Park will maintain normal staffing with part-time personnel
- Open Space will maintain normal staffing with part-time personnel
- Property may work two hours to clear out lockers
- Records will be closed
- Technical Services may work two hours to handle vehicle issues
- Alpha Shift the night prior (Dec 24) - normal staffing
- Alpha Shift day of (Dec 25) - normal staffing
- Bravo Shift day of (Dec 25) - normal staffing
- Delta Shift (Dec 25) - normal staffing
- K9 Unit - normal staffing
- Traffic - off duty
- Watch Commander - one manager will be on duty - hours directed by the Operations Division Commander

Police Support Canine Program

358.1 PURPOSE AND SCOPE

The purpose of the Police Support Canine Program is to further promote the Mission, Vision, and Values of the Irvine Police Department. Dogs have been used extensively to support and improve mental health. They provide emotional and sensory support to adults and children and help people feel comfortable and decrease symptoms of anxiety. Support Canines have been used at various schools, courts, and public safety agencies. Past and present Support Canine Programs have improved overall climate and well-being of community members and staff alike.

The support canines will be utilized to:

- (a) Lower tension and stress of Department and City employees
- (b) Lessen trauma of critical incidents for employees, allied agency personnel, victims, witnesses, and other impacted members of our community
- (c) Build rapport between Department personnel and members of our community, including children, adults, and seniors
- (d) Improve overall work climate
- (e) Aid in investigations of crimes or other traumatic events such as interviews and court proceedings
- (f) Help process grief and loss
- (g) Conduct presentations for public relations and educational purposes
- (h) Other official duties as directed

358.2 POLICY

This policy establishes guidelines for the management and use of the support canines, handlers, and support personnel assigned to the unit. Handlers are responsible for observing the behavior of the support canines and anyone interacting with them. Should the handler observe unwanted or unexpected behavior on the part of the canine or persons interacting with them, the support canine will be removed from the area immediately.

358.3 POLICE SUPPORT CANINE COORDINATOR / HANDLER

The support canine handler shall be appointed by and directly responsible to the Wellness Program Coordinator or the authorized designee. A support canine will be assigned to an employee within our agency and will be property of the City. The handler shall successfully complete a training course and will conduct annual training.

Each canine handler shall maintain a personal file containing a complete copy of all training documentation and certificates. As with any training session, the handler is responsible for providing a copy of the Certificate to the Office of Professional Development and to the unit supervisor. Further, the handler shall enter all significant training into the K9 tracking database.

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

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- (a) The support canine handler will be responsible for maintaining their assigned primary duty workload while handling the canine
- (b) All handlers must commit to a minimum of five years to the program
- (c) Maintaining liaison with Webb's K9 Training
- (d) Maintaining liaison with Command Staff and supervisors
- (e) Scheduling all support canine-related activities and maintain records of use
- (f) Maintaining accurate training records
- (g) Maintaining records of medical treatment
- (h) Recommend and oversee the procurement of equipment and services for the canines

358.4 HANDLER COMPENSATION

The support canine handler shall be compensated for time spent in the care, feeding, grooming, and other needs of the support dog in accordance with the Fair Labor Standards Act (FLSA) and according to the terms of the collective bargaining agreement (29 USC § 207).

The support canine handler and support personnel are entitled to overtime compensation as set forth in the member's applicable Memorandum of Understanding (MOU) when engaged in support canine activities. In the event a support canine handler or support personnel are called in to assist after a critical incident, the employee is entitled to receive overtime compensation.

358.5 HANDLER SUPPORT PERSONNEL

The Wellness Program Coordinator may appoint support personnel to assist with deployments, transportation, monitoring, and general care of the support canine. Support personnel must attend one day of training with Webb's K9 Training and shall adhere to handler policies when in direct care of the support canine. Support personnel do not qualify for any incentive, special assignment pay, or stipends provided to the primary handler.

358.6 POLICE SUPPORT CANINES

Support canines will be certified and provided by Guide Dogs of the Desert. The canine will be the property of the City. The handler will be responsible for the health and welfare of the canine and shall ensure the dog receives proper licensing, training, nutrition, grooming, medical care, affection, and living conditions.

Requirements and Responsibilities:

- (a) The support canine will not be trained or utilized in any other K9-related duties, such as: apprehension, detection, agility, etc.
- (b) The support canine will not be exposed to any foreseeable and unreasonable risk of harm
- (c) The support canine will be provided proper lodging, including arrangements for the canine during handler leave or unavailability
- (d) The canine will not be left unattended in any area where the public may have access

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- (e) If the support canine is left unattended in a City of Irvine vehicle, all windows and doors shall be secured in a manner as to prevent unauthorized access to the canine. The handler shall also ensure the unattended vehicle remains inhabitable for the canine
- (f) The support canine will be equipped with a vest for official duties. The canine should not be distracted when working. The handler will educate employees and members of the public when they can or cannot interact with the canine
- (g) The canine will not be fed any food or treats without the direct approval of the handler
- (h) The support canine can be transported in any City of Irvine vehicle or personal vehicles of the handler or support personnel

358.7 TRAINING

Support canine teams will be certified by Webb's K9 Training prior to any deployments. The handler will be responsible for scheduling and conducting periodic training to familiarize them with how to conduct themselves on deployments.

358.8 POLICE SUPPORT CANINE TEAM REQUESTS

City employees are encouraged to request the use of the support canine. All requests for the team will be directed to the handler or designee. All requests will be reviewed and if appropriate, will be approved by the handler prior to making any resource commitment. The handler shall have the authority to decline a request for any specific assignment that he/she deems unsuitable.

Any outside agency requests will generally be governed under mutual aid. The support canine handler will be contacted to assure the request is within the scope and abilities of the support canine. The final determination of the use of the team will be at the discretion of the handler with the approval of their supervisor.

The handler is responsible for obtaining resources and coordinating involvement in public demonstrations to include proper safety protocols. The support canine team may be requested for call-outs under special conditions. The handler will be compensated for deployments in accordance with the Fair Labor Standards Act (FLSA), and according to the terms of the collective bargaining agreement (29 USC 207).

358.9 SUPPORT CANINE IN PUBLIC AREAS

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

358.10 INVESTIGATION ASSISTANCE PROTOCOLS

Support canines may be requested to provide companionship to employees, victims, and witnesses during investigative interviews conducted by IPD personnel. The following guidelines should be followed when requesting assistance from the support canine team:

- (a) Assess the need to have the support canine in the interview process prior to requesting the team. This must be done in the initial interview and approved by the support canine supervisor and handler

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- (b) Do not promise the support canine will be present during interviews
- (c) If approved and available, the support canine and the handler will be present and assist the investigating officer at the interview

358.11 COURT ASSISTANCE PROTOCOLS

The support canine may be used to provide further support to employees and/or victims during criminal case proceedings submitted or supported by the Irvine Police Department.

- (a) All court personnel will be informed of the use and purpose of the team and the potential for encountering the support canine throughout their work day
- (b) Court personnel will receive the same instructions as the Irvine Police Department staff regarding the use of the support canine
- (c) Court personnel, including the attorney, Presiding Judge, and the handler will determine proper use of the dog within the court setting
- (d) The support canine will only be allowed in a courtroom with explicit permission by the Presiding Judge in that courtroom. The handler will adhere to all rules and procedures set forth by the District Attorney and the Presiding Judge

358.12 ALLERGENS

Potential allergic reactions to dogs may be a concern for some. The allergen is not the pet hair itself but the dander, dust and pollen that is carried on the pet hair. Support canine teams will always ask permission to enter newly visited buildings and areas. People with allergies can reasonably avoid direct contact with the support canine team to avoid any potential pet dander.

358.13 REPORTING INJURIES

Any injuries caused or alleged by the support canine will be immediately reported to the handler's supervisor. The injured person shall be promptly treated by emergency medical services personnel and, if appropriate, transported to a medical facility for treatment. Injuries will be documented in an employee's report.

Chapter 4 - Patrol Operations

Patrol Function

400.1 PURPOSE AND SCOPE

The purpose of this policy is to define the patrol function and address intra-organizational cooperation and information sharing.

400.2 POLICY

The Irvine 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 INFORMATION SHARING

To the extent feasible, all information relevant to the mission of the Department should be shared among all divisions and specialized units on a timely basis. Members should be provided with opportunities on a regular basis to share information during the daily briefings and to attend briefings of other divisions or specialized units.

Additionally, information should be shared with outside agencies and the public in conformance with department policies and applicable laws. Members are encouraged to share information with other units and divisions.

400.4 FUNCTION

Patrol will generally be conducted by uniformed officers in clearly marked law enforcement vehicles in assigned jurisdictional areas of Irvine. 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.

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- (i) Directing and controlling traffic.

400.5 CROWDS, EVENTS AND GATHERINGS

Officers may encounter gatherings of people, including but not limited to, civil demonstrations, civic, social and business events, public displays, parades and sporting events. Officers should monitor such events as time permits in an effort to keep the peace and protect the safety and rights of those present. A patrol supervisor should be notified when it becomes reasonably foreseeable that such an event may require increased monitoring, contact or intervention.

Officers responding to an event or gathering that warrants law enforcement involvement should carefully balance the speech and association rights of those present with applicable public safety concerns before taking enforcement action.

Generally, officers should consider seeking compliance through advisements and warnings for minor violations and should reserve greater enforcement options for more serious violations or when voluntary compliance with the law is not achieved.

Officers are encouraged to contact organizers or responsible persons to seek voluntary compliance that may address relevant public safety/order concerns.

Officers should consider enforcement of applicable state and local laws, such as Penal Code 602.1 (obstructing or intimidating business operators), when the activity blocks the entrance or egress of a facility or location and when voluntary compliance with the law is not achieved.

400.5.1 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.

Shift Procedures

401.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that procedures relative to shift operations are properly articulated and that appropriate 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 to meet the operational needs of the department.

401.2 REPORTING FOR DUTY

Sworn and civilian personnel are expected to report to briefing or their designated work station on time. Personnel who are late may be subject to disciplinary action.

- (a) An employee is considered late for work if he/she is not in the briefing room or at their work station, ready to respond to a call or otherwise perform their duties, by their shift starting time.
- (b) If an employee is going to be late, it is his/her responsibility to notify a supervisor as soon as possible and to give an approximate time he or she will arrive.
- (c) Any time an employee is more than 15 minutes late for work, he/she will be given the option to decide what type of leave they wish to take to compensate for the time missed (Vacation, Compensatory Time Off (CTO), or Personal Leave).

401.3 END OF WATCH

Field personnel shall not return to the police facility sooner than thirty (30) minutes prior to end of their watch without clearance from a field supervisor.

401.4 HOURS WORKED

No member of this department will work more than 16 consecutive hours in any assignment, or combination of assignments. Whenever a member of this department has worked 16 consecutive hours, he or she must be off duty a minimum of 5 consecutive hours before he or she is permitted to return to work. A supervisor, with consideration for the needs of the department and officer safety, may waive the maximum consecutive hours and/or the minimum off-duty hours requirements.

401.5 OVERTIME APPROVAL

All overtime to be paid must be approved by a supervisor. Personnel requesting overtime compensation shall submit an Overtime Authorization Request form to the appropriate supervisor. The form must be complete and include the Department Record (DR) number and/or the nature of the activity that required the employee to work overtime.

Shift supervisors shall pre-approve overtime used for report writing beyond the officer's normal shift. Supervisors shall closely monitor end-of-watch overtime used for this purpose.

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401.6 FLSA SHIFT TRADES

The Fair Labor Standards Act (FLSA) extends a provision for government employees to trade shifts with other employees, under certain conditions. It is the intent of this policy to establish a mechanism for personnel in Patrol and Communications to trade shifts pursuant to FLSA. The policy will facilitate personnel taking time off without charging their leave banks and assist in preventing back fills with personnel who are paid overtime.

Sworn personnel assigned to Patrol Operations or personnel assigned to Communications may trade shifts with their colleagues within the same classification subject to the following conditions:

- (a) Both employees agree to the shift trade voluntarily. Employees will complete a voluntary shift trade request form. Employees shall not exchange money or any other item of value in connection with a shift trade.
- (b) A supervisor must pre-approve the shift trade. At the time the shift trade is approved, both dates must be identified and recorded in ISE by a supervisor.
 - 1. In ISE, SWAP is the code to be used to denote a shift trade. In the comments for the day the shift trade occurred, the supervisor will note (for example): "Shift Trade – Smith worked for Brown." The supervisor will also note the number of hours worked by the employee who is working the trade.
 - 2. In Schedule Express, employees can go under Request, Create Trade Request. Select the date and hours requesting to trade. Choose to send a request to All Users, Select From List, or No One and select Submit.
- (c) Employee "A" whose shift is worked receives credit for the shift. The number of hours to be credited will be the number of hours employee "A" is scheduled to work, regardless of the number of hours employee "B" who is working the trade actually works.
 - 1. In VTI, SWAP-WORK is the unpaid hour code to be used by an employee to report they were at work on a non-scheduled day, working for another employee. These hours do not count towards FLSA work hours. In the comments section, the supervisor will note (for example): "Shift Trade- Smith worked for Brown."
 - 2. In VTI, SWAP-OFF is the paid hour code to be used by an employee to report they were not at work on a scheduled day, but are receiving compensation for that day. These hours count towards FLSA work hours. In the comments section, the supervisor will note (for example): "Shift Trade - Smith worked for Brown."
- (d) If a patrol trade occurs between employees assigned to the 4/10 shifts, the trades must comply with Section 401.4 (Hours Worked)
- (e) For trades that occur between employees assigned to the 4/10 shifts with employees assigned to the 3/12 shifts the following provisions apply:
 - 1. When a 3/12 employee works for a 4/10 employee, the 3/12 employee shall work 12.5 hours. The start time of a 3/12 employee working for a 4/10 employee will be based on the shift being worked:
 - (a) B 4/10:3/12 employee working trade starts at the regular Shift 1 start time.
 - (b) D 4/10:3/12 employee working trade starts at the regular Shift 3 start time.

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- (c) A 4/10: 3/12 employee working trade starts at 1830.
- 2. When a 4/10 employee works for a 3/12 employee, the 4/10 employee shall work 10 hours. The start time for a 4/10 employee working for a 3/12 employee will be based on the shift being worked:
 - (a) B 3/12:4/10 employee working trade starts at regular Shift 5 start time.
 - (b) D 3/12:4/10 employee working trade starts at regular Shift 6 start time.
 - (c) A 3/12:4/10 employee working trade starts at 2100.
- (f) Payback of the traded shift shall fall in the same trimester for Patrol and the same pay period for Communications.
- (g) If an employee agrees to trade shifts with another employee and then calls in sick or otherwise does not work the shift the following provisions apply:
 - 1. If an unexpected absence occurs during the first part of the trade, the trade is considered canceled. The employee regularly scheduled to work will use vacation, compensatory, or personal leave. If the absence qualifies for sick leave usage, the employee may report sick leave.
 - 2. If an unexpected absence occurs during the second half of the trade, the employee scheduled off in the second part of the swap will complete the trade taking the day off and reporting SWAP-off as planned. The employee who did not complete the shift trade will reflect vacation, compensatory, or personal leave on the original day taken off during the first part of the trade. Sick leave may only be used if the original absence taken during the first part of the trade qualifies for sick leave usage. PPA will be completed redacting the SWAP-off hour code and replacing the time with applicable leave.
- (h) A trade request of more than four consecutive days must be approved by an Operations Lieutenant.
- (i) Trades involving more than two employees are not permitted.
- (j) Shift trades shall not be approved if they are in conflict with section 401.4 (Hours Worked).
- (k) Trades involving a Holiday will not be permitted.
- (l) Trades of partial shifts will not be permitted.
- (m) Trading Buyback days is not permitted for Patrol Operations.
- (n) Trading Buyback days is permitted for Communications personnel.
 - 1. If buybacks are traded, 3/12 shifts must be traded for other 3/12 shifts, and 8 hour buybacks must be traded for other 8 hour buybacks.

401.7 SWAPPING SHIFTS

In each case when officers or sergeants desire to change or "swap" shifts, the following applies:

- (a) A time-off request card will be submitted to the scheduling supervisors of both employees initiating the request. All swaps must occur within the same trimester. Once

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considered and approved by both shift supervisors, the hard copy will be placed in the scheduling book for the duration of the shift change period.

- (b) The request shall be submitted as far in advance as possible, allowing for a disposition no less than twenty-four hours prior to the affected change. Emergencies will warrant special consideration.
- (c) The request shall not be considered approved until signed by all concerned supervisors.
- (d) Task numbers may be assigned by finance for purposes of tracking shift changes. Officers shall include this information on their time sheets.

401.8 STAFFING

The Operations Commanders is responsible for establishing staffing levels in order to optimize officer safety, to address the service needs of the public, and to meet response time obligations. Staffing levels will be studied at least annually by staff and adjusted as necessary to ensure they meet the goals outlined above.

- (a) Overtime vacancies for sergeants and officers should not be filled beyond the above shift minimums. However, should drafts be required to meet these minimums, any supervisor may default to time of day minimums. The on-duty Shift Lieutenant or Command Duty Officer may deviate from the minimum staffing level based upon special needs or circumstances. Generally minimum staffing shall only apply to Patrol personnel, with the following exceptions, listed below:
 - 1. Area Traffic Officers, DET Officers and the DET sergeant shall be reassigned to Patrol, as needed, whenever doing so will prevent a draft from occurring. In these instances, they will be assigned a beat and function as a patrol officer.
 - 2. The DUI officer will be counted as part of minimum staffing whenever doing so will prevent a draft from occurring. In these instances, the DUI officer shall maintain his or her primary duties related to DUI enforcement, but shall be assigned to respond to priority calls for service when nearby.
 - 3. Canine Officers will be counted in calculating minimum staffing.
 - 4. At the discretion of any Shift Lieutenant, any sergeant assigned to Special Events, Traffic, Great Park, or Youth Services may be assigned to work Patrol when doing so will prevent a draft OR a fill on the B 4/10 shift.
- (b) Time off requests must be submitted to the employee's supervisor for all anticipated absences, including vacation, CTO, personal leave, court cases, training needs, and department related meetings.
- (c) With the exception of CTO time, all time off requests are to be submitted to the respective scheduling sergeant at least two weeks before the date of the requested absence.
- (d) Employee requests to use accrued CTO shall be granted provided the employee submits the request to the affected shift supervisor at least seven (7) calendar days in advance, and has arranged for a fill; unless the employee's absence impacts vital

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departmental operations as determined by the shift lieutenant or Command Duty Officer.

- (e) These requirements (b through d) may be waived for employee emergencies by any supervisor.
- (f) An employee seeking to use vacation time or personal leave time of less than one work week in duration must ensure a fill for his/her position, if a fill is required. A supervisor may rescind the approval if a required fill has not been secured. Department personnel with approved vacation or personal leave in duration of one work week or longer are exempt from this requirement.
- (g) The department retains the right to cancel any or all leaves, including CTO during an emergency, major incident or other department need. Department needs may include major holidays or task force operations.
- (h) A field supervisor (sergeant) seeking time off shall submit a written request for approval to his/her shift lieutenant. There must always be one assigned shift sergeant on duty unless approved by the shift lieutenant or the Command Duty Officer.
- (i) Field Training Officers (FTO) may be used as shift supervisors in unanticipated emergency situations, or other preplanned large scale events or meetings; however they shall function as an acting supervisor and will not be assigned as a line officer for that shift. Acting Field Supervisors will use a call-sign of S40-S49.
- (j) For the purposes of the Department's Memorandum of Understanding (MOU), patrol drafts are not situations wherein an officer is asked to work and he/she volunteers. When an officer is directed to fill all or part of a shift, the officer is considered "drafted" and entitled to CTO.
 - 1. The scheduling sergeant for each shift shall establish and maintain a draft list, ranked from lowest to highest seniority, to be utilized when a draft is required. Generally, when drafts are required, they should extend an officer's or sergeant's shift. On the rare occasions a draft will require officers or sergeants to begin their shift early, the personnel affected should be given as much advance notice as possible. The person to fill a draft that starts in advance of their shift shall be identified from the established draft list for that shift. Scheduling sergeants should use the scheduling software to anticipate drafts and make sure the next officers or sergeants on the draft list are aware of the possibility they may be drafted to start their shift early.
- (k) Canine Officers will be assigned to regular beat duties and service calls. Canine Officers will not share more than one day off during a shift week.

401.9 SHIFT BRIEFINGS

- (a) Generally, a briefing session thirty minutes in duration will precede each shift's field deployment.
- (b) Sergeants will periodically inspect shift personnel, including the officers' uniform, equipment, patrol car, necessary equipment, etc. Any deficiencies will be corrected in a timely manner. One sergeant will be assigned the task of reviewing briefing bulletins, field activity summary sheets and daily assigned training prior to each briefing session,

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selecting relevant information to disseminate to field personnel. This sergeant will begin and end his/her shift between thirty minutes and one hour before the regularly scheduled start and end times for the shift and will be designated the “early sergeant.” If the assigned early sergeant is to be absent, he/she will be responsible for ensuring another shift member will handle the briefing assignment.

- (c) All uniformed personnel, including field sergeants, will report to briefing prepared for immediate field deployment. This includes duty belt, soft body armor and a weapon.

401.10 BEAT INTEGRITY/RESPONSE TIMES

For purposes of this policy, beat integrity is defined as the responsibility of a sworn employee assigned to an area and beat to maintain a presence in, and be accountable to the community within that beat for issues related to public safety.

- (a) Every effort shall be made to maintain beat integrity. The shift supervisor may temporarily reassign shift personnel to other beats or assignments to ensure service continuity to the community. Traffic officers may be deployed temporarily to handle service calls when patrol officers are unavailable. Traffic officers shall be assigned to handle Priority 0 and Priority 1 calls when Patrol officers are unavailable.
- (b) Patrol officers may be cross-dispatched at the discretion of any field supervisor when doing so will enhance the level of service to the community.
- (c) Patrol officers shall be cross-dispatched when necessary for response to Priority 0 and Priority 1 calls for service.
- (d) Sworn field personnel will regard situations requiring an emergency response to be of the highest priority.

401.11 FIELD OPERATIONS

- (a) All Point-to-Point Computer Aided Dispatch (CAD) or Mobile Data Computer (MDC) system messages shall be professional and reflect the spirit of the department's core values. Messages shall be work-related.
- (b) All radio traffic will be professional and reflect the spirit of the department's core values.
- (c) Each employee assigned onto the department's CAD system will ensure that the system accurately reflects his or her status.

401.12 SHIFT MEAL BREAK GUIDELINES

- (a) Pending service calls are generally given priority over meal breaks.
- (b) Sworn personnel are permitted to take a meal break during their shift. Officers will request clearance for a meal break from Communications. The dispatcher will clear each officer for his/her meal break in the order in which the request is received. In the event the officer next up on the list, or his or her meal break partner is busy on a service call, the next officer (or officers) will be cleared for a meal break. Communications will not take reservations for meal breaks.
- (c) Shift employees should make an effort to eat within or close to their area and beat and make every attempt to minimize driving time to meal break locations. When an

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officer is cleared for a meal break, the break shall be 45 minutes in duration, including travel time.

- (d) Generally, no more than two marked vehicles may gather at the same location at the same break or meal time. A patrol car, police motorcycle, and traffic investigation vehicle are each examples of a marked vehicle. Two patrol cars may include up to four officers.
- (e) Officers should attempt to eat early in their shift, unless service calls mandate eating later in the shift. Communications will attempt to clear the next officer (or officers) on the list 10 minutes before the end of the forty-five minute break period in progress.
- (f) Officers are encouraged to participate in the fair practice of offering to handle service calls for officers who are next up on the meal break list.
- (g) No more than two officers from the same area may take a meal break at the same time, unless approved by a field supervisor. Generally, no one will be approved for a meal break, when less than one-third of sworn shift personnel are available for emergency calls.

401.14 SHIFT SCHEDULING FOR PATROL SERGEANTS AND OFFICERS

- (a) Shift selection will occur within the first five weeks of the trimester for the following trimester, based on seniority. Officers and sergeants may choose any geographic area each trimester.
 - 1. A Field Services Eligibility List will be established. This eligibility list will consist of those employees required to register for the next annual cycle, in order of their seniority within their respective rank. This list will show the employee's prior two shift selections.
 - 2. An employee may work two of the same shifts consecutively. He or she must then move to another shift. The table, below, shows three examples of the mandatory shift rotation.

Trimester	Trimester	Trimester	Trimester	Trimester
A	A	B	B	A

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A	B	B	A	A
D	D	A	B	B

1. Employees may not consider rotation from a 4/10 shift to a 3/12 shift (or visa versa) as a legitimate shift change. An employee, for example, who has worked two B 4/10 shifts consecutively, is ineligible to register for a vacancy on either the B 4/10 shift or the B 3/12 shift.
2. Occasionally, employees may be assigned to a shift already in progress. In this event, the shift will count as one full shift for the purpose of shift sign-up consideration if the employee works a minimum of half the shift.
3. Shift sign-ups will be managed via "Google Docs" or other shift scheduling software as identified by management. Management is responsible for projecting the number of working patrol officers for the upcoming trimester, and determining how these positions will be divided among each shift.
4. Before the sign-up process commences, management and supervision will identify officers who are assigned to Patrol, but who are not expected to work Patrol for a majority of the deployment (long term IOD, maternity leave, military leave, etc.) These officers will sign-up for a patrol shift in the event they do return to Patrol; however, another position will immediately be added to the same area and shift before the next officer signs-up. The initial number of spots listed on the sign-up roster will be equal to the number of full-duty officers expected to be working the majority of the shift. This process will ensure sufficient staffing for each shift and area.
5. If employees know they will be unavailable during the sign-up process, they should submit their shift request (in ranked order) to the scheduling Sergeant in writing prior to the beginning of shift sign-ups.
6. Employees will be expected to monitor the shift sign-up process and will have until the end of the day they are notified to sign-up.
 - (a) The shift by seniority process may be waived or modified by management as follows:
 - (a) Sergeants and officers on probation may at the discretion of management be assigned a particular shift.
 - (b) Officers or sergeants who demonstrate a need for additional individualized training or exposure unique to a particular shift may be assigned to a shift.
 - (c) Shift assignments may be modified to facilitate department needs. A department need may include an emergency circumstance, field training requirement, an adjustment in department strength, or an unanticipated special personnel assignment.
 - (b) Once the roster is complete, an employee may not swap a shift with another employee without the approval of the Operations Commander and the Assistant Chief. Both employees shall submit a written request to the Operations Commander and Assistant Chief via the chain of command. The decision to swap shifts will be based, in part, on the needs of the department.

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401.15.2 NOTIFICATION

In the event the Emergency Deployment Schedule is implemented for a preplanned or unplanned event, the CDO initiating the deployment should attempt to provide notification to affected personnel via their chain of command.

In the event of a significant manmade or natural disaster, phone communications may be compromised. If a significant event occurs and employees are unable to make contact with their immediate supervisor or the Irvine Police Department, they should assume an Emergency Deployment is in effect. After providing for the safety/security of their immediate families, off duty employees should report to work as indicated below.

401.15.3 REPORTING FOR DUTY

Off duty employees should report to work at the beginning of the next deployment period indicated in the above Emergency Deployment Schedule. Personnel who are classified as unassigned should report to the Irvine Police Department as soon as possible, unless otherwise notified. Absent specific instructions, off duty employees reporting for duty should report to the Public Safety facility.

Supervisors shall review with their shifts their respective assignments according to the Emergency Deployment Schedule at the beginning of each trimester.

401.15.4 DISPATCH

All full-time Communications Bureau employees are assigned to a 12-hour shift. In the event an Emergency Deployment is in effect, all employees assigned to day shift will assume a 0600-1800 work schedule. All employees assigned to night/swing shift will assume an 1800-0600 work schedule. If off duty, employees should report to work at the beginning of the next deployment period for the shift they are assigned to work.

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401.15.5 OTHER NON-SWORN PERSONNEL

Professional staff who are assigned to the field shall follow directions from their immediate supervisor. In the absence of specific directions, they should report to the Irvine Police Department as soon as possible and await further deployment instructions.

Professional staff who are not assigned field duties shall maintain their normal schedule unless advised otherwise by their supervisor.

3/12 Patrol Shift Buyback Procedures

402.1 SCHEDULING PROCESS

3/12 buyback days for all sworn personnel (officers and sergeants) assigned to Patrol will be scheduled according to the following protocol:

- (a) Sergeants assigned as a Buyback Coordinator will have the responsibility to manage and oversee the buyback scheduling process for all 3/12 shifts.
- (b) Buybacks will be scheduled to mitigate overtime associated with Block Training, and/or routine patrol operations.
- (c) Personnel on the 3/12 shifts will be assigned to work their buybacks in Patrol on the day scheduled for the 4/10 Officers to attend Block Training.
- (d) Personnel from 3/12 shifts may also be assigned to attend Block Training as their assigned buyback day during the next 28-day cycle.
- (e) Buyback Coordinators will review the scheduling system and create a list of available buyback shifts based on the needs of the 4/10 shifts (including days where additional officers are needed to supplement training, scheduled days off, etc.).
- (f) When creating the available slots for personnel to sign up under, Buyback Coordinators should take into consideration the number of officers assigned to each weekend shift and try to make at least that many coordinating 4/10 buyback slots as able to allow for shift accommodation. However, officers should be aware shift accommodation is not guaranteed.
- (g) The available slots will be provided to officers electronically for sign-up during the designated sign-up period. The designated sign-up period should start at least seven days prior to the upcoming 28-day cycle. All buybacks should be scheduled within seven days after the beginning of each 28-day cycle. This allows for a two-week period for the Buyback Coordinator to assign buybacks in the scheduling system.
- (h) Once that period has closed, any changes to the buyback by officers must be coordinated and approved by the Buyback Coordinator.
- (i) Any officer that does not select a buyback shift will be assigned a shift. Notification will be done in writing, via department email.
- (j) At the discretion of the scheduling lieutenant, buyback shifts can also be utilized for the needs of the department, such as shopping center details near the holidays, in lieu of normal patrol shifts.
- (k) "Bumping" – At the closing of designated sign-up period, it will be the responsibility of the Buyback Coordinator to review shift staffing levels and determine if cancellation of previously filled overtime slots is prudent, and if so to notify the 4/10 shift sergeant.
- (l) It is the responsibility of the 4/10 shift sergeant decide what overtime should be cancelled due to a buyback. If it is determined that an overtime shift will be cancelled, the 4/10 sergeant shall notify the officer with the cancelled shift at least 48 hours in advance of the scheduled overtime fill.

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3/12 Patrol Shift Buyback Procedures

- (m) Personnel who have completed a buyback shift shall complete an overtime slip and write "buyback" at the top and highlight same.

402.2 GUIDELINES FOR BUYBACK

Sergeants/officers shall work their buyback in patrol, unless otherwise approved by their lieutenant, commander or shift supervisor. As a general rule, buyback assignments will be scheduled in 10-hour increments. Requests for time off on a buyback day will be granted or denied in accordance with policy. The designated Buyback Coordinators shall maintain a list of the personnel assigned to buyback days, and the leave time or other time used to apply to their buyback days.

Briefing Training

403.1 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 General Orders or changes in General Orders
- (d) Reviewing recent incidents for training purposes
- (e) Providing training on a variety of subjects

403.2 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.

403.3 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.

Watch Commander and/or Field Supervisors

404.1 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 lieutenant heads each watch.

404.2 DESIGNATION AS ACTING WATCH COMMANDER

When a lieutenant is unavailable for duty as watch commander, in most instances the senior qualified sergeant shall be designated as acting watch commander. This policy does not preclude designating a sergeant assigned outside Operations Division as an acting watch commander when operational needs require or training permits. When a sergeant is unavailable to act as the watch commander, he/she may designate a Field Training Officer (FTO) as an acting watch commander for a period of time.

Field Training Officer Program

405.1 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 Irvine 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.

405.2 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.

405.2.1 SELECTION PROCESS

FTOs will be selected based on the following requirements:

- (a) Desire to be an FTO
- (b) Minimum of two years of patrol experience, two of which shall be with this department
- (c) Demonstrated ability as a positive role model
- (d) Participate in a selection process
- (e) Possess a POST Basic certificate

The selection/retention process for the FTO assignment shall conform to the provisions of the Irvine Police Association/City of Irvine Memorandum of Understanding (MOU). The selection criteria shall be determined by the FTO Program Coordinator.

405.2.2 TRAINING

An officer selected as a Field Training Officer shall successfully complete a POST certified (40-hour) Field Training Officer's Course prior to being assigned as an FTO.

All FTOs must complete a 24-hour Field Training Officer update course every three years while assigned to the position of FTO (11 CCR 1004).

All FTOs must meet any training mandate regarding crisis intervention behavioral health training pursuant to Penal Code § 13515.28.

405.3 FIELD TRAINING OFFICER PROGRAM SUPERVISOR

The FTO Program supervisor should be selected from the rank of sergeant or above by the Operations Division Commander or a designee and should possess, or be eligible to receive, a POST Supervisory Certificate.

The responsibilities of the FTO Program supervisor include the following:

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- (a) Assignment of trainees to FTOs
- (b) Conduct FTO meetings
- (c) Maintain and ensure FTO/trainee performance evaluations are completed
- (d) Maintain, update, and issue the Field Training Manual to each trainee
- (e) Monitor individual FTO performance
- (f) Monitor overall FTO Program
- (g) Maintain liaison with FTO coordinators of other agencies
- (h) Maintain liaison with academy staff on recruit performance during the academy
- (i) Develop ongoing training for FTOs

The FTO Program supervisor will be required to successfully complete a POST-approved Field Training Administrator's Course within one year of appointment to this position (11 CCR 1004(c)).

405.4 TRAINEE DEFINED

Any entry level or lateral police officer newly appointed to the Irvine Police Department who has successfully completed a POST approved Basic Academy.

405.5 REQUIRED TRAINING

Entry level officers shall be required to successfully complete a POST-approved Field Training Program, consisting of a minimum of 10 weeks (Penal Code § 13515.295; 11 CCR 1004; 11 CCR 1005).

The training period for a lateral officer may be modified depending on the trainee's demonstrated performance and level of experience. A lateral officer may be exempt from the Field Training Program requirement if the officer qualifies for an exemption as provided in 11 CCR 1005(a)(B).

To the extent practicable, entry level and lateral officers should be assigned to a variety of Field Training Officers, shifts, and geographical areas during their Field Training Program.

405.5.1 FIELD TRAINING MANUAL

Each new officer will be issued a Field Training Manual at the beginning of his/her Primary Training Phase. This manual is an outline of the subject matter and/or skills necessary to properly function as an officer with the Irvine 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 Irvine Police Department.

405.6 EVALUATIONS

Evaluations are an important component of the training process and shall be completed as outlined below.

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405.6.1 FIELD TRAINING OFFICER

The FTO will be responsible for the following:

- (a) Complete and submit a written evaluation on the performance of his/her assigned trainee to the FTO Coordinator on a daily basis.
- (b) Review the Daily Trainee Performance Evaluations with the trainee each day.
- (c) Complete a detailed end-of-phase performance evaluation on his/her assigned trainee at the end of each phase of training.
- (d) Sign off all completed topics contained in the Field Training Manual, noting the method(s) of learning and evaluating the performance of his/her assigned trainee.

405.6.2 IMMEDIATE SUPERVISOR

The immediate FTO supervisor shall review and approve the Daily Trainee Performance Evaluations and forward them to the Field Training Administrator.

405.6.3 FIELD TRAINING ADMINISTRATOR

The Field Training Administrator, or his/her designee, will review and approve the Daily Trainee Performance Evaluations submitted by the FTO through his/her immediate supervisor.

405.6.4 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.

405.7 DOCUMENTATION

All documentation of the Field Training Program will be retained in the officer's training files and will consist of the following:

- (a) Daily Trainee Performance Evaluations
- (b) End-of-phase evaluations
- (c) A Certificate of Completion certifying that the trainee has successfully completed the required number of hours of field training

Rapid Response and Deployment

406.1 PURPOSE AND SCOPE

Violence that is committed in schools, workplaces and other locations by individuals or a group of individuals who are determined to target and kill persons and to create mass casualties presents a difficult situation for law enforcement. The purpose of this policy is to identify guidelines and factors that will assist responding officers in situations that call for rapid response and deployment.

406.2 POLICY

The Irvine Police Department will endeavor to plan for rapid response to crisis situations, and to coordinate response planning with other emergency services as well as with those that are responsible for operating sites that may be the target of a critical incident.

Nothing in this policy shall preclude the use of reasonable force, deadly or otherwise, by members of the Department in protecting themselves or others from death or serious injury.

406.3 FIRST RESPONSE

If there is a reasonable belief that acts or threats by a suspect are placing lives in imminent danger, first responding officers should consider reasonable options to reduce, prevent or eliminate the threat. Officers must decide, often under a multitude of difficult and rapidly evolving circumstances, whether to advance on the suspect, take other actions to deal with the threat or wait for additional resources.

If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, officers should take immediate action, if reasonably practicable, while requesting additional assistance.

Officers should remain aware of the possibility that an incident may be part of a coordinated multi-location attack that may require some capacity to respond to other incidents at other locations.

When deciding on a course of action officers should consider:

- (a) Whether to advance on or engage a suspect who is still a possible or perceived threat to others. Any advance or engagement should be based on information known or received at the time.
- (b) Whether to wait for additional resources or personnel. This does not preclude an individual officer from taking immediate action.
- (c) Whether individuals who are under imminent threat can be moved or evacuated with reasonable safety.
- (d) Whether the suspect can be contained or denied access to victims.
- (e) Whether the officers have the ability to effectively communicate with other personnel or resources.
- (f) Whether planned tactics can be effectively deployed.

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- (g) The availability of rifles, shotguns, shields, breaching tools, control devices and any other appropriate tools, and whether the deployment of these tools will provide a tactical advantage.

In a case of a barricaded suspect with no hostages and no immediate threat to others, officers should consider summoning and waiting for additional assistance (special tactics and/or hostage negotiation team response).

406.4 CONSIDERATIONS

When dealing with a crisis situation members should:

- (a) Assess the immediate situation and take reasonable steps to maintain operative control of the incident.
- (b) Obtain, explore and analyze sources of intelligence and known information regarding the circumstances, location and suspect involved in the incident.
- (c) Attempt to attain a tactical advantage over the suspect by reducing, preventing or eliminating any known or perceived threat.
- (d) Attempt, if feasible and based upon the suspect's actions and danger to others, a negotiated surrender of the suspect and release of the hostages.

406.5 PLANNING

The Operations Division Commander should coordinate critical incident planning. Planning efforts should consider:

- (a) Identification of likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.
- (b) Availability of building plans and venue schematics of likely critical incident target sites.
- (c) Communications interoperability with other law enforcement and emergency service agencies.
- (d) Training opportunities in critical incident target sites, including joint training with site occupants.
- (e) Evacuation routes in critical incident target sites.
- (f) Patrol first-response training.
- (g) Response coordination and resources of emergency medical and fire services.
- (h) Equipment needs.
- (i) Mutual aid agreements with other agencies.
- (j) Coordination with private security providers in critical incident target sites.

406.6 TRAINING

The Office of Professional Development should include rapid response tactics in the training plan. This training should address:

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- (a) Orientation to likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.
- (b) Communications interoperability with other law enforcement and emergency service agencies.
- (c) Patrol first-response training, including patrol rifle, shotgun, breaching tool and control device training.
 - 1. This should include the POST terrorism incident training required for officers assigned to field duties (Penal Code § 13519.12).
- (d) First aid, including gunshot trauma.
- (e) Reality-based scenario training (e.g., active shooter, disgruntled violent worker).

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Obtaining Helicopter Assistance

408.1 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.

408.2 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.

408.2.1 REQUEST FOR ASSISTANCE FROM ANOTHER AGENCY

If an airship is needed, the field supervisor or dispatcher will contact any available airship on "AIRCALL" located on the Common 3 talk group. If there is no response on the Common 3 talk group, the supervisor or dispatcher shall make the request by telephone.

408.2.2 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 suspect 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
- (f) At the direction of a field supervisor or watch commander

While it is recognized that the availability of helicopter support will generally provide valuable assistance to ground personnel, the presence of a helicopter will rarely replace the need for officers on the ground.

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Suspicious Activity Reporting

Vehicle Pursuits

410.1 PURPOSE AND SCOPE

This policy provides guidelines for vehicle pursuits in order to protect the safety of involved officers, the public, and fleeing suspects (Vehicle Code § 17004.7).

410.1.1 DEFINITIONS

Definitions related to this policy include:

Blocking - A preventive maneuver where emergency vehicles are strategically positioned to prevent a suspect from moving their vehicle, usually before a pursuit starts or at low speeds.

Boxing-in - A low-speed tactic designed to stop a fleeing vehicle by surrounding it with emergency vehicles and then slowing all vehicles to a stop.

Pursuit Intervention Technique (PIT) - A low-speed tactic designed to apply lateral pressure to the rear quarter panel of a fleeing vehicle, causing it to spin out, stall, and come to a stop (also known as a Precision Immobilization Technique).

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

Roadblock - A tactic designed to stop a fleeing vehicle by intentionally placing an emergency vehicle or other immovable object in the path of the fleeing vehicle.

Tire deflation device - A device designed to be placed on the roadway and puncture the tires of a fleeing vehicle, sometimes referred to as spike strips.

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.

410.2 POLICY

It is the policy of this department to balance the need to apprehend a fleeing suspect with the risks associated with vehicle pursuits.

410.3 INITIATING A PURSUIT

Officers who have received appropriate training are authorized to initiate a vehicle pursuit when the need to apprehend a fleeing suspect clearly outweighs the risks a vehicle pursuit poses for officers and the public.

When balancing the risk of a pursuit with the need to apprehend the suspect, officers shall consider:

- (a) The seriousness of the known or reasonably suspected crime committed by the suspect and the threat to the safety of the public if the suspect remains at large.

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- (b) Whether the identity of the suspect is known with enough certainty to enable apprehension at a later time.
- (c) The speed of the vehicles relative to the conditions of the area, such as the population density, amount of vehicular and pedestrian traffic (e.g., school zones), time of day, road conditions, environmental conditions (e.g., hills, curves, mountains), and weather conditions.
- (d) The pursuing officer's driving capabilities, familiarity with the area, and quality of radio communications with the dispatcher/supervisor.
- (e) The nature of the pursuing unit (e.g., marked vs. unmarked) and its speed and performance capabilities in relation to the fleeing vehicle (e.g., performance motorcycle).
- (f) Whether there are other persons in or on the fleeing vehicle and their relationship to the situation (e.g., passengers, co-offenders, hostages).
- (g) Whether the pursuing unit is carrying passengers other than on-duty police officers. Pursuits should not be undertaken with an arrestee in the pursuit vehicle unless exigent circumstances exist.
- (h) The availability of other resources such as air support or vehicle locator/deactivation technology.

410.4 PURSUIT UNITS

Vehicle pursuits should be limited to three police department emergency vehicles (two pursuit units and the supervisor vehicle). However, an officer or supervisor may request that additional units 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 number of suspects.

410.4.1 EMERGENCY EQUIPMENT

Vehicle pursuits shall only be conducted using authorized police department vehicles that are equipped with emergency lighting and sirens as required by Vehicle Code § 21055. Each pursuit unit's emergency lights and sirens should remain activated throughout the unit's participation in the pursuit.

Officers operating vehicles not equipped with emergency lights and siren are prohibited from pursuing a fleeing vehicle or joining a pursuit. Officers in such vehicles may provide support to pursuing units when needed, but should operate the vehicle in compliance with all traffic laws and should discontinue such support immediately upon arrival of a sufficient number of authorized emergency vehicles or any air support.

410.4.2 MOTORCYCLES AND UNMARKED UNITS

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

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410.4.3 PRIMARY UNIT

The initial pursuing officer should be designated as the primary unit and will be responsible for the conduct of the pursuit unless that unit 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 suspect without unreasonable danger to themselves or others.

As soon as practicable, the primary unit should notify Communications Bureau of the pursuit, request priority radio traffic, and provide appropriate information including:

- (a) The location, direction of travel, and estimated speed of the pursuit.
- (b) The description of the fleeing vehicle, including the license plate number, if known.
- (c) The reason for the pursuit.
- (d) A description of the fleeing vehicle's evasive driving behavior (e.g., rapid lane changes, no headlights, driving on the wrong side of the road).
- (e) Known or suspected weapons, threat of force, violence, injuries, hostages, or other unusual hazards.
- (f) The suspected number of occupants and their identities or descriptions.
- (g) The weather, road, and traffic conditions.
- (h) The need for any additional resources or equipment.
- (i) The identities of other law enforcement agencies involved in the pursuit.

The primary unit is responsible for broadcasting the progress of the pursuit until a secondary or air unit joins the pursuit. Once an additional unit joins the pursuit, the primary unit should relinquish the responsibility of broadcasting the progress to the secondary or air unit unless circumstances reasonably indicate otherwise.

410.4.4 SECONDARY UNIT

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

- (a) Notifying Communications Bureau of their entry into the pursuit.
- (b) Broadcasting the progress of the pursuit, updating known or critical information, and providing changes in the pursuit, unless the situation indicates otherwise.
- (c) Identifying the need for and requesting additional resources or equipment as appropriate.
- (d) Serving as backup to the primary unit once the fleeing vehicle has been stopped.

410.4.5 AIR UNITS

When available, air unit assistance should be requested. The air unit should assume responsibility of broadcasting the pursuit once they have established visual contact with the fleeing vehicle. Ground units should maintain operational control and consider whether the continued close proximity and/or involvement in the pursuit is warranted.

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

410.5 PURSUIT DRIVING

The decision to use specific driving tactics requires consideration of the same factors as initiating a pursuit. In addition, officers involved in the pursuit should adhere to the following:

- (a) Pursuing units should space themselves far enough from other involved vehicles to be able to see and avoid hazards and react safely to maneuvers by the fleeing vehicle.
- (b) Pursuing units should exercise caution and slow down as necessary when proceeding through intersections.
- (c) Pursuing units should not follow a fleeing vehicle driving against traffic (wrong way) and should instead:
 - 1. Request assistance from available air support.
 - 2. Maintain visual contact with the fleeing vehicle by paralleling it on the correct side of the roadway.
 - 3. Request other units to observe exits available to the fleeing vehicle.
- (d) Pursuing units should request that Communications Bureau notify the California Highway Patrol (CHP) and/or another law enforcement agency if it appears that the pursuit may enter its jurisdiction.
- (e) Pursuing units should not attempt to pass other pursuit units unless the situation indicates otherwise or they are requested to do so. Passing another pursuit unit should only be attempted with a clear understanding of the maneuver.

410.5.1 RULES OF THE ROAD

The speed of a vehicle 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.

410.5.2 OFFICERS NOT INVOLVED IN THE PURSUIT

Officers not directly involved in the pursuit should stay alert to its progress and location and may proceed safely to intersections ahead of the pursuit to warn cross traffic. When clearing

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intersections along the pursuit path, officers are authorized to use emergency equipment and should attempt to place their vehicles in locations that provide some safety or an escape route in the event of an unintended collision or a suspect intentionally trying to ram the police department vehicle.

Other than clearing intersections along the pursuit path, uninvolved officers should avoid operating under emergency conditions (emergency lights and siren) and should remain in their assigned areas unless directed otherwise by a supervisor.

When needed, non-pursuing officers and officers who have dropped out of the pursuit should respond to the pursuit termination point in a non-emergency manner, observing the rules of the road. Officers should not parallel the pursuit route.

410.6 SUPERVISORY CONTROL AND RESPONSIBILITIES

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

- (a) Immediately notifying the involved units and the dispatcher of supervisory presence and ascertaining all reasonably available information in order to continuously assess the situation and risk factors associated with the pursuit.
- (b) Exercising management and control of the pursuit and, when appropriate, engaging in the pursuit to provide on-scene supervision.
- (c) Confirming that no more pursuing units than required are involved in the pursuit.
- (d) Directing that the pursuit be terminated if, in the supervisor's judgment, continuing the pursuit is not justified under the guidelines of this policy.
- (e) Assessing the emotional state of the officers involved and directing an officer to disengage from the pursuit if it appears they are unable to control their emotions.
- (f) Requesting additional assistance from air support, canines, or other resources, if available and appropriate.
- (g) Verifying that the proper radio channel is being used.
- (h) Confirming the watch commander has been notified of the pursuit.
- (i) Overseeing the notification and/or coordination of outside agencies if the pursuit leaves or is likely to leave the jurisdiction of this department.
- (j) Continuing the management and control of Irvine Police Department units when a pursuit enters another jurisdiction.
- (k) Preparing documentation of the pursuit and conducting a post-pursuit review, as required.

410.6.1 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

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requirements of this policy. The watch commander has the final responsibility for the coordination, control, and termination of a vehicle pursuit and shall be in overall command.

410.7 COMMUNICATIONS BUREAU

Radio communications during a pursuit should 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.

410.7.1 COMMUNICATIONS BUREAU 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) Notifying the watch commander as soon as practicable.
- (g) Assigning an incident number and logging all pursuit activities.

410.8 INTERJURISDICTIONAL CONSIDERATIONS

Unless entry into another jurisdiction is expected to be brief, the primary unit or supervisor should 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.

410.8.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

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

Once another agency has agreed to assume the pursuit, pursuing units should relinquish control and discontinue participation unless the continued assistance of the Irvine Police Department is requested by the agency assuming the pursuit. Upon relinquishing control of the pursuit, the involved officers may, with supervisory approval, proceed to the termination point in order to provide information and assistance for the arrest of the suspect and reporting of the incident. The supervisor should coordinate such assistance with the assuming agency and obtain any information that is necessary for department reports.

410.8.2 PURSUITS EXTENDING INTO THIS JURISDICTION

Officers from this department should not join a pursuit being conducted by another agency unless specifically requested to do so by that agency and with approval from a supervisor.

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When a request is made for this department to assist or take over a pursuit that has entered the jurisdiction of the Irvine Police Department, the watch commander or supervisor should review the request as soon as practicable, taking into consideration:

- (a) Whether the need to apprehend the fleeing suspect outweighs the risks of the pursuit to officers and the public.
- (b) Whether there is adequate staffing to continue the pursuit.
- (c) The available units' capabilities to maintain the pursuit.
- (d) The number of available units and other resources of the pursuing agency.

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

In the event that a pursuit from another agency terminates within this jurisdiction, officers should provide appropriate assistance to the pursuing agency such as scene control, inter-agency coordination, completion of supplemental reports, and any other reasonable assistance requested or needed.

410.9 PURSUIT INTERVENTION

Pursuit interventions should only be used when it reasonably appears that using the intervention will contain or prevent the pursuit, and the need to immediately stop the fleeing vehicle outweighs the risks of injury or death to officers and others.

Pursuit interventions may be construed as a use of force, including deadly force, and are subject to the policies guiding such use. Officers should consider the guidelines for the use of force when deciding how, when, where, and if a pursuit intervention should be employed. Refer to the Use of Force Policy for additional guidance.

Whenever practicable, an officer should seek approval from a supervisor before employing any pursuit intervention to stop a fleeing vehicle. Officers should not attempt a pursuit intervention unless they have received the appropriate training for the intervention being used.

410.9.1 TIRE DEFLATION DEVICE

Before deploying a tire deflation device, officers should consider factors such as:

- (a) Speed of the fleeing vehicle - Traveling at high speeds increases the risk the suspect will lose control of the vehicle after driving over or swerving to avoid a tire deflation device.
- (b) Weather and visibility - Tire deflation devices should only be deployed when the location, weather, and other conditions allow the deploying officer to clearly see the fleeing vehicle, pursuit units, and other approaching traffic.
- (c) Cover - Deployment should occur in a location that provides the deploying officer adequate cover and escape from intentional or unintentional exposure to the approaching vehicles.

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- (d) Road conditions - Soft or loose material such as dirt or gravel may prevent a tire deflation device from puncturing the vehicle's tire. Deploying the device on loose pavement or icy or wet roads increases the risk of the suspect losing control of the vehicle.
- (e) Characteristics of the deployment area - A tire deflation device should not be deployed in areas that are heavily populated with pedestrians, at times of heavy traffic, or at a location where there is a heightened chance of striking a fixed object.
- (f) Characteristics of the fleeing vehicle - Except in extraordinary circumstances, a tire deflation device should not be used when the fleeing vehicle is a motorcycle or other vehicle with fewer than four wheels, an ATV, a vehicle transporting hazardous materials, or a school bus transporting children.

Because of the risks to deploying officers, the intent to deploy a tire deflation device and its location should be clearly communicated to the dispatcher and all involved units.

410.9.2 PIT

A PIT should only be attempted in a vehicle with a reinforced bumper.

Before conducting a PIT, officers should consider factors such as:

- (a) Speed of the fleeing vehicle - Conducting a PIT while traveling at high speeds increases the risk of the suspect or officer losing control of their vehicle. A PIT should not be conducted at speeds greater than the speed at which the officer has received training.
- (b) Road conditions - Because the intention of a PIT is to cause the fleeing vehicle to spin out by reducing the friction between the tires and the roadway, the material of the roadway (e.g., pavement, gravel, dirt) should be considered and a PIT should not be attempted when road conditions are wet or icy.
- (c) Characteristics of the deployment area - A PIT should not be attempted in areas that are heavily populated with pedestrians, at times of heavy traffic, or at a location where there is a heightened chance of striking a fixed object.
- (d) Characteristics of the fleeing vehicle - A PIT should not be used when the pursued vehicle is a motorcycle or other vehicle with fewer than four wheels, an ATV, a vehicle transporting hazardous materials, or a school bus transporting children. The increased risk of rolling over should be evaluated on vehicles with a high center of gravity.
- (e) Number of pursuit units - A PIT should not be used unless there is a sufficient number of pursuit units available to prevent further movement of the fleeing vehicle after spinning out.

410.9.3 BOXING-IN OR BLOCKING

Boxing-in or blocking should only be used when the suspect's vehicle is stopped or traveling at a low speed.

Boxing-in requires the participation of multiple units and therefore must be carefully coordinated with all involved.

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410.9.4 RAMMING AND ROADBLOCKS

Ramming a fleeing vehicle should only be done after giving consideration to the following:

- (a) Supervisory approval should be obtained before using the technique.
- (b) 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.
- (c) It reasonably appears the technique will terminate or prevent the pursuit.
- (d) Ramming may be used under circumstances when deadly force would be authorized.
- (e) Ramming may be used when all other reasonable alternatives have been exhausted or reasonably appear ineffective.

Roadblocks should only be used after considering the following:

- (a) Roadblocks should only be used by officers who have received training in their use.
- (b) Supervisory approval should be obtained before using the technique.
- (c) 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.
- (d) It reasonably appears the technique will terminate or prevent the pursuit. Roadblocks may be used only under circumstances when deadly force would be authorized.
- (e) Roadblocks may be used when all other reasonable alternatives have been exhausted or reasonably appear ineffective.

410.9.5 FIREARMS

Specific guidance on the use of a firearm during a vehicle pursuit is addressed in the Use of Force Policy.

410.10 TERMINATING A PURSUIT

The factors considered when initiating a pursuit should be continually reevaluated by pursuing units during the pursuit, as the circumstances and conditions change, and as new information becomes available. If at any time the risk of continuing the pursuit outweighs the need to immediately apprehend the suspect, the pursuit should be terminated.

In addition, a pursuit should be terminated when:

- (a) A supervisor directs the pursuit to be terminated.
- (b) The location of the fleeing vehicle is no longer known.
- (c) The distance between the pursuing units and the fleeing vehicle is so great that further pursuit would be futile or would continue for an unreasonable time and/or distance.
- (d) The pursuing unit sustains damage or a mechanical failure that makes it unsafe to drive or renders the emergency lighting and sirens partially or completely inoperable and there are no additional units readily available to take over the pursuit.

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When a pursuit terminates for any reason, all pursuit units should verbally acknowledge termination, turn off emergency lights and sirens, reduce their speed, and obey all traffic laws. The primary unit should communicate the location of pursuit termination to the dispatcher.

410.10.1 LOSS OF PURSUED VEHICLE

When a pursuit is terminated because the location of the fleeing vehicle is no longer known, the primary unit should broadcast pertinent information for other units to assist in locating the suspect. The primary unit or supervisor will be responsible for coordinating any further search for the pursued vehicle.

410.10.2 APPREHENSION OF SUSPECTS

Officers should exercise proper self-discipline and sound professional judgment at the conclusion of a pursuit and while apprehending the suspect.

Unless otherwise directed by a supervisor, an officer other than the primary unit should coordinate efforts to apprehend the suspect following the pursuit.

Any use of force necessary to apprehend the suspect shall be consistent with the Use of Force Policy.

410.11 DEBRIEFING

Participating officers should return to the Department as soon as practical following a pursuit to debrief with a supervisor.

410.12 REPORTING REQUIREMENTS

Appropriate reports should be completed as required by applicable laws, policies, and procedures.

- (a) Pursuing officers should complete appropriate crime/arrest and pursuit reports.
- (b) The involved supervisor, or if unavailable, the on-duty field supervisor, shall obtain available information and promptly complete appropriate written notification to the Chief of Police or the authorized designee. The notification should briefly summarize the pursuit and include, at a minimum:
 - 1. Date and time of the pursuit.
 - 2. Reason and circumstances surrounding the pursuit (e.g., seriousness of the crime, road and traffic conditions, speed and driving behavior of the fleeing vehicle) that warranted initiation and continuation of the pursuit.
 - 3. Length of pursuit in distance and time, including the starting and termination points.
 - 4. Involved vehicles and officers.
 - 5. Alleged offenses.
 - 6. Whether a suspect was apprehended, as well as the means and methods used.
 - 7. Arrestee information, if applicable.
 - 8. Any injuries and/or medical treatment.

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9. Any property or equipment damage.
10. Name of supervisor at the scene or who handled the incident.

After receiving copies of the written notification, reports, and other pertinent information, the Chief of Police or the authorized designee shall conduct or assign a post-pursuit review, as appropriate.

The Chief of Police should direct an annual documented review and analysis of department vehicle pursuits to minimally include policy suitability, policy compliance, and training or equipment needs. The review should not contain the names of officers, suspects, or case numbers.

410.12.1 STATE-SPECIFIC REPORTING REQUIREMENTS

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.

410.13 PURSUIT TRAINING

The Training Manager should ensure that members of this department receive initial and annual training on this policy and vehicle pursuits relevant to their role (e.g., officers, supervisors, air units, dispatchers).

Officer training should address decision-making involved in initiating, continuing, and terminating a pursuit by balancing the need to apprehend the suspect with the risk of a pursuit. Subject to available resources, training on pursuit driving and the deployment of pursuit intervention tactics should include scenario-based training and behind-the-wheel practice, in addition to classroom instruction.

410.13.1 STATE-SPECIFIC TRAINING REQUIREMENTS

The Training Manager shall make available to all officers initial and supplementary 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.

410.14 POLICY ACKNOWLEDGEMENT

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.

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410.15 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.

Foot Pursuits

412.1 PURPOSE AND SCOPE

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

412.2 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.

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412.6 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.

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- (g) Arrestee information, if applicable.
- (h) Any injuries and/or medical treatment.
- (i) Any property or equipment damage.
- (j) Name of the supervisor at the scene or who handled the incident.

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

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

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.

Hazardous Material Response

413.1 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.

413.1.1 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.

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413.3 INFECTIOUS OR PATHOLOGICAL WASTE

In the event of illegal dumping of infectious or pathological waste, the on-scene supervisor shall request the Orange County Health Care Agency (OCHCA) for further investigation and follow up. The Criminal Investigation Division should be notified to coordinate any necessary detective response.

413.4 CLEANUP AND REMOVAL

In situations where the responsible party or private property owner is known, a reasonable opportunity may be provided to allow the person(s) to contract for immediate cleanup and removal through an approved contractor. If the responsible party fails to take action in a prompt manner, or the responsible party is unknown, a private hazardous materials disposal firm may be called by department personnel. The responsible party or property owner may be billed pursuant to City rules.

If the hazardous material is a vehicular petroleum product in a public right-of-way and a responsible party is unknown or unable to make clean-up arrangements, City of Irvine Public Works shall be called for cleanup. If any spill enters a storm drain, City of Irvine Public Works shall be called for cleanup.

If the spill has entered a county flood control channel or tributary, Orange County Public Works shall be notified. If notification is needed to Orange County Public Works after hours, they may be reached through Control One.

In cases of sewage blockage/spill on private property, it is the responsibility of the property owner to cleanup and report the spill.

In cases of sewage spills on public property, the Irvine Ranch Water District shall be called to conduct the cleanup. The responsibility for formal notification and spill reporting shall remain with the City.

413.5 INCIDENT REPORTING PROCEDURES

The primary responding officer shall complete a written report documenting the incident. Additionally, there are two mandated notifications, which shall be the responsibility of the on-scene field supervisor:

1. Health and Safety Code Section §25180.7 (b) (also known as Proposition 65) requires government employees who, in the course of their duties, obtain information about

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illegal discharges or threatened illegal discharges of hazardous wastes that are likely to cause substantial injury to public health or safety, to report this information within 72 hours to the Health Officer and local Board of Supervisors.

2. There are three exceptions to this notification:
 1. No disclosure of information is required when otherwise prohibited by law;
 2. Law enforcement personnel have determined that this disclosure would adversely affect an ongoing criminal investigation; or
 3. The information is already general public knowledge within the locality affected by the discharge or threatened discharge (such as wide media coverage).

The Orange County Health Care Agency is the designated agency to accept this notification as the Health Officer and as the designated agent for the local Board of Supervisors. Therefore, only one notification is necessary. This notification may be done through the Orange County Health Care Agency Proposition 65 Compliance Program. Phone numbers for this program can be obtained from IPD Communications. Verbal or written notice will be accepted.

Health and Safety Code Section §25507.10 requires emergency rescue personnel responding to the release or threatened release of an acutely hazardous material, or to a fire or explosion involving a hazardous material, to immediately advise the superintendent of the school district having jurisdiction if the location is within ½ mile of a school.

413.5.1 REPORTING EXPOSURE PROCEDURES

The State Health & Safety Code requires that peace officers be notified by their agency if they are exposed to a known carcinogen while in the performance of their duties. In compliance with this requirement, this procedure will implement the recording of exposures to any hazardous material as a result of responses to toxic spills, traffic collisions, fires, illicit drug labs, etc. The employee report of injury record will be available for future review should a possible job related illness develop as a result of a hazardous material exposure.

- (a) Prompt Report of Exposure: It will be the responsibility of all department employees who have been exposed, or believe that they have been exposed, to a hazardous material or a carcinogen, to promptly report such an exposure to their on-duty supervisor. If possible, report both the trade name of the substance (Prestone Antifreeze) and the chemical name (ethylene glycol monoethyl ether). Discretion should be used when reporting an exposure. While many common materials such as gasoline, paint or oven cleaner are hazardous, they are safe when handled in a careful and proper manner. Most minor contamination of such material can be handled by thoroughly washing with soap and water. However when in doubt, or if the type of material is unknown, the exposure should be reported to a supervisor.
- (b) Documentation of Exposure: Each exposure shall be documented by the employee and the report shall be reviewed by a supervisor. Should the affected employee be unable to document the exposure for any reason, it shall be the responsibility of the supervisor to complete the documentation. When a supervisor has been informed that an employee has been exposed to a hazardous material, they shall ensure that immediate medical treatment is obtained and appropriate action is taken to lessen

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the exposure. 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.

- (c) In the event of an exposure involving numerous employees the on-duty supervisor shall complete an exposure memo which includes the following information:
 - 1. Names and employee ID numbers of exposed employees
 - 2. Date and time of incident
 - 3. DR #
 - 4. Location of incident
 - 5. Hazardous material involved
 - 6. Nature of exposure
 - 7. PPE in use at the time of incident
 - 8. The supervisor shall use the above information to prepare a written summary of the incident. The completed memo will be maintained by the Management Analyst in the Office of Professional Standards.
- (d) Hazardous Materials Exposure Record: This record is intended to include a separate entry for each exposure event in chronological order for each employee. The Management Analyst in the Office of Professional Standards will maintain it in the Confidential Employee Health File. It will be the involved supervisor's responsibility to submit exposure reports to the Management Analyst for inclusion in this record. Each employee may request to review this record at any time.

413.6 SUPERVISOR RESPONSIBILITY

When a supervisor has been informed that an employee has been exposed to a hazardous material, he/she shall ensure that immediate medical treatment is obtained and appropriate action is taken to lessen the exposure.

To ensure the safety of employees, safety equipment is available through supervisory personnel. Safety items not maintained by the department may be obtained through the Orange County Fire Authority..

Medical Aid and Response

414.1 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.

414.2 POLICY

It is the policy of the Irvine Police Department that all officers and other designated members be trained to provide emergency medical aid and to facilitate an emergency medical response.

414.3 FIRST RESPONDING MEMBER RESPONSIBILITIES

Whenever practicable, members should take appropriate steps to provide initial medical aid (e.g., first aid, CPR, use of an automated external defibrillator (AED)) in accordance with their training and current certification levels. This should be done for those in need of immediate care and only when the member can safely do so.

Prior to initiating medical aid, the member should contact Communications Bureau 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 Bureau 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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414.4 TRANSPORTING ILL AND INJURED PERSONS

Except in exceptional cases where alternatives are not reasonably available, members should not transport persons who are not in custody and who are unconscious, who have serious injuries, or who may be seriously ill. EMS personnel should be called to handle patient transportation.

For guidelines regarding transporting ill or injured persons who are in custody, see the Transporting Persons in Custody Policy.

Members should not provide emergency escort for medical transport or civilian vehicles.

414.5 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.

414.6 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.

414.7 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.

One department member at the scene should be designated as the air ambulance liaison. 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.

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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.

414.8 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 100026.01; 22 CCR 100027.01; 22 CCR 100027.02).

Use of the AED for defibrillation is indicated on victims of cardiac arrest with apparent lack of circulation as indicated by:

- Unconsciousness;
- Absence of breathing, and
- Absence of pulse and other signs of circulation.

The AED's come with both Adult and Pediatric electrodes. Electrodes labeled "Infant/Child" should be used when the patient is less than 8 years old or weighs less than 55 lbs.

414.8.1 AED USER RESPONSIBILITY

Any AED that is not functioning properly will be taken out of service and given to Technical Services who is responsible for ensuring appropriate maintenance.

In the unlikely event that the AED does not operate properly, authorized individuals shall continue with basic life support measures, including CPR, until a more highly trained medical authority arrives on scene.

Following use of an AED, the device shall be cleaned and/or decontaminated as required. The electrodes and/or pads will be replaced as recommended by the AED manufacturer.

Any member who uses an AED should contact Communications Bureau as soon as possible and request response by EMS.

414.8.2 AED REPORTING & REVIEW OF AED INCIDENTS

Each time an AED is used to medically assist someone, the deploying officer shall complete the Automated External Defibrillator (AED) Post-Incident Report Form available in the report writing room and in the AED cabinet in Property and Evidence, and provide this form to Technical Services with the AED used during the event.

For the purposes of this policy section, "medically assist" means attaching electrodes to someone, whether or not any shocks are actually delivered.

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The event data stored on the AED will be transferred to a computer by Technical Services personnel. The Business Services Administrator or his/her designee will be responsible for saving the information under the police report DR number and forwarding it to records personnel to be stored in the completed police report. Additionally, this information will be sent to the prescribing physician and/or the Orange County Health Care Agency via City of Irvine Business Services Administrator (Refer to Policy Section §413.8.4).

414.8.3 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 100027.05; 22 CCR 100027.06; 22 CCR 100028.07).

In order for an individual to obtain authorization to use an AED, the individual shall pass the curriculum as approved by the prescribing physician. Training shall include, but will not be limited to:

- Demonstrated proficiency in the skills necessary to deploy the AED.
- Regular updates on new methods/skills necessary to deploy the AED.
- Current issues pertinent to the use of the AED.
- Proper maintenance and inspection of the AED.

The Business Services Administrator 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 100027.05).

Each AED must be checked for readiness at least once every 30 days. Technical Services personnel will be responsible for conducting these checks on a regular monthly schedule and submitting a completed AED maintenance log to the Business Services Administrator each month.

Maintaining the Unit

Monthly inspection of each AED will include inspection of the following items:

- (a) Power - Turn the unit "on" to verify the unit has power.
- (b) Battery age - Battery life expectancy is five years. Batteries for the AEDs will be changed out every three years. AED units will be clearly labeled with the date of the last battery change.
- (c) Condition of unit - Verify unit is clean, undamaged and free of excessive wear.
- (d) Adult electrodes - Verify an adult electrode is connected to the unit, sealed in its package and is within its expiration date.
- (e) Accessory pack - Verify the accessory pack is sealed and available for use.
- (f) Pediatric electrodes - Verify a pediatric pad is available for use, sealed in its package, and is within its expiration date.

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- (g) Green check (#) - Verify the green check is showing.

If the AED unit fails any area of the monthly inspection or shows a red (X), the unit shall be removed from service for maintenance. If the AED is not immediately serviceable, a spare AED shall be placed in the vehicle.

414.8.4 MEDICAL OVERSIGHT & MEDICAL POINT-OF-CONTACT

Two individuals in the County of Orange serve as points of contact for AED policy development and review and post-use case review. Each time an AED is deployed to medically assist someone, the data download must be sent to one of these individuals, in the following order:

Primary: BLS & AED Coordinator, OC HCA EMS Programs Office 714-834-6233

Secondary: OC HCA Medical Director 714-834-2824

414.8.5 REPLACEMENT / SPARE AEDS

Spare, or replacement, AEDs will be located inside a locked cabinet in the Property & Evidence hallway. A key to the cabinet will be available in the key cabinet in the Watch Commander's Office.

In the event an AED is used to medically assist someone or a red (X) is showing that the unit is not ready for use, the employee who used the AED or who identifies that it is not ready for use, will remove the AED from service by placing it on the appropriately labeled shelf in the AED cabinet in Property and Evidence. This same employee should replace the AED taken out of service with one of the spare AEDs, which can also be found in the AED cabinet in Property and Evidence.

Prior to placing the spare AED into service, the employee should verify that a green (#) appears showing the unit is ready for use.

An email should be sent to Technical Services personnel notifying them that an AED has been placed in the AED cabinet in Property and Evidence for recertification (see below).

414.8.6 AED SERVICE AND RECERTIFICATION

The Business Services Administrator shall maintain a database of all AEDs in service and the replacement dates for all components that require routine or periodic change including, but not limited to, batteries and adult and child electrodes. Through monthly inspections, Technical Services personnel, under the direction of the Business Services Administrator, will be responsible for ensuring these components are changed prior to their expiration dates.

414.9 ADMINISTRATION OF OPIOID OVERDOSE MEDICATION

Trained members may administer opioid overdose medication (Civil Code § 1714.22; Business and Professions Code § 4119.9).

414.9.1 OPIOID OVERDOSE MEDICATION USER RESPONSIBILITIES & USE

Members who are qualified to administer opioid overdose medication, such as Naloxone, should handle, store and administer the medication consistent with their training. Members should check the medication and associated administration equipment at the beginning of their shift to ensure

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they are serviceable and not expired. Any expired medication or unserviceable administration equipment should be removed from service and given to the Program Coordinator.

Officers who have completed the mandated Naloxone training by HCA/EMS are authorized to administer Naloxone when they reasonably believe someone is experiencing an opioid-related overdose. Personnel will treat the incident as a medical emergency and follow these steps when performing this intervention:

- (a) Confirm emergency personnel are responding.
- (b) Maintain universal precautions.
- (c) Perform patient assessment.
- (d) Determine unresponsiveness.
- (e) Update dispatch of potential overdose state.
- (f) Follow Naloxone protocol.
- (g) Immediately notify responding emergency personnel that Naloxone has been administered.
- (h) Notify a field supervisor.

Any member who administers an opioid overdose medication should contact the Communications Bureau as soon as possible and request response by EMS.

414.9.2 OPIOID OVERDOSE MEDICATION REPORTING

Upon completion of the incident, officers will submit an incident report detailing the nature of the incident, the care the patient received and the fact Naloxone was deployed. A copy of the report will be forwarded to the Naloxone Program Coordinator who will track and monitor the use of Naloxone.

The Program Coordinator will ensure that the Records Supervisor is provided enough information to meet applicable state reporting requirements.

414.9.3 OPIOID OVERDOSE MEDICATION TRAINING

The Training Manager should ensure initial and refresher training is provided to members authorized to administer opioid overdose medication. Training should be coordinated with the local health department and comply with the requirements in 22 CCR 100027.03 and any applicable POST standards (Civil Code § 1714.22).

414.9.4 MAINTENANCE AND REPLACEMENT

The daily inspection of Naloxone kits will be the responsibility of officers who are assigned the kit for field deployment. Officers should handle, store and administer the medication consistent with their training. Officers should check the medication and associated administration equipment at the beginning of their shift to ensure they are serviceable and not expired. Any expired medication or unserviceable administration equipment should be removed from service and reported to the Office of Professional Development. Replacement kits will be issued by Technical Services during

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normal working hours. Several kits will also be placed in the Watch Commanders safe should an officer need a new kit after hours or on weekends.

414.9.5 PROGRAM COORDINATOR

The Office of Professional Development will serve as the department's Program Coordinator and will work in collaboration with the HCA/EMS. The Program Coordinator will be responsible for tracking, storage, maintenance, replacement of Naloxone kits and reviewing Naloxone use reports.

414.9.6 DESTRUCTION OF OPIOID OVERDOSE MEDICATION

The Training Manager shall ensure the destruction of any expired opioid overdose medication (Business and Professions Code § 4119.9).

414.9.7 OPIOID OVERDOSE MEDICATION RECORD MANAGEMENT

Records regarding acquisition and disposition of opioid overdose medications shall be maintained and retained in accordance with the established records retention schedule and at a minimum of three years from the date the record was created (Business and Professions Code § 4119.9).

414.10 SICK OR INJURED ARRESTEE

If an arrestee appears ill or injured, or claims illness or injury, the arrestee 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 to an appropriate medical facility.

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.

414.10.1 HOSPITAL SECURITY AND CONTROL

Officers who transport persons in custody to medical facilities for treatment should provide security and control during examination and treatment consistent with department protocols. Any such transport should be conducted in accordance with the Transporting Persons in Custody Policy.

414.11 FIRST-AID TRAINING

The Training Manager should ensure officers receive initial first-aid training within one year of employment and refresher training every two years thereafter (22 CCR 100026.03; 22 CCR 100027.06).

Loud Party / Social Host Ordinance Notices

415.1 AUTHORITY

Irvine Municipal Code (IMC) §4-11-500 provides a cost recovery program for police services in dealing with disruptive parties and gatherings where underage persons are consuming alcoholic beverages. This policy outlines the criteria needed to issue one or more Loud Party Notices and the provisions for issuing administrative citations for being a Social Host.

415.2 DEFINITIONS

Alcoholic beverage means alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirit, wine or beer which contains one-half of one percent or more of alcohol by volume and which is fit for beverage purpose, either alone or when diluted, mixed, or combined with other substances.

Juvenile means any person younger than eighteen (18) years of age.

A “party, gathering or event” is a group of persons who have assembled or are assembling at a residence or other private property, whether such residence or property is owned, leased, rented or used without compensation.

Parent or legal guardian is a person who is a natural parent, adoptive parent, foster parent or step-parent of another person or a person who, under court order, is the guardian of another person, or a public or private agency with which a minor has been placed by the court.

Responsible Person or Host means any of the following:

1. Any person or entity that owns, rents, leases or otherwise has control of a residence or other private property, including without limitation a hotel/motel room or rented or leased area, where a party, gathering or event occurs.
2. Any person or entity present at a party, gathering or event who provides an alcoholic beverage to anyone under the age of twenty-one (21) years.
3. Any person or entity present at a party, gathering or event where unruly or loud conduct occurs and that receives money or other consideration for granting access to the party, gathering or event, or hosts, organizes, supervises, officiates, conducts or controls or willingly accepts responsibility for such a party, gathering or event.

Underage person is any person younger than twenty-one (21) years of age.

Unruly or loud conduct includes the obstruction of streets by crowds or vehicles, public drunkenness, public urination, possession of or consumption of alcoholic beverages by underage persons, assaults, batteries or other disturbances of the peace, including but not limited to vandalism, littering or other conduct that constitutes a threat to public health, safety or quiet enjoyment of residential property or public property.

Police Services Fee means the cost to the City of any special security assignment. Such fee shall be an itemized fee up to the full cost to the City of the special assignment and shall be based on, but not limited to, salaries of police officers while responding to or remaining at the party, gathering

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or event, the pro rata cost of equipment, the cost of repairing City equipment and property, and the cost of any medical treatment of injured police officers; provided, however, that in no event shall the fee exceed \$1,000.

415.3 FIRST RESPONSE

IMC §4-11-502(A) states, when a police officer responds to any large party, gathering or event, and determines there is a threat to the public peace, health, safety, or general welfare, the police officer shall issue a written notice to the host(s).

That notice (Irvine Police Department Form #80-16) Loud Party/Social Host Notice, shall state that a subsequent response to that same location or address within a thirty (30) day period will be deemed a special security assignment rendered to provide security and order on behalf of the party, gathering or event, and, that the host may be liable for a police services fee not to exceed \$1000.00 per IMC §4-11-501.

415.4 OFFICER RESPONSIBILITIES

Officers responding to loud parties or events should assess whether the criteria for the loud party ordinance is present. If the officer determines that the event poses a threat to the public peace, health, safety, or general welfare, the officer shall obtain a Department Record (DR) number and issue a Loud Party/Social Host Notice to the host(s) of the party. The responsible person(s) or host(s) will be asked to sign the form and issued the hard copy. The original form and the attached copy will be provided to Records for processing.

The officer shall enter into the call history that a first response warning was issued and any pertinent information for officers who may be assigned to a subsequent response. The narrative portion of the notice shall contain all of the pertinent facts surrounding the incident. A separate continuation page may be completed if needed.

415.5 POSTING

Under IMC §4-11-502 (B), if no "host" is available on the premises, or the host refuses to sign a receipt of notice, a copy of the notice shall be posted in a conspicuous place on the premises on each occasion that the police respond.

415.6 SUBSEQUENT RESPONSE

Upon a subsequent response, the field officer should determine if a second loud party notification should be issued. Since the ordinance defines a subsequent response as a return visit within 30 days, a call history search of the location may be necessary. Authorization for the second Loud Party Notice must be obtained from a supervisor. Authorization can be obtained in person or by police radio. Once the supervisor concurs with the officer's assessment, the "special security assignment" per IMC § 4-11-503(A) is imposed. The supervisor will either sign the notification form or authorize the on-scene officer to put his/her name on the form.

The hard copy of the second Notice of Violation is given to the host, and the original and carbon copies are processed per section §414.3. The original DR number (from the previous 30 day response) shall be utilized. The Records Bureau will retain the original Loud Party Notice of

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Violation, and the carbon copy is sent to finance for billing. If an arrest is made, the report should be upgraded to a crime with proper documentation under the same case number.

415.7 SOCIAL HOST VIOLATION DEFINED

Under IMC §4-11-503.1, a social host violation exists when any responsible person or host of a gathering, party or event occurring at a private residence or other private property knows or reasonably should know that an underage person is being served, is in possession of or is consuming an alcoholic beverage. A responsible person or host shall be presumed to have knowledge that an underage person is being served, was in possession of or was consuming an alcoholic beverage at a party, gathering or event if the responsible person or host did not take all reasonable steps to prevent such activity from occurring.

415.8 EXEMPTED ACTIVITIES

The provisions of the Social Host ordinance shall not apply to the following, per IMC §4-11-503.2.

1. A responsible person or host who takes all reasonable steps, including, but not limited to requesting assistance of law enforcement, to exclude all uninvited persons at a gathering who provide, serve or facilitate the possession or consumption of alcohol by an underage person.
2. Conduct protected under the United States and/or California Constitution, Including, but not limited to religious activities protected by Article I, Section 4 of the California Constitution.
3. Conduct regulated by state and/or federal law or regulation, including but not limited to the California Alcoholic Beverage Control Act, in such a manner that the City is preempted or precluded from imposing additional regulation.

415.9 SOCIAL HOST RESPONSIBILITIES

When responding to a party, gathering or event where underage persons may be consuming, or in possession of alcoholic beverages, officers shall evaluate the circumstances and determine if the criteria for a social host violation exist. If the officer determines that a violation of the social host ordinance exist the officer may issue a violation notice per I.M.C. §4-11-503.1. That notice (Irvine Police Department Form # 80-16) Loud Party/Social Host Notice, shall be assigned a Department Record (DR) number.

The responsible person(s) or host(s) will be asked to sign the form and issued the hard copy. The original form and the attached copy will be provided to Records for processing.

The officer shall enter the fact a social host violation notice was issued, the names of the responsible person or host receiving the notice and any other pertinent facts into the call history to assist officers during any subsequent responses.

The officer shall document the incident, including all facts supporting the issuance of a social host violation notice on a separate Continuation form and list all persons on an Additional Involved Persons form #2.

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415.10 RECORDS RESPONSIBILITIES

Records will retain the original Notice of Violation, and the carbon copy is sent to Finance for billing.

415.11 APPEAL

In the event the host or responsible party questions the imposition of the notices and/or fees the officer should advise them that they may file an appeal with the Chief of Police or his/her designee. The Chief of Police or his/her designee must receive a written request for a hearing within 15 calendar days of the date the invoice was mailed.

415.12 ENFORCEMENT OF APPLICABLE LAWS

This policy is in reference to the application of the Loud Party Ordinance. Nothing in this policy is intended to supersede an officer's discretionary ability to utilize applicable laws in the enforcement of disturbance situations (e.g., Private Persons Arrest, PC §415 etc.).

Loud Party/Social Host violations are issued using an Administrative Citation process (civil) as provided for in the City municipal code. As such, a person shall not be subject to arrest for simply refusing to sign the violation citation. If a person refuses to sign the citation, the officer should notify a supervisor. The officer will then write REFUSED in the signature area of the citation and provide the violator his/her copy. The officer will document the refusal in a supplemental report.

Irvine Municipal Code Violations Procedures

416.1 PURPOSE AND SCOPE

The purpose of this policy is to outline the process and conditions associated with the issuance of municipal code violations within the city.

416.2 VIOLATIONS OF THE IRVINE MUNICIPAL CODE

With the adoption of the revised ordinances and bail schedule (1-14-2000) most violations of the Irvine Municipal Code have a split filing status and a split bail schedule. Most can be classified as either an infraction or a misdemeanor, based on the violation, with a separate bail set for each crime classification. (i.e., Sleeping in a vehicle; 1st violation - infraction - \$50 fine, 2nd violation - misdemeanor - \$100 fine). A separate reference card (redi-ref) will be provided outlining the violations that can be cited as misdemeanors only or infractions only – not the split status sections.

All violations of the Irvine Municipal Code, both infractions and misdemeanors, will be handled via citation, unless circumstances listed in Penal Code Sections 853.5 or 853.6 exist.

All split status sections will be cited as infractions unless exceptional conduct is noted. The upgrade to misdemeanor status will be made when:

- (a) The defendant has been cited prior for the same violation within a one-year period.
- (b) When the violation is severe in nature.

416.3 CITATION PROCEDURES

- (a) Irvine Municipal Code – Infractions
 1. Complete a regular Irvine Police Department Notice to Appear
 2. Mark the “Non-traffic” box on the top of citation
 3. No Department Record (DR) number will be issued
 4. Assign an appearance date as usual
 5. No written report required
- (b) Irvine Municipal Code – Misdemeanors
 1. Complete a regular Irvine Police Department Notice to Appear
 2. Mark the “Misdemeanor” box on the top of the citation
 3. Mark the “Non-traffic” box on the top of the citation
 4. A DR number will be issued
 5. Assign an appearance date as usual
 6. Written report required

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416.4 AFFIDAVIT OF CUSTODIAN OF CITY OF IRVINE RECORDS

In the event a citation for a business code violation is challenged in court regarding an Irvine Municipal Code violation, the arresting officer will have an "Affidavit of Custodian of City of Irvine Records" form completed prior to court by the appropriate custodian of that license. The completed form then becomes part of the master case. This form can then be used in court by the arresting officer as proof that the license was not in existence at the time of the arrest.

416.5 COURT ROOM PROCEDURES

The responsibility of prosecution of IMC violations rests solely with the arresting officer. The officer will have to present the evidence necessary to assure a conviction. If the defendant's violation was charged as a misdemeanor, and appears with legal counsel, the District Attorney's Office should be immediately advised, and they will provide a Deputy District Attorney to prosecute the case for the officer.

Cite and Release Policy

417.1 PURPOSE AND SCOPE

This policy provides guidance on when to release adults who are arrested for a criminal misdemeanor offense on a written notice to appear (citation) and when to hold for court or bail.

417.2 POLICY

It is the policy of the Irvine Police Department to release all persons arrested on misdemeanor or other qualifying charges on a citation with certain exceptions (Penal Code § 853.6).

If there is a reason for non-release, the Department's mission to protect the community will be the primary consideration when determining whether to release any individual in lieu of holding for court or bail.

417.3 RELEASE BY CITATION

Except in cases where a reason for non-release as described below exists, adults arrested for a misdemeanor offense, including a private 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.

417.3.1 FIELD CITATIONS

In most cases an adult arrested for a misdemeanor offense may be released in the field on a citation in lieu of physical arrest when booking and fingerprinting is not practicable or immediately required provided the individual can be satisfactorily identified, there is no outstanding arrest warrant for the individual and none of the below described disqualifying circumstances are present (Penal Code § 853.6; Penal Code § 1270.1). 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.

417.3.2 RELEASE AFTER BOOKING

In some cases it may not be feasible or desirable to release a person in the field. The person should instead be released on citation after booking at the jail. All bookings shall be approved by the watch commander or the authorized designee.

417.4 NON-RELEASE

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417.4.1 DISQUALIFYING OFFENSES

An adult arrested on any of the following disqualifying charges shall not be released on citation and shall be transported to the appropriate detention facility or held for court or bail after booking (Penal Code § 1270.1):

- (a) Misdemeanor domestic battery (Penal Code § 243(e)(1))
- (b) Felony domestic battery (Penal Code § 273.5)
- (c) Serious or violent felonies (Penal Code § 1270.1(a)(1))
- (d) Felony intimidation of witnesses and victims (Penal Code § 136.1)
- (e) 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)

417.4.2 REASONS FOR NON-RELEASE

A person arrested for a misdemeanor shall be released on a citation unless there is a reason for non-release. The watch commander may authorize a release on citation regardless of whether a reason for non-release exists when it is determined to be in the best interest of the Department and does not present an unreasonable risk to the community (e.g., release of an intoxicated or ill person to a responsible adult).

Reasons for non-release include (Penal Code § 853.6(i)):

- (a) The person arrested is so intoxicated that they could be a danger to themselves or to others. Release may occur as soon as this condition no longer exists.
- (b) The person arrested requires medical examination or medical care or is otherwise unable to care for their own safety.
- (c) The person is arrested for one or more of the offenses listed in Vehicle Code § 40302, Vehicle Code § 40303, and Vehicle Code § 40305.
- (d) There are one or more outstanding arrest warrants for the person (see Misdemeanor Warrants elsewhere in this policy).
- (e) The person could not provide satisfactory evidence of personal identification.
 - 1. If a person released on citation does not have satisfactory identification in their possession, a right thumbprint or fingerprint should be obtained on the citation form.
- (f) The prosecution of the offense or offenses for which the person was arrested or the prosecution of any other offense or offenses would be jeopardized by the immediate release of the person arrested.

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- (g) There is a reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be imminently endangered by the release of the person arrested.
- (h) The person arrested demands to be taken before a magistrate or has refused to sign the notice to appear.
- (i) There is reason to believe that the person would not appear at the time and place specified in the notice to appear. The basis for this determination shall be specifically documented. Reasons may include:
 - 1. Previous failure to appear is on record
 - 2. The person lacks ties to the area, such as a residence, job, or family
 - 3. Unusual circumstances lead the officer responsible for the release of arrested persons to conclude that the suspect should be held for further investigation
- (j) A previous conviction, citation, or arrest for misdemeanor or felony retail theft from a store in the previous six months.
- (k) There is probable cause to believe that the person arrested is guilty of committing organized retail theft.

When a person is arrested on a misdemeanor offense and is not released by criminal citation, the reason for non-release shall be noted on the booking form. This form shall be submitted to the watch commander for approval and included with the case file in the Records Bureau.

417.5 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.

417.6 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 Irvine City codes

All other misdemeanor violations for juveniles shall be documented with a case number and the case should be referred to the Investigations Bureau for further action including diversion.

417.7 REQUESTING CASE NUMBERS

Many cases involving a criminal citation release can be handled without requesting a case number. Traffic situations and local code violations can be documented on the reverse side of the records copy of the citation. Most Penal Code sections will require a case number to document the incident properly in a report. This section does not preclude an officer from requesting a case number if the officer feels the situation should be documented more thoroughly in a case report.

Contacts and Temporary Detentions

418.1 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.

418.1.1 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.

418.2 POLICY

The Irvine 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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418.3 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 Irvine Police Department to strengthen community involvement, community awareness, and problem identification.

418.3.1 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

418.4 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.

418.5 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.

418.5.1 FIELD PHOTOGRAPHS TAKEN WITH CONSENT

Field photographs may be taken when the subject being photographed knowingly and voluntarily gives consent.

418.5.2 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.

418.5.3 DISPOSITION OF PHOTOGRAPHS

If an individual is photographed as a suspect in a particular crime, the photograph should be submitted as an evidence item in the related case, following standard evidence procedures.

If a photograph is not associated with an investigation where a case number has been issued, the watch commander should review and forward the photograph to one of the following locations:

- (a) If the photograph and associated FI or documentation is relevant to criminal organization/enterprise enforcement, the watch commander will forward the photograph and documents to the designated criminal intelligence system supervisor. The supervisor will ensure the photograph and supporting documents are retained as prescribed in the Criminal Organizations Policy.
- (b) Photographs that do not qualify for retention in a criminal intelligence system or temporary information file shall be forwarded to the Records Bureau.

When a photograph is taken in association with a particular case, the investigator may use such photograph in a photo lineup. Thereafter, the individual photograph should be retained as a part of the case file. All other photographs shall be retained in accordance with the established records retention schedule.

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418.5.4 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.

418.6 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 Irvine 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.

Homeless Persons

419.1 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 Irvine Police Department recognizes that members of the homeless community are often in need of special protection and services. The Irvine 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.

419.1.1 POLICY

It is the policy of the Irvine 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.

419.2 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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419.3 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.

419.3.1 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.

419.4 PERSONAL PROPERTY

The personal property of homeless persons must not be treated differently than the property of other members of the public. Officers should use reasonable care when handling, collecting and retaining the personal property of homeless persons and should not destroy or discard the personal property of a homeless person.

When a homeless person is arrested or otherwise removed from a public place, officers should make reasonable accommodations to permit the person to lawfully secure his/her personal property. Otherwise, the personal property should be collected for safekeeping. If the arrestee has more personal property than can reasonably be collected and transported by the officer, a supervisor should be consulted. The property should be photographed and measures should be

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taken to remove or secure the property. It will be the supervisor's responsibility to coordinate the removal and safekeeping of the property.

Officers should not conduct or assist in clean-up operations of belongings that reasonably appear to be the property of homeless persons without the prior authorization of a supervisor or the department Homeless Liaison Officer. When practicable, requests by the public for clean-up of a homeless encampment should be referred to the Homeless Liaison Officer.

Officers who encounter unattended encampments, bedding or other personal property in public areas that reasonably appears to belong to a homeless person should not remove or destroy such property and should inform the department Homeless Liaison Officer if such property appears to involve a trespass, blight to the community or is the subject of a complaint. It will be the responsibility of the Homeless Liaison Officer to address the matter in a timely fashion.

419.5 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.

419.6 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.

Crisis Intervention Incidents

420.1 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.

420.1.1 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.

420.2 POLICY

The Irvine 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.

420.3 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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420.4 COORDINATION WITH MENTAL HEALTH PROFESSIONALS

The Chief of Police should designate an appropriate Division Commander to collaborate with mental health professionals to develop an education and response protocol. It should include a list of community resources, to guide department interaction with those who may be suffering from mental illness or who appear to be in a mental health crisis.

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420.6 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.

420.7 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.

420.8 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene of any interaction with a person in crisis. Responding supervisors should:

- (a) Attempt to secure appropriate and sufficient resources.

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- (b) Closely monitor any use of force, including the use of restraints, and ensure that those subjected to the use of force are provided with timely access to medical care (see the Handcuffing and Restraints Policy).
- (c) Consider strategic disengagement. Absent an imminent threat to the public and, as circumstances dictate, this may include removing or reducing law enforcement resources or engaging in passive monitoring.
- (d) Ensure that all reports are completed and that incident documentation uses appropriate terminology and language.
- (e) Conduct an after-action tactical and operational debriefing, and prepare an after-action evaluation of the incident to be forwarded to the Division Commander.

Evaluate whether a critical incident stress management debriefing for involved members is warranted.

420.9 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.

420.9.1 DIVERSION

Individuals who are not being arrested should be processed in accordance with the Mental Illness Commitments Policy.

420.10 PROFESSIONAL STAFF INTERACTION WITH PEOPLE IN CRISIS

Professional Staff 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.

420.11 EVALUATION

The Division Commander designated to coordinate the crisis intervention strategy for this department should ensure that a thorough review and analysis of the department response to

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these incidents is conducted annually. The report will not include identifying information pertaining to any involved individuals, officers or incidents and will be submitted to the Chief of Police through the chain of command.

420.12 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).

Mental Illness Commitments

421.1 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).

421.2 POLICY

It is the policy of the Irvine Police Department to protect the public and individuals through legal and appropriate use of the 72-hour treatment and evaluation commitment (5150 commitment) process.

421.3 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). Officers should use caution and never compromise their safety or the safety of others when dealing with individuals displaying symptoms of mental illness.

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

421.3.1 VOLUNTARY EVALUATION

If an officer encounters an individual who may qualify for a 5150 commitment, the officer 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) Document the circumstances surrounding the individual's desire to pursue voluntary evaluation and/or admission.

If at any point the person changes their mind regarding voluntary evaluation, officers should proceed with the 5150 commitment, if appropriate.

421.3.2 RESTRAINTS

If the patient is violent or potentially violent, the officer will notify the staff of this concern. The staff member in charge will have discretion as to whether soft-restraints will be used. If these

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restraints are desired, the officer will wait while they are being applied to help assist with control of the patient, if needed.

421.3.3 MENTAL HEALTH DOCUMENTATION

The officer will complete an Application For 72-Hour Detention for Evaluation and Treatment form (MH-302) and provide it to the staff member assigned to that patient. The officer will retain a copy of the 72-hour evaluation for inclusion in the Incident-Mental Health Related report. The officer shall also provide a verbal summary to an emergency department staff member regarding the circumstances leading to the involuntary detention.

The officer shall complete an incident report documenting the contact, whether it is a voluntary or involuntary evaluation, and the name of the physician with whom they spoke to (refer to 420.7.2- Completion of Reports).

421.3.4 SECURING OF WEAPONS

If a receiving and secured facility prohibits weapons or if an extraordinary event occurs in the treatment facility and officers determine a need to secure their firearms, the firearm shall be secured in the appropriate gun locker at the facility or in the police unit.

421.4 CONSIDERATIONS AND RESPONSIBILITIES

Any officer handling a call involving an individual who may qualify for a 5150 commitment should consider, as time and circumstances reasonably permit:

- (a) Available information that might assist in determining the cause and nature of the person's action or stated intentions.
- (b) Community or neighborhood mediation services.
- (c) Conflict resolution and de-escalation techniques.
- (d) Community or other resources available to assist in dealing with mental health issues.

While these steps are encouraged, nothing in this section is intended to dissuade officers from taking reasonable action to ensure the safety of the officers and others.

421.4.1 MENTAL HEALTH ASSIST (MHA)

A "Mental Health Assist" (MHA) exists when any of the following are true:

- (a) The officer responds to a call for service involving any person who is experiencing a mental health issue, or;
- (b) The officer investigates, and after considering all known facts, determines the person does NOT meet the criteria of WIC §5150 and, therefore, cannot involuntarily detain the individual, or;
- (c) The person nonetheless is desirous of mental health services at the time and wishes our assistance, or;
- (d) The officer assists the person in accessing mental health services by doing ANY of the following:

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1. Facilitating transportation to any location in order for the individual to receive treatment
2. Coordinating care with a mental health professional
3. Coordinating treatment at a mental health facility
4. Coordinating and/or communicating with family members, friends or mental health professionals in regards to the person's mental health care.

421.4.2 MEDICALLY COMPROMISED DEFINED

Medically Compromised: This term is used to refer to a patient who has sustained any physical condition that is likely to render him/her a medical risk or incapacitated either physically or mentally. A person who is medically compromised may be someone who:

- (a) Has sustained an injury, visible or not, requiring medical assessment and treatment;
- (b) Has a pre-existing medical condition that requires immediate medical attention;
- (c) Has recently ingested/inhaled an illegal drug or narcotic and shows symptoms of being under the influence.
- (d) Has a BAC concentration of .15% or higher.
- (e) Is believed to have taken steps to harm themselves to the extent that a serious medical condition may be present requiring medical evaluation and clearance. Examples of situations that may require further medical evaluation and clearance include suspected overdose, attempted strangulation or asphyxiation.

421.4.3 ADULT MEDICALLY COMPROMISED PROCEDURES

If the subject is "Medically Compromised" as defined above, the officer should do the following:

- (a) Request paramedics respond to evaluate the subject and make an assessment as to the best course of action to treat the subject's medical condition. If paramedics determine that further medical treatment is necessary, the subject should be transported by ambulance to the nearest hospital.
- (b) Once at the hospital, the officer should communicate to hospital staff the reason for the contact, hospitalization and information that led the officer to believe he or she met the criteria for WIC §5150.
- (c) It is the discretion of the treating physician if they would like the officer to complete the state WIC §5150 form. Each hospital has their own policy for treating patients who meet the WIC §5150 criteria.
 1. At the request of the attending physician, the officer may complete the WIC §5150 form and leave it with the hospital staff. The officer should keep in mind that doing so will leave the responsibility of finding placement in a psychiatric facility on the hospital and not the PET or CAT teams.
 2. If the attending physician requests that the officer does not complete the WIC §5150 form, it will be the responsibility of the hospital to contact the PET team for evaluation and placement once the subject is medically cleared.

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Regardless of whether or not the officer completes the state WIC §5150 form, the officer should remain at the hospital with the detainee until the conditions described under section 420.4.4(d) (1) of this policy have been met.

421.4.4 ADULT MENTAL HEALTH DETENTION (MHD)

If the subject is not “Medically Compromised” the officer should do the following:

- (a) The officer may contact the Centralized Assessment Team (CAT) and request that a team member respond to the field to provide an evaluation of the detainee. If the CAT team member determines that the detainee meets the criteria for WIC §5150, they will arrange for transportation to, and placement at, a Designated Facility.
- (b) The officer may also contact Crisis Stabilization Unit and request to transport the subject to their facility for further evaluation and treatment.
- (c) If the Crisis Stabilization Unit refuses, or is unable, to accept the detainee, the officer may request assistance from Crisis Stabilization Unit staff in locating the nearest Designated Facility that is available to accept the detainee. Officers may also refer to the list of Designated Psychiatric Facilities included in this policy under 420.6.1 and contact them directly to determine availability.
 - 1. Once the nearest available Designated Facility is identified, the officer should contact that facility directly and confirm that they are available to accept the detainee.
 - 2. If they are available, the officer should inform the hospital staff that he/she is en route with a subject detained for WIC §5150.
 - 3. Once at the Designated Facility, the officer should complete the state WIC §5150 form and provide it to hospital staff for review.
 - 4. The officer should remain at the Designated Facility until the state WIC §5150 form is accepted by hospital staff and they no longer need the officer's assistance with providing security for the detainee and/or their own staff is present to provide security as needed.
- (d) Officers shall attempt to locate a bed at a designated facility and transport the subject to that location. However, if the above options are not available, the officer may transport the detainee to a local hospital, such as Kaiser or Hoag Irvine.
 - 1. Once an officer has detained a person under the provisions of WIC §5150 that officer is responsible for the safety and welfare of the detainee. Once a detention has begun, the detaining officer shall ensure the person held is in the immediate company of a police officer until the following conditions have been met:
 - (a) The attending physician at a hospital confirms that he/she will be responsible for summoning a Psychiatric Evaluation Team (PET), Crisis Assessment Team (CAT) or other mental health professional who has the authority to place WIC §5150 holds to evaluate the patient's mental state, AND the attending physician has agreed to accept responsibility for the ongoing safety and welfare of the patient. In addition to this requirement,

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factors the handling officer shall also consider in deciding whether or not to leave the patient with hospital or emergency room staff include:

1. The level of cooperation of the patient.
2. Any force that may have been used to take the patient into protective custody.
3. Whether or not the person is unconscious, and how long the patient may be in this state.
4. Any injuries the person has sustained.
5. Whether or not the person is ambulatory, as assessed by any injuries the patient may have precluding physical movement, or any restraints the hospital staff may be utilizing to restrict movement.
6. The hospital's willingness to utilize orderlies or other hospital staff to physically restrain the detained subject.
7. The patient's age; special consideration shall be given to juveniles; officers shall consult with a supervisor when the person to be evaluated for a mental health detention is under 18.

Under **NO** circumstances shall an officer leave a patient at a hospital if the person is in custody for a criminal violation.

- (a) An officer who decides to leave a patient at a hospital pursuant to section (a) above must ensure ALL of the following occur:
 1. The officer has consulted with a field supervisor, and a supervisor concurs with the assessment that leaving the patient in the care and custody of hospital staff is reasonable and prudent, given the circumstances;
 2. The name of the attending physician who has agreed to accept responsibility for the ongoing safety and welfare of the patient must be recorded by the handling officer for inclusion in the officer's report;
 3. The officer must complete an appropriate report that clearly documents all of the relevant facts pertaining to the incident. The report should include a detailed description that clearly articulates the objective observations and facts supporting a detention pursuant to WIC §5150;
 4. The officer must provide the attending physician with a verbal summary of all relevant observations relating to the person's mental condition which led to the officer's assessment that the person fits the criteria of WIC §5150, including any amount of force that was used to detain the subject;
- (b) The person is secured in an ambulance or other transport vehicle from a designated mental health facility, and the officer has been released by the mental health assessment team member responsible for transporting the person to a designated mental health facility.
- (c) The person has been admitted to a designated mental health facility.

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- (d) The person has been evaluated by a PET or CAT member, or other authorized mental health professional and deemed not to meet the criteria of WIC §5150 at the time of the evaluation and, therefore, not in need of placement into a designated mental health care facility.

421.4.5 JUVENILE MENTAL HEALTH CONTACTS/DETENTIONS

The authority to detain a juvenile for a mental health evaluation is Welfare and Institution Code WIC §5585, not WIC §5150. Due to the uniqueness of their treatment, there are a very limited number of facilities in Orange County that have inpatient treatment services for juveniles. These facilities are College Hospital in Costa Mesa, UCI Medical Center in Orange, and CHOC (Children's Hospital Orange County).

During calls for service in which an officer makes contact with a juvenile under the age of 18 in the community who the officer determines, **based on probable cause**, meets the criteria set forth in WIC §5585, and as a result of a mental illness, is considered a danger to self, danger to others, and/or is gravely disabled, officers should follow the procedures outlined below.

- (a) If the juvenile is "Medically Compromised" as defined under section 420.4.2 above, the officer should do the following:
 - 1. Request paramedics respond to evaluate the juvenile and make an assessment as to the best course of action to treat the juvenile's medical condition. If paramedics determine that further medical treatment is necessary, the juvenile should be transported by ambulance to the nearest hospital.
 - (a) Once at the hospital, the officer should communicate to hospital staff the reason for the contact, hospitalization and information that led the officer to believe he or she met the criteria for WIC §5585.
 - (b) It is the discretion of the treating physician if they would like the officer to complete the state WIC §5150 form. Each hospital has their own policy for treating patients who meet the WIC 5585 criteria.
 - 1. At the request of the attending physician, the officer may complete the WIC §5150 form and leave it with the hospital staff. The officer should keep in mind that doing so will leave the responsibility of finding placement in a psychiatric facility on the hospital and not the PET or CYS CAT Team.
 - 2. If the attending physician requests that the officer does not complete the WIC §5585 form, it will be the responsibility of the hospital to contact the PET team or CYS CAT team for evaluation and placement once the juvenile is medically cleared.
 - 3. Regardless of whether or not the officer completes the state WIC §5585 form, the officer should remain at the hospital with the juvenile until the conditions described under section 420.4.4(d)(1) of this policy have been met.
- (b) If the juvenile is not "Medically Compromised" the officer should do the following:

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1. Due to the limited number of facilities in Orange County that can accept juveniles for treatment of mental illness, it is strongly encouraged that officers contact the Crisis Assessment Team Children and Youth Services Unit (CYS CAT) and request a team member respond to the field to provide an evaluation of the detainee. CYS CAT can be reached at the same number as the CAT team, 1-866-830-6011. If the CYS CAT team member determines that the juvenile meets the criteria for WIC 5585, they will arrange for transportation to, and placement at, a Designated Facility.
 - (a) CYS CAT team members can respond to a variety of locations including residences, hospital emergency rooms, police departments, schools, group homes, emergency shelters, probation departments, the Child Abuse Services Team (CAST) office, as well as other community locations.
 - (b) The officer must notify the minor's parent or legal guardian as soon as possible after initial contact and request they respond. CYS CAT will require the parent or guardian to be present prior to conducting an evaluation.
 - (c) When responding to a residence, the CYS CAT member will request that they be accompanied by a police officer.
 - (d) In situations where the parent or guardian of the juvenile requests to transport the juvenile on their own, officers may release the juvenile directly to them. In these situations, officers should make an effort to connect the parent or guardian to mental health services.

421.4.6 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).

421.5 TRANSPORTATION

Transport for any individual for a 5150 commitment shall be conducted in accordance with the Transporting Persons in Custody Policy.

Officers may transport individuals in a patrol unit and shall secure them in accordance with the Handcuffing and Restraints Policy.

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421.6 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 WIC §5150 commitment and remain present to provide clarification of the grounds for detention, upon request. Under no circumstances shall an officer transport a medically compromised persons, and shall contact OCFA to arrange for transport and evaluation.

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421.7 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 unless the attending physician states they will complete it (see requirements under 420.4.4 and 420.4.5). If the physician wishes to complete the detection form, then the physician's name shall be included in the 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.

421.7.1 ADVISEMENT

The officer taking a person into custody for evaluation shall advise the person of:

- (a) The officer's name and agency.
- (b) The fact that the person is not under criminal arrest but is being taken for examination by mental health professionals and the mental health staff will advise him/her of their rights.
- (c) The name of the facility to which the person is being taken.
- (d) If the person is being taken into custody at his/her residence, he/she should also be advised that he/she may take a few personal items, which the officer must approve, and may make a telephone call or leave a note indicating where he/she is being taken. The officer should also ask if the person needs assistance turning off any appliance or water.

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The advisement shall be given in a language the person understands. If the person cannot understand an oral advisement, the information shall be provided in writing (Welfare and Institutions Code § 5150).

421.7.2 COMPLETION OF REPORTS

The following rules shall be utilized to determine how to correctly document any incident in which an officer handles a call involving a subject who meets the criteria of a Mental Health Detention (MHD) under 420.4.1.

- (a) If a crime has occurred, in addition to a WIC 5150 detention, then all crime types shall be listed first on the face page of a Consolidated Occurrence Report; WIC §5150 shall be listed below the criminal charges.
- (b) If no crime has occurred, then the report shall be titled as a WIC §5150 report.
- (c) The handling officer will have the discretion to complete the state WIC §5150 form; sometimes the hospital may itself request to complete the formal WIC §5150 form, and this is acceptable. The ultimate decision to complete the WIC §5150 form rests with the officer who has made the determination the person meets the criteria of WIC §5150. However, irrespective of whether the officer completes the state WIC §5150 form, the officer must complete a narrative report that clearly documents all of relevant facts pertaining to the incident, including the objective observations and facts supporting a detention pursuant to WIC §5150. The subject will be listed as a “mental health detainee” on their subject area of the report.

The following rules shall be utilized to determine how to correctly document any incident in which an officer handles a call involving a subject who meets the criteria of a Mental Health Assist (MHA) under 420.4.2.

- (a) If a crime has occurred in addition to a MHA, then all crime types shall be listed first on the face page of a Consolidated Occurrence Report; Incident-Mental Health Related” shall be listed below the criminal charges.
- (b) If no crime has occurred, then the report shall be titled as an “Incident-Mental Health Related” report and the subject will be listed as a “mental health assist” on their subject area of the report.

421.8 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 WIC §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 WIC §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 WIC §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.

421.9 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 the Property and Evidence Section Policy).

421.9.1 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 Investigations Bureau, 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.

421.10 TARASOFF NOTIFICATIONS

Mental health professionals have a duty to warn in circumstances where the patient has communicated to the psychotherapist a serious threat of physical violence against a reasonably

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identifiable victim or victims. In these situations, the psychotherapist's duty is to make a reasonable effort to communicate the threat to the victim or victims and to a law enforcement agency where the victim(s) reside [Tarasoff v. Regents of the University of California, 17 Cal. 3d 425, 551 P.2d 334, 131 Cal. Rptr. 14 (Cal. 1976)].

Upon receipt of a Tarasoff notification, a call for service shall be created and an Incident-Mental Health Related Incident report will be taken which will detail the information provided, any assistance completed in helping the reporting party locate the intended victim, and confirmation that the notification was provided to dispatch for entry via the DOJ database.

Upon receipt of the Tarasoff notification, the Irvine Police Department shall notify the Department of Justice electronically, within 24 hours (Welfare and Institutions Code 8105(c)). This will be accomplished by providing the notification to the Records Supervisor or a Records Lead. If neither are available, notify Dispatch, who will in turn make proper entry into the DOJ database. Proof of this entry will be printed and attached to the Incident-Mental Health Related incident report.

421.11 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.

Civil Disputes

422.1 PURPOSE AND SCOPE

This policy provides members of the Irvine 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.

422.2 POLICY

The Irvine 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.

422.3 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.

422.4 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.

422.4.1 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 should not allow entry into the location or the removal of property from the location.

422.5 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.

422.6 REAL PROPERTY

Disputes over possession or occupancy of real property (e.g., land, homes, apartments) should generally be handled through a person seeking a court order.

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423.1 PURPOSE AND SCOPE

This policy provides guidance for responding to public assemblies or demonstrations.

423.2 POLICY

The Irvine 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.

423.3 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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423.3.1 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.

423.4 UNPLANNED EVENTS

When responding to an unplanned or spontaneous public gathering, the first responding officer should conduct an assessment of conditions, including, but not limited to, the following:

- Location
- Number of participants
- Apparent purpose of the event
- Leadership (whether it is apparent and/or whether it is effective)
- Any initial indicators of unlawful or disruptive activity
- Indicators that lawful use of public facilities, streets or walkways will be impacted
- Ability and/or need to continue monitoring the incident

Initial assessment information should be promptly communicated to the Communications Bureau, and the assignment of a supervisor may be requested. Additional resources should be requested as appropriate. Any 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.

423.5 PLANNED EVENT PREPARATION

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

423.5.1 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).

423.5.2 OPERATIONAL PLANS

An operational planning team with responsibility for event planning and management should be established. The planning team should develop an operational plan for the event.

The operational plan will minimally provide for:

- (a) Command assignments, chain of command structure, roles and responsibilities.
- (b) Staffing and resource allocation.
- (c) Management of criminal investigations.
- (d) Designation of uniform of the day and related safety equipment (e.g., helmets, shields).
- (e) Deployment of specialized resources.
- (f) Event communications and interoperability in a multijurisdictional event.
- (g) Liaison with demonstration leaders and external agencies.
- (h) Liaison with City government and legal staff.
- (i) Media relations.
- (j) Logistics: food, fuel, replacement equipment, duty hours, relief and transportation.
- (k) Traffic management plans.
- (l) First aid and emergency medical service provider availability.
- (m) Prisoner transport and detention.
- (n) Review of policies regarding public assemblies and use of force in crowd control.
- (o) Parameters for declaring an unlawful assembly.
- (p) Arrest protocol, including management of mass arrests.
- (q) Protocol for recording information flow and decisions.
- (r) Rules of engagement, including rules of conduct, protocols for field force extraction and arrests, and any authorization required for the use of force.
- (s) Protocol for handling complaints during the event.

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- (t) Parameters for the use of body-worn cameras and other portable recording devices.

423.5.3 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).

423.6 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/or 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.

423.7 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.

423.8 ARRESTS

The Irvine 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).

423.9 MEDIA RELATIONS

The Press Information Officer should use all available avenues of communication, including press releases, briefings, press conferences, and social media to maintain open channels of communication with media representatives and the public about the status and progress of the event, taking all opportunities to reassure the public about the professional management of the event (see the Media Relations Policy).

423.9.1 MEDIA ACCESS

If officers close the immediate area surrounding any emergency field command post or any other command post, or establish a police line, or rolling closure at a demonstration, march, protest, or rally where individuals are engaged in a protected activity pursuant to the First Amendment, officers shall comply with the requirements of Penal Code § 409.7 relating to media access (i.e., access to closed areas, obtaining information) (Penal Code § 409.7).

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423.10 DEMOBILIZATION

When appropriate, the Incident Commander or the authorized designee should implement a phased and orderly withdrawal of law enforcement resources. All relieved personnel should promptly complete any required reports, including use of force reports, and account for all issued equipment and vehicles to their supervisors prior to returning to normal operational duties.

423.11 POST EVENT

The Incident Commander should designate a member to assemble full documentation of the event, to include the following:

- (a) Operational plan
- (b) Any incident logs
- (c) Any assignment logs
- (d) Vehicle, fuel, equipment and supply records
- (e) Incident, arrest, use of force, injury and property damage reports
- (f) Photographs, audio/video recordings, Communications Bureau records/tapes
- (g) Media accounts (print and broadcast media)

423.11.1 AFTER-ACTION REPORTING

The Incident Commander should work with City legal counsel, as appropriate, to prepare a comprehensive after-action report of the event, explaining all incidents where force was used including the following:

- (a) Date, time and description of the event
- (b) Actions taken and outcomes (e.g., injuries, property damage, arrests)
- (c) Problems identified
- (d) Significant events
- (e) Recommendations for improvement; opportunities for training should be documented in a generic manner, without identifying individuals or specific incidents, facts or circumstances.

423.12 TRAINING

Department members should receive periodic training regarding this policy, as well as the dynamics of crowd control and incident management (Penal Code § 13514.5). The Department should, when practicable, train with its external and mutual aid partners.

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.

423.13 USE OF KINETIC ENERGY PROJECTILES AND CHEMICAL AGENTS FOR CROWD CONTROL

Kinetic energy projectiles and chemical agents for crowd control purposes shall only be deployed by officers who have received POST training for crowd control if the use is objectively reasonable

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to defend against a threat to life or serious bodily injury to any individual, including an officer, or to bring an objectively dangerous and unlawful situation safely and effectively under control and in accordance with the following requirements of Penal Code § 13652.

- (a) De-escalation techniques or other alternatives to force have been attempted, when objectively reasonable, and have failed.
- (b) Repeated, audible announcements are made announcing the intent to use kinetic energy projectiles and chemical agents and the type to be used, when objectively reasonable to do so. The announcements shall be made from various locations, if necessary, and delivered in multiple languages, if appropriate.
- (c) Individuals are given an objectively reasonable opportunity to disperse and leave the scene.
- (d) An objectively reasonable effort has been made to identify individuals engaged in violent acts and those who are not, and kinetic energy projectiles or chemical agents are targeted toward those individuals engaged in violent acts. Projectiles shall not be aimed indiscriminately into a crowd or group of individuals.
- (e) Kinetic energy projectiles and chemical agents are used only with the frequency, intensity, and in a manner that is proportional to the threat and objectively reasonable.
- (f) Officers shall minimize the possible incidental impact of their use of kinetic energy projectiles and chemical agents on bystanders, medical personnel, journalists, or other unintended targets.
- (g) An objectively reasonable effort has been made to extract individuals in distress.
- (h) Medical assistance is promptly provided, if properly trained personnel are present, or procured, for injured persons, when it is reasonable and safe to do so.
- (i) Kinetic energy projectiles shall not be aimed at the head, neck, or any other vital organs.
- (j) Kinetic energy projectiles or chemical agents shall not be used solely due to any of the following:
 - 1. A violation of an imposed curfew.
 - 2. A verbal threat.
 - 3. Noncompliance with a law enforcement directive.
- (k) If the chemical agent to be deployed is tear gas, only an Incident Commander at the scene of the assembly, protest, or demonstration may authorize its use.

423.13.1 USE SUMMARY

The Operations Division Commander or the authorized designee should ensure that a summary of each deployment of kinetic energy projectiles or chemical agents for crowd control purposes is prepared and published on the department website within 60 days of each incident. The time frame may be extended for another 30 days where just cause is demonstrated, but no longer than 90 days from the time of the incident. The summary shall be limited to the information known to the Department at the time of the report and include the information required in Penal Code § 13652.1.

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423.14 ANTI-REPRODUCTIVE RIGHTS CALLS

Officer response to public assemblies or demonstrations relating to anti-reproductive rights should be consistent with this policy (Penal Code § 13778.1).

Public Recording of Law Enforcement Activity

424.1 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.

424.2 POLICY

The Irvine 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.

424.3 RECORDING LAW ENFORCEMENT ACTIVITY

Members of the public who wish to record law enforcement activities are limited only in certain aspects.

- (a) Recordings may be made from any public place or any private property where the individual has the legal right to be present (Penal Code § 69; Penal Code § 148).
- (b) Beyond the act of photographing or recording, individuals may not interfere with the law enforcement activity. Examples of interference include, but are not limited to:
 - 1. Tampering with a witness or suspect.
 - 2. Inciting others to violate the law.
 - 3. Being so close to the activity as to present a clear safety hazard to the officers.
 - 4. Being so close to the activity as to interfere with an officer's effective communication with a suspect or witness.
- (c) The individual may not present an undue safety risk to the officers, him/herself or others.

424.4 OFFICER RESPONSE

Officers should promptly request that a supervisor respond to the scene whenever it appears that anyone recording activities may be interfering with an investigation or it is believed that the recording may be evidence. If practicable, officers should wait for the supervisor to arrive before taking enforcement action or seizing any cameras or recording media.

Whenever practicable, officers or supervisors should give clear and concise warnings to individuals who are conducting themselves in a manner that would cause their recording or behavior to be unlawful. Accompanying the warnings should be clear directions on what an

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individual can do to be compliant; directions should be specific enough to allow compliance. For example, rather than directing an individual to clear the area, an officer could advise the person that he/she may continue observing and recording from the sidewalk across the street.

If an arrest or other significant enforcement activity is taken as the result of a recording that interferes with law enforcement activity, officers shall document in a report the nature and extent of the interference or other unlawful behavior and the warnings that were issued.

424.5 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.

424.6 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.

Immigration Violations

425.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the Irvine Police Department relating to immigration and interacting with federal immigration officials.

425.1.1 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.

425.2 POLICY

It is the policy of the Irvine Police Department that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this department in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their national origin or immigration status.

425.3 VICTIMS AND WITNESSES

To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not automatically lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and not in any way that would violate the United States or California constitutions.

425.4 IMMIGRATION INQUIRIES PROHIBITED

Officers shall not inquire into an individual's immigration status for immigration enforcement purposes (Government Code § 7284.6).

425.4.1 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).

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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).

425.4.2 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).

425.5 DETENTIONS AND ARRESTS

An officer shall not detain any individual, for any length of time, for a civil violation of federal immigration laws or a related civil warrant (Government Code § 7284.6).

An officer who has a reasonable suspicion that an individual already lawfully contacted or detained has committed a criminal violation of 8 USC § 1326(a) (unlawful reentry) that may be subject to an enhancement due to a previous conviction of an aggravated felony under 8 USC § 1326(b) (2), may detain the person for a reasonable period of time to contact federal immigration officials to verify whether the United States Attorney General has granted the individual permission for reentry and whether the violation is subject to enhancement (Government Code § 7284.6). No individual who is otherwise ready to be released should continue to be detained only because questions about the individual's status are unresolved.

If the officer has facts that establish probable cause to believe that a person already lawfully detained has violated 8 USC § 1326(a) and the penalty may be subject to enhancement due to prior conviction for specified aggravated felonies, he/she may arrest the individual for that offense (Government Code § 7284.6).

An officer shall not detain any individual, for any length of time, for any other criminal immigration violation of federal immigration laws (Government Code § 7284.6).

An officer should notify a supervisor as soon as practicable whenever an individual is arrested for violation of 8 USC § 1326(a).

425.5.1 SUPERVISOR RESPONSIBILITIES

When notified that an officer has arrested an individual for violation of 8 USC § 1326(a) or under the authority of a judicial warrant, the supervisor should determine whether it is appropriate to:

- (a) Transfer the person to federal authorities.
- (b) Transfer the person to jail.

425.6 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.).

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425.7 INFORMATION SHARING

No member of this department will prohibit, or in any way restrict, any other member from doing any of the following regarding the citizenship or immigration status, lawful or unlawful, of any individual (8 USC § 1373; Government Code § 7284.6):

- (a) Sending information to, or requesting or receiving such information from federal immigration officials
- (b) Maintaining such information in department records
- (c) Exchanging such information with any other federal, state, or local government entity

Nothing in this policy restricts sharing information that is permissible under the California Values Act.

Note: California law enforcement agencies shall not provide personal information, as defined in Section 1798.3(a) of the Civil Code, about an individual, including, but not limited to, the individual's home address or work address unless that information is available to the public (Government Code § 7284.6(a)(1)(D)).

425.7.1 IMMIGRATION DETAINERS

No individual should be held based solely on a federal immigration detainer under 8 CFR 287.7 (Government Code § 7284.6).

Notification to a federal authority may be made prior to release of an individual who is the subject of a notification request only if the individual meets one of the following conditions (Government Code § 7282.5; Government Code § 7284.6):

- (a) The individual has been arrested and had a judicial probable cause determination for a serious or violent felony identified in Penal Code § 667.5(c) or Penal Code § 1192.7(c).
- (b) The individual has been arrested and had a judicial probable cause determination for a felony punishable by time in a state prison.
- (c) The individual has been convicted of an offense as identified in Government Code § 7282.5(a).
- (d) The individual is a current registrant on the California Sex and Arson Registry.
- (e) The individual is identified by the U.S. Department of Homeland Security's Immigration and Customs Enforcement as the subject of an outstanding federal felony arrest warrant.

425.7.2 NOTICE TO INDIVIDUALS

Individuals in custody shall be given a copy of documentation received from U.S. Immigration and Customs Enforcement (ICE) regarding a hold, notification, or transfer request along with information as to whether the Irvine Police Department intends to comply with the request (Government Code § 7283.1).

If the Irvine Police Department provides ICE with notification that an individual is being, or will be, released on a certain date, the same notification shall be provided in writing to the individual

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and to his/her attorney or to one additional person who the individual may designate (Government Code § 7283.1).

425.7.3 ICE INTERVIEWS

Before any interview regarding civil immigration violations takes place between ICE personnel and an individual in custody, the Irvine Police Department shall provide the individual with a written consent form that explains the purpose of the interview, that the interview is voluntary, and that he/she may decline to be interviewed or may choose to be interviewed only with his/her attorney present. The consent form must be available in the languages specified in Government Code § 7283.1.

425.7.4 TRANSFERS TO IMMIGRATION AUTHORITIES

Members shall not transfer an individual to immigration authorities unless one of the following circumstances exist (Government Code § 7282.5; Government Code § 7284.6):

- (a) Transfer is authorized by a judicial warrant or judicial probable cause determination.
- (b) The individual has been convicted of an offense as identified in Government Code § 7282.5(a).
- (c) The individual is a current registrant on the California Sex and Arson Registry.
- (d) The individual is identified by the U.S. Department of Homeland Security's Immigration and Customs Enforcement as the subject of an outstanding federal felony arrest warrant.

425.7.5 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

The Investigations Bureau supervisor shall ensure that data regarding the number of transfers of an individual to immigration authorities, as permitted by Government Code § 7284.6(a)(4), and the offense that allowed for the transfer is collected and provided to the Records Supervisor for required reporting to the DOJ (Government Code § 7284.6(c)(2)(see the Records Bureau Policy).

425.8 U VISA AND T VISA NONIMMIGRANT STATUS

Under certain circumstances, federal law allows temporary immigration benefits, known as a U visa, to victims and witnesses of certain qualifying crimes (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 Investigations Bureau supervisor assigned to oversee the handling of any related case. The Investigations Bureau 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.

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- (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)
- (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.

425.8.1 TIME FRAMES FOR COMPLETION

Officers and their supervisors who are assigned to investigate a case of human trafficking as defined by Penal Code § 236.1 shall complete the above process and the documents needed for indicating the individual is a victim for the T visa application within 15 business days of the first encounter with the victim, regardless of whether it is requested by the victim (Penal Code § 236.5).

Officers and their supervisors shall complete the above process and the documents needed certifying victim cooperation for a U visa or T visa application pursuant to Penal Code § 679.10 and Penal Code § 679.11 within 30 days of a request from the victim, victim's family, or authorized representative 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.

425.8.2 REPORTING TO LEGISLATURE

The Investigations Bureau 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

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certifications signed and the number denied. The report shall comply with Government Code § 9795 (Penal Code § 679.10; Penal Code § 679.11).

425.8.3 POLICE REPORTS

Upon request, an officer or supervisor should provide a victim or authorized representative with a copy of the report filed by the victim within seven days of the request (Penal Code § 679.10).

425.9 TRAINING

The Training Manager should ensure that all appropriate members receive training on immigration issues.

Training should include:

- (a) Identifying civil versus criminal immigration violations.
- (b) Factors that may be considered in determining whether a criminal immigration violation has been committed.
- (c) Prohibitions contained in the California Values Act (Government Code § 7284 et seq.).

Foreign Diplomatic and Consular Representatives

426.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that members of the Irvine Police Department extend appropriate privileges and immunities to foreign diplomatic and consular representatives in accordance with international law.

426.2 POLICY

The Irvine 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.

426.3 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.

426.4 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.

426.5 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.

426.6 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.

426.7 DEATHS OF FOREIGN NATIONALS IN CALIFORNIA

The Vienna Convention on Consular Relations sets forth generally the various functions of consular posts in California. One of these functions is to safeguard the interests of foreign nationals who may be visiting or residing in California. Article 37 of the Convention specifically requires notification without delay to a consular official in the case of the death of a national of his/her country in California. Such notification assists consular officials in advising next of kin and other appropriate parties on a timely basis.

A current list of telephone numbers and FAX numbers for all foreign consulates and embassies are available in the Custody Office, the Watch Commander's Office and on the Intranet.

Inquiries concerning the above may be addressed to the Assistant Legal Adviser for Consular Affairs, U.S. Department of State, Washington, DC, 20520; Telephone (202) 647-4415; FAX (202) 647-4802. Telephone inquiries after normal business hours may be directed to the Command Center of the Bureau of Diplomatic Security at (202) 647-7277.

Medical Marijuana

427.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this department with guidelines for investigating the acquisition, possession, transportation, delivery, production or use of marijuana under California's medical marijuana laws.

427.1.1 DEFINITIONS

Definitions related to this policy include:

Cardholder - A person issued a current identification card.

Compassionate Use Act (CUA) (Health and Safety Code § 11362.5) - California law intended to provide protection from prosecution to those who are seriously ill and whose health would benefit from the use of marijuana in the treatment of illness for which marijuana provides relief. The CUA does not grant immunity from arrest but rather provides an affirmative defense from prosecution for possession of medical marijuana.

Identification card - A valid document issued by the California Department of Public Health to both persons authorized to engage in the medical use of marijuana and also to designated primary caregivers.

Medical marijuana - Marijuana possessed by a patient or primary caregiver for legitimate medical purposes.

Medical Marijuana Program (MMP) (Health and Safety Code § 11362.7 et seq.) - California laws passed following the CUA to facilitate the prompt identification of patients and their designated primary caregivers in order to avoid unnecessary arrests and provide needed guidance to law enforcement officers. MMP prohibits arrest for possession of medical marijuana in certain circumstances and provides a defense in others.

Patient - A person who is entitled to the protections of the CUA because he/she has received a written or oral recommendation or approval from a physician to use marijuana for medical purposes or any person issued a valid identification card.

Primary caregiver - A person designated by the patient, who has consistently assumed responsibility for the patient's housing, health or safety, who may assist the patient with the medical use of marijuana under the CUA or the MMP (Health and Safety Code § 11362.5; Health and Safety Code § 11362.7).

Statutory amount - No more than 8 ounces of dried, mature, processed female marijuana flowers ("bud") or the plant conversion (e.g., kief, hash, hash oil), and no more than six mature or 12 immature marijuana plants (roots, stems and stem fibers should not be considered) (Health and Safety Code § 11362.77).

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427.2 POLICY

It is the policy of the Irvine Police Department to prioritize resources to forgo making arrests related to marijuana that the arresting officer reasonably believes would not be prosecuted by state or federal authorities.

California's medical marijuana laws are intended to provide protection to those who are seriously ill and whose health would benefit from the use of medical marijuana.

However, California medical marijuana laws do not affect federal laws and there is no medical exception under federal law for the possession or distribution of marijuana. The Irvine Police Department will exercise discretion to ensure laws are appropriately enforced without unreasonably burdening both those individuals protected under California law and public resources.

427.3 INVESTIGATION

Investigations involving the possession, delivery, production or use of marijuana generally fall into one of several categories:

- (a) Investigations when no person makes a medicinal claim.
- (b) Investigations when a medicinal claim is made by a cardholder.
- (c) Investigations when a medicinal claim is made by a non-cardholder.

427.3.1 INVESTIGATIONS WITH NO MEDICINAL CLAIM

In any investigation involving the possession, delivery, production or use of marijuana or drug paraphernalia where no person claims that the marijuana is used for medicinal purposes, the officer should proceed with a criminal investigation if the amount is greater than permitted for personal use under the Control, Regulate and Tax Adult Use of Marijuana Act (Health and Safety Code § 11362.1; Health and Safety Code § 11362.2). A medicinal defense may be raised at any time, so officers should document any statements and observations that may be relevant to whether the marijuana was possessed or produced for medicinal purposes.

427.3.2 INVESTIGATIONS INVOLVING A MEDICINAL CLAIM MADE BY A CARDHOLDER

A cardholder or designated primary caregiver in possession of an identification card shall not be arrested for possession, transportation, delivery or cultivation of medical marijuana at or below the statutory amount unless there is probable cause to believe that (Health and Safety Code § 11362.71; Health and Safety Code § 11362.78):

- (a) The information contained in the card is false or falsified.
- (b) The card has been obtained or used by means of fraud.
- (c) The person is otherwise in violation of the provisions of the MMP.
- (d) The person possesses marijuana but not for personal medical purposes.

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Officers who reasonably believe that a person who does not have an identification card in his/her possession has been issued an identification card may treat the investigation as if the person had the card in his/her possession.

Cardholders may possess, transport, deliver or cultivate medical marijuana in amounts above the statutory amount if their doctor has concluded that the statutory amount does not meet the patient's medical needs (Health and Safety Code § 11362.71; Health and Safety Code § 11362.77). Investigations involving cardholders with more than the statutory amount of marijuana should be addressed as provided in this policy for a case involving a medicinal claim made by a non-cardholder.

427.3.3 INVESTIGATIONS INVOLVING A MEDICINAL CLAIM MADE BY A NON-CARDHOLDER

No patient or primary caregiver should be arrested for possession or cultivation of an amount of medical marijuana if the officer reasonably believes that marijuana is in a form and amount reasonably related to the qualified patient's current medical needs (Health and Safety Code § 11362.5). This arrest guidance also applies to sales, transportation or delivery of medical marijuana, or maintaining/renting a drug house or building that may be a nuisance if otherwise in compliance with MMP (Health and Safety Code § 11362.765).

Officers are not obligated to accept a person's claim of having a physician's recommendation when the claim cannot be readily verified with the physician but are expected to use their judgment to assess the validity of the person's medical-use claim.

Officers should review any available written documentation for validity and whether it contains the recommending physician's name, telephone number, address and medical license number for verification.

Officers should generally accept verified recommendations by a physician that statutory amounts do not meet the patient's needs (Health and Safety Code § 11362.77).

427.3.4 ADDITIONAL CONSIDERATIONS

Officers should consider the following when investigating an incident involving marijuana possession, delivery, production, or use:

- (a) Because enforcement of medical marijuana laws can be complex, time consuming, and call for resources unavailable at the time of initial investigation, officers may consider submitting a report to the prosecutor for review, in lieu of making an arrest. This can be particularly appropriate when:
 - 1. The suspect has been identified and can be easily located at a later time.
 - 2. The case would benefit from review by a person with expertise in medical marijuana investigations.
 - 3. Sufficient evidence, such as photographs or samples, has been lawfully obtained.

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4. Other relevant factors, such as available department resources and time constraints prohibit making an immediate arrest.
- (b) Whenever the initial investigation reveals an amount of marijuana greater than the statutory amount, officers should consider the following when determining whether the form and amount is reasonably related to the patient's needs:
 1. The amount of marijuana recommended by a medical professional to be ingested.
 2. The quality of the marijuana.
 3. The method of ingestion (e.g., smoking, eating, nebulizer).
 4. The timing of the possession in relation to a harvest (patient may be storing marijuana).
 5. Whether the marijuana is being cultivated indoors or outdoors.
- (c) Before proceeding with enforcement related to collective gardens or dispensaries, officers should consider conferring with a supervisor, an applicable state regulatory agency or other member with special knowledge in this area, and/or appropriate legal counsel (Business and Professions Code § 26010; Business and Professions Code § 26060). Licensing, zoning, and other related issues can be complex. Patients, primary caregivers, and cardholders who collectively or cooperatively cultivate marijuana for medical purposes may be licensed or may have a defense in certain circumstances (Business and Professions Code § 26032; Business and Professions Code § 26033).
- (d) Investigating members should not order a patient to destroy marijuana plants under threat of arrest.

427.3.5 INVESTIGATIONS INVOLVING A STATE LICENSEE

No person issued a state license under the Business and Professions Code shall be arrested or cited for cultivation, possession, manufacture, processing, storing, laboratory testing, labeling, transporting, distribution or sale of medical cannabis or a medical cannabis product related to qualifying patients and primary caregivers when conducted lawfully. Whether conduct is lawful may involve questions of license classifications, local ordinances, specific requirements of the Business and Professions Code and adopted regulations. Officers should consider conferring with a supervisor, the applicable state agency or other member with special knowledge in this area and/or appropriate legal counsel before taking enforcement action against a licensee or an employee or agent (Business and Professions Code § 26032).

427.3.6 EXCEPTIONS

This policy does not apply to, and officers should consider taking enforcement action for the following:

- (a) Persons who engage in illegal conduct that endangers others, such as driving under the influence of marijuana in violation of the Vehicle Code (Health and Safety Code § 11362.5).

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- (b) Marijuana possession in jails or other correctional facilities that prohibit such possession (Health and Safety Code § 11362.785).
- (c) Smoking marijuana (Health and Safety Code § 11362.79):
 - 1. In any place where smoking is prohibited by law.
 - 2. In or within 1,000 feet of the grounds of a school, recreation center or youth center, unless the medical use occurs within a residence.
 - 3. On a school bus.
 - 4. While in a motor vehicle that is being operated.
 - 5. While operating a boat.
- (d) Use of marijuana by a person on probation or parole, or on bail and use is prohibited by the terms of release (Health and Safety Code § 11362.795).

427.4 FEDERAL LAW ENFORCEMENT

Officers should provide information regarding a marijuana investigation to federal law enforcement authorities when it is requested by federal law enforcement authorities or whenever the officer believes those authorities would have a particular interest in the information.

427.5 PROPERTY AND EVIDENCE SECTION SUPERVISOR RESPONSIBILITIES

The Property and Evidence Section supervisor should ensure that marijuana, drug paraphernalia or other related property seized from a person engaged or assisting in the use of medical marijuana is not destroyed pending any charges and without a court order. The Property and Evidence Section supervisor is not responsible for caring for live marijuana plants.

Upon the prosecutor's decision to forgo prosecution, or the dismissal of charges or an acquittal, the Property and Evidence Section supervisor should, as soon as practicable, return to the person from whom it was seized any useable medical marijuana, plants, drug paraphernalia or other related property.

The Property and Evidence Section supervisor may release marijuana to federal law enforcement authorities upon presentation of a valid court order or by a written order of the Investigations Bureau supervisor.

Aircraft Accidents

428.1 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.

428.1.1 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.

428.2 POLICY

It is the policy of the Irvine Police Department to provide an appropriate emergency response to aircraft accidents. This includes emergency medical care and scene management.

428.3 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).

428.4 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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428.5 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)
- (d) Closest military base if a military aircraft is involved
- (e) Federal Aviation Administration (FAA)
- (f) National Transportation Safety Board (NTSB)
- (g) State of California Department of Transportation – Department of Aeronautics
- (h) Appropriate Command Staff notifications, per policy

428.5.1 NATIONAL TRANSPORTATION SAFETY BOARD (NTSB)

The NTSB has the primary responsibility for investigating accidents involving civil aircraft. In the case of a military aircraft incident the appropriate branch of the military will be involved in the investigation. The NTSB is concerned with several aspects of a crash as described in this policy.

Every effort should be made to preserve the scene to the extent possible in the condition in which it was found until such time as NTSB or other authorized personnel arrive to take charge of the scene. Military personnel will respond to take charge of any military aircraft involved, whether or not injuries or deaths have occurred. If the accident did not result in a death or injury and the NTSB elects not to respond, the pilot or owner may assume control of the aircraft.

Removal of the wreckage shall be done under the guidance of the NTSB or military authorities, or, if the NTSB is not responding for an onsite investigation, at the discretion of the pilot or the owner.

428.6 CONTROLLING ACCESS AND SCENE AUTHORITY

Prior to NTSB arrival, scene access should be limited to authorized personnel from the:

- (a) FAA
- (b) Fire department, EMS or other assisting law enforcement agencies
- (c) Coroner
- (d) Air Carrier/Operators investigative teams with NTSB approval
- (e) Appropriate branch of the military, when applicable

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- (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.

428.7 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.
- (d) Evacuation chutes, ballistic parachute systems and composite materials.

428.8 DOCUMENTATION

All aircraft accidents occurring within the City of Irvine 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 IPD members deployed to assist; other City resources that were utilized; and cross reference information to other investigating agencies. Suspected criminal activity should be documented on the appropriate crime report.

The Criminal Investigations Division (CID) Manager shall be responsible for forwarding a copy of the accident report to any affected government agency who requests a copy.

428.8.1 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).

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- (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.

428.8.2 WITNESSES

Members tasked with contacting witnesses should obtain:

- (a) The location of the witness at the time of his/her observation relative to the accident site.
- (b) A detailed description of what was observed or heard.
- (c) Any photographs or recordings of the accident witnesses may be willing to voluntarily surrender.
- (d) The names of all persons reporting the accident, even if not yet interviewed.
- (e) Any audio recordings of reports to 9-1-1 regarding the accident and dispatch records.

428.9 MEDIA RELATIONS

The Press Information Officer (PIO) should coordinate a response to the media, including access issues, road closures, detours and any safety information that is pertinent to the surrounding community. Any release of information regarding details of the accident itself should be coordinated with the NTSB or other authority who may have assumed responsibility for the investigation.

Depending on the type of aircraft, the airline or the military may be responsible for family notifications and the release of victims' names. The PIO should coordinate with other involved entities before the release of information.

Crime and Disaster Scene Integrity

429.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance in handling a major crime or disaster.

429.2 POLICY

It is the policy of the Irvine 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.

429.3 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.

429.5 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.

429.5.1 CONSENT

When possible, officers should seek verbal and/or 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.

429.6 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).

Crime Scene Investigation

430.1 MANAGEMENT AND SUPERVISION

The Crime Scene Investigation (CSI) Unit falls under the Operations Division Commander who will assign an Operations Division Lieutenant to manage the unit. The Forensic Supervisor, with assistance from the Operations Lieutenant, is responsible for unit operations, including, but not limited to:

- (a) Budgeting
- (b) Identification and procurement of needed equipment
- (c) Personnel selection and training
- (d) Liaison with the Orange County Crime Lab and other members of the forensic community
- (e) Scheduling
- (f) Crime scene supervision
- (g) Performance appraisals
- (h) Quality control oversight

In the absence of the forensic supervisor, on-duty field supervisors shall maintain functional supervision of on-duty forensic specialists.

430.2 FORENSICS SPECIALIST

Forensic specialists assigned to the CSI Unit are tasked with the responsibility to record, collect and preserve evidence of criminal activity. Field supervisors may assign forensic specialists to tasks not in conflict with the unit's primary function.

430.3 CSI PERSONNEL CALL-OUT

Off-duty unit personnel may be called into service for an established department need, as determined by a supervisor. An established need should be limited to:

- (a) Serious crimes requiring timely crime scene processing
- (b) Incidents involving the potential for city liability

The forensic supervisor may also be called to perform forensic duties as needed; however, he or she shall also function as the unit supervisor during complex crime scene investigations. The forensic supervisor will establish and maintain a liaison with the Orange County Crime Lab, the Orange County Sheriff/Coroner Investigator, and other agencies responsible for the forensic processing at a critical incident.

430.4 HOLDING CSI CALLS

Occasionally, forensic specialists are not readily available for scene processing. By following the protocol identified below, patrol officers can ensure preservation of potential evidence until a forensic specialist can respond:

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- (a) Notify the Crime Scene Investigations Unit of the need for scene processing, using the Computer Aided Dispatch (CAD) System. Dispatch may be able to assist the employee with notification. Personnel may choose to notify CSI of the service need by calling the CSI Service Message Center (724-7052).
- (b) Provide enough specific information for the forensic specialist to adequately process the scene. Include the Department Record Number, the crime committed, victim's name, address or location, investigating officer's name, and the type of service requested (e.g., photographs, evidence collection, latent fingerprint identification, etc.).
- (c) Be specific about the location of the questionable items. The forensic specialist should be able to readily locate the potential evidence without the presence of the officer or the victim.
- (d) Provide adequate instructions to the victim or person controlling the scene.
- (e) Advise the victim of the delay. Ensure he or she is able to protect the area. The officer may need to help the victim secure the scene from contamination by arranging chairs, closing doors, or providing some other protective measure.
- (f) Do not promise a specific response time unless the forensic specialist assigned to the call gives one. Service calls are generally answered in the order they are received. The severity of the crime and the nature of the processing are also considered.

Processing Sexual Assault Evidence

431.1 PURPOSE AND SCOPE

The proper collection and processing of physical evidence is vital to the success of any sexual assault investigation. The challenge for the investigating officer is to ensure that evidence is collected with as little additional trauma to victim as possible and that the evidence is processed following a defined protocol and a clearly established chain of custody.

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431.4 PROCESSING VICTIM EVIDENCE KITS

AMH has a supply of victim sexual assault victim evidence kits on site. Once the victim is examined at AMH, they will retain the sexual assault evidence kit and have it transferred to OCCL.

If the victim is injured to such a degree requiring transportation by ambulance to a hospital other than AMH, the investigating officer should coordinate with the responding forensic nurse specialist to ensure a victim sexual assault evidence kit will be brought to the said hospital for the examination of the victim. In these situations the AMH Forensic Nurse will respond to the hospital in question, and conduct a mobile examination. The investigating officer will then be given the sexual assault evidence kit to book at IPD.

It is the responsibility of the assigned detective to submit an online request to OCCL to have the sexual assault evidence kit analyzed (www.occl.ocgov.com/Apps/Logon). In addition to this, the assigned detective is responsible for having theSAFE kits entered into the DOJ sexual assault forensic exam – tracking website (SAFE-T) to ensure that the sexual assault forensic exam kits are tracked ([www. https://safet.doj.ca.gov/Login.aspx?ReturnUrl=%2f](http://www.https://safet.doj.ca.gov/Login.aspx?ReturnUrl=%2f)).

Once the sexual assault evidence kits have been analyzed by OCCL, they will be returned to Irvine Police Department Property. Once received, property will contact the assigned detective to have them book the urine standard, blood standard, and sexual assault evidence kit into evidence. A supplemental report documenting this will need to be completed by the detective booking the urine standard, blood standard and the sexual assault kit into IPD evidence.

Biological Samples

432.1 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.

432.2 POLICY

The Irvine 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.

432.3 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.

432.4 PROCEDURE

When an individual is required to provide a biological sample, a trained employee shall obtain the sample in accordance with this policy.

432.4.1 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.

432.4.2 FOLLOW UP NOTICE TO DOJ

Within two years of submitting any DNA specimen, sample or impression to the Department of Justice, this department shall notify DOJ whether the individual remains a suspect in a criminal investigation (Penal Code § 297(c)(2)). It shall be the responsibility of the Department of Justice

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to thereafter purge samples of any individual(s) who are no longer a suspect in any criminal investigation from the DNA database.

432.5 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.

432.5.1 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).

432.5.2 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).

432.6 LEGAL MANDATES AND RELEVANT LAWS

California law provides for the following:

432.6.1 DOCUMENTATION RELATED TO FORCE

The watch commander or the on-duty authorized designee shall prepare prior written authorization for the use of any force (15 CCR 1059). The written authorization shall include information that

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the subject was asked to provide the requisite specimen, sample, or impression and refused, as well as the related court order authorizing the force.

432.6.2 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)).

432.6.3 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.

Computers and Digital Evidence

433.1 PURPOSE AND SCOPE

This policy establishes procedures for the seizure and storage of computers, personal communications devices (PCDs) digital cameras, digital recorders and other electronic devices that are capable of storing digital information; and for the preservation and storage of digital evidence. All evidence seized and/or processed pursuant to this policy shall be done so in compliance with clearly established Fourth Amendment and search and seizure provisions.

433.2 SEIZING COMPUTERS AND RELATED EVIDENCE

Computer equipment requires specialized training and handling to preserve its value as evidence. Officers should be aware of the potential to destroy information through careless or improper handling, and utilize the most knowledgeable available resources. When seizing a computer and accessories the following steps should be taken:

- (a) Photograph each item, front and back, specifically including cable connections to other items. Look for a phone line or cable to a modem for Internet access.
- (b) Do not overlook the possibility of the presence of physical evidence on and around the hardware relevant to the particular investigation such as fingerprints, biological or trace evidence, and/or documents.
- (c) If the computer is off, do not turn it on.
- (d) If the computer is on, do not shut it down normally and do not click on anything or examine any files.
 - 1. Photograph the screen, if possible, and note any programs or windows that appear to be open and running.
 - 2. Disconnect the power cable from the back of the computer box or if a portable notebook style, disconnect any power cable from the case and remove the battery.
- (e) Label each item with case number, evidence sheet number, and item number.
- (f) Handle and transport the computer and storage media (e.g., tape, discs, memory cards, flash memory, external drives) with care so that potential evidence is not lost.
- (g) Lodge all computer items in the Property Room. Do not store computers where normal room temperature and humidity is not maintained.
- (h) At minimum, officers should document the following in related reports:
 - 1. Where the computer was located and whether or not it was in operation.
 - 2. Who was using it at the time.
 - 3. Who claimed ownership.
 - 4. If it can be determined, how it was being used.
- (i) In most cases when a computer is involved in criminal acts and is in the possession of the suspect, the computer itself and all storage devices (hard drives, tape drives, and

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disk drives) should be seized along with all media. Accessories (printers, monitors, mouse, scanner, keyboard, cables, software and manuals) should not be seized unless as a precursor to forfeiture.

433.2.1 BUSINESS OR NETWORKED COMPUTERS

If the computer belongs to a business or is part of a network, it may not be feasible to seize the entire computer. Cases involving networks require specialized handling. Officers should contact a certified forensic computer examiner for instructions or a response to the scene. It may be possible to perform an on-site inspection, or to image the hard drive only of the involved computer. This should only be done by someone specifically trained in processing computers for evidence.

433.2.2 FORENSIC EXAMINATION OF COMPUTERS

If an examination of the contents of the computer's hard drive, or floppy disks, compact discs, or any other storage media is required, forward the following items to a computer forensic examiner:

- (a) Copy of report(s) involving the computer, including the Evidence/Property sheet.
- (b) Copy of a consent to search form signed by the computer owner or the person in possession of the computer, or a copy of a search warrant authorizing the search of the computer hard drive for evidence relating to investigation.
- (c) A listing of the items to search for (e.g., photographs, financial records, e-mail, documents).
- (d) An exact duplicate of the hard drive or disk will be made using a forensic computer and a forensic software program by someone trained in the examination of computer storage devices for evidence.

433.3 SEIZING DIGITAL STORAGE MEDIA

Digital storage media including hard drives, floppy discs, CD's, DVD's, tapes, memory cards, or flash memory devices should be seized and stored in a manner that will protect them from damage.

- (a) If the media has a write-protection tab or switch, it should be activated.
- (b) Do not review, access or open digital files prior to submission. If the information is needed for immediate investigation request the Property and Evidence Section to copy the contents to an appropriate form of storage media.
- (c) Many kinds of storage media can be erased or damaged by magnetic fields. Keep all media away from magnetic devices, electric motors, radio transmitters or other sources of magnetic fields.
- (d) Do not leave storage media where they would be subject to excessive heat such as in a parked vehicle on a hot day.
- (e) Use plastic cases designed to protect the media, or other protective packaging, to prevent damage.

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433.4 SEIZING PCDS

Personal communication devices such as cell phones, PDAs or other hand-held devices connected to any communication network must be handled with care to preserve evidence that may be on the device including messages, stored data and/or images.

- (a) Officers should not attempt to access, review or search the contents of such devices prior to examination by a forensic expert. Unsent messages can be lost, data can be inadvertently deleted and incoming messages can override stored messages.
- (b) Do not turn the device on or off. The device should be placed in a solid metal container such as a paint can or in a faraday bag, to prevent the device from sending or receiving information from its host network.
- (c) When seizing the devices, also seize the charging units and keep them plugged in to the chargers until they can be examined. If the batteries go dead all the data may be lost.

433.5 DIGITAL EVIDENCE RECORDED BY OFFICERS

Officers handling and submitting recorded and digitally stored evidence from digital cameras and audio or video recorders will comply with these procedures to ensure the integrity and admissibility of such evidence.

433.5.1 COLLECTION OF DIGITAL EVIDENCE

Once evidence is recorded it shall not be erased, deleted or altered in any way prior to submission. All photographs taken will be preserved regardless of quality, composition or relevance. Video and audio files will not be altered in any way.

433.5.2 SUBMISSION OF DIGITAL MEDIA

The following are required procedures for the submission of digital media used by cameras or other recorders:

- (a) The recording media (smart card, compact flash card or any other media) shall be brought to the Property and Evidence Section as soon as possible for submission into evidence.
- (b) Officers are not authorized to review or copy memory cards. The Evidence technicians and/or department authorized digital forensic experts are the only employees authorized to copy and/or distribute digital media made from the memory cards.
- (c) As soon as possible following the collection of evidence, the camera operator is to remove the memory card from their digital camera and place the card into a plastic carrier. The card and carrier are then to be placed into a zip-lock type baggie. The camera operator shall write their name and the related case number on the outside of the baggie before placing in the film drop box along with the evidence form.
- (d) Evidence technicians will make a copy of the memory card using appropriate storage media. Once they have verified that the images properly transferred to the storage media, the technicians will erase the memory card for re-use. The storage media will be marked as the original.

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- (e) Officers requiring a copy of the digital files must request a copy on the evidence form when submitted to evidence.

433.5.3 DOWNLOADING OF DIGITAL FILES

Digital information such as video or audio files recorded on devices using internal memory must be downloaded to storage media. The following procedures are to be followed:

- (a) Files should not be opened or reviewed prior to downloading and storage.
- (b) Where possible, the device should be connected to a computer and the files accessed directly from the computer directory or downloaded to a folder on the host computer for copying to the storage media.

433.5.4 PRESERVATION OF DIGITAL EVIDENCE

- (a) Evidence technicians and/or department authorized digital forensic experts are authorized to copy original digital media that is held as evidence. The original digital media shall remain in evidence and shall remain unaltered.
- (b) Digital images that are enhanced to provide a better quality photograph for identification and investigative purposes must only be made from a copy of the original media.
- (c) If any enhancement is done to the copy of the original, it shall be noted in the corresponding incident report.

Bicycle Patrol Unit / Personal Electric Vehicle

434.1 PURPOSE AND SCOPE

The Irvine Police Department has authorized the use of bicycles 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.

434.1.1 DEFINITIONS

Full Suspension Electric Bicycles: Officers who are trained in a department approved electric bicycle class are authorized to use the electric bicycles at the discretion of the field supervisor. Electric bicycles are not Code-3 Equipped and do not have police identifiers. Officers and Supervisors should consider this prior to deployment.

Open Space Bicycle Patrol: Officers who are trained in a department approved electric bicycle class are authorized to use the full suspension electric mountain bicycles in the Open Space. Officers who are not trained shall use the patrol bicycle or mountain bicycles, which are located at the Quail Hill Loop facility.

Pre and Post-Ride Checklist: Prior to use, the bicycle operator will inspect his or her assigned bicycle to ensure it is safe and ready for use. In the event the bicycle or any of its components are damaged and in need of repair, it is the responsibility of the operator to complete and forward a service request to the department's bicycle repair mechanic (PS_Bike Repair). At the end of the shift, the operator will clean the bicycle and ensure it is ready for immediate deployment.

Personal Electric Vehicle (PEV) (VC §407): Is any 3 or 4 wheel vehicle designed to carry not more than one person, having an electric motor capable of propelling the vehicle at not more than 30 miles per hour.

434.2 POLICY

Patrol bicycles may be used for regular patrol duty, traffic enforcement, parking control, or special events. The use of the patrol bicycle will emphasize their mobility and visibility to the community.

Bicycles may be deployed to any area at all hours of the day or night, according to Department needs and as staffing levels allow.

Requests for specific deployment of bicycle patrol officers shall be coordinated through the assigned supervisor or the watch commander.

434.3 BICYCLE PATROL SUPERVISION

The assigned supervisor will be selected from the rank of sergeant by the Operations Division Commander or his/her designee.

The Bicycle Patrol Unit supervisor shall have responsibility for the following:

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- (a) Ensuring the bicycle storage room(s) are organized and equipped with the necessary items to ensure the bicycles are operational.
- (b) Scheduling bicycle maintenance and repairs.

434.4 TRAINING

Officers working bicycle assignments must complete a three day, POST approved bicycle-training course or have completed the Department's in-house training.

434.5 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.

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.

Any officer or sergeant who attends a department approved bicycle training course is eligible to acquire a Department issued bike uniform. In subsequent years, shorts and shirts that need to be replaced due to wear and tear may be substituted for an individual's annual allotment of uniform pieces.

Department Issued:

- (a) Department approved navy blue shorts, navy blue polo shirt, bicycle helmet, and black bicycle gloves.

Officers will be responsible for obtaining necessary forms, citation books and other needed equipment to keep available while on bike patrol.

434.6 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.

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- (c) In the immediate pursuit of an actual or suspected violator of the law.

434.7 PERSONAL ELECTRIC VEHICLE

Officers utilizing a PEV must complete a department approved course. Officers leaving a Department PEV unattended for any reason should, if circumstances permit, ensure that it is properly secured so that no unauthorized persons may remove the vehicle, its accessories or contents.

Safety Considerations:

- (a) Personnel operating a 3-wheeled PEV shall wear a helmet.

Law Enforcement EMT-B

435.1 PURPOSE AND SCOPE

The Irvine Police Department has an approved Emergency Medical Technician Basic (EMT-B) program. The purpose of the program is to allow EMT-B certified police officers and civilian field personnel to provide basic life support care as a collateral duty. Field personnel are frequently the first to arrive at or come upon the scene of a medical emergency or incident resulting in injury. The Department recognizes the unique capabilities EMT-Bs offer the public by providing immediate lifesaving medical assistance while awaiting the arrival of Emergency Medical Services/Fire (EMS/Fire) personnel. Additionally, during tactical incidents, Sworn EMT-Bs may provide lifesaving treatments, until it is safe for EMS/Fire personnel to enter.

435.2 POLICY

EMT-Bs may provide basic life support care to injured persons until such time EMS/Fire personnel arrive on scene. EMT-Bs may also assist EMS/Fire personnel (paramedics, other EMTs) at their request to; establish a triage area, assist in a mass casualty event or continue to provide basic life support assistance. EMT-Bs are permitted to provide care within the scope of their position and certification.

435.3 APPOINTMENT

Sworn personnel and civilian field personnel who possess a California EMT license may participate in an internal selection process as determined by the Chief of Police or his/her designee. Personnel qualified to participate include all sworn personnel, Park Safety Officers, Community Services Officers, Crime Scene Investigators, Civilian Investigators (Traffic and CID), Parking Enforcement Officers, and Animal Services Officers.

435.3.1 TRAINING

Prior to designation as an IPD EMT-B, personnel must:

- Pass an Emergency Medical Technician Basic Course consisting of skills assessment as well as clinical training.
- Pass the National Registry Emergency Medical Technician examination.
- Obtain and submit a current CPR card along with the above-earned National Registry certificate to Orange County EMS and receive a California State EMT license.

435.4 CONTINUING EDUCATION AND TRAINING

Every two years, every EMT-B must complete the requisite continuing education, skills verification testing, and CPR recertification and renew their certification through the State by submitting all documentation to Orange County EMS. Additionally, EMT-B personnel are encouraged to complete the continuing education to meet the National Registry Recertification requirements. Each EMT-B is responsible for submitting all required documents to applicable regulating agencies and the EMT-B Supervisor. Failing to recertify with the State will result in the immediate release from the EMT-B Program.

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435.5 EMT-B PROGRAM SUPERVISOR

The EMT-B Program Supervisor should be a sergeant who has or is in the process of successfully completing the Emergency Medical Technician Basic Course. The EMT-B supervisor is responsible for:

- Participating in the selection of EMT-B personnel.
- Coordinating, arranging and monitoring ongoing training.
- Maintaining all training records and files.
- After-action review of any EMT-B involved incident.
- Ensuring the department maintains EMT supplies.

435.6 RESPONSE PROTOCOLS

EMT-B personnel may be dispatched to a medical emergency or an incident involving an injury in the City of Irvine when:

- Based on proximity to the call, there exists the likelihood the EMT-B personnel would arrive on-scene prior to EMS/Fire personnel.
- Are authorized by a Supervisor.
- The incident or event is of such significance the response of an EMT-B personnel would support responding EMS/Fire personnel.

Nothing in this section shall prevent an EMT-B from rendering aid as an EMT-B when summoned by any member of the public or upon discovery (first on scene) of any incident wherein basic life support measures are needed. As soon as practicable after the EMT-B begins providing EMT-B services, they shall request the assistance of local EMS/Fire.

435.6.1 CODE 3 RESPONSE

Sworn EMT-Bs dispatched to a medical emergency may respond Code-3 if the circumstances require such a response as outlined by Irvine Police Department's Officer Response to Calls policy.

435.6.2 DOCUMENTATION

When an EMT-B renders aid or care to an individual and such aid or care is beyond the scope of standard first aid and CPR training, the EMT-B shall complete and submit an incident report detailing the incident and care provided and notify the EMT-B supervisor either verbally or via email prior to the end of his or her shift.

435.7 MAINTENANCE AND REPLACEMENT

EMT-B field personnel are responsible for the inspection of issued EMT-B kits at the beginning of each shift and for the proper maintenance and storage of the kit, consistent with current EMT-B best practices. The Program Supervisor will issue replacement equipment/kits.

Ride-Along Policy

436.1 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.

436.1.1 ELIGIBILITY

The Irvine Police Department Ride-Along Program is offered to IPD applicants, IPD Cadets, IPD Explorers, and those employed within the City of Irvine. However, at the discretion of the Scheduling Lieutenant, an exception may be made for Irvine residents and others deemed appropriate. 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

436.1.2 AVAILABILITY

The Ride-Along Program is available on most days of the week, with certain exceptions. The ride-along times are from 10:00 a.m. to 11:00 p.m. With the exception of department personnel, ride-alongs will not attend patrol briefing and will wait in the IPD front lobby area until the assigned officer is ready for them. Exceptions to this schedule may be approved by the Chief of Police, Scheduling Lieutenant, or staff in the Office of Professional Development.

436.2 PROCEDURE TO REQUEST A RIDE-ALONG

Generally, ride-along requests will be scheduled with the designated ride-along civilian coordinator. The applicant will complete a ride-along waiver form and supply this form to the civilian ride-along coordinator. 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 civilian ride-along coordinator will complete a preliminary examination of the ride-along applicant's supplied information to ensure they do not possess a disqualifying factor prior to placing the applicant on the ride-along calendar. If the ride-along is denied during this initial examination phase, the civilian ride-along coordinator will contact the applicant and advise him/her of the denial.

The civilian ride-along coordinator will schedule a date and shift, based on availability, at least two weeks after the date of application. The selected date and shift will be inputted onto the "Ride-

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Along" public folder calendar. Next, the civilian ride-along coordinator will notify the Scheduling Lieutenant of this calendar update as soon as possible for his/her considerations. The Scheduling Lieutenant will be responsible for reviewing the ride-along entries on the calendar and notifying the Patrol Sergeant(s) on the applicable shift.

The Scheduling Lieutenant retains overall supervision of the ride-along program. He/she may designate an alternative person (civilian or sworn) to assist them in their scheduling duties whenever appropriate.

On the date of the ride-along, the assigned patrol officer will re-verify the information on the participant's ride-along application and complete a criminal history check on the ride-along prior to allowing the ride-along to enter into department restricted space(s) and/or enter into the officer's patrol vehicle. If the ride-along is denied (due to disqualifying factors) during this secondary verification phase, the patrol officer's supervisor will notify the applicant of his/her denial.

436.2.1 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: Explorers, RSVP, Chaplains, Reserves, police applicants, and all others with approval of the watch commander.

An effort will be made to ensure that no more than one citizen will participate in a ride-along during any given time period. Normally, no more than one ride-along will be allowed in the officer's vehicle at a given time.

Ride-along requirements for police explorers are covered in the Police Explorer Policy.

436.2.2 SUITABLE ATTIRE

Any person approved to ride along is required to be suitably dressed in collared shirt, blouse or jacket, slacks and shoes. Sandals, T-shirts, tank tops, shorts and ripped or torn blue jeans are not permitted. Hats and ball caps will not be worn in the police vehicle. The watch commander or field supervisor may refuse a ride along to anyone not properly dressed.

436.2.3 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.

436.2.4 RIDE-ALONG CRIMINAL HISTORY CHECK

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 Irvine Police Department).

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436.3 OFFICER'S RESPONSIBILITY

The officer shall advise the dispatcher that a ride-along is present in the vehicle before going into service. Officers shall consider the safety of the ride-along at all times. Officers should use sound discretion when encountering a potentially dangerous situation, and if feasible, let the participant out of the vehicle in a well-lighted place of safety. The dispatcher will be advised of the situation and as soon as practical have another police unit respond to pick up the participant at that location. The ride-along may be continued or terminated at this time.

436.4 CONTROL OF RIDE-ALONG

The assigned employee shall maintain control over the ride-along at all times and instruct him/her in the conditions that necessarily limit their participation. These instructions should include:

- (a) The ride-along will follow the directions of the officer.
- (b) The ride-along will not become involved in any investigation, handling of evidence, discussions with victims or suspects, or handling any police equipment.
- (c) The ride-along may terminate the ride at any time and the officer may return the observer to their home or to the station if the ride-along interferes with the performance of the officer's duties.
- (d) The officer may terminate the ride-along at any time and return to the ride-along to the station if they interfere with the officer's duties.
- (e) Ride-alongs may be allowed to continue riding during the transportation and booking process provided this does not jeopardize their safety.
- (f) 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.
- (g) 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.

Mobile Digital Computer Use

437.1 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 Bureau. See the CJIS Access, Maintenance, and Security Policy for additional guidance.

437.2 POLICY

Irvine 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.

437.3 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).

437.4 RESTRICTED ACCESS AND USE

MDC use is subject to the Information Technology Use, Protected Information, and CJIS Access, Maintenance, and Security 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, or 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 their 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.

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437.4.1 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.

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.

437.5 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.

437.5.1 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.

437.6 EQUIPMENT CONSIDERATIONS

437.6.1 MALFUNCTIONING MDC

Whenever possible, members will not use vehicles with malfunctioning MDCs.

Whenever members must drive a vehicle in which the MDC is not working, they shall notify the

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Communications Bureau. It shall be the responsibility of the dispatcher to document all information that will then be transmitted verbally over the police radio.

Mobile Video System (MVS) & Digital Audio Recorder (DAR) Operations

438.1 PURPOSE AND SCOPE

The Irvine Police Department recognizes audio and audio-visual recording of contacts between department personnel and the public can provide an unbiased record of these events. The use of a recording system complements field personnel in the performance of their duties and provides a record of enforcement-related as well as non-criminal incidents that can enhance criminal prosecutions and mitigate civil liability. Audio and audio-visual recordings afford the employee and the department the opportunity to review interpersonal skills and officer safety matters. The digital recordings are to be regarded as a valuable training tool providing the opportunity for review and constructive instruction by department supervision. Digital recordings may be used as evidence to prove or disprove allegations of official misconduct as allowed by law.

This policy outlines the requirements of the Mobile Video System (MVS) and Digital Audio Recorders (DAR) including data processing and storage. It also articulates department mandates, guidelines and restrictions of personnel assigned to use this equipment.

438.2 POLICY

It is the policy of this department that either an audio-visual recording or digital audio recording shall be made by every employee who has been issued a DAR, or who operates a vehicle equipped with a MVS during all designated contacts with members of the community.

- (a) When the MVS is in use and operating properly, there is no requirement to activate the DAR.
- (b) Should the MVS fail to operate during a designated contact (e.g., defective equipment, officer's distance from the police vehicle, etc.) personnel shall use the DAR to record the event.

438.3 DESIGNATED CONTACTS DEFINED

Personnel shall activate the MVS or DAR in accordance with the criteria below:

- (a) Personnel shall use the MVS or DAR to record all dispatched calls for service, unless it is clear there will not be any contact with members of the public.
- (b) Personnel shall use the MVS or DAR to record investigative interviews of involved persons in criminal investigations.
- (c) Personnel shall activate the MVS (including the wireless microphone) or DAR during all field contacts initiated from a police vehicle. Examples would include vehicle stops, arrests, DUI observations, including field sobriety testing, traffic enforcement and pedestrian stops.
- (d) Personnel shall activate the MVS or DAR (or continue recording an event) when transporting subjects, whether in-custody arrestees or community members, in the rear seat of the vehicle.

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- (e) Personnel shall activate the MVS or DAR on all detentions (e.g., pedestrian stops) and arrests.
- (f) Supervisors shall use their MVS or DAR when interviewing members of the public who are lodging a citizen complaint against any member of the Department.
- (g) Personnel are strongly encouraged to activate the MVS or DAR on all other official contacts. Official contacts include all service related calls for service and officer initiated contacts.
- (h) Sections (a) through (g) above apply to not only the officer assigned to or handling the designated contact, but all other officers or supervisors present who are assisting on the designated contact.
- (i) Personnel shall not record conversations between a person in the custody of department personnel, or on the property of a law enforcement agency or other public agency, and the person's attorney, religious advisor, or licensed physician without the consent of all parties.
- (j) There is no such requirement for officers to activate their MVS or DAR for casual or social contacts. Such contacts may include conversations with the public:
 - 1. During a meal break.
 - 2. During public relations contacts (e.g., during a presentation to a community group).
 - 3. During brief encounters for greetings or directions.
- (k) A video recording shall be made in all instances of a blood sample being drawn from an arrestee against his or her will. It is the responsibility of the arresting officer and supervisor to assure any involuntary blood sample is collected in a medically acceptable, lawful manner.
- (l) A DAR is not required to record a telephone conversation when speaking to any party on a recorded line.
- (m) The department recognizes there may be legitimate instances in which activating the MVS or DAR is unreasonable, based upon the totality of circumstances surrounding the official contact. In instances where the MVS or DAR was not activated during an official contact, supervisors and managers shall consider the following mitigating factors in determining reasonableness:
 - 1. Whether or not activating the MVS or DAR would have placed the officer's safety at risk, or the safety of a fellow officer, or member of the public.
 - 2. How rapidly an official contact evolved requiring immediate action to preserve life or property, prevent injury, apprehend a suspect, or stabilize or maintain a safe scene.
- (n) In those instances where a MVS or DAR is not activated, due to reasonable mitigating factors as described above, the officer shall activate the MVS or DAR during the official contact as soon as the event stabilizes and it is practical to do so.

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- (o) For the purpose of this section conversations with confidential informants are not considered designated or official contacts. This includes conversations conducted in an attempt to determine the credibility of potential confidential informants.

438.4 USE OF THE MVS OR DAR EQUIPMENT - GENERAL PROVISIONS

Penal Code §632 prohibits any individual from surreptitiously recording any conversation in which any party to the conversation has a reasonable belief that the conversation was private or confidential. However, Penal Code §633 expressly exempts law enforcement from this prohibition during the course of a criminal investigation.

- (a) Authorized department personnel may surreptitiously record any conversation during the course of a criminal investigation.
 - 1. For the purpose of this policy, authorized personnel contacting an individual suspected of violating any law or during the course of any official law enforcement related activity shall be presumed to be engaged in a criminal investigation.
 - 2. For the purpose of this policy, it shall further be presumed that any individual contacted by uniformed police personnel has no expectation of privacy in such a contact.
 - 3. This presumption shall not apply to contacts with other employees conducted solely for administrative purposes.
- (b) No member of this department may surreptitiously record a conversation of any other member of this department without the expressed knowledge and consent of all parties. Nothing in this section is intended to interfere with an officer's right to openly record any interrogation pursuant to Government Code §3303(g).
- (c) Department personnel shall not in any manner attempt to modify, alter, erase, or tamper with any portion of an audio/video recording, digital audio recording, or any other department-sanctioned recording medium. The records supervisor or designee may split a recording into multiple segments if necessary. (Refer to Release of Records and Information policy).
- (d) Officers are prohibited from utilizing department recorders and recording media for personal use.

438.5 TRAINING AND ORIENTATION PRIOR TO USE OF THE MVS

Department personnel will not use the MVS until they have completed training in the proper use of the system. Training will consist of:

- (a) A review of this department policy on the use of the MVS equipment and Release of Records and Information Policy.
- (b) A review of the MVS functions.
- (c) An orientation and practical demonstration of the system and its associated components.

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438.6 COMPONENTS OF THE MOBILE VIDEO SYSTEM

The MVS authorized by the Irvine Police Department consists of:

- (a) Camera(s)
- (b) Monitor
- (c) Digital Video Recorder
- (d) Wireless Microphone(s)

438.7 DEPARTMENT PERSONNEL RESPONSIBILITIES RELATED TO MVS

All department personnel subject to mandatory use of the MVS equipment shall adhere to the provisions below:

- (a) Personnel shall use the MVS when operating a department vehicle equipped with the system. Department personnel must obtain permission from a supervisor to use a patrol vehicle that is not equipped with an MVS, or to use a vehicle in which the MVS is not functioning.
- (b) It is the responsibility of the officer to ensure the MVS system (including the wireless microphone) is functioning properly before starting a shift.
- (c) If the MVS system is found to be malfunctioning before or during the officer's shift, he/she shall place the vehicle out of service as soon as practicable.
- (d) Personnel shall log into the MVS using their issued Universal Serial Bus (USB) key before starting their duties/assignment.
- (e) After completing their shift, personnel shall log off of the MVS so as to render it available for the next operator.
- (f) Personnel shall ensure a wireless microphone is available in the vehicle at the time of log on and determine it is synced with the MVS. At no time shall an MVS system be operated without an operable wireless microphone.
- (g) If two officers are in a vehicle equipped with a MVS, then both officers shall use a wireless microphone when using the MVS.
- (h) The wireless microphone shall be worn as intended by the manufacturer on an operator's person at all times when using the MVS.
- (i) The wireless microphone transmitter will be left in its cradle/charger, located in the department vehicle, at the end of the shift as each transmitter is assigned to a specific vehicle.

438.8 ACTIVATION OF THE MOBILE VIDEO SYSTEM

The MVS is designed to activate either automatically or manually by the operator.

- (a) The system is automatically activated when the emergency lights are turned on (position two and three), or when the crash sensor is activated. The system may also be activated by touching a record button or by activating the wireless microphone.
- (b) The system is also activated when a vehicle's speed meets or exceeds 90 miles per hour. If the MVS system activates due to speed, the officer must not turn off the system

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until the vehicle is traveling slower than 90 miles per hour, can be done so safely, and no designated contact exists.

- (c) Recording is mandatory when driving with emergency lighting equipment activated (Code-3).
- (d) Personnel shall activate the audio recording capability (wireless remote microphone) when incidents occur outside the view of the camera. Such applications may include recording conversations during domestic disputes occurring inside a residence or recording statements made by any involved party.
- (e) Because there are limitations on the effective range of the wireless remote microphone, affected personnel shall use the DAR in place of the MVS wireless remote microphone when away from the police vehicle. The effective range of the wireless remote microphone will vary according to existing conditions; however the department recognizes that the remote microphone is unreliable when officers are inside buildings or other places where distance or obstacles can affect signal transmission. Personnel shall, therefore, use the DAR when recording is necessary inside structures or when not in the immediate presence of the police vehicle. Personnel shall also use the DAR when the MVS wireless remote microphone's "out-of-range" audible warning tone is heard.
- (f) If an officer turns off his/her remote transmitter during a shift, he/she must resynchronize the remote transmitter by momentarily placing it into the cradle/charger before returning to service.
- (g) Whenever an incident is recorded by the MVS and a Department Record (DR) number is issued for that incident, the fact that the incident was recorded shall be noted in the narrative section of the report.

438.9 DIGITAL AUDIO AND AUDIO/VIDEO SYSTEM INTEGRITY

All data and recordings created using these systems shall be processed, stored and disseminated in accordance with the Release of Records and Information policy and the provisions below:

- (a) All recordings shall be kept in accordance with the City records retention schedule unless a specific request is made to store them for a longer period. If any member of the department determines that an audio/video recording should be kept beyond the city records retention schedule period, it shall be flagged accordingly by filling out the appropriate form. The reason for the hold shall be listed on the form. Only the officer requesting the hold, or in the case of evidence, the investigator handling the case, or the Chief of Police (or his/her designee), may release the hold and clear the memory for recycling. The person placing the original hold shall be notified prior to the destruction of the record.
- (b) All recordings shall be maintained in a secure file on the department network with limited and restricted access only to authorized personnel.
- (c) If a member of the department requests a copy of a recorded incident for court purposes, the request shall be made via email to the Custodian of Recorded Events. If needed for court, the request should be made at least seven court days in advance.

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The Custodian of Recorded Events shall determine if the request to obtain a copy of the digital recording is permitted by policy.

- (d) The Custodian of Recorded Events shall maintain a file of all requests for copies of audio/video recordings.
- (e) Under no circumstance shall a recorded event be provided to, in any manner, any person outside the department, or members of the judicial system, without an order from the court, or the expressed consent of the Chief of Police or his/her designee.
- (f) Under no circumstances shall department personnel make unauthorized copies of any digital recording medium.
- (g) Once a recording has been captured on the MVS or DAR, that segment shall not be manually erased. All events captured on the MVS or DAR shall be downloaded onto the designated server in accordance with this policy.
- (h) Department personnel are reminded that a log is created for each recorded digital video and an entry is made every time a video is viewed or copied. This log serves as a chain of evidence for the given video file.

Anytime an officer acquires a recording of a contact which the officer reasonably believes constitutes evidence in a criminal case, the officer shall record the related case number and book the recording media into evidence. The officer shall further note in any related report that the recording has been placed into evidence. Recording media placed into evidence shall be retained through the final disposition of the related criminal case.

438.10 PERSONNEL RESPONSIBILITIES SPECIFIC TO THE DAR

Each person assigned a department owned DAR is responsible for its care and maintenance. The DAR will be carried upon the person in a manner that will allow for easy operation without impairing the capabilities of the other equipment worn by the employee. Prior to going into service, each DAR user will check the equipment to ensure it is working properly.

If for any reason the DAR fails to operate correctly and/or an error is displayed, it is the assigned employee's responsibility to notify his/her field supervisor and to submit the DAR to User Support for repair. The employee will be issued a replacement during the repair period.

Each assigned employee shall download the contents of the recorder to the department server at the end of each shift. This download process may be accomplished at a police facility computer terminal or any police vehicle equipped with a laptop computer. The employee shall enter any DR number issued that is associated with a particular DAR recording into the appropriate dialog box during this downloading process.

If the recording was inadvertently left running and contains information unrelated to the incident, the employee shall add the start/stop times of all segments relating to the incident in the notes section of the DAR software program, and to the police report if a DR was issued.

Whenever an incident is recorded by a DAR and DR number is issued for that incident, the fact that the incident was recorded shall be noted by checking the box marked MVS/DAR on the face page of the report.

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438.11 REVIEW OF RECORDED MEDIA FILES

As a general rule, department personnel are able to review their own recorded events. Management may, on a case by case basis, restrict the ability to review recorded media to preserve the integrity of an investigation.

Events recorded in accordance with this policy shall not be used or shown for the purpose of employee ridicule or embarrassment.

Public Safety Video Surveillance System

439.1 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.

439.2 POLICY

The Irvine 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 City 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 City 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.

439.3 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.

439.3.1 PLACEMENT AND MONITORING

Camera placement will be guided by the underlying purpose. As appropriate, the Chief of Police should confer with other affected City 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, with the exception of the custody cameras which also record 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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- (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 watch commander's office and Communications Bureau. 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 watch commander or trained Communications Bureau personnel 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.

439.3.2 CAMERA MARKINGS

Some public areas monitored by public safety surveillance equipment may be marked in a conspicuous manner with appropriate signs to inform the public that the area is under police surveillance. Signs should be well lit, placed appropriately and without obstruction to ensure visibility.

439.3.3 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, access control, and 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 of certain camera systems, such as pan-tilt-zoom systems and video enhancement or other analytical technology, requires additional safeguards.

439.4 VIDEO SUPERVISION

Supervisors should monitor video surveillance access and usage to ensure members are within department policy and applicable laws. Supervisors should ensure such use and access is appropriately documented.

439.4.1 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.

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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.

439.5 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 one year. Prior to destruction, written consent shall be obtained from the City Attorney. 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).

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.

439.5.1 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.

439.6 RELEASE OF VIDEO IMAGES

All recorded video images gathered by the public safety video surveillance equipment are for the official use of the Irvine 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 watch commander 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.

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439.7 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.

Automated License Plate Readers (ALPRs)

440.1 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.

440.2 POLICY

The policy of the Irvine Police Department is to utilize ALPR technology to capture and store digital license plate data and images while recognizing the established privacy rights of the public.

All data and images gathered by the ALPR are for the official use of this department. Because such data may contain confidential information, it is not open to public review.

440.3 ADMINISTRATION

The ALPR technology, also known as License Plate Recognition (LPR), allows for the automated detection of license plates. It is used by the Irvine Police Department to convert data associated with vehicle license plates for official law enforcement purposes, including identifying stolen or wanted vehicles, stolen license plates and missing persons. It may also be used to gather information related to active warrants, homeland security, electronic surveillance, suspect interdiction and stolen property recovery.

All installation and maintenance of ALPR equipment, as well as ALPR data retention and access, shall be managed by the Administrative Services Division. He/she will assign members under their command to administer the day-to-day operation of the ALPR equipment and data.

440.3.1 ALPR ADMINISTRATOR

The Administrative Services Division 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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440.4 OPERATIONS

Use of an ALPR is restricted to the purposes outlined below. Department members shall not use, or allow others to use the equipment or database records for any unauthorized purpose (Civil Code § 1798.90.51; Civil Code § 1798.90.53).

- (a) An ALPR shall only be used for official law enforcement business.
- (b) An ALPR may be used in conjunction with any routine patrol operation or criminal investigation. Reasonable suspicion or probable cause is not required before using an ALPR.
- (c) While an ALPR may be used to canvass license plates around any crime scene, particular consideration should be given to using ALPR-equipped cars to canvass areas around homicides, shootings and other major incidents. Partial license plates reported during major crimes should be entered into the ALPR system in an attempt to identify suspect vehicles.
- (d) No member of this department shall operate ALPR equipment or access ALPR data without first completing department-approved training.
- (e) No ALPR operator may access department, state or federal data unless otherwise authorized to do so.
- (f) If practicable, the officer should verify an ALPR response through the California Law Enforcement Telecommunications System (CLETS) before taking enforcement action that is based solely on an ALPR alert.

440.5 DATA COLLECTION AND RETENTION

The Administrative Services Division 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.

440.6 ACCOUNTABILITY

All data will be closely safeguarded and protected by both procedural and technological means. The Irvine Police Department will observe the following safeguards regarding access to and use of stored data (Civil Code § 1798.90.51; Civil Code § 1798.90.53):

- (a) All ALPR data downloaded to the mobile workstation and in storage shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date and time (Civil Code § 1798.90.52).

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- (b) ALPR systems shall only be accessed from department owned devices.
- (c) 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. The reason for viewing ALPR data shall be documented in the appropriate field within each ALPR system accessed.
- (d) ALPR system audits should be conducted on a regular basis.

For security or data breaches, see the Records Release and Maintenance Policy.

440.7 RELEASING ALPR DATA

The ALPR data may be shared only with other law enforcement or prosecutorial agencies for official law enforcement purposes or as otherwise permitted by law, using the following procedures:

- (a) The agency makes a written request for the ALPR data that includes:
 - 1. The name of the agency.
 - 2. The name of the person requesting.
 - 3. The intended purpose of obtaining the information.
- (b) The request is reviewed by the Administrative Services Division Commander or the authorized designee and approved before the request is fulfilled.
- (c) The approved request is retained on file.

Requests for ALPR data by non-law enforcement or non-prosecutorial agencies will be processed as provided in the Records Maintenance and Release Policy (Civil Code § 1798.90.55).

440.8 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).

Emergency Utility Service

441.1 PURPOSE AND SCOPE

The City Public Works Department has personnel available to handle emergency calls 24 hours per day. Calls for service during non-business hours are frequently directed to the Police Department. Requests for such service received by this department should be handled in the following manner.

441.1.1 BROKEN WATER LINES

The City's responsibility ends at the water meter; any break or malfunction in the water system from the water meter to the citizen's residence or business is the customer's responsibility. Public Works can only turn off the valve at the meter.

If a break occurs on the City side of the meter, emergency personnel should be called as soon as practical by the Communications Bureau.

441.1.2 ELECTRICAL LINES

City Public Works does not maintain electrical lines to street light poles. When a power line poses a hazard, an officer should be dispatched to protect against personal injury or property damage that might be caused by power lines. The Electric Company or Public Works should be promptly notified, as appropriate.

441.1.3 RESERVOIRS, PUMPS, WELLS, ETC.

IRWD maintains the reservoirs and public water equipment, as well as several underpass and other street drainage pumps. In the event of flooding, IRWD and Public Works emergency standby staff should be contacted as soon as possible. Public Works maintains public drainage infrastructure including catch basins and larger drainage facilities. In the event of flooding, Public Works emergency standby staff should be contacted as soon as possible. Underpass and street drainage pumps are maintained by Community Services. In the event of flooding, Community Services emergency standby staff should be contacted as soon as possible.

441.1.4 EMERGENCY NUMBERS

A current list of emergency personnel who are to be called for municipal utility emergencies is maintained by the Communications Bureau.

441.2 TRAFFIC SIGNAL MAINTENANCE

The Irvine Traffic Research and Control Center (ITRAC) services proprietary traffic control signals within the City of Irvine. If any city owned or managed traffic signals require maintenance, ITRAC personnel should be notified. After hours, Republic Electric is the on-call service provider for the City's signal control system. The City also contracts with other service providers to maintain traffic control signals that are not part of the City traffic system. Lists of both the accepted signals

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(maintained by the City) and those not accepted (maintained by other contractors) are available on the Department Intranet.

441.2.1 OFFICER'S RESPONSIBILITY

Upon observing a damaged or malfunctioning signal, the officer will advise the Communications Bureau of the location and problem with the signal. The dispatcher should make the necessary notification to the proper maintenance agency.

Body Worn Cameras (BWC) & Mobile Video System (MVS) Operations

442.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the requirements, responsibilities, and procedures for the use and deployment of Body Worn Cameras (BWC) and the in-car Mobile Video System (MVS) by Department personnel.

BWC and MVS are effective tools for capturing video and audio evidence for use in criminal and administrative investigations, assisting officers with completing written reports and providing testimony in court, and resolving complaints and allegations of misconduct against Department personnel. Audio-visual recordings afford the employee and the Department the opportunity to review interpersonal skills and officer safety matters. BWC and MVS recordings are to be regarded as an important training tool providing the opportunity for review and constructive instruction by Department supervision. Audio-visual recordings also produce valuable information for developing and evaluating Department-wide training.

As with any form of video or audio, evidence captured with a BWC or MVS provides a limited perspective of, and information about, an incident or encounter. Technology is unable to record the precise view, understanding, and interpretation of visual and auditory information received by an individual employee. Thus, it is important to keep in mind that the value of BWC and MVS evidence in determining the facts and circumstances of a recorded encounter is fully realized only when it is considered in context and in conjunction with all of the available reports and testimony of the Department employee, witness statements, forensic analyses, and any other video, audio, and digital evidence.

This policy outlines the requirements of the BWC and MVS systems including data processing and storage. It also articulates Department mandates, guidelines, and restrictions of personnel assigned to use this equipment.

IPD is committed to the appropriate and ethical use of BWC and MVS and commits to review our policy on an ongoing and periodic basis to ensure our participation with the community we serve is both transparent and responsible to achieve public and officer safety.

442.2 POLICY

It is the policy of this Department that an audio-visual recording shall be made by every employee who has been issued a BWC and who operates a vehicle equipped with MVS during all designated contacts with members of the community.

BWC and MVS systems will be used in compliance with the manufacturer's operational guidelines, Department training, and this policy.

442.3 DEFINITIONS

Activate: When the BWC or MVS is turned on and actively recording video and audio of an event.

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Body Worn Cameras (BWC) & Mobile Video System (MVS) Operations

Body Worn Camera (BWC): A mobile audio and video capture device that is worn on an employee's person to record what is seen and heard. A BWC does not include surreptitious recording devices used in investigative and undercover operations.

BWC Coordinator: A sergeant assigned to the Office of Professional Standards is responsible for the coordination and maintenance of the BWC program.

Critical Incidents: For the purposes of this policy, critical incidents are those involving:

- (a) the use of deadly force by a Department employee.
- (b) the use of force by a Department employee resulting in serious bodily injury or death.

Deactivate: When the BWC is placed in standby mode, which ends the active audio and video recording session.

Malfunction: When the MVS is not functioning properly. Also, when the BWC is not functioning properly after an attempt to reboot.

Mobile Video System (MVS): An in-car camera system that captures video from the front of a patrol vehicle and the rear seats. Audio is captured from an in-car microphone and an associated BWC.

Power-Off Mode: This mode is achieved when the camera shut down process has been initiated and ends when the device is fully powered off. During this process, the camera buttons will not function.

Pre-Activation Buffer: A 30-second video-only recording captured while in standby mode and preserved when the BWC is activated.

Standby Mode: The mode in which the BWC is turned on but not actively recording audio of an event.

442.4 DEPLOYMENT

The Irvine Police Department shall equip personnel assigned to field duties, and other positions as determined by the Chief of Police, with BWCs capable of recording video and audio footage of the activities specified in this policy.

The Department will also equip all marked patrol vehicles, and other designated vehicles, with MVS.

442.5 DEPARTMENT-ISSUED EQUIPMENT

Employees shall wear their assigned BWC and not use any other non-Department issued video or audio equipment, such as personally owned video or audio recorders, to record the activities required in this policy unless expressly authorized by the Department.

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442.6 TRAINING

Any employee deploying a BWC must complete Department training on the proper use and maintenance of the device, associated hardware, and software. The training shall include the following topics:

- (a) Operation of the BWC and related hardware and software
- (b) Proper placement of the BWC
- (c) Categorizing, tagging, and uploading of BWC Recordings
- (d) Access, storage, and retention of BWC Recordings
- (e) Proper handling of digital evidence
- (f) Proper sharing of BWC recordings with investigators, prosecutors, and as otherwise required by law
- (g) Department policies and procedures related to BWC

Department personnel will not use the MVS until they have completed training in the proper use of the system. Training will consist of:

- (a) A review of this Department policy on the use of the MVS equipment
- (b) A review of the MVS functions
- (c) An orientation and practical demonstration of the system and its associated components

442.7 DEPARTMENT PERSONNEL RESPONSIBILITIES RELATED TO MVS

All Department personnel subject to mandatory use of the MVS equipment shall adhere to the provisions below:

- (a) Personnel shall use the MVS when operating a Department vehicle equipped with the system. Department personnel must obtain permission from a supervisor to use a patrol vehicle that is not equipped with a MVS, or to use a vehicle in which the MVS is not functioning.
- (b) It is the responsibility of the employee to ensure the MVS system is functioning properly before starting a shift.
- (c) If the MVS system is found to be malfunctioning before or during the employee's shift, the employee shall place the vehicle out of service as soon as practicable.
- (d) Personnel shall log into the MVS via the Mobile Digital Computer.
- (e) After completing their shift, personnel shall log off of the MVS so as to render it available for the next operator.

442.8 ACTIVATION OF THE MOBILE VIDEO SYSTEM

The MVS is designed to activate either automatically or manually by the operator. The employee's BWC will serve as the microphone for all MVS video when the employee is outside of the vehicle.

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- (a) The system is automatically activated when the emergency lights are turned on (position two and three), or when the crash sensor is activated.
- (b) The system is also activated when a vehicle's speed meets or exceeds 90 miles per hour. If the MVS activates due to speed, the officer must not turn off the system until the vehicle is traveling slower than 90 miles per hour, can be done so safely, and no designated contact exists.
- (c) Recording is mandatory when driving with emergency lighting equipment activated (Code-3).
- (d) Whenever an incident is recorded by the MVS and a Department Record (DR) number is issued for that incident, the fact that the incident was recorded shall be noted in the narrative section of the report.

442.9 ACTIVATION OF BWC

The BWC is designed to be activated either automatically or manually by the operator. The BWC is activated manually when the employee depresses the activation button twice. The BWC will activate automatically when the MVS is activated as described in section 441.8.

442.10 PROPER POSITIONING OF BWC

Department personnel assigned a BWC shall place the BWC in a position that captures the best audio and video recording based on the circumstances of the activity or encounter.

It is recommended the BWC be affixed to the front of the employee's outermost garment, at chest level and centered, consistent with Department training and in a manner that enables a view unobstructed by clothing or other equipment.

442.11 DEPARTMENT PERSONNEL RESPONSIBILITIES RELATED TO BWC EQUIPMENT

Prior to going into service, each employee trained to operate and issued a BWC is responsible for making sure the device is in proper working order by inspecting and testing the BWC. If the camera is not in working order or the employee becomes aware of a malfunction at any time, the employee shall promptly report the failure to his or her supervisor and obtain a functioning device as soon as reasonably practicable. The employee's supervisor will be responsible for ensuring the employee receives a functioning device and the malfunctioning device is returned to the Department's Technology and Innovation Unit for repair.

Employees using a BWC shall upload data by docking the device in the docking station. All BWC recordings and data shall be uploaded by the end of the employee's shift unless otherwise authorized by a supervisor.

If the recording was inadvertently left running or captured information unrelated to the incident, the employee shall submit a written request to redact the unrelated portions of the video.

Whenever an incident is recorded by a BWC and a DR number is issued for that incident, the fact that the incident was recorded shall be noted.

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442.12 DESIGNATED CONTACTS DEFINED

Personnel shall activate their BWC or their MVS/BWC in accordance with the criteria below:

- (a) Personnel shall use their BWC or MVS/BWC to record all dispatched calls for service, unless it is clear there will not be any contact with members of the public, except as described in section 441.12.
- (b) Personnel shall use the BWC or MVS/BWC to record investigative interviews of involved persons in criminal investigations.
- (c) Personnel shall activate the BWC or MVS/BWC during all field contacts initiated from a police vehicle. Examples would include vehicle stops, vehicle pursuits, foot pursuits, arrests, DUI observations, including field sobriety testing, traffic enforcement, and pedestrian stops.
- (d) Personnel shall activate the front and rear MVS and BWC (or continue recording an event) when transporting subjects, whether in-custody arrestees or community members, in the rear seat of the vehicle.
- (e) Personnel shall activate the BWC or MVS/BWC during all detentions (e.g., pedestrian stops away from a police vehicle) and arrests not otherwise described in this section.
- (f) Sections (a) through (e) above apply to not only the employee assigned to or handling the designated contact, but all other employees or supervisors present who are assisting on the designated contact.
- (g) Supervisors and managers shall use their BWC when interviewing members of the public who are lodging a citizen complaint against any member of the Department.
- (h) Personnel shall not record conversations between a person in the custody of Department personnel and the person's attorney, religious advisor, or licensed physician without the consent of all parties. Personnel shall also not record conversations between persons on Department property and their attorney, religious advisor, or licensed physician without the consent of all parties.
- (i) There is no such requirement for employees to activate their BWC or MVS/BWC for casual or social contacts. Such contacts may include conversations with the public:
 - 1. During a meal break.
 - 2. During public relations contacts (e.g., during a presentation to a community group).
 - 3. During brief encounters for greetings or directions.
- (j) BWC video recordings shall be made in all instances of a blood sample being drawn from an arrestee. It is the responsibility of the arresting officer and supervisor to ensure any involuntary blood sample is collected in a medically acceptable, lawful manner.
- (k) A BWC recording is not required to record a telephone conversation when speaking to any party on a recorded line.
- (l) In those instances where a BWC or MVS/BWC is not activated, due to reasonable mitigating factors, the officer shall activate the BWC or MVS/BWC during the official contact as soon as the event stabilizes and it is practical to do so.

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442.13 INVESTIGATIVE AND ENFORCEMENT ACTIVITIES WHEN MEMBERS OF THE PUBLIC MAY NOT BE PRESENT

Department personnel assigned BWC's shall also activate, when practical and safe, the audio and video recording functions when a member of the public may not be present while conducting investigative and enforcement activities, including:

- (a) Vehicle, building, or other physical searches
- (b) Searching for and recovering evidence
- (c) A use of force involving an animal
- (d) Other investigative or law enforcement activities where, in the employee's judgment, a video recording would assist in the investigation or prosecution of a crime or when a recording of an encounter would assist in documenting the incident for later investigation or review.

442.14 PUBLIC PROTESTS AND DEMONSTRATIONS

The Irvine Police Department recognizes that all persons have the right to exercise their constitutional rights of free speech, association, petition, assembly or other applicable laws. Employees should not use BWC's or MVS to record members of the public engaging in lawful protests or demonstrations except under the following circumstances:

- (a) When the employee believes there is risk of physical harm to a member of the public, an employee, or property damage appears reasonably likely based on the objective facts and circumstances confronting the employee.
- (b) When necessary to document lawful orders being issued prior to anticipated enforcement action or to document the failure to follow previously issued lawful orders.
- (c) While marching to, or standing in, a skirmish line or maintaining a crowd control position.
- (d) When otherwise required, as specified in this policy (e.g. when an employee is engaging in an enforcement or investigative activity with a member of the public).

442.15 NOTICE TO MEMBERS OF THE PUBLIC

Department employees are not required to notify or obtain consent from a member of the public to record an encounter when the Department employee is lawfully in an area where the recording takes place and is not otherwise prohibited by law.

442.16 DEACTIVATION

Department employees shall deactivate the recording of a BWC when:

- (a) The employee has completed his or her part of the investigative or enforcement activity.
- and
- (a) The employee is no longer in contact with a member of the public involved in the event.

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After transporting a person in the care, custody, or control of a Department employee to a jail or treatment facility, the BWC should be deactivated after the employee leaves the custody facility.

Department employees shall reactivate the BWC if unexpected contact with a member of the public occurs again at the end of an investigation or enforcement activity.

442.17 DEACTIVATING OR DIVERTING BWC VIDEO FOR SPECIAL CIRCUMSTANCES

In limited and extenuating circumstances, when the use of a BWC impedes or limits the cooperation of a victim or witness, an employee may deactivate the BWC recording. An example is where a victim or witness declines speaking on video and that declination is captured on the initial BWC footage.

Department employees, however, should consider whether an audio-only recording is feasible under the circumstances by diverting the view of the BWC.

When an employee has objective reasons to believe such circumstances exist, the employee should, when practical and safe, state on the recording the reasons for deactivation or diverting the camera view and then may deactivate or divert the BWC.

442.18 DOCUMENTATION OF BWC AND MVS USAGE

The Department recognizes there may be legitimate instances in which activating the BWC or MVS/BWC is unreasonable, based upon the totality of circumstances surrounding the official contact. In instances where the BWC or MVS/BWC was not activated during an official contact, supervisors and managers shall consider the following mitigating factors in determining reasonableness:

- (a) Whether or not activating the BWC or MVS/BWC would have placed the employee's safety at risk, or the safety of a fellow officer, or member of the public.
- (b) How rapidly an official contact evolved requiring immediate action to preserve life or property, prevent injury, apprehend a suspect, or stabilize or maintain a safe scene.

Department employees shall document the existence, absence, or delayed activation of the BWC or MVS/BWC recordings in an associated Department report. Documentation must include an explanation for the absence or delay in recording with a BWC or MVS/BWC.

If an employee elects to divert the BWC camera as described in section 441.17, the diversion shall be noted in the appropriate Department report.

Any deactivation of the BWC as described in section 441.17 shall be reported to a supervisor as soon as practicable and documented in the appropriate Department report.

When an employee is required to activate the BWC and fails to do so, the employee shall immediately, after the conclusion of the event, notify a supervisor.

The failure to activate a BWC or MVS/BWC, or the absence of a BWC or MVS/BWC recording in circumstances required by Department policy shall be evaluated based on the objective facts and circumstances facing the employee at the time. The failure to activate the BWC or MVS/BWC, the

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delayed activation, or the deactivation, when recording is required by policy, may be the basis for discipline and/or additional training.

442.19 WHEN BWC RECORDING IS NOT PERMITTED

Employees shall not activate a BWC in the following circumstances:

- (a) Department meetings including, but not limited to, briefings, administrative meetings, supervisory meetings, committee meetings, mediations, counseling, any testing environment, and in-service training.
- (b) While on break or otherwise engaged in personal, non-enforcement, or non-investigative activity.
- (c) At pre-planning meetings, while planning operations with other law enforcement personnel, unless specifically authorized by the incident commander or supervisor.
- (d) While inside an incident command post, unless specifically authorized by the incident commander or supervisor.
- (e) While in the presence of a Confidential Informant (CI) or Undercover Officer, unless during a tactical operation that is otherwise recorded.
- (f) While in any magistrate, commissioner or judge's chambers or in any courtroom except when conducting an investigative or enforcement activity with a member of the public as specified in this policy.
- (g) While discussing Department-related issues with other members of the Department or City unless otherwise required by this policy. No member of this Department may surreptitiously record a conversation of any other member of this Department without the expressed knowledge and consent of all parties. Nothing in this section is intended to interfere with an officer's right to openly record any interrogation pursuant to Government Code §3303(g)
- (h) As a general rule, officers should not record with their BWC's while inside a medical facility, hospital setting, or a patient care area unless they are required to activate their BWC consistent with this policy under situations involving designated contacts. A BWC recording should be initiated in a hospital if a situation arises which requires police action. This could include but is not limited to situations such as: when actively conducting an interview of a victim, suspect, or witness, engaged with a combative subject, or obtaining relevant information for an investigation. Employees should consider medical privacy and other sensitive information in determining the duration and scope of the recording. A BWC should not be activated when a health care provider is discussing medical issues with a patient. Employees should however cease recording if/when specifically directed by a physician during medical treatment to protect a patient's right to privacy under the Health Insurance Portability and Accountability Act (HIPAA).
- (i) While in a jail facility that requires removal or deactivation of BWC and during strip searches of persons in custody.

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- (j) While in restrooms, locker rooms, or other locations where individuals may be undressed and no investigative or enforcement activities are reasonably anticipated or occurring, an employee may power off the BWC.

442.20 IDENTIFICATION OF RECORDS

For each designated contact under 441.12 recorded on a BWC or MVS/BWC, employees shall identify the event type (i.e. routine vehicle stop, incident report, patrol check, etc), event category (i.e. use of force, report, traffic stop, etc), and any other information using the BWC equipment and software that best describes the content of the video.

- The ID field shall include the appropriate report number, event number, or citation number. The ID field of accidental, training, or demo recordings may be labeled with the year followed by five (5) zeros (e.g. 22-00000).
- In instances where the fields are not auto-populated using information in CAD, users shall manually enter the appropriate identifying information in all applicable fields.
- For contacts involving a use of force, all officers on scene should include the "Use of Force" category when labeling their video.

BWC or MVS/BWC recordings are not a replacement for written reports or other required documentation.

442.21 CONFIDENTIAL NATURE OF BWC AND MVS RECORDINGS AND DATA

The BWC and MVS/BWC captures video and audio evidence for use in criminal investigations, administrative reviews, and other proceedings protected by confidentiality laws and Department policy.

Employees shall comply with all applicable laws and policies regarding confidential information. Unauthorized use or release of BWC or MVS/BWC recordings or images may compromise ongoing criminal and administrative investigations or violate the privacy rights of those recorded. Therefore, any unauthorized use or release of BWC or MVS/BWC recordings, or other violation of confidentiality laws and Department policies are considered serious misconduct and subject to disciplinary action.

All BWC and MVS equipment and all data, images, video, and metadata captured, recorded, or otherwise produced is the sole property of the Department and any unauthorized release is strictly prohibited.

442.22 PROHIBITION AGAINST MODIFICATION OF RECORDINGS AND TAMPERING WITH BWC

Department employees shall not copy, edit, alter, erase, tamper with, or otherwise modify in any manner BWC or MVS/BWC recordings except as authorized by law or Department policy. Any violation of this provision is considered serious misconduct and subject to disciplinary action.

Except as authorized, employees shall not manipulate the camera equipment or otherwise knowingly impair its ability to record required activities. Employees shall not remove, dismantle or tamper with any hardware or software component or part of the BWC or MVS.

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442.23 ACCESS AND REVIEW OF BWC AND MVS/BWC RECORDINGS

The accuracy of police reports, officer statements, and other official documentation is essential for the proper administration of justice and complying with the Department's obligation to maintain full and complete records of enforcement and investigative activities. Investigators, supervisors, prosecutors, and other officials rely on complete and accurate records to perform their essential duties and responsibilities. Employees and supervisors are therefore authorized to review BWC or MVS/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 ensure that their reports, statements, and documentation are accurate and complete. Employees should view their own digital recording prior to providing testimony at hearings, trials, or depositions.

Access to BWC and MVS/BWC recordings shall be limited to those employees with a legitimate criminal investigative or administrative purpose. The BWC Coordinator shall place access restrictions on BWC and MVS/BWC recordings to both facilitate necessary access and also limit opportunity for misuse.

Employees with an authorized need may view BWC and MVS/BWC recordings for the following purposes:

- (a) When the employee is the employee who made the recording, subject to the exceptions set forth in this policy.
- (b) An employee may view another employee's BWC or MVS/BWC recording if the employees were on the same call, or involved in the same incident, subject to exceptions set forth in this policy.
- (c) By authorized department personnel participating in, or reviewing, an official investigation, such as a personnel complaint, administrative inquiry, or criminal investigation.
- (d) By the BWC Coordinator when performing an audit for quality control purposes.
- (e) When necessary regarding pending or anticipated litigation including review by assigned counsel.
- (f) Use of force review or investigations.
- (g) Vehicle or foot pursuit reviews or investigations.
- (h) Requests pursuant to applicable state and federal laws and the Department's Records Maintenance and Release policy.
- (i) By authorized personnel in the course of support, administration, and troubleshooting any reported or detected technical issues with the equipment, offloading mechanisms, storage, or software used for accessing the systems.
- (j) For authorized training purposes when employees and supervisors believe a recorded incident has Department-wide training value and should be shared with other members of the department in a training environment. In such cases, a supervisor shall send correspondence via the chain of command to the Lieutenant of the Office of Professional Development for consideration. If an involved employee objects to the

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use of a recording for training purposes, the video will not be used except to inform future training for Department personnel.

- (k) The Office of Public Relations (OPR) may identify MVS/BWC footage that highlights a significant arrest or other interaction that is of public interest for use in an official Department news release or social media post. OPR will obtain permission from employees that are visible and identifiable before using video or still images taken from MVS/BWC footage unless the release is required by law.

442.24 PROCEDURES AFTER CRITICAL INCIDENTS

Upon stabilization of a critical incident and after obtaining a public safety statement from the involved employees, a supervisor shall take custody of any BWC devices which may have captured any portion of the critical incident. Upon completion of the video or data transfer, the BWC shall be returned to the employee.

Employees involved in a critical incident shall be permitted to review all relevant BWC and MVS/BWC recordings, privately with the employee's representative, prior to completing any related reports or submitting to any interviews with Department investigators or investigators from the Orange County District Attorney's Office or the Attorney General of California.

Unless necessary to conduct an investigation of a critical incident or otherwise permitted by this policy, uninvolved employees shall not view a critical incident BWC or MVS/BWC recording or data without the express permission of the Chief of Police or an authorized designee.

Any release of BWC or MVS/BWC recordings or data related to a critical incident shall be in coordination with the Office of the Chief of Police.

442.25 SUPERVISOR RESPONSIBILITIES

Supervisors assigned to any unit with BWC or MVS/BWC equipped employees shall:

- (a) Ensure that employees assigned BWC equipment have completed Department-required training and are familiar with applicable policies and procedures.
- (b) Conduct periodic inspections of employees assigned BWC equipment and ensure that the BWC cameras are properly affixed to the employee's uniform and fully operable.
- (c) Review relevant BWC or MVS/BWC recordings prior to submitting any administrative reports or conducting an administrative review of a contact or call for service (e.g., use of force investigations, pursuits, employee-involved traffic collisions, service complaints, etc).
- (d) Supervisors shall evaluate any deactivation, delayed activation, or failure to activate BWC or MVS/BWC to ensure compliance with this policy.
- (e) If any of the BWC equipment is found to be defective, the supervisor must ensure that the equipment is removed from service and immediately replaced. The supervisor must also notify the BWC Coordinator.

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442.26 REQUESTS FOR RECORDINGS BY MEMBERS OF THE PUBLIC

Members of the public should be advised that Public Record Requests for BWC recordings may be made online. Release of recordings will be governed by applicable state and federal laws and the Department's Records Maintenance and Release policy.

Any decision regarding a request to release BWC or MVS/BWC recordings involving active or pending criminal investigations shall be made in consultation with the Orange County District Attorney's Office or other applicable prosecutorial agency.

Requests by media representatives shall be referred to the Office of Public Relations.

442.27 BWC COORDINATOR

The Chief of Police shall designate a member of the Department to coordinate the use and maintenance of BWC devices and shall be responsible for the following:

- (a) Coordinating the distribution of operational and properly functioning BWCs and related equipment to Department personnel.
- (b) Maintaining an up-to-date database of all equipment and to whom the equipment is assigned.
- (c) Coordinating warranty service and maintenance through Department-approved vendor(s).
- (d) Providing technical assistance and subject matter experts related to investigations.
- (e) Coordinating the replacement of inoperable, malfunctioning, or damaged equipment and or systems.

442.28 AUDIT AND COMPLIANCE PROCESS

The BWC Coordinator shall develop and maintain written protocols to ensure appropriate audit processes and ongoing training.

Key elements of an audit program should include, but not be limited to:

- (a) Verify employees have been trained on the use and deployment of BWC.
- (b) Document all employees who have been trained on the use of BWC into training records.
- (c) Ensure the maintenance of approved lesson plans for BWC training.
- (d) Conduct ongoing training on use and maintenance of the BWC equipment.
- (e) Ensure all BWC issues identified by employees are appropriately addressed and any appropriate documentation is completed.
- (f) Ensure inspections of BWC recordings and equipment are being conducted and documented.
- (g) If field inspections are not properly documented, take appropriate action to correct the deficiency and appropriately document the findings.
- (h) Review employee's reports documenting inoperable equipment and facilitate the equipment's repair.

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- (i) Ensure appropriate actions are taken in the event that it appears that BWC equipment has been tampered with, damaged, or lost.
- (j) Implement a risk management and risk mitigation process to ensure ongoing review of policy and procedure compliance with observed employee behavior during video audits.
- (k) Ensure ongoing review of policies, procedures, forms, and other program elements to ensure compliance with generally accepted best practices and any applicable standards.
- (l) Make appropriate notifications and generate any necessary reports documenting audit processes. Implement other procedures to ensure success of the department BWC program.
- (m) Review this policy, as necessary, to ensure compliance with applicable local, state, and federal laws and the needs of the Department.

442.29 DIGITAL AUDIO AND AUDIO/VIDEO SYSTEM INTEGRITY

All data and recordings created using these systems shall be processed, stored, and disseminated in accordance with the Department's Records Maintenance and Release policy and the provisions below:

- (a) All recordings shall be kept in accordance with the City records retention schedule unless a specific request is made to store them for a longer period. If any member of the Department determines that an audio/video recording should be kept beyond the City records retention schedule period, the Custodian of Records shall be notified and it shall be flagged accordingly. The reason for the hold shall be indicated. Only the officer requesting the hold, or in the case of evidence, the investigator handling the case, or the Chief of Police (or his/her designee), may release the hold.
- (b) All recordings shall be maintained with limited and restricted access only to authorized personnel.
- (c) If a member of the Department requests a copy of a recorded incident for court purposes, the request shall be made to the Custodian of Records or designee. If needed for court, the request should be made at least seven court days in advance. The Custodian of Records shall determine if the request to obtain a copy of the digital recording is permitted by policy.
- (d) The Custodian of Records shall maintain a file of all requests for copies of audio/video recordings.
- (e) Under no circumstance shall a recorded event be provided to, in any manner, any person outside the Department, or members of the judicial system, without an order from the court, or the expressed consent of the Chief of Police or his/her designee.
- (f) Under no circumstances shall Department personnel make unauthorized copies, screenshots or recordings of any digital recording medium.
- (g) Once a recording has been captured on the BWC or MVS/BWC, that segment shall not be manually erased. All events captured on the BWC or MVS/BWC shall be uploaded to evidence.com in accordance with this policy.

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- (h) Department personnel are reminded that a detailed log is created for each recorded digital video and an entry is made every time a video is viewed or shared. This log serves as a chain of evidence for the given video file.

442.30 NON-UNIFORMED PERSONNEL RESPONSIBILITIES

Any employee issued a BWC and assigned to a non-uniformed position shall carry and activate their department issued BWC when making enforcement and investigative and enforcement contacts as defined under policy 441.12. Specifically in reference to policy 441.12(b), any employee working undercover or conducting follow-up interviews may have the option to use an alternate recording device for video or audio interviews in place of their BWC only if the use of the BWC will jeopardize tactics, unreasonably compromise the identify of an undercover officer, or the use of the alternate recording device in place of the BWC will allow for the recording of a contact rather than deactivating or diverting the BWC under policy 441.17.

Any employee issued a BWC shall wear and operate their BWC during any pre-planned enforcement activity such as a search warrant, arrest warrant, probation/parole search, or any other pre-planned (non-spontaneous) contact with a suspect in a case. Any employee who does not wear a BWC during a pre-planned event or contact must have the express prior approval of a supervisor.

442.31 TASK FORCE OFFICERS

Any employee who is assigned to a federal task force that has specific written regulations for the use of BWC's, may adhere to the task force policies during task force investigations. That same employee must adhere to IPD's policy when working any other assignment (such as patrol shifts, concerts or other overtime events, or assisting in IPD Investigations with IPD Personnel). Any employee assisting in a federal task force investigation which does not fall under a pre-planned event as described in 441.30 may have discretion as to when to record contacts with the BWC.

Chapter 5 - Traffic Operations

Traffic Function and Responsibility

500.1 PURPOSE AND SCOPE

The ultimate goal of traffic law enforcement is to reduce traffic collisions. This may be achieved through the application of such techniques as geographic/temporal assignment of personnel and equipment and the establishment of preventive patrols to deal with specific categories of unlawful driving behavior. Traffic enforcement techniques are based on accident data, enforcement activity records, traffic volume, and traffic conditions. This department provides enforcement efforts toward violations, not only in proportion to the frequency of their occurrence in accident situations, but also in terms of traffic-related needs.

500.2 TRAFFIC OFFICER DEPLOYMENT

Several factors are considered in the development of deployment schedules for officers of the Irvine Police Department. Information provided by the California Statewide Integrated Traffic Reporting System (SWITRS) is a valuable resource for traffic accident occurrences and therefore officer deployment. Some of the factors for analysis include:

- Location
- Time
- Day
- Violation factors

Officers assigned to patrol or traffic enforcement functions will emphasize enforcement of accident causing violations during high accident hours and at locations of occurrence. All officers will take directed enforcement action on request, and random enforcement action when appropriate against violators as a matter of routine. All officers shall maintain high visibility while working general enforcement, especially at high accident locations.

Other factors to be considered for deployment are requests from the public, construction zones or special events.

500.3 ENFORCEMENT

Enforcement actions are commensurate with applicable laws and take into account the degree and severity of the violation committed. This department does not establish ticket quotas and the number of arrests or citations issued by any officer shall not be used as the sole criterion for evaluating officer overall performance (Vehicle Code § 41603). The visibility and quality of an officer's work effort will be commensurate with the philosophy of this policy.

500.3.1 WARNINGS

Warnings or other non-punitive enforcement actions should be considered in each situation and substituted for arrests or citations when circumstances warrant, especially in the case of inadvertent violations.

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500.3.2 CITATIONS

Citations may be issued when an officer believes it is appropriate. It is essential that officers fully explain the rights and requirements imposed on motorists upon issuance of a citation for a traffic violation. Officers should provide the following information at a minimum:

- (a) Explanation of the violation or charge
- (b) Court appearance procedure including the optional or mandatory appearance by the motorist
- (c) Notice of whether the motorist can enter a plea and pay the fine by mail or at the court

500.3.3 PHYSICAL ARREST

Physical arrest can be made on a number of criminal traffic offenses outlined in the Vehicle Code or Penal Code. These physical arrest cases usually deal with, but are not limited to:

- (a) Vehicular manslaughter
- (b) Felony and misdemeanor driving under the influence of alcohol/drugs
- (c) Felony or misdemeanor hit-and-run
- (d) Refusal to sign notice to appear
- (e) Any other misdemeanor at the discretion of the officer, such as reckless driving with extenuating circumstances

500.4 SUSPENDED OR REVOKED DRIVERS LICENSES

If an officer contacts a traffic violator for driving on a suspended or revoked license, the officer may issue a traffic citation pursuant to Vehicle Code § 14601.

If a computer check of a traffic violator's license status reveals a suspended or revoked driver license and the traffic violator still has his or her license in possession, the license shall be seized by the officer. The officer shall verbally advise the traffic violator of the suspension or revocation and issue the citation. The officer will be responsible for filling out the Verbal Notice form (DMV form DL-310) and causing that form and license to be forwarded to the Department of Motor Vehicles.

500.5 HIGH-VISIBILITY VESTS

The Department has provided American National Standards Institute (ANSI) Class II high-visibility vests to increase the visibility of department members who may be exposed to hazards presented by passing traffic, maneuvering or operating vehicles, machinery and equipment (23 CFR 655.601; 8 CCR 1598).

Although intended primarily for use while performing traffic related assignments, high-visibility vests should be worn at any time increased visibility would improve the safety or efficiency of the member.

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500.5.1 REQUIRED USE

Except when working in a potentially adversarial or confrontational role, such as during vehicle stops, high-visibility vests should be worn at any time it is anticipated that an employee will be exposed to the hazards of approaching traffic or construction and recovery equipment. Examples of when high-visibility vests should be worn include traffic control duties, accident investigations, lane closures and while at disaster scenes, or anytime high visibility is desirable. When emergency conditions preclude the immediate donning of the vest, officers should retrieve and wear the vest as soon as conditions reasonably permit. Use of the vests shall also be mandatory when directed by a supervisor.

500.5.2 CARE AND STORAGE OF HIGH-VISIBILITY VESTS

High-visibility vests shall be maintained by each member of the agency ensuring a serviceable high-visibility vest is properly stored.

A supply of high-visibility vests will be maintained in the Property Division for replacement of damaged or unserviceable vests.

Traffic Collision Reporting

501.1 PURPOSE AND SCOPE

The Irvine Police Department prepares traffic collision reports in compliance with the California Highway Patrol Collision Investigation Manual (CIM) and as a public service makes traffic collision reports available to the community with some exceptions.

501.2 RESPONSIBILITY

The Office of Professional Development will be responsible for distribution of the Collision Investigation Manual. Traffic detectives will receive all changes in the state manual and ensure conformity with this policy. The Irvine Police Department will use the CIM as a guide, and reserves the right to make modifications to fit the needs of the Department. Any modifications must be approved by the Chief of Police or their designee before being implemented.

501.3 TRAFFIC COLLISION REPORTING

All traffic collision reports taken by members of this department should be forwarded to a supervisor for approval.

Traffic collision reports taken by Traffic Bureau personnel will be forwarded to Traffic Bureau sergeants.

Certain traffic collision reports can be forwarded to traffic detectives, such as fatal traffic collision reports.

501.4 REPORTING SITUATIONS

501.4.1 TRAFFIC COLLISIONS INVOLVING CITY VEHICLES

Whenever a City-owned vehicle is involved in a traffic collision wherein damage or injury results, a traffic collision investigation report and a "Vehicle Incident" entry in Axon Standards shall be made. Solely completing a "Vehicle Incident" entry in Axon Standards, in lieu of completing both a traffic collision report (CHP 555 form) and "Vehicle Incident" entry, may be made at the discretion of a supervisor when certain criteria are met (see 501.4.3 Supervisor Responsibilities below).

Photographs of the collision scene and vehicle damage shall be taken at the discretion of the traffic investigator or any supervisor.

If an Irvine Police or City vehicle is involved in a collision in another city, either that city or the California Highway Patrol will conduct the collision investigation and prepare the report. This decision will be made by the police agency which has jurisdiction of the area.

It shall be the officer's responsibility to notify the agency for that jurisdiction.

Department Traffic Detective Responsibility: In all cases where another police agency prepared the collision report, a traffic detective will attempt to obtain a copy of that report within 24 hours after the collision.

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501.4.2 TRAFFIC COLLISIONS WITH POLICE DEPARTMENT EMPLOYEES

In all Irvine Police Department vehicle collisions where the damage is minor to moderate, the Irvine Police Department will conduct the traffic collision investigation.

When an employee of this department, either on-duty or off-duty, is involved in a traffic collision in a department vehicle within the jurisdiction of the Irvine Police Department resulting in a serious injury or fatality, the Traffic Lieutenant or the watch commander, should notify the California Highway Patrol for assistance. If the CHP is not able to respond, the incident supervisor will contact a neighboring police agency and request they conduct the traffic collision investigation.

Generally a traffic collision report is required, however, In the event of a minor traffic collision involving a City vehicle(s), a police report is not necessary if all of the following criteria are met:

- Collision involves only city-owned vehicle(s)
- Minor damage to City property only
- No injuries
- Discretion of a supervisor
- City Vehicle Damage Report is completed.

A supervisor should only complete a "Vehicle Incident" entry in Axon Standards if/when all of the above criteria are met.

501.4.3 SUPERVISOR RESPONSIBILITIES

The field supervisor will, as soon as practical and no later than the end of his/her work week, complete a "Vehicle Incident" entry in Axon Standards. This entry should relate the circumstances of the incident and any damage, then be routed to the affected Lieutenant or Manager.

The Office of Professional Standards will route all pertinent information listed in the "Vehicle Incident" entry in Axon Standards to Technical Services.

501.4.4 TRAFFIC COLLISIONS WITH OTHER CITY EMPLOYEES OR OFFICIALS

The Traffic Lieutenant or on-duty watch commander may request assistance from the California Highway Patrol for the investigation of any traffic collision involving any City official or employee where a serious injury or fatality has occurred.

501.4.5 TRAFFIC COLLISIONS ON PRIVATE PROPERTY

In compliance with the Collision Investigation Manual, traffic collision reports should 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, suspected DUI driver involved, unlicensed or suspended driver involved, or City property involved. If a CTI or officer responds to a complaint of pain or minor property damage situation, they shall assist the involved parties with exchanging of information. No report case number or additional documentation will be made.

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501.4.6 TRAFFIC COLLISIONS ON ROADWAYS OR HIGHWAYS

The closest officer, as determined by the vehicle tracking system or by Communications, will be dispatched to the collision location and will be authorized to respond Code-3. Civilian employees will not be assigned Code-3 responses. Civilian Employees include:

- (a) Civilian Traffic Investigator (CTI)
- (b) Community Services Officer (CSO)
- (c) Parking Enforcement Officer (PEO)

Once personnel arrive on scene, a CTI will respond for the purposes of reporting. If a CTI is not available, a traffic officer or closest patrol officer will be responsible for the investigation and report.

501.4.7 NON-INJURY / NO DETAIL COLLISIONS

A CTI will be the primary responding unit to non-injury traffic collisions. Normal driving practices shall be followed. If a CTI is not available, a traffic officer or the closest patrol officer will be assigned.

A "No-detail" collision shall be dispatched to the closest officer as determined by the vehicle tracking system or by Communications. Normal driving practices shall be followed. Once personnel arrive on scene, a CTI will respond, if available, for the purposes of reporting.

501.4.8 TRAFFIC COLLISION "COUNTER REPORT"

A counter report is a property damage only collision reported by an involved party at the police facility. The involved party will complete the counter report; however, an officer or Front Desk employee may assist. Counter reports will be made at the Front Desk of the Irvine Police Department and may be made by one or more of the involved drivers. Counter reports shall not include a primary collision factor and are not submitted to the State of California. Counter reports will not be taken for private property collisions. The words "Counter Report" must be entered in the special conditions box listed on the face sheet of the report.

501.4.9 TRAFFIC COLLISION "LATE REPORT"

A late traffic collision report is a fatal or injury collision where the involved vehicles and parties are no longer at the scene of the collision and documentation is requested at a location away from the collision scene. Investigating officers shall determine if the collision was reported after the first opportunity to make such a report before indicating a late-reported status. The words "Late Report" must be entered in the special conditions box listed on the CHP Form 555, page 1.

501.5 REPORT FORMATS

501.5.1 COLLISION INVESTIGATION DOCUMENTATION

A collision shall be documented as an investigation when one or more of the following conditions apply:

- (a) A motor vehicle traffic collision results in the death of a person on or off a highway.

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- (b) A motor vehicle traffic collision results in personal injury on or off the highway where the injuries are greater than *complaint of pain/possible injury*.
 - 1. *Complaint of pain/possible injury* will be considered any injury not severe enough to qualify as *other visible injuries/suspected minor injury* or greater.
 - 2. The investigating officer will be responsible for a further investigation of the injuries of every party who is transported to a medical facility for treatment to properly document the severity of the injuries and determine whether the injuries justify an investigation or report.
- (c) Supporting data is required for prosecution of either a felony or misdemeanor. The requirement for an investigation should be based upon the needs of the Traffic Detective and/or prosecuting attorney.
- (d) City, county, state, or federal vehicle involved in a collision with a loss in excess of \$750.00 or when a second vehicle is involved (reporting exceptions allowed by a supervisor and/or the Traffic Detective).
- (e) Hit-and-run collisions with workable information (includes front desk reports).
- (f) Circumstances of collision and evidence suggest potential City liability.
- (g) Any involved party requests that a report be taken.

501.5.2 COLLISION INVESTIGATION FORMAT

A collision investigation will consist of both the front and back page of the CHP Form 555. Injured persons, witnesses, and passengers shall be listed on the CHP Form 555. Extra face sheets shall be used when more than three vehicles are involved. A complete factual diagram shall be attached, including two perpendicular or triangulated measurements from all tires/axles of each involved vehicle. A separate sketch shall also be included.

The following are the headings to be used for the collision investigation format:

- (a) FACTS
 - 1. Notification
 - 2. Scene
 - 3. Parties
 - 4. Physical Evidence
 - 5. Hit and Run
 - 6. Hazardous Material
 - 7. Other Factual Information
- (b) STATEMENTS
- (c) OPINIONS AND CONCLUSION
 - 1. Summary
 - 2. Area of Impact

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3. Intoxication

4. Cause

(d) RECOMMENDATIONS

501.5.3 COLLISION REPORT DOCUMENTATION

A collision should be documented as a report any time the conditions for a complete investigation are not met. A report should be completed under the following circumstances:

- (a) A non-injury or confirmed *complaint of pain/possible injury collision* on a highway.
- (b) A late-reported injury collision unless otherwise directed by the on-duty supervisor. A late-reported fatal collision shall be documented as an investigation.
- (c) Hit-and-run collisions where there is no workable information.
- (d) Any involved party requests that a report be taken.

501.5.4 COLLISION REPORT FORMAT

A collision report will consist of both the front and back page of the CHP Form 555. Injured, witnesses, and passengers shall be listed on the CHP Form 555. Extra face sheets shall be used when more than three vehicles are involved. A sketch shall be drawn and shall reflect the reporting officer's opinion of how the collision occurred.

The following are the headings to be used for the collision report format:

- (a) NOTIFICATION
- (b) STATEMENTS
- (c) SUMMARY
- (d) AREA OF IMPACT
- (e) CAUSE

If the collision is DUI related, information relevant to the DUI should be added to the report before the "Cause" section.

501.5.5 COLLISION REPORT NOTIFICATION

During the course of the report or investigation, the reporting officer shall provide the collision report information to those involved parties who are not incapacitated, including the officer's name, report case number and, if applicable, the location where the involved party's vehicle was towed.

501.6 NOTIFICATION OF TRAFFIC BUREAU SUPERVISION

In the event of a serious injury or death related traffic collision, the watch commander shall notify the Traffic Lieutenant to relate the circumstances of the traffic collision and seek assistance from the Traffic Bureau. In the absence of a Traffic Lieutenant, the watch commander or any supervisor may assign a CTI or patrol officer to investigate the traffic collision if Traffic personnel are unable to respond.

Vehicle Towing and Release

502.1 PURPOSE AND SCOPE

This policy provides the procedures for towing a vehicle by or at the direction of the Irvine Police Department. Nothing in this policy shall require the Department to tow a vehicle.

502.2 STORAGE AND IMPOUNDS

When circumstances permit, for example when towing a vehicle for parking or registration violations, the handling employee should, prior to having the vehicle towed, make a good faith effort to notify the owner of the vehicle that it is subject to removal. This may be accomplished by personal contact, telephone or by leaving a notice attached to the vehicle at least 24 hours prior to removal. If a vehicle presents a hazard, such as being abandoned on the roadway, it may be towed immediately.

The responsibilities of those employees towing, storing or impounding a vehicle are listed below.

502.2.1 VEHICLE STORAGE REPORT

Department members requesting towing, storage, or impound of a vehicle shall complete CHP Form 180 and accurately record the mileage and a description of property within the vehicle (Vehicle Code § 22850). A copy of the storage report should be given to the tow truck operator, and the original shall be submitted to the Records Bureau as soon as practicable after the vehicle is stored.

502.2.2 VEHICLE STORAGE PROCESS

Department members shall submit the completed vehicle storage report prior to the end of their shift. This will assist in satisfying the 48 hour requirement to notify the legal owner.

502.2.3 REMOVAL FROM TRAFFIC COLLISION SCENES

When a vehicle has been involved in a traffic collision and must be removed from the scene, the officer shall have the driver select a towing company, if possible, and shall relay the request for the specified towing company to the dispatcher. When there is no preferred company requested, a company will be selected from the rotational list of towing companies in the Communications Bureau.

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 on-call tow. The officer will then store the vehicle using a CHP Form 180.

502.2.4 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. 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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502.2.5 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.

502.2.6 IMPOUNDING A VEHICLE FOR EVIDENCE

When a vehicle has been impounded pursuant to Vehicle Code (VC) §22655.5(a) or §22655.5(b), the vehicle shall be processed for evidence as soon as practical. Once the vehicle has been processed for evidence, and that vehicle no longer has evidentiary value, it shall be released from the evidence hold. This release shall be documented on a CHP Form 180. It is the responsibility of the investigating officer or detective to ensure the release of the impounded vehicle from the evidence hold is properly documented on the form and notifies the tow company of the release.

502.2.7 DRIVING A NON-CITY VEHICLE

Vehicles which have been towed by or at the direction of the Department should not be driven by police personnel unless it is necessary to move a vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant or to comply with posted signs.

502.2.8 DISPATCHER'S RESPONSIBILITIES

Upon receiving a request for towing, the dispatcher shall promptly telephone the specified authorized towing service. The officer shall be advised when the request has been made and the towing service has been dispatched.

When there is no preferred company requested, the dispatcher shall call the next firm in rotation from the list of approved towing companies and shall make appropriate entries on that form to ensure the following firm is called on the next request.

502.2.9 RECORDS BUREAU RESPONSIBILITY

Dispatch personnel shall promptly enter pertinent data from the completed storage form (CHP Form 180) into the Stolen Vehicle System and return the form to the watch commander for approval (Vehicle Code § 22651.5(b); Vehicle Code § 22851.3(b); Vehicle Code § 22854.5).

Approved storage forms shall be promptly placed into the auto-file so that they are immediately available for release or review should inquiries be made.

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Within 48 hours, excluding weekends and holidays, of the storage of any such vehicle it shall be the responsibility of the Records Bureau to determine the names and addresses of any individuals having an interest in the vehicle through DMV or CLETS computers. Notice shall be sent to all such individuals by mail as applicable and as provided in Vehicle Code § 22851.3(d), Vehicle Code § 22852(a), and 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

502.3 TOWING SERVICES

The City of Irvine periodically selects a firm to act as the official tow service and awards a contract to that firm. This firm will be used in the following situations:

- (a) When it is necessary to safeguard a vehicle due to the inability of the owner or operator to take the required action.
- (b) When a vehicle is being held as evidence in connection with an investigation.
- (c) When it is otherwise necessary to store a motor vehicle. This would include situations involving the recovery of stolen or abandoned vehicles, and the removal from the streets of vehicles obstructing traffic in violation of state or local regulations.

502.4 VEHICLE INVENTORY

All property in a stored or impounded vehicle shall be inventoried and listed on the vehicle storage form. This includes the trunk and any compartments or containers, even if closed and/or locked. Members conducting inventory searches should be as thorough and accurate as practical in preparing an itemized inventory. These inventory procedures are for the purpose of protecting an owner's property while in police custody to include contracted tow company custody, to provide for the safety of officers, and to protect the Department against fraudulent claims of lost, stolen, or damaged property.

502.5 SECURITY OF VEHICLES AND PROPERTY

Unless it would cause an unreasonable delay in the completion of a vehicle impound/storage or create an issue of officer safety, officers should make reasonable accommodations to permit a driver/owner to retrieve small items of value or personal need (e.g., cash, jewelry, cell phone, prescriptions) that are not considered evidence or contraband.

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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.

502.6 RELEASE OF VEHICLE

The Department will maintain a listed, 24-hour telephone number to provide information regarding storage of vehicles and the right of the registered owner to request a hearing. Releases for towed vehicles will be made available during regular, non-emergency business hours (Vehicle Code § 14602.6).

- (a) Vehicles removed pursuant to Vehicle Code § 22850 shall be released after proof of current registration is provided by the owner or the person in control of the vehicle and after all applicable fees are paid (Vehicle Code § 22850.3; Vehicle Code § 22850.5).
- (b) Vehicles removed that require payment of parking fines or proof of valid driver's license shall only be released upon presentation of proof of compliance, proof of payment, completion of affidavit, and payment of applicable fees related to the removal (Vehicle Code § 22651 et seq., Vehicle Code § 22652 et seq., Vehicle Code § 22850.3; Vehicle Code § 22850.5).
- (c) A vehicle removed pursuant to Vehicle Code § 14602.6(a) shall be released to the registered owner or his/her agent with proof of current registration, proof of a valid driver's license, and applicable fees paid prior to the end of the 30-day impoundment period under any of the following circumstances:
 - 1. The vehicle was stolen.
 - 2. If the driver reinstates his/her driver's license or acquires a license and provides proof of proper insurance.
 - 3. Any other circumstance as set forth in Vehicle Code § 14602.6.
 - 4. When there is no remaining community caretaking need to continue impound of the vehicle or the continued impound would not otherwise comply with the Fourth Amendment.
- (d) An autonomous vehicle removed under authority of Vehicle Code § 22651(o)(1)(D) shall be released to the registered owner or person in control of the autonomous vehicle if the requirements of Vehicle Code § 22651(o)(3)(B) are met.

Personnel whose duties include releasing towed vehicles should consult the Vehicle Code under which the vehicle was towed or impounded for any specific requirements prior to release.

Employees who suspect that a vehicle was impounded in error should promptly advise a supervisor. Supervisors should approve, when appropriate, the release of the vehicle without requiring the registered owner or his/her agent to request a hearing, as described in the Vehicle Impound Hearings Policy.

502.7 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

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Motor Vehicles (DMV). If current registration exists with the DMV, the vehicle shall not be removed (Vehicle Code § 22651(o)(1)(A)).

Vehicle Impound Hearings

503.1 PURPOSE AND SCOPE

This policy establishes a procedure for the requirement to provide vehicle storage or impound hearings pursuant to Vehicle Code § 22852.

503.2 STORED OR IMPOUND HEARING

When a vehicle is stored or impounded by any member of the Irvine Police Department, a hearing will be conducted upon the request of the registered or legal owner of the vehicle or his/her agent (Vehicle Code § 22650(a); Vehicle Code § 22852(a)).

The hearing shall be conducted within 48 hours of the request, excluding weekends and holidays. The hearing officer must be a person other than the person who directed the storage or impound of the vehicle (Vehicle Code § 22852(c)).

503.2.1 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)). A Traffic Investigator will generally serve as the hearing officer. The person requesting the hearing may record the hearing at his/her own expense.

The failure of either the registered or legal owner or interested person or his/her agent to request a hearing in a timely manner or to attend a scheduled hearing shall be considered a waiver of and satisfaction of the post-storage hearing requirement (Vehicle Code § 22851.3(e)(2); Vehicle Code § 22852(d)).

Any relevant evidence may be submitted and reviewed by the hearing officer to determine if reasonable grounds have been established for the storage or impound of the vehicle. The initial burden of proof established by a preponderance of the evidence that the storage/impound was based on probable cause rests with the Department.

After consideration of all information, the hearing officer shall determine the validity of the storage or impound of the vehicle in question and then render a decision. The hearing officer shall also consider any mitigating circumstances attendant to the storage that reasonably would warrant the release of the vehicle or a modification or reduction of the period the vehicle is impounded (Vehicle Code § 14602.6(b); Vehicle Code § 14602.8(b)).

Aside from those mitigating circumstances enumerated in the Vehicle Code, the registered owner's lack of actual knowledge that the driver to whom the vehicle was loaned was not validly licensed may constitute a mitigating circumstance under Vehicle Code § 14602.6(b) or 14602.8(b), warranting release of the vehicle. This mitigating circumstance exception is not limited to situations

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where the owner made a reasonable inquiry as to the licensed status of the driver before lending the vehicle.

The legislative intent and this department's policy is to prevent unlicensed driving pursuant to Vehicle Code §14602.6. If this purpose is not furthered by the continued impoundment of a vehicle, release is most often appropriate.

- (a) If a decision is made that reasonable grounds for storage or impound have been established, the hearing officer shall advise the inquiring party of the decision and that the inquiring party may pursue further civil remedies if desired.
 - 1. If mitigating circumstances are found to be relevant, the hearing officer shall make reasonable adjustments to the impound period, storage or assessment of fees as warranted.
- (b) If a decision is made that reasonable grounds for storage or impound have not been established or sufficient mitigating circumstances exist, the vehicle in storage shall be released immediately. Towing and storage fees will be paid at the Department's expense (Vehicle Code § 22852(e)).
- (c) If a decision is made that reasonable grounds for storage have not been established or sufficient mitigating circumstances exist, and the vehicle has been released with fees having been paid, the receipt for such fees will be forwarded with a letter to the appropriate Division Commander. The hearing officer will recommend to the appropriate Division Commander that the fees paid by the registered or legal owner of the vehicle in question or their agent be reimbursed by the Department.

Impaired Driving

504.1 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).

504.2 POLICY

The Irvine 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.

504.3 INVESTIGATIONS

The Traffic Lieutenant will develop and maintain, in consultation with the prosecuting attorney, report forms with appropriate checklists to assist investigating officers in documenting relevant information and maximizing efficiency. Any DUI investigation will be documented using these forms. Information documented elsewhere on the form does not need to be duplicated in the report narrative. Information that should be documented includes, at a minimum:

- (a) The field sobriety tests (FSTs) administered and the results.
- (b) The officer's observations that indicate impairment on the part of the individual, and the officer's health-related inquiries that may help to identify any serious health concerns (e.g., diabetic shock).
- (c) Sources of additional information (e.g., reporting party, witnesses) and their observations.
- (d) Information about any audio and/or video recording of the individual's driving or subsequent actions.
- (e) The location and time frame of the individual's vehicle operation and how this was determined.
- (f) Any prior related convictions in California or another jurisdiction.

504.4 FIELD TESTS

The Traffic Lieutenant should identify standardized FSTs and any approved alternate tests for officers to use when investigating violations of DUI laws.

504.5 CHEMICAL TESTS

A person implies consent to a chemical test or tests, and to providing the associated chemical sample, under any of the following (Vehicle Code § 23612):

- (a) The person is arrested for driving a vehicle while under the influence, pursuant to Vehicle Code § 23152.
- (b) The person is under 21 years of age and is arrested by an officer having reasonable cause to believe that the person's blood alcohol content is 0.05 or more (Vehicle Code § 23140).

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- (c) The person is under 21 years of age and detained by an officer having reasonable cause to believe that the person was driving a vehicle while having a blood alcohol content of 0.01 or more (Vehicle Code § 23136).
- (d) The person was operating a vehicle while under the influence and proximately caused bodily injury to another person (Vehicle Code § 23153).

If a person withdraws this implied consent, or is unable to withdraw consent (e.g., the person is unconscious), the officer should consider implied consent revoked and proceed as though the person has refused to provide a chemical sample.

504.5.1 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).

504.5.2 PRELIMINARY ALCOHOL SCREENING

Officers may use a preliminary alcohol screening (PAS) test to assist in establishing reasonable cause to believe a person is DUI. The officer shall advise the person that the PAS test is being requested to assist in determining whether the person is under the influence of alcohol or drugs, or a combination of the two. Unless the person is under the age of 21, the person shall be advised that the PAS test is voluntary. The officer shall also advise the person that submitting to a PAS test does not satisfy the person's obligation to submit to a chemical test as otherwise required by law (Vehicle Code § 23612).

504.5.3 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).

504.5.4 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.

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If the person chooses to submit to a breath test and there is reasonable cause to believe that the person is under the influence of a drug or the combined influence of alcohol and any drug, the officer may also request that the person submit to a blood test. If the person is incapable of completing a blood test, the person shall submit to and complete a urine test (Vehicle Code § 23612(a)(2)(C)).

504.5.5 BREATH SAMPLES

The Traffic Lieutenant should ensure that all devices used for the collection and analysis of breath samples are properly serviced and tested, and that a record of such service and testing is properly maintained.

Officers obtaining a breath sample should monitor the device for any sign of malfunction. Any anomalies or equipment failures should be noted in the appropriate report and promptly reported to the Traffic Lieutenant.

When the arrested person chooses a breath test, the handling officer shall advise the person that the breath-testing equipment does not retain a sample, and the person may, if desired, provide a blood or urine specimen, which will be retained to facilitate subsequent verification testing (Vehicle Code § 23614).

The officer should also require the person to submit to a blood test if the officer has a clear indication that a blood test will reveal evidence of any drug or the combined influence of an 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)).

504.5.6 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.

504.5.7 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.

504.6 TESTING AT A HOSPITAL

Most blood, breath and urine tests will be administered at the jail. However, if a timely breath or urine test cannot be administered because the person is transported to a medical facility where such tests cannot be facilitated, the person shall be advised that a blood test will be the only choice available and a blood sample may be taken at the medical facility (Vehicle Code § 23612(a)(3)).

Based on probable cause, the officer should place the conscious person under arrest and advise the attending physician of the intention to collect a sample of the person's blood. Unless the attending physician objects for medical reasons, a blood sample will be collected in the prescribed manner.

When a person is suspected of driving under the influence of alcohol and/or drugs and the person is unconscious or in a condition rendering him or her incapable of refusal, the officer shall advise the attending physician of the intention to collect a sample of the person's blood as evidence. If the physician does not object based on medical reasons, the blood will be collected in the prescribed manner, as outlined below.

If a person is deceased, the officer should coordinate with the Coroner's Office to ensure that a viable test will be obtained (Vehicle Code § 23612(a)(5)).

504.7 REFUSALS

When an arrestee refuses to provide a viable chemical sample, officers should:

- (a) Advise the arrestee of the requirement to provide a sample (Vehicle Code § 23612).
- (b) Audio- and/or video-record the admonishment when it is practicable.
- (c) Document the refusal in the appropriate report.

504.7.1 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)).

504.7.2 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).

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- (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.

504.7.3 FORCED BLOOD SAMPLE

If an arrestee indicates by word or action that the person will physically resist a blood draw, the officer should request a supervisor to respond.

The responding supervisor should:

- (a) Evaluate whether using force to obtain a blood sample is appropriate under the circumstances.
- (b) Ensure that all attempts to obtain a blood sample through force cease if the person agrees to, and completes a viable form of testing in a timely manner.
- (c) Advise the person of the person's duty to provide a sample (even if this advisement was previously done by another officer) and attempt to persuade the individual to submit to such a sample without physical resistance.
 - 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.

504.8 ARREST AND INVESTIGATION

504.8.1 WARRANTLESS ARREST

In addition to the arrest authority granted to officers pursuant to Penal Code § 836, an officer may make a warrantless arrest of a person that the officer has reasonable cause to believe has been

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driving under the influence of an alcoholic beverage or any drug, or under the combined influence of the same when (Vehicle Code § 40300.5):

- (a) The person is involved in a traffic crash.
- (b) The person is observed in or about a vehicle that is obstructing the roadway.
- (c) The person will not be apprehended unless immediately arrested.
- (d) The person may cause injury to themselves or damage property unless immediately arrested.
- (e) The person may destroy or conceal evidence of a crime unless immediately arrested.

504.8.2 OFFICER RESPONSIBILITIES

The officer serving the arrested person with a notice of an order of suspension shall immediately (Vehicle Code § 23612):

- (a) Forward a copy of the completed notice of suspension or revocation form and any confiscated driver's license to the Department of Motor Vehicles (DMV).
- (b) Forward a sworn report to DMV that contains the required information in Vehicle Code § 13380.
- (c) Forward the results to the appropriate forensic laboratory if the person submitted to a blood or urine test.

504.9 HOSPITAL PROTOCOL - MISDEMEANOR AND FELONY

Misdemeanor Driving Under the Influence – Driver Injured - If the driver of a vehicle is injured and subsequently placed under arrest for misdemeanor DUI, the following procedure should be followed by the officers in addition to the 13353 CVC requirements:

- (a) Request a California Forensic Phlebotomy technician to respond to the hospital.
- (b) Witness the sample being drawn and complete appropriate documentation (CFP will retain possession of sample for Orange County Crime Lab).
- (c) Request Communications to conduct a want/warrant check.
- (d) Complete the Certification of Release From Custody Form.
- (e) Issue a court date of at least 30 days following the date of offense.
- (f) Have arrestee sign the form.
 - 1. If the subject's medical condition prevents a signature on the form, the officer shall note that in the arrest report.
 - 2. If hospitalization or other major medical treatment causes a conflict with a court date, indicate that no date was set by the officer.
- (g) Release subject from custody and issue the pink copy of the form to the subject.
- (h) Retain the remaining two copies of the form and turn in with the arrest report.

Felony Driving Under the Influence/Vehicular Manslaughter – Driver Injured - If the driver of a vehicle is injured and subsequently placed under arrest for DUI causing injury or death to

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another, the following procedure should be followed by the officer, in addition to the §13353 CVC requirements:

- (a) Request a California Forensic Phlebotomy technician to respond to the hospital.
- (b) Instruct CFP to draw two samples. One is retained by CFP for the Orange County Crime Lab analysis, and the other is retained by the officer and booked into evidence cold storage at the station.
- (c) Witness the samples being drawn and complete appropriate documentation.
- (d) Request Communications to conduct want/warrant, driving and criminal history.
- (e) Contact the watch commander and traffic detectives to coordinate investigative follow-up prior to release.
- (f) Contact will be made with the detention-release officer at the Orange County Jail by either the officer or the watch commander.
- (g) The detention-release officer will, based upon information provided to him by the agency, make a determination if the circumstances surrounding the case warrant further detention or release, and contact the on-call judge.
- (h) If the judge concurs with the release recommendation, the detention-release officer will notify IPD and generate a teletype to IPD authorizing the release and naming the judge granting same.
- (i) Upon receipt of this notification, the officer may then release the arrestee and issue him/her a Certificate of Release From Custody - Written Promise to Appear (do not issue a "detention only" 849(b)(1) PC).
- (j) The OR release teletype shall be attached to the arrest report. Whenever possible a copy of the teletype should also be attached to the arrestee's copy of the Certificate of Release.
- (k) In the event the arrestee does not qualify for an OR release, (unidentified, warrants) the officer will maintain custody.
- (l) Custody will be maintained at the treating facility until arrangements can be made to transfer the subject to Western Medical Center, Anaheim, and be lodged into the "jail ward."
- (m) If the arrestee is immovable and not releasable, custody will be maintained at the treating facility until the watch commander can contact the on-call district attorney or judge for direction.
- (n) Do not indicate to the arrestee that he/she is not responsible for medical bills while in police custody. They will be billed for medical care.

Precautions in Felony Driving Under the Influence/Vehicular Manslaughter Arrests

- (a) All subjects must be arrested prior to administering of any chemical test.
- (b) Because intoxication may be caused by a combination of alcoholic beverages and drugs, the blood will be screened for both forms of intoxicants.

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- (c) Be sure to document all drugs administered to the arrestee by either the paramedics or by the treating facility, the time administered, and into what location of the body. Have the blood sample drawn from a location not previously used by medical personnel.
- (d) The assigned traffic detective will handle any follow-up work.

504.10 IMMEDIATE BOOKING AND RELEASE PROGRAM

- (a) To qualify for the Immediate Booking and Release Program (IBAR), the arrestee should meet the following specific criteria:
 - 1. Be non-combative.
 - 2. The arrestee shall have no injuries or known medical problems, which could result in the necessity for medical treatment while in custody.
 - 3. The arrestee may choose either the breath test or blood draw as the method of chemical testing. The blood test can only be used whenever a lab technician is able to respond to IPD.
 - 4. The arrestee shall demonstrate the capability of having a relative or friend respond to Irvine PD and pick them up within 60 minutes of the arrest.
 - 5. The arrestee shall agree to sign the written promise to appear form, including an agreement not to operate a motor vehicle for six hours after being released from custody.
- (b) The IBAR program may be used upon approval of the watch commander when there are no personnel staffing the custody facility. Officers who are processing DUI arrestees through the IBAR program shall utilize the following process:
 - 1. Immediately after taking a subject into custody for DUI, determine if the IBAR program criteria are met. Coordinate phone calls to a friend or relative to confirm that they will respond and pick up the arrestee. No more than three calls should be made on behalf of an arrestee.
 - 2. If the criteria are met (e.g. community caretaker doctrine), the arrestee's vehicle shall be towed unless it is released to a non-intoxicated passenger or parked per the Vehicle Towing and Release Policy. If the vehicle is stored the officer shall complete a vehicle storage form pursuant to §22651(h) CVC (Driver Arrested). On the last line of the narrative section of the form shall be written, "Vehicle Not To Be Released Before" (specify a time at least six hours after time of arrest).
 - 3. Upon arrival at Irvine PD, the arrestee shall be processed as they normally would be.
- (c) The arrestee shall be placed in the sobering cell and be monitored by the custody officer, if available, or the arresting officer until their ride arrives. Female arrestees awaiting a ride shall not be housed in the sobering cell with male arrestees.
- (d) Upon arrival of the party picking up the arrestee, the custody officer or the arresting officer shall:
 - 1. Complete the written promise to appear form listing the name, address, and the phone number of the person that the arrestee is being released to.

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2. Have the arrestee initial the box, "I agree not to operate a motor vehicle for six hours."
3. Explain the conditions of release to the arrestee:
 - (a) Written promise to appear.
 - (b) Date and location of appearance.
 - (c) Agreement not to operate a motor vehicle for six hours after release.
 - (d) If the arrestee's vehicle was stored, the name and phone number of the tow agency, and that the vehicle will not be released for at least six hours from the time of arrest.
4. Have the arrestee sign the written promise to appear and return their property.
5. Obtain arrestee's fingerprint impressions on the bottom of the written promise to appear and then release the arrestee from custody.

504.11 RECORDS BUREAU RESPONSIBILITIES

The Records Supervisor will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney's office.

504.12 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.

504.13 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.

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 Traffic Lieutenant shall be responsible for the development and design of all Department traffic citations in compliance with state law and the Judicial Council.

The Records Bureau shall be responsible for the supply and accounting of all traffic citations issued to employees of this department.

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 Traffic Lieutenant. Upon a review of the circumstances involving the issuance of the traffic citation, the Traffic Lieutenant may authorize the dismissal of the traffic citation. If approved by the Traffic Lieutenant, 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 dismiss the citation. Upon dismissal of the traffic citation by the court, the officer shall notify his/her immediate supervisor of the circumstances surrounding the dismissal and shall complete any paperwork as directed or required.

505.4 VOIDING TRAFFIC CITATIONS

Voiding a traffic citation may occur when a traffic citation has not been completed, where it is completed, but not issued, or issued in error. All available copies of the citation shall be presented to a supervisor to approve the voiding of the citation. The citation and copies shall then be forwarded to the Traffic Lieutenant who will review, and if appropriate, approve the request to void the citation.

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 with a Notice of Correction and Proof of Service form with a specific correction to a sergeant or Watch Commander for approval. The citation and request form shall then be forwarded to the Records Division for processing.

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505.6 DISPOSITION OF TRAFFIC CITATIONS

The court and file copies of all traffic citations, excluding electronic citations, issued by members of this department shall be placed in the Watch Commander's box in the Report Writing room for review by a supervisor. The citation copies shall then be filed with the Records Bureau.

Upon separation from employment with this department, all employees issued traffic citation books shall return any unused citations to the Records Bureau.

505.7 NOTICE OF PARKING VIOLATION APPEAL PROCEDURE

Disposition of notice of parking violation appeals is conducted pursuant to Vehicle Code § 40215.

505.7.1 APPEAL STAGES

Appeals may be pursued sequentially at three different levels (Vehicle Code § 40215; Vehicle Code § 40230):

- (a) Administrative reviews are conducted by the Traffic Programs Supervisor who will review written/documentary data. Requests for administrative reviews are available at the front desk or Traffic Bureau of the Irvine Police Department. These requests are informal written statements outlining why the notice of parking violation should be dismissed. Copies of documentation relating to the notice of parking violation and the request for dismissal must be mailed to the current mailing address of the processing agency or completed online at paymycite.com/irvine.
- (b) If the appellant wishes to pursue the matter beyond administrative review, an administrative hearing may be conducted in person or by written application, at the election of the appellant. Independent referees review the existent administrative file, amendments, and/or testimonial material provided by the appellant and may conduct further investigation or follow-up on their own.
- (c) If the appellant wishes to pursue the matter beyond an administrative hearing, a Superior Court review may be presented in person by the appellant after an application for review and designated filing fees have been paid to the Superior Court of California.

505.7.2 TIME REQUIREMENTS

Administrative review or appearance before a hearing examiner will not be provided if the mandated time limits are not adhered to by the violator.

- (a) Requests for an administrative review must be postmarked within 21 calendar days of issuance of the notice of parking violation, or within 14 calendar days of the mailing of the Notice of Delinquent Parking Violation (Vehicle Code § 40215(a)).
- (b) Requests for administrative hearings must be made no later than 21 calendar days following the notification mailing of the results of the administrative review (Vehicle Code § 40215(b)).
- (c) An administrative hearing shall be held within 90 calendar days following the receipt of a request for an administrative hearing, excluding time tolled pursuant to Vehicle Code § 40200 - 40225. The person requesting the hearing may request one continuance, not to exceed 21 calendar days (Vehicle Code § 40215).

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- (d) Registered owners of vehicles may transfer responsibility for the violation via timely affidavit of non-liability when the vehicle has been transferred, rented or under certain other circumstances (Vehicle Code § 40209; Vehicle Code § 40210).

505.7.3 COSTS

- (a) There is no cost for an administrative review.
- (b) Appellants must deposit the full amount due for the citation before receiving an administrative hearing, unless the person is indigent, as defined in Vehicle Code § 40220, and provides satisfactory proof of inability to pay (Vehicle Code § 40215).
- (c) An appeal through Superior Court requires prior payment of filing costs, including applicable court charges and fees. These costs will be reimbursed to the appellant in addition to any previously paid fines if appellant's liability is overruled by the Superior Court.

505.8 JUVENILE CITATIONS

Completion of traffic citation forms for juveniles may vary slightly from the procedure for adults. The juvenile's age, place of residency, and the type of offense should be considered before issuing the juvenile a citation.

Disabled Vehicles

506.1 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.

506.2 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.

506.3 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.

506.3.1 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.

506.3.2 RELOCATION OF DISABLED VEHICLES

The relocation of disabled vehicles by members of this department by pushing or pulling a vehicle should only occur when the conditions reasonably indicate that immediate movement is necessary to reduce a hazard presented by the disabled vehicle.

506.3.3 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.

506.4 PUBLIC ACCESS TO THIS POLICY

This written policy is available upon request.

72-Hour Parking Violations

507.1 PURPOSE AND SCOPE

This policy provides procedures for the marking, recording, and storage of vehicles parked in violation of the Irvine City Ordinance regulating 72-hour parking violations and abandoned vehicles under the authority of Vehicle Code § 22669.

507.2 MARKING VEHICLES

Vehicles suspected of being in violation of the City of Irvine 72-Hour Parking Ordinance shall be marked and noted on the Irvine Police Department Abandoned Vehicle Report Form. No case number is required at this time.

A visible chalk mark should be placed on a tire, most commonly the street side tire. Any deviation in markings shall be noted on the Marked Vehicle Card.

Attempt to Locate the Owner: The investigating employee should make a good faith effort to notify the owner of any vehicle subject to towing prior to having the vehicle removed. This may be accomplished by personal contact, telephone or by leaving notice attached to the vehicle at least 24 hours prior to removal.

All Abandoned Vehicle Reports shall be submitted to the Operations Support Division for computer data entry.

If a marked vehicle has been moved or the markings have been removed during a 72-hour investigation period, the vehicle may be marked again if necessary for the 72-hour parking violation and Abandoned Vehicle Report should be completed and forwarded to the Traffic Bureau.

Parking citations for the 72-hour parking ordinance should not be issued at the same time when the vehicle is stored for the 72-hour parking violation, however, prior marking and citing of a vehicle prior to towing is allowable.

507.2.1 MARKED VEHICLE FILE

The Traffic Bureau shall be responsible for maintaining a file for all Abandoned Vehicle Reports.

Parking Enforcement Officers assigned to the Traffic Bureau shall be responsible for the follow up investigation of all 72-hour parking violations noted on Abandoned Vehicle Reports.

507.2.2 VEHICLE STORAGE

Any vehicle in violation shall be stored by the authorized towing service and a vehicle storage report shall be completed by the officer authorizing the storage of the vehicle.

The storage report form shall be submitted to the Records Bureau immediately following the storage of the vehicle. It shall be the responsibility of the Communications Bureau 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).

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Within 48 hours of the storage of any such vehicle, excluding weekends and holidays, it shall be the responsibility of the Records Bureau to determine the names and addresses of any individuals 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).

Area Traffic Officer

508.1 PURPOSE AND SCOPE

Personnel assigned to the Area Traffic Officer Program work closely with community members in their area to develop problem-solving strategies that yield lasting solutions.

508.2 MANAGEMENT AND AUTHORITY

Management of the Area Traffic Officers is handled by the Operations Traffic Lieutenant. Scheduling of the Area Traffic Officers is the responsibility of their respective Area Traffic Sergeant.

508.3 PROGRAM DESCRIPTION

Each Area Traffic Officer is tasked with the design and implementation of appropriate strategies to address traffic related problems in his/her area. Officers in this assignment engage the support of area motorcycle officers, patrol officers, traffic engineers and other municipal resources as needed. It is the philosophy of this Department that the effectiveness of the Area Traffic Officer Program is dependent upon the quality of the relationship between the community and the officer. Program success is also dependent upon the accurate and timely exchange of information between the ATO and other field personnel.

508.4 PATROL RESPONSIBILITY

Area Traffic Officers are not regarded as part of the patrol contingent and are not factored into the minimum shift deployment. Area Traffic Officers are not routinely assigned to patrol service calls, although each may be deployed in an emergency or as determined by the field supervisor. Generally, Area Traffic Officers are not assigned traffic collision investigations.

Police Motorcycle Operations

509.1 MOTORCYCLE PATROL

The following shall be the policy of this department concerning the operation of motorcycles by officers assigned to the Traffic Bureau:

- (a) The officer shall remain in their assigned area during their tour of duty except as follows:
 - 1. While attempting to stop a traffic violator entering another area.
 - 2. During an arrest and booking process.
 - 3. In response to a dispatched call.
 - 4. In response to an emergency call.
 - 5. Completing reports at the station after having been cleared to do so.
 - 6. When handling miscellaneous details, such as court appearances, equipment maintenance, etc.
 - 7. When participating in targeted enforcement efforts.
 - 8. When authorized by a supervisor.
- (b) No more than two motorcycles should conduct enforcement at the same location unless directed to do so by the on-duty supervisor. While at an intersection, the officers shall take care in parking their motorcycles so as not to interfere with vehicular or pedestrian traffic, nor give the appearance of "hiding" from motorists.
- (c) When away from the police facility and on duty, officers shall park legally except when police business demands otherwise.
- (d) No officer shall be permitted to ride a police motorcycle off duty except as follows:
 - 1. While enroute to or from the police facility for duty.
 - 2. While enroute to or from court where the subpoena arises out of a police activity.
 - 3. While enroute to or from a place of repair or service.
 - 4. When assigned by an on-duty supervisor.
 - 5. While enroute to an authorized special event that necessitates the use of a motorcycle.

Only the assigned officer shall be permitted to operate a department motorcycle, unless express authorization has been obtained from the on-duty supervisor.

509.2 MOTORCYCLE OPERATION - SAFETY EQUIPMENT

At all times during the operation of a motorcycle, the officer shall wear a complete class B motorcycle officer uniform which shall include:

- 1. Department approved motorcycle helmet
- 2. Leather gloves

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3. Eye protection
4. Department approved motorcycle pants
5. Department approved motorcycle boots
6. Class B uniform shirt
7. Department approved soft body armor
8. Full duty belt

A traffic supervisor can modify this attire based on department needs, such as training events,

509.3 STORAGE OF MOTORCYCLES

Officers assigned to motorcycle duty shall be permitted to take their assigned vehicles home as long as they have an enclosed garage or storage room that has a door capable of being locked. This storage facility shall be on the premises of the officer's residence.

509.4 GENERAL PATROL OFFICER DUTIES

Generally, motorcycle enforcement officers are not to be used in the performance of routine patrol calls and should be used for other than traffic related duties as indicated below:

- (a) In case of a criminal offense committed in the officer's presence.
- (b) In the case of a request or response to an officer in need of assistance or backup.
- (c) In the case of an "in progress" call in the area where a backup officer is needed.
- (d) In the case of a riot or major disturbance where all available personnel must be committed.
- (e) In the case of major crowd or traffic control problems such as may be created by a plane crash or similar major field incident.
- (f) In the case of a reported traffic accident and no civilian traffic investigator is available to handle the call.
- (g) When the volume of service calls exceed patrol resources and the on duty field supervisor requests motorcycle officer's assistance in handling the overflow of calls.

509.5 PRISONER TRANSPORT

If the arrest is made by a traffic officer operating a police motorcycle, an officer in a marked vehicle will be detailed to transport the arrestee. The officer making the arrest will write the arrest report.

509.6 PATROL OVERTIME

A motorcycle officer who volunteers, or is drafted to work an overtime patrol shift, will be required to don a patrol uniform and operate in a patrol car, unless a field supervisor directs otherwise.

509.7 SPECIAL EVENTS OVERTIME - MOTORCYCLES

If an officer signs up to work special event overtime, he/she shall be assigned to a patrol unit in standard uniform. The only exception will be with the approval of an on duty supervisor and where the operation of a motorcycle would be beneficial to the event (traffic control).

Civilian Traffic Investigators (CTI)

510.1 PURPOSE AND SCOPE

The Civilian Traffic Investigator (CTI) position was developed for the primary purpose of augmenting the department's traffic safety program. In this regard, their primary duty is to investigate and document traffic collisions.

510.2 PRIMARY FUNCTIONS

Civilian Traffic Investigators are responsible for the following service calls and activities:

- (a) Traffic collision investigation
- (b) Vehicle storage and impound
- (c) Direct traffic
- (d) Crossing guard relief
- (e) Enforcement of parking regulations
- (f) Investigation of late crime/incident reports within the scope of their duties.

510.3 RESPONSE TO SERVICE CALLS

Civilian Traffic Investigators will not respond with lights and siren (Code 3) to any service call.

510.4 SUPERVISION

The Traffic Lieutenant shall manage this program. Responsibility for coordination with patrol supervisors, scheduling of personnel, and daily supervision of the CTI's is the duty of the assigned traffic sergeants.

Emergency Response Cost Recovery Program

511.1 PURPOSE AND SCOPE

The Emergency Response Cost Recovery Program is authorized pursuant to California Government Code Sections §53150-53159. The City's program shall allow for the collection of emergency response costs against any person who negligently operates a motor vehicle while under the influence of an alcoholic beverage or drug, and whose intentionally wrongful misconduct proximately causes any incident resulting in an emergency response by the City of Irvine Police Department.

511.2 UNDER THE INFLUENCE

Under the Influence will be determined by the test results from the driver's blood or breath.

511.3 EMERGENCY RESPONSE

An "emergency response" is defined as a response to a traffic collision, or incident (other than a simple Driving Under the Influence (DUI) stop/arrest), which causes department personnel to respond with or without the use of emergency lights and/or siren. Types of responses covered would include, but not be limited to: DUI collisions, evading arrest, police pursuits, or any activity initiated by the intoxicated driver requiring an immediate response by the department or other emergency service providers.

511.4 BILLING

The City's Finance Department will handle the billing.

511.5 REQUESTS FOR BILLING

It is the responsibility of the arresting officer to complete a billing request, attach it to the arrest report and submit it to police records. The Records Bureau will make the necessary copies, sending the original to Finance.

The following are ways an arresting officer can assist in the billing:

- (a) Generally, do not clear the call until all processing is complete.
- (b) List the time of the call and completion time on the DUI forms.
- (c) List in the report whether the police vehicle's emergency lights and or the siren were used.
- (d) If responding for traffic control or other assistance, make sure Communications records all the police vehicle numbers and personnel at the scene in the call history.
- (e) Include the time spent by other City Departments at the scene of a collision involving a DUI driver.
- (f) Count the number of road flares, city oil absorbent or other consumable products used at the scene or incident to the call.

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511.6 APPEAL PROCESS

The Traffic Lieutenant or his/her designee will act as the arbitrator should a bill be disputed. Each case will be reviewed for accuracy and fairness, based upon the law. Should the bill be found to be in error, the bill will be corrected or, if appropriate, dismissed.

Seat Belts

512.1 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).

Guidance for transporting persons in custody may be found in the Transporting Persons in Custody and Handcuffing and Restraints policies.

512.1.1 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.

512.2 POLICY

It is the policy of the Irvine Police Department that members use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle collision.

512.3 WEARING OF SAFETY RESTRAINTS

All members shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased or rented by this department while on- or off-duty, or in any privately owned vehicle while on-duty. The member driving such a vehicle shall ensure that all other occupants, including non-members, are also properly restrained.

Exceptions to the requirement to wear safety restraints may be made only in exceptional situations where wearing a seat belt would endanger the member or the public. Members must be prepared to justify any deviation from this requirement.

It is the intent of this policy that all employees wear their seat belts whenever possible. However, sworn officers may dispense with wearing safety restraints in specific tactical situations or when it reasonably appears that, due to unusual circumstances, wearing a seat belt would hinder rather than increase safety.

512.4 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 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.

512.5 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.

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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 place the vehicle out of service and report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

512.6 TRANSPORTING CHILDREN

Children under the age of 8 shall be transported in compliance with California's child restraint system requirements (Vehicle Code § 27360; Vehicle Code § 27363).

Rear seat passengers in a cage-equipped vehicle may have reduced clearance, which requires careful seating and positioning of seat belts. Due to this reduced clearance, and if permitted by law, children and any child restraint system may be secured in the front seat of such vehicles provided this positioning meets federal safety standards and the vehicle and child restraint system manufacturer's design and use recommendations. In the event that a child is transported in the front seat of a vehicle, the seat should be pushed back as far as possible and the passenger-side airbag should be deactivated. If this is not possible, members should arrange alternate transportation when feasible. A child shall not be transported in a rear-facing child restraint system in the front seat in a vehicle that is equipped with an active frontal passenger airbag (Vehicle Code § 27363).

512.7 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.

512.8 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.

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 Irvine Police Department to investigate crimes thoroughly, with due diligence, and to evaluate and prepare criminal cases for appropriate clearance or submission to the District Attorney's office (prosecutor).

600.3 INITIAL INVESTIGATION

600.3.1 OFFICER RESPONSIBILITIES

An officer responsible for an initial investigation shall complete no less than the following:

- (a) Make a preliminary determination of whether a crime has been committed by completing, at a minimum:
 - 1. An initial statement from any witnesses or complainants.
 - 2. A cursory examination for evidence.
- (b) If information indicates a crime has occurred, the officer shall:
 - 1. Preserve the scene and any evidence as required to complete the initial and follow-up investigation.
 - 2. Determine if additional investigative resources (e.g., investigators or scene processing) are necessary and request assistance as required.
 - 3. If assistance is warranted, or if the incident is not routine, notify a supervisor or the watch commander.
 - 4. Make reasonable attempts to locate, identify and interview all available victims, complainants, witnesses and suspects.
 - 5. Collect any evidence.
 - 6. Take any appropriate law enforcement action.
 - 7. Complete and submit the appropriate reports and documentation.
- (c) If the preliminary determination is that no crime occurred, determine what other action may be necessary, what other resources may be available, and advise the informant or complainant of this information.

600.3.2 PROFESSIONAL STAFF MEMBER RESPONSIBILITIES

A professional staff member assigned to any preliminary investigation is responsible for all investigative steps, except making any attempt to contact or interview a suspect face-to-face or take any enforcement action. Should an initial investigation indicate that those steps are required, the assistance of an officer shall be requested.

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During traffic investigations, professional staff members may contact certain persons during the course of their duties. Examples may include, but are not limited to, parking violations or property damage hit-and-run investigations.

600.4 CUSTODIAL INTERROGATION REQUIREMENTS

Suspects who are in custody and subjected to an interrogation shall be given the *Miranda* advisement, unless an exception applies. Interview or interrogation of a juvenile shall be in accordance with the Temporary Custody of Juveniles Policy.

600.4.1 AUDIO/VIDEO RECORDINGS

Custodial interviews shall be recorded as per the Digital Audio Recording policy.

600.4.2 MANDATORY RECORDING OF ADULTS OR MINORS

Any custodial interrogation of an adult or minor who is suspected of having committed any murder shall be recorded in its entirety. The recording should be video taped with audio, if reasonably feasible (Penal Code § 859.5).

This recording is not mandatory when (Penal Code § 859.5):

- (a) Recording is not feasible because of exigent circumstances that are later documented in a report.
- (b) The person interrogated states he or she will speak to law enforcement only if the interrogation is not recorded. 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).

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600.5 DISCONTINUATION OF INVESTIGATIONS

The investigation of a criminal case or efforts to seek prosecution should only be discontinued if one of the following applies:

- (a) All reasonable investigative efforts have been exhausted, no reasonable belief that the person who committed the crime can be identified, and the incident has been documented appropriately.
- (b) The perpetrator of a misdemeanor has been identified and a warning is the most appropriate disposition.
 - 1. In these cases, the investigator shall document that the person was warned and why prosecution was not sought.
 - 2. Warnings shall not be given for felony offenses or other offenses identified in this policy or by law that require an arrest or submission of a case to a prosecutor.
- (c) The case has been submitted to the appropriate prosecutor but no charges have been filed. Further investigation is not reasonable nor has the prosecutor requested further investigation.
- (d) The case has been submitted to the appropriate prosecutor, charges have been filed, and further investigation is not reasonable, warranted, or requested, and there is no need to take the suspect into custody.
- (e) Suspects have been arrested, there are no other suspects, and further investigation is either not warranted, or requested.
- (f) Investigation has proven that a crime was not committed (see the Sexual Assault Investigations Policy for special considerations in these cases).

The Domestic Violence, Child Abuse, Sexual Assault Investigations, and Senior and Disability Victimization policies may also require an arrest or submittal of a case to a prosecutor.

600.6 COMPUTERS AND DIGITAL EVIDENCE

The collection, preservation, transportation and storage of computers, cell phones and other digital devices may require specialized handling to preserve the value of the related evidence. If it is anticipated that computers or similar equipment will be seized, officers should request that computer forensic examiners assist with seizing computers and related evidence. If a forensic examiner is unavailable, officers should take reasonable steps to prepare for such seizure and use the resources that are available.

600.7 INVESTIGATIVE USE OF SOCIAL MEDIA AND INTERNET SOURCES

Use of social media and any other internet source to access information for the purpose of criminal investigation shall comply with applicable laws and policies regarding privacy, civil rights, and civil liberties. Information gathered via the internet should only be accessed by members while on-duty and for purposes related to the mission of this department. If a member encounters information relevant to a criminal investigation while off-duty or while using the member's own equipment, the member should note the dates, times, and locations of the information and report the discovery to

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the member's supervisor as soon as practicable. The member, or others who have been assigned to do so, should attempt to replicate the finding when on-duty and using department equipment.

Information obtained via the internet should not be archived or stored in any manner other than department-established record keeping systems (see the Records Maintenance and Release and the Criminal Organizations policies).

600.7.1 ACCESS RESTRICTIONS

Information that can be accessed from any department computer, 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.

600.7.2 INTERCEPTING ELECTRONIC COMMUNICATION

Intercepting social media communications in real time may be subject to federal and state wiretap laws. Officers should seek legal counsel before any such interception.

600.8 CELLULAR COMMUNICATIONS INTERCEPTION TECHNOLOGY

The Investigations 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:
 - (a) The purposes for which using cellular communications interception technology and collecting information is authorized.

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- (b) Identification by job title or other designation of employees who are authorized to use or access information collected through the use of cellular communications interception technology.
- (c) Training requirements necessary for those authorized employees.
- (d) A description of how the Department will monitor the use of its cellular communications interception technology to ensure the accuracy of the information collected and compliance with all applicable laws.
- (e) Process and time period system audits.
- (f) Identification of the existence of any memorandum of understanding or other agreement with any other local agency or other party for the shared use of cellular communications interception technology or the sharing of information collected through its use, including the identity of signatory parties.
- (g) The purpose of, process for and restrictions on the sharing of information gathered through the use of cellular communications interception technology with other local agencies and persons.
- (h) The length of time information gathered through the use of cellular communications interception technology will be retained, and the process the local agency will utilize to determine if and when to destroy retained information.

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.

600.9 ANTI-REPRODUCTIVE RIGHTS CRIMES

A member should take a report any time a person living within the jurisdiction of the Irvine Police Department reports that the person has been a victim of an anti-reproductive rights crime as defined by Penal Code § 13776 and Penal Code § 423.3. This includes:

- (a) Taking a report, even if the location of the crime is outside the jurisdiction of this department or has not been determined (e.g., online harassment).
- (b) Providing the victim with the appropriate information, as set forth in the Victim and Witness Assistance Policy. 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.

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The Investigations Bureau 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 Bureau Policy for additional guidance.

600.10 USE OF CERTAIN DNA SAMPLES

Known samples of DNA collected from a victim of a crime or alleged crime, and known reference samples of DNA from any individual that were voluntarily provided for the purpose of exclusion are to be used only for the purpose directly related to the incident being investigated and in compliance with the procedures identified in Penal Code § 679.12.

600.11 STATE REQUIREMENTS FOR FIREARM INVESTIGATIONS

600.11.1 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 Investigations Bureau 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 §11108.3, 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).

600.11.2 RELINQUISHMENT OF FIREARMS VERIFICATION

The Investigations Bureau 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 Bureau for preparation of a quarterly report to the California DOJ (Penal Code § 29813) (see the Records Bureau Policy for additional guidance).

Sexual Assault Investigations

601.1 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.

601.1.1 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.

SAFE kit - California standardized sexual assault forensic medical evidence (SAFE) kits.

601.2 POLICY

It is the policy of the Irvine 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.

601.3 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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601.4 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.

601.5 VICTIM INTERVIEWS

The primary considerations in sexual assault investigations, which begin with the initial call to the Communications Bureau, 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 the personal needs of the victim have been met (e.g., change of clothes, bathing). The follow-up interview may be delayed to the following day based upon the circumstances. Whenever practicable, the follow-up interview should be conducted by a qualified investigator.

Victims 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.

601.5.1 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).
 1. The officer shall not discourage a victim from receiving a medical evidentiary or physical examination (Penal Code § 679.04).
 2. A support person may be excluded from the examination by the officer or the medical provider if the support person's presence would be detrimental to the purpose of the examination (Penal Code § 264.2).

601.5.2 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

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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).

601.6 COLLECTION AND TESTING OF BIOLOGICAL EVIDENCE

Whenever possible, a SART member should be involved in the collection of forensic evidence from the victim.

When the facts of the case indicate that collection of biological evidence is warranted, it should be collected regardless of how much time has elapsed since the reported assault.

If a drug-facilitated sexual assault is suspected, urine and blood samples should be collected from the victim as soon as practicable.

Subject to requirements set forth in this policy, biological evidence from all sexual assault cases, including cases where the suspect is known by the victim, should be submitted for testing.

Victims who choose not to assist with an investigation, do not desire that the matter be investigated, or wish to remain anonymous may still consent to the collection of evidence under their control. In these circumstances, the evidence should be collected and stored appropriately (Penal Code § 680).

601.6.1 COLLECTION AND TESTING REQUIREMENTS

Members investigating a sexual assault offense should take every reasonable step to ensure that DNA testing of such evidence is performed in a timely manner and within the time periods prescribed by Penal Code § 803(g). SAFE kits should be submitted to the crime lab within 20 days after being booked into evidence (Penal Code § 680).

In order to maximize the effectiveness of such testing and identify the perpetrator of any sexual assault, the assigned officer shall ensure that an information profile for the SAFE kit evidence has been created in the California Department of Justice (DOJ) SAFE-T database within 120 days of collection and should further ensure that the results of any such test have been timely entered into and checked against both the DOJ Cal-DNA database and the Combined DNA Index System (CODIS) (Penal Code § 680.3).

If the assigned officer determines that a SAFE kit submitted to a private vendor laboratory for analysis has not been tested within 120 days after submission, the officer shall update the SAFE-T database to reflect the reason for the delay in testing. The assigned officer shall continue to update the status every 120 days thereafter until the testing is complete, 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 18 months of the crime, the assigned officer

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shall notify the victim of such fact in writing no less than 60 days prior to the expiration of the 18-month period (Penal Code § 680).

Additional guidance regarding evidence retention and destruction is found in the Property and Evidence Policy.

601.6.2 DNA TEST RESULTS

A SART member should be consulted regarding the best way to deliver biological testing results to a victim so as to minimize victim trauma, especially in cases where there has been a significant delay in getting biological testing results (e.g., delays in testing the evidence or delayed DNA databank hits). Members should make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as provided in the Victim and Witness Assistance Policy.

- (a) Upon receipt of a written request from a sexual assault victim or the victim's authorized designee, members investigating sexual assault cases shall inform the victim of the status of the DNA testing of any evidence from the victim's case (Penal Code § 680).
 - 1. Although such information may be communicated orally, the assigned officer should thereafter follow-up with and retain a copy of confirmation by either written or electronic mail.
 - 2. Absent a written request, no member of this department is required to, but may, communicate with the victim or the victim's authorized designee regarding the status of any DNA testing.
- (b) 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.

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2. No officer shall be required or expected to release any information which might impede or compromise any ongoing investigation.

601.6.3 STANDARDIZED SEXUAL ASSAULT FORENSIC MEDICAL EVIDENCE KIT

The department 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).

601.6.4 COLLECTION OF DNA REFERENCE SAMPLES

Reference samples of DNA collected directly from a victim of sexual assault, and reference samples of DNA collected from any individual that were voluntarily provided for the purpose of exclusion, shall be protected as provided in Penal Code § 679.12 (Penal Code § 680).

601.7 DISPOSITION OF CASES

If the assigned investigator has reason to believe the case is without merit, the case may be classified as unfounded after consultation with an Investigations Bureau supervisor.

Classification of a sexual assault case as unfounded requires an Investigations Bureau supervisor to determine that the facts have significant irregularities with reported information and that the incident could not have happened as it was reported. When a victim has recanted his/her original statement, there must be corroborating evidence that the allegations were false or baseless (i.e., no crime occurred) before the case should be determined as unfounded.

601.8 CASE REVIEW

Investigations Bureau supervisors should ensure case dispositions are reviewed on a periodic basis. The reviews should include an analysis of:

- Case dispositions.
- Decisions to collect biological evidence.
- Submissions of biological evidence for lab testing.

601.9 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 Investigations leads. A Investigations Bureau supervisor should weigh the risk of alerting the suspect to the investigation with the need to protect the victim and the public, and to prevent more crimes.

601.10 TRAINING

Subject to available resources, periodic training should be provided to:

- (a) Members who are first responders. Training should include:

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1. Initial response to sexual assaults.
 2. Legal issues.
 3. Victim advocacy.
 4. Victim's response to trauma.
 5. Proper use and handling of the California standardized SAFE kit (Penal Code § 13823.14).
- (b) Qualified investigators, who should receive advanced training on additional topics. Advanced training should include:
1. Interviewing sexual assault victims.
 2. SART.
 3. Medical and legal aspects of sexual assault investigations.
 4. Serial crimes investigations.
 5. Use of community and other federal and state investigative resources, such as the Violent Criminal Apprehension Program (ViCAP).
 6. Techniques for communicating with victims to minimize trauma.

Asset Forfeiture

602.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure, forfeiture and liquidation of property associated with designated offenses.

602.1.1 DEFINITIONS

Definitions related to this policy include:

Blockchain - A digital and decentralized ledger in which all cryptocurrency transactions are publicly recorded. This digital ledger records each transaction chronologically and is done without a third-party provider (i.e., a bank).

Bitcoin - Bitcoin is a type of cryptocurrency. Unlike the United States dollar, there is no physical manifestation of Bitcoin or other cryptocurrencies. Bitcoin was released in 2009 by an unknown person or group using the alias, "Satoshi Nakamoto". Bitcoin is the most widely-adopted cryptocurrency in the world. Bitcoin payments are recorded on a public ledger (blockchain) that is maintained by peer-to-peer verification, and is thus not maintained by a single administrator or entity. Bitcoin is a peer-to-peer currency, which means that no central authority issues new money or tracks transactions. Individuals can acquire Bitcoins either by "mining" or by purchasing Bitcoins from other individuals or exchanges. An individual can "mine" for Bitcoins by allowing his/her computing power to verify and record the Bitcoin payments into a public ledger. Individuals who are determined to be the first to verify the block of transactions are rewarded with newly created Bitcoins. Due to the demand and continual growth of cryptocurrencies, miners need increasingly more powerful computers or graphics processing power to be awarded Bitcoin. As a result, miners will often maintain specially configured computers ("rigs") in order to mine cryptocurrency. These "rigs" may be linked together to create a mining "pool" which is the grouping of resources by miners, who share their processing power over a network, to split the potential reward equally. Cryptocurrencies such as Bitcoin are based on technology known as public key cryptography. Examples of other cryptocurrencies include, but are not limited to Bitcoin Cash ZCash, Monero, Litecoin, Ripple, and Ethereum.

Cold Storage Wallet - A cryptocurrency wallet that is kept offline on a hard disc drive, electronic storage media, a bearer instrument, or in paper hard copy ("paper wallet"). Whenever possible, the Investigators shall use paper wallets to seize/store cryptocurrencies.

Cryptocurrency - A cryptocurrency is known as a digital currency or virtual currency and generally defined as an electronic-sourced unit of value that can be used as a substitute for fiat currency (i.e., currency created and regulated by a government). Cryptocurrency transactions are open source and can be seen on the blockchain, a ledger enforced by a network of computers. Most digital currencies are not issued or regulated by any government, bank, or company and are instead generated and controlled through a computer software operating on a decentralized peer-to-peer network. Digital currency is not illegal in the United States and may be used for legitimate financial

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transactions. However, digital currency is often used for conducting illegal transactions due to its decentralization and anonymity.

Cryptography - Cryptography is a method of protecting information and communications through the use of codes so that only those for whom the information is intended can read and process it. Cryptography is used to encrypt the identities of the sender and receiver in a cryptocurrency transaction, as each completed transaction will reflect on the public ledger. In principle, the cryptography guarantees the security of the transactions and the participants involved, independence of operations from a central authority, and protection from double spending.

Exchange - An exchange is a digital marketplace where traders can buy, sell, and trade cryptocurrencies using different fiat currencies or altcoins. For example, a Bitcoin currency exchange is an online platform that acts as an intermediary between buyers and sellers of the cryptocurrency. E.g. Coinbase, Binance, Kraken, etc.

Fiscal Agent - The person designated by the Chief of Police to be responsible for securing and maintaining seized assets and distributing any proceeds realized from any forfeiture proceedings. This includes any time the Irvine Police Department seizes property for forfeiture or when the Irvine Police Department is acting as the fiscal agent pursuant to a multi-agency agreement.

Forfeiture - The process by which legal ownership of an asset is transferred to a government or other authority.

Forfeiture Reviewer - The department member assigned by the Chief of Police who is responsible for reviewing all forfeiture cases and for acting as the liaison between the Department and the assigned attorney.

Hot Storage Wallet - A cryptocurrency wallet that is online and connected in some way to the Internet. E.g. MyCelium, Blockchain wallet, BRD wallet, etc.

Private Key - A sophisticated form of cryptography that allows a user to access his or her cryptocurrency. The private key is a secret number that allows cryptocurrencies to be spent. Every Bitcoin wallet contains one or more private keys, which are saved in the wallet file. The private keys are mathematically related to all Bitcoin addresses generated for the wallet.

Property Subject to Forfeiture - The following may be subject to forfeiture:

- (a) Property related to a narcotics offense, which includes (Health and Safety Code § 11470; Health and Safety Code § 11470.1):
 - 1. Property (not including real property or vehicles) used, or intended for use, as a container for controlled substances, materials to manufacture controlled substances, etc.
 - 2. Interest in a vehicle (car, boat, airplane, other vehicle) used to facilitate the manufacture, possession for sale or sale of specified quantities of controlled substances.

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3. Money, negotiable instruments, securities or other things of value furnished or intended to be furnished by any person in exchange for a controlled substance, proceeds traceable to an exchange, etc.
 4. Real property when the owner is convicted of violating Health and Safety Code § 11366, Health and Safety Code § 11366.5 or Health and Safety Code § 11366.6 (drug houses) when the property was not used as a family residence or for other lawful purposes, or property owned by two or more persons, one of whom had no knowledge of its unlawful use.
 5. The expenses of seizing, eradicating, destroying or taking remedial action with respect to any controlled substance or its precursors upon conviction for the unlawful manufacture or cultivation of any controlled substance or its precursors.
- (b) Property related to criminal profiteering (may include gang crimes), to include (Penal Code § 186.2; Penal Code § 186.3):
1. Any property interest, whether tangible or intangible, acquired through a pattern of criminal profiteering activity.
 2. All proceeds acquired through a pattern of criminal profiteering activity, including all things of value that may have been received in exchange for the proceeds immediately derived from the pattern of criminal profiteering activity.

Public Key- A cryptographic code that allows a user to receive cryptocurrencies into his or her account.

Seizing Officer - Sworn officer of the agency responsible for the seizure of cryptocurrency. This officer is also responsible for maintaining chain-of-custody. The Seizing Officer will have sufficient knowledge, skills, and abilities to perform the seizure in a forensically sound manner.

Seizure - The act of law enforcement officials taking property, cash or assets that have been used in connection with or acquired by specified illegal activities.

Wallet- A software program in which one or more private keys are stored, a bearer instrument in which one or more private keys are stored; or a paper hard copy on which one or more private keys are written. A Bitcoin wallet stores the Bitcoin.

Witnessing Officer - Sworn officer of the agency responsible for observing the seizure and storage of seized cryptocurrency. The Witnessing Officer will have sufficient knowledge, skills, and abilities to fully understand the seizure process and safeguards being employed. The Witnessing Officer may be a member of another law enforcement agency (federal or local) that is assisting in a joint-operation and/or investigation with the Irvine Police Department.

602.2 POLICY

The Irvine Police Department recognizes that appropriately applied forfeiture laws are helpful to enforce the law, deter crime and reduce the economic incentive of crime. However, the potential for revenue should never compromise the effective investigation of criminal offenses, officer safety or any person's due process rights.

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It is the policy of the Irvine Police Department that all members, including those assigned to internal or external law enforcement task force operations, shall comply with all state and federal laws pertaining to forfeiture.

It is the policy of the Irvine Police Department to seize virtual currencies and cryptocurrencies in a forensically sound manner. Specific requirements will be followed to ensure properly conducted seizures occur and to protect against the appearance of improperly conducted seizures.

602.3 ASSET SEIZURE

Property may be seized for forfeiture as provided in this policy.

602.3.1 PROPERTY SUBJECT TO SEIZURE

The following may be seized upon review and approval of a supervisor and in coordination with the forfeiture reviewer:

- (a) Property subject to forfeiture authorized for seizure under the authority of a search warrant or court order.
- (b) Property subject to forfeiture not authorized for seizure under the authority of a search warrant or court order when any of the following apply (Health and Safety Code § 11471; Health and Safety Code § 11488):
 - 1. The property subject to forfeiture is legally seized incident to an arrest.
 - 2. There is probable cause to believe that the property was used or is intended to be used in a violation of the Uniform Controlled Substances Act and the seizing officer can articulate a nexus between the property and the controlled substance offense that would lead to the item being property subject for forfeiture.

Officers aware of assets that may be forfeitable as a result of criminal profiteering or human trafficking should consider contacting the district attorney regarding a court order to protect the assets (Penal Code § 186.6; Penal Code § 236.6).

Whenever practicable, a search warrant or court order for seizure prior to making a seizure is the preferred method.

A large amount of money standing alone is insufficient to establish the probable cause required to make a seizure.

602.3.2 PROPERTY NOT SUBJECT TO SEIZURE

The following property should not be seized for forfeiture:

- (a) Cash and property that does not meet the forfeiture counsel's current minimum forfeiture thresholds should not be seized.
- (b) Real property is not subject to seizure, absent exigent circumstances, without a court order (Health and Safety Code § 11471).

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- (c) A vehicle which may be lawfully driven on the highway if there is a community property interest in the vehicle by a person other than the suspect and the vehicle is the sole vehicle available to the suspect's immediate family (Health and Safety Code § 11470).
- (d) Vehicles, boats or airplanes owned by an "innocent owner," such as a common carrier with no knowledge of the suspected offense (Health and Safety Code § 11490).
- (e) Any property when the associated activity involves the possession of marijuana or related paraphernalia that is permissible under the Control, Regulate and Tax Adult Use of Marijuana Act (Health and Safety Code § 11362.1).

602.3.3 SEIZED VEHICLES

Vehicles seized subject to forfeiture will be taken to a designated secure storage facility. A seized vehicle should not be impounded. The officer seizing the vehicle shall notify the detective supervisor of the seizure of the vehicle and circumstances of the seizure as soon as possible.

If the vehicle cannot be driven, a tow truck will be used to tow the vehicle to the storage facility.

Personal property located in a seized vehicle shall be removed and booked into Property as either evidence or for safekeeping.

602.4 PROCESSING SEIZED PROPERTY FOR FORFEITURE PROCEEDINGS

When property or cash subject to this policy is seized, the officer making the seizure should ensure compliance with the following:

- (a) Complete applicable seizure forms and present the appropriate copy to the person from whom the property is seized. If cash or property is seized from more than one person, a separate copy must be provided to each person, specifying the items seized. When property is seized and no one claims an interest in the property, the officer must leave the copy in the place where the property was found, if it is reasonable to do so.
- (b) Complete and submit a report and original seizure forms within 24 hours of the seizure, if practicable.
- (c) Forward the original seizure forms and related reports to the forfeiture reviewer within two days of seizure.

The officer will book seized property as evidence with the notation in the comment section of the property form, "Seized Subject to Forfeiture." Property seized subject to forfeiture should be booked on a separate property form. No other evidence from the case should be booked on this form.

Photographs should be taken of items seized, particularly cash, jewelry and other valuable items.

Officers who suspect property may be subject to seizure but are not able to seize the property (e.g., the property is located elsewhere, the whereabouts of the property is unknown, it is real estate, bank accounts, non-tangible assets) should document and forward the information in the appropriate report to the forfeiture reviewer.

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602.5 PROCESSING SEIZED CRYPTOCURRENCY FOR FORFEITURE PROCEEDINGS

When cryptocurrency is subject to seizure and is stored in a cryptocurrency exchange such as, but not limited to Coinbase, Gemini, or Binance and the exchange will comply with a seizure order issued by judicial authority, such order will be served on the exchange by the seizing officer. The cryptocurrency will then be transferred to an IPD-controlled wallet. The standard procedure for the process of transferring the cryptocurrency will be described below.

When cryptocurrency is subject to seizure and is either in a hot storage wallet, when the exchange will not comply with a seizure order issued by judicial authority, when exigency exists such that it is not feasible to serve a seizure order on the exchange, or when cryptocurrency is in a cold storage wallet, the following seizure process will be utilized:

- (a) The seizing officer will utilize a computer owned by the agency to create a cold storage wallet. When possible, the seizing officer should use a paper wallet as the cold storage wallet of choice. This process will be observed at all times by the witnessing officer. The seizing officer will label the wallet with the seizing officer's name, badge number, date, and DR number.
- (b) The seizing officer will take a screen capture, photograph, or otherwise document the amount of cryptocurrency subject to seizure. The amount of cryptocurrency will be labeled as its respective type (e.g. 0.01234 BTC). This process will be observed at all times by the witnessing officer.
- (c) The seizing officer will use the private key for the cryptocurrency subject to seizure to transfer the cryptocurrency to the cold storage wallet controlled by the agency. This wallet may be a "paper" wallet or a hardware wallet maintained by the Irvine Police Department. This process will be observed at all times by the witnessing officer.
- (d) The seizing officer will take a screen capture, photograph, or otherwise document the amount of cryptocurrency transferred for purpose of ensuring the exchange was successfully accomplished from the wallet subject to seizure to the wallet controlled by the agency. This process will be observed at all times by the witnessing officer.
- (e) The seizing officer will take a screen capture, photograph, or otherwise document the amount of cryptocurrency transferred for purpose of seizure and housed in the wallet controlled by the agency. This process will be observed at all times by the witnessing officer.
- (f) In instances in which more than one private key exists in the same wallet subject to seizure, the same wallet controlled by the agency may be utilized. A new wallet controlled by the agency will be created for each wallet subject to seizure (e.g. if the same subject has multiple hot storage wallets using either multiple exchanges or multiple applications/companies, a new cold storage wallet controlled by the agency will be created and used for each wallet subject to seizure.).
- (g) When possible, the seizing officer will use the blockchain to confirm that the exchange was successfully accomplished from the wallet subject to seizure to the wallet controlled by the agency. The seizing officer will take a screen capture, photograph, or otherwise document the blockchain ledger transaction. This process will be observed at all times by the witnessing officer. When feasible, the transaction information from

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the blockchain should be kept with the seized cryptocurrency on the IPD-controlled wallet.

- (h) The cold storage (e.g. paper) wallet shall be booked, along with any available printed transaction information from the blockchain, in accordance with Irvine Police Department policy.

For example, the IPD wallet (with the seized cryptocurrency) shall be placed inside an evidence bag along with the printed copy of the transaction information from the blockchain (e.g. blockchain.info). These items will then be sealed inside an IPD currency envelope.

NOTE: The seized cryptocurrency will be labeled, stored, and referenced as the cryptocurrency that was seized (e.g. "2.12567842 Bitcoins (BTC)"); it shall not be labeled/converted to US dollars.

- (a) Both the seizing officer and the witnessing officer will affix their signature, badge numbers, date, time, and other pertinent information to both the wallet and the transaction information (if available).
- (b) The seizing officer will present the evidence envelope and wallet to their supervisor(s). The supervisor, in accordance with IPD policy, will validate that the information is correct, and affix their signature and badge number to the envelope.
- (c) The envelope containing the seized cryptocurrency and transaction information will then be booked into an evidence locker at the Irvine Police Department evidence room in accordance with current IPD policy.
- (d) The seized cryptocurrency will not be converted to United States Currency until a forfeiture order is issued. This is consistent with existing policy and practice when seizing other items that can fluctuate in value (e.g. precious metals, houses, negotiable instruments, vehicles, works of art, and foreign currencies).

602.6 MAINTAINING SEIZED PROPERTY

The Property and Evidence Section Supervisor is responsible for ensuring compliance with the following:

- (a) All property received for forfeiture is reasonably secured and properly stored to prevent waste and preserve its condition.
- (b) All property received for forfeiture is retained in the same manner as evidence until forfeiture is finalized or the property is returned to the claimant or the person with an ownership interest.
- (c) Property received for forfeiture is not used unless the forfeiture action has been completed.

602.7 FORFEITURE REVIEWER

The Chief of Police will appoint an officer as the forfeiture reviewer. Prior to assuming duties, or as soon as practicable thereafter, the forfeiture reviewer should attend a department-approved course on asset forfeiture.

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The responsibilities of the forfeiture reviewer include:

- (a) Remaining familiar with forfeiture laws, particularly Health and Safety Code § 11469 et seq. and Penal Code § 186.2 et seq. and the forfeiture policies of the forfeiture counsel.
- (b) Serving as the liaison between the Department and the forfeiture counsel and ensuring prompt legal review of all seizures.
- (c) Making reasonable efforts to obtain annual training that includes best practices in pursuing, seizing and tracking forfeitures.
- (d) Ensuring that property seized under state law is not referred or otherwise transferred to a federal agency seeking the property for federal forfeiture as prohibited by Health and Safety Code § 11471.2.
- (e) Ensuring that responsibilities, including the designation of a fiscal agent, are clearly established whenever multiple agencies are cooperating in a forfeiture case.
- (f) Ensuring that seizure forms are available and appropriate for department use. These should include notice forms, a receipt form and a checklist that provides relevant guidance to officers. The forms should be available in languages appropriate for the region and should contain spaces for:
 - 1. Names and contact information for all relevant persons and law enforcement officers involved.
 - 2. Information as to how ownership or other property interests may have been determined (e.g., verbal claims of ownership, titles, public records).
 - 3. A space for the signature of the person from whom cash or property is being seized.
 - 4. A tear-off portion or copy, which should be given to the person from whom cash or property is being seized, that includes the legal authority for the seizure, information regarding the process to contest the seizure and a detailed description of the items seized.
- (g) Ensuring that officers who may be involved in asset forfeiture receive training in the proper use of the seizure forms and the forfeiture process. The training should be developed in consultation with the appropriate legal counsel and may be accomplished through traditional classroom education, electronic media, Daily Training Bulletins (DTBs) or Department Directives. The training should cover this policy and address any relevant statutory changes and court decisions.
- (h) Reviewing each asset forfeiture case to ensure that:
 - 1. Written documentation of the seizure and the items seized is in the case file.

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2. Independent legal review of the circumstances and propriety of the seizure is made in a timely manner.
 3. Notice of seizure has been given in a timely manner to those who hold an interest in the seized property (Health and Safety Code § 11488.4).
 4. Property is promptly released to those entitled to its return (Health and Safety Code § 11488.2).
 5. All changes to forfeiture status are forwarded to any supervisor who initiates a forfeiture case.
 6. Any cash received is deposited with the fiscal agent.
 7. Assistance with the resolution of ownership claims and the release of property to those entitled is provided.
 8. Current minimum forfeiture thresholds are communicated appropriately to officers.
 9. This policy and any related policies are periodically reviewed and updated to reflect current federal and state statutes and case law.
- (i) Ensuring that a written plan that enables the Chief of Police to address any extended absence of the forfeiture reviewer, thereby ensuring that contact information for other law enforcement officers and attorneys who may assist in these matters is available.
 - (j) Ensuring that the process of selling or adding forfeited property to the department's regular inventory is in accordance with all applicable laws and consistent with the department's use and disposition of similar property.
 - (k) Keeping a manual that details the statutory grounds for forfeitures and department procedures related to asset forfeiture, including procedures for prompt notice to interest holders, the expeditious release of seized property, where appropriate, and the prompt resolution of claims of innocent ownership (Health and Safety Code § 11469).
 - (l) Providing copies of seized business records to the person or business from whom such records were seized, when requested (Health and Safety Code § 11471).
 - (m) Notifying the California Franchise Tax Board when there is reasonable cause to believe that the value of seized property exceeds \$5,000.00 (Health and Safety Code § 11471.5).

Forfeiture proceeds should be maintained in a separate fund or account subject to appropriate accounting control, with regular reviews or audits of all deposits and expenditures.

Forfeiture reporting and expenditures should be completed in the manner prescribed by the law and City financial directives (Health and Safety Code § 11495).

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602.8 DISPOSITION OF FORFEITED PROPERTY

Forfeited funds distributed under Health and Safety Code § 11489 et seq. shall only be used for purposes allowed by law, but in no case shall a peace officer's employment or salary depend upon the level of seizures or forfeitures he/she achieves (Health and Safety Code § 11469).

The Department may request a court order so that certain uncontaminated science equipment is relinquished to a school or school district for science classroom education in lieu of destruction (Health and Safety Code § 11473; Health and Safety Code § 11473.5).

602.8.1 RECEIVING EQUITABLE SHARES

When participating in a joint investigation with a federal agency, the Irvine Police Department shall not receive an equitable share from the federal agency of all or a portion of the forfeiture proceeds absent either a required conviction under Health and Safety Code § 11471.2 or the flight, death or willful failure to appear of the defendant. This does not apply to forfeited cash or negotiable instruments of \$40,000 or more.

602.9 CLAIM INVESTIGATIONS

An investigation shall be made as to any claimant of a vehicle, boat or airplane whose right, title, interest or lien is on the record in the Department of Motor Vehicles or in an appropriate federal agency. If investigation reveals that any person, other than the registered owner, is the legal owner, and that ownership did not arise subsequent to the date and time of arrest or notification of the forfeiture proceedings or seizure of the vehicle, boat or airplane, notice shall be made to the legal owner at his/her address appearing on the records of the Department of Motor Vehicles or the appropriate federal agency (Health and Safety Code § 11488.4).

Informants

603.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use of informants.

603.1.1 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 Irvine Police Department for law enforcement purposes. This also includes a person agreeing to supply information to the Irvine Police Department for a benefit (e.g., a quid pro quo in the form of a reduced criminal penalty, money).

603.2 POLICY

The Irvine 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.

603.3 USE OF INFORMANTS

603.3.1 INITIAL APPROVAL

Before using an individual as an informant, an officer must receive approval from the Special Investigations Unit 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.

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603.3.3 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.

603.4 INFORMANT INTEGRITY

To maintain the integrity of the informant process, the following must be adhered to:

- (a) The identity of an informant acting in a confidential capacity shall not be withheld from the Chief of Police, Division Commander, Special Investigations Unit supervisor or their authorized designees.
 - 1. Identities of informants acting in a confidential capacity shall otherwise be kept confidential.
- (b) Criminal activity by informants shall not be condoned.
- (c) Informants shall be told they are not acting as police officers, employees or agents of the Irvine Police Department, and that they shall not represent themselves as such.
- (d) The relationship between department members and informants shall always be ethical and professional.
 - 1. Members shall not become intimately involved with an informant.
 - 2. Social contact shall be avoided unless it is necessary to conduct an official investigation, and only with prior approval of the Special Investigations Unit supervisor.
 - 3. Members shall neither solicit nor accept gratuities or engage in any private business transaction with an informant.
- (e) Officers shall not meet with informants in a private place unless accompanied by at least one additional officer or with prior approval of the Special Investigations Unit supervisor.
 - 1. Officers may meet informants alone in an occupied public place, such as a restaurant.
- (f) When contacting informants for the purpose of making payments, officers shall arrange for the presence of another officer.
- (g) In all instances when department funds are paid to informants, a voucher shall be completed in advance, itemizing the expenses.
- (h) Since the decision rests with the appropriate prosecutor, officers shall not promise that the informant will receive any form of leniency or immunity from criminal prosecution.

603.4.1 UNSUITABLE INFORMANTS

The suitability of any informant should be considered before engaging him/her in any way in a covert or other investigative process. Members who become aware that an informant may be

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unsuitable will notify the supervisor, who will initiate a review to determine suitability. Until a determination has been made by a supervisor, the informant should not be used by any member. The supervisor shall determine whether the informant should be used by the Department and, if so, what conditions will be placed on his/her participation or any information the informant provides. The supervisor shall document the decision and conditions in file notes and mark the file "unsuitable" when appropriate.

Considerations for determining whether an informant is unsuitable include, but are not limited to, the following:

- (a) The informant has provided untruthful or unreliable information in the past.
- (b) The informant behaves in a way that may endanger the safety of an officer.
- (c) The informant reveals to suspects the identity of an officer or the existence of an investigation.
- (d) The informant appears to be using his/her affiliation with this department to further criminal objectives.
- (e) The informant creates officer-safety issues by providing information to multiple law enforcement agencies simultaneously, without prior notification and approval of each agency.
- (f) The informant engages in any other behavior that could jeopardize the safety of officers or the integrity of a criminal investigation.
- (g) The informant commits criminal acts subsequent to entering into an informant agreement.

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Eyewitness Identification

604.1 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when members of this department employ eyewitness identification techniques (Penal Code § 859.7).

604.1.1 DEFINITIONS

Definitions related to the policy include:

Blind administration - Means the administrator of an eyewitness identification procedure does not know the identity of the suspect.

Blinded administration - Means the administrator of an eyewitness identification procedure may know who the suspect is, but does not know where the suspect, or his or her photo, as applicable, has been placed or positioned in the identification procedure.

Field show up - Means a procedure in which a suspect is detained shortly after the commission of a crime and who, based on his or her appearance, his or her distance from the crime scene, or other circumstantial evidence, is suspected of having just committed a crime. In these situations, the victim or an eyewitness is brought to the scene of the detention and is asked if the detainee was the perpetrator.

Live lineup - Means a procedure in which a group of persons, including the person suspected as the perpetrator of an offense and other persons not suspected of the offense, are displayed to an eyewitness for the purpose of determining whether the eyewitness is able to identify the suspect as the perpetrator. A live lineup is most likely to be used when the suspect is already in custody.

Photo lineup - Means a procedure in which an array of photographs, including a photograph of the person suspected as the perpetrator of an offense and additional photographs of other persons not suspected of the offense, are displayed to an eyewitness for the purpose of determining whether the eyewitness is able to identify the suspect as the perpetrator.

Filler - Means either a person or a photograph of a person who is not suspected of an offense and is included in an identification procedure.

Eyewitness - Means a person whose identification of another person may be relevant in a criminal investigation.

Eyewitness identification process - Any field identification, live lineup or photographic identification.

604.2 POLICY

The Irvine 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.

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604.3 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.

604.4 EYEWITNESS IDENTIFICATION PROCESS AND FORM

An Investigations Bureau supervisor shall be responsible for the development and maintenance of an eyewitness identification process for use by members when they are conducting eyewitness identifications.

The process should include appropriate forms or reports that provide (Penal Code § 859.7):

- (a) The date, time and location of the eyewitness identification procedure.
- (b) The name and identifying information of the witness.
- (c) The name of the person administering the identification procedure.
- (d) If applicable, the names of all of the individuals present during the identification procedure.
- (e) An instruction to the witness that it is as important to exclude innocent persons as it is to identify a perpetrator.
- (f) An instruction to the witness that the perpetrator may or may not be among those presented and that the witness is not obligated to make an identification.
- (g) If the identification process is a photographic or live lineup, an instruction to the witness that the perpetrator may not appear exactly as he/she did on the date of the incident.
- (h) An instruction to the witness that the investigation will continue regardless of whether an identification is made by the witness.
- (i) A signature line where the witness acknowledges that he/she understands the identification procedures and instructions.
- (j) A statement from the witness in the witness's own words describing how certain he/she is of the identification or non-identification. This statement should be taken at the time of the identification procedure.
- (k) 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.

604.5 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.

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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).

604.6 DOCUMENTATION

A thorough description of the eyewitness process and the result of any eyewitness identification should be documented in the case report.

If a photographic lineup is utilized, a copy of the photographic lineup presented to the witness should be included in the case report. In addition, the order in which the photographs were presented to the witness should be documented in the case report.

604.6.1 DOCUMENTATION RELATED TO RECORDINGS

The handling member shall document the reason that a video recording or any other recording of an identification was not obtained (Penal Code § 859.7).

604.6.2 DOCUMENTATION RELATED TO BLIND ADMINISTRATION

If a presentation of a lineup is not conducted using blind administration, the handling member shall document the reason (Penal Code § 859.7).

604.7 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.

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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.

604.7.1 OTHER SAFEGUARDS

Witnesses should be asked for suspect descriptions as close in time to the incident as possible and before conducting an eyewitness identification. No information concerning a suspect should be given prior to obtaining a statement from the witness describing how certain he/she is of the identification or non-identification. Members should not say anything to a witness that may validate or invalidate an eyewitness' identification. In photographic lineups, writings or information concerning any previous arrest of a suspect shall not be visible to the witness (Penal Code § 859.7).

604.8 FIELD IDENTIFICATION CONSIDERATIONS

Field identifications, also known as field show-ups or one-on-one identifications, may be helpful in certain cases, where exigent circumstances make it impracticable to conduct a photo or live lineup identifications.

When initiating a field identification, the member should observe the following guidelines:

- (a) Obtain a complete description of the suspect from the witness.
- (b) Assess whether a witness should be included in a field identification process by considering:
 - 1. The length of time the witness observed the suspect.
 - 2. The distance between the witness and the suspect.
 - 3. Whether the witness could view the suspect's face.
 - 4. The quality of the lighting when the suspect was observed by the witness.
 - 5. Whether there were distracting noises or activity during the observation.
 - 6. Any other circumstances affecting the witness's opportunity to observe the suspect.
 - 7. The length of time that has elapsed since the witness observed the suspect.
- (c) If safe and practicable, the person who is the subject of the show-up should not be handcuffed or in a patrol vehicle.
- (d) When feasible, members should bring the witness to the location of the subject of the show-up, rather than bring the subject of the show-up to the witness.
- (e) The person who is the subject of the show-up should not be shown to the same witness more than once.
- (f) In cases involving multiple suspects, witnesses should only be permitted to view the subjects of the show-up one at a time.

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- (g) The person who is the subject of the show-up should not have their clothing altered, to speak words uttered by the suspect or to perform other actions mimicking those of the suspect.

Warrant Service

605.1 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.

605.2 POLICY

It is the policy of the Irvine 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.

605.3 SEARCH WARRANTS

Officers, detectives, or investigators 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 for review and classification of risk (see the Operations Planning and Deconfliction Policy).

605.4 ARREST WARRANTS

If members reasonably believe that serving an arrest warrant may pose a higher risk than commonly faced on a daily basis, they should complete the risk assessment form and submit it to the appropriate supervisor 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 a manager. If the warrant is not classified as high risk, the supervisor should weigh the risk of entry into a residence to make an arrest against other alternatives, such as arresting the person outside the residence where circumstances may pose a lower risk.

605.5 SUPERVISOR REVIEW

The supervisor of an operation shall review all risk assessment forms to determine the risk level of the warrant service. Operations that are categorized as high risk shall be reviewed by the unit manager and coordinated with the appropriate personnel for service.

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Warrant Service

605.6 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 or no-knock warrant execution.
- (b) A clear explanation of the affiant's training, experience, and relevant education.
- (c) Adequately supported opinions, when relevant, that are not left to unsubstantiated conclusions.
- (d) A nexus between the place to be searched and the persons or items central to the investigation. The facts supporting this nexus should be clear and current. For example, the affidavit shall explain why there is probable cause to believe that a particular person is currently residing at a particular location or that the items sought are present at a particular location.
- (e) Full disclosure of known or suspected residents at the involved location and any indication of separate living spaces at the involved location. For example, it should be disclosed that several people may be renting bedrooms at a single location, even if the exact location of the rooms is not known.
- (f) A specific description of the location to be searched, including photographs of the location, if reasonably available.
- (g) A sufficient description of the items to be seized.
- (h) Full disclosure of any known exculpatory information relevant to the warrant application (refer to the Brady Material Disclosure Policy).

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605.8 DETENTIONS DURING WARRANT SERVICE

Officers must be sensitive to the safety risks of all persons involved with the service of a warrant. Depending on circumstances and facts present, it may be appropriate to control movements of any or all persons present at a warrant service, including those who may not be the subject of a warrant or suspected in the case. However, officers must be mindful that only reasonable force may be used and weapons should be displayed no longer than the officer reasonably believes is necessary (see the Use of Force Policy).

As soon as it can be determined that an individual is not subject to the scope of a warrant and that no further reasonable suspicion or safety concerns exist to justify further detention, the person should be promptly released.

Officers should, when and to the extent reasonable, accommodate the privacy and personal needs of people who have been detained.

605.9 ACTIONS AFTER WARRANT SERVICE

Officers 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.

605.10 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.

605.11 NO-KNOCK ENTRIES

No-knock entries are only authorized if a no-knock warrant has been obtained or if exigent circumstances arise at the scene such that knocking and announcing the officer's presence would create an imminent threat of physical violence to the officer or another person.

Operations Planning and Deconfliction

606.1 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.

606.1.1 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.

Case agent - Officer or detective responsible for the operation who oversees the overall planning and execution of the plan.

Affected supervisor - The supervisor with overall supervisory authority over the operation and the case agent.

606.2 POLICY

It is the policy of the Irvine 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.

606.3 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 case agent 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. The officer should also enter relevant updated information when it is received.

If any conflict is discovered, the case agent will contact the involved jurisdiction and resolve the potential conflict before proceeding.

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606.4.1 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.

(a)

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606.9 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.

606.10 OPERATIONS DEBRIEFING

Operations should be debriefed as soon as reasonably practicable. The debriefing should include as many participants as possible. This debrief may be separate from any SWAT debriefing if they participated.

Criminal Organizations

607.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that the Irvine Police Department appropriately utilizes criminal intelligence systems and temporary information files to support investigations of criminal organizations and enterprises.

607.1.1 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.

607.2 POLICY

The Irvine Police Department recognizes that certain criminal activities, including but not limited to gang crimes, drug trafficking, or organized theft crews, 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.

607.3 CRIMINAL INTELLIGENCE SYSTEMS

No department member may create, submit to or obtain information from a criminal intelligence system unless the Chief of Police has approved the system for department use.

Any criminal intelligence system approved for department use should meet or exceed the standards of 28 CFR 23.20.

A designated supervisor will be responsible for maintaining each criminal intelligence system that has been approved for department use. The supervisor or the authorized designee should ensure the following:

- (a) Members using any such system are appropriately selected and trained.
- (b) Use of every criminal intelligence system is appropriately reviewed and audited.
- (c) Any system security issues are reasonably addressed.

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607.6 RELEASE OF INFORMATION

Department members shall comply with the rules of an authorized criminal intelligence system regarding inquiries and release of information.

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Information from a temporary information file may only be furnished to department members and other law enforcement agencies on a need-to-know basis.

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.

607.7 CRIMINAL STREET GANGS

The Special Investigations Bureau Lieutenant 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.

607.8 TRAINING

Members assigned to the Special Investigations Bureau should receive training on best practices in the use of each authorized criminal intelligence system. 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.

607.8.1 SHARED GANG DATABASE TRAINING

The Special Investigations Unit supervisor 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

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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).

CSI Processing of Recovered Stolen and Embezzled Vehicles

608.1 PROCEDURE

The processing of recovered stolen vehicles has the potential to yield physical evidence (latent prints and DNA) resulting in the identification of investigative leads.

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CSI Processing of Recovered Stolen and Embezzled Vehicles

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 a supervisor 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 via a memo through the chain of command.

The supervisor shall direct the memo to the appropriate Division Commander, which shall include the results of his/her investigation and whether the employee followed proper procedures. The supervisor's report shall address whether reasonable care was taken to prevent the loss or damage.

Upon review by staff and a finding that no misconduct or negligence was involved, repair or replacement may be recommended by the Chief of Police who will then forward the claim to the Finance Department.

The Department will not replace or repair luxurious or overly expensive items (jewelry, exotic equipment, etc.) that are not reasonably required as a part of work.

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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 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.
- (c) Photographs of the damage must be taken.

700.4.1 DAMAGE BY PERSON OF ANOTHER AGENCY

If employees of another jurisdiction cause damage to real or personal property belonging to the City, it shall be the responsibility of the employee present or the employee responsible for the property to make a verbal report to his/her immediate supervisor as soon as circumstances permit. The employee shall submit a written report before going off duty or as otherwise directed by the supervisor.

These written reports, accompanied by the supervisor's written report, shall promptly be forwarded to the appropriate Division Commander.

700.4.2 REIMBURSEMENT LIMITATION

Employees should recognize the potential for damage to personal property that is inherent in field operations, as well as other police-related activities. Employees should make reasonable choices and use discretion when deciding to wear, carry or use personal property while conducting business on behalf of the Irvine Police Department. When engaged in training or other similar activity, when the use of certain personal property is not necessary, employees should not wear such property due to the potential for damage. Loss or damage to personal property will be reviewed on a case-by-case basis..

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 of department vehicles and shall not be construed to create or imply any contractual obligation by the City of Irvine to provide assigned take-home vehicles.

Additional guidelines for member responsibilities when transporting persons in custody may be found in the Transporting Persons in Custody Policy.

701.2 POLICY

The Irvine 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

Irvine Police Department personnel shall operate official vehicles in a careful and prudent manner, and shall obey all laws of the state and all Department orders pertaining to such operation. Personnel shall set a proper example for other persons by their operation of official vehicles.

When Irvine Police Department personnel drive any vehicle requiring other than a regular driver's license they shall possess the required class endorsement. Loss or suspension of driving privileges by the State Department of Motor Vehicles or a court shall be reported to the Department immediately.

701.3.1 OTHER USE OF VEHICLES

Members utilizing a vehicle for any purpose other than their normally assigned duties or normal vehicle assignment (e.g., court, transportation to training, community event) shall first notify their immediate supervisor.

This subsection does not apply to those who are assigned to vehicle transportation duties to and from the maintenance yard or carwash. This section also does not apply to police managers who are assigned a take home vehicle as part of their MOU.

701.3.2 INSPECTIONS

Members shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of their shifts. Any previously unreported damage, mechanical problems, unauthorized contents, or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

The interior of any vehicle that has been used to transport any person other than a member of this department should be inspected prior to placing another person in the vehicle and again after the person is removed. This is to ensure that unauthorized or personal items have not been left in the vehicle.

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All department vehicles are subject to inspection and/or search at any time by a supervisor without notice and without cause. No member assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

701.3.3 SECURITY AND UNATTENDED VEHICLES

Unattended vehicles should be locked and secured at all times. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging). Officers who exit a vehicle rapidly in an emergency situation or to engage in a foot pursuit must carefully balance the need to exit the vehicle quickly with the need to secure the vehicle.

Members shall ensure all weapons are secured while the vehicle is unattended.

701.3.4 MDC

Members assigned to vehicles equipped with a Mobile Digital Computer (MDC) shall log onto the MDC with the required information when going on duty. On duty for the purpose of this policy references members working in a uniformed assignment, working within the boundaries of the City, and in a marked police vehicle. If the vehicle is not equipped with a working MDC, the member shall notify the Communications Bureau. Use of the MDC is governed by the Mobile Digital Computer Use Policy.

701.3.6 KEYS

Members approved to operate marked patrol vehicles should be issued a copy of the key as part of their initial equipment distribution. Members who are assigned a specific vehicle should be issued keys for that vehicle.

Members shall not duplicate keys. The loss of a key shall be promptly reported in writing through the member's chain of command.

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701.3.7 AUTHORIZED PASSENGERS

Members operating department vehicles shall not permit persons other than City personnel or persons required to be conveyed in the performance of duty, or as otherwise authorized, to ride as passengers in the vehicle, except as stated in the Ride-Along Policy. This section does not apply to members who are allowed incidental and minimal personal use of City vehicles as part of their MOU.

701.3.8 ALCOHOL

No member of the department shall operate a city owned vehicle, when he/she has consumed an amount of alcoholic beverage or taken any medications that would adversely affect the member's ability to operate a motor vehicle safely within accordance of the law.

701.3.9 PARKING

Except when responding to an emergency or when department-related business requires otherwise, members driving department vehicles should obey all parking regulations at all times.

Department vehicles should be parked in assigned stalls. Members shall not park privately owned vehicles in stalls assigned to department vehicles or in other areas of the parking lot that are not so designated unless authorized by a supervisor. Privately owned motorcycles shall be parked in designated areas.

701.3.10 ACCESSORIES AND/OR MODIFICATIONS

There shall be no modifications, additions or removal of any equipment or accessories to any City owned vehicle. Department personnel shall not attach, whether temporarily or permanently, any type of sticker, decal, license plate frame, emblem, magnet or any other type of adhesive label or notice to a City owned vehicle without written permission from the assigned vehicle program manager.

701.3.11 PROFESSIONAL STAFF MEMBER USE

Professional Staff members assigned to Technical Services using marked emergency vehicles shall ensure that all weapons have been removed before going into service. Professional Staff members shall prominently display the "out of service" placards or light bar covers at all times

701.4 INDIVIDUAL MEMBER ASSIGNMENT TO VEHICLES

Department vehicles may be assigned to individual members at the discretion of the Chief of Police. Vehicles may be assigned for on-duty and/or take-home use. Assigned vehicles may be changed at any time. Permission to take home a vehicle may be withdrawn at any time as long as the required notice is provided (as per the MOU).

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

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utilized by other department members 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 members to commute to and from a work assignment. Members may take home department vehicles only with prior approval of a supervisor and shall meet the following criteria:

- (a) The circumstances are necessary by the needs of the department.
- (b) Other reasonable transportation options are not available.
- (c) The member lives within a reasonable distance (generally not to exceed a 60-minute drive time) of the Irvine City limits.
- (d) Off-street parking will be available at the member's residence.
- (e) Vehicles will be locked when not attended.
- (f) All firearms, weapons and control devices will be removed from the interior of the vehicle unless stored in a secure weapons locker within the vehicle or 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 member's residence, the nature of the member's duties, job description and essential functions, and employment or appointment status.

Criteria for use of take-home vehicles include the following:

- (a) Vehicles should only be used for work-related purposes and should not be used for personal errands or transports, unless special circumstances exist and the Chief of Police or a Division Commander gives authorization or as authorized per the most current MOU.
- (b) Vehicles may be used to transport the member to and from the member's residence for work-related purposes.
- (c) 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.
 - 1. For vehicles driven home and parked, these systems are not required to remain on when not in use.
- (d) Unattended vehicles are to be locked and secured at all times.
 - (a) 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).
 - (b) All weapons shall be secured while the vehicle is unattended.

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- (c) All department identification, portable radios and sensitive equipment should be secured.
- (e) If the vehicle is not secured inside a locked garage, all firearms and kinetic impact weapons shall be removed unless secured within a weapons locker within the vehicle or properly secured in the residence (see the Firearms Policy regarding safe storage of firearms at home).
- (f) Vehicles are to be secured at the member's residence or the appropriate department facility, at the discretion of the Department when a member will be away (e.g., on vacation) for periods exceeding one week.
 - (a) If the vehicle remains at the residence of the member, the Department shall have access to the vehicle.
 - (b) If the member is unable to provide access to the vehicle, it shall be parked at the Department.
- (g) The member is responsible for the care and maintenance of the vehicle.

701.4.5 MAINTENANCE

Members are responsible for the cleanliness (exterior and interior) and overall maintenance of their assigned vehicles. Cleaning and maintenance supplies will be provided by the Department. Failure to adhere to these requirements may result in discipline and loss of vehicle assignment. The following should be performed as outlined below:

- (a) Members shall make daily inspections of their assigned vehicles for service/maintenance requirements and damage.
- (b) It is the member's responsibility to ensure that his/her assigned vehicle is maintained according to the established service and maintenance schedule.
- (c) All scheduled vehicle maintenance and car washes shall be performed as necessary at a facility approved by the department supervisor in charge of vehicle maintenance.
- (d) The Department shall be notified of problems with the vehicle and approve any major repairs before they are performed.
- (e) All weapons shall be removed from any vehicle left for maintenance.

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- (f) Supervisors shall make, at a minimum, monthly inspections of vehicles assigned to members under their command to ensure the vehicles are being maintained in accordance with this policy.

701.5 UNMARKED VEHICLES

Vehicles are assigned to various divisions and their use is restricted to the respective division and the assigned member, unless otherwise approved by a division supervisor.

701.6 DAMAGE, ABUSE AND MISUSE

When any department vehicle is involved in a traffic collision or otherwise incurs damage, the involved member shall promptly notify a supervisor. Any traffic collision report shall be filed with the agency having jurisdiction (see the Traffic Collision Reporting Policy), and the supervisor shall make an entry in Axon Standards. The entry in Axon Standards should be completed within one (1) business day and sent via chain of command.

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 and should be documented in Axon Standards. An administrative investigation may be initiated to determine if there has been any vehicle abuse or misuse.

Minor damage may be documented in the vehicle damage log after approval by a supervisor.

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701.8 ATTIRE AND APPEARANCE

When operating any department vehicle while off-duty, members may dress in a manner appropriate for their intended activity. Whenever in view of or in contact with the public, attire and appearance, regardless of the activity, should be suitable to reflect positively upon the Department.

Vehicle Maintenance

702.1 PURPOSE AND SCOPE

Employees are responsible for assisting in maintaining Department vehicles so that they are properly equipped, properly maintained, properly refueled and present a clean appearance.

702.2 DEFECTIVE VEHICLES

When a department vehicle becomes inoperative or in need of repair that affects the safety of the vehicle, that vehicle shall be removed from service for repair. Proper documentation shall be promptly completed by the employee who first becomes aware of the defective condition, describing the correction needed. The paperwork shall be promptly forwarded to vehicle maintenance for repair.

702.2.1 DAMAGE OR POOR PERFORMANCE

Vehicles that may have been damaged, or perform poorly shall be removed from service for inspections and repairs as soon as practicable.

702.2.2 SEVERE USE

Vehicles operated under severe-use conditions, which include operations for which the vehicle is not designed or that exceed the manufacturer's parameters, should be removed from service and subjected to a safety inspection as soon as practicable. Such conditions may include rough roadway or off-road driving, hard or extended braking, pursuits or prolonged high-speed operation.

702.2.3 REMOVAL OF WEAPONS

All firearms, weapons and control devices shall be removed from a vehicle and properly secured in the department armory prior to the vehicle being released for maintenance, service or repair.

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702.4 VEHICLE REFUELING

Every Department employee entrusted with the use of a marked or unmarked city vehicle is responsible for returning that vehicle to its assigned space in the Department vehicle fleet parking lot at the end of his or her shift in a state of complete readiness for immediate redeployment. Absent emergency conditions or supervisor approval, Department employees shall not return a vehicle that has less than a full tank of fuel to the police parking lot. Vehicles shall only be refueled at the authorized locations.

(a)

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.

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.

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 department issued 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 Irvine Police Department allows members to utilize department-issued PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations. Any PCD used while on- or off-duty for business-related purposes, or reasonably associated with work-related misconduct, may be subject to monitoring and inspection consistent with applicable law and this policy.

Additionally, the use of a PCD either on-duty or after duty hours for business-related purposes, or reasonably associated with work-related misconduct, may subject the member and the member's PCD records to civil or criminal discovery or disclosure under applicable public records laws.

Members who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory personnel.

703.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to any communication accessed, transmitted, received or reviewed on any department issued PCD and shall have no expectation of privacy in their location should the device be equipped with location detection capabilities.

703.3.1 CALIFORNIA ELECTRONIC COMMUNICATIONS PRIVACY ACT (CALECPA)

No member is authorized to be the sole possessor of a department-issued PCD. Department-issued PCDs can be retrieved, reassigned, accessed or used by any member as directed by a supervisor without notice. Member use of a department-issued PCD and use of a personal PCD at work or for work-related business constitutes specific consent for access for department purposes. Prior to conducting an administrative search of a PCD, supervisors should consult legal counsel to ensure access is consistent with CalECPA (Penal Code § 1546; Penal Code § 1546.1).

703.4 DEPARTMENT-ISSUED PCD

Depending on a member's assignment and the needs of the position, the Department may, at its discretion, issue a PCD for the member's use to facilitate on-duty performance. Department-issued PCDs may not be used for personal business either on- or off-duty unless authorized by the Chief

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of Police or the authorized designee. Such devices and the associated telephone number, if any, shall remain the sole property of the Department and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause.

Unless a member is expressly authorized by the Chief of Police or the authorized designee for off-duty use of the PCD, the PCD will be either secured in the workplace at the completion of the tour of duty or turned off when leaving the workplace.

703.5 PERSONALLY OWNED PCD

Members may carry a personally owned PCD while on-duty, subject to the following conditions and limitations:

- (a) Permission to carry a personally owned PCD may be revoked if it is used contrary to provisions of this policy.
- (b) The Department accepts no responsibility for loss of or damage to a personally owned PCD.
- (c) The PCD and any associated services shall be purchased, used and maintained solely at the member's expense.
- (d) The device shall not be utilized to record or disclose any department 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 or appointment with the Department, without the express authorization of the Chief of Police or the authorized designee.
- (e) All work-related documents, emails, photographs, recordings and other public records created or received on a member's personally owned PCD should be transferred to the Irvine Police Department and deleted from the member's PCD as soon as reasonably practicable but no later than the end of the member's shift.
- (f) Members who choose to use their PCD for work-related purposes may be subject to future disclosure of work-related content, such as through court order, subpoena, or other legal means.

Except with prior express authorization from their supervisor, members are not obligated or required to carry, access, monitor or respond to electronic communications using a personally owned PCD while off-duty. If a member is in an authorized status that allows for appropriate compensation consistent with policy or existing memorandum of understanding or collective bargaining agreements, or if the member has prior express authorization from their supervisor, the member may engage in department business-related communications. Should members engage in such approved off-duty communications or work, members entitled to compensation shall promptly document the time worked and communicate the information to their supervisors to ensure appropriate compensation. Members 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 recordkeeping.

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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). Members shall endeavor to limit their use of PCDs to authorized break times unless an emergency exists.
- (d) Members may use a PCD to communicate with other personnel in situations where the use of radio communications is either impracticable or not feasible. PCDs should not be used as a substitute for, as a way to avoid, or in lieu of regular radio communications.
- (e) Members are prohibited from taking pictures, audio or video recordings, or making copies of any such picture or recording media unless it is directly related to official department business. Disclosure of any such information to any third party through any means requires the express authorization of the Chief of Police or the authorized designee.
- (f) Members will not access social networking sites for any purpose that is not official department business. This restriction does not apply to a personally owned PCD used during authorized break times.
- (g) Using PCDs to harass, threaten, coerce, or otherwise engage in inappropriate conduct with any third party is prohibited. Any member having knowledge of such conduct shall promptly notify a supervisor.

703.7 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include, but are not limited to:

- (a) Ensuring that members under their command are provided appropriate training on the use of PCDs consistent with this policy.
- (b) Monitoring, to the extent practicable, PCD use in the workplace and taking prompt corrective action if a member is observed or reported to be improperly using a PCD.
 - 1. An investigation into improper conduct should be promptly initiated when circumstances warrant.
 - 2. Before conducting any administrative search of a member's personally owned device, supervisors should consult with the Chief of Police or the authorized designee.

703.8 OFFICIAL USE

Members are reminded that PCDs are not secure devices and conversations may be intercepted or overheard. Caution should be exercised while utilizing PCDs to ensure that sensitive information

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is not inadvertently transmitted. As soon as reasonably possible, members shall conduct sensitive or private communications on a land-based or other department communications network.

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.

Members who are operating department vehicles that are not authorized emergency vehicles shall not use a PCD while driving unless the device is specifically designed and configured to allow hands-free use. In an emergency, a wireless phone may be used to place an emergency call to the Department or other emergency services agency (Vehicle Code § 23123; Vehicle Code § 23123.5). Hands-free use should be restricted to business-related calls or calls of an urgent nature.

Portable Radios

704.1 ASSIGNMENT OF PORTABLE RADIOS

One Motorola APX 6000 portable radio shall be issued to each sworn and full-time field employee. Portable radios may also be issued to other personnel based on need and availability.

704.2 PORTABLE RADIO POOL

A pool of portable radios will be maintained in the Watch Commanders Office, for use by part-time field personnel and reserve police officers.

When checking out a pool portable radio, the employee must fill out the check-out log. When signing onto the Department's Computer Aided Dispatch (CAD) he/she must include his/her portable radio number. Portables checked out from the pool shall be turned in at the end of each shift and signed back into the pool on the log. At the end of each month, Property personnel will conduct an inventory to account for each pool portable radio.

704.3 RESPONSIBILITY

The employee is responsible for his/her assigned portable radio.

704.4 REPAIRS

If repairs to a portable radio are necessary, the radio shall be turned in to Property and Evidence, and a new radio will be issued to the employee. It will be the responsibility of Property and Evidence to have the radio repaired.

704.5 EQUIPMENT CHANGES

When a new radio is issued to an employee, Property personnel will notify Communications of radio assignments changes. This will allow Communications to identify the employee in the event they activate their emergency button.

Mobile Communications Vehicle

705.1 PURPOSE AND SCOPE

This procedure outlines the function of the Mobile Communications Vehicle (MOBILE COMM) and types of situations that may require its deployment. The policy also identifies the process needed to authorize activation, the personnel authorized to move the vehicle and use the equipment, and the protocol for deployment.

705.2 OVERVIEW

The Mobile Communications Vehicle serves as a tactical communications platform for police personnel during critical incidents such as disasters, civil unrest/protests, major crime scenes, or hostage/barricade incidents. Use of this equipment is also appropriate for large scale events that require advanced coordination of large numbers of police and other safety personnel.

705.3 MOBILE COMMUNICATIONS TEAM

The Mobile Communications Team consists of department personnel, sworn and civilian, appointed by the Office of Emergency Management. The Emergency Management Administrator or his/her designee shall be responsible for training and management of the team.

Only members of the department who have successfully completed a department-approved driver/operator training program will be authorized to drive the Mobile Communications Vehicle.

705.4 AUTHORIZATION

The Mobile Communications Vehicle is a regional asset and may be requested by any Orange County agency for use in a critical incident. Deployment of the Mobile Communication Vehicle to assist an outside agency must be approved by the Chief of Police or designee (a command staff level officer).

Any supervisor may authorize the use of this vehicle for critical incidents within the city. In the event the vehicle is deployed to a critical incident, the Emergency Management Administrator or Administrative Services Commander will be notified as soon as practical. If he/she cannot be contacted, the on-call command duty officer shall be notified.

The Mobile Communication vehicle may be used as a static display for special activities or events only with the approval of a department manager.

705.5 DEPLOYMENT

Once authorized for deployment, members of the Mobile Communications Team will be notified to respond to the police facility or other designated location. Setup, takedown, and movement of the vehicle are the exclusive responsibilities of the members of this team or other authorized personnel.

During the course of the deployment and activation, at least one member of the Mobile Communications Team will remain with the vehicle at all times to safeguard the equipment. A

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member of the team who is qualified to drive the vehicle shall be immediately available to the incident commander at all times during the call-out in the event the vehicle needs to be moved.

705.6 VEHICLE OPERATION

Department personnel shall operate the Mobile Communications Vehicle in a careful and prudent manner, and shall obey all laws of the state and all department orders pertaining to such operation. The Mobile Communications Vehicle requires a Class B driver's license endorsement to operate the vehicle. Department personnel shall possess the required class endorsement to drive the Mobile Communications Vehicle.

Although equipped with emergency lights and siren, the Mobile Communications Vehicle will not respond to any incident with emergency lighting equipment and siren activated (Code 3), unless specifically directed to do so by the Incident Commander or his/her designee.

Anytime the vehicle is moved, regardless of the intended distance to relocation, personnel responsible for moving the vehicle will complete a visual inspection of the exterior and interior. During this inspection, personnel will ensure that:

- (a) All cables and loose equipment are properly stowed.
- (b) All parts of the vehicle and equipment designed to extend outward from the vehicle's frame are retracted. These parts include the side body extensions and the camera/antenna array.
- (c) Any damage discovered is promptly reported.

Personal Protective Equipment

706.1 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.

706.1.1 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.

706.2 POLICY

The Irvine Police Department endeavors to protect members by supplying certain PPE to members as provided in this policy.

706.3 OFFICER RESPONSIBILITIES

Members are required to use PPE as provided in this policy and pursuant to their training.

Members are responsible for proper maintenance and storage of issued PPE. PPE should be stored in an appropriate location so that it is available when needed.

Any member who identifies hazards in the workplace is encouraged to utilize the procedures in the Illness and Injury Prevention Policy to recommend new or improved PPE or additional needs for PPE.

706.4 HEARING PROTECTION

Approved hearing protection shall be used by members during firearms training.

Hearing protection shall meet or exceed the requirements provided in 8 CCR 5098.

706.5 EYE PROTECTION

Approved eye protection, including side protection, shall be used by members during firearms training. Eye protection for members who wear prescription lenses shall incorporate the prescription (e.g., eye protection that can be worn over prescription lenses). Members shall ensure their eye protection does not interfere with the fit of their hearing protection.

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The armorer shall ensure eye protection meets or exceeds the requirements provided in 8 CCR 3382.

706.6 HEAD AND BODY PROTECTION

Members who make arrests or control crowds should be provided ballistic head protection with an attachable face shield.

706.7 RESPIRATORY PROTECTION - SWORN

The Administrative Services Division Commander is responsible for ensuring a respiratory protection plan is developed and maintained by a trained and qualified member. The plan shall include procedures for (8 CCR 5144):

- (a) Selecting appropriate respiratory PPE based on hazards and risks associated with functions or positions.
- (b) Fit testing, including identification of members or contractors qualified to conduct fit testing.
- (c) Medical evaluations.
- (d) PPE inventory control.
- (e) PPE issuance and replacement.
- (f) Cleaning, disinfecting, storing, inspecting, repairing, discarding and otherwise maintaining respiratory PPE, including schedules for these activities.
- (g) Regularly reviewing the PPE plan.
- (h) Remaining current with applicable National Institute for Occupational Safety and Health (NIOSH), American National Standards Institute (ANSI), Occupational Safety and Health Administration (OSHA), Environmental Protective Agency (EPA) and state PPE standards and guidelines.

706.7.1 RESPIRATORY PROTECTION USE - SWORN

Designated members may be issued respiratory PPE based on the member's assignment (e.g., a narcotics investigator who is involved in clandestine lab investigations).

Respiratory PPE may be worn when authorized by a scene commander who will determine the type and level of protection appropriate at a scene based upon an evaluation of the hazards present.

Scene commanders are responsible for monitoring members using respiratory PPE and their degree of exposure or stress. When there is a change in work area conditions or when a member's degree of exposure or stress may affect respirator effectiveness, the scene commander shall reevaluate the continued effectiveness of the respirator and direct the member to leave the respirator use area when the scene commander reasonably believes (8 CCR 5144):

- (a) It is necessary for the member to wash his/her face and the respirator facepiece to prevent eye or skin irritation associated with respirator use.

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- (b) The member detects vapor or gas breakthrough, or there is a change in breathing resistance or leakage of the facepiece.
- (c) The member needs to replace the respirator, filter, cartridge or canister.

706.7.2 MEMBER RESPONSIBILITIES FOR RESPIRATORY PROTECTION - SWORN

Members shall not use self-contained breathing apparatus (SCBA), full-face respirators or cartridge respirators unless they have completed training requirements for the equipment.

Members exposed to environments that are reasonably known to be harmful due to gases, smoke or vapors shall use respiratory PPE.

Members using respiratory PPE shall (8 CCR 5144):

- (a) Ensure that they have no facial hair between the sealing surface of the facepiece and the face that could interfere with the seal or the valve function. Members also shall ensure that they have no other condition that will interfere with the face-to-facepiece seal or the valve function.
- (b) Not wear corrective glasses, goggles or other PPE that interferes with the seal of the facepiece to the face, or that has not been previously tested for use with that respiratory equipment.
- (c) Perform a user seal check per department-approved procedures recommended by the respirator manufacturer each time they put on a tight-fitting respirator.
- (d) Leave a respiratory use area whenever they detect vapor or gas breakthrough, changes in breathing resistance or leakage of their facepiece and ensure that the respirator is replaced or repaired before returning to the affected area.

706.7.3 GAS MASK - SWORN

Full-face air-purifying respirators, commonly referred to as gas masks, may be fitted with mechanical pre-filters or combination cartridge/filter assemblies for use in areas where gases, vapors, dusts, fumes or mists are present. Members must identify and use the correct cartridge based on the circumstances (8 CCR 5144).

A scene commander may order the use of gas masks in situations where the use of a SCBA is not necessary. These incidents may include areas where tear gas has or will be used or where a vegetation fire is burning. Gas masks shall not be used if there is a potential for an oxygen-deficient atmosphere.

Members shall ensure their gas mask filters are replaced whenever:

- (a) They smell, taste or are irritated by a contaminant.
- (b) They experience difficulty breathing due to filter loading.
- (c) The cartridges or filters become wet.
- (d) The expiration date on the cartridges or canisters has been reached.

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706.7.4 SELF-CONTAINED BREATHING APPARATUS - SWORN

Scene commanders may direct members to use SCBA when entering an atmosphere that may pose an immediate threat to life, would cause irreversible adverse health effects or would impair an individual's ability to escape from a dangerous atmosphere. These situations may include, but are not limited to:

- (a) Entering the hot zone of a hazardous materials incident.
- (b) Entering any area where contaminant levels may become unsafe without warning, or any situation where exposures cannot be identified or reasonably estimated.
- (c) Entering a smoke- or chemical-filled area.

The use of SCBA should not cease until approved by a scene commander.

706.7.5 RESPIRATOR FIT TESTING

No member shall be issued respiratory PPE until a proper fit testing has been completed by a designated member or contractor (8 CCR 5144).

After initial testing, fit testing for respiratory PPE shall be repeated (8 CCR 5144):

- (a) At least once every 12 months.
- (b) Whenever there are changes in the type of SCBA or facepiece used.
- (c) Whenever there are significant physical changes in the user (e.g., obvious change in body weight, scarring of the face seal area, dental changes, cosmetic surgery or any other condition that may affect the fit of the facepiece seal).

All respirator fit testing shall be conducted in negative-pressure mode.

706.7.6 RESPIRATORY MEDICAL EVALUATION QUESTIONNAIRE

No member shall be issued respiratory protection that forms a complete seal around the face until (8 CCR 5144):

- (a) The member has completed a medical evaluation that includes a medical evaluation questionnaire.
- (b) A physician or other licensed health care professional has reviewed the questionnaire.
- (c) The member has completed any physical examination recommended by the reviewing physician or health care professional.

706.7.7 RESPIRATORY PROTECTION USE - NON-SWORN

Forensic unit members, Animal Service Officers, and members who perform matron duties may be issued respiratory PPE based on the member's assignment. Non-sworn members have a limited scope for need of respiratory protection but this program including the provisions of (8 CCR 5144) shall be followed as applicable below. (Proper fit testing, medical qualification and training must be completed before donning respiratory protection devices in mandatory situations).

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The Irvine Police Department is committed to providing appropriate safety equipment to non-sworn personnel to ensure their health and safety. The N-95 particulate masks and half mask respirators are provided for department personnel depending on assignment.

Particulate Masks: The N-95 mask is a disposable particulate mask. The “N” represents the mask is not oil resistant and “95” reflects the mask filters out 95% of non-oil particles. N-95 masks must be approved by the National Institute for Occupational Safety and Health (NIOSH). Masks provided to Forensic personnel will display “NIOSH.”

Using the N-95 mask provides many benefits. These masks act like HEPA filters for particles like Tuberculosis (TB), H1N1 influenza and other airborne diseases. While ash particles from fires can be filtered, gases are not.

Mandatory Use: Forensic Specialist I/II, Forensic Supervisor, Animal Services Officer I/II, Animal Services Supervisor, Public Safety Dispatcher, Public Safety Records Specialist, Public Safety Lead Records Specialist, Public Safety Records Supervisor, Public Safety Assistant, and Supervising Public Safety Dispatchers are required to wear N-95 masks in the following instances:

- When an examination is being conducted on an individual who has suspected or confirmed infectious TB or other airborne diseases.
- When collecting and/or packaging evidence in which there is potential for exposure to airborne diseases.
- While repairing or replacing air filters on equipment in the CSI Lab.

Voluntary Use: Forensic Specialist I/II, Forensic Supervisor, Animal Services Officer I/II, and the Animal Services Supervisor will have the option to use a particulate mask when processing scenes in which there are strong odors due to decomposition and/or significant particulates are in the immediate environment.

There are limitations with N-95 particulate masks. The masks cannot be used when there is less than 20% oxygen in the air and the concentrations of contaminants are immediately dangerous to life and health. Forensic personnel with full beards or facial hair that may interfere with a tight seal cannot use N-95 masks.

Requirements: N-95 particulate masks will be single use only. These masks will not be used when non-sworn members may be exposed to fumes, mists, gases or vapors at a scene. Refer to the policy regarding the use of half mask bayonet respirators. Annual fit testing will be conducted for non-sworn members during designated Block Training.

Safety Concerns: If a Forensic Specialist I/II, Forensic Supervisor, Animal Services Officer I/II, Animal Services Supervisor, Dispatcher, Records Specialist, Lead Records Specialist, Records Supervisor, Public Safety Assistant, and Supervising Public Safety Dispatcher encounters any of the following symptoms while wearing a particulate mask, he/she will inform the coordinator responsible for respirator training/certification or his/her supervisor.

*Trouble breathing *Anxiety *Heart issues/Chest pain

*Dizzy *Nose, throat or skin problems *Lung problems

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*Fear of small spaces *Eye problems *Any other serious symptoms

Half Mask Bayonet Respirators: Half mask respirators and the appropriate cartridges for potential exposures will be provided. Each Forensic Specialist I/II and the Forensic Supervisor will be assigned his/her own respirator that he/she is responsible for the proper storage and care.

Mandatory Use: Half mask respirators are used by Forensic Specialist I/II, Forensic Supervisor, Animal Services Officer I/II, and the Animal Services Supervisor in the following situations:

- At any crime scene or investigation in which exposure to fumes, mists, gases or vapors is possible. Scenes such as arson or fire investigations, traffic accidents in which involved vehicles are transporting chemicals, etc. will require the use of a half mask respirator.

The department issued cartridges (part number 7422-SD1) offer protection from Organic Vapor (OV), Ammonia (AM), Methylamine (MA), Chlorine (CL), Hydrogen Chloride (HC), Sulfur Dioxide (SD), Chlorine Dioxide (CD), Hydrogen Fluoride (HF), Formaldehyde (FM), and Hydrogen Sulfide (HS). The cartridges have a 99.97% filter efficiency level against all particulate aerosols (P100).

Voluntary Use: Forensic Specialist I/II, Forensic Supervisor, Animal Services Officer I/II, and the Animal Services Supervisor may choose to use the half mask respirators instead of the N-95 masks as outlined in the protocol for N-95 masks. The purpose would be for a higher level of personal protection.

Requirements: A Forensic Specialist and Animal Services Officer will only use the half mask respirator provided to him/her. Cleaning of the half mask respirators is done using alcohol wipes provided by the Department.

Safety Concerns: If the Forensic Specialist I/II, Forensic Supervisor, Animal Services Officer I/II, or Animal Services Supervisor encounters any of the following symptoms while wearing a particulate mask, he/she will inform the coordinator responsible for respirator training/certification or their respective Supervisor.

*Trouble breathing *Anxiety *Heart issues/Chest pain

*Dizzy *Nose, throat or skin problems *Lung problems

*Fear of small spaces *Eye problems *Any other serious symptoms

Forensic Specialists will not enter scenes in which tear gas or large amounts of pepper spray have been deployed. Scenes involving clandestine laboratories are handled by specially trained Forensic Scientists and Forensic Specialists with the Orange County Crime Laboratory.

706.8 RECORDS

The Training Manager is responsible for maintaining records of all:

- (a) PPE training.
- (b) Initial fit testing for respiratory protection equipment.
- (c) Annual fit testing.

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- (d) Respirator medical evaluation questionnaires and any subsequent physical examination results.

- 1. These records shall be maintained in a separate confidential medical file.

The records shall be maintained in accordance with the department records retention schedule and 8 CCR 5144.

706.9 TRAINING

Members should be trained in the respiratory and other hazards to which they may be potentially exposed during routine and emergency situations.

All members shall be trained in the proper use and maintenance of PPE issued to them, including when the use is appropriate; how to put on, remove and adjust PPE; how to care for the PPE; and the limitations (8 CCR 3380).

Members issued respiratory PPE shall attend annual training on the proper use of respiratory protection devices (8 CCR 5144).

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 include (Government Code § 7070):

Governing body – The elected or appointed body that oversees the Department.

Military equipment – Includes but is not limited to the following:

- 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.
- Area denial electroshock devices, microwave weapons, water cannons, long-range acoustic devices (LRADs), acoustic hailing devices, and sound cannons.
- 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 Irvine Police Department that members of this department comply with the provisions of Government Code § 7071 with respect to military equipment.

707.3 MILITARY EQUIPMENT COORDINATOR

The Chief of Police designated the Office of Professional Development Lieutenant to act as the military equipment coordinator. The responsibilities of the coordinator include but are not limited to:

- (a) Identifying equipment the Department intends to acquire that requires approval by the City Council.
- (b) Conducting an inventory of all military equipment at least annually.
- (c) Collaborating with any allied agency that may use military equipment within the jurisdiction of the City of Irvine (Government Code § 7071).
- (d) 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.
- (e) 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 - PATROL

The following constitutes an inventory of previously purchased equipment deemed to be military as defined by this policy:

707.4.1 UNMANNED AIRCRAFT SYSTEMS (UAS)

Description: A UAS is an unmanned aircraft and the equipment necessary for the safe and efficient operation of the aircraft. An unmanned aircraft is a component of a UAS. It is defined by statute as an aircraft that is operated without the possibility of direct human intervention from within or on the aircraft.

Quantity: 31

Capabilities: Sustained flight controlled by a remote pilot on the ground.

Expected Lifespan: 3 to 5 years.

Product Description: Commercially available platforms for aerial productivity combining a configurability to work as a solution for a variety of industrial applications with flight safety and data security features.

Purpose and Authorized Use: To assist police personnel in enhancing public safety while protecting the rights and privacy of the general public (Policy 339.2).

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Military Equipment

Training Required: Federal Aviation Administration (FAA) Part 107 License and Department provided monthly training.

Initial Cost: \$200,000.

Annual Cost: \$100,000.

707.4.2 UAS VAN

Description: A mobile command vehicle to enhance or reestablish communication and coordination during UAS deployments, emergency incidents, special events, and community outreach.

Quantity: One.

Capabilities: Mobile command post for supporting UAS deployments.

Expected Lifespan: 10 years.

Product Description: 21 foot Command Center Sprinter 3500 MBE 3.0L.

Purpose and Authorized Use: Provide a mobile platform for safe UAS deployments.

Training Required: Class C driver's license.

Initial Cost: \$255,052.

Annual Cost: \$42,000.

707.4.3 UAS TRUCK

Description: A 4x4 mobile command vehicle to enhance or reestablish communication and coordination during UAS deployments, emergency incidents, special events, and community outreach.

Quantity: One

Capabilities: Mobile command post for supporting off-road, smaller and simultaneous UAS deployments.

Expected Lifespan: 10 years.

Product Description: Ford F250 Crew Cab with standard bed

Purpose and Authorized Use: Provide a mobile platform for safe UAS deployments.

Training Required: Class C driver license.

Initial Cost: \$150,000

Annual Cost: \$20,000.

Irvine Police Department

Policies

Military Equipment

707.4.4 FIREARM - RIFLE

Description: Firearm designed and intended to be fired from the shoulder and designed to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

Quantity: 140.

Capabilities: Fires a lethal projectile.

Expected Lifespan: 20+ years.

Product Description: Patrol rifle of .223 or 5.56 caliber.

Purpose and Authorized Use: May be deployed in any circumstance where personnel can articulate a reasonable expectation that the rifle may be needed (Policy 314.3.3).

Training Required: 16-hour POST approved course with qualification and annual training with re-qualification.

Initial Cost: \$125,100.

Annual Cost: N/A.

707.4.5 40MM PROJECTILE LAUNCHER

Description: Less lethal weapon which uses a propellant cartridge to launch a kinetic energy impact projectile.

Quantity: 77.

Capabilities: Fires a less lethal kinetic energy projectile.

Expected Lifespan: 20+ years.

Product Description: LMT 40mm SingleShot Launcher #1425.

Purpose and Authorized Use: Less lethal, intermediate force option (Policy 310.3.1).

Training Required: Training and qualification once per year.

Initial Cost: \$69,300.

Annual Cost: N/A.

707.4.6 MOBILE COMMAND VEHICLE(S)

Description: A vehicle used to enhance communication and coordination during emergency incidents, special events, or community outreach.

Quantity: Two (Mobile Command Communications Vehicle (MCCV) and Mobile Comm).

Capabilities: On-scene incident command functions may be performed from a mobile command vehicle.

Expected Lifespan: 20 years.

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Military Equipment

Product Description:

- MCCV: Fleetwood Motorhome
- Mobile Comm: Freightliner Custom

Purpose and Authorized Use: A mobile command vehicle provides a strategic location for police personnel during emergency incidents, special events, or community outreach events. Use of this equipment is also appropriate for large scale events that require advanced coordination of large numbers of police and other safety or first responder personnel.

Training Required:

- MCCV: Class C drivers license and additional department provided vehicle-specific, driver and operational training.
- Mobile Comm: Class B drivers license and additional department provided vehicle-specific, driver and operational training.

Initial Cost:

- MCCV: \$152,665
- Mobile Comm: \$399,127

Annual Cost:

- MCCV: \$12,008
- Mobile Comm: \$10,999

707.5 MILITARY EQUIPMENT INVENTORY - SWAT

The following constitutes an inventory of previously purchased equipment deemed to be military as defined by this policy. The equipment in this section is primarily used by members of the Special Weapons and Tactics (SWAT) Team.

707.5.1 FIREARM - RIFLE

Description: Firearm designed and intended to be fired from the shoulder and designed to use the energy of the explosive in a fixed metallic cartridge to fire one or more projectile(s) through a rifled bore for each pull of the trigger.

Quantity: 28.

Capabilities: Fires a lethal projectile.

Expected Lifespan: 20+ years.

Product Description: Patrol rifle of .223, 5.56, and .308 caliber.

Purpose and Authorized Use: May be deployed in any circumstance where personnel can articulate a reasonable expectation that the rifle may be needed (Policy 314.3.3).

Irvine Police Department

Policies

Military Equipment

Training Required: 16-hour POST approved course with qualification and additional training on safe use and deployment and device functionality. Must demonstrate proficiency with recertification twice per year.

Initial Cost: \$25,200.

Annual Cost: N/A.

707.5.2 40MM PROJECTILE MULTI-LAUNCHER

Description: Less lethal weapon which uses a propellant cartridge to launch a kinetic energy impact projectile.

Quantity: Three.

Capabilities: Fires a less lethal kinetic energy projectile.

Expected Lifespan: 20+ years.

Product Description: Penn Arms PGL65.

Purpose and Authorized Use: Less lethal, intermediate force option (Policy 310.3.1).

Training Required: Training and qualification once per year.

Initial Cost: \$4,500.

Annual Cost: N/A.

707.5.3 ARMORED RESCUE VEHICLE - BEAR

Description: An armored rescue vehicle deployed during high-risk incidents, special events, and community outreach.

Quantity: One.

Capabilities: Mobile armored vehicle to support high-risk deployments.

Expected Lifespan: 15 years.

Product Description: Ballistic Engineered Armored Rescue (BEAR) Vehicle, steel armor construction.

Purpose and Authorized Use: To assist police personnel in enhancing public safety while transporting first responder personnel and/or community members to/from high-risk situations. Provide a mobile platform for safe personnel deployments.

Training Required: Class B drivers license.

Initial Cost: \$293,745.

Annual Cost: \$52,500.

Irvine Police Department

Policies

Military Equipment

707.5.4 ARMORED RESCUE VEHICLE - BEARCAT

Description: An armored rescue vehicle deployed during high-risk incidents, special events, and community outreach.

Quantity: One.

Capabilities: Mobile armored vehicle to support high-risk deployments.

Expected Lifespan: 15 years.

Product Description: Ballistic Engineered Armored Response Counter Attack Truck (BEARCAT) Vehicle, steel armor construction.

Purpose and Authorized Use: To assist police personnel in enhancing public safety while transporting first responder personnel and/or community members to/from high-risk situations. Provide a mobile platform for safe personnel deployments. Suppress active fire(s) using the built-in fire mitigation technology.

Training Required: Familiarization with the built-in fire mitigation and ALS equipment

Initial Cost: \$365,986.

Annual Cost: \$48,000.

707.5.5 KINETIC BREACHING TOOL

Description: A hand-held breaching tool engineered to deliver high impact energy to defeat locking mechanisms.

Quantity: Seven.

Capabilities: Provides for safer, faster, stronger breaching.

Expected Lifespan: 10 years.

Product Description: Powder activated kinetic energy force entry tool.

Purpose and Authorized Use: May be deployed in any circumstance where the member needs to breach a door quickly and safely.

Training Required: Training on safe use and deployment and device functionality.

Initial Cost: \$10,000.

Annual Cost: N/A.

707.5.6 BREACHING SHOTGUN

Description: Manually operated, pump-action, tube magazine fed, closed-bolt, 12-gauge firearm used to defeat locking mechanisms.

Quantity: Two.

Capabilities: Traditional breaching method provides for quick breaching of multiple locking mechanisms.

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Policies

Military Equipment

Expected Lifespan: 10 years.

Product Description: Remington 870 MCS Tactical Shotgun.

Purpose and Authorized Use: May be deployed in any circumstance where the member needs to breach a door quickly and safely.

Training Required: Training on safe use and deployment and device functionality.

Initial Cost: \$2,000.

Annual Cost: N/A.

707.5.7 CHEMICAL AGENT LAUNCHING DEVICE

Description: Device for alternate delivery of a chemical agent.

Quantity: Two.

Capabilities: Affixes to a shotgun to allow for safe deployment of a chemical agent from a distance.

Expected Lifespan: 20+ years.

Product Description: Defense Technology 12-GAUGE TKO/LAUNCHING CUP.

Purpose and Authorized Use: Less lethal, intermediate force option (Policy 310.3.1).

Training Required: Training on safe use and deployment and device functionality. Must demonstrate proficiency with recertification twice per year.

Initial Cost: \$350.

Annual Cost: N/A.

707.5.8 CHEMICAL AGENTS

Description: Less lethal device utilized to deploy and discharge chlorobenzylidene malonitrile (CS) and oleoresin capsicum (OC) gas.

Quantity: 100.

Capabilities: Designed to deliver chemical agents during high-risk situations.

Expected Lifespan: 5 years.

Product Description: Individual, single use canisters of CS or OC gas.

Purpose and Authorized Use: Less lethal, intermediate force option (Policy 310.3.1).

Training Required: Training on safe use and deployment and device functionality. Must demonstrate proficiency with recertification twice per year.

Initial Cost: \$5,000.

Annual Cost: Recurring purchase as needed.

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Policies

Military Equipment

707.5.9 PEPPERBALL LAUNCHER

Description: Less lethal launcher which uses a high pressure air system to launch kinetic energy impact munition.

Quantity: Nine (eight TACSF 69 caliber semi/3 round burst/full auto multi-launcher and one FN 303 less lethal launcher).

Capabilities: Fires a less lethal kinetic energy projectile.

Expected Lifespan: 20+ years.

Product Description:

- TACSF 69 caliber, semi/3 round burst/full auto multi-launcher
- FN 303 less lethal launcher

Purpose and Authorized Use: Less lethal, intermediate force option (Policy 310.3.1).

Training Required: Training and recertification twice per year.

Initial Cost:

- TACSF 69 caliber, semi/3 round burst/full auto multi-launcher: \$2,880
- FN 303 less lethal launcher: \$1,299

Annual Cost: N/A.

707.5.10 NOISE FLASH DIVERSIONARY DEVICE (NFDD)

Description: Device that produces a loud sound with a bright light that is intended to cause confusion and distraction.

Quantity: 30.

Capabilities: Distraction device used to minimize the risks to all parties by the temporary distraction or disorientation of potentially violent or dangerous suspects.

Expected Lifespan: 5 years.

Product Description: Separating fuse affixed to a non-bursting steel canister.

Purpose and Authorized Use: To distract/disorient potentially violent or dangerous suspects.

Training Required: Training and recertification twice per year.

Initial Cost: \$1,000.

Annual Cost: Recurring purchase as needed.

707.5.11 RECON SCOUT

Description: The Recon Scout is a throwable/drivable remote controlled platform that is equipped with a camera allowing the operator to obtain instantaneous video within indoor and outdoor environments.

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Quantity: One.

Capabilities: Remote operated, drivable platform capable of transmitting live video from a forward facing camera.

Expected Lifespan: 10 Years.

Product Description: A small throwable remote operated platform equipped with a camera capable of being driven up to 150 feet from operator while transmitting video back to the operator.

Purpose and Authorized Use: To assist police personnel in enhancing public safety while protecting the rights and privacy of the general public.

Training Required: None.

Initial Cost: \$2,000.

Annual Cost: N/A.

707.6 APPROVAL

The Chief of Police or the authorized designee shall obtain approval from the City Council by way of an ordinance adopting the military policy. 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 City Council and is available on the department website at least 30 days prior to any public hearing concerning the military equipment at issue (Government Code § 7071). The military equipment policy must be approved by the City Council prior to engaging in any of the following (Government Code § 7071):

- (a) Requesting military equipment made available pursuant to 10 USC § 2576a.
- (b) Seeking funds for military equipment, including but not limited to applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.
- (c) Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.
- (d) Collaborating with another law enforcement agency in the deployment or other use of military equipment within the jurisdiction of this department.
- (e) Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the City Council.
- (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.

707.7 COORDINATION WITH OTHER JURISDICTIONS

Military equipment should not be used by any other law enforcement agency or member in this jurisdiction unless the military equipment is approved for use in accordance with this policy.

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Military Equipment

707.8 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 City Council for each type of military equipment approved within one year of approval, and annually thereafter for as long as the military equipment is available for use (Government Code § 7072).

The Chief of Police or the authorized designee should also make each annual military equipment report publicly available on the department website for as long as the military equipment is available for use. The report shall include all information required by Government Code § 7072 for the preceding calendar year for each type of military equipment in department inventory.

707.9 COMMUNITY ENGAGEMENT

Within 30 days of submitting and publicly releasing the annual report, the Department shall hold at least one well-publicized and conveniently located community engagement meeting, at which the Department should discuss the report and respond to public questions regarding the funding, acquisition, or use of military equipment.

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Armored Vehicle Deployment for Patrol

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Armored Vehicle Deployment for Patrol

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Armored Vehicle Deployment for Patrol

Chapter 8 - Support Services

Information Technology Use

800.1 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.

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

Hardware - Includes but is not limited to computers, computer terminals, network equipment, electronic devices, telephones (including cellular and satellite), 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 and firmware. 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.

800.2 POLICY

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

800.3 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).

800.4 RESTRICTED USE

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

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

800.4.1 SOFTWARE

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

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

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

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

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

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

800.4.2 HARDWARE

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

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Information Technology Use

800.4.3 INTERNET USE

Internet access provided by or through the Department should be limited to acceptable department-related activities. Internet sites containing information that is not appropriate or applicable to department use and which shall not be intentionally accessed include 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.

800.4.4 OFF-DUTY USE

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

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

800.5 PROTECTION OF 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. Passwords for accounts that access CJI are governed by the CJIS Access, Maintenance, and Security Policy.

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.

800.6 INSPECTION OR REVIEW

A supervisor or the authorized designee has the express authority to inspect or review the computer system, all temporary or permanent files, related electronic systems or devices, and any contents thereof, whether such inspection or review is in the ordinary course of his/her supervisory duties or based on cause.

Reasons for inspection or review may include, but are not limited to, computer system malfunctions, problems or general computer system failure, a lawsuit against the Department involving one of its members or a member's duties, an alleged or suspected violation of any department policy, a request for disclosure of data, or a need to perform or provide a service.

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Information Technology Use

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.

CAD and System Mechanics

801.1 CAD PREMISE HISTORY

Designated communications personnel have the ability to enter data into the Special Situation file in CAD, which alerts dispatchers and field personnel of important information related to a specific address.

A "Dispatch Premise History Request" form shall be completed and submitted to a dispatch supervisor for any requests for information to be entered in the CAD Special Situation file.

Premise History entries shall only be used for such information as:

- Emergency Contact Information
- Stored Chemicals
- Dangerous or Armed Subjects
- Explosive Family 415 situations
- Narcotic Activity
- Any Officer Safety Issues
- Subjects 918V / 5150
- Locations designated by Regulatory Affairs as "No Response" for alarms
- Restraining or Emergency Protective Orders

Any other information deemed pertinent for field personnel.

Include the entry date, the expiration date and the initials of the personnel making the entry in CADDDBM.

801.2 AUDIO RECORDING REQUESTS

If any department employee requests a copy of an audio tape, they must complete a request. The primary responsibility of audio recording request processing will be the function of the Irvine Police Department Records Bureau, however, Communications Supervisors may be called up to assist with these requests.

Records of audio recordings are kept for 2 years. If any department employee requests a hold be placed on a recording beyond 2 years it must be booked into evidence.

Communications Bureau

802.1 PURPOSE AND SCOPE

This policy establishes guidelines for the basic functions of the Communications Bureau. It addresses the immediate informational needs of the Department in the course of its normal daily activities and during emergencies.

802.2 POLICY

It is the policy of the Irvine Police Department to provide 24-hour telephone service to the public for information and for routine or emergency assistance. The Department provides two-way radio capability providing continuous communication between the Communications Bureau and department members in the field.

802.3 COMMUNICATIONS BUREAU SECURITY

The communications function is vital and central to all emergency service operations. The safety and security of the Communications Bureau, its members and its equipment must be a high priority. Special security procedures should be established in a separate operations manual for the Communications Bureau.

Access to the Communications Bureau shall be limited to Communications Bureau members, the watch commander, command staff and department members with a specific business-related purpose.

802.4 RESPONSIBILITIES

802.4.1 COMMUNICATIONS BUREAU SUPERVISOR

The Chief of Police shall appoint and delegate certain responsibilities to a Communications Bureau Supervisor. The Communications Bureau Supervisor is directly responsible to the Support Services Division Commander or the authorized designee.

The responsibilities of the Communications Bureau Supervisor include, but are not limited to:

- (a) Overseeing the efficient and effective operation of the Communications Bureau in coordination with other supervisors.
- (b) Scheduling and maintaining dispatcher time records.
- (c) Supervising, training and evaluating dispatchers.
- (d) Ensuring the radio and telephone recording system is operational.
 - 1. Recordings shall be maintained in accordance with the established records retention schedule and as required by law.
- (e) Processing requests for copies of Communications Bureau information for release.
- (f) Maintaining the Communications Bureau database systems.
- (g) Maintaining and updating the Communications Bureau procedures manual.

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Communications Bureau

1. Procedures for specific types of crime reports may be necessary. For example, specific questions and instructions may be necessary when talking with a victim of a sexual assault to ensure that his/her health and safety needs are met, as well as steps that he/she may take to preserve evidence.
 2. Ensuring dispatcher compliance with established policies and procedures.
- (h) Handling internal and external inquiries regarding services provided and accepting personnel complaints in accordance with the Personnel Complaints Policy.
- (i) Maintaining a current contact list of City personnel to be notified in the event of a utility service emergency.

802.4.2 ADDITIONAL PROCEDURES

The Communications Bureau Supervisor should establish procedures for:

- (a) Recording all telephone and radio communications and playback issues.
- (b) Storage and retention of recordings.
- (c) Security of audio recordings (e.g., passwords, limited access, authorized reviewers, preservation of recordings past normal retention standards).
- (d) Availability of current information for dispatchers (e.g., watch commander contact, rosters, member tracking methods, member contact, maps, emergency providers, tactical dispatch plans).
- (e) Assignment of field members and safety check intervals.
- (f) Procurement of external services (e.g., fire suppression, ambulances, aircraft, tow trucks, taxis).
- (g) Protection of essential equipment (e.g., surge protectors, gaseous fire suppression systems, uninterruptible power systems, generators).
- (h) Protection of radio transmission lines, antennas and power sources for the Communications Bureau (e.g., security cameras, fences).
- (i) Handling misdirected, silent and hang-up calls.
- (j) Handling private security alarms, if applicable.
- (k) Radio interoperability issues.

802.4.4 SUPERVISING PUBLIC SAFETY DISPATCHERS

Supervising Public Safety Dispatchers (SPSD) report to the Communications Bureau Supervisor. The responsibilities include that of a dispatcher listed below and of the SPSP that include, but are not limited to:

- (a) Organizes, coordinates, and leads public safety dispatch center activities as a working supervisor during assigned shifts. Provides direction to dispatchers in the handling of emergency situations to assure department procedures are followed and standards are met.

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- (b) Monitors and documents employee performance. Assigns individual goals and objectives and monitors to ensure completion. Prepares and presents employee evaluations. Investigates complaints.
- (c) Develops and designs work schedules, maintaining set minimum staffing levels. Reviews and approves time off requests.
- (d) Contacts off-duty employees and make necessary adjustments in shift schedules to fill vacancies.
- (e) Develop and provide training and guidance to new dispatch personnel. Assists qualified personnel to train new employees.
- (f) Monitors the progress of both trainer and trainee. Provides on-going legal and procedural training updates to dispatchers.

802.4.4 DISPATCHERS

Dispatchers report to the Supervising Public Safety Dispatchers. The responsibilities of the dispatcher include, but are not limited to:

- (a) Receiving and handling all incoming and transmitted communications, including:
 - (a) Emergency 9-1-1 lines.
 - (b) Text to 911
 - (c) Business telephone lines.
 - (d) Telecommunications Device for the Deaf (TDD)/Text Telephone (TTY) equipment.
 - (e) Radio communications with department members in the field and support resources (e.g., fire department, emergency medical services (EMS), allied agency law enforcement units).
 - (f) Other electronic sources of information (e.g., text messages, digital photographs, video).
- (b) Documenting the field activities of department members and support resources (e.g., fire department, EMS, allied agency law enforcement units).
- (c) Inquiry and entry of information through the Communications Bureau, department and other law enforcement database systems (CLETS, DMV, NCIC).
- (d) Monitoring department video surveillance systems.
- (e) Maintaining the current status of members in the field, their locations and the nature of calls for service.
- (f) Notifying the watch commander or field supervisor of emergency activity, including, but not limited to:
 - 1. Vehicle pursuits.
 - 2. Foot pursuits.
 - 3. Assignment of emergency response.

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802.5 CALL HANDLING

This Department provides members of the public with access to the 9-1-1 system for a single emergency telephone number.

When a call for services is received, the dispatcher will reasonably and quickly attempt to determine whether the call is an emergency or non-emergency, and shall quickly ascertain the call type, location and priority by asking four key questions:

- Where?
- What?
- When?
- Who?

If the dispatcher determines that the caller has a hearing and/or speech impairment or disability, he/she shall immediately initiate a connection with the individual via available TDD/TTY equipment or Telephone Relay Service (TRS), as mandated by the Americans with Disabilities Act (ADA).

If the dispatcher determines that the caller is a limited English proficiency (LEP) individual, the dispatcher should quickly determine whether sufficient information can be obtained to initiate an appropriate response. If language assistance is still needed, the language is known and a language-appropriate authorized interpreter is available in the Communications Bureau, the dispatcher should immediately connect the LEP caller to the authorized interpreter.

If no authorized interpreter is available or the dispatcher is unable to identify the caller's language, the dispatcher will contact the contracted telephonic interpretation service and establish a three-party call connecting the dispatcher, the LEP individual and the interpreter.

Dispatchers should be courteous, patient and respectful when dealing with the public.

802.5.1 EMERGENCY CALLS

A call is considered an emergency when there is an immediate or potential threat to life or serious property damage, and the timely arrival of public safety assistance is of the utmost importance. A person reporting an emergency should not be placed on hold until the dispatcher has obtained all necessary information to ensure the safety of the responding department members and affected individuals.

Emergency calls should be dispatched immediately. The watch commander shall be notified of pending emergency calls for service when department members are unavailable for dispatch.

802.5.2 NON-EMERGENCY CALLS

A call is considered a non-emergency call when there is no immediate or potential threat to life or property. A person reporting a non-emergency may be placed on hold, if necessary, to allow the dispatcher to handle a higher priority or emergency call.

The reporting person should be advised if there will be a delay in the dispatcher returning to the telephone line or when there will be a delay in the response for service.

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802.6 RADIO COMMUNICATIONS

The police radio system is for official use only, to be used by dispatchers to communicate with department members in the field. All transmissions shall be professional and made in a calm, businesslike manner, using proper language and correct procedures. Such transmissions shall include, but are not limited to:

- (a) Members acknowledging the dispatcher with their radio identification call signs and current location.
- (b) Dispatchers acknowledging and responding promptly to all radio transmissions.
- (c) Members keeping the dispatcher advised of their status and location.
- (d) Member and dispatcher acknowledgements shall be concise and without further comment unless additional information is needed.

The Communications Bureau Supervisor shall be notified of radio procedure violations or other causes for complaint. All complaints and violations will be investigated and reported to the complainant's supervisor and processed through the chain of command.

802.6.1 FEDERAL COMMUNICATIONS COMMISSION COMPLIANCE

Irvine Police Department radio operations shall be conducted in accordance with Federal Communications Commission (FCC) procedures and requirements.

802.6.2 RADIO IDENTIFICATION

Radio call signs are assigned to department members based on factors such as duty assignment, uniformed patrol assignment and/or member identification number. Members should use their call signs when initiating communication with the dispatcher. The use of the call sign allows for a brief pause so that the dispatcher can acknowledge the appropriate department member. Members initiating communication with other law enforcement or support agencies shall use their entire radio call sign, which includes the department station name or number.

802.7 DOCUMENTATION

It shall be the responsibility of the Communications Bureau to document all relevant information on calls for service or self-initiated activity. Dispatchers shall attempt to elicit, document and relay as much information as possible to enhance the safety of the member and assist in anticipating conditions that may be encountered at the scene. Desirable information would include, at a minimum:

- Incident control number.
- Date and time of request.
- Name and address of the reporting person, if possible.
- Type of incident reported.
- Involvement of weapons, drugs and/or alcohol.
- Location of incident reported.

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- Identification of members assigned as primary and backup.
- Time of dispatch.
- Time of the responding member's arrival.
- Time of member's return to service.
- Disposition or status of reported incident.

802.8 CONFIDENTIALITY

Information that becomes available through the Communications Bureau may be confidential or sensitive in nature. All members of the Communications Bureau 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.

802.9 TRAINING AND CERTIFICATION

Dispatchers shall receive training consistent with minimum standards established by POST (Penal Code § 13510).

802.10 UNIFORM POLICY

Communications personnel will follow the Uniform Regulations policy related to uniforms and appearance. Exceptions and/or additions to that are detailed below.

New employees will be issued:

- 1 long sleeve shirt
- 2 short sleeve shirts
- 2 pants
- Female employees may also opt for 1 pant and 1 skirt
- Belt
- Sweater and/or Jacket

Neckties - When wearing a long sleeve shirt, female dispatchers may wear crossbow ties, if so desired. Ties may only be worn with long sleeve shirts.

Skirts and Pants - Skirts and pants will be navy blue in color, tailored to fit the dispatcher. Skirts shall be approximately knee length and pants will touch the shoe laces or top of the shoe.

Nylons - Nylons shall be of a natural skin color, sheer black or sheer white, with no noticeable patterns or designs.

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At the successful completion of probation, employees can request a soft uniform,

- One 5.11 polo shirt
- One 5.11 pant

802.10.1 PERSONAL APPEARANCE STANDARDS

Employees shall adhere to the grooming standards as outlined in the Personnel Appearance Standards policy. This section addresses facial hair, jewelry, body art, and piercings. Employees shall have their hair in a fashion considered to be well groomed and not extreme in fashion or appearance. Unnatural or unusual hair color will not be allowed. This includes hair extensions and/or hair attachments.

802.10.2 WEARING OF CIVILIAN ATTIRE

Wearing of civilian clothing will be permitted in the dispatch center when circumstances present themselves, i.e. pregnancy, medical condition (accompanied by a doctor's note) or other instances where the request has been submitted through the chain of command and approved by the Bureau Supervisor or Supervising Dispatcher.

Communications personnel will follow the Uniform Regulations policy related to plain clothes attire. If maternity uniforms are issued to employees, they will be worn, unless prior supervisory approval has been received. All other uniform guidelines and restrictions will apply.

802.11 WORK HOURS AND MEAL BREAKS

Dispatchers will work shifts and hours as assigned by the department to maintain adequate staffing levels in the Communications Bureau.

Part-time call-takers and/or dispatchers may be scheduled to augment staffing levels, as necessary.

Any communications supervisor may reduce or increase minimum staffing levels; based on information they have available to them.

Generally, dispatchers will be entitled to one 30-minute meal break and two 15-minute breaks during their shift. Dispatchers are encouraged to take their breaks outside of the Communications Center. Dispatchers are paid for their lunch time and therefore need to be accessible to return if needed. Food will be allowed in the Communications Center when workload and/or staffing prevent dispatchers from leaving the center. Beverages will only be allowed in covered containers.

Communications personnel reporting late will be required to forward an tardy/absence form to a supervisor, stating the reason for the tardiness, prior to the end of their shift.

802.12 PART-TIME EMPLOYEES

General seniority for part-time employees will be based upon their start date in the part-time communications program.

Part-time employees will be excused from a shift they are scheduled to work if a sickness or emergency exists, as any full-time employee would be.

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Part-time employees shall not work over 39 hours per week, unless extenuating circumstances exist and only with supervisory approval.

The scheduling supervising dispatcher will publish all available hours on a monthly basis, when possible. Part-time dispatchers will volunteer for time in Schedule Express and will be assigned based on seniority. Supervision retains the right to re-evaluate and/or re-structure the process by which hours are assigned or distributed.

In order to facilitate this sign up process, dispatch will be notified via text and email when hours are posted in Schedule Express. Part-time dispatchers must then volunteer for their desired time. If the part-time dispatcher does not volunteer before hours are to be assigned, the part-time dispatcher will be passed up and those hours will be made available to the next part-time dispatcher in order of seniority or to full time staff.

Part-time dispatchers should be cognizant of the number of hours they have signed up to work and notify dispatchers and supervision of their limit when being recruited for fills. This process and limit applies to both time off fills and last minute fill situations.

If a part-time dispatcher is unable to work hours they signed up for, it is their responsibility to repost their hours in Schedule Express for a fill.

In order to maintain their proficiency, part-time employees will be required to work an average of 24 hours per month. It will be the responsibility of each dispatcher to meet this requirement. An exemption to the above may be granted due to vacations, extended sick leave, and/or any other reason approved by supervision. The minimum hour requirement is intended to ensure dispatchers maintain acceptable skill level. If the minimum hours are not worked supervisors will evaluate their perishable skills. It is the employee's responsibility to notify a supervisor in writing when they are unavailable to work the required minimum hours per month. Part-time employees who show a pattern of not meeting this requirement may be subject to discipline, up to and including termination.

It will be the responsibility of each part-time dispatcher to monitor the number of hours they sign up to work and ensure that they do not exceed their yearly-allotted hours.

Part-time dispatchers may not sign up for special event overtime or grant funded events.

802.13 SHIFT ROTATION

Communications personnel will work rotating shifts.

Communications shift assignments are selected on a seniority basis by full-time hire date in dispatch. Seniority for Supervising Dispatchers will be based upon their promotion date.

No Public Safety Dispatcher or Supervising Public Safety Dispatcher may work more than three consecutive shifts (12 months) on the same shift.

Based on the needs of the department, the Communications Bureau Supervisor and/or the Business Services Administrator has the authority to override this decision

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The default shift assignments for Supervising Public Safety Dispatchers are:

Sunday/Monday/Tuesday (alternate Wednesday)

Thursday/Friday/Saturday (alternate Wednesday)

Modifications to these work days can be made with mutual agreement by the supervisors and with approval by the Communications Bureau Supervisor and/or Business Services Administrator.

Supervision maintains the right to assign communications personnel to their shifts.

802.14 TIME OFF REQUESTS

- CTO and Personal Leave

Full-time dispatchers may accumulate and/or be granted the use of CTO and personal leave time in accordance with the Irvine City Employee's Association (ICEA) Memorandum of Understanding.

- Holidays

Full-time dispatchers may be granted holiday time off in accordance with the Irvine City Employee's Association (ICEA) Memorandum of Understanding. Holiday time off requests will be granted on a seniority basis by hire date in dispatch, regardless of classification. Staffing levels on holidays will be determined by Command Staff and requests for the holiday off will be granted in order of seniority.

Employees may be ordered off on holidays. If no employee requests the holiday off, it may be assigned, also based on inverse seniority and prior holiday off assignments.

- Vacations

Full-time dispatchers will accrue and be granted use of vacation time in accordance with the Irvine City Employee's Association (ICEA) Memorandum of Understanding. Annually, communications personnel will sign up for vacation for the following year. Vacations will be granted based upon full-time hire date in communications. Vacation sign-ups will be for a 12-month period (January to January shift change).

Only one dispatcher (including supervising dispatchers) will be allowed off on an annual vacation, requiring mandatory fills, during the time period from December 15th through January 3rd of each year. Other requests for time off will be considered during this time period, however, it will be the employee's responsibility to find any necessary fills. Dispatchers are encouraged to consider pre-approved vacations posted before selecting their shifts/days off to prevent conflicts and allow for holidays off.

- Vacation sign-ups will be done in order of seniority.
- Vacation requests for full-time personnel that will require mandatory fills must be for a minimum of 36 hours and must be submitted when the monthly schedules are requested by the scheduler.
- Only one dispatcher, per shift (days or nights), including supervisors, will be approved for mandatory vacation at the same time. The department maintains the right to deny

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vacations due to staffing and/or training needs. The employee will not be subject to draft on their days off immediately preceding or following an approved mandatory vacation.

- The department will fill behind two blocks of time taken off as vacation each year. It will be the dispatcher's responsibility to arrange fills for any additional blocks of time taken during the same calendar year.
- Requests for Time Off.

Dispatchers shall submit an absence request online. For advance notice, the scheduling supervisor will determine if a fill is required and post the appropriate time for fills with all monthly overtime. For last minute requests, any supervisor may approve the request and post it to dispatch personnel.

- Filling Time Off Requests

Fills to accommodate time off will be published first to part-time dispatchers before being made available to full-time dispatchers. {In order to provide for supervisory coverage, time off requests for supervising dispatchers may be published to other supervising dispatchers before being made available to part-time or full-time dispatchers}

A dispatcher who no longer wants overtime that he or she volunteered for but was not assigned, should delete their availability/request in Schedule Express.

802.15 SICK LEAVE REPORTING PROCEDURE

- Reporting

Communications personnel shall follow the Sick Leave policy regarding reporting sick for work, use of sick time and the sick leave management program.

- Sick Leave Fills

Communications personnel notified of an absence will complete an absence slip indicating the date and time notified. The supervisor will check the duty schedule for the affected shift to insure that minimum staffing levels will be met. If a fill is necessary, it shall be their responsibility to fill the shift appropriately, using the draft system, when necessary.

802.16 DRAFT SYSTEM

A draft system has been established to fill vacant shifts caused by illness, mandatory vacations, mandatory trainings and meetings, vacancies, and/or unexpected circumstances. Full time dispatchers can expect the possibility of being drafted to work for unexpected vacancies or mandatory fill situations and will only be exempt from a draft during mandatory vacation, mandatory training schools or extended sick leave.

The draft system is designed to allow for some degree of fairness to all dispatchers, however any full time dispatcher may be drafted at any time to meet the needs of the department. This system is not intended to restrict the activities of off-duty personnel or require off-duty personnel to make themselves available.

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As stated in policy specific to hours worked, "Absent emergency operations, members should not work more than 16 hours in one day (24 hour) period or except in very limited circumstances members should have a minimum of 5 hours off between shifts. Supervisors should give consideration to reasonable rest periods and are authorized to deny overtime or relieve to off-duty status any member who has exceeded the above guidelines." When a draft in Communications is necessary, however, Communications employees will be given a minimum of eight (8) hours off before being required to return for duty. If a dispatcher is scheduled to fill a shift vacancy on an overtime basis and arrives to work to find they are not needed, they shall receive 2 hours of premium overtime.

Drafting Personnel

If a draft fill is required, the supervisor, or most senior dispatcher on duty, shall take the following steps in this order:

- All OT hours are counted as draft credits (not just mandatory hours).
- PT PSA will be given 2 days to volunteer.
- Mandatory OT shifts be made available for volunteers for one week.
- The remaining mandatory OT shifts will be sent out for a second round of sign-ups with the potential draftee listed, based on draft credits for the month.
- After all mandatory hours have been assigned, non-mandatory time will then be posted for volunteers.
- Shifts will be posted on Schedule Express. An email and text notification will be sent to notify you of the posted hours. Mandatory hours will be posted for seven days prior to assignment.
- Any supervisor shortage (direct or indirect) will be offered to supervisors to fill. The exception would be if we are still at minimum staffing (no fill needed or authorized).
- Part time personnel will have two days advanced noticed to sign up for overtime.
 - (960 yearly part time limitations) = 36 hours per pay period (hours adjusted based on use)
 - Part timers CANNOT exceed 40 hours in any one week
- In the event two employees volunteer for a mandatory shift, the shift will be assigned to the employee that is able to take the entire block rather than a portion of the block. If two employees volunteer for the entire block of time, the normal shift distribution rules will be used to determine who will receive the shift. Seniority and employee classification do not take priority over filling the entire shift.
- Non-mandatory overtime shifts will then be assigned to dispatch personnel on a first come, first serve basis regardless of full or partial volunteers.
- Outside PS personnel can volunteer for overtime and will be assigned, as long as no other dispatcher has volunteered. Outside help will be assigned based solely on seniority.

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- The mandatory drafts will be assigned and an email notification will be sent within a few days of the assignment of hours, so employees are made aware of the draft and can repost to get it covered.

LAST MINUTE FILL Draft Procedure

The primary goal of drafting behind a last minute fill is to cover minimum staffing in the Communications Center. The following procedure will be followed to draft an employee behind a call-out:

1. The supervisor will send out a page asking for any volunteers.
2. The employee whom offers the most coverage will be drafted (regardless if working a regular or OT shift) not exceeding 16 hours a day and having at least 8 hours between shifts. If hourly coverage would be same between all employees, see #3 and #4.
3. The employee with the least amount of draft credits. If employees are equal in credits, the employee with least overall seniority will be drafted.
4. Employees on an overtime shift will be drafted as last resort.

Any last minute sick fills need to be made by calling into the Communications Center and speaking with the supervisor on-duty. Requests for volunteers should be sent by the supervisor on-duty unless there isn't a supervisor working, and then should be handled by the most senior dispatcher on the floor.

If a non-mandatory time off request is less than 4 days away, it is the employee's responsibility to ask the on-duty supervisor to send out one overtime request (page) and the employee can send out an email if they choose.

If outside personnel volunteer for the overtime a second message should be sent to dispatch staff indicating that the hours will be assigned to outside staff unless the time is volunteered for by a dispatcher within an hour.

Additional Notes:

- During concert season, concert hours will be posted with shift overtime. This is provided we were notified before the monthly hours have been posted. If not, they fall under last minute fill procedures.
- Part-time employees cannot work concerts, special events, or DUI check points but they may fill a position in the room and a full-time dispatcher already on duty can work the event.
- Extra hours for part-time personnel need to be approved in advance by the scheduling supervisor designee.
- Please refer to the DRAFT Procedure for the Communications Division Number C002
- The only way to volunteer for posted overtime is to check Schedule Express. It is available to access 24/7 if the employee chooses to volunteer for overtime.

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802.17 USE OF CELLULAR PHONE

In the event of any radio interference, all wireless communications devices brought into the Communications Center shall be turned off.

Members of the Communications Bureau, while on duty, shall not make or receive telephone calls within the Communications Center using wireless communications devices.

Communications trainees shall not use any personal wireless communications device while on duty.

Communications personnel shall not use any personal wireless communications device while working the primary radio position.

At no time, shall personal wireless communications devices be plugged into department computers.

Communications supervisors may restrict personal wireless communications devices in the event it interferes with any dispatch duties.

802.18 ON-DUTY EMPLOYEE INJURIES

Communications employees shall adhere to the Occupational Disease and Work-Related Injury policy, when reporting incidents that occur while on-duty.

In the event of an on-the-job injury, the injured employee will immediately notify the Communications Bureau Supervisor, Supervising Dispatcher or the on duty Watch Commander. The employee will be directed to one of the approved medical treatment locations. In the event of a severe injury, paramedics will be called for emergency care and the employee will be transported to the nearest hospital.

The employee's signature must be obtained on this form and submitted to the Human Resources Liaison within one (1) working day. A copy of this form must be given to the injured worker. A "Receipt for the Employee's Claim for Worker's Compensation Benefits Form" should be completed and distributed only if the injured employee chooses not to sign the "Employee's Claim" form (DWC-1).

If an employee receives a minor injury (i.e. first aid) and chooses not to seek medical treatment, a Declination of Medical Evaluation/Treatment form must be completed, along with a Supervisor's Report of Injury and Employee's report of Injury.

Distribution of Forms:

Copies of these reports will be forwarded to the Human Resources Liaison.

If an employee suffers moderate or serious injuries as a result of an on-the-job accident, the Supervising Dispatcher or Watch Commander will notify the Bureau Supervisor, Business Services Administrator and Human Resources Liaison. It will be the responsibility of the Business Services Administrator to notify the the Support Services Division Commander.

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803.1 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 Campus Safety Act (Clery Act) as well as applicable California Education Code requirements.

803.2 POLICY

The Irvine Police Department encourages accurate and prompt reporting of all crimes 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 Irvine Police Department facility. Reports will be accepted anonymously, by phone or via email or on the institution's website.

It is the policy of the Irvine Police Department to comply with the Clery Act. Compliance with the Clery Act requires a joint effort between the Irvine 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) and 34 CFR 668.46 that are relevant to their responsibilities.

803.3 POLICY, PROCEDURE, AND PROGRAM DEVELOPMENT

The Chief of Police shall:

- (a) Ensure that the Irvine Police Department establishes procedures for immediate emergency response and evacuation, including the use of electronic and cellular communication, and testing of these procedures (20 USC § 1092(f)(1)(J)(i); 20 USC § 1092(f)(1)(J)(iii)).
- (b) Enter into written agreements as appropriate with local law enforcement agencies to (Education Code § 67381.1):
 1. Identify roles in the investigation of alleged criminal offenses on campus (20 USC § 1092(f)(1)(C)(ii)).
 - (a) This includes identification of the responsibilities for sexual assault, hate crimes, and Part 1 violent crime investigations (e.g., willful homicide, forcible rape, robbery, or aggravated assault as defined in the FBI's Uniform Crime Reporting (UCR) Handbook), and establishing the specific geographical boundaries of each agency's responsibility, including maps as necessary (Education Code § 67381).
 2. Assist in the monitoring and reporting of criminal activity at off-campus student organizations that are recognized by the institution and engaged in by students attending the institution, including student organizations with off-campus housing facilities (20 USC § 1092(f)(1)(G)).
 3. Ensure coordination of emergency response and evacuation procedures, including procedures to immediately notify the campus community upon the

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confirmation of a significant emergency or dangerous situation (20 USC § 1092(f)(1)(J)).

4. Notify the Irvine Police Department of criminal offenses reported to local law enforcement agencies to assist the institution in meeting its reporting requirements under the Clery Act (20 USC § 1092(f)(1)(F)).
 5. Notify the Irvine Police Department of criminal offenses reported to local law enforcement agencies to assist in making information available to the campus community in a timely manner and to aid in the prevention of similar crimes. Such disseminated information shall withhold the names of victims as confidential (20 USC § 1092(f)(3)).
- (c) Appoint a designee to develop programs that are designed to inform students and employees about campus security procedures and practices, and to encourage students and employees to be responsible for their own security and the security of others (20 USC § 1092(f)(1)(D)).
 - (d) Appoint a designee to develop programs to inform students and employees about the prevention of crime (20 USC § 1092(f)(1)(E)).
 - (e) Appoint a designee to develop educational programs to promote the awareness of rape, acquaintance rape, domestic violence, dating violence, sexual assault, and stalking, and what to do if an offense occurs, including but not limited to who should be contacted, the importance of preserving evidence, and to whom the alleged offense should be reported (20 USC § 1092(f)(8)(B)). The designee shall also develop written materials to be distributed to reporting persons that explain the rights and options provided for in 20 USC § 1092 (20 USC § 1092(f)(8)(C)).
 - (f) Appoint a designee to make the appropriate notifications to institution staff regarding missing person investigations in order to ensure that the institution complies with the requirements of 34 CFR 668.46(h).
 - (g) Appoint a designee to assist in the development of prevention and awareness programs related to hazing as defined by the institution, including but not limited to the procedures for reporting and investigating incidents; information on local, state, and tribal laws on hazing; and hazing prevention strategies (20 USC § 1092(f)(1)(K); 20 USC § 1092(f)(1)(L)).

803.3.1 ADDITIONAL REQUIREMENTS

The Chief of Police or the authorized designee will also (Education Code § 67386):

- (a) Assist the institution with the development of policies and procedures relating to sexual assault, domestic violence, dating violence, and stalking involving a student whether it occurred on- or off-campus including:
 1. The differences between standards of proof and defenses in criminal investigations and administrative or disciplinary matters.
 2. Victim-centered protocols including privacy protection, responses to reports, interviews, investigations, required notifications, and participation by victim advocates and other supporting individuals.

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- (b) Assist, as appropriate, with trauma-informed training for campus personnel involved in investigating and adjudicating sexual assault, domestic violence, dating violence, and stalking cases.
- (c) Assist, as appropriate, in the development of the institution's comprehensive prevention and outreach programs addressing sexual violence, domestic violence, dating violence, and stalking.
- (d) Ensure that any reported Part 1 violent crime, sexual assault, or hate crime described in Penal Code § 422.55 (whether it occurred on- or off-campus), is reported as soon as practicable to any local law enforcement agency with investigation responsibilities pursuant to a written agreement with the Irvine Police Department or the institution (Education Code § 67380).
 - 1. The identification of the victim shall be withheld, unless the victim consents to being identified after being informed of the right to have their personally identifying information withheld. If the victim does not consent to being identified, then the alleged assailant shall not be identified unless the institution determines that the alleged assailant represents a serious or ongoing threat to the safety of the students, employees, or the institution, and the immediate assistance of the Irvine Police Department is necessary to contact or detain the assailant (Education Code § 67380).
 - 2. If the institution discloses the identity of the alleged assailant to the Irvine Police Department, the institution must immediately inform the victim of that disclosure (Education Code § 67380).
- (e) Ensure the victim receives the following information:
 - 1. Options on rights to obtain a sexual assault forensic medical examination including the right to be accompanied to the examination by a certified sexual assault counselor and/or support person of the victim's choosing
 - 2. How to access transportation to an examination site, including transportation options provided or arranged by the campus

803.4 RECORDS COLLECTION AND RETENTION

The Records Supervisor is responsible for maintaining Irvine 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 (20 USC § 1092(f)(1)(F)). The statistics shall be compiled as follows:

- (a) Statistics concerning the occurrence of the following criminal offenses reported to this department or to local police agencies that occurred on campus, in or on non-campus buildings or property, and on public property including streets, sidewalks, and parking facilities within the campus or immediately adjacent to and accessible from the campus (20 USC § 1092(f)(1)(F)(i); 34 CFR 668.46(c)):
 - 1. Murder
 - 2. Sex offenses, forcible or non-forcible
 - 3. Robbery

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4. Aggravated assault
 5. Burglary
 6. Motor vehicle theft
 7. Manslaughter
 8. Arson
 9. Arrests or persons referred for campus disciplinary action for liquor law violations, drug-related violations, and weapons possession
 10. Dating violence, domestic violence, and stalking
 11. Hazing
- (b) Statistics concerning the crimes described in the section above, theft, simple assault, intimidation, destruction, damage, or vandalism of property, and other crimes involving bodily injury to any person where the victim was intentionally selected because of their actual or perceived race, sex, religion, gender, gender identity, sexual orientation, ethnicity, or disability. These statistics should be collected and reported according to the category of prejudice (20 USC § 1092(f)(1)(F)(ii); 34 CFR 668.46(c)).
1. 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(c)(9)). For the offenses of domestic violence, dating violence, and stalking, such statistics shall be compiled in accordance with the definitions used in the Violence Against Women Act (20 USC § 1092(f)(7); 34 USC § 12291; 34 CFR 668.46(a)). The statistics will be categorized separately as offenses that occur (20 USC § 1092(f)(13); 34 CFR 668.46(c)(5)):
 - (a) On campus.
 - (b) In or on a non-campus building or property.
 - (c) On public property.
 - (d) In dormitories or other on-campus residential or student facilities.
- (c) Statistics will be included by the calendar year in which the crime was reported to the Irvine Police Department (34 CFR 668.46(c)(3)).
- (d) Stalking offenses will include a statistic for each year in which the stalking conduct is reported and will be recorded as occurring either at the first location in which the stalking occurred or the location where the victim became aware of the conduct (34 CFR 668.46(c)(6)).
- (e) Statistics will include the three most recent calendar years (20 USC § 1092(f)(1)(F); 34 CFR 668.46(c)).
- (f) The statistics shall not identify victims of crimes or persons accused of crimes (20 USC § 1092(f)(7)).

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- (g) Hazing incident statistics shall be compiled using the definitions in the Stop Campus Hazing Act (20 USC § 1092 (f)(6)(A)(vi)). The statistics shall be compiled for each single incident and as required by 20 USC § 1092(f)(7).

803.4.1 COMPILING RECORDS FOR DISCLOSURE REQUIREMENTS

The Senior Crime Analyst is also responsible for compiling the following to allow the institution to comply with its disclosure requirements under Education Code § 67380:

- (a) All occurrences reported to the Irvine Police Department and all arrests for crimes that are committed on campus that involve violence, hate violence, theft, destruction of property, illegal drugs, or alcohol intoxication.
- (b) All occurrences of noncriminal acts of hate violence reported to the Irvine Police Department for which a written report is prepared.

803.4.2 CRIME LOG

The Records Supervisor is responsible for ensuring a daily crime log is created and maintained as follows (20 USC § 1092(f)(4); 34 CFR 668.46(f)):

- (a) The daily crime log will record all crimes reported to the Irvine Police Department, including the nature, date, time and general location of each crime, and the disposition, if known.
- (b) All log entries shall be made within two business days of the initial report being made to the Department.
- (c) If new information about an entry becomes available, then the new information shall be recorded in the log not later than two business days after the information becomes available to the police department or security department.
- (d) The daily crime log for the most recent 60-day period shall be open to the public for inspection at all times during normal business hours. Any portion of the log that is older than 60 days must be made available within two business days of a request for public inspection. Information in the log is not required to be disclosed when:
 - 1. Disclosure of the information is prohibited by law.
 - 2. Disclosure would jeopardize the confidentiality of the victim.
 - 3. There is clear and convincing evidence that the release of such information would jeopardize an ongoing criminal investigation or the safety of an individual, may cause a suspect to flee or evade detection, or could result in the destruction of evidence. In any of these cases, the information may be withheld until that damage is no longer likely to occur from the release of such information.

803.5 INFORMATION DISSEMINATION

It is the responsibility of the Administrative Services Division Commander to ensure that the required Clery Act disclosures are properly forwarded to campus administration and community members in accordance with institution procedures. This includes:

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- (a) Procedures for providing emergency notification of crimes or other incidents and evacuations that might represent an imminent threat to the safety of students or employees (20 USC § 1092(f)(3); 34 CFR 668.46(e); 34 CFR 668.46(g)).
- (b) Procedures for notifying the campus community about crimes considered to be a threat to other students and employees in order to aid in the prevention of similar crimes. Such disseminated information shall withhold the names of victims as confidential (20 USC § 1092(f)(3)).
- (c) Information necessary for the institution to prepare its annual security report (20 USC § 1092(f)(1); 34 CFR 668.46(b)). This report will include but is not limited to:
 - 1. Crime statistics and the policies for preparing the crime statistics.
 - 2. Crime and emergency reporting procedures, including the responses to such reports.
 - 3. Policies concerning security of and access to campus facilities.
 - 4. Crime, dating violence, domestic violence, sexual assault, and stalking awareness and prevention programs, including:
 - (a) Procedures victims should follow.
 - (b) Procedures for protecting the confidentiality of victims and other necessary parties.
 - 5. Policies and incident prevention and awareness programs concerning hazing, including:
 - (a) Procedures for reporting incidents.
 - (b) Procedures for investigating incidents.
 - (c) Information on applicable local, state, and tribal laws on hazing.
 - (d) Primary prevention strategies (e.g., bystander intervention, ethical leadership, building group cohesion without hazing).
 - 6. Enforcement policies related to alcohol and illegal drugs.
 - 7. Locations where the campus community can obtain information about registered sex offenders.
 - 8. Emergency response and evacuation procedures.
 - 9. Missing student notification procedures.
 - 10. Information addressing the jurisdiction and authority of campus security including any working relationships and agreements between campus security personnel and both state and local law enforcement agencies.
- (d) Information necessary for the institution to prepare the Campus Hazing Transparency Report (CHTR) (20 USC § 1092(f)(9)).

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 members of the Irvine 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 Irvine 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

Members of the Irvine 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 a member of the Department to coordinate the use of protected information.

The responsibilities of this position include but are not limited to:

- (a) Ensuring member compliance with this policy and with requirements applicable to protected information, including requirements for the National Crime Information Center (NCIC) system, National Law Enforcement Telecommunications System (NLETS), Department of Motor Vehicles (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. See the Irvine Police Department CJIS Access, Maintenance, and Security Policy for additional guidance.
- (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, Irvine Police Department policy, or training. Only those members who have completed applicable training and met any applicable requirements, such as a background check, may access protected information, and only when the member has a legitimate work-related reason for such access.

Unauthorized access, including access for other than a legitimate work-related purpose, is prohibited and may subject a member to administrative action pursuant to the Personnel Complaints Policy and/or criminal prosecution. See the CJIS Access, Maintenance, and Security Policy for additional guidance.

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 Bureau 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.

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When circumstances reasonably indicate that the immediate safety of officers, other department members, or the public is at risk, only summary information may be transmitted.

In cases where the transmission of protected information, such as Personally Identifiable Information, is necessary to accomplish a legitimate law enforcement purpose, and utilization of an encrypted radio channel is infeasible, a MDC or department-issued cellular telephone should be utilized when practicable. If neither are available, unencrypted radio transmissions shall be subject to the following:

- Elements of protected information should be broken up into multiple transmissions, to minimally separate an individual's combined last name and any identifying number associated with the individual, from either first name or first initial.
- Additional information regarding the individual, including date of birth, home address, or physical descriptors, should be relayed in separate transmissions.

Nothing in this policy is intended to prohibit broadcasting warrant information.

804.6 SECURITY OF PROTECTED INFORMATION

The Chief of Police will select a member of the Department to oversee the security of protected information.

The responsibilities of this position include but are not limited to (see the CJIS Access, Maintenance, and Security Policy for additional guidance):

- (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.

804.6.1 MEMBER RESPONSIBILITIES

Members accessing or receiving protected information shall ensure the information is not accessed or received by persons who are not authorized to access or receive it. This includes leaving protected information, such as documents or computer databases, accessible to others when it is reasonably foreseeable that unauthorized access may occur (e.g., on an unattended table or desk; in or on an unattended vehicle; in an unlocked desk drawer or file cabinet; on an unattended computer terminal).

804.7 TRAINING

All members authorized to access or release protected information shall complete a training program that complies with any protected information system requirements and identifies authorized access and use of protected information, as well as its proper handling and dissemination.

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804.7.1 COMPUTER TERMINAL SECURITY

Computer terminal equipment capable of providing access to automated criminal offender record information is located within Public Safety to preclude access by unauthorized persons. Information system devices shall be positioned in such a way as to prevent unauthorized individuals from accessing and viewing CORI. Screen protectors shall be used if the monitor is in view of unauthorized individuals.

No employee shall be authorized to operate computer terminal equipment with access to CORI until the operator has completed the appropriate training.

804.7.2 DESTRUCTION OF CORI

When any document providing CORI has served the purpose for which it was obtained, it shall be destroyed by crosscut shredding.

Each employee shall be responsible for destroying the CORI documents they receive.

804.8 TRAINING PROGRAM

All personnel authorized to process or release CORI shall be required to complete a training program prescribed by the Agency CLETS Coordinator. The Training Bureau shall coordinate the course to provide training in the proper use, control, and dissemination of CORI.

804.9 PENALTIES FOR MISUSE OF RECORDS

Penal Code §§ 11140 and 11144 make it a misdemeanor to furnish, buy, receive, or possess Department of Justice rap sheets without authorization by a court, statute, or case law.

Title 11, California Administrative Code § 702 provides that authorized persons or agencies violating the Regulations Regarding the Security of Criminal Offender Record Information in California may lose direct access to CORI maintained by the California Department of Justice.

Divulging the content of any criminal record to anyone other than authorized personnel is a violation of policy.

Employees who obtain, or attempt to obtain, information from the department files other than that to which they are entitled in accordance with their official duties is a violation of policy.

Each suspected incident of unauthorized or improper use of CORI, or failure to take physical security measures to protect CORI, will be investigated by the Office of Professional Standards. Violations will result in action which may include disciplinary action, criminal penalties and/or financial liability for the cost of improper use.

804.10 CALIFORNIA RELIGIOUS FREEDOM ACT

Members shall not release personal information from any agency database for the purpose of investigation or enforcement of any program compiling data on individuals based on religious belief, practice, affiliation, national origin or ethnicity (Government Code § 8310.3).

On-Call Procedures

805.1 REQUEST TO CONTACT CITY PERSONNEL

Upon receiving a request to contact personnel or other staff, communications personnel will check the on call list on the Intranet -> Resources -> On Call Roster.

805.1.1 CALLING OFF-DUTY PERSONNEL

When calling off-duty personnel, dispatchers will first call the residence of the on- call employee. If they cannot be reached by phone at home, they should then be notified via cell phone. A list of department issued cell phones is listed on the Intranet -> Phonebooks -> Telephone Directory -> Cell Phone List.

The dispatcher handling the call-out request shall complete an event entry mask with the event type, "CALL" so that notification and response of on-call personnel can be documented. This will also allow for further documentation, if needed at a later time.

805.2 NOTIFICATION OF COMMAND PERSONNEL

As it relates to the Major Incident Notification policy, notification should be made to a field supervisor and a command staff watch commander.

For Detective, MAIT, or SWAT resource requests, the field supervisor may contact the supervisor of these units directly, however, if feasible, notification should be made with a command staff watch commander as well.

Records Bureau

806.1 PURPOSE AND SCOPE

This policy establishes the guidelines for the operational functions of the Irvine Police Department Records Bureau. The policy addresses department file access and internal requests for case reports.

806.2 POLICY

It is the policy of the Irvine Police Department to maintain department records securely, professionally, and efficiently.

806.3 RESPONSIBILITIES

806.3.1 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 Support Services Division Commander or the authorized designee.

The responsibilities of the Records Supervisor include but are not limited to:

- (a) Overseeing the efficient and effective operation of the Records Bureau.
- (b) Scheduling and maintaining Records Bureau time records.
- (c) Supervising, training, and evaluating Records Bureau staff.
- (d) Maintaining and updating a Records Bureau procedure manual.
- (e) Ensuring compliance with established policies and procedures.
- (f) Supervising the access, use, and release of protected information (see the Protected Information Policy).
- (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:
 - (a) Homicides.
 - (b) Cases involving department members or public officials.
 - (c) Any case where restricted access is prudent.

806.3.2 RECORDS BUREAU

The responsibilities of the Records Bureau 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.

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- (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).
 - 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 assaults
 - (b) Crime incidents
- (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).

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806.3.3 RECORDS BUREAU 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.

806.4 CONFIDENTIALITY

Records Bureau staff has access to information that may be confidential or sensitive in nature. Records Bureau staff shall not access, view, or distribute, or allow anyone else to access, view, or distribute any record, file, or report, whether in hard copy or electronic file format, or any other confidential, protected, or sensitive information except in accordance with the Records Maintenance and Release and Protected Information policies and the Records Bureau procedure manual.

806.5 DETERMINATION OF FACTUAL INNOCENCE

In any case where a person has been arrested by officers of the Irvine 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 served on the prosecuting attorney of the county having jurisdiction over the offense. The Superior Court should promptly contact the prosecuting attorney and request a written opinion as to whether the petitioner is factually innocent of the charges (Penal Code § 851.8). Factual innocence means the accused person did not commit the crime.

Upon receipt of a written opinion from the prosecuting attorney affirming factual innocence, the Records Bureau should forward the petition to the Investigations Bureau Lieutenant for review. After such review and consultation with the City Attorney, the Investigations Bureau Lieutenant and Records Supervisor shall decide whether a finding of factual innocence is appropriate.

Upon determination that a finding of factual innocence is appropriate, the Records Bureau 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 Records Bureau Supervisor should respond to a petition with the Department's decision within 45 days of receipt. Responses should include only the decision of the Department, not an explanation of the analysis leading to the decision.

806.6 ARREST WITHOUT FILING OF ACCUSATORY PLEADING

The Support Services Division Commander should ensure a process is in place for when an individual is arrested and released and no accusatory pleading is filed so that the following occurs (Penal Code § 849.5; Penal Code § 851.6):

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- (a) The individual is issued a certificate describing the action as a detention.
- (b) All references to an arrest are deleted from the arrest records of the Department and the record reflects only a detention.
- (c) The California DOJ is notified.

Records Maintenance and Release

807.1 PURPOSE AND SCOPE

This policy provides guidance on the maintenance and release of department records. Protected information is separately covered in the Protected Information Policy.

807.2 POLICY

The Irvine 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.).

807.3 CUSTODIAN OF RECORDS RESPONSIBILITIES

The Chief of Police shall designate a Custodian of Records. The responsibilities of the Custodian of Records include but are not limited to:

- (a) Managing the records management system for the Department, including the retention, archiving, release, and destruction of department public records.
- (b) Maintaining and updating the department records retention schedule including:
 - 1. Identifying the minimum length of time the Department must keep records.
 - 2. Identifying the department division responsible for the original record.
- (c) Establishing rules regarding the inspection and copying of department public records as reasonably necessary for the protection of such records (Government Code § 7922.525; Government Code § 7922.530).
- (d) Identifying records or portions of records that are confidential under state or federal law and not open for inspection or copying.
- (e) Establishing rules regarding the processing of subpoenas for the production of records.
- (f) Ensuring a current schedule of fees for public records as allowed by law is available (Government Code § 7922.530).
- (g) Determining how the department's website may be used to post public records in accordance with Government Code § 7922.545.
- (h) Ensuring that all department current standards, policies, practices, operating procedures, and education and training materials are posted on the department website in accordance with Penal Code § 13650.
- (i) Ensuring that public records posted on the Department website meet the requirements of Government Code § 7922.680 including but not limited to posting in an open format where a record may be retrieved, downloaded, indexed, and searched by a commonly used internet search application.
- (j) Ensuring that a list and description, when applicable, of enterprise systems (as defined by Government Code § 7922.700) is publicly available upon request and posted in a prominent location on the Department's website (Government Code § 7922.710; Government Code § 7922.720).

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807.4 PROCESSING REQUESTS FOR PUBLIC RECORDS

Any department member who receives a request for any record shall route the request to the Custodian of Records or the authorized designee.

807.4.1 REQUESTS FOR RECORDS

Any member of the public, including the media and elected officials, may access unrestricted records of this department, during regular business hours by submitting a written and signed request that reasonably describes each record sought and paying any associated fees (Government Code § 7922.530).

The processing of requests for any record is subject to the following (Government Code § 7922.530; Government Code § 7922.535):

- (a) The Department is not required to create records that do not exist.
- (b) Victims of an incident or their authorized representative shall not be required to show proof of legal presence in the United States to obtain department records or information. If identification is required, a current driver's license or identification card issued by any state in the United States, a current passport issued by the United States or a foreign government with which the United States has a diplomatic relationship or current Matricula Consular card is acceptable (Government Code § 7923.655).
- (c) Either the requested record or the reason for non-disclosure will be provided promptly, but no later than 10 days from the date of request, unless unusual circumstances preclude doing so. If more time is needed, an extension of up to 14 additional days may be authorized by the Custodian of Records or the authorized designee. If an extension is authorized, the Department shall provide the requester written notice that includes the reason for the extension and the anticipated date of the response.
 - 1. When the request does not reasonably describe the records sought, the Custodian of Records shall assist the requester in making the request focused and effective in a way to identify the records or information that would be responsive to the request including providing assistance for overcoming any practical basis for denying access to the records or information. The Custodian of Records shall also assist in describing the information technology and physical location in which the record exists (Government Code § 7922.600).
 - 2. If the record requested is available on the department website, the requester may be directed to the location on the website where the record is posted. If the requester is unable to access or reproduce the record, a copy of the record shall be promptly provided.
- (d) Upon request, a record shall be provided in an electronic format utilized by the Department. Records shall not be provided only in electronic format unless specifically requested (Government Code § 7922.570; Government Code § 7922.580).
- (e) When a record contains material with release restrictions and material that is not subject to release restrictions, the restricted material shall be redacted and the unrestricted material released.

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1. A copy of the redacted release should be maintained in the case file for proof of what was actually released and as a place to document the reasons for the redactions. If the record is audio or video, a copy of the redacted audio/video release should be maintained in the department-approved media storage system and a notation should be made in the case file to document the release and the reasons for the redacted portions.
- (f) If a record request is denied in whole or part, the requester shall be provided a written response that includes the statutory exemption for withholding the record or facts that the public interest served by nondisclosure outweighs the interest served by disclosure. The written response shall also include the names, titles, or positions of each person responsible for the denial (Government Code § 7922.000; Government Code § 7922.540).

807.5 RELEASE RESTRICTIONS

Examples of release restrictions include:

- (a) Personal identifying information, including an individual's photograph; Social Security and driver identification numbers; name, address, and telephone number; and medical or disability information that is contained in any driver license record, motor vehicle record, or any department record, including traffic collision reports, are restricted except as authorized by the Department, and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721; 18 USC § 2722).
- (b) Social Security numbers (Government Code § 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 report face sheets, one copy of all incident reports, a copy of any accompanying

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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/CountyAttorney], the City Attorney, or the courts pursuant to Penal Code § 1054.5.
- (h) Certain types of reports involving but not limited to child abuse and molestation (Penal Code § 11167.5), elder and dependent abuse (Welfare and Institutions Code § 15633), and juveniles (Welfare and Institutions Code § 827).
- (i) Sealed autopsy and private medical information concerning a murdered child with the exceptions that allow dissemination of those reports to law enforcement agents, prosecutors, defendants, or civil litigants under state and federal discovery laws (Code of Civil Procedure § 130).
- (j) Information contained in applications for licenses to carry firearms or other files that indicates when or where the applicant is vulnerable or which contains medical or psychological information (Government Code § 7923.800).
- (k) Traffic collision reports (and related supplemental reports) shall be considered confidential and subject to release only to the California Highway Patrol, Department of Motor Vehicles (DMV), other law enforcement agencies, and those individuals and their authorized representatives set forth in Vehicle Code § 20012.
- (l) Any record created exclusively in anticipation of potential litigation involving this department (Government Code § 7927.200).
- (m) Any memorandum from legal counsel until the pending litigation has been adjudicated or otherwise settled (Government Code § 7927.205).

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- (n) Records relating to the security of the department's electronic technology systems (Government Code § 7929.210).
- (o) A record of a complaint, or the investigations, findings, or dispositions of that complaint if the complaint is frivolous, as defined by Code of Civil Procedure § 128.5, or if the complaint is unfounded (Penal Code § 832.7 (b)(9)).
- (p) Any other record not addressed in this policy shall not be subject to release where such record is exempt or prohibited from disclosure pursuant to state or federal law, including but not limited to provisions of the Evidence Code relating to privilege (Government Code § 7927.705).
- (q) Information connected with juvenile court proceedings or the detention or custody of a juvenile. Federal officials may be required to obtain a court order to obtain certain juvenile information (Welfare and Institutions Code § 827.9; Welfare and Institutions Code § 827.95; Welfare and Institutions Code § 831).

807.6 SUBPOENAS AND DISCOVERY REQUESTS

Any member who receives a subpoena duces tecum or discovery request for records should promptly contact a supervisor and the Custodian of Records for review and processing. While a subpoena duces tecum may ultimately be subject to compliance, it is not an order from the court that will automatically require the release of the requested information.

Generally, discovery requests and subpoenas from criminal defendants and their authorized representatives (including attorneys) should be referred to the District Attorney, City Attorney or the courts.

All questions regarding compliance with any subpoena duces tecum or discovery request should be promptly referred to legal counsel for the Department so that a timely response can be prepared.

807.7 RELEASED RECORDS TO BE MARKED

All pages 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.

807.8 SEALED RECORD ORDERS

Sealed record orders received by the Department shall be reviewed for appropriate action by the Custodian of Records. The Custodian of Records shall seal such records as ordered by the court. Records may include but are not limited to a record of arrest, investigation, detention, or conviction. Once the record is sealed, members shall respond to any inquiry as though the record did not exist (Penal Code § 851.8; Welfare and Institutions Code § 781).

When an arrest record is sealed pursuant to Penal Code § 851.87, Penal Code § 851.90, Penal Code § 851.91, Penal Code § 1000.4, or Penal Code § 1001.9, the Records Supervisor shall ensure that the required notations on local summary criminal history information and police

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investigative reports are made. Sealed records may be disclosed or used as authorized by Penal Code § 851.92.

807.8.1 SEALING JUVENILE RECORDS

Upon receiving notice from a probation department to seal a citation, juvenile arrest records, or other related 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).

Upon receiving a list of juvenile arrest records that are eligible to be sealed from the California Department of Justice (DOJ), the Records Supervisor or the authorized designee shall review the records identified in the list and determine if the records are eligible to be sealed in accordance with Welfare and Institutions Code § 781.2. Within six months of receiving the list, the Records Supervisor or the authorized designee shall electronically report to the DOJ which records were sealed (Welfare and Institutions Code § 781.2).

807.9 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

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- 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

807.9.1 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 Irvine 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 Irvine 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 Irvine Police Department, notification of the breach should not be sent to that email address but should instead be made by another appropriate medium as prescribed by Civil Code § 1798.29.

807.9.2 MANNER OF NOTICE

- (a) Notice may be provided by one of the following methods (Civil Code § 1798.29):
 - 1. Written notice.

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2. Electronic notice if the notice provided is consistent with the provisions regarding electronic records and signatures set forth in 15 USC § 7001.
 3. Substitute notice if the cost of providing notice would exceed \$250,000, the number of individuals exceeds 500,000 or the Department does not have sufficient contact information. Substitute notice shall consist of all 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.

807.10 RELEASE OF AUDIO OR VIDEO RECORDINGS RELATED TO CRITICAL INCIDENTS

Video and audio recordings related to critical incidents shall be released upon a proper public record request and subject to delayed release, redaction, and other release restrictions as provided by law (Government Code § 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 Office of Professional Standards 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.

807.10.1 DELAY OF RELEASE

Disclosure of critical incident recordings during active criminal or administrative investigations may be delayed as follows if disclosure would substantially interfere with the investigation, such as by endangering the safety of a witness or a confidential source:

- (a) Disclosure may be delayed up to 45 days from the date the Department knew or reasonably should have known about the incident.
- (b) Delay of disclosure may continue after the initial 45 days and up to one year if the Department demonstrates that disclosure would substantially interfere with the investigation.

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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).

807.10.2 NOTICE OF DELAY OF RELEASE

When there is justification to delay disclosure of a recording, the Custodian of Records shall provide written notice to the requester as follows (Government Code § 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.

807.10.3 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).

807.10.4 RECORDINGS WITHHELD FROM PUBLIC DISCLOSURE

If the reasonable expectation of privacy of a person depicted in the recording cannot adequately be protected through redaction, and that interest outweighs the public interest in disclosure, the Department may withhold the recording from the public, except that the recording, either redacted or unredacted, shall be disclosed promptly, upon request, to any of the following (Government Code § 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).

Property and Evidence Section

808.1 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 custody of all evidence and those persons authorized to remove and/or destroy property.

It is the policy of Irvine Police Department to process and store all property in a manner that will protect it from loss, damage, or contamination, while maintaining documentation that tracks the chain of custody, the location of property, and its disposition.

808.1.1 DEFINITIONS

Definitions related to this policy include:

Property - All articles placed in secure storage within the Property and Evidence Section, including the following:

- Evidence - Items taken or recovered in the course of an investigation that may be used in the prosecution of a case, including photographs and latent fingerprints.
- Found property - Items found by members of the Department or the public that have no apparent evidentiary value and where the owner cannot be readily identified or contacted.
- Safekeeping - Items received by the Department for safekeeping, such as a firearm, the personal property of an arrestee that has been not taken as evidence, and items taken for safekeeping under authority of law.

808.2 PROPERTY HANDLING

Any employee who first comes into possession of any property shall retain such property in his/her possession until it is properly tagged and placed in the designated property locker or secured temporary bike cage or hazardous cabinets. Care shall be taken to maintain the chain of custody for all evidence.

Whenever property is taken or received (e.g., relinquished firearms) from an individual, a property receipt form will be completed. The receipt shall describe the property and contain a notice on how to retrieve the property, as applicable, from the Department. A copy of the property receipt form shall be given to the individual from whom the property was taken or received.

Where ownership can be established as to found property with no apparent evidentiary value, such property may be released to the owner without the need for booking. The release of such property should be documented in the officer's report.

808.2.1 PROPERTY BOOKING PROCEDURE

All property must be booked prior to the employee going off-duty unless otherwise approved by a supervisor. Employees booking property shall observe the following guidelines:

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- (a) Complete the property sheet describing each item of property separately, listing all serial numbers, owner's name, finder's name, and other identifying information or markings
- (b) Each item of evidence shall be sealed and marked with the booking employee's initials and the date booked using the appropriate method so as not to deface or damage the property.
- (c) Print an evidence/property label and attach it to each package or envelope in which the property is stored.
- (d) Write the case number on the packaging.
- (e) When the property is too large to be placed in a locker, the item may be placed in the temporary bike cage located outside next to the Property and Evidence public entrance.

808.2.2 NARCOTICS AND DANGEROUS DRUGS

All narcotics and dangerous drugs shall be booked separately and shall include an evidence / property label. The weight/amount of drugs shall be listed and a lab request attached if testing is required. Paraphernalia as defined by Health and Safety Code § 11364 shall also be booked separately.

808.2.3 EXPLOSIVES

Officers who encounter a suspected explosive device shall promptly notify their immediate supervisor or the watch commander. The bomb squad will be called to handle explosive-related incidents and will be responsible for the handling, storage, sampling and disposal of all suspected explosives.

Explosives will not be retained in the police facility. Fireworks that are considered stable and safe and needed for evidence shall be collected and stored by the bomb squad

If fireworks are not to be retained as evidence, the handling officer is responsible for transporting the fireworks to the Fire Department.

808.2.4 EXCEPTIONAL HANDLING

The following items shall be processed in the described manner:

- (a) Items containing bodily fluids such as blood or semen stains shall be air dried by CSI prior to booking.
- (b) License plates found not to be stolen or connected with a known crime, should be released directly to the Property and Evidence Specialist. No formal property booking process is required. Property personnel will deliver license plates to the DMV as needed. If the owner of a license plate is known, a found property report shall be written and license plate(s) shall be booked into Property.
- (c) All currency requires a two-person verification process. Currency shall be counted in the presence of another officer or supervisor and initialed by both. A supervisor shall be contacted for cash in excess of \$2,000.

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1. Currency must be packaged in a pre-labeled white "9X11" currency envelope.
2. The amount will be verified by another officer or supervisor.
3. Booking officer and verifying officer or supervisor must complete the envelope by signing and dating the appropriate sections.
4. Envelope needs to be sealed with tape, date, initialed and a completed evidence / property label attached to outside of envelope.
5. Currency in the amount of \$2,000 or more shall be verified with a supervisor and booked directly into a key card accessed locker at Property and Evidence.
6. Any currency containing biohazardous material or narcotic related material shall be booked separately and marked with a biohazard sticker.
7. Property and Evidence personnel will prepare a release of evidence for the Detective assigned the case to review for the currency to be transferred from Property and Evidence to Finance.

City property, unless connected to a known criminal case, should be released directly to the appropriate City department. No formal booking is required. In cases where no responsible person can be located, the property should be booked as safekeeping/found property in the normal manner.

808.2.5 RELINQUISHED FIREARMS

Individuals who relinquish firearms, ammunition, or ammunition feeding devices pursuant to the provisions of Penal Code § 29850 shall be issued a receipt that describes the firearm, the serial number or other identification of the firearm at the time of relinquishment (Penal Code § 29810).

Relinquished firearms shall be retained for 30 days, after which time they may be destroyed, retained, sold or otherwise transferred, unless (Penal Code § 29810):

- (a) A certificate is issued by a judge of a court of record or the District Attorney stating the firearms shall be retained; or
- (b) The convicted person provides written notice of an intent to appeal the conviction that necessitated the relinquishment; or
- (c) The Automated Firearms System indicates that the firearm was reported lost or stolen.
 1. In such event, the firearm shall be restored to the lawful owner as soon as it is no longer needed as evidence, the lawful owner has identified the weapon and provided proof of ownership, and the Department has complied with the requirements of Penal Code § 33850 et seq.

808.3 PACKAGING OF PROPERTY

Certain items require special consideration and shall be booked separately as follows:

- (a) Narcotics and dangerous drugs
- (b) Firearms (ensure they are unloaded and booked separately from ammunition and magazine)

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- (c) Property with more than one known owner
- (d) Paraphernalia as described in Health and Safety Code § 11364; biohazard (hypodermic needles or syringes)
- (e) Fireworks
- (f) Contraband
- (g) Bloody/soiled articles
- (h) Currency

808.3.1 PACKAGING CONTAINER

Employees shall package all property, except narcotics and dangerous drugs in a suitable envelope/bag available for its size. Knife boxes should be used to package knives or any other sharp/dangerous items(s), and syringe tubes should be used to package syringes, needles, and glass pipes.

An evidence/ property label shall be securely attached or affixed to the outside of each package. A description of the contents of each package shall be provided on the evidence/property label.

808.3.2 PACKAGING NARCOTICS

The officer seizing narcotics and dangerous drugs shall retain such property in his/her possession until it is properly weighed, packaged, tagged, and placed in an evidence locker. Prior to packaging and if the quantity allows, and at the discretion of the officer, a presumptive test should be made on all suspected narcotics. If conducted, the results of this test shall be included in the officer's report.

Narcotics and dangerous drugs shall not be packaged with other property. Narcotics and dangerous drugs shall be packaged in a 9x12 envelope, if the quantity allows or an appropriately sized container. The booking officer shall seal the package, initial and date the seal, and must attach a completed evidence/property label along with a copy of the lab request, if testing is required.

808.4 RECORDING OF PROPERTY

The Property and Evidence Specialist receiving custody of evidence or property shall attach a bar code label to the package recording his/her names, a property ID number, the date and time the property was received and where the property will be stored.

Any changes in the location of property held by the Irvine Police Department shall be noted in the property chain of custody.

808.5 PROPERTY CONTROL

Each time the Property and Evidence Specialist receives property or releases property to another person, he/she shall enter this information in the property management system. Officers desiring property for court shall contact the Property and Evidence Technician at least one day prior to the court day. Property and Evidence shall provide officer with a court property release form. This form shall be completed if the evidence is logged into court as an exhibit; at which point the bottom

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copy of the form must remain with the evidence at all times. The top copy of the form shall be returned by the officer to Property and Evidence.

808.5.1 RESPONSIBILITY OF OTHER PERSONNEL

Every time property is released or received, an appropriate entry shall be completed to maintain the chain of custody. No evidence is to be released without first receiving written authorization from a supervisor or detective.

Request for analysis for items other than narcotics or drugs, such as fingerprints, photographs or DNA collection, shall be requested directly through CSI.

808.5.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY

When transfer of evidence to the laboratory is made either by Property or by someone else, the transporting employee will check the evidence out of property. Property and Evidence will update the chain of custody indicating the date and time in the property management system. Two receipts will be provided by Property and Evidence; upon delivery, the transporting employee will have the receiving employee sign and date the receipt. A copy of the receipt will remain with the lab and the other will be returned to Property for record keeping.

808.5.3 STATUS OF PROPERTY

The release and return of property to members for investigative purposes, or for court, shall be documented by the Property Specialist in the property management system. The records shall include the date, time and name to whom released.

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; chain of custody must be updated upon every transfer.

808.5.4 AUTHORITY TO RELEASE PROPERTY

The Investigations Bureau shall authorize the disposition or release of all evidence coming into the care and custody of the Department.

808.5.5 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 property release form, listing the name and address of the person to whom the property is to be released. The property release authorization shall be signed by the authorizing supervisor or detective and must specify the item(s) to be released. Release of all property shall be documented on the property release form and property management system.

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 and 60 days respectively. 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

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purpose and not claimed within the 90 or 60 days after agency takes possession (or receipt, if notification is not feasible) may be disposed or auctioned. If within the 90 or 60 days the person from whom the property was taken notifies Property and Evidence in writing they are in custody and unable to retrieve, or have an authorized person to retrieve the property, the property shall be held for no longer than 10 additional months. (Civil Code § 2080.10(3))

A Property and Evidence Specialist shall release the property upon proper identification being presented by the owner for which an authorized property release has been received. A signature of the person receiving the property shall be recorded. The release of all property shall also be documented in the property management system. After the property is released, the property release form shall be forwarded to the Records Bureau for filing with the case.

Under no circumstances shall any firearm, ammunition, or ammunition feeding device 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.

Property and Evidence staff should work with the assigned detective to 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, ammunition, or ammunition feeding device longer than 180 days after notice has been provided to the owner that such items are available for return. At the expiration of such period, the firearm, ammunition, or ammunition feeding device may be processed for disposal in accordance with applicable law (Penal Code § 33875).

808.5.6 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. Final disposition of disputed property shall be determined by the detective assigned to the case or an investigative supervisor.

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)).

808.5.7 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, ammunition, or ammunition feeding devices, the Property and Evidence Specialist shall return the weapon, ammunition, or ammunition feeding devices to the owner if the requirements of Penal Code § 33850 and Penal Code § 33855 are met, unless the firearm, ammunition, or ammunition feeding device 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 § 29825.5; Penal Code § 33855).

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808.5.8 RELEASE OF FIREARMS IN GUN VIOLENCE RESTRAINING ORDER MATTERS

Firearms, ammunition, and ammunition feeding devices 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 § 18108; Penal Code § 18120).

If the restrained person who owns the firearms, ammunition, or ammunition feeding devices does not wish to have the firearm, ammunition, or ammunition feeding devices returned, he/she is entitled to sell or transfer title to a licensed dealer, provided that the firearms, ammunition, or ammunition feeding devices 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, ammunition, or ammunition feeding devices surrendered pursuant to Penal Code § 18120 and the Irvine Police Department determines him/her to be the lawful owner, the firearms, ammunition, or ammunition feeding devices shall be returned in accordance with the requirements of Penal Code § 33850 et seq. (Penal Code § 18120)

Firearms, ammunition, and ammunition feeding devices that are not claimed are subject to the requirements of Penal Code § 34000.

808.5.9 RELEASE OF FIREARMS AND WEAPONS IN MENTAL ILLNESS MATTERS

Firearms and other deadly weapons confiscated from an individual detained for an evaluation by a mental health professional or subject to the provisions of Welfare and Institutions Code § 8100 or Welfare and Institutions Code § 8103 shall be released or disposed of as follows:

- (a) If a petition for a hearing regarding the return of a firearm or a weapon has been initiated pursuant to Welfare and Institutions Code § 8102(c), the firearm or weapon shall be released or disposed of as provided by an order of the court. If the court orders a firearm returned, the firearm shall not be returned unless and until the person presents valid identification and written notification from the California Department of Justice (DOJ) that conforms to the provisions of Penal Code § 33865.
- (b) If no petition has been initiated pursuant to Welfare and Institutions Code § 8102(c) and the firearm or weapon is not retained as evidence, the Department shall make the firearm or weapon available for return. No firearm will be returned unless and until the person presents valid identification and written notification from the California DOJ that conforms to the provisions of Penal Code § 33865.
- (c) Unless the person contacts the Department to facilitate the sale or transfer of the firearm to a licensed dealer pursuant to Penal Code § 33870, firearms not returned should be sold, transferred, destroyed, or retained as provided in Welfare and Institutions Code § 8102.

808.5.10 RELEASE OF FIREARMS, MAGAZINES, AND AMMUNITION

The Department shall not return any firearm, ammunition, or ammunition feeding device taken into custody to any individual unless all requirements of Penal Code § 33855 are met.

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808.6 DISPOSITION OF PROPERTY

All property not held for evidence in a pending criminal investigation or proceeding, and held for six months or longer where the owner has not been located or fails to claim the property, may be disposed of in compliance with existing laws upon receipt of proper authorization for disposal. The Property and Evidence Technician shall request a disposition or status on all property which has been held in excess of 120 days, and for which no disposition has been received from a supervisor or detective.

808.6.1 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 § 25700; Penal Code § 26110; Penal Code § 26395; Penal Code § 29300; Penal Code § 18010; Penal Code § 32750)
- Animals, birds, and related equipment that have been ordered forfeited by the court (Penal Code § 599a)
- Counterfeiting equipment (Penal Code § 480)
- Gaming devices (Penal Code § 335a)
- Obscene matter ordered to be destroyed by the court (Penal Code § 312)
- Altered vehicles or component parts (Vehicle Code § 10751)
- Narcotics (Health and Safety Code § 11474 et seq.)
- Unclaimed, stolen, or embezzled property (Penal Code § 1411)
- Destructive devices (Penal Code § 19000)
- Sexual assault evidence (Penal Code § 680)

808.6.2 UNCLAIMED MONEY

If found or seized money is no longer required as evidence and remains unclaimed after three years, the Department shall cause a notice to be published each week for a period of two consecutive weeks in a local newspaper of general circulation (Government Code § 50050). Such notice shall state the amount of money, the fund in which it is held and that the money will become the property of the agency on a designated date not less than 45 days and not more than 60 days after the first publication (Government Code § 50051).

Any individual item with a value of less than \$15.00, or any amount if the depositor/owner's name is unknown, which remains unclaimed for a year or by order of the court, may be transferred to the general fund without the necessity of public notice (Government Code § 50055).

If the money remains unclaimed as of the date designated in the published notice, the money will become the property of the City's General Fund.

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808.6.3 RETENTION OF BIOLOGICAL EVIDENCE

The Property and Evidence Section shall work with the Investigations Bureau to 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) An Investigation Bureau 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 assigned detective, 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).

808.6.4 DESTRUCTION OF FIREARMS AND OTHER WEAPONS

The Property and Evidence Section supervisor or the authorized designee shall develop and maintain guidelines and procedures relating to the destruction of firearms and other weapons that includes but is not limited to the following (Penal Code § 18005):

- (a) Identification of firearms and other weapons that need to be destroyed
- (b) Maintenance of records of firearms and other weapons that need to be destroyed, including entry into the Automated Firearms System, as applicable, and records of the destruction and disposal of those firearms and other weapons
- (c) Identification of any law enforcement agency that the Department contracts with or has an agreement with related to the storage or destruction of firearms or other weapons that outlines the responsibilities of this department and the other agency

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1. If the Department contracts with a third-party for destruction of firearms or other weapons, the contract must explicitly prohibit the sale of any firearm or weapon or any part or attachment to the firearm or weapon.

808.7 INSPECTIONS OF THE EVIDENCE ROOM

- (a) On a monthly basis, the supervisor of the evidence custodian shall make an inspection of the evidence storage facilities and practices to ensure adherence to appropriate policies and procedures.
- (b) Unannounced inspections of evidence storage areas shall be conducted annually as directed by the Chief of Police.
- (c) An annual audit of evidence held by the Department shall be conducted by the Office of Professional Standards.

Restoration of Firearm Serial Numbers

809.1 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.

809.2 PROCEDURE

Any firearm coming into the possession of the Irvine Police Department as evidence, found property, etc., where the serial numbers have been removed or obliterated will be processed in the following manner:

809.2.1 PRELIMINARY FIREARM EXAMINATION

- (a) Always keep the muzzle pointed in a safe direction. Be sure the firearm is in an unloaded condition. This includes removal of the ammunition source (e.g., the detachable magazine, contents of the tubular magazine) as well as the chamber contents.
- (b) If the firearm is corroded shut or in a condition that would preclude inspection of the chamber contents, treat the firearm as if it is loaded. Make immediate arrangements for a firearms examiner or other qualified examiner to render the firearm safe.
- (c) Accurately record/document the condition of the gun when received. Note the positions of the various components such as the safeties, cylinder, magazine, slide, hammer, etc. Accurately record/document cylinder chamber and magazine contents. Package the ammunition separately.
- (d) If the firearm is to be processed for fingerprints or trace evidence, process before the serial number restoration is attempted. First record/document important aspects such as halos on the revolver cylinder face or other relevant evidence that might be obscured by the fingerprinting chemicals.

809.2.2 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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Restoration of Firearm Serial Numbers

809.2.3 OFFICER RESPONSIBILITY

The Property and Evidence Technician receiving a firearm when the serial numbers have been removed or obliterated shall arrange for the firearm to be transported to the crime lab for restoration and maintain the chain of evidence. This should be done by ensuring an officer or detective initiates the request.

809.2.4 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.

809.2.5 FIREARM TRACE

After the serial number has been restored (or partially restored) by the criminalistics laboratory, the handling detective should notify SIU to 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.

809.3 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.

Animal Services

810.1 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.

810.2 POLICY

It is the policy of the Irvine 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.

810.3 ANIMAL SERVICES RESPONSIBILITIES

Animal services are generally the primary responsibility of Animal Services and include:

- (a) Animal-related matters during periods when Animal Services is available.
- (b) Ongoing or persistent animal nuisance complaints. Such complaints may be scheduled, if reasonable, for handling during periods that Animal Services is available for investigation and resolution.
- (c) Follow-up on animal-related calls, such as locating owners of injured animals.

810.4 MEMBER RESPONSIBILITIES

Members 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 members generally should not attempt to capture or pick up any animal, but should keep the animal under observation until the arrival of appropriate assistance.

Members may consider acting before the arrival of such assistance when:

- (a) There is a threat to public safety.
- (b) An animal has bitten someone. Members 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 member should find 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.

810.5 DECEASED ANIMALS

When a member becomes aware of a deceased animal, all reasonable attempts should be made to preliminarily determine if the death of the animal is related to criminal activity.

Deceased animals on public property should be removed and properly disposed of by the responding member.

When handling deceased animals, members should attempt to identify and notify the owner of the final disposition of the animal.

810.6 INJURED ANIMALS

When a member 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 and notice shall be given to the owner pursuant to the requirements of Penal Code § 597.1.

810.6.1 VETERINARY CARE

The injured animal should be taken to a veterinarian as follows:

- (a) During normal business hours, the animal should be taken to the Irvine Animal Care Center for treatment.
- (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 Services is not available, the information will be forwarded for follow-up.

810.6.2 INJURED WILDLIFE

Injured wildlife should be set up at the Irvine Animal Care Center overnight and made as comfortable as possible. If the animal is irremediably suffering, dispatch should follow the call out procedure for an ASO after hour response.

810.6.3 RESCUE OF ANIMALS IN VEHICLES

If an animal left unattended in a vehicle appears to be in distress, members may enter the vehicle for the purpose of rescuing the animal. Members should (Penal Code § 597.7(d)):

- (a) Make a reasonable effort to locate the owner before entering the vehicle.
- (b) Take steps to minimize damage to the vehicle.

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- (c) Refrain from searching the vehicle or seizing items except as otherwise permitted by law.
- (d) Leave notice on or in the vehicle identifying the location where the animal has been taken and the name and Department of the member involved in the rescue.
- (e) Make reasonable efforts to contact the owner or secure the vehicle before leaving the scene.
- (f) Take the animal to an animal care facility, a place of safekeeping or, if necessary, a veterinary hospital for treatment.

810.7 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.

810.8 ANIMAL BITE REPORTS

Members 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. Members should attempt to identify and notify the owner of the final disposition of the animal.

810.9 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.

Members shall provide reasonable treatment to animals in their care (e.g., food, water, shelter).

810.10 DANGEROUS ANIMALS

In the event responding members 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.

810.11 PUBLIC NUISANCE CALLS RELATING TO ANIMALS

Members should diligently address calls related to nuisance animals (e.g., barking dogs), as such calls may involve significant quality-of-life issues.

810.12 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. Every effort should be made to

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transport injured, domestic animals to the contract veterinarian. It should be noted that the contract veterinarian is open 24/7 and holidays.

810.13 ANIMAL SERVICES OFFICERS AND CONDUCTED ENERGY DEVICES (TASER)

PC 830.9 grants some police powers to Animal Services Officers (ASO) provided they have been properly trained. Among other devices and tools issued to ASOs, a Conducted Energy Device (Taser) has been added to their inventory. Less Lethal control devices are instruments which may be used to restrain, control, and/or subdue and otherwise uncontrollable, vicious animal in a manner designed to minimize the possibility of danger and/or serious injury to both the ASO and the animal involved.

ASOs are not authorized to use the Conducted Energy Device (Taser) on humans for any reason other than self-defense if faced with a potentially violent individual(s) where they cannot immediately call Police Officers for assistance or safely remove themselves from the situation.

Crime Analysis

811.1 PURPOSE AND SCOPE

Crime analysis should provide currently useful information to aid operational personnel in meeting their tactical crime control and prevention objectives by identifying and analyzing methods of operation of individual criminals, providing crime pattern recognition, and providing analysis of data from field interrogations and arrests. Crime analysis can be useful to the Department's long range planning efforts by providing estimates of future crime trends and assisting in the identification of enforcement priorities.

811.2 DATA SOURCES

Crime Analysis collect, organizes, analyzes and interprets crime and incident data to evaluate past performance and identify criminal activity patterns and trends for operational deployment, tactical intervention, strategic planning and management analysis. Crime Analysis relies on detailed and accurate crime/incident reports. The crime analysis function shall in turn provide and assist operational units with assembling data and information sufficient for analysis, planning and daily problem solving.

The crime analysis process shall be organized on five primary levels: data collection, data collation, analysis, report dissemination and feedback/evaluation.

- (a) Data Collection: The crime analysis function shall identify all essential information requirements for analytical and reporting responsibilities. The unit shall communicate these requirements and coordinate data recording and reporting procedures as necessary with the Chief and Command Staff.
 1. Crime data requirements include:
 - Classification of crime
 - Date and time of occurrence
 - Time of police response
 - Location of occurrence and demographics
 - Victim and target characteristics
 - Criminal suspect name/alias
 - Criminal suspect characteristics
 - Suspect vehicle
 - Modus Operandi
 - Physical evidence
 - Stolen property record
 - Responding officer/investigator

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Crime Analysis

- Arrests/charges
- Case closures
- 1. Crime analysis data is extracted from many sources including, but not limited to:
 - Offense/Incident reports
 - Field Interview cards
 - Parole and Probation records
 - Computer Aided Dispatch data
 - Arrest Reports
 - Supplemental Reports
 - Property Reports
 - Traffic Data
- (a) Data Collation: From the data elements and sources, crime analysis personnel shall compile data into organized formats for subsequent comparison and analysis. Data shall be arranged so the relationships between data elements may be established. In addition, a system for ready retrieval of stored information shall be established.
- (b) Analysis: Analysis of crime-related data and information shall be focused in four primary areas: Crime pattern detection, crime-suspect correlations, crime forecasts and resource allocation.
 - 1. Crime pattern detection shall be used to identify similarities among crimes that may be used for improved deployment and related purposes. At a minimum, analyses in relationship to geographic and offense patterns shall be correlated with suspect information, vehicle, M.O. and related files to establish investigative leads and tactical recommendations.
 - 2. Crime suspect correlations shall be performed where indicated to establish specific relationships between suspects and offenses. Suspect identifiers may be drawn from career criminal files, M.O. files, suspect vehicle files, field interrogation reports, arrest records and alias files where appropriate.
 - 3. Daily and weekly crime pattern reports shall be used in addition to other data to identify established or developing crime patterns. Where the quantity and consistency of information is available, target areas or locations shall be identified to assist in tactical and patrol deployment.
 - 4. Crime analysis personnel may provide data and analyses support resource allocation, performance evaluation and efficiency assessments. This information shall be sufficient for decision making in the following areas and as otherwise directed by the agency chief executive:
 - Staffing in relationship to service demands and related priorities
 - Determining patrol areas

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Crime Analysis

- Allocating personnel
 - Mode of patrol and number of officers assigned to specific units
 - Assessing workload imbalances
 - Evaluating response times
 - Determining apprehension probabilities
 - Service times
- (a) Report Dissemination: The timeliness and format of crime analysis reports is vital to the usefulness of information generated. To that end, such reports should:
1. Be tailored to meet the particular requirements of patrol, investigative and administrative personnel;
 2. Arrive in a timely manner that allows a reasonable time for officers to develop and implement countermeasures and response strategies for the problem at hand;
 3. Present in an objective manner that distinguishes conclusions from theories and indicates the degree of reliability of report conclusions; and
 4. Make recommendations for combating identified problems.
- (b) Feedback and Evaluation: Feedback from operational units in response to crime analysis unit reports and studies is essential to evaluate and improve the utility of this agency function and the effectiveness of various agency strategies, programs and tactics.

811.3 CRIME ANALYSIS FACTORS

The following minimum criteria should be used in collecting data for Crime Analysis:

- Frequency by type of crime
- Geographic factors
- Temporal factors
- Victim and target descriptors
- Suspect descriptors
- Suspect vehicle descriptors
- Modus operandi factors
- Physical evidence information

811.4 CRIME ANALYSIS DISSEMINATION

For a crime analysis system to function effectively, information should be disseminated to the appropriate units or persons on a timely basis. Information that is relevant to the operational and tactical plans of specific line units should be sent directly to them. Information relevant to the

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development of the Department's strategic plans should be provided to the appropriate staff units. When information pertains to tactical and strategic plans, it should be provided to all affected units.

Media Protection

812.1 PURPOSE AND SCOPE

The intent of the Media Protection Policy is to ensure the protection of Criminal Justice Information (CJI) until such time as the information is either released to the public via authorized dissemination (e.g. within a court system or when presented in crime reports data), or is purged or destroyed in accordance with applicable record retention rules.

The scope of this policy applies to any electronic or physical media containing FBI Criminal Justice Information (CJI) or CLETS information while being stored, accessed or physically moved from a secure location from the Irvine Police Department. This policy applies to any authorized person who accesses, stores, and/or transports electronic or physical media. Transporting CJI outside the agency's assigned physically secure area must be monitored and controlled.

Authorized Irvine Police Department personnel shall protect and control electronic and physical CJI while at rest and in transit. The Irvine Police Department will take appropriate safeguards for protecting CJI to limit potential mishandling or loss while being stored, accessed, or transported. Any inadvertent or inappropriate CJI disclosure and/or use will be reported to the Irvine Police Department Agency CLETS Coordinator (ACC), or our Local Agency Security Officer (LASO). Procedures shall be defined for securely handling, transporting and storing media.

812.2 STORAGE AND ACCESS

Controls shall be in place to protect electronic and physical media containing CJI while at rest, stored, or actively being accessed. "Electronic media" includes memory devices in laptops and computers (hard drives) and any removable, transportable digital memory media, such as magnetic tape or disk, backup medium, optical disk, flash drives, external hard drives, or digital memory card. "Physical media" includes printed documents and imagery that contain CJI.

To protect CJI, Irvine Police Department personnel shall:

1. Securely store electronic and physical media within a physically secure or controlled area. A secured area includes a locked drawer, cabinet, or room.
2. Restrict access to electronic and physical media to authorized individuals.
3. Ensure that only authorized users remove printed form or digital media from the CJI.
4. Physically protect CJI until media end of life. End of life CJI is destroyed or sanitized using approved equipment, techniques and procedures.
5. Store all hardcopy CJI printouts maintained by the Irvine Police Department in a secure area accessible to only those employees whose job function require them to handle such documents.
6. Take appropriate action when in possession of CJI while not in a secure area:
 - (a) CJI must not leave the employee's immediate control. CJI printouts cannot be left unsupervised while physical controls are not in place.

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- (b) Precautions must be taken to obscure CJI from public view, such as by means of an opaque file folder or envelope for hard copy printouts. For electronic devices like laptops, use session lock use and/or privacy screens. CJI shall not be left in plain public view.
 - 1. When CJI is at rest (i.e. stored electronically) outside the boundary of the physically secure location, the data shall be protected using encryption. Storage devices include external hard drives from computers, printers and copiers used with CJI. In addition, storage devices include thumb drives, flash drives, back-up tapes, mobile devices, laptops, etc.
 - 2. When encryption is employed, the cryptographic module used shall be certified to meet FIPS 140-2 standards.
- 7. Lock or log off computer when not in immediate vicinity of work area to protect CJI. Not all personnel have same CJI access permissions and need to keep CJI protected on a need-to-know basis.
- 8. Establish appropriate administrative, technical and physical safeguards to ensure the security and confidentiality of CJI.

812.3 TRANSPORTING

Controls shall be in place to protect electronic and physical media containing CJI while in transport (physically moved from one location to another) to prevent inadvertent or inappropriate disclosure and use. "Electronic media" means electronic storage media including memory devices in laptops and computers (hard drives) and any removable, transportable digital memory media, such as magnetic tape or disk, backup medium, optical disk, flash drives, external hard drives, or digital memory card.

Dissemination to another agency is authorized if:

- 1. The other agency is an Authorized Recipient of such information and is being serviced by the accessing agency, or
- 2. The other agency is performing personnel and appointment functions for criminal justice employment applicants.

Irvine Police Department personnel shall:

- 1. Protect and control electronic and physical media during transport outside of controlled areas.
- 2. Restrict the pickup, receipt, transfer and delivery of such media to authorized personnel.

Irvine Police Department personnel will control, protect, and secure electronic and physical media during transport from public disclosure by:

- 1. Limiting the collection, disclosure, sharing and use of CJI.
- 2. Limit access to CJI to only those people or roles that require access.
- 3. Securing hand carried confidential electronic and paper documents by:

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- (a) Only viewing or accessing the CJI electronically or document printouts in a physically secure location by authorized personnel.
- (b) For hard copy printouts or CJI documents:
 - 1. Package hard copy printouts in such a way as to not have any CJI information viewable.
 - 2. That are mailed or shipped, agency must document procedures and only release to authorized individuals. DO NOT MARK THE PACKAGE TO BE MAILED CONFIDENTIAL. Packages containing CJI material are to be sent by method(s) that provide for complete shipment tracking and history, and signature confirmation of delivery.

812.4 ELECTRONIC MEDIA SANITIZATION AND DISPOSAL

The agency shall sanitize electronic media prior to disposal or release for reuse by unauthorized individuals. All data is sanitized using software, tools, or techniques to overwrite each disk sector of the machine with zero-filled blocks. Electronic drives are degaussed or overwritten at least three times with disk cleaning software. Inoperable electronic media shall be destroyed via shredding under supervision. The Irvine Police Department shall ensure the sanitization or destruction is witnessed or carried out by authorized personnel. Physical media shall be securely disposed of when no longer required, using formal procedures.

812.5 BREACH NOTIFICATION AND INCIDENT REPORTING

The Irvine Police Department shall promptly report incident information to appropriate authorities as described below. Information security events and weaknesses associated with information systems shall be communicated in a manner allowing timely corrective action to be taken. Incident-related information can be obtained from a variety of sources including, but not limited to, audit monitoring, network monitoring, physical access monitoring, and user/administrator reports.

812.6 ROLES AND RESPONSIBILITIES

In the event that CJI is improperly disclosed, lost, or reported as not received, the following procedures shall be followed:

- 1. Irvine Police Department personnel shall notify their supervisor and an incident report must be completed and submitted within 24 hours of discovery of the incident. The submitted report is to contain a detailed account of the incident, events leading to the incident, and steps taken in response to the incident.
- 2. The supervisor will communicate the situation to the ACC to notify of the loss or disclosure of CJI records.
- 3. The ACC will ensure the CJIS System Agency Information Security Officer is promptly informed of security incidents.

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812.7 PENALTIES

Violation of any of the requirements in this policy by any authorized personnel may result in disciplinary action up to and including termination. Violations may also result in criminal prosecution and/or civil liability.

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Chapter 9 - Custody

Temporary Holding Facility Organization and Administration

900.1 PURPOSE AND SCOPE

The purpose of this policy is to establish the role and authority for Temporary Holding Facility operations and administration.

900.2 ADMINISTRATIVE AUTHORITY - CHIEF OF POLICE

The Administration of the Irvine Police Department holding facility is the responsibility of the Chief of Police.

900.3 BUSINESS SERVICES ADMINISTRATOR

It is the responsibility of the Business Services Administrator to enforce all rules and regulations pertaining to the facility operations, regulate the conduct and activities of subordinate personnel, and assure the safety and welfare of those individuals confined within. The Administrator or his/her designee;

- (a) Assists with the negotiation process of the custody contract.
- (b) Ensures regulatory compliance with the custody contract.
- (c) Monitors the performance of custody personnel.
- (d) Assists with an annual facility inspection.
- (e) Administers the facility program budget.
- (f) Reviews and updates the Department Custody Policy.

900.4 WATCH COMMANDER / FIELD SUPERVISOR

The watch commander has functional supervision of the custody facility and its personnel. The watch commander or designated field supervisor will make periodic inspections of the facility during his/her watch and monitor activities to assure compliance with procedural requirements.

Personnel with functional supervision of the custody facility shall attend Title 15 training once every two years

900.5 CUSTODY OFFICER

The custody officer is responsible for the safety and welfare of all prisoners within the department's custody facility during his/her tour of duty. The on-duty custody officer shall ensure that each prisoner brought to the facility is properly processed in accordance with the provisions of the this policy. Further, each custody officer is tasked with the responsibility to successfully fulfill any and all lawful directives received through the chain-of-command.

- (a) A custody officer shall not carry or possess a firearm in the performance of his or her duties.
- (b) Those custody officers trained and certified in accordance with Penal Code (PC) §832 may:

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1. Make felony and misdemeanor arrests within the detention facility pursuant to a duly issued, valid warrant.
2. Release persons arrested for intoxication when no further criminal process is being sought. He/she may also release misdemeanants on a promise to appear after completion of the booking process.

900.5.1 CUSTODY OFFICER TRAINING

- (a) State-Mandated Training: Custody officers and those persons directly responsible for supervising custody officers shall, within six months of appointment, successfully complete an initial eight-hour training session. Initial training shall include an orientation of the following subjects:
 1. Applicable minimum jail standards
 2. Jail operations liability
 3. Inmate segregation
 4. Department automated booking system
 5. Prisoner monitoring and use of facility logs
 6. Emergency planning and procedures, and
 7. Suicide prevention
- (b) Biennial Training: In addition to the initial training, custody personnel are required to successfully complete eight hours of subsequent training every two years.
- (c) Department Required Training: Additional training provided to custody officers should conform to the provisions of the current custody contract.

900.6 CUSTODY SUPERVISOR

The custody supervisor shall perform all of the duties assigned to a custody officer; however he/she is also responsible for:

- (a) Training and supervision of custody personnel.
- (b) Employee payroll and scheduling of personnel.
- (c) Regulatory compliance with the custody contract.
- (d) Assisting staff with the annual facility inspection.
- (e) Assisting staff with policy development and implementation.
- (f) Weekly facility safety checks.
- (g) Monthly fire safety facility checks.
- (h) Prisoner logs and related documents.
- (i) Custody officer performance evaluations and discipline.
- (j) Regulatory compliance of all local, state and federal laws.
- (k) Compliance with Department policy and procedures.

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900.7 MINIMUM STAFFING STANDARDS - TITLE 15, CCR, ARTICLE 3, §1027

The Department shall employ a sufficient number of personnel in the detention facility to permit safety checks by direct visual observation of every inmate every thirty minutes. There shall be at least one employee on duty at all times in the temporary custody facility, or in the police building where the facility is housed; who shall be immediately available and accessible to inmates in the event of an emergency. Such an employee shall not have any other duties that would conflict with the supervision and care of inmates in the event of an emergency. Whenever one or more female arrestees are in custody, there shall be at least one female employee who, in a like manner, shall be immediately available and accessible to such female inmates.

Classification and Segregation of Arrestees

901.1 CLASSIFICATION OF ARRESTEES

The classification of arrestees is designed to ensure proper assignment to holding cells according to sex, age, criminal sophistication, seriousness of the crime charged, assaultive/non-assaultive behavior and other criteria that warrant specific attention. The classification is based on objective criteria that include screening at time of intake by trained personnel, and a record of each inmate's classification level, housing restrictions, and housing assignments. Documentation of an inmate's classification shall be noted on the short narrative section of the booking form. Cell assignment shall be noted on the photo/thumb print screen.

901.2 GENERAL CLASSIFICATION

- (a) Misdemeanor
 - 1. Male
 - (a) Adult
 - (b) Juvenile
 - 2. Female
 - (a) Adult
 - (b) Juvenile
- (b) Felony
 - 1. Male
 - (a) Adult
 - (b) Juvenile
 - 2. Female
 - (a) Adult
 - (b) Juvenile
- (c) Mentally Disturbed

901.3 GENERAL SEGREGATION

Minimum segregation of arrestees is required by law (Penal Code (PC) §§4001 and 4002; Title 15, California Code of Regulations (CCR), Article 5) with separation not only from physical contact, but visual and audible contact. This policy will establish guidelines for the segregation of arrestees once they are housed in the custody facility and as provided by law.

Female arrestees shall be segregated from male arrestees at all times. It is unlawful for any custody officer or police officer to search the person of an arrestee of the opposite sex, except in the company of an officer of the same sex as the arrestee (PC §4021).

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Classification and Segregation of Arrestees

901.4 DEVELOPMENTALLY DISABLED ARRESTEES

If an arrestee is determined to be developmentally disabled, the arrestee should not be booked in the custody facility. The arrestee should be transported and booked at another lodging facility.

901.5 ADMINISTRATIVE SEGREGATION

The Administrative segregation consists of separate and secure housing with no deprivation of privileges except as necessary for the protection of inmates and staff. Administrative segregation provides for the care and control of the unusual arrestee and shall be provided as follows:

- (a) Felons should not be confined with misdemeanants. Exceptions are permitted if facility capacity reaches the maximum limit.
- (b) Arrestees received with communicable diseases (e.g., AIDS, tuberculosis, hepatitis, venereal disease or other special medical problems) will not be confined in the Irvine holding facility due to the inability to properly segregate such individuals from the other arrestees (California Code of Regulations (CCR) Title 15, §1051).
- (c) Mentally disordered persons who appear to be a danger to themselves or others will be confined in the Irvine custody facility's "safety-cell" to protect the safety of the inmate or others. If an evaluation from medical or mental health staff is not readily available, an inmate shall be considered mentally disordered if he or she appears to be a danger to themselves or others or if he/she appears gravely disabled.
- (d) Complete segregation shall be provided for arrestees who, based upon gender or sex-based identity, if it would tend to increase the arrestee's risk of victimization while incarcerated. If complete segregation is not available in the custody facility for such arrestee, they will be transferred to the Orange County Jail (California Code of Regulations, Title 15, CCR, §1053).
- (e) Inmates who are determined to be prone to escape, prone to assault staff or other inmates, or likely to need protection from other inmates may be segregated in order to maintain order, safety and security. This is not used for purposes of punishment or discipline and will not result in a deprivation of privileges while in custody. If an arrestee exhibits this type of behavior, the officer or Watch Commander may direct the arrestee to an alternate custody facility (Title 15, CCR, §1053).

901.6 SEGREGATION DURING TRANSPORTATION

As a general rule, during the transportation of arrestees to the custody facility, female arrestees should be segregated from male arrestees. This may be accomplished by placing them in different locations within the vehicle, i.e. front seat, back seat, or different compartments within a custody van. Male and female arrestees may be transported together, provided that they are suspected crime partners, and there is no demonstrated hostility between the parties.

Booking Procedures

902.1 PURPOSE AND SCOPE

The procedure presented in this policy is designed to ensure that each prisoner is received and processed through the Temporary Custody Facility in a consistent manner and in compliance with federal law, state law, and common safety practices. Strict compliance with this policy will:

- (a) Reduce the opportunity for prisoners to introduce weapons, narcotics, or unauthorized contraband into the holding facility, and;
- (b) Promote the safety of department personnel as well as those persons in temporary custody.

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902.5 ARRESTED PARENT - CHILD SAFETY

Special considerations exist for an arrestee who is a parent of one or more dependent children. Additional allowances shall be made by the arresting/booking officers for a parent in custody, in accordance with the Child and Dependent Adult Safety policy.

902.6 PROCESSING PRISONER'S PROPERTY

The custody officer and/or the arrest/transport officer shall inventory, document, package and store all property that accompanies each prisoner into the custody facility. Each property item shall be scrutinized and processed in the following manner:

- (a) Property inventory should be video-recorded when possible. Cameras mounted over the booking counter and Intoxilyzer station may be used for this purpose.
- (b) Log each item into the property section of the prisoner's booking record. Each item's description should be sufficiently detailed so as to allow for easy identification.
- (c) The Custody Officer will place the prisoner's property in container. The prisoner's name will be displayed on the outside of the container. The container will be placed in a custody facility property locker along with any of the prisoner's loose clothing. The prisoner's shoes are placed on the floor outside his/her assigned cell. When the property bag has to be opened to remove a portion of the prisoner's property, the date, time and reason for the bag being opened will be recorded in the miscellaneous section of the pre-booking form. The custody officer opening the container and a witnessing party will sign the entry. If it becomes necessary to issue a new container, the old

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container will be placed inside the new container and an entry will be made on the pre-booking form.

- (d) Each container should display the prisoner's name and an adequate description of the contents if not a clear container.
- (e) All monies removed from the prisoner shall be counted by the custody officer in front of the prisoner (if practical), and then counted again by a second employee. Booking personnel should ask the prisoner to initial the booking document next to the total amount of money inventoried as a verification of the amount retained by custody personnel.
 - 1. All U.S. currency and coin should be placed in a separate container and sealed.
 - 2. Should any money be withdrawn or added to the cash container, the officer making such change shall enter the amount below the original entry and initial it.
 - 3. Foreign currency and other documents of apparent value should be inventoried and sealed in a separate container. The value of such currency or other documents shall not be added to the U.S. currency total.
- (f) Rings, jewelry gems, precious stones or similar items of apparent value or small enough to be easily lost should also be sealed in an container. Gems or precious stones should not be referred to by name (i.e. diamond, sapphire, etc) and no value estimate should be affixed to the items.
- (g) Large items of a prisoner's property that will not fit in the property lockers may be booked into an evidence locker as safekeeping by the transporting officer. A notation will be made on the booking form.
- (h) Prisoners, unless unruly or intoxicated, shall be allowed to retain prescription eyeglasses and hearing aids.
- (i) In the event the Custody Officer is not present, follow all above procedures (a-h) and place all property in a lockable locker (17-21), lock the locker, take the key and place the key into the key drop box, located in the supply closet.

No writing materials, pins, clips, belts, sharp object or alike will be allowed in the holding cells.

Smoking is not allowed in any part of the Custody Facility.

902.7 DISCOVERY OF EVIDENCE OR CONTRABAND

If, during the booking process, a custody officer discovers potential criminal evidence, contraband, or any suspicious item, this discovery shall be reported to the arrest/transport officer.

- (a) The arrest/transport officer is responsible for seizing and processing these items. The custody officer may be required to provide a supplemental report to the crime/arrest report that will document his or her observations and actions relative to the discovery of this property.
- (b) Evidence of any crime, illegal property, or items subject to further investigation shall conform to the Property Procedures.

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- (c) If the prisoner's clothing is seized, disposable clothing will be provided by custody personnel.

902.8 RELEASING PRISONER'S PROPERTY

The prisoner and the custody officer will inventory the property and the custody officer will check off each item listed on the hard copy and any shortages or overages will be indicated. If the custody officer cannot resolve the shortage/overage, it will be brought to the attention of the watch commander for a determination of what action will be taken. The property will be returned to the prisoner, including his/her shoes, coat or other parcels.

902.9 PROPERTY DISPOSITION - TRANSFERS TO ANOTHER FACILITY

When a prisoner is being transported to another facility, a separate inventory process is not necessary if the original sealed bag has not been tampered with or the seal broken. The transporting officer will verify name and identity, maintain physical possession of the prisoner's property and give it to the appropriate custody personnel at the intake facility. When transferring monies, the transporting officer shall require a written receipt from the destination facility for the amount transferred. It will be the decision of the intake personnel at the destination facility if they wish to count the funds prior to acceptance.

902.10 TEMPORARY REMOVAL OF PRISONER'S PROPERTY

Occasionally, it is necessary to remove a prisoner's property for analysis during an on-going investigation or for retrieval as evidence or contraband. Regardless of the purpose, any removal by officers or detectives must be documented once the prisoner's property has been inventoried during the booking process.

In the event property must be removed from the prisoner's booking inventory, the employee causing the removal must:

- (a) Notify the watch commander/field supervisor and the custody officer.
- (b) Complete the lower portion of IPD Form 89-13 (Authorization to Remove Arrestee or Arrestee's Property). Once completed, this form must remain with the arrestee's booking forms.

Once analyzed, the property shall be returned to the prisoner's booking inventory, with a notation as to the time and date of the return made on the form. If the property that is removed so that it may be processed as evidence or contraband, the employee will note that fact in the narrative of the form and in the case report.

Once completed, the form will remain with the master case file.

902.11 PRISONER'S TELEPHONE CALLS

Phone calls shall be provided during booking as outlined in the penal code and as described in the Temporary Custody of Adults policy.

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902.12 PROCEDURAL REQUIREMENTS - PRISONER'S TELEPHONE CALLS

Custody officers and/or police officers engaged in the process of booking a prisoner are responsible for facilitating that prisoner's telephone calls. In order to ensure compliance with state regulations, personnel will follow the procedure outlined below:

- (a) Local Telephone Calls: Obtain the telephone number and name of the person that the prisoner wishes to call; make the call; and then ensure the requested person is on the line. Allow the prisoner to converse with that person for a reasonable period of time.
- (b) Prisoners may be allowed to use their cellular phone to make long distant calls with the approval of the arresting, transporting, or on duty supervisor..
- (c) Custody officers, police officers or detectives may permit a prisoner additional telephone calls beyond those mandated by state law.
- (d) All calls will be logged into the booking system. A notation for each attempted phone call should indicate if the calls were completed or not, and to whom. The prisoner will be given various opportunities to complete the allotted number of telephone calls after arriving at the station. (If the prisoner is intoxicated or combative, house the prisoner and postpone the prisoner's calls until they can be made safely). The prisoner should be advised that there is no expectation of privacy when making these phone calls.
- (e) A prisoner's telephone call to an attorney shall not be monitored, eavesdropped upon or recorded (PC §851.5 (b)(1)).

There is no obligation for the officer to make a call on a prisoner's behalf - for example in the case of a person that is so intoxicated that he or she cannot make a call. An officer is not required to wake an intoxicated person three hours after booking so that they may complete a call.

There is also no limitation on the amount of time a prisoner's phone call must last. A prisoner should be given sufficient time on the phone to contact whomever he/she desires and to arrange for necessary items because of his/her arrest. The phone calls are not intended to be lengthy conversations and the officer may use his or judgment in determining the duration of the calls.

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902.14 PHOTOGRAPHS

A booking photograph shall be taken of each prisoner booked into the custody facility. The photo will be of the prisoner looking straightforward. Copies of the photograph may be attached to the department booking form and forwarded to the Records Bureau upon release or transfer of the prisoner. Copies of the booking photographs shall be provided to the court upon request. Other photographs taken by the department in connection with mandatory registrations, or investigations will be retained in separate files, by category, or booked as evidence.

902.15 PRISONER RELEASE PROCEDURE

Prisoners shall only be released upon legal authority and in the manner described below. The releasing officer shall:

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- (a) Ensure that all reports and forms related to booking of the prisoner are complete before the prisoner is released.
- (b) Verify that all bail monies are accounted for.
- (c) Ensure that bail bonds are attached to the necessary paperwork and placed in the Records Bureau safe.
- (d) Return all of the prisoner's personal property, not to include evidence or contraband.
- (e) Verify that the appropriate Temporary Custody Facility Log is complete, showing the date, time, and authority and reason for release and the releasing officer's name.
- (f) Escort the subject to be released from the custody facility to the front lobby. At no time will a released prisoner be allowed in any secure area of the station without personal supervision by a department employee.

902.16 COURT-ORDERED BOOKING / RESPONSIBILITY

Court ordered bookings are the responsibility of the custody officer. In the absence of the custody officer, an officer may be called in from the field to perform the function upon the approval of the watch commander.

- (a) Court ordered bookings will be from one of two sources:
 - 1. Orange County Superior Court as part of their court process.
 - 2. A cite and release in the field by IPD officers prior to the defendant going to court.
- (b) The original Department Record (DR) number associated with the person and the applicable case will be used.
- (c) The custody officer shall obtain a copy of defendant's court ordered booking documentation for inclusion in the master case file. In addition, the custody officer shall process:
 - 1. Fingerprints
 - 2. A booking photograph

Custodial Searches

903.1 PURPOSE AND SCOPE

This policy provides guidance regarding searches of individuals in custody. Such searches are necessary to eliminate the introduction of contraband, intoxicants, or weapons into the Irvine 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.

Guidance for custody searches when transporting a person in custody may be found in the Transporting Persons in Custody Policy.

Nothing in this policy is intended to prohibit the otherwise lawful collection of evidence from an individual in custody.

903.1.1 DEFINITIONS

Definitions related to this policy include:

Pat-Down Search - This is the normal type of search used by officers in the field to check an individual for weapons. It involves a thorough patting down of clothing to locate any weapons or dangerous items that could pose a danger to the officer, the prisoner, or other prisoners.

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.

903.2 POLICY

All searches shall be conducted with concern for safety, dignity, courtesy, respect for privacy and hygiene, and in compliance with policy and law to protect the rights of those who are subject to any search.

Searches shall not be used for intimidation, harassment, punishment or retaliation.

903.3 SEARCHES AT POLICE FACILITIES

Custody searches shall be conducted on all individuals in custody, upon entry to the Irvine Police Department facilities. Except in exigent circumstances, the search should be conducted by a member of the same sex as the individual being searched. If a member of the same sex is not available, a witnessing member must be present during the search.

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Custody searches should also be conducted any time an individual in custody enters or re-enters a secure area, or any time it is reasonably believed that a search is necessary to maintain the safety and security of the facility.

903.3.1 GENDER SEARCH REQUIREMENTS

If an arrestee of the opposite gender of both the transporting officer and custody officer is brought into the secured facility, the custody officer shall request either a police matron clerk or an officer of the same gender as the arrestee to conduct the search, and be present for any direct contact.. This is meant to include searching of juveniles during juvenile detentions at the police station.

Employees are not to search or enter the cell of a prisoner of the opposite gender, unless another same-gender employee is present.

In the event an employee is not readily available to search incoming prisoners and conduct safety inspections every 30 minutes, the prisoner shall be transported to the county jail or other appropriate facility, or released pursuant to another lawful process (e.g., citation, O.R. release, etc.).

903.3.2 MATRONS

The police matron clerk is not a custody officer as defined in Penal Code §831 and need not meet the training requirements established by the Corrections Standards Authority in PC §6035. Personnel employed in the classifications below, however, must successfully complete a Jail Security Clerks/Matrons Course.

Matrons do not have the responsibility or the authority for the custody of the arrestee. That responsibility belongs to the custody officer or arresting officer. The matron does not take "delivery" of arrestees, nor does she perform any portion of the booking process. The person performing matron duties will:

- (a) Conduct pat-down searches.
- (b) Escort and remain present with the arrestee during restroom use or the obtaining of a blood or urine sample.
- (c) At the custody officer's request, assist with the arrestee safety check.
- (d) Remain available to the custody officer while the arrestee is in the facility.

The police matron clerk should be a non-sworn, female employee in the following classifications:

- (a) Police Lead Records Specialist
- (b) Police Records Specialist
- (c) Public Safety Dispatcher Supervisor
- (d) Public Safety Dispatcher
- (e) Public Safety Assistant

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903.4 STRIP SEARCHES

No individual in temporary custody at any Irvine Police Department facility shall be subjected to a strip search unless there is reasonable suspicion based upon specific and articulable facts to believe the individual has a health condition requiring immediate medical attention or is concealing a weapon or contraband. Factors to be considered in determining reasonable suspicion include, but are not limited to:

- (a) The detection of an object during a custody search that may be a weapon or contraband and cannot be safely retrieved without a strip search.
- (b) Circumstances of a current arrest that specifically indicate the individual may be concealing a weapon or contraband.
 - 1. A felony arrest charge or being under the influence of a controlled substance should not suffice as reasonable suspicion absent other facts.
- (c) Custody history (e.g., past possession of contraband while in custody, assaults on department members, escape attempts).
- (d) The individual's actions or demeanor.
- (e) Criminal history (i.e., level of experience in a custody setting).

No transgender or intersex individual shall be searched or examined for the sole purpose of determining the individual's genital status. If the individual's genital status is unknown, it may be determined during conversations with the person, by reviewing medical records, or as a result of a broader medical examination conducted in private by a medical practitioner (28 CFR 115.115).

903.4.1 STRIP SEARCH PROCEDURES

Strip searches at Irvine Police Department facilities shall be conducted as follows (28 CFR 115.115; Penal Code § 4030):

- (a) Written authorization from the watch commander shall be obtained prior to the strip search.
- (b) All members involved with the strip search shall be of the same sex as the individual being searched, unless the search is conducted by a medical practitioner.
- (c) All strip searches shall be conducted in a professional manner under sanitary conditions and in a secure area of privacy so that it cannot be observed by those not participating in the search. The search shall not be reproduced through a visual or sound recording.
- (d) Whenever possible, a second member of the same sex should also be present during the search, for security and as a witness to the finding of evidence.
- (e) Members conducting a strip search shall not touch the breasts, buttocks, or genitalia of the individual being searched.
- (f) The primary member conducting the search shall prepare a written report to include:
 - 1. The facts that led to the decision to perform a strip search.

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2. The reasons less intrusive methods of searching were not used or were insufficient.
 3. The written authorization for the search, obtained from the watch commander.
 4. The name of the individual who was searched.
 5. The name and sex of the members who conducted the search.
 6. The name, sex, and role of any person present during the search.
 7. The time and date of the search.
 8. The place at which the search was conducted.
 9. A list of the items, if any, that were recovered.
 10. The facts upon which the member based the member's belief that the individual was concealing a weapon or contraband.
- (g) No member should view an individual's private underclothing, buttocks, genitalia, or breasts while that individual is showering, performing bodily functions, or changing clothes, unless the individual would otherwise qualify for a strip search. However, if serious hygiene or health issues make it reasonably necessary to assist the individual with a shower or a change of clothes, a supervisor should be contacted to ensure reasonable steps are taken to obtain the individual's consent and/or otherwise protect the individual's privacy and dignity.
- (h) If the individual has been arrested for a misdemeanor or infraction offense, the written authorization from the watch commander shall include specific and articulable facts and circumstances upon which the reasonable suspicion determination for the search was made.
- (i) A copy of the written authorization shall be retained and made available upon request to the individual or the individual's authorized representative. A record of the time, date, place of the search, the name, and sex of the person conducting the search, and a statement of the results of the search shall also be retained and made available upon request to the individual or the individual's authorized representative.

903.4.2 SPECIAL CIRCUMSTANCE FIELD STRIP SEARCHES

A strip search may be conducted in the field only with watch commander authorization and only in exceptional circumstances, such as when:

- (a) There is probable cause to believe that the individual is concealing a weapon or other dangerous item that cannot be recovered by a more limited search.
- (b) There is probable cause to believe that the individual is concealing controlled substances or evidence that cannot be recovered by a more limited search, and there is no reasonable alternative to ensure the individual cannot destroy or ingest the substance during transportation.

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These special-circumstance field strip searches shall only be authorized and conducted under the same restrictions as the strip search procedures in this policy, except that the watch commander authorization does not need to be in writing.

903.5 PHYSICAL BODY CAVITY SEARCH

Physical body cavity searches shall be subject to the following (Penal Code § 4030):

- (a) No individual shall be subjected to a physical body cavity search without written approval of the watch commander and only upon a search warrant. A copy of any search warrant and the results of the physical body cavity search shall be included with the related reports and made available, upon request, to the individual or authorized representative (except for those portions of the warrant ordered sealed by a court).
- (b) Only a physician, nurse practitioner, registered nurse, licensed vocational nurse or Emergency Medical Technician Level II licensed to practice in California may conduct a physical body cavity search.
- (c) Except for the physician or licensed medical personnel conducting the search, persons present must be of the same sex as the individual being searched. Only the necessary department members needed to maintain the safety and security of the medical personnel shall be present.
- (d) Privacy requirements, including restricted touching of body parts and sanitary condition requirements, are the same as required for a strip search.
- (e) All such searches shall be documented, including:
 - 1. The facts that led to the decision to perform a physical body cavity search of the individual.
 - 2. The reasons less intrusive methods of searching were not used or were insufficient.
 - 3. The watch commander's approval.
 - 4. A copy of the search warrant.
 - 5. The time, date and location of the search.
 - 6. The medical personnel present.
 - 7. The names, sex and roles of any department members present.
 - 8. Any contraband or weapons discovered by the search.
- (f) Copies of the written authorization and search warrant shall be retained and shall be provided to the individual who was searched or other authorized representative upon request. A record of the time, date, place of the search, the name and sex of the person conducting the search and a statement of the results of the search shall

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also be retained and made available upon request to the individual or the individual's authorized representative.

903.6 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.

903.7 GENDER IDENTITY OR EXPRESSION CONSIDERATIONS

If an individual who is subject to a strip search or physical body cavity search has a gender identity or expression that differs from their sex assigned at birth, the search should be conducted by members of the same gender identity or expression as the individual, unless the individual requests otherwise.

903.8 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).

The following steps shall be taken if a juvenile is suspected of concealing a weapon or contraband on their person and the decision is made to transport them to a juvenile detention facility:

- (a) Notify a Watch Commander as soon as possible. The reporting officer or custody officer should ask for at least one additional police officer, if an additional police officer is not already present.
- (b) The juvenile should then be transported to Orange County Juvenile Hall (331 The City Drive S., Orange, CA 92868 / 714-935-7632) as soon as possible. Transport to OCJH shall include constant and direct supervision of the juvenile.
- (c) Upon arrival, OCJH staff will perform a body scan of the juvenile.

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- (d) If contraband is found, an OCJH supervisor will authorize OCJH staff to perform a strip search and/or body cavity search of the juvenile.
- (e) The juvenile shall be booked at OCJH or released to a parent or guardian, should the circumstances permit such action.
- (f) Any and all contraband found during the search will be turned over to the arresting officer by the OCJH staff. Contraband shall be booked pursuant to Irvine Police Department's policy and procedures for booking evidence.

Temporary Custody of Adults

904.1 PURPOSE AND SCOPE

This policy provides guidelines to address the health and safety of adults taken into temporary custody by members of the Irvine 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.

Additional guidance for transferring persons in custody to another facility or court is provided in the Transporting Persons in Custody Policy.

904.1.1 DEFINITIONS

Definitions related to this policy include:

Holding cell/cell - Any locked enclosure for the custody of an adult or any other enclosure that prevents the occupants from being directly visually monitored at all times by a member of the Department.

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

Temporary custody - The time period an adult is in custody at the Irvine Police Department prior to being released or transported to a housing or other type of facility.

904.2 POLICY

The Irvine 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.

904.3 GENERAL CRITERIA AND SUPERVISION

No adult should be in temporary custody for longer than 24 hours; however, every effort should be made to have them transferred to another facility within six hours.

904.3.1 INDIVIDUALS WHO SHOULD NOT BE IN TEMPORARY CUSTODY

Individuals who exhibit certain behaviors or conditions should not be in temporary custody at the Irvine 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.

904.3.2 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.

904.3.3 STAFFING PLAN

The Chief of Police or the authorized designee shall ensure a staffing plan is prepared and maintained, indicating assigned personnel and their duties. The plan should ensure that at least one member who meets the training standards established by the Board of State and Community Corrections (BSCC) for general fire- and life-safety and is trained in fire- and life-safety procedures relating specifically to the facility is on-duty at all times (15 CCR 1028).

The staffing plan shall be available for biennial review by BSCC staff. The review and recommendations of the BSCC biennial review shall be forwarded to the City, as required by 15 CCR 1027.

904.3.4 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.

904.4 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 the Orange County Jail or the appropriate mental health facility.

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The officer should promptly notify the watch commander of any conditions that may warrant immediate medical attention or other appropriate action. The watch commander shall determine whether the individual will be placed in a cell, immediately released, or transported to jail or other facility.

904.4.1 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.

904.4.2 CONSULAR NOTIFICATION

Consular notification may be mandatory when certain foreign nationals are arrested. The Operations Division Commander 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:

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- (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.
 - 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.

904.5 SAFETY, HEALTH AND OTHER PROVISIONS

904.5.1 TEMPORARY CUSTODY LOGS

Any time an individual is in temporary custody at the Irvine 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) Time of all safety checks (15 CCR 1027; 15 CCR 1027.5).
- (e) Any medical and other screening requested and completed.
- (f) Any emergency situations or unusual incidents.
- (g) Any other information that may be required by other authorities, such as compliance inspectors.
- (h) Date and time of release from the Irvine Police Department.

The watch commander should make periodic checks to ensure all log entries and safety and security checks are made on time.

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904.5.2 TEMPORARY CUSTODY REQUIREMENTS

Members monitoring or processing anyone in temporary custody shall ensure:

- (a) Safety checks and significant incidents/activities are noted on the log.
- (b) Individuals in custody are informed that they will be monitored at all times, except when using the toilet.
 - 1. There shall be no viewing devices, such as peep holes or mirrors, of which the individual is not aware.
 - 2. This does not apply to surreptitious and legally obtained recorded interrogations.
- (c) There is reasonable access to toilets and wash basins.
- (d) There is reasonable access to a drinking fountain or water.
- (e) There are reasonable opportunities to stand and stretch, particularly if handcuffed or otherwise restrained.
- (f) There is privacy during attorney visits.
- (g) Those in temporary custody are generally permitted to remain in their personal clothing unless it is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.
- (h) Clean blankets are provided as reasonably necessary to ensure the comfort of an individual.
 - 1. The supervisor should ensure that there is an adequate supply of clean blankets.
- (i) Adequate shelter, heat, light and ventilation are provided without compromising security or enabling escape.
- (j) Adequate furnishings are available, including suitable chairs or benches.

904.5.3 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 Irvine Police Department. They should be released or transferred to another facility as appropriate.

904.5.4 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).

904.5.5 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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904.5.6 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.

904.5.7 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.

904.5.8 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).

904.5.9 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).

904.5.10 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).

904.6 USE OF RESTRAINT DEVICES

Individuals in custody may be handcuffed in accordance with the Handcuffing and Restraints Policy. Unless an individual presents a heightened risk, handcuffs should generally be removed when the person is in a cell.

The use of restraints, other than handcuffs or leg irons, generally should not be used for individuals in temporary custody at the Irvine Police Department unless the person presents a heightened risk, and only in compliance with the Handcuffing and Restraints Policy.

Individuals in restraints shall be kept away from other unrestrained individuals in custody and monitored to protect them from abuse.

904.6.1 PREGNANT ADULTS

Adults who are known to be pregnant should be restrained in accordance with the Handcuffing and Restraints Policy.

904.7 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.

904.8 HOLDING CELLS

A thorough inspection of a cell shall be conducted before placing an individual into the cell to ensure there are no weapons or contraband and that the cell is clean and sanitary. An inspection

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also should be conducted when the individual is released. Any damage noted to the cell should be photographed and documented.

The following requirements shall apply:

- (a) The individual shall be searched (see the Custodial Searches Policy), and anything that could create a security or suicide risk, such as contraband, hazardous items, belts, shoes or shoelaces and jackets, shall be removed.
- (b) The individual shall constantly be monitored by an audio/video system during the entire custody.
- (c) The individual shall have constant auditory access to department members.
- (d) The individual's initial placement into and removal from a locked enclosure shall be logged.
- (e) Safety checks by department members shall occur no less than every 30 minutes (15 CCR 1027.5).
 - (a) Safety checks should be at varying times.
 - (b) All safety checks shall be logged.
 - (c) The safety check should involve questioning the individual as to the individual's well-being.
 - (d) Individuals who are sleeping or apparently sleeping should be awakened.
 - (e) Requests or concerns of the individual should be logged.

904.8.1 USE OF SOBERING CELL

Individuals who are to be held in the Temporary Holding Facility and who present a threat to their own safety or the safety of others due to their state of intoxication should be placed in a sobering cell until their condition allows for continued processing. The sobering cell's capacity is seven. Maximum time for holding arrestees in the sobering cell is six hours.

The following guidelines apply when placing any individual in a sobering cell (15 CCR 1056):

- (a) A cell log shall be initiated every time an inmate is placed in the cell. The log shall be maintained for the entire time the individual is housed in the cell.
- (b) A safety check consisting of direct visual observation sufficient to assess the individual's well-being and behavior shall occur at least once every 30 minutes. Each safety check shall be documented in the cell log.
- (c) Under no circumstances shall an individual be held in a sobering cell for more than six hours without being evaluated by qualified medical personnel to ensure that the inmate does not have an urgent medical issue.
- (d) Individuals will be removed from the cell when they no longer pose a threat to their own safety and the safety of others, and are able to continue processing.

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904.8.2 SAFETY CELL - TITLE 15, CCR §1055

The safety cell's capacity is one. The safety cell is used only for housing inmates who appear to be a danger to themselves or others. Once the inmate has been placed in the safety cell, every effort should be made to limit the retention period to two (2) hours.

Prisoners shall be allowed to retain sufficient clothing to provide for their personal privacy, unless specific identifiable risks to the prisoner's safety or to the security of the facility are identified and documented. Safety cells are not to be used for punishment or as a substitute for treatment.

A prisoner may be placed in a safety cell only with the written approval of the watch commander/field supervisor. In an emergency, this approval may be obtained as soon as practicable after the prisoner has been placed in the safety cell. Watch commander/field supervisor approval shall be documented by the Custody Officer on the prisoner log.

At two (2) hour intervals, the custodial officer shall assess the prisoner's need to remain in the safety cell. In the event the prisoner has been confined for a period of eight (8) hours, he or she shall be transported to a local area hospital for assessment by a physician. Direct visual observation shall be conducted at least twice every thirty (30) minutes. Such observation shall be documented.

904.8.3 DURATION OF DETENTION

Arrestees will generally not be detained in the holding facility longer than six hours prior to transportation to another facility or proper release from custody. Confinement longer than six hours shall require watch commander pre-approval and shall be based on an accepted Department need. Situations requiring confinement at the facility may include the need to conduct an extensive investigation, process related evidence or other unusual need. Justification for this extension will not be based upon the convenience of Department personnel.

904.9 SUICIDE ATTEMPT, DEATH, OR SERIOUS INJURY

The Operations Division Commander will ensure procedures are in place to address any suicide attempt, death, or serious injury of any individual in temporary custody at the Irvine 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 Division Commander
- (c) Notification of the spouse, next of kin, or other appropriate person
- (d) Notification of the appropriate prosecutor
- (e) Notification of the City Attorney
- (f) Notification of the Coroner
- (g) Evidence preservation
- (h) In-custody death review reports in compliance with 15 CCR 1046

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1. A copy of the initial review report of an in-custody death shall be provided to the BSCC within 60 days of the death.
- (i) Preparation of a written report to the Attorney General within 10 days of any death in custody including any reasonably known facts concerning the death (Government Code § 12525)
 1. A copy of the report submitted to the Attorney General shall also be submitted to the BSCC within 10 days of the death (15 CCR 1046).
 2. Any change or new information that becomes available after the initial reporting to the Attorney General shall be updated in the report and provided to the Attorney General within 10 days of the date of the change or the date the new information becomes available.

904.9.1 IN-CUSTODY DEATH PUBLICATION

The Chief of Police or the authorized designee should ensure that all specified information relating to an in-custody death is posted on the department website as prescribed and within the time frames provided in Penal Code § 10008.

904.10 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 Irvine Police Department unless escorted by a member of the Department.
- (g) Any known threat or danger the individual may pose (e.g., escape risk, suicide potential, medical condition) is documented, and the documentation transported with the individual if the individual is being sent to another facility.
- (h) 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.

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904.10.1 TRANSPORTATION OF PRISONERS

- (a) Whenever a prisoner is to be transported from the temporary holding facility to another facility by a member of this department or contract employee, the transporting employee shall be responsible for the following:
 - 1. Verify that the identity of each prisoner to be transported matches the booking paperwork.
 - 2. Ensure that all pertinent documentation accompanies the prisoner, such as copies of booking forms, medical records when appropriate, itemized list of prisoner's property, warrant copies, etc.
 - 3. Ensure that any known threat or danger the prisoner may pose, such as escape risk, suicide potential, or medical condition, is recorded on the prisoner's booking documentation and is transported with the prisoner to the next facility. The transporting officer shall ensure such threat or danger is communicated to intake personnel at the facility.
- (b) To ensure the safety and welfare of custody personnel and prisoners:
 - 1. No more than three arrestees will be transported by one officer in a police car.
 - 2. A seat belt will be provided for and utilized by each arrestee.
 - 3. Males and females will generally be segregated, i.e., female in front seat, male in back.
 - 4. Adults and juveniles will be segregated.
 - 5. Arrestees will be handcuffed during transportation.

A custody van is available and may be used to transport up to eight (8) arrestees. All previously listed restrictions apply to the custody van.

904.10.2 FORM REQUEST FOR PETITION TO SEAL RECORDS

Upon request, a detained arrestee released from custody shall be provided with the appropriate Judicial Council forms to petition the court to have the arrest and related records sealed (Penal Code § 851.91).

The Department shall display the required signage that complies with Penal Code § 851.91 advising an arrestee of the right to obtain the Judicial Council forms.

904.11 ASSIGNED ADMINISTRATOR

The Administrative Services Division Commander will ensure any reasonably necessary supplemental procedures are in place to address the following issues (15 CCR 1029):

- (a) General security
- (b) Key control
- (c) Sanitation and maintenance
- (d) Emergency medical treatment (15 CCR 1200)

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- (e) Escapes
- (f) Evacuation plans
- (g) Fire- and life-safety, including a fire suppression pre-plan as required by 15 CCR 1032
- (h) Disaster plans (e.g., natural disasters)
- (i) Building and safety code compliance
- (j) Civil and other disturbances including hostage situations
- (k) Periodic testing of emergency equipment
- (l) Emergency suspension of Title 15 regulations and notice to the Board of State and Community Corrections as required in 15 CCR 1012
- (m) Inspections and operations reviews
- (n) Any other applicable requirements under 15 CCR 1029

Annual review and evaluation of security measures including internal and external security measures, sanitation, safety and maintenance (15 CCR 1280).

These supplemental procedures shall be reviewed and updated no less than every two years and shall be available to all members (15 CCR 1029).

904.12 TRAINING

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

Department members responsible for supervising adults in temporary custody shall complete the Corrections Officer Core Course or eight hours of specialized training within six months of assignment. Such training shall include but not be limited to the following (15 CCR 1024):

- (a) Applicable minimum jail standards
- (b) Jail operations liability
- (c) Separation of incarcerated persons
- (d) Emergency procedures and planning, fire safety, and life safety
- (e) Suicide prevention
- (f) De-escalation
- (g) Juvenile procedures
- (h) Racial bias
- (i) Mental illness

Eight hours of refresher training shall be completed every two years (15 CCR 1024).

The Training Manager shall maintain records of all such training in the member's training file.

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905.1 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 Irvine Police Department (34 USC § 11133).

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

905.1.1 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.

Secure custody - When a juvenile offender is held in a locked room, a set of rooms, or a cell. Secure custody also includes being physically secured to a stationary object (15 CCR 1146).

Examples of secure custody include:

- (a) A juvenile left alone in an unlocked room within the secure perimeter of the adult temporary holding area.
- (b) A juvenile handcuffed to a rail.

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- (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).

905.2 POLICY

The Irvine 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 Irvine Police Department. Juveniles should be held in temporary custody only for as long as reasonably necessary for processing, transfer, or release.

905.3 JUVENILES WHO SHOULD NOT BE HELD

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

- (a) Unconscious
- (b) Seriously injured
- (c) A known suicide risk or obviously severely emotionally disturbed
- (d) Significantly intoxicated except when approved by the watch commander. A medical clearance shall be obtained for minors who are under the influence of drugs, alcohol, or any other intoxicating substance to the extent that they are unable to care for themselves (15 CCR 1151).
- (e) Extremely violent or continuously violent

Officers taking custody of a juvenile who exhibits any of the above conditions should take reasonable steps to provide medical attention or mental health assistance and notify a supervisor of the situation (15 CCR 1142; 15 CCR 1151).

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These juveniles should not be held at the Irvine 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).

905.3.1 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).

905.3.2 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).

905.4 CUSTODY OF JUVENILES

Officers should take custody of a juvenile and temporarily hold the juvenile at the Irvine 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 Irvine 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 Irvine Police Department (34 USC § 11133; Welfare and Institutions Code § 207.1).

905.4.1 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 Irvine Police Department. Custodial arrangements should be made for non-offenders as soon as reasonably possible. Juvenile non-offenders shall not be held in secure custody (34 USC § 11133; Welfare and Institutions Code § 206).

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

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905.4.2 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).

905.4.3 CUSTODY OF JUVENILE OFFENDERS

Juvenile offenders should be held in non-secure custody while at the Irvine 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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905.5 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).

905.6 JUVENILE CUSTODY LOGS

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

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

905.7 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 Irvine 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).

905.8 TEMPORARY CUSTODY REQUIREMENTS

Members and supervisors assigned to monitor or process any juvenile at the Irvine 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 Irvine Police Department more than four hours. This will enable the watch commander to ensure no juvenile is held at the Irvine 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).

905.9 RELIGIOUS ACCOMMODATION

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

905.10 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 Irvine 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).

905.11 PERSONAL PROPERTY

The officer taking custody of a juvenile offender or status offender at the Irvine 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 Irvine Police Department.

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905.12 SECURE CUSTODY

Only juvenile offenders 14 years of age or older may be placed in secure custody (Welfare and Institutions Code § 207; 15 CCR 1145). watch commander approval is required before placing a juvenile offender in secure custody.

Secure custody should only be used for juvenile offenders when there is a reasonable belief that the juvenile is a serious risk of harm to themselves or others. Factors to be considered when determining if the juvenile offender presents a serious security risk to themselves or others include the following (15 CCR 1145):

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

Members of this department shall not use secure custody for convenience when non-secure custody is, or later becomes, a reasonable option (15 CCR 1145).

When practicable and when no locked enclosure is available, handcuffing one hand of a juvenile offender to a fixed object while otherwise maintaining the juvenile in non-secure custody should be considered as the method of secure custody. An employee must be present at all times to ensure the juvenile's safety while secured to a stationary object (15 CCR 1148).

Juveniles shall not be secured to a stationary object for more than 60 minutes. Supervisor approval is required to secure a juvenile to a stationary object for longer than 60 minutes and every 30 minutes thereafter (15 CCR 1148). Supervisor approval should be documented.

The decision for securing a minor to a stationary object for longer than 60 minutes and every 30 minutes thereafter shall be based upon the best interests of the juvenile offender (15 CCR 1148).

905.12.1 LOCKED ENCLOSURES

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

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

- (a) The juvenile shall constantly be monitored by an audio/video system during the entire custody.
- (b) Juveniles shall have constant auditory access to department members (15 CCR 1147).
- (c) Initial placement into and removal from a locked enclosure shall be logged (Welfare and Institutions Code § 207.1).

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- (d) Unscheduled safety checks to provide for the health and welfare of the juvenile by a staff member, no less than once every 15 minutes, shall occur (15 CCR 1147; 15 CCR 1151).
 - 1. All safety checks shall be logged.
 - 2. The safety check should involve questioning the juvenile as to the juvenile's well-being (sleeping juveniles or apparently sleeping juveniles should be awakened).
 - 3. Requests or concerns of the juvenile should be logged.
- (e) Juveniles of different genders shall not be placed in the same locked room (15 CCR 1147).
- (f) Juvenile offenders should be separated according to severity of the crime (e.g., felony or misdemeanor).
- (g) Restrained juveniles shall not be mixed in a cell or room with unrestrained juveniles.

905.13 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 Irvine Police Department (15 CCR 1142; 15 CCR 1047). The procedures will address:

- (a) Immediate notification of the on-duty supervisor, Chief of Police, and Investigation Division Supervisor.
- (b) Notification of the parent, guardian, or person standing in loco parentis of the juvenile.
- (c) Notification of the appropriate prosecutor.
- (d) Notification of the City attorney.
- (e) Notification to the coroner.
- (f) Notification of the juvenile court.
- (g) In the case of a death, providing a report to the Attorney General under Government Code § 12525 within 10 calendar days of the death, and forwarding the same report to the Board of State and Community Corrections (BSCC) within the same time frame (15 CCR 1046).
- (h) A medical and operational review of deaths pursuant to 15 CCR 1046.
 - 1. A copy of the review report shall be provided to BSCC within 60 days of the death (15 CCR 1046).
- (i) Evidence preservation.

905.13.1 IN-CUSTODY DEATH PUBLICATION

The Chief of Police or the authorized designee should ensure that specified information relating to an in-custody death of a juvenile is posted on the department website as prescribed and within the time frames provided in Penal Code § 10008.

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905.14 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 in person, by telephone, or by video conference. The consultation may not be waived by the juvenile (Welfare and Institutions Code § 625.6).

Threats, physical harm, deception, or psychologically manipulative interrogation tactics shall not be used by an officer during a custodial interrogation of a juvenile (Welfare and Institutions Code § 625.7).

The requirements to consult with legal counsel or to refrain from the use of prohibited interrogation techniques do not apply when (Welfare and Institutions Code § 625.6; Welfare and Institutions Code § 625.7):

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

905.14.1 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.

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- (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).

905.15 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 Investigations Bureau 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

905.16 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.

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 Investigations Bureau supervisors to ensure that personnel of those bureaus act within legal guidelines.

905.17 BOARD OF STATE AND COMMUNITY CORRECTIONS CERTIFICATION

The Administrative Services Division Commander shall coordinate the procedures related to the custody of juveniles held at the Irvine Police Department and ensure any required certification is maintained (Welfare and Institution Code § 210.2).

905.18 TRAINING

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

DNA Collection Procedures

906.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the collection, packaging, and shipment of Deoxyribonucleic acid (DNA) samples from those individuals required to provide such samples under the DNA Fingerprint, Unsolved Crime and Innocence Protection Act, and the State of California DNA Data Bank Program (Penal Code §295, et seq.).

906.2 PERSONS SUBJECT TO DNA COLLECTION

See the Biological Samples policy for complete information.

906.3 PROCEDURE

Qualified adult arrestees booked at the department's Temporary Holding Facility will submit to DNA collection as part of the booking process immediately following arrest, or as soon as practicable after arrest (Penal Code §296.1(a)(1)(A)).

- (a) Prior to collecting a DNA sample and obtaining palm prints, the arresting officer shall contact dispatch to determine if collection is necessary. Dispatch, at the officer's request, will check the Orange County District Attorney database SciLas to determine if the arrestee has submitted a DNA sample. Verification of DNA samples on file may also be determined by a DNA collection "flag" on the individual's criminal history record or, during regular business hours, by calling the Department of Justice.
- (b) Custody personnel are generally responsible for the DNA collection. If a custody officer is not available, the responsibility for DNA collection is transferred to the arresting/transporting officer. The collection process is outlined below:
 - 1. Prepare the Department's DNA Collection Report Form. The completed form will remain with the master report in the Records.
 - 2. Collect the DNA sample following the procedure illustrated on the California DOJ DNA Collection kit. Place the sealed envelope containing the sample into the property locker for processing by the Crime Scene Investigation Unit.
 - 3. Full palm print impressions shall be obtained on Department of Justice prescribed forms and forwarded to the Crime Scene Investigation Unit for processing (Penal Code §298(b) (4)).

906.4 BUCCAL SWABS

Buccal swab samples (taken from the inside of the mouth) may only be procured by employees who have successfully completed department approved training in the collection of buccal swabs. Only buccal swab collectors authorized by the Department of Justice shall be used (Penal Code §298(a) and (b) (3)). A right thumbprint shall be placed on both sides of the collector card along with other required identifying information. (Note: If an individual violently resists or presents other officer safety issues, employees may omit buccal swab samples upon approval of a supervisor.)

Collection Kit Inventory: The department maintains a limited supply of DOJ DNA Collection kits. Spare kits are stored in CSI. It is the responsibility of the Crime Scene Investigation Unit to acquire

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additional kits as needed. Since they are in short supply, field personnel are discouraged from taking these kits for personal storage.

906.5 BLOOD SAMPLES

The withdrawal of blood may only be performed in a medically approved manner by health care providers trained and qualified to draw blood. Blood samples obtained for submission to the Department of Justice DNA lab shall be placed in Department of Justice blood vials (Penal Code §298(a) and (b) (2)). A right thumbprint shall be placed on the sample vial along with other required identifying information.

906.6 REFUSAL TO SUBMIT TO THE DNA SAMPLE COLLECTION PROCESS

In the event an arrestee refuses to submit to the collection process, booking personnel will advise him/her that such a refusal is a misdemeanor (Penal Code §298.1(a)). If the arrestee still refuses to provide a sample, the booking officer shall notify the watch commander or a field supervisor, who will then admonish the arrestee that a refusal shall result in the filing of an additional misdemeanor charge. This admonishment should be audio recorded for prosecution purposes.

If the arrestee still refuses to submit to the sample collection process, no further attempt will be made to collect the sample. Department personnel shall not use force to obtain a DNA sample from any resisting arrestee.

906.7 ORANGE COUNTY JAIL IRC BOOKING PROTOCOL

Arresting officers and custody personnel will need to complete a section on the OCJ Booking Form designated for DNA Collection documentation on all applicable bookings (see below).

- (a) The DNA COLLECTED BY OFFICER box will be checked if DNA was collected and the person completing the collection will enter their name on the line.
- (b) The PREVIOUSLY COLLECTED box will be checked if DNA was not collected because it was previously collected as verified by a SCILAS or DOJ database query.
- (c) The NOT COLLECTED box will be checked if DNA was not collected on an applicable booking where DNA was not previously collected. The officer will be required to enter an explanation on the line below anytime this box is checked on an applicable booking. If the reason for not collecting DNA is that the arrestee refused to provide a sample then the arresting agency will need to add CPC §298.1 (a) – Refusing to Provide Sample or Specimen as an additional booking charge and note the details in the Probable Cause Declaration.

During the booking process at the Orange County Jail Intake and Release Center, the arresting or transporting officers will submit the booking form to the Receiving Guard Station Deputy. The deputy will review the form. The IRC will accept any DNA Collection applicable booking if the arresting officer checks the DNA COLLECTED BY OFFICER or the PREVIOUSLY COLLECTED boxes.

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When the NOT COLLECTED box is checked on an applicable booking the IRC deputy will review the reason for the failure to collect. The IRC policy will be dictated by the reason for failing to collect, which would include, but not be limited to:

- (a) Arrestee is too combative to collect: The Receiving Deputy will delay the booking and notify the Operations Sergeant who will respond and assess the situation. The Operations Sergeant could decide to accept the booking or direct the arresting/transporting officer to collect DNA if the arrestee appears to be cooperative enough. The IRC will have DNA Sample Collection Kits available.
- (b) Arrestee refuses to provide sample and the agency chooses not to forcibly obtain a sample: The Receiving Deputy will ensure that CPC §298.1 (a) – Refusing to Provide Sample or Specimen has been added as an additional booking charge and if so, accept the booking. If the additional charge has not been added and the arresting or transporting officer does not add the charge, the Receiving Deputy will delay the booking and notify the Operations Sergeant who will respond, advise the officer of the policy, and refuse the booking if the charges are not added.
- (c) Any other reason: The Receiving Deputy will delay the booking and notify the Operations Sergeant who will respond and assess the situation. The Operations Sergeant will accept or reject the booking based on the circumstances.

906.8 PROCESSING DNA SAMPLES

The Crime Scene Investigation Unit shall manage the processing of DNA samples and the entry of data into the local database system SciLas. CSI shall ensure that all DNA samples and related materials are promptly mailed to the State DNA Lab as instructed on each collection pouch (Penal Code §298(a) and (b) (1)).

906.9 NOTICE OF REJECTED SAMPLE

In the event the Department of Justice notifies the Department that a DNA sample or print impression is not usable, the individual whose original sample or impression was provided is required to submit to collection of additional samples. The department shall thereafter take all reasonable steps to collect additional samples from any such individual and promptly transmit these to the Department of Justice (Penal Code §296.2(a)).

906.10 FOLLOW-UP NOTICE TO DOJ

Within two years of submitting any DNA specimen, sample or impression to the Department of Justice, this department shall notify DOJ whether the individual remains a suspect in a criminal investigation (Penal Code §297(b)(2)). It shall be the responsibility of the Department of Justice to thereafter purge samples of any individual(s) who are no longer a suspect in any criminal investigation from the DNA database.

906.11 RELATED STATUTES

It is a felony for any qualifying individual to knowingly facilitate the collection of a wrongfully attributed DNA sample or identification information, or to knowingly tamper with any DNA sample or collection container with the intent to deceive the government as to his or her identity (Penal

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Code §298.2). It is unlawful for any person to knowingly misuse or disclose to an unauthorized entity a DNA sample collected or profile obtained for DNA database purposes (Penal Code §299.5(i)(1)(A)).

Release or Transfer from Custody

907.1 DISPOSITION OF ARRESTEES

Once the arrestee has been properly booked, the process to either release the person from custody or transfer the person to another custodial facility will occur as soon as practicable. The arrestee may be:

- (a) Released to the custody of another agency.
- (b) Released on a Written Promise to Appear (cite and release).
- (c) Released under the Immediate Booking and Release (IBAR) program.
- (d) Released under the provisions of Penal Code (PC) §849 (a)(b (1-2)).
- (e) Released on his or her Own Recognizance.
- (f) Released after posting bail.
- (g) Transferred to another custody facility.
- (h) Released or transferred in a manner not indicated above, pursuant to applicable state law and upon the approval of the Watch Commander or field/unit supervisor.

907.2 RELEASE TO ANOTHER AGENCY

An Irvine police officer may have occasion to take into custody a person wanted by another law enforcement agency. Under most circumstances, our agency will process the arrestee using our standard booking protocol.

However, the agency investigating the initial crime for which the person was arrested may have further interest in the arrestee for any of a variety of reasons. Upon the investigating agency's request, the arresting Irvine police officer shall prepare a Certificate of Release from Custody Form (IPD 76-12). At the time of the custody transfer a copy of the Certificate of Release shall be presented to the representative of the agency receiving the arrestee.

The arresting officer of this agency will prepare and submit an arrest report containing all relevant factual information surrounding the incident. The officer preparing the arrest report will ensure that a copy of the report is routed to the receiving agency as soon as practical.

907.3 WRITTEN PROMISE TO APPEAR (CITE AND RELEASE)

Penal Code §853.6 requires law enforcement agencies to use written promise to appear procedures in lieu of arrest for misdemeanor offenses with certain exceptions. It shall be the policy of this Department to release all qualified misdemeanants from custody on a Written Promise to Appear or citation form (if released from the field). This release will be accomplished from the custody facility unless circumstances dictate a field release.

Accepted Forms of Personal Identification: The Orange County Jail Detention and Release Office has established guidelines to follow when determining what types of personal identification constitute satisfactory evidence of identity for releasing arrestees. All forms of identification must have the person's picture on it. The following are considered satisfactory evidence of identity:

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- (a) All forms of military identification.
- (b) California Driver's License (even if expired).
- (c) California Identification Card
- (d) Out-of-State driver's license (if California residency can be verified).
- (e) Work identification cards (Any verifiable major company).

The fact that an arrestee has an expired California Driver License or other form of ID, or has many aliases, is not sufficient reason to refuse release, as long as it can be established that he/she is who they portray themselves to be.

When an arrestee is being released from custody, the officer issuing the Certificate of Release must witness the signature of the arrestee on the form. If the arresting officer completes the release form in advance, but cannot be present when the arrestee is released, the watch commander or other officer should witness the signature, give the appearance instructions, and include their name on the form as an issuing officer. (The need may arise later in court to be able to establish the defendant did sign the form and was given the instructions about the need to appear and the court date.)

The arresting officer is required to complete an arrest/crime report and complaint request and attach the certificate of release form. A complaint request shall not be filed when a citation has been issued and the suspect released. The citation shall bear the DR number when issued and the issuing officer will attach a supplemental report setting forth all pertinent facts. The citation is the complaint request in these cases. Included on the supplemental shall be the following information:

- (a) Listing of any evidence or property
- (b) Witnesses
- (c) Citation number
- (d) Appearance date

With either form of release, the arresting officer is required to complete a witness list, which shall accompany the complaint request or citation.

Violators of restraining or protective orders involving domestic violence shall not be released on a written promise to appear. They shall be booked, then bailed, taken before a magistrate or transferred to another facility.

907.4 DETENTION ONLY - PENAL CODE §849(B) 1 OR 2

Pursuant to PC §849(b) (1), an arrestee may be released from custody without charges if there are insufficient grounds for making a criminal complaint against the person. This incarceration shall be documented as a "detention only" as provided by Penal Code §851.6 PC. Officers will prepare the arrest report and will specify the "detention only" status in the involvement code box. In addition, the "849" box shall be checked.

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PC §849(b) (2) authorizes the release of an arrestee taken into custody for intoxication only and no further proceedings are desired. This arrest shall be documented as an "arrest" and the appropriate involvement code and arrestee status box shall be completed.

In either case, a copy of the Certificate of Release is to be given to the person taken into custody when he/she is released. The original release form shall accompany the officer's primary report and be given to the watch commander.

907.5 OWN RECOGNIZANCE RELEASE (OR)

Subjects placed under arrest for felonies may be eligible for a release on their own recognizance (OR) after the booking process is completed. As a general rule, OR releases will be completed at the Orange County Jail by the on-duty detention-release officer.

To obtain an OR release an officer must complete a "Request for OR Release" and FAX it to the Detention and Release Officer at the Orange County Jail. A judge may initiate a release of a defendant on his own recognizance. Telephone calls to the on-call OR Judge on behalf of defendants held in local police Departments do not have to go through detention release. Watch commanders may verify a judge's call by using the judge's home or office private line. This list is available in the Watch Commander's Office.

907.6 BAIL

Bail will be accepted on all misdemeanor warrants, which have a specified amount and do not conflict with the provisions of Penal Code §827.1. Bail may be accepted by a sworn officer of any rank, custody officer, public safety assistant, community service officer or records supervisor.

- (a) A copy of the Orange County Bail Schedule is retained in the Watch Commander's Office. It is used to determine bail amounts for charges other than warrants. For bail schedule deviation, the officer shall contact the on-call judge through the detention-release officer at Orange County Jail.
- (b) For misdemeanors not listed in the Orange County Bail Schedule, the bail is \$500.00. The custody officer or other Department employee shall:
 - 1. Complete Bail Receipt (IPD Form 76-4).
 - (a) If an arrestee is being charged with more than one violation, and the court having jurisdiction is Harbor Court, the bail posted shall be for the charge with the highest bail amount.
 - (b) If an arrestee is being charged with more than one violation, relating to more than one court jurisdiction, separate bail must be posted for each jurisdiction.
 - 2. Receive any of the acceptable forms of bail, below:
 - (a) Personal Checks:
 - 1. Must be drawn on a California bank.
 - 2. Must be pre-printed with depositor's name and address.
 - 3. Must be made payable to court of issuance.

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4. May not exceed the amount of bail on the warrant.
 5. May not be post-dated.
 6. May not be accepted as bail on a §476(a) PC charge, if the defendant is the depositor.
 7. Depositor must provide satisfactory identification; A California Driver's License is preferred. The CDL number and initials of the person accepting the check shall be written on the check.
 8. The depositor must provide a valid check guarantee card or recognized major credit card.
 9. May not exceed \$2,500.00, unless endorsed by the watch commander.
 10. May not be accepted for charges or warrants from jurisdictions outside Orange County, unless the address of the court can be verified by records.
- (b) Traveler's Checks / Bank Cashier's Check / Money Orders
1. Must be made payable to the court of jurisdiction.
 2. May not exceed amount of bail.
- (c) Cash
- (d) Employees accepting bail bonds shall ensure the following:
1. The bonding agency must be approved by the Orange County Harbor Municipal Court and the agent must sign his/her name and authority to issue.
 2. Only one bond is required for arrestees charged with multiple crimes, if all charges are from one court case. If charges are from more than one court case, each separate court case requires a separate bond.
 3. If the arrestee is charged with a warrant and an additional charge, (two court cases) two separate bonds are required.

907.7 COMPLETION OF BAIL RECEIPT FORM

- (a) Service: Denote whether a walk-in to the Irvine PD or a field contact.
- (b) DR Number: Enter DR # assigned.
- (c) Date/Time: Date/time the receipt is written/the money is received.
- (d) Defendant: Furnish all requested information.
- (e) Warrant Information:
 1. Warrant number cited on warrant.
 2. Charge(s) cited on warrant.
 3. Amount of bail cited on warrant.

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4. Cash, check/money order or bond.
5. Enter total bail.
- (f) Appearance: Check the appropriate court or complete "other" by entering the jurisdiction and the address.
- (g) Depositor: If another individual is posting the bail monies for the defendant, enter the individual's name and address. If the defendant is posting his own bail monies, enter "Self."
 1. If the depositor (or defendant) wants the deposited monies to go toward any fine that might be imposed, check the box. By not checking the box, a depositor may get his deposited monies back through court procedures.
 2. Have the depositor (or defendant) sign if the box is checked.
- (h) Bail Accepted By: Signature and date. The watch commander shall approve and initial the bail receipt in the "approved" section.

907.8 CERTIFICATION SERVICE

- (a) Orange County Automated/MCAPS Warrants: A "Certification of Service" will be completed for each MCAPS Warrant abstract and affixed to the reverse side of the teletype (abstract).
- (b) Orange County Teletype Abstracts and Foreign Warrant Teletype Abstracts: A "Certification of Service" stamp will be affixed on the reverse side of each Orange County Teletype abstract or Foreign Warrant Teletype abstract, and will be completed by the responsible officer.
- (c) "Certification of Service" Stamp: Communications personnel usually affix certification stamps to the abstracts when abstracts are received, however, the service officer should verify and complete each certification.

907.9 COMPLIANCE WITH PENAL CODE (PC) §§821 & 822 PC

Penal Code §§821 and 822 provides that a person arrested under the authority of an out-of-county warrant has the right to go before a local magistrate for the purposes of setting bail.

- (a) Therefore, if a subject is arrested on an out-of-county warrant and is unable to post bail, the teletype warrant abstract(s) will be stamped with the "CERTIFICATION OF SERVICE", in addition to the "821 and 822 PC" admonishment stamp. This will be done prior to booking at Orange County Jail.
- (b) "PC §821 & 822 Admonishment Stamp": Records personnel will usually affix certification stamps to the abstracts as they are received by the requesting jurisdiction. However, the service officer should verify and complete each certification.

907.10 RECEIPT AND PROCESSING OF BAIL MONIES

Separate bail monies and separate bail receipts are required for each court jurisdiction. All Department personnel depositing bail into the bail box shall:

- (a) Obtain a "pink," #10 size envelope from the supply placed next to the bail box.

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- (b) Write the DR number on the face of the "pink" envelope.
- (c) Place inside the envelope:
 - 1. The bail monies.
 - 2. Warrant(s) and/or Teletype abstract(s) of the warrant.
 - 3. Bond cover sheet;
 - 4. Copy of the Bondsman's identification/license and business card, if applicable.
 - 5. Power of Attorney, if applicable.
 - 6. Canary copy of the bail receipt.
- (d) Seal the envelope, initial the seal and place scotch tape on the initials.
- (e) Write the following on the envelope:
 - 1. Write your name
 - 2. Time / Date
 - 3. DR Number
- (f) The watch commander/field supervisor shall check the accuracy and completeness of the original warrant (the warrant without the sticker on the back), the bond, Power of Attorney, and bail receipt for accuracy and completeness, prior to release of the arrestee.
- (g) Deposit the envelope into the bail box in Records. If you receive cash, the watch commander may put it in the safe. You will be required to notify records of the location of money, by putting a pink envelope in the bail box showing the location of the paperwork and the bail money.
- (h) Distribute the remaining copies as follows:
 - 1. White copy: Forward to the Records Division for inclusion in the Master Case File.
 - 2. Canary colored copy: Place inside the pink bail envelope. The pink envelope is deposited in the Bail Box.
 - 3. Goldenrod colored copy: This is the Depositor's copy (Bail bondsman or other entity making the actual bond payment). If the arrestee is also the Depositor, the arrestee receives this copy.
 - 4. Pink colored copy: This copy is presented to the arrestee.

907.11 DISCREPANCIES DISCOVERED AFTER DEPOSITING BAIL MONIES IN THE BAIL BOX

Bail monies deposited into the bail box are not accessible once the deposit has been made. Should a Department employee discover an error after the envelope has been placed into the bail box, that employee shall prepare and deposit into the bail box a second pink #10 size envelope denoting the Department Record Number on its face and containing a brief memorandum to the "court clerk," denoting the discrepancy.

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907.12 WARRANT ARRESTS

An arrest of a warrant will require a DR number to be issued to that arrest. If the warrant is related to an Irvine case, then the original DR number should be used for booking. If the warrant is for a non-Irvine case, then a new DR number should be issued.

907.13 FAILURE TO APPEAR WARRANTS: CVC 40508A

Persons taken into custody on two or fewer outstanding warrants, for failure to appear on a citation for a parking offense or traffic infraction, shall be provided immediate opportunity to post bail at the station under the following guidelines:

- (a) If the person has sufficient cash or a check in their possession, allow the immediate opportunity to post bail.
- (b) If the person does not have cash or a check, they must be allowed to:
 - 1. Make not less than three completed telephone calls. All long-distance telephone calls must be made collect.
 - 2. Have a minimum of three hours in which to arrange bail.

Such persons shall not be booked, photographed, fingerprinted, nor shall an arrest record be made, unless and until all the above opportunities have been expired. Refer to California Vehicle Code (CVC) §40304.5. The arresting officer will document the occurrence in an incident report. The subject shall be referred to as a detainee (involvement code - "DET"), and not an arrestee, in the report.

- (a) This process is time consuming and detracts from field operations. As such, approval from a field supervisor or watch commander is advised prior to warrant service.
- (b) Persons with three or more outstanding warrants for failure to appear on infraction violations may be arrested, processed and ultimately booked at another Jail. The only exception to this is the combined bail amount on the warrants exceeds \$5,000.00 or the warrant is a bench warrant.

907.14 VEHICLE CODE MISDEMEANOR WARRANTS

Persons with these warrants may be arrested, processed, photographed, fingerprinted and ultimately booked at another lodging facility. The Orange County Jail policy, however, is to immediately release the arrestee on a written Promise to Appear.

Penal Code §827.1 provides that a person who has a warrant of arrest for a misdemeanor offense (non-failure to appear) may be released upon issuance of a Certificate of Release form unless they meet one of the conditions listed in Penal Code §827.1. This course of action should be taken whenever possible, unless there is justification for physical arrest and the arresting officer receives endorsement from a field supervisor or the watch commander.

907.15 MISDEMEANOR WARRANTS: NON-TRAFFIC RELATED

Persons placed under arrest for misdemeanor warrants (non-traffic) may be released immediately upon an issuance of a Certificate of Release, if circumstances permit. These warrants are usually those generated by way of complaint via the District Attorney and the person may in fact not be

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aware such warrant has been issued. See Penal Code §827.1 for specific limitations. If the person is ineligible for release on a Certificate of Release form, the person may then attempt to make bail from the station.

907.16 FELONY WARRANTS

Persons arrested on felony warrants should be transported to the station for processing, fingerprinting, photographs and interviews, if necessary.

907.17 ARRESTEES WITH MEDICAL CONDITIONS - OCJ/IRC PROTOCOL

Arresting officers should make arrangements to obtain medical attention for arrestees with obvious medical conditions prior to bringing them to the Irvine Police Department or the Orange County Jail (OCJ) Intake Release Center (IRC) for booking. In the event an arrestee is brought to the Intake Release Center, but refused for booking due to medical reasons, the arrestee will need to be taken to a local area hospital to obtain medical treatment. The arresting officer may take the arrestee to a hospital outside the City with the approval of the watch commander/field supervisor. If the arrestee cannot be medically cleared for booking and is admitted to the hospital, the arresting agency will need to maintain physical custody of the arrestee until the arrestee is arraigned (subject to Orange County Jail policy), obtain an Own Recognizance Release, or arrange for bail.

Obtaining an Arrestee's Own Recognizance (OR) Release, Bail, or Bail Increase

Generally, this agency will attempt to secure an OR release for a hospitalized arrestee rather than maintain physical custody until the arraignment. Requests for an OR release will be made to the Pretrial Services Officer (PTSO) (formally known as the DRO), a court official assigned to the IRC. Prior to calling the PTSO the officer should complete and submit an electronic Probable Cause Declaration. If the online, electronic PC Dec system is down, officers or custody personnel will drive the declaration to the IRC along with booking paperwork and complete an absentee booking.

If an arrestee is not released on his/her own recognizance and cannot be medically cleared for booking, the arresting agency will be required to have bail set prior to the arraignment, preferably as soon as possible after admittance to the hospital. This is done by submitting a package consisting of the Probable Cause Declaration and the booking form or arrest report face page to the PTSO. The cover sheet for the package needs to clearly indicate that this is a hospitalized arrestee and include the officer's name and phone number, along with the hospital name and phone number.

To request an OR release, set bail, request a bail increase or get clarification about any of these processes, call the

Submission of Probable Cause Declarations

It is the Department's responsibility to ensure that a Probable Cause Review is conducted by the on-call Duty Magistrate within 48 hours from the time of arrest. This Department sends its Probable Cause Declarations (PC DEC) electronically via the online PC DEC system (<https://portal.iljaoc.org/>). If the electronic PC DEC system is down, the arresting officer must type or handwritten the PC DEC and print a copy for inclusion with the booking paperwork turned in at IRC. It is important to note that the clock does not stop just because the arrestee is in the hospital;

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the Probable Cause Review still needs to be done within the mandated time frame. The approved electronic PC DEC is maintained on the electronic PC DEC system and in Records.

The Sheriff's Department will require the PC DEC to be electronically submitted if the arrestee is medically cleared for booking at the IRC or if the arresting agency transfers the arrestee to the Jail Ward at Anaheim Global Medical Center prior to arraignment. If the arrestee has been arraigned and the magistrate remands the arrestee into the custody of the Sheriff's Department, we will not need the approved PC DEC.

To schedule a review or get clarification about the Probable Cause Review Process, please call the Pretrial Services Unit at

Pre-arraignment Transfers to the Jail Ward at Anaheim Global MC

The Orange County Sheriff's Department maintains a small jail ward at AGMC. If the medical condition of the arrestee can be stabilized to meet the hospital admission guidelines established by Western Medical Center Anaheim Global MC and there is an available bed in the jail ward, then it is possible to transfer custody of the arrestee to the Sheriff's Department prior to the arraignment. To transfer an arrestee from a local area hospital to the custody of the Sheriff at the WMA AGMC Jail Ward, the arresting officer, watch commander or field supervisor should contact the OCJ Inmate Reception Center at to determine the current practice.

Requesting an emergency exemption to the OCSD Hospital Booking Policy

In certain circumstances emergency conditions could exist in the arresting agency's jurisdiction making it difficult or impossible for the agency to maintain custody of a hospitalized arrestee in addition to managing the emergency. In this type of situation the arresting agency Watch Commander should contact the IRC Watch Commander at and request assistance. If a mutual agreement can be reached the IRC Watch Commander will make arrangements for the Sheriff's Department to take custody of the arrestee.

The Arraignment Process

The statutory time limit for having a suspect arraigned does not become extended merely because the suspect is in the hospital and cannot go to court. The suspect still needs to be arraigned unless a judge finds cause to postpone the process. Every situation is different and will need to be evaluated by the Orange County District Attorney's Office (OCDA) and the Court to see how it should best be handled.

The protocol that follows is suggested by the IRC:

- (a) Take all of the necessary paperwork needed for a criminal filing to the Harbor OCDA.
- (b) Advise the Deputy DA that the suspect is hospitalized and seek his/her guidance on how to proceed with the arraignment.
- (c) If the OCDA and Court personnel decide to conduct an out of court or "bedside" arraignment, advanced notification to the IRC Receiving Deputy at is necessary (See Transferring Custody of the Arrestee after the Arraignment below).

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Contact the Department's court liaison officer or call the office of the Harbor Division District Attorney for clarification on the arraignment process.

Transferring Custody of the Arrestee after the Arraignment

If the arrestee is arraigned in court, the transfer process will be automatic. The judge orders that the arrestee be remanded to custody and the deputy takes custody immediately. If a remand order is issued while the arrestee is still in the hospital, the process is more complicated and requires the following protocol:

- (a) Notify the IRC Receiving Guard Station Deputy at of your intent to schedule an out-of-court arraignment 24 hours in advance, if possible. Have the date, time, and location of the arraignment available. The IRC will make arrangements to have a deputy placed on standby to respond to the hospital if the suspect is remanded.
- (b) Obtain a copy of the Remand Order from the issuing Court official.
- (c) Deliver the booking slip or pre-booking form, a copy of the Remand Order, and the arrestee's personal property to the IRC Receiving Guard Station Deputy. The deputy will receive the arrestee's paperwork, return the officer's copy of the pre-booking form without a booking number, and confirm details about where to send the deputy who will take custody of the arrestee. The deputy will then notify the Theo Lacy Facility to dispatch a transport deputy to the appropriate hospital. When the deputy arrives, he or she will call the IRC and obtain a booking number to give the arresting agency. The deputy will make every effort to relieve the officer at the hospital within 4 hours from the time the booking paperwork is received at the IRC, provided the IRC has had advance notice 24 hours prior. Failure to provide advance notice could result in substantial delays.

To get clarification about the transfer process, contact the IRC Operations Sergeant at

Holding Facility Records

908.1 PURPOSE AND SCOPE

Appropriate and timely documentation of occurrences within the holding facility serves to facilitate employee accountability, provide consistency in the custodial process and keep supervisory and command personnel informed of day-to-day facility operations. This procedure outlines documentation guidelines for custody staff and other department personnel who use the custody facility.

908.2 BOOKING FORM REQUIREMENT

When any arrestee is brought into the custody facility, the arresting/transporting officer (or custody officer) shall prepare a department booking form. All relevant arrestee information shall be recorded, including notations of phone calls made, property inventoried, and medical screening.

908.3 IRVINE CUSTODY AUTOMATED BOOKING SYSTEM

The Automated Booking System is the department's primary processing system for arrestees who are brought to the temporary holding facility.

- (a) It is the responsibility of the on-duty custody officer to ensure each arrestee brought into the facility is thoroughly and accurately processed in accordance with the procedures outlined in this chapter. Further, it is the responsibility of the on-duty custody officer to complete each section of the Automated Booking System (or complete the process appropriately if a secondary system is used) for each arrestee processed.
- (b) If the Automated Booking System is rendered inoperative, custody staff is trained to process arrestees using a secondary information/booking system.

908.4 CRIMES WITHIN CUSTODY FACILITY

Criminal acts committed by an arrestee within the custody facility and not pertaining to his/her original charge shall be investigated by a sworn officer and documented on a crime report with a different Department Record (DR) number. The original report related to the arrestee's incarceration should be referenced by DR number in the narrative.

The discovery of contraband or weapons during the custody search may, however, be documented in the original report.

The custody officer shall not complete a crime report in these instances; however, he/she will complete a supplemental report as a witness or victim of the crime.

908.5 SUPPLEMENTAL INFORMATION

Though not responsible for the crime report, the custody officer may be required to prepare a supplemental report to document personal observations, conversations overheard, voluntary statements made by the arrestee or to provide other information relevant to the investigation. Unless otherwise directed by the watch commander or field supervisor, all supplemental reports

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requested of custodial staff shall be submitted for supervisor approval before the custody officer ends his/her shift.

908.6 INTERNAL MEMORANDUM

The following incidents will not only require formal documentation on a crime or incident report, but will also require the custody officer to prepare and forward a memorandum to the Business Services Administrator via the chain of command, detailing the incident. The custody officer shall complete and forward this memorandum to the custody supervisor before the end of his or her shift.

- (a) Violent contact between any arrestee and any City or contract employee.
- (b) An incident requiring a Fire Department or paramedic response to the custody facility.
- (c) Injury to an arrestee in custody as a result of being restrained by any department or contract employee.
- (d) An incident that results in physical harm, or serious threat of physical harm, to an employee, inmate or other person.
- (e) An incident where a chemical agent was used to subdue an arrestee.
- (f) Any incident that the custody officer believes warrants specific attention by any other specific member or members of the department.

908.7 DOCUMENTATION OF ROUTINE SAFETY CHECKS

Custody officers are responsible for preparing and maintaining a log within the automated booking system for each inmate housed in any of the secure holding areas within the custody facility. The custody officer conducting the checks shall make an entry on the booking system inmate record indicating the exact time of the check and his/her name.

Manual Cell Check Log: In the event the custody officer is not available, it shall be the arrest/transport officer's responsibility to prepare and maintain a manual log for each inmate housed within the holding facility. A form used to document the safety checks will be attached to the each of the holding cells in a clear, plastic sleeve.

The on-duty custody officer shall update the automated booking system with the pertinent information from the Manual Cell Check Log for each inmate housed within the holding facility, so that the automated booking system will accurately reflect every safety check conducted for each inmate.

Holding Facility Emergency Response and Evacuation

909.1 PURPOSE AND SCOPE

This policy establishes procedures for responding to emergency situations inside the temporary holding facility. Further, this policy provides the procedure for the management and evacuation of prisoners housed within the facilities. This policy articulates the notification and reporting procedures in the event of an unplanned emergency incident, including a panic or fire alarm activation. Finally, this policy outlines the required procedure for periodic testing of alarm systems and other related safety equipment.

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909.15 ORANGE COUNTY FIRE AUTHORITY PRE-PLAN

A “Pre-Plan” diagram was established by the Orange County Fire Authority, with input from key department personnel. The Pre-Plan diagram is displayed in the holding facility office, visible to all employees. The plan shall be reviewed and updated each year by the Orange County Fire Authority, as an element of the facility’s annual inspection by personnel from the California Corrections Standards Authority (CSA).

Facility Sanitation and Maintenance

910.1 PRE-SHIFT INSPECTION

It is the responsibility of each Custody Officer reporting for duty to check the facility for any new damage, unsecured property and overall cleanliness.

910.1.1 DAILY CUSTODY OFFICER DUTIES

Each custody officer should inspect the Temporary Holding Facility at the beginning of his or her shift to ensure:

- (a) The facility is in a good state of repair.
- (b) That all prisoners present are properly secured and appear to be in a healthy state.
- (c) No flammable materials are stored in the detention area.
- (d) Fire extinguishers are serviceable.
- (e) Cell keys are available in the Watch Commander's Office and the Communications Center for emergency use.
- (f) First aid kits are readily available and completely stocked.
- (g) Smoke detectors are operational.

910.1.2 CUSTODY FACILITY SUPERVISOR DUTIES

The custody supervisor or his/her designee shall inspect the holding facility on or before the 10th day of each month to ensure that all fire and safety equipment is functioning properly.

- (a) A record of these inspections will be kept by the custody supervisor for a period of two years. These reports shall include any modifications or repairs to the fire and life safety equipment (Title 15, California Code of Regulations §1032).

910.2 SANITATION

Cleaning shall be done in accordance with the following schedule:

- (a) Daily: Empty trash cans and general clean-up.
- (b) Weekly: Sweep and mop facility. Sweep Sally Port and dispose of debris.
- (c) As Needed: If an inmate urinates, defecates or vomits in a cell, the cell shall be cleaned up immediately. If it is not feasible to do the cleanup immediately, the door shall be closed and a note posted indicating that the cell shall not be used until it is cleaned. The cell shall then be cleaned at the first opportunity.

910.3 BLOODBORNE PATHOGENS EXPOSURE CONTROL PLAN

Custody personnel shall comply with the General Industry Safety Orders, Section 5193, Title 8 of the California Code of Regulations.

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910.4 SHOWER USE AND VERMIN CONTROL

Although the custody facility is equipped with a shower, it is not to be utilized without a supervisor's approval. It is intended for use by persons who vomit or defecate on themselves or other unusual situations.

In the event a prisoner needs the use of the shower, the custody officer shall:

- (a) Ensure that the prisoner will be supervised only by a Department employee of the same sex.
- (b) Ensure that the prisoner has privacy during the process.
- (c) Have the prisoner remove his/her clothing within the shower stall.
- (d) Ensure the contaminated clothing is sealed in a plastic bag.
- (e) Issue the prisoner a towel and a set of disposable custody facility clothing when the shower activity is complete.

Arrestees with obvious body vermin shall not be brought to the Irvine Police Department Custody Facility. The arrestee will be taken directly to the Orange County Jail.

If an area of the Custody Facility becomes contaminated with lice (pediculosis), it should be treated with a non-toxic pesticide (e.g., Pyrethrin). After treatment, the area should be thoroughly cleaned.

Temporary Holding Facility - Food Service

911.1 FREQUENCY OF SERVING

If an inmate is within the Custody Facility for six hours or more, then food shall be provided. If an inmate is held longer, food shall be served three times in any 24-hour period. At least one of these meals shall include hot food. If more than 14 hours pass between these meals, supplemental food must be served. Additionally, supplemental food must be served in less than the 14-hour period for inmates on therapeutic diets requiring more than three meals.

- (a) A minimum of fifteen minutes shall be allowed for the actual consumption of each meal except for those inmates on therapeutic diets where the responsible physician has prescribed additional time.
- (b) If the inmate misses a regularly scheduled facility meal, he or she shall be provided a sandwich and a beverage in lieu of that meal. Inmates on therapeutic diets shall be provided with a full diet meal.

911.2 FOOD AVAILABILITY

Food may either be the pre-packaged type, available from the vending machines located on the second floor of the civic center or deli-type meals purchased at local supermarkets.

Disbursement and Reimbursement for meal cost: Officers and custody personnel responsible for feeding an arrestee may receive a currency advance from the watch commander. In the event that no advanced disbursement is made, employees will be reimbursed for the cost of the meal through the Department's petty cash system.

911.3 FOOD SERVING

Food shall be served only under the immediate supervision of custody or police personnel.

In-Custody Injury or Death Procedures

912.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the following:

- Medical screening and care
- In-custody injury
- Suicide prevention
- In-custody deaths

912.2 IN-CUSTODY MEDICAL SCREENING/CARE

All arrestees brought into the custody facility will be interviewed concerning their medical/mental condition and the appropriate documentation shall be indicated on the back of the booking form. Arrestees who indicate they have a communicable disease (e.g., tuberculosis, AIDS, hepatitis, venereal disease, etc.) shall not be held in the facility and arrangements for transfer to Orange County Jail should be made as soon as practical, or another release method. Arrestees who indicate such medical conditions shall be housed separate from other inmates.

In addition to the screening questions found on the back of the booking form, the custody officer shall ask all questions found on the supplemental screening form developed by the department. This form shall be retained in the records bureau.

When an arrestee being held in the custody facility appears to be in need of medical attention, the custody officer will notify the watch commander or supervisor. The watch commander or responding supervisor will survey the situation and summon emergency medical services (EMS) if needed. The supervisor will ensure that appropriate first aid and/or basic life support efforts are rendered until EMS arrives.

Department personnel will not give arrestees medication of any kind.

912.3 EMERGENCY MEDICAL CARE

When immediate medical attention is required and cannot be administered by department personnel such as minimal care (bandaids or other similar treatment), the Orange County Fire Authority Paramedics shall respond for treatment.

Arrestees in need of emergency medical care should be treated at a facility determined by the Orange County Fire Authority Paramedics. Arrestees in need of hospital booking will be transported to the Orange County Jail ward at Western Medical Center, Anaheim.

An inmate, who by statements made or behavior exhibited, is believed to be a danger to himself or others, or to be gravely disabled, requires special consideration by those personnel responsible for his/her processing. Depending upon the nature of the offense for which the subject was originally arrested, options for disposition may include, but are not limited to the following:

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- (a) Arrange for a release from custody, either through the OR release or promise to appear process. Then transport the person to a local hospital for a psychiatric assessment, per Section §5150, Welfare and Institutions Code.
- (b) If release from custody is not an option, transport the inmate to the Orange County Jail Intake and Release Center. During the booking process, notify medical screening personnel of the inmate's mental condition.

If an arrestee develops a serious or life-threatening medical condition, the watch commander or field supervisor shall notify the next of kin.

912.4 FINANCIAL RESPONSIBILITY

If medical attention is needed at any time, the custody officer/officer will advise the arrestee that he/she is financially responsible for any medical fees incurred.

912.5 FIRST-AID KITS

In compliance with Corrections Standards Authority regulations, a first aid kit will be maintained in the custody facility. Custody officers shall routinely inspect the kit's contents and replace any items that are missing or have expired.

The facility administrator shall survey the placement of the first aid kit in the facility and the written procedures for its use. The administrator shall ensure the contents of the kit are adequate.

912.6 SUICIDE PREVENTION

Any subject arrested for a criminal offense and displaying "at risk" behavior or behavior that would cause a reasonable person to believe that the arrestee is at risk of harming himself/herself or others, should be transported to the Orange County Jail as soon as practical.

At the time of receiving, the custody officer shall be alert to any signs that may indicate that an arrestee is a suicide risk. The custody officer shall notify the watch commander. The watch commander will facilitate transfer of the arrestee to Orange County Jail, Orange County Juvenile Hall, or processed in accordance with the EMERGENCY MEDICAL CARE section above. Suicidal prisoners will not be detained at the custody facility longer than is necessary to arrange for transfer.

If it becomes necessary to confine the arrestee while awaiting transportation and the arrestee is exhibiting dangerous behavior, the arrestee should be placed in the safety cell.

The custody officer shall make an entry on the arrestee's booking form indicating that the arrestee is a "suicidal risk." The custody officer will make a physical check on adult suicidal arrestees at least twice every 30 minutes and indicate same on the booking form. Detained suicidal minors shall be constantly monitored while in the custody facility.

912.7 IN-CUSTODY DEATH DEFINED

The federal *Death in Custody Reporting Act* of 2000 (PL 106-297) requires all state and local agencies to report information to the U.S. Attorney General regarding the death of any person who is in the process of arrest, is en route to be incarcerated, or is incarcerated at a municipal or county jail, state prison, or other local or state correctional facility.

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An in-custody death is a death of a person under any of the following circumstances:

- (a) In the physical custody, or under the physical restraint, of law enforcement officers, even if the person was not formally under arrest at the time.
- (b) Killed by any use of force by law enforcement officers prior to booking.
- (c) At the crime/arrest scene or medical facility prior to booking.
- (d) During transit of an arrestee to or from law enforcement facilities.
- (e) Confined in lockups or booking centers (facilities from which arrestees are usually transferred within 72 hours and not held beyond arraignment).

912.8 DEATHS WHILE IN CUSTODY

Except when an inmate is obviously deceased, emergency medical services shall be summoned and it shall be the responsibility of the paramedics or other competent medical personnel to determine if the inmate is deceased.

Upon discovering the death of an inmate, the custody officer shall notify the watch commander or field supervisor immediately. The watch commander or field supervisor shall notify the Chief of Police, Assistant Chief, Administrative Services Division Commander, Professional Standards Lieutenant, Business Services Administrator, and the Criminal Investigations Division Lieutenant. The Criminal Investigations Division Lieutenant shall be responsible for all other notifications.

In the event an inmate dies while in custody at the IPD custody facility, the following notifications and procedures will be adhered to pursuant to Penal Code §5021.

Any death that occurs in an IPD custody facility will be reported to the Orange County Sheriff/Coroner within a reasonable amount of time after discovery, not to exceed two (2) hours. The initial report of the death of a person in custody may be transmitted by telephone, direct contact, or written notification and shall outline all pertinent facts known at the time, all persons to contact, and any other pertinent information by the reporting officer. The death will also be reported to the Orange County District Attorney's Officer Involved Incident Investigation Team.

The initial death notification shall be supplemented by a written report submitted to the Chief of Police, the Orange County Sheriff/Coroner and the Orange County District Attorney within eight (8) hours of the discovery of the death. This written report shall include all circumstances and details of the death known at the time the report was prepared, and shall include the names of all persons with knowledge of the death circumstances. This conforms to Penal Code §§5021 (b) and (c). The Criminal Investigations Division Lieutenant shall be responsible for the completion of this report.

The completed report shall also be sent to the California Attorney General within ten (10) calendar days.

In custody death reports should be forwarded to:

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After completing the initial investigation concerning the inmate's death, the Professional Standards Lieutenant or his/her designated representative will contact the Orange County Health Department to assist in conducting a medical review concerning the death. A thorough review of custody facility operation policies and procedures will follow to detect and correct any deficiencies. The Professional Standards Lieutenant will be responsible for the completion of the required report.

Whenever possible, notification to the next of kin of an inmate death shall not be made by employees of IPD, but shall be made by the Orange County Coroner's Office. Exceptions include circumstances wherein the relatives have already learned through other means of the death or when the relatives inquire of the Department regarding the condition of the deceased inmate. While employees of this Department shall take care not to assume the duties and authority of the Coroner's Office, they shall not deceive relatives of a decedent in a time of tragedy. When common decency requires that an employee of this agency make notification of death to the next of kin prior to notification by a member of the Orange County Coroner's Office, the next of kin shall be referred to the Orange County Coroner's Office following the notification.

Death of a Detained Minor

In any case in which a minor dies while detained, the administrator shall provide the Corrections Standards Authority a copy of the report submitted to the Attorney General under Government Code Section 12525. A copy of the report shall be submitted to the Corrections Standards Authority within ten (10) calendar days following the death.

Instructions for the Notification of the Death of a Minor

The notification and reporting protocol for the death of a minor in custody is the same as that for an adult.

Prison Rape Elimination

913.1 PURPOSE AND SCOPE

This policy provides guidance for complying with the Prison Rape Elimination Act of 2003 (PREA) and the implementing regulation that establishes standards (PREA Rule) to prevent, detect, and respond to sexual abuse, harassment, and retaliation against individuals in custody in the Irvine Police Department Temporary Holding Facilities (28 CFR 115.111; 15 CCR 1029).

913.1.1 DEFINITIONS

Definitions related to this policy include:

Intersex - A person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development (28 CFR 115.5).

Sexual abuse - Any of the following acts, if the detainee does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse (28 CFR 115.6; 15 CCR 1006):

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva, or anus
- Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument
- Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation

Sexual abuse also includes abuse by a staff member, contractor, or volunteer as follows, with or without consent of the individual in custody:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva, or anus
- Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire
- Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties, or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire
- Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties, or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire

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- Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described above
- Any display by a staff member, contractor, or volunteer of the staff member's uncovered genitalia, buttocks, or breast in the presence of an individual in custody
- Voyeurism by a staff member, contractor, or volunteer

Sexual harassment - Repeated and unwelcome sexual advances; requests for sexual favors; verbal comments, gestures, or actions of a derogatory or offensive sexual nature by an individual in custody that are directed toward another; repeated verbal comments or gestures of a sexual nature to an individual in custody by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures (28 CFR 115.6; 15 CCR 1006).

Transgender - A person whose gender identity (i.e., internal sense of feeling male or female) is different from the person's assigned sex at birth (28 CFR 115.5).

913.2 POLICY

The Irvine Police Department has zero tolerance toward all forms of sexual abuse and sexual harassment (28 CFR 115.111). The Department will not tolerate retaliation against any person who reports sexual abuse or sexual harassment or who cooperates with a sexual abuse or sexual harassment investigation.

The Irvine Police Department will take immediate action to protect those in its custody who are reasonably believed to be subject to a substantial risk of imminent sexual abuse (28 CFR 115.162; 15 CCR 1029).

913.3 PREA COORDINATOR

The Chief of Police shall appoint an upper-level manager with sufficient time and authority to develop, implement, and oversee department efforts to comply with PREA standards in the Irvine Police Department Temporary Holding Facilities (28 CFR 115.111). The PREA Coordinator's responsibilities shall include:

- (a) Developing and maintaining procedures to comply with the PREA Rule.
- (b) Ensuring that any contract for the confinement of individuals in custody includes the requirement to adopt and comply with applicable PREA standards and the PREA Rule, including the obligation to provide incident-based and aggregated data, as required in 28 CFR 115.187 (28 CFR 115.112).
- (c) Developing a staffing plan to provide adequate levels of staffing and video monitoring, where applicable, in order to protect those in custody from sexual abuse (28 CFR 115.113; 15 CCR 1029). This includes documenting deviations and the reasons for deviations from the staffing plan, as well as reviewing the staffing plan a minimum of once per year.
- (d) Developing methods for staff to privately report sexual abuse and sexual harassment of individuals in custody (28 CFR 115.151).

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- (e) Developing a written plan to coordinate response among staff first responders, medical and mental health practitioners, investigators, and department leadership to an incident of sexual abuse (28 CFR 115.165).
- (f) Ensuring a protocol is developed for investigating allegations of sexual abuse in the Temporary Holding Facility. The protocol shall include (28 CFR 115.121; 28 CFR 115.122):
 - 1. Evidence collection practices that maximize the potential for obtaining usable physical evidence based on the most recent edition of the U.S. Department of Justice's (DOJ) Office on Violence Against Women publication, "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents" or a similarly comprehensive and authoritative protocol.
 - 2. A process to ensure a criminal or administrative investigation is completed on all allegations of sexual abuse or sexual harassment.
 - 3. A process to document all referrals to other law enforcement agencies.
 - 4. Access to forensic medical examinations, without financial cost, for all victims of sexual abuse where appropriate. Such examinations shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible. If SAFEs or SANEs cannot be made available, the examination can be performed by other qualified medical practitioners. The efforts to provide SAFEs or SANEs shall be documented.
 - 5. In accordance with security needs, provisions to give, to the extent available, individuals in custody access to victim advocacy services if the individual is transported for a forensic examination to an outside hospital that offers such services.
- (g) Ensuring that individuals with limited English proficiency and disabilities have an equal opportunity to understand and benefit from efforts to prevent, detect, and respond to sexual abuse and sexual harassment. This includes, as appropriate, access to interpreters and written materials in formats or through methods that provide effective communication to those with disabilities (e.g., limited reading skills, intellectual, hearing, or vision disabilities) (28 CFR 115.116).
 - 1. The agency shall not rely on other individuals in custody for assistance except in limited circumstances where an extended delay in obtaining an interpreter could compromise the individual's safety, the performance of first-response duties under this policy, or the investigation of an individual's allegations of sexual abuse, harassment, or retaliation.
- (h) Publishing on the department's website:
 - 1. Information on how to report sexual abuse and sexual harassment on behalf of an individual in custody (28 CFR 115.154).
 - 2. A protocol describing the responsibilities of the Department and any other investigating agency that will be responsible for conducting sexual abuse or sexual harassment investigations (28 CFR 115.122).

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- (i) Establishing a process that includes the use of a standardized form and set of definitions to ensure accurate, uniform data is collected for every allegation of sexual abuse at facilities under this agency's direct control (28 CFR 115.187; 34 USC § 30303; 15 CCR 1041).
 - 1. The data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence, conducted by DOJ, or any subsequent form developed by DOJ and designated for lockups.
 - 2. The data shall be aggregated at least annually.
- (j) Ensuring audits are conducted pursuant to 28 CFR 115.401 through 28 CFR 115.405 for all Temporary Holding Facilities used to house individuals in custody overnight (28 CFR 115.193).
- (k) Ensuring contractors or others who work in the Temporary Holding Facility are informed of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment (28 CFR 115.132).
- (l) Ensuring that information for uninvolved incarcerated persons, family, community members, and other interested third parties to report sexual abuse or sexual harassment is publicly posted at the facility (15 CCR 1029).

913.4 REPORTING SEXUAL ABUSE, HARASSMENT, AND RETALIATION

Individuals in custody may make reports to any staff member verbally, in writing, privately, or anonymously of any of the following (28 CFR 115.151; 15 CCR 1029):

- Sexual abuse
- Sexual harassment
- Retaliation by other individuals in custody or staff for reporting sexual abuse or sexual harassment
- Staff neglect or violation of responsibilities that may have contributed to sexual abuse or sexual harassment

Individuals in custody shall be notified of the department zero-tolerance policy regarding sexual abuse and sexual harassment, and of at least one way to report abuse or harassment to a public or private entity that is not part of the Department and that is able to receive and immediately forward a report of sexual abuse and sexual harassment to agency officials. This allows the individual to remain anonymous (28 CFR 115.132; 28 CFR 115.151).

913.4.1 MEMBER RESPONSIBILITIES

Department members shall accept reports from individuals in custody and third parties and shall promptly document all reports (28 CFR 115.151; 15 CCR 1029).

All members shall report immediately to the watch commander any knowledge, suspicion, or information regarding:

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- (a) An incident of sexual abuse or sexual harassment that occurs in the Temporary Holding Facility.
- (b) Retaliation against individuals in custody or the member who reports any such incident.
- (c) Any neglect or violation of responsibilities on the part of any department member that may have contributed to an incident or retaliation (28 CFR 115.161).

No member shall reveal any information related to a sexual abuse report to anyone other than to the extent necessary to make treatment and investigation decisions.

913.4.2 WATCH COMMANDER RESPONSIBILITIES

The watch commander shall report to the department's designated investigators all allegations of sexual abuse, harassment, retaliation, neglect, or violations leading to sexual abuse, harassment, or retaliation. This includes third-party and anonymous reports (28 CFR 115.161).

If the alleged victim is under the age of 18 or considered a vulnerable adult, the watch commander shall also report the allegation as required under mandatory reporting laws and department policy.

Upon receiving an allegation that an individual in custody was sexually abused while confined at another facility, the watch commander shall notify the head of the facility or the appropriate office of the agency where the alleged abuse occurred. The notification shall be made as soon as possible but no later than 72 hours after receiving the allegation. The watch commander shall document such notification (28 CFR 115.163).

If an alleged victim is transferred from the Temporary Holding Facility to a jail, prison, or medical facility, the Department shall, as permitted by law, inform the receiving facility of the incident and the individual's potential need for medical or social services, unless the individual requests otherwise (28 CFR 115.165).

913.5 INVESTIGATIONS

The Department shall promptly, thoroughly and objectively investigate all allegations, including third-party and anonymous reports, of sexual abuse or sexual harassment. Only investigators who have received department-approved special training shall conduct sexual abuse investigations (28 CFR 115.171).

913.5.1 FIRST RESPONDERS

The first officer to respond to a report of sexual abuse or sexual assault shall (28 CFR 115.164):

- (a) Separate the parties.
- (b) Establish a crime scene to preserve and protect any evidence. Identify and secure witnesses until steps can be taken to collect any evidence.
- (c) If the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating.

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- (d) If the abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating.

If the first responder is not an officer the responder shall request that the alleged victim not take any actions that could destroy physical evidence and should then notify a law enforcement staff member (28 CFR 115.164).

913.5.2 INVESTIGATOR RESPONSIBILITIES

Investigators shall (28 CFR 115.171):

- (a) Gather and preserve direct and circumstantial evidence, including any available physical and biological evidence and any available electronic monitoring data.
- (b) Interview alleged victims, suspects, and witnesses.
- (c) Review any prior complaints and reports of sexual abuse involving the suspect.
- (d) Conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.
- (e) Assess the credibility of the alleged victim, suspect, or witness on an individual basis and not by the person's status as a detainee or a member of the Irvine Police Department.
- (f) Document in written reports a description of physical, testimonial, documentary, and other evidence, the reasoning behind any credibility assessments, and investigative facts and findings.
- (g) Refer allegations of conduct that may be criminal to the District Attorney for possible prosecution, including any time there is probable cause to believe an individual in custody sexually abused another individual in custody in the Temporary Holding Facility (28 CFR 115.178).
- (h) Cooperate with outside investigators and remain informed about the progress of any outside investigation.

913.5.3 ADMINISTRATIVE INVESTIGATIONS

Administrative investigations shall include an effort to determine whether staff actions or failures to act contributed to the abuse. The departure of the alleged abuser or victim from the employment or control of this department shall not be used as a basis for terminating an investigation (28 CFR 115.171).

913.5.4 SEXUAL ASSAULT AND SEXUAL ABUSE VICTIMS

No individual in custody who alleges sexual abuse shall be required to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation (28 CFR 115.171(e)).

Victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment. Treatment services shall be provided to the victim without financial cost and regardless of whether

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the victim names the abuser or cooperates with any investigation arising out of the incident (28 CFR 115.182).

913.5.5 CONCLUSIONS AND FINDINGS

All completed investigations shall be forwarded to the Chief of Police, or if the allegations may reasonably involve the Chief of Police, to the City Manager. The Chief of Police or the City Manager shall review the investigation and determine whether any allegations of sexual abuse or sexual harassment have been substantiated by a preponderance of the evidence (28 CFR 115.172).

All personnel shall be subject to disciplinary sanctions up to and including termination for violating this policy. Termination shall be the presumptive disciplinary sanction for department members who have engaged in sexual abuse. All discipline shall be commensurate with the nature and circumstances of the acts committed, the member's disciplinary history, and the sanctions imposed for comparable offenses by other members with similar histories (28 CFR 115.176).

All terminations for violations of this policy, or resignations by members who would have been terminated if not for their resignation, shall be criminally investigated unless the activity was clearly not criminal and reported to any relevant licensing body (28 CFR 115.176).

Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with individuals in custody and reported to any relevant licensing bodies (28 CFR 115.177). The Chief of Police shall take appropriate remedial measures and consider whether to prohibit further contact with individuals in custody by a contractor or volunteer.

913.6 RETALIATION PROHIBITED

All individuals in custody and members who report sexual abuse or sexual harassment or who cooperate with sexual abuse or sexual harassment investigations shall be protected from retaliation (28 CFR 115.167). If any other individual who cooperates with an investigation expresses a fear of retaliation, appropriate measures shall be taken to protect that individual.

The watch commander or the authorized designee shall employ multiple protection measures, such as housing changes or transfers for victims or abusers, removal of alleged abusers from contact with victims, and emotional support services for individuals in custody or members who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.

The watch commander or the authorized designee shall identify a staff member to monitor the conduct and treatment of individuals in custody or members who have reported sexual abuse and of those who were reported to have suffered sexual abuse. The staff member shall act promptly to remedy any such retaliation. In the case of individuals in custody, such monitoring shall also include periodic status checks.

913.7 REVIEWS AND AUDITS

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913.7.1 INCIDENT REVIEWS

An incident review shall be conducted at the conclusion of every sexual abuse investigation, unless the allegation has been determined to be unfounded. The review should occur within 30 days of the conclusion of the investigation. The review team shall include upper-level management officials and seek input from line supervisors and investigators (28 CFR 115.186).

The review shall (28 CFR 115.186):

- (a) Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect or respond to sexual abuse.
- (b) Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender or intersex identification, status or perceived status; gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility.
- (c) Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse.
- (d) Assess the adequacy of staffing levels in that area during different shifts.
- (e) Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff.

The review team shall prepare a report of its findings, including any determinations made pursuant to this section and any recommendations for improvement. The report shall be submitted to the Chief of Police and the PREA Coordinator. The Chief of Police or the authorized designee shall implement the recommendations for improvement or shall document the reasons for not doing so (28 CFR 115.186).

913.7.2 DATA REVIEWS

The facility shall conduct an annual review of collected and aggregated incident-based sexual abuse data. The review should include, as needed, data from incident-based documents, including reports, investigation files and sexual abuse incident reviews (28 CFR 115.187).

The purpose of these reviews is to assess and improve the effectiveness of sexual abuse prevention, detection and response policies, practices and training. An annual report shall be prepared that includes (28 CFR 115.188):

- (a) Identification of any potential problem areas.
- (b) Identification of any corrective actions taken.
- (c) Recommendations for any additional corrective actions.
- (d) A comparison of the current year's data and corrective actions with those from prior years.
- (e) An assessment of the Department's progress in addressing sexual abuse.

The report shall be approved by the Chief of Police and made readily available to the public through the department website or, if it does not have one, through other means. Material may be

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redacted from the reports when publication would present a clear and specific threat to the safety and security of the Temporary Holding Facility. However, the nature of the redacted material shall be indicated.

All aggregated sexual abuse data from Irvine Police Department facilities and private facilities with which it contracts shall be made readily available to the public at least annually through the department website or, if it does not have one, through other means. Before making aggregated sexual abuse data publicly available, all personal identifiers shall be removed (28 CFR 115.189).

913.8 RECORDS

The Department shall retain all written reports from administrative and criminal investigations pursuant to this policy for as long as the alleged abuser is held or employed by the Department, plus five years (28 CFR 115.171).

All other data collected pursuant to this policy shall be securely retained for at least 10 years after the date of the initial collection unless federal, state or local law requires otherwise (28 CFR 115.189).

913.9 TRAINING

All department members and contractors who may have contact with individuals in custody shall receive department-approved training on the prevention and detection of sexual abuse and sexual harassment within this facility. The Training Manager shall be responsible for developing and administering this training as appropriate, covering at a minimum (28 CFR 115.131):

- The Department's zero-tolerance policy and the right of individuals in custody to be free from sexual abuse and sexual harassment, and from retaliation for reporting sexual abuse or harassment.
- The dynamics of sexual abuse and harassment in confinement settings, including which individuals in custody are most vulnerable.
- The right of individuals in custody and staff members to be free from sexual abuse and sexual harassment, and from retaliation for reporting sexual abuse or harassment.
- Detecting and responding to signs of threatened and actual abuse.
- Communicating effectively and professionally with all individuals in custody.
- Compliance with relevant laws related to mandatory reporting of sexual abuse to outside authorities.

Investigators assigned to sexual abuse investigations shall also receive training in conducting such investigations in confinement settings. Training should include (28 CFR 115.134):

- Techniques for interviewing sexual abuse victims.
- Proper use of *Miranda* and *Garrity* warnings.
- Sexual abuse evidence collection in confinement settings.

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- Criteria and evidence required to substantiate a case for administrative action or prosecution referral.

The Training Manager shall maintain documentation that employees, volunteers, contractors, and investigators have completed required training and that they understand the training. This understanding shall be documented through individual signature or electronic verification.

All current department members who may have contact with individuals in custody shall be trained within one year of the effective date of the PREA standards. The agency shall provide annual refresher information to all such members to ensure that they understand the current sexual abuse and sexual harassment policies and procedures.

Holding Facility Employee Performance Standards

914.1 PURPOSE AND SCOPE

The Irvine Police Department maintains the right and responsibility to establish performance standards that govern how employees will perform their duties and treat the people whom they come in contact with. The standards are intended to:

- (a) Provide custody officers and Department employees with guidelines of acceptable performance and behavior;
- (b) Ensure a safe work environment;
- (c) Promote internal discipline within the facility and the Department;
- (d) Safeguard employee rights.

914.2 TREATMENT OF PRISONERS

Standards of conduct and performance of Department personnel and custody staff shall at all times be consistent with the provisions of the Department Policy Manual. All persons brought into the custody facility will be treated as human beings. They are not to be abused either physically or verbally. One of the custody officer's primary responsibilities is to ensure the safety and protect the civil rights of those in custody.

- (a) Discipline, either physical or emotional, shall not be administered in the custody facility by members of this agency or agency contract employees. Any physical or verbal abuse of prisoners/detainees by Department personnel or contract staff will not be tolerated. Violations of this order will be reported to the Business Services Administrator or watch commander as soon as possible.
- (b) Custody officers and Department personnel shall immediately contact the watch commander in the event a prisoner:
 - 1. Is injured, regardless of whether the injury was sustained during the arrest process or while inside the custody facility;
 - 2. Desires to file a complaint against Department employees or custody personnel;
 - 3. Experiences a medical emergency;
 - 4. Dies while in custody.
- (c) Custody officers are not expected to be subject to physical abuse by any prisoner. Custody officers are to obtain the assistance of a police officer or the watch commander before dealing with obviously hostile or combative prisoners.
- (d) Custody officers are accountable for the provisions of the Use of Force policy, and may use only that force necessary and reasonable to overcome the resistance of a prisoner.
- (e) Custody officers and Department personnel are expressly prohibited from conducting business transactions of any nature with a person held in custody by this Department.

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914.3 TREATMENT OF DEPARTMENT PERSONNEL AND THE PUBLIC

Custody officers will treat other members of this Department and the general public with courtesy and respect. In return, custody officers will be treated with courtesy and respect, and will not be verbally abused by any member of this Department. Actions contrary to this policy are to be reported to the Business Services Administrator or watch commander.

914.4 PERFORMANCE EXPECTATIONS

Custody officers are contract employees who shall, through their employer, maintain sufficient competency so as to properly perform their duties and assume the responsibilities of their position. Custody officers shall perform their duties in a manner that will maintain the highest standards of efficiency in carrying out the functions of their job assignment and the objectives of the Department.

Unsatisfactory performance may be demonstrated by a lack of knowledge or the improper application of regulations; unwillingness or inability to perform assigned tasks; the failure to conform to work standards established for the position; the failure to take appropriate action on a condition deserving attention; or absence without leave.

Transporting Persons in Custody

915.1 PURPOSE AND SCOPE

This policy provides guidelines for transporting persons who are in the custody of the Irvine Police Department.

See the Handcuffing and Restraints Policy for additional guidance.

915.2 POLICY

It is the policy of the Irvine Police Department to provide safe, secure, and humane transportation for all persons in custody.

915.3 OFFICE OF PROFESSIONAL DEVELOPMENT RESPONSIBILITIES

The Office of Professional Development should establish related procedures for:

- Safely transporting persons who have their legs restrained.
- Seating placement of persons being transported in vehicles with and without safety barriers.

915.4 OFFICER RESPONSIBILITIES

Persons in custody should be transported in a vehicle properly equipped to transport passengers. They should be appropriately restrained and positioned during transport.

Officers and custody officers transporting a person in custody should:

- (a) Search all areas of the vehicle accessible to a person in custody before and after each transport.
- (b) Immediately search persons in custody after arrest, when receiving the person from the custody of another officer or custody officer, and before transferring the person. Refer to the Custodial Searches Policy before conducting any search other than a field search.
 1. Whenever practicable, a search should be conducted by an officer or custody officer of the same gender as the person being searched. If an officer or custody officer of the same gender is not reasonably available, a witnessing officer or custody officer should be present during the search.
- (c) Provide Communications Bureau with any required notifications (e.g., start time, mileage, end time).
- (d) Properly secure all property.
- (e) Use audio/video equipment (when properly equipped) to observe and record any person in custody during transport (see the Mobile Audio/Video and Body-Worn Camera policies for additional guidance).
- (f) Make a reasonable effort to prevent inappropriate conversations between persons being transported (e.g., demeaning or insulting language) or conversations between a person being transported and someone outside the vehicle.

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- (g) Plan travel times and routes to avoid situations that might impede transportation (e.g., heavy traffic, unfavorable road conditions, extreme weather) when reasonably practicable.
- (h) Make a verbal welfare check with a person in custody at least every 10 minutes. Provide sufficient visual observation and audio communication during the transport of:
 - 1. Individuals in auxiliary restraints.
 - 2. Individuals in leg restraints.
 - 3. Individuals wearing a spit hood.
 - 4. Individuals who are a suspected suicide risk.
- (i) Verify that the vehicle's security devices (e.g., window and rear-door child-safety locks) are activated.
- (j) Assess uncooperative persons who cannot or will not sit upright for a medical condition (see the Medical Aid and Response Policy for additional guidance):
 - 1. If no medical condition exists, alternative transportation should be arranged (e.g., a special transport van).

915.5 TRANSPORT RESTRICTIONS

When transporting multiple persons, officers and custody officers:

- (a) Should not transport persons in custody together. Persons in custody should be transported individually when practicable, or within their own compartment of a multiple-compartment vehicle, unless supervisor approval is received based on unusual circumstances.
 - 1. Juveniles and adults shall not be transported together.
 - 2. Persons with known hostilities toward each other, such as mutual combatants or rival gang members, shall not be transported together.
 - 3. Persons of different genders should not be transported together.
- (b) If segregating individuals is not possible, transporting officers and custody officers should be alert to inappropriate physical or verbal contact and take appropriate action.

915.6 TRANSPORT VANS

An officer or custody officer trained on the safety and restraint systems of a transport van should be present during the transport van's use for transporting a person in custody.

An officer or custody officer should assist persons getting into and out of the transport van to avoid falls.

915.7 TRANSPORTING PERSONS IN CUSTODY WHO HAVE A DISABILITY

When transporting a person in custody who has a disability, a transporting officer or custody officer should request assistance as necessary to transport the person in a reasonable and safe manner. The transporting officer or custody officer should ensure that any special equipment (e.g., canes,

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wheelchairs, prosthetics) is transported to the person's destination in a way that does not threaten the safety or security of the person in custody or the officer and/or custody officer.

Officers and custody officers transporting a person who has a disability should consult with the person in custody and use good judgment in determining what, if any, restraining devices may be appropriate based on the person's disability to ensure the security, safety, and dignity of all persons.

915.8 TRANSPORTING ILL OR INJURED PERSONS IN CUSTODY

Except in exceptional cases where alternatives are not reasonably available, officers or custody officers should not transport persons in custody who are unconscious, have serious injuries, or who may be seriously ill. EMS personnel should be called to handle such transportation.

Officers or custody officers shall notify a supervisor as soon as practicable when transporting a person in custody to a hospital.

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 watch commander.

Any person in custody suspected of having a communicable disease should be transported in compliance with the exposure control plan in the Communicable Diseases Policy.

See the Medical Aid and Response Policy for additional guidance on ill or injured persons in custody.

915.9 TRANSPORTING PREGNANT PERSONS IN CUSTODY

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

Absent exceptional circumstances, persons in labor or delivery should not be transported by officers or a custody officer. EMS personnel should be called to handle transportation.

915.10 MENTAL ILLNESS COMMITMENT TRANSPORTS

When transporting any individual for a mental illness commitment, the transporting officer or custody officer should request that Communications Bureau 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.

Should the person require transport in a medical transport vehicle, and the safety of any person, including the person in custody, requires the presence of an officer or a custody officer during the transport, watch commander approval is required before transport commences.

See the Mental Illness Commitments Policy for additional guidance.

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915.11 INTERRUPTION OF TRANSPORT

Absent extraordinary circumstances, officers and custody officers should not interrupt a transport to provide emergency assistance without supervisory approval. Officers and custody officers encountering an emergency should notify Communications Bureau and request an appropriate response.

915.12 EXTENDED TRANSPORTS

During transports for extended durations, transporting officers and/or custody officers may be required to make necessary stops. With supervisory approval and due consideration for security risks and the in-custody person's health and well-being, these stops should be limited to fuel, meals, bathroom breaks, and other purposes reasonably necessary for the continuation of the transport.

915.13 PROHIBITIONS

When transporting a person in custody, officers and custody officers should not:

- (a) Use transport as a form of punishment or retaliation (e.g., intentionally rough rides, excessive heat or cold, obnoxiously loud music).
- (b) Handcuff a person to any part of a vehicle.
- (c) Leave the vehicle unattended with the person in custody in the vehicle.
- (d) Allow any person who is not in custody (e.g., friend, family member) to have contact with or be in close proximity to the person in custody.
- (e) Allow any food, drink, or other consumables to be given to the person in custody by anyone other than department personnel or receiving agency personnel.
- (f) Stop to conduct any personal activities.
- (g) Engage in a pursuit.

915.14 ESCAPES

In the event that a person in custody escapes while being transported, the transporting officer or custody officer should immediately advise Communications Bureau and other units of the escape, provide a description of the escapee, notify the watch commander, and submit a written report as soon as practicable describing the circumstances of the escape and any recapture.

The watch commander should notify the Chief of Police or the authorized designee upon learning of an escape.

If the escape occurs outside the jurisdiction of the Irvine Police Department, the watch commander should notify the appropriate agency or agencies within the jurisdiction where the escape occurred.

915.15 DOCUMENTATION

If a person is injured during transportation, officers and/or custody officers should document the injury in the appropriate report. Documentation should include the condition of the person prior to transportation and the known or suspected causes of the injury during transportation (e.g., hitting

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head, struggling with restraints, fighting with other persons in custody). Any visible or reported injuries should be photographed and included with the report.

915.16 NOTIFICATIONS

Officers or custody officers should notify a supervisor and any receiving facility of information regarding any circumstances the officer or custody officer reasonably believes would be potential safety concerns or medical risks to the person (e.g., uncooperative or violent, prolonged struggle, extreme agitation, medical conditions) that may have occurred prior to, or during, transportation.

915.17 TRAINING

The Training Manager should provide periodic training on this policy and procedures related to transporting persons in custody, restraint systems, and restraint devices.

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 Irvine Police Department and that are promulgated and maintained by the Human Resources Department.

1000.2 POLICY

In accordance with applicable federal, state, and local law, the Irvine 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 Training Manager should employ a comprehensive recruitment and selection strategy to recruit and select employees from a qualified and diverse pool of candidates.

The strategy should include:

- (a) Identification of racially and culturally diverse target markets.
- (b) Use of marketing strategies to target diverse applicant pools.
- (c) Expanded use of technology and maintenance of a strong internet presence. This may include an interactive department website and the use of department-managed social networking sites, if resources permit.
- (d) Expanded outreach through partnerships with media, community groups, citizen academies, local colleges, universities, and the military.
- (e) Employee referral and recruitment incentive programs.
- (f) Consideration of shared or collaborative regional testing processes.

The Training Manager 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, with the assistance of the Human Relations team, should strive to facilitate and expedite the screening and testing process, and should periodically inform each candidate of his/her status in the recruiting process.

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1000.4 SELECTION PROCESS

The Department shall actively strive to identify a diverse group of candidates 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).
 - 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, including the National Decertification Index

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1000.5 BACKGROUND INVESTIGATION

Every candidate who passes the written exam, oral interview, and polygraph examination, when applicable, 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 Irvine 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 INVESTIGATOR TRAINING

Background investigators shall complete POST-certified background investigation training prior to conducting investigations (11 CCR 1953; 11 CCR 1959).

1000.5.2 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 or professional staff candidate who is reappointed within 180 days of voluntary separation from the Irvine Police Department, or who is an interim police chief meeting the requirements contained in 11 CCR 1953(f).

1000.5.3 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).

1000.5.4 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).

1000.5.5 REVIEW OF SOCIAL MEDIA SITES

All peace officer candidates shall be subject to a social media search for statements, postings, and/or endorsements made by the candidate that are relevant to suitability for peace officer employment, including bias-relevant information consistent with the requirements of 11 CCR 1955(d)(3) and any public expression of hate made in an online forum, as defined in Penal Code § 13680(g) (11 CCR 1953(e)(12)).

Due to the potential for accessing unsubstantiated, private, or protected information, the Division Commander shall not require candidates to provide passwords, account information, or access to password-protected social media accounts (Labor Code § 980).

The Division Commander should consider utilizing the services of an appropriately trained and experienced third party to conduct open source, internet-based searches, and/or review information from social media sites to ensure that:

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- (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 Division Commander should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

1000.5.6 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 Administrative Services Division Commander for final review and submission to POST (11 CCR 1953).

The background investigation file shall be made available during POST compliance inspections (11 CCR 1953).

1000.5.7 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.

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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 Commission on Peace Officer Standards and Training (POST) developed a Job Dimensions list, which is used as a professional standard in background investigations.

Validated, job-related, and nondiscriminatory employment standards shall be established for each job classification and shall minimally identify the training, abilities, knowledge, and skills required to perform the position's essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation. The Human Resources Department should maintain validated standards for all positions.

1000.7.1 STANDARDS FOR OFFICERS

Candidates shall meet the minimum standards established by POST or required by state law (Government Code § 1029; Government Code § 1031; 11 CCR 1950 et seq.):

- (a) Free of any felony convictions
- (b) Be legally authorized to work in the United States under federal law
- (c) At least 21 years of age except as provided by Government Code § 1031.4

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- (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)).

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)

Personnel Records

1001.1 PURPOSE AND SCOPE

This policy governs maintenance and access to personnel records. Personnel records include any file maintained under an individual member's name.

1001.2 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).

1001.3 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.

1001.4 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.

1001.5 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.

1001.6 INTERNAL AFFAIRS FILE

Internal affairs files shall be maintained under the exclusive control of the Office of Professional Standards 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 Office of Professional Standards 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 City's 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 City's established records retention schedule and for a period of at least five years.

Investigation files arising out of a civilian complaint involving misconduct that was not sustained shall be maintained pursuant to the City's established records retention schedule and for at least five years (Penal Code § 832.5).

1001.7 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.

1001.8 SECURITY

Personnel records should be maintained in a secured location and locked either in a cabinet or access-controlled room. Personnel records maintained in an electronic format should have adequate password protection.

Personnel records are subject to disclosure only as provided in this policy, the Records Maintenance and Release Policy or according to applicable discovery procedures.

Nothing in this policy is intended to preclude review of personnel records by the City Manager, City Attorney or other attorneys or representatives of the City in connection with official business.

1001.8.1 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.

1001.8.2 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).

1001.8.3 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).

1001.8.4 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.

1001.9 BRADY MATERIAL IN PERSONNEL FILES

The purpose of this section is to establish a procedure for releasing potentially exculpatory information (so-called Brady material) contained within confidential peace officer personnel files.

1001.9.1 DEFINITIONS

Brady Material - In the Brady v. Maryland decision (373 U.S. 83 (1963)) the United States Supreme Court held that the prosecution has an affirmative duty to disclose to the defendant evidence which is both favorable and material to the guilt and/or punishment of the defendant.

The Prosecution - Refers to the District Attorney and all investigative agencies involved in the criminal prosecution of a defendant, including this department.

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Penal Code §1054.1 - California law also establishes a criminal defendant's right to access potentially exculpatory evidence.

1001.9.2 RELEASE OF PERSONNEL FILES TO DISTRICT ATTORNEY

Pursuant to Penal Code § 832.7(a), the only time the District Attorney (Attorney General or Grand Jury) is entitled to access confidential peace officer personnel files without filing a so-called Pitchess motion (Evidence Code § 1043 et seq.) is when they are investigating the conduct of an officer or this department. Such access shall not be considered a waiver of the confidentiality of the information contained in these files.

Absent a specific investigation of identified officer(s) or a specific investigation of this department (or the consent of an involved officer), no confidential information from any officer's personnel file shall be released to the District Attorney or Grand Jury without full compliance with the Pitchess process. The prosecution of a criminal defendant is not considered an investigation of any involved officer.

Should an officer's credibility or other issues related to an officer's personnel file arise in the context of an officer acting as a witness for the prosecution, access to that officer's personnel file by either the District Attorney or the criminal defendant shall be limited to that which is authorized by the process set forth in Evidence Code § 1043, et seq.

1001.9.3 PROCEDURE

If an officer is a material witness in a criminal case, a person or persons designated by the Chief of Police may examine the subject officer's personnel file to determine whether there are Brady materials contained therein (e.g., evidence which is both favorable and material to the guilt and/or punishment of the defendant). If Brady material is located, the following procedure shall apply:

- (a) In the event that a Pitchess motion has not already been filed by the criminal defendant or other party, the District Attorney shall be notified of the potential presence of Brady material in the officer's personnel file
- (b) The District Attorney should be instructed to file a Pitchess motion in order to initiate an in camera review by the court
- (c) As with any Pitchess motion, and prior to any review of the files by the court, subject officer(s) shall be notified in writing that a Pitchess motion has been filed
- (d) The responsible Custodian of Records shall accompany all relevant personnel files during any in camera inspection and address any issues or questions raised by the court in determining whether or not any material contained in the file is both material and favorable to the criminal defendant
- (e) If the court determines that there is relevant Brady material contained in the file(s), only that material ordered released will be copied and released to the parties filing the Pitchess motion

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1. Prior to the release of any materials pursuant to this process, the Custodian of Records should request a protective order from the Court limiting the use of such materials to the involved case and requiring the return of all copies upon completion of the case.

1001.10 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.

1001.11 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,

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if any, to progressive discipline, training and career development. Each supervisor responsible for completing the member's performance evaluation should determine whether any prior sustained disciplinary file should be retained beyond the required period for reasons other than pending litigation or other ongoing legal proceedings.

- (b) If a supervisor determines that records of prior discipline should be retained beyond the required period, approval for such retention should be obtained through the chain of command from the Chief of Police.
- (c) If, in the opinion of the Chief of Police, a personnel complaint or disciplinary action maintained beyond the required retention period is no longer relevant, all records of such matter may be destroyed in accordance with the established records retention schedule.

1001.12 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 Office of Professional Standards supervisor in determining what records may qualify for disclosure when a request for records is received and if the requested record is subject to redaction or delay from disclosure.

For purposes of this section, a record includes (Penal Code § 832.7(b)(3):

- All investigation reports.
- Photographic, audio, and video evidence.
- Transcripts or recordings of interviews.
- Autopsy reports.
- All materials compiled and presented for review to the District Attorney or to any person or body charged with determining whether to file criminal charges against an officer in connection with an incident, whether the officer's action was consistent with law and department policy for purposes of discipline or administrative action, or what discipline to impose or corrective action to take.
- Documents setting forth findings or recommending findings.
- Copies of disciplinary records relating to the incident, including any letters of intent to impose discipline, any documents reflecting modifications of discipline due to the *Skelly* or grievance process, and letters indicating final imposition of discipline or other documentation reflecting implementation of corrective action.

Unless a record or information is confidential or qualifies for delayed disclosure as provided by Penal Code § 832.7(b)(8) or other law, the following records (hereinafter qualifying records) shall be made available for public inspection no later than 45 days from the date of a request (Penal Code § 832.7(b)(1)):

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- (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, 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)).

1001.12.1 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

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- (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)).

1001.12.2 DELAY OF RELEASE

Unless otherwise directed by the Chief of Police, the Custodian of Records should consult with a supervisor familiar with the underlying investigation to determine whether to delay disclosure of qualifying records due to any of the following conditions (Penal Code § 832.7):

- (a) Active criminal investigations
 - 1. Disclosure may be delayed 60 days from the date the misconduct or use of force occurred or until the District Attorney determines whether to file criminal charges, whichever occurs sooner.
 - 2. After the initial 60 days, delay of disclosure may be continued if the disclosure could reasonably be expected to interfere with a criminal enforcement proceeding against an officer or against someone other than an officer who engaged in misconduct or used the force.
- (b) Filed criminal charges
 - 1. When charges are filed related to an incident in which misconduct occurred or force was used, disclosure may be delayed until a verdict on those charges is returned at trial or, if a plea of guilty or no contest is entered, the time to withdraw the plea has passed.
- (c) Administrative investigations
 - 1. Disclosure may be delayed until:
 - (a) There is a determination from the investigation whether the misconduct or use of force violated law or department policy, but no longer than 180 days after the date of the department's discovery of the misconduct or use of force or allegation of misconduct or use of force

1001.12.3 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):

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- (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.

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)).

Evaluation of Employees

1002.1 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.

1002.2 POLICY

The Irvine 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.

1002.3 EVALUATION PROCESS

Evaluation reports will cover a specific period of time and should be based on documented performance during that period. Evaluation reports will be completed by each employee's immediate supervisor. Other supervisors directly familiar with the employee's performance during the rating period should be consulted by the immediate supervisor for their input.

All sworn and professional staff 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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1002.3.1 RESERVE OFFICER EVALUATIONS

Reserve officer evaluations are covered under the Reserve Officers Policy.

1002.3.2 PERFORMANCE IMPROVEMENT PLANS

When it is determined a performance improvement plan (PIP) should be implemented for an employee, the employee's supervisor will be responsible for its completion, and for the monitoring of the employee during the PIP period. A manager shall review the PIP prior to it being presented to the employee. When the PIP is presented to the employee, the employee should sign the document before it is placed into the employee's personnel file. The employee shall also be provided a copy of the PIP.

Generally, any PIP should contain the following elements:

- (a) An overview of the circumstances leading up to the implementation of the PIP, including a description of any prior efforts to address the substandard performance.
- (b) A specific description of the substandard performance.
- (c) A specific description of the expected performance standard.
- (d) If applicable, a description of specific tasks, or benchmarks the employee is required to complete to successfully complete the performance improvement plan.
- (e) Guidance or direction to the employee to assist the employee achieve the desired performance.
- (f) A timeframe for completion of the PIP.

Generally, any performance improvement plan should be six months in duration. This time frame may be altered, or extended, based on the individual needs of the situation, or if the employee is not performing at a competent level at the end of the PIP.

The employee's direct supervisor shall submit monthly progress reports to the proper manager, after the employee has signed a copy of the progress report and has been provided a copy of it.

1002.4 FULL TIME PROBATIONARY PERSONNEL

Professional Staff personnel are on probation as per their respective MOU before being eligible for certification as permanent employees. An evaluation is completed at the 6 and 12 month period for all full-time professional staff personnel during the probationary period.

Sworn personnel (recruits) are on probation for 18 months before being eligible for certification as permanent employees while lateral sworn personnel are on probation for 12 months. Probationary officers are evaluated daily, weekly and monthly during the probationary period.

1002.5 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

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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. Comments made by the employee will then become a permanent part of the evaluation which is maintained in the employee's personnel file.

1002.5.1 DISCRIMINATORY HARASSMENT FORM

At the time of each employee's annual evaluation, the reviewing supervisor shall require the employee to read the City and Department harassment and discrimination policies. Following such policy review, the supervisor shall provide the employee a form to be completed and returned by the employee certifying the following:

- (a) That the employee understands the harassment and discrimination policies.
- (b) Whether any questions the employee has have been sufficiently addressed.
- (c) That the employee knows how and where to report harassment policy violations.
- (d) Whether the employee has been the subject of, or witness to, any conduct that violates the discrimination or harassment policy which has not been previously reported.

The completed form should be returned to the supervisor (or other authorized individual if the employee is uncomfortable returning the form to the presenting supervisor) within one week.

The employee's completed answers shall be attached to the evaluation. If the employee has expressed any questions or concerns, the receiving supervisor or other authorized individual shall insure that appropriate follow up action is taken.

1002.6 EVALUATION REVIEW

Prior to any discussion with the employee, the performance evaluation is forwarded to the rater's supervisor (Division Commander). The Division Commander shall review the evaluation for fairness, impartiality, uniformity, and consistency. The Division Commander shall evaluate the supervisor on the quality of ratings given.

1002.7 EVALUATION DISTRIBUTION

The original performance evaluation shall be maintained in the employee's personnel file in the office of the Chief of Police for the tenure of the employee's employment. A copy will be given to the employee and a copy will be forwarded to City Human Resources Department.

Special Assignments and Promotions

1003.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for promotions and for making special assignments within the Irvine Police Department.

1003.2 SWORN NON-SUPERVISORY SELECTION PROCESS

The following positions are considered transfers and are not considered promotions:

- (a) Directed Enforcement Team member
- (b) Detective
- (c) Motor Officer
- (d) Accident Investigator
- (e) Field Training Officer
- (f) Community Relations/Training Officer
- (g) D.A.R.E. Officer
- (h) Court Liaison Officer
- (i) Mental Health Liaison
- (j) School Resource Officer
- (k) Middle School Officer
- (l) Task Force Officers
- (m) Canine Officer
- (n) Intelligence Officer
- (o) Threat Mitigation Officer
- (p) Area Traffic Officer

1003.2.1 DESIRABLE QUALIFICATIONS

The following qualifications apply to consideration for transfer:

- (a) Experience
- (b) Off probation
- (c) Has shown an expressed interest in the position applied for
- (d) Education, training and demonstrated abilities in related areas; such as, enforcement activities, investigative techniques, report writing, public relations, etc.
- (e) Complete any training required by POST or law

1003.3 SELECTION PROCESS

The selection process for each specialized position will be determined by the Chief of Police.

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The policy and procedures for all positions may be waived for temporary assignments, emergency situations or for training.

1003.4 PROMOTIONAL REQUIREMENTS

Requirements and information regarding any promotional process are available at the Irvine Human Resources Department.

Secondary Employment

1004.1 PURPOSE AND SCOPE

In order to avoid actual or perceived conflicts of interest for department employees engaging in secondary employment, all employees shall obtain written approval from the Chief of Police prior to engaging in any secondary employment. Approval of secondary employment shall be at the discretion of the Chief of Police in accordance with the provisions of this policy.

1004.1.1 DEFINITIONS

Secondary 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.

1004.2 OBTAINING APPROVAL

No member of this department may engage in any secondary employment without first obtaining prior written approval of the Chief of Police. Failure to obtain prior written approval for secondary employment or engaging in secondary employment prohibited by this policy may lead to disciplinary action.

In order to obtain approval for secondary employment, the employee must complete a Secondary Employment Request which shall be submitted to the employee's immediate supervisor. The application will then be forwarded through the chain of command to the Chief of Police for consideration.

If approved, the employee will be provided with a copy of the approved secondary employment request form. Unless otherwise indicated, approval for secondary employment is valid for one year from the approval date. The Office in Professional Standards will contact the employee prior to the one year lapse to determine if the employee desires to seek a renewal.

Any employee seeking approval of secondary 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)).

1004.2.1 APPEAL OF DENIAL OF SECONDARY EMPLOYMENT

If an employee's Secondary Employment Application is denied or withdrawn by the Department, the employee may file a written notice of appeal to the Chief of Police within ten days of the date of denial.

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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1004.2.2 REVOCATION/SUSPENSION OF SECONDARY EMPLOYMENT DUE TO THE EMPLOYEE'S WORK PERFORMANCE AND/OR SUSTAINED DISCIPLINE

Any secondary employment approval may be revoked or suspended under the following circumstances:

- (a) Should an employee's performance at this department decline to a point where it is evaluated by a supervisor as needing improvement to reach an overall level of competency, the Chief of Police may, at his or her discretion, revoke any previously approved secondary employment. That revocation will stand until the employee's performance has been reestablished at a satisfactory level and his/her supervisor recommends reinstatement of the secondary employment.
- (b) Suspension or revocation of a previously approved secondary employment may be included as a term or condition of sustained discipline.
- (c) If, at any time during the term of a valid secondary employment, an employee's conduct or secondary employment conflicts with the provisions of department policy, the employee's secondary employment may be suspended or revoked.

1004.3 PROHIBITED SECONDARY EMPLOYMENT

Consistent with the provisions of Government Code § 1126, the Department expressly reserves the right to deny any Secondary Employment Application 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.

1004.3.1 OUTSIDE SECURITY AND PEACE OFFICER EMPLOYMENT

Consistent with the provisions of Penal Code § 70, and because it would further create a potential conflict of interest, no member of this department may engage in any outside or secondary employment as a private security guard, private investigator or other similar private security position.

Notwithstanding the foregoing, in his or her discretion, the Chief of Police may permit a member to conduct pre-employment background investigations and/or administrative disciplinary investigations on behalf of employers other than the City of Irvine provided that such investigations

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will not be subject to review by the City of Irvine, conflict with Government Code section §1126, or violate the City of Irvine Conflict of Interest policy.

1004.4 DEPARTMENT RESOURCES

Employees are prohibited from using any department equipment or resources in the course of or for the benefit of any secondary employment. This shall include the prohibition of access to official records or databases of this department or other agencies through the use of the employee's position with this department.

1004.4.1 REVIEW OF FINANCIAL RECORDS

Employees approved for secondary 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 a secondary 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 secondary employment. If, after approving a request for an secondary 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 secondary work permit may be revoked pursuant to the Revocation/Suspension of Secondary Employment Permits section of this policy.

1004.5 CHANGES IN SECONDARY EMPLOYMENT STATUS

If an employee terminates his or her secondary employment, the employee shall promptly submit written notification of such termination to the Chief of Police through their chain of command. Any subsequent request for renewal or continued secondary 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 secondary employment including any change in the number of hours, type of duties, or demands of any approved secondary employment. Employees who are uncertain whether a change in secondary employment is material are advised to report the change.

1004.6 SECONDARY EMPLOYMENT WHILE ON DISABILITY LEAVE OR MODIFIED-DUTY

An employee shall not engage in outside employment while on a leave of absence resulting from their inability to perform the duties of their position without review and approval from the Chief of Police, or their designee, to ensure compliance with secondary employment policies.

Department members engaged in secondary employment, who are placed on disability leave or modified-duty, shall inform their immediate supervisor in writing within five days whether or not they intend to continue to engage in such secondary employment. The employee's request to maintain secondary employment will be forwarded to the Chief of Police through the employee's chain of command. The Chief of Police will decide if an employee is permitted to maintain secondary

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employment while on disability or modified-duty. In the event the Chief of Police determines that the secondary employment should be discontinued or if the employee fails to promptly notify his/her supervisor of his/her intentions regarding their secondary employment, a notice of revocation of the member's secondary employment approval will be forwarded to the involved employee, and a copy attached to the original secondary employment request form.

Criteria for discontinuing the secondary employment approval include, but are not limited to, the following:

- (a) The secondary employment is medically detrimental to the total recovery or may delay the total recovery of the employee, as indicated by the City's professional medical advisors and/or the employee's current professional medical advisor.
- (b) The secondary 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.

If the employee's secondary employment is discontinued while he/she is on disability leave or modified-duty, the employee may request their secondary employment approval be restored after they return to full-duty.

Payroll Records

1005.1 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.

1005.2 POLICY

The City maintains timely and accurate payroll records.

1005.3 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.

1005.4 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 the City as established by the City payroll procedures.

1005.5 RECORDS

The Administrative Services Division Commander shall ensure that accurate and timely payroll records are maintained as required by 29 CFR 516.2 for a minimum of three years (29 CFR 516.5).

Overtime Payment Requests

1006.1 PURPOSE AND SCOPE

It is the policy of the Department to compensate non-exempt 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 (CTO). 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.

1006.2 DEPARTMENT POLICY

Due to the nature of police work, and the specific needs of the department, a degree of flexibility concerning overtime policies must be maintained. Nonexempt 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.

1006.3 EMPLOYEE RESPONSIBILITY

Employees shall complete the overtime request immediately after working the overtime and turn in the completed request to their immediate supervisor or the watch commander. Employees submitting overtime request forms for on-call pay, when off duty, shall submit the requests to the court liaison the first day after returning for work. Once the court liaison verifies the requested overtime, then the overtime request should be signed by the employee's supervisor and placed on the employee's timecard. All overtime requests should be turned in during the same pay period the overtime occurred. Employees may enter their own overtime on their timecard, however an overtime slip shall be submitted as well.

1006.4 SUPERVISOR RESPONSIBILITY

The supervisor who verifies the overtime earned shall verify that the overtime was worked before approving the request. Supervisors approving overtime shall sign and print their name on the overtime request. If not already entered by the employee, supervisors should enter the overtime on the employee's timecard and indicate the date entered. Additionally, supervisors shall note if the hours were entered on the timecard or a prior period adjustment (PPA).

1006.5 ACCOUNTING OF 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. The supervisor will enter the actual time worked or hours pursuant to the employee's MOU.

Officers working beyond the end of their assigned shift may submit a request for overtime for actual time worked in quarter-hour increments (i.e., 15, 30, 45, or one hour).

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1006.6 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 inquire about the discrepancy and ensure the overtime being reported by the individual employees is accurate.

Uniform Regulations

1007.1 PURPOSE AND SCOPE

The uniform policy of the Irvine 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

Department Badges

1007.2 UNIFORM SPECIFICATIONS

The sections and subsections below provide the specifications for the department's uniforms.

1007.3 WEARING AND CONDITION OF UNIFORM AND EQUIPMENT

Police employees wear the uniform to be identified as the law enforcement authority in society. The uniform also serves an equally important purpose to identify the wearer as a source of assistance in an emergency, crisis or other time of need.

- (a) Uniform and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat, clean, and appear professionally pressed.
- (b) All peace officers of this department shall possess and maintain at all times, a serviceable uniform and the necessary equipment to perform uniformed field duty.
- (c) Personnel shall wear only the uniform specified for their rank and assignment.
- (d) All supervisors will perform periodic inspections of their personnel to ensure conformance to these regulations.
- (e) Civilian attire shall not be worn in combination with any distinguishable part of the uniform.
- (f) 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.
- (g) 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.
- (h) Employees are not to purchase or drink alcoholic beverages while wearing any part of the department uniform, including the uniform pants.
- (i) Mirrored sunglasses will not be worn with any Department uniform.
- (j) Visible jewelry, other than those items listed below, shall not be worn with the uniform unless specifically authorized by the Chief of Police or the authorized designee.

1. Wrist watch

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2. Wedding ring(s), class ring, or other ring of tasteful design. A maximum of one ring/set may be worn on each hand
3. Medical alert bracelet
- (k) Sworn personnel do not have to wear the Department uniform and carry the applicable articles when:
 1. Performing established plain-clothes duty assignment.
 2. When attending events where wearing of civilian attire is considered to be more suitable for the occasion, and approved by a supervisor.
 3. When directed by the Chief of Police.

1007.4 INSIGNIA AND PATCHES

- (a) Shoulder Patches - The authorized shoulder patch supplied by the Department shall be machine stitched to the sleeves of all uniform shirts and jackets, three-quarters of an inch below the shoulder seam of the shirt and be bisected by the crease in the sleeve.
- (b) Service stripes, stars, etc. - A service stripe denoting five years of paid police service and/or reserve service with any Department may be worn. Placement on the sleeve shall be $\frac{3}{4}$ " above the left cuff seam. When additional service stripes are added, they shall be placed above and immediately adjacent to the first. Officers purchasing new garments during the six-month period prior to completion of the required five-year period may have the additional service stripe for such period placed on the new garment. The service stripes are to be silver embroidery, $1\frac{3}{4}$ " in length angled up and to the rear of the garment. The Department will pay for placement of service stripes on uniforms, but will not pay to have them removed.
- (c) The regulation nameplate, or an authorized sewn on cloth nameplate, shall be worn at all times while in uniform.
- (d) When a jacket is worn, the nameplate or an authorized sewn on cloth nameplate shall be affixed to the jacket in the same manner as the uniform.
- (e) Assignment Insignias - Assignment insignias, (SWAT, FTO, etc.) may be worn as designated by the Chief of Police.
- (f) Insignia - Specialized Pins and Patches - All uniformed personnel are permitted to wear an American Flag pin on the inside corner of their right shirt pocket flap. The pin should be $\frac{1}{2}$ " in from the inside edge and $\frac{1}{2}$ " up from the bottom edge of the pocket flap. Both sworn and non-sworn traffic personnel may wear the Department-approved silver traffic patch below the Department patch on both sleeves of the long-sleeve or short-sleeve uniform shirt.
- (g) Department-Approved Team/Unit Pins - The pins identified below are authorized only for those sworn and civilian uniformed personnel currently assigned to the particular team or unit. Only one pin may be worn at a time, positioned directly below the badge, with the top of the pin even with the top seam of the left pocket.

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1. Personnel assigned to SWAT or the Crisis Negotiations Team may wear the Department-approved SWAT or CNT pin.
 2. Personnel assigned to the D.A.R.E. and K-9 units may wear Department-approved pins.
 3. Personnel assigned to the Major Accident Investigation Team (MAIT), may wear the Department-sanctioned MAIT pin.
 4. Personnel assigned to the Honor Guard may wear the Department-sanctioned Honor Guard pin.
 5. Personnel assigned to the Drug Recognition Expert (DRE) Program may wear the Department-sanctioned DRE pin.
 6. Personnel assigned to the Mounted Unit may wear the Department-sanctioned Mounted Unit pin.**Note this pin is positioned directly above the nameplate, centered on the apex of the collar pointing up.**All uniformed personnel are encouraged to wear award pins presented to them by the Department as part of their Class A uniform.
- (h) Badge - The department issued badge, or an authorized sewn on cloth replica, must be worn and visible at all times while in uniform.
- (i) 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.

1007.5 HEADWEAR

Uniform Dress Hat: The uniform dress hat shall be issued to all sworn personnel. It shall be a soft cap, round executive style, navy-blue in color, with a short plastic visor and high polish. It shall include a silver stretch band $\frac{1}{2}$ " in width, secured with two silver toned "P" buttons. The hat piece shall be silver. It shall be of the shield type with a spread-winged eagle at the top and a bottom plate surmounted by the City seal and "Police" in blue block enamel.

The uniform dress hat may be worn at formal occasions at the wearer's discretion or at the request of the Chief of Police.

Campaign Hat: Sworn personnel may, at their own expense, purchase a campaign hat. The campaign hat may only be worn with a Class A or B uniform and may be worn as an alternative to the "soft uniform cap", see below.

Soft Uniform Cap: A soft uniform (baseball style) cap is issued to all Department personnel for use as protection from the elements. The cap may be worn in situations of extreme weather conditions, e.g., rain, heat, cold, wind, etc. at a disaster scene, while assigned to an extended fixed post, or while conducting traffic control. The cap is to be viewed as an equipment item with a special protective function rather than a uniform component to be routinely worn.

When working assignments where dignitaries are present, officers shall not wear the soft cap unless approved by the Incident/Event Commander. Should a field supervisor so instruct or proper decorum dictate officers shall remove the cap.

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The cap shall be solid black in color. Upon the front face of the hat shall be a patch with the embroidered words "IRVINE POLICE". The numbers 39 are displayed on the back of the hat. Only the Soft Uniform Cap issued by the Property and Evidence division may be worn.

Helmet – General Duty: The general duty helmet shall be issued to all sworn personnel.

- (a) Supervisors may require the wearing of helmets by sworn personnel on specific occasions when the need is apparent. In such instances, the helmet shall be strapped at all times
- (b) Helmets shall be immediately accessible by all uniform patrol officers in the field (IE: in a police unit)

1007.6 OPTIONAL OUTER VEST CARRIER AND LOAD BEARING VEST (LBV)

The department provides all personnel with the option to wear the Blauer outer vest carrier (Model: dark navy Wool Armorskin - Flat Pocket for sworn personnel and light blue Polyester Armorskin XP for non-sworn personnel) with their class "B" uniform.

Sworn personnel are also provided the option to wear the Blankenship Police Supply (BPS) LBV (color: LAPD blue) with their class "B" uniform. Blauer's long sleeve and short sleeve "Armorskin Base Shirt" and long sleeve and short sleeve "Supershirt" are the only approved uniform shirts to be worn in combination with the Blauer outer vest carrier and BPS LBV. The Blauer outer vest carrier and the BPS LBV shall not be worn in combination with the department issued navy blue polo shirt. Neither the Blauer outer vest carrier nor the BPS LBV are authorized for use with a Class "A" uniform.

Professional staff members assigned to the Crime Scene Investigation and Animal Services units are also provided the option to wear the Blankenship Police Supply (BPS) LBV (color: black) with their class "B" uniform. Blauer's long sleeve and short sleeve "Armorskin Base Shirt" is the only approved uniform shirt to be worn in combination with the BPS LBV. The Blauer outer vest carrier and the BPS LBV shall not be worn in combination with the department issued polo shirt. Neither the Blauer outer vest carrier nor the BPS LBV are authorized for use with a Class "A" uniform.

The Blauer outer vest carrier and the BPS LBV shall only be utilized in combination with Department-issued or approved body armor.

If sworn personnel and the aforementioned professional staff choose to wear a BPS LBV, then their duty belt shall be in compliance with the Duty Belt Policy and the Duty Belt Accessories Policy. Sworn personnel should demonstrate weapons proficiency to the department range master prior to wearing their LBV for the first time. Sworn personnel choosing to move their handgun magazine pouch from their patrol belt to their BPS LBV must qualify at the range with the department range master before they will be permitted to relocate their pouch.

All department personnel are responsible for the care and maintenance of their department issued Blauer outer vest carrier and/or BPS LBV. Similar to any other piece of equipment or uniform, personnel must ensure their outer vest carrier and/or LBV is free from rips, tears, and fading. The outer vest carrier and/or LBV must be maintained to project a professional image.

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1007.6.1 REQUESTING AN OUTER VEST CARRIER AND LOAD BEARING VEST (LBV)

All personnel may request to obtain a Blauer outer vest carrier through the property department.

All personnel must obtain approval from the designated LBV coordinator prior to ordering their LBV. Personnel cannot order their initial LBV if they intend to obtain a different make/model soft body armor less than one year from the date their LBV is ordered. A replacement LBV may be ordered every three (3) years. A replacement LBV may be ordered prior to the three (3) year timeframe if it becomes unserviceable (ie. excessive wear, damage, rips, stains, etc.) and the officer obtains pre-authorization from the LBV coordinator.

1007.6.2 SPECIFICATIONS FOR THE OUTER VEST CARRIER AND LOAD BEARING VEST (LBV)

The use of the outer vest carrier is subject to the following requirements for sworn and non-sworn personnel:

Front:

- (a) Department issued metal badge on upper left area of the chest (in accordance with Lexipol Policy 1011)
- (b) Regulation metal nameplate above right chest pocket
- (c) Department-approved pins and insignia (in accordance with Lexipol Policy 1007.4)

Back:

The back portion of the outer vest carrier must remain free of any attachments, patches, and insignia.

Side Closure:

Personnel are issued a zipper side closure platform.

The use of the LBV is subject to the following requirements for sworn personnel:

Front:

- (a) Department issued metal badge on upper left area of the chest (in accordance with Lexipol Policy 1011)
- (b) Regulation metal nameplate above right chest pocket
- (c) Department-approved pins and insignia (in accordance with Lexipol Policy 1007.4)
- (d) Three (3) rows of molle and up to seven (7) BPS manufactured equipment pouches
- (e) All of the equipment pouches must attach to the front of the LBV via molle

Back:

One or two sewn-in BPS manufactured handcuff pouches. One pouch shall be worn on each side of the lower back if the sworn officer chooses to attach two pouches onto the back portion of their LBV.

Side Closure:

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The sworn officer has the option to select from either a Velcro side closure or a First Spear tube technology side closure platform.

The use of the LBV is subject to the following requirements for professional staff members assigned to the Crime Scene Investigation and Animal Services units:

Front:

- (a) Velcro affixed department issued cloth badge on upper left area of the chest (in accordance with Lexipol Policy 1011)
- (b) Velcro affixed nametape above right chest pocket. The name shall be written using white stitching, with the employee's first initial and last name listed on the nametape.
- (c) Department-approved pins and insignia (in accordance with Lexipol Policy 1007.4)
- (d) Three (3) rows of molle and up to seven (7) BPS manufactured equipment pouches
- (e) All of the equipment pouches must attach to the front of the LBV via molle

Back:

The back portion of the outer vest carrier must have a BPS manufactured Velcro patch identifying the professional staff member's respective bureau (e.g., "Animal Services). The bureau shall be written using white stitching.

Side Closure:

Staff has the option to select from either a Velcro side closure or a First Spear tube technology side closure platform.

Modifications to the outer vest carrier and BPS LBV, inconsistent with the original manufacturer's specifications, are not authorized.

1007.6.3 CONSIDERATIONS FOR THE LOAD BEARING VEST (LBV)

Equipment pouch placement on the LBV is left up to the preference of each sworn officer and professional staff member, within the following guidelines:

- (a) Consideration should be given to the placement of the equipment pouches, ensuring they are easily accessible and consistent with prior training and experience
- (b) Tasers and primary duty weapons shall not be carried on the LBV
- (c) While wearing the LBV, all department personnel must carry, at a minimum, the same department-issued equipment they are required to carry without the LBV
- (d) Back-up weapons are not authorized to be carried on the LBV

1007.6.4 EQUIPMENT POUCHES FOR THE LOAD BEARING VEST (LBV)

The following equipment pouches are authorized to be worn on the front of the BPS LBV carrier by all sworn personnel. All of these pouches must be manufactured by BPS.

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The LBV shall not be used as a vest carrier alone. The purpose of the BPS LBV is to transfer equipment items from the officer's belt to the vest. At least two department issued equipment items must be transferred from the duty belt to the BPS LBV.

The number of pouches on the LBV should be reasonable as to not restrict the mobility of the wearer and/or present a hazard or danger. The pouches shall be kept clean, operable, and present a professional uniform appearance.

The Chief of Police will have the authority to regulate and make changes as necessary to this policy.

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1007.6.5 DOFFING AN OUTER VEST CARRIER AND LOAD BEARING VEST (LBV)

Personnel may remove an outer vest carrier or LBV under the following circumstances: in a secured environment, outside of public view, and where no expectation of enforcement action or public interaction is likely.

1007.7 OUTERWEAR

Dress Jacket: Any sworn personnel of the rank of sergeants and above may purchase at their own expense a dress jacket. The dress jacket shall be of the Eisenhower type, navy blue in color, detailed in accordance with specifications as set forth by the California Highway Patrol dress jacket. The length of the jacket is to be tailored to the individual officer. This jacket may be worn with a uniform short or long sleeve shirt and tie.

Field Jacket: The uniform field jacket for all personnel will be Department issued. Any jacket worn on duty will include Department shoulder patches, accommodations for the badge or badge patch and the officer's name plate or embroidered name tape. Any alternative to the Department issued field jacket must be approved in writing by the Chief or Assistant Chief of Police.

Raincoat: The regulation raincoat shall be black and yellow reversible waterproof material, badge holder, and snap fasteners.

Gloves: Officers may use plain black leather gloves. Traffic control officers, or officers assigned to a formal occasion may use plain white gloves.

1007.8 SHIRTS

Sworn Personnel:

- (a) Long-Sleeve Uniform Shirt: Navy blue in color, tailored in accordance with specifications as set forth by the Chief of Police. A black crew type T-shirt or black turtleneck type shirt will be worn under a long sleeved shirt if a tie is not worn. The black turtleneck shirt shall not have insignia or the brand name visible and may only be worn during night time hours.
- (b) Short-Sleeve Uniform Shirt: Navy blue in color, tailored in accordance with specifications as set forth by the Chief of Police. Sleeves should not be made more than 2" above the inner break of the elbow. A black crew type T-shirt will be worn under the short sleeve uniform.
- (c) Soft Uniform: *(The following policy applies to all newly purchased soft uniforms. Soft uniforms acquired prior to September 1, 2025 that were previously approved but no longer in compliance with this policy may continue to be worn until January 1, 2027, at which time all soft uniforms must conform to this policy.)* Polo shirts shall be navy blue in color, except as outlined below, and shall include the following embroidery in silver: 1. The depiction of the Department badge with appropriate rank on the left chest with the words "Irvine" above the badge and "Police" below the badge; 2. The employee's first initial and last name embroidered on the right chest with the employee's rank OR unit designation below the employee's name. Shoulder patches shall not be placed on the shirt. Polos shall be worn with navy blue 5.11 style cargo pants, a black undershirt, and black footwear as described in Section 1007.10, except

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as specified in the subsections below. When authorized by a command staff member, a polo shirt may be worn as a duty shirt in certain assignments.

1. Personnel in field assignments (i.e. Youth Services, Mental Health, Spectrum, etc), or other assignments where enforcement activity may occur (i.e. bike patrol, search warrant services, special events, etc.), in addition to the above specifications, shall have the word "POLICE" embroidered in two-inch, silver, block letters across the back.
2. Personnel in non-enforcement related assignments or activities (i.e. community events, meetings, trainings, etc.) may wear a polo as specified above without "POLICE" embroidered across the back.
3. Instructors: The Lieutenant of the Office of Professional Development may authorize instructors' use of the Department's red training polo with embroidery as specified in section "a" above, khaki pants, and tan or black boots.
4. Crisis Negotiations Team: As authorized by SWAT Command, C.N.T. personnel may wear black polos with embroidery as specified in section "c" above, While on C.N.T. callouts, polos worn shall have the word "POLICE" embroidered in two-inch, silver, block letters across the back. C.N.T. personnel may wear khaki or black 5.11 style cargo pants, as authorized by SWAT Command, with tan or black footwear, respectively.
5. Honor Guard: Members shall wear black polos embroidered as described above with gray pants.

Civilian Personnel:

- (a) Long-Sleeve Shirt: Light blue in color, tailored in accordance with specifications as set forth by the Chief of Police. A white crew type T-shirt will be worn under a long sleeve shirt if a tie is not worn.
- (b) Short-Sleeve Shirt: Light blue in color, tailored in accordance with specifications as set forth by the Chief of Police. Sleeves should not be made more than 2" above the inner break of the elbow. A white short sleeve crew style T-shirt will be worn under the short sleeve uniform shirt.

Unless otherwise authorized by the involved command staff member, specialty uniforms will be paid for by the employee or they can be purchased from their six articles of clothing in any twelve-month period.

Shirts, excluding polos, shall be worn complete with shoulder patches, services stripes, the appropriate insignia or rank and namplate. All buttons except the neck collar shall be fastened unless a tie is worn. Whenever the long sleeve shirt is worn, the wearing of the necktie is optional unless Class A uniform is mandated.

1007.9 PANTS / SHORTS

Class A & B Uniforms: Navy blue trousers with double flashlight pockets, tailored in accordance with the specifications as set forth by the Chief of Police. Length shall be such that there will be a slight break at cuff line.

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Shorts: Uniform shorts are authorized for use by both sworn and non-sworn personnel in the assignments below, or as authorized by the Chief of Police or his designee.

- (a) DARE (as approved by their supervisor for specific activities)
- (b) Bicycle Patrol
- (c) Park Safety Officers

Skirts: When sworn personnel are attending a formal community function where civilian dress attire would be considered "black tie", or when attending an awards ceremony, females are authorized to wear a skirt instead of trousers. The skirt must be a Flying Cross, Style #38033 in the color "LAPD Navy." The skirt will be no shorter than the top of the kneecap and no longer than the bottom of the kneecap when standing at attention.

Soft Uniform: *(The following policy applies to all newly purchased soft uniforms. Soft uniforms acquired prior to September 1, 2025 that were previously approved but no longer in compliance with this policy may continue to be worn until January 1, 2027, at which time all soft uniforms must conform to this policy.)* When authorized by the unit's command level manager, uniform personnel may wear khaki OR navy blue 5.11 style cargo pants with the Department polo shirt when it is appropriate for comfort or decorum. See 1007.8 subsection "c" above for additional information on when khaki or navy blue pants are authorized.

If appropriate for gang, drug, vice or youth enforcement activities, a unit's command level manager may authorize jeans for use when it's appropriate for comfort or decorum. Police explorers will be allowed to wear jeans as dictated by their advisors. The jeans will be dark or indigo blue and of good quality and condition. Faded, torn, stained or ill fitting jeans are prohibited.

1007.10 FOOTWEAR

All footwear shall appear clean, professional and in good condition. Authorized footwear includes:

- (a) Shoes with a smooth, plain toe, black in color, low cut or high top, center lace type. Shoes with a design or stitching on the toe shall not be permitted. All uniformed personnel shall wear rubber soled and heeled shoes.
- (b) Boots with a smooth, plain toe constructed of black leather or black leather/nylon with Vibram™ or similar type sole.
- (c) Uniformed personnel may purchase and wear a lightweight athletic type shoe. This shoe must be black in color and cannot display manufacturer insignias, names, logos, or markings that are not black in color. The shoe may be vinyl or leather textured.
- (d) Personnel authorized to wear khaki 5.11 style cargo pants may wear tan plain toe shoes/boots.
- (e) Motorcycle Enforcement Officers will wear their issued motorcycle riding boots while conducting field enforcement and training days. For administrative duties, with a traffic supervisor approval, they may wear boots described above in section b.
- (f) Sworn female personnel wearing a skirt as part of their Class A uniform shall wear pump style dress shoes with the skirt. Black pumps will be low cut and rounded throat

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(the top opening) with a raised heel no higher than 2-1/2 inches (measured from the inside sole of the shoe to the end of the heel lift). The tip of the heel cannot be less than 1/2 inch in diameter or larger than the body of the shoe. Faddish styles will not be worn (e.g. extreme toes, pointed or squared, or extreme heel shapes). They will be plain, clean and serviceable, and without ornamentation such as buckles, bows or straps. The material will be smooth, scotch-grained leather or a manmade material. They may be high-gloss or patent finish.

Socks: When wearing either the Class A, B, or D uniform, any portion of the sock visible to the public will be plain black in color. Personnel wearing tan shoes may wear matching colored socks.

1007.11 UNIFORM ACCESSORIES

Nameplate: The regulation nameplate shall be worn centered on the top seam of the right shirt or jacket pocket. The top of the nameplate will be even with the top seam of the pocket. The nameplate will be silver and include the employee's first initial and last name in dark blue. The addition or substitution of the middle initial is optional at the discretion of the employee.

A cloth nametag may be substituted on the field jacket or utility shirt. This nametag will be furnished by the Department. The nametag will have a black background with silver letters and shall be centered above the seam of the right chest pocket.

Tie (Class A Only): The tie shall be black in color, of plain cloth material and may be equipped with a clip-on or break-away device. Length of the tie visible beneath the knot shall be at least 11". The necktie shall not be removed when the dress jacket is worn. Uniform female employees may wear a black uniform crossover tie.

Tie Bar: The tie bar shall be silver in color, plain, without ornamentation, and shall be worn parallel to shirt pocket buttons.

Dress Belt: The trouser belt shall be plain black leather, or black nylon between 1½" to 2" in width with a plain chrome or black buckle or Velcro fastener.

Chrome Whistle with Lanyard: Officers assigned to the motorcycle enforcement unit may purchase at their own expense and wear as part of their uniform a single, silver-whistle lanyard from their right epilate down into their right shirt pocket.

1007.12 DEPARTMENT ISSUED IDENTIFICATION

The Department issues each employee an official department identification card bearing the employee's name, identifying information and photo likeness. All employees shall be in possession of their department issued identification card at all times while on duty or when carrying a concealed weapon.

- (a) Whenever on duty or acting in an official capacity representing the department, employees shall display their department issued identification in a courteous manner to any person upon request and as soon as practical.
- (b) Officers working specialized assignments may be excused from the possession and display requirements when directed by their Division Commander.

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1007.13 INSIGNIA - RANK

Chief of Police: The Chief of Police shall wear four stars, silver in color, on the collar of the authorized uniform shirt or jacket.

Assistant Chief of Police: The Assistant Chief of Police shall wear three stars, silver in color, on the collar of the authorized uniform shirt or jacket.

Commander: Commanders shall wear two stars, silver in color, on the collar of the authorized uniform shirt or jacket.

Lieutenant: Lieutenants shall wear one plain silver metal bar, the placement of the bar being worn in the center of the collar, parallel and next to the collar stitching.

Sergeant: Sergeants shall wear three, cloth chevrons below the shoulder patch on the shirts and jackets. The chevrons shall be silver on a black background and shall be sewn on the sleeves with black thread.

Field Training Officer: Field Training Officers shall wear a double cloth stripe below the shoulder patch on the shirts and jackets. The double stripe shall be silver on a black background and sewn on the sleeves with black thread. FTO designation shall be removed once the Officer has left the program.

Public Safety Supervisor: Non-sworn supervisors shall wear a supervisor rocker below the shoulder patch on the shirts and jackets. The rocker shall be silver on navy background and sewn on the sleeves with black thread.

1007.14 DUTY BELT

Sworn personnel hired after 01/01/2007, requiring a duty belt, will be issued a Bianchi "AccuMold Elite™" in plain black.

Sworn personnel in service prior to 01/01/2007 were issued and are permitted to wear the Bianchi "AccuMold™" made of black nylon web.

All sworn personnel are permitted to purchase, at their own expense, a uniform duty belt and related equipment made of plain black leather. Mixing equipment type is discouraged. Leather gear will be plain black in color, and will have silver, black or hidden hardware where there is an option.

The equipment listed below shall be worn on the duty belt in a manner that:

- (a) Provides the greatest safety
- (b) Is tactically sound
- (c) Provides the greatest comfort for the wearer

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1007.14.2 DUTY BELT ACCESSORIES

Belt Keepers: Keepers shall match the material of the duty belt, be black in color and have silver, Velcro or hidden snaps. Keepers should be worn anytime keeping the inner belt neat and concealed is a consideration and always when fast weapon presentation is an issue.

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1007.16 MIXTURE OF UNIFORM AND CIVILIAN CLOTHING

Except as permitted by this policy, all uniformed personnel shall be in complete uniform when on duty. At their discretion, officers may wear uniform attire when traveling to and from work in a private vehicle. Officers will not be in uniform when off duty. For officer safety, no badge or police insignia should be visible to the public when driving private vehicles.

1007.17 UNIFORM AND EQUIPMENT MAINTENANCE

Uniformed Personnel shall maintain in a clean and serviceable condition and ready for immediate use, such articles of uniform as are prescribed for their rank and for the duty to which they are assigned. Further, all uniformed personnel shall possess and maintain, ready for immediate use, the uniform equipment and other required articles prescribed in this manual.

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Uniformed personnel having passed probation will be issued 6 articles of clothing in any twelve-month period. Uniforms damaged on duty beyond normal repair will also be replaced when approved by a member of management.

All uniforms shall be tailored and worn as called for by the City purchase order. In any given year, an employee may, at the Department's expense, alter up to six Department-issued uniform items after the initial tailoring when the uniforms are acquired. In this instance, the employee shall use a Department sanctioned tailor or uniform store to complete the alterations.

1007.18 ALTERING THE STYLE OF UNIFORM

Uniforms shall be made of the material and in the style prescribed in this policy and in the Uniform and Equipment Specifications Directory, and such style shall not be altered nor changed in any manner whatsoever unless authorized by the Chief of Police. Jewelry or personal ornaments, other than those authorized in this manual, shall not be affixed to any part of the uniform or equipment.

1007.19 ASSIGNMENT-SPECIFIC UNIFORM AND EQUIPMENT

Personnel assigned to specialty positions that require or authorize the wearing of specific uniform apparel or equipment shall only wear that uniform apparel or equipment while serving in that assignment, unless authorized by the Chief of Police or the Assistant Chief.

1007.20 UNIFORM CLASSES

1007.20.1 CLASS A UNIFORM

Class A uniform - Lieutenants and Above: Long sleeve shirt – either white or navy blue, black tie, all other uniform accessories including, nameplate, and shoes or boots polished to a high gloss. The dress jacket is optional; it may only be worn with a long sleeve white shirt.

Class A uniform - Sergeants and Below: Long sleeve shirt, black tie, and all other uniform accessories including nameplate, and shoes or boots polished to a high gloss. Sergeants may consider a dress jacket as optional when not in formation but if the rank is appearing as a group, shall conform to the majority of sergeants present. The dress jacket may only be worn with a long sleeve white shirt.

Optional Class A for female employees - Long sleeve shirt, navy blue skirt (in accordance with 1007.8) name plate, department issued badge, black tie with tie bar, belt with firearm, holster, two magazines, and pumps (in accordance with 1007.9). Wearing of this Optional Class A for Female Employees will be done on a voluntary basis and limited to being worn while attending a formal community function where civilian dress attire would be considered "black tie" as approved by the Chief of Police, or when attending an awards ceremony.

Class A Uniform - Non-Sworn Supervisors: Light Blue Long sleeve shirt with White crewneck undershirt, black tie, and all other uniform accessories including duty badge, nameplate, and shoes or boots polished to a high gloss.

1007.20.2 CLASS B UNIFORM

All officers will possess and maintain a serviceable Class B uniform at all times.

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The Class B uniform will consist of:

- (a) Short sleeve shirt and all other uniform accessories.
- (b) A field jacket is optional depending on employee's comfort.
- (c) Any of the footwear options are allowed with the Class B uniform.

1007.20.3 CLASS D (UTILITY UNIFORM)

This special duty uniform is designated primarily for wearing during periods of rain, unusual occurrences or as a duty uniform for certain specialty assignments within the Department.

The utility uniform is an all black, two piece uniform, with exception of the SWAT uniform which is green. The shirt shall have a cloth badge, cloth nametag, and uniform patches on both shoulders. When wearing the utility uniform the employee shall wear boots as described in the Uniform and Equipment Specification manual. The utility uniform shall not be worn with a tie.

The utility uniform is approved for general use by:

- (a) K-9 handlers (all assignments including bloodhounds)
- (b) CSI
- (c) Commercial Enforcement
- (d) Animal Services
- (e) Motorcycle Enforcement Officers – only with Traffic supervisor approval
- (f) SWAT members – during training or operations
- (g) Civilian Traffic Investigators

For Sworn Personnel the utility uniform may be purchased by the department as one of the officers 6 articles of clothing in any twelve-month period.

Except for personnel in the positions above, employees shall not wear the utility uniform as a duty uniform, except during periods of rain or other unusual circumstances that have been approved by the watch commander.

1007.20.4 MOTORCYCLE ENFORCEMENT OFFICER UNIFORM

Officers assigned to the Motorcycle Enforcement Unit must wear either the short or long sleeve navy blue uniform shirt as described within this policy. issued Kevlar Motoport motorcycle pants with inserted pads and issued motorcycle riding boots. Officers in this assignment are also issued a blue Motoport Kevlar motorcycle jacket for use while riding the Department motorcycle. However, officers in this assignment may also wear the field jacket or, if previously approved, a department issued custom-fitted leather motorcycle jacket.

Motorcycle enforcement officers may wear the Class D with the boots described in the Uniform and Equipment Specifications manual and section 1020.3.3 (above) only with Traffic supervisor approval.

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1007.21 MOURNING BADGE

Uniformed employees shall wear a black mourning band across the uniform badge whenever a California Law Enforcement Officer is killed in the line of duty. The mourning band shall also be worn to honor a current or retired employee from this agency who has died. The following mourning periods will be observed:

- (a) An officer of this department - From the time of death until midnight on the 14th day after the death.
- (b) An officer from this or an adjacent county - From the time of death until midnight on the day of the funeral.
- (c) Funeral attendee - While attending the funeral of an out of region fallen officer.
- (d) National Peace Officers Memorial Day (May 15th) - From 0001 hours until 2359 hours.
- (e) As directed by the Chief of Police.

The mourning band shall be worn by each uniformed employee from notification of the Department member's death by the Chief of Police (or his/her designee) to interment. The only mourning band permitted for display is the current band issued by the property division. It features two black horizontal strands separated by a thin blue strand.

1007.22 PLAIN CLOTHES ATTIRE

1007.22.1 INVESTIGATORS / SPECIALTY ASSIGNMENTS / CIVILIANS

Acceptable attire consists of one of the following:

- (a) Suit, dress shirt and tie
- (b) Sport coat, dress shirt, tie and dress trousers
- (c) (Female personnel) Dress, suit, or coordinated skirt or slacks outfit, which may include a sweater, giving a "business attire" look

Certain assignments, such as surveillance and undercover operations, do not lend themselves to such attire as discussed in this policy. Thus, personnel assigned to such duties may be exempted from the provisions of this policy.

1007.22.2 CLOTHING ALLOWANCE

Pursuant to the Memorandum of Understanding (MOU), employees may be compensated a specified dollar amount for reimbursement for work related clothing expenses.

1007.22.3 REIMBURSEMENT PROCEDURE

An employee requesting reimbursement for work related clothing expenses should submit an expense report with copies of receipts for the purchased items to his immediate supervisor. This expense report will be handled through the normal channels with the employee being reimbursed for actual expenses up to the negotiated amount in the MOU. Reimbursement will be reflected as taxable income on the employee's W-2 form.

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1007.23 CIVILIAN ATTIRE

There are assignments within the Department that do not require the wearing of a uniform because recognition and authority are not essential to their function. There are also assignments in which the wearing of civilian attire is necessary.

- (a) All employees shall wear clothing that fits properly, is clean and free of stains, and not damaged or excessively worn.
- (b) All male administrative, investigative and support personnel who elect to wear civilian clothing to work shall wear button style shirts with a collar, slacks or suits that are moderate in style.
- (c) All female administrative, investigative, and support personnel who elect to wear civilian clothes to work shall wear dresses, slacks, shirts, blouses, or suits which are moderate in style.
- (d) The following items shall not be worn on duty:
 - 1. T-shirt alone
 - 2. Open toed sandals or thongs
 - 3. Swimsuit, tube tops, or halter-tops
 - 4. Spandex type pants or see-through clothing
 - 5. Distasteful printed slogans, buttons or pins
- (e) Variations from this order are allowed at the discretion of the Chief of Police or designee when the employee's assignment or current task is not conducive to the wearing of such clothing.
- (f) No item of civilian attire may be worn on duty that would adversely affect the reputation of the Irvine Police Department or the morale of the employees.

1007.24 POLITICAL ACTIVITIES, ENDORSEMENTS, AND ADVERTISEMENTS

Unless specifically authorized by the Chief of Police, Irvine 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 Irvine Police Department to do any of the following (Government Code §§ 3206 and 3302):

- (a) Endorse, support, oppose, or contradict any political campaign or initiative.
- (b) Endorse, support, oppose, or contradict any social issue, cause, or religion.
- (c) Endorse, support, or oppose, any product, service, company or other commercial entity.
- (d) Appear in any commercial, social, or non-profit publication, or any motion picture, film, video, public broadcast, or any website.

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1007.25 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES

Irvine 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.

Irvine 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.

Personal Appearance Standards

1008.1 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.

1008.2 GROOMING STANDARDS

Unless otherwise stated and because deviations from these standards could present officer safety issues, the following appearance standards shall apply to all employees, except those whose current assignment would deem them not appropriate, and where the Chief of Police has granted exception.

1008.2.1 HAIR

Hairstyles of all employees shall be neat in appearance. Dyed, tinted, or bleached hair must be within a naturally occurring color range and must be professional in appearance.

For female employees in uniform (including any uniform or polo with City seal or police patches), hair must be no longer than the horizontal level of the bottom of the uniform patch when the employee is standing erect, worn up or in a tightly wrapped braid or ponytail.

For sworn female employees in uniform (including any uniform or polo with City seal or police patches), hair must be styled so it does not extend below the collar when standing and must be well kept. All other sworn female employees must wear their hair in a professional manner with due regard for their assignment.

For all male employees in uniform (including any uniform or polo with City seal or police patches), hair must not extend below the top edge of the uniform collar while assuming a normal stance. All other male employees must wear their hair in a professional manner with due regard for their assignment.

1008.2.2 MUSTACHES

A short and neatly trimmed mustache may be worn. Mustaches shall not extend below the corners of the mouth or beyond the natural hairline of the upper lip.

1008.2.3 SIDEBURNS

Sideburns shall not extend below the bottom of the outer ear opening (the top of the earlobes) and shall be trimmed and neat.

1008.2.4 FACIAL HAIR

Facial hair other than sideburns, mustaches and eyebrows shall not be worn, unless authorized by the Chief of Police or his or her designee.

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1008.2.5 FINGERNAILS

Fingernails extending beyond the tip of the finger can pose a safety hazard to officers or others. For male employees, fingernails shall be trimmed so that no point of the nail extends beyond the tip of the finger. For female employees, fingernails must not exceed 1/4 inch in length beyond the tip of the finger and must be clean and well-groomed.

Male employees are not authorized to wear nail polish. If nail polish is worn by female employees, polish will be a single color that does not detract from the uniform and must be well kept. French-tip style manicures with white, neutral, light, or natural colors are authorized.

1008.2.6 JEWELRY AND ACCESSORIES

No jewelry or personal ornaments shall be worn by officers on any part of the uniform or equipment, except those authorized within this manual. Jewelry, if worn around the neck, shall not be visible above the shirt collar.

Female uniformed employees are restricted to a single stud pierced earring worn in the lobe of each ear. Any non-conforming earrings shall be removed, covered with a bandage, or replaced with a clear, plastic spacer.

Only one ring may be worn on each hand of the employee while on-duty.

1008.3 TATTOOS

All uniformed employees are prohibited from displaying any body art, tattoo(s), or brands on the head, neck, scalp, face or other area of exposed skin while on duty or representing the Department in any official capacity.

Any currently employed uniformed employee with existing body art, tattoo(s), or brands on the head, neck, scalp, face or other area of exposed skin that is visible shall have the following options:

- (a) Cover existing body art, tattoo(s), or brands on the head, neck, scalp, face or other area of exposed skin by wearing a long sleeve shirt and/or uniform pants.
- (b) Cover the area with a patch or sleeve that is approved by the Chief of Police or his/her designee. If the body art is visible between the bottom of the Class B uniform shirt sleeve and above the elbow it may be exempt unless deemed inappropriate by the Chief of Police or his/her designee. Examples of inappropriate body art include art that is obscene, sexually explicit, discriminatory to sex, race, religion, or national origin, extremist, and/or gang-related.

1008.4 BODY PIERCING OR ALTERATION

No body piercing shall be visible while any employee is on duty or representing the Department in any official capacity. The exception is for pierced ears for female employees. Any non-conforming piercing shall be removed, covered with a bandage, or replaced with a clear, plastic spacer.

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:

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- (a) Tongue splitting or piercing.
- (b) The complete or transdermal implantation of any material other than hair replacement.
- (c) Abnormal shaping of the ears, eyes, nose or teeth
- (d) Branding or scarification.

1008.5 EXEMPTIONS

Members who seek cultural, (e.g., culturally protected hair and beard styles), religious (e.g., religious headwear, religious grooming, or articles of faith), or other exemptions to this policy that are protected by law should 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.

Body Armor

1009.1 PURPOSE AND SCOPE

The purpose of this policy is to provide law enforcement officers with guidelines for the proper use of body armor.

1009.2 POLICY

It is the policy of the Irvine 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.

1009.3 ISSUANCE OF BODY ARMOR

The Property personnel shall ensure that body armor is issued to all field personnel when the employee begins service at the Irvine Police Department and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

Property personnel 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.

(a)

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1009.3.2 INSPECTIONS OF BODY ARMOR

Supervisors should ensure that body armor is worn and maintained in accordance with this policy through routine observation and periodic documented inspections.

1009.5 OFFICE OF PROFESSIONAL DEVELOPMENT RESPONSIBILITIES

The Office of Professional Development should:

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- (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.

Commendations and Awards

1010.1 PURPOSE AND SCOPE

This policy provides general guidelines for recognizing commendable or meritorious acts of members of the Irvine Police Department and individuals from the community.

1010.2 POLICY

It is the policy of the Irvine Police Department to recognize and acknowledge exceptional individual or group achievements, performance, proficiency, heroism and service of its members and individuals from the community through commendations and awards.

1010.3 RELEVANT TERMS

- (a) Award: An all-inclusive term covering any decoration, medal, badge, ribbon bar, or attachment awarded to an individual.
- (b) Unit Award: An award made to an operating unit for outstanding achievement and worn only by members of that unit who participated in the cited action.
- (c) Medal: An award issued to an individual for performance of certain duties, acts or services, consisting of a medallion hanging from a suspension ribbon of distinctive colors.
- (d) Ribbon Bar: A portion of the suspension ribbon of a medal, worn in lieu of the medal. Ribbon bars are also authorized for certain awards which have no medals; e.g., Unit Award, Employee of the Quarter, Community Oriented Policing Award, etc.
- (e) Attachment: A silver star worn on the ribbon bar designating multiple awards; e.g., an officer with two Unit Awards would wear one Unit Award ribbon bar with two silver stars.
- (f) Special Weapons and Tactics/Crisis Negotiation Team (SWAT/CNT) Service Recognition Ribbon. A ribbon bar issued to all present unit members, and those past members having left the team in good standing. Current SWAT/CNT Team members may wear the ribbon in addition to the SWAT/CNT eagle on their Class "A" uniform when attending an event, function, funeral, or awards ceremony. This ribbon shall not be worn while working patrol.
- (g) Commendations for members of the department or for individuals from the community may be initiated by any department member or by any member of the community.

1010.4 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.

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1010.4.1 DEPARTMENT MEMBER DOCUMENTATION

A written nomination may be made by any employee regarding any other employee within the Department. Nominations for the Life Saving Award, Medal of Courage and Medal of Valor may be submitted anytime during the year. Once an employee elects to nominate another, he or she shall:

- (a) Either locate and download a Nomination Form from the Department Intranet or prepare a detailed memorandum, articulating the justification for the award. The criteria for the award in the classification selected should be consistent with the criteria explained in the classification above. The nomination should include any applicable Department Record (DR) numbers, supporting documents or other material relevant to the award criteria.
- (b) Submit the nomination packet to his or her supervisor. The supervisor shall forward the nomination packet through the chain of command to the Division Commander. The Division Commander will submit the nomination to the Awards Committee for evaluation.

1010.4.2 COMMUNITY MEMBER DOCUMENTATION

Documentation of a meritorious or commendable act submitted by a person from the community should be accepted in any form. However, written documentation is preferred. Department members accepting the documentation should attempt to obtain detailed information regarding the matter, including:

- (a) Identifying information:
 1. For members of the Department - name, division and assignment at the date and time of the meritorious or commendable act
 2. For individuals from the community - name, address, telephone number
- (b) A brief account of the meritorious or commendable act with report numbers, as appropriate.
- (c) The signature of the person submitting the documentation.

1010.4.3 AWARDS COMMITTEE

The Awards Committee is comprised of Department employees, both sworn and civilian, who serve at various levels, positions and assignments within the organization. Included in the annual evaluation process for Officer of the Year, Civilian of the Year and Rookie of the Year are past recipients of these awards.

The committee is tasked with evaluating each award nominee, using the criteria for the appropriate classification below, and then providing its recommendations to the Chief of Police for review. The committee is also responsible for continuous evaluation of the award nomination and selection process.

1010.5 AWARDS CLASSIFICATION AND CRITERIA

Awards may be bestowed upon members of the Department and individuals from the community. These awards include:

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- Officer of the Year.
- Supervisor of the Year.
- Civilian of the Year.
- Meritorious Service.
- Community Policing.
- Unit Commendation.
- Life Saving.
- Medal of Courage.
- Medal of Valor.

The Department recognizes the extraordinary accomplishments and dedicated service of its employees, both as individuals and as members of teams or units, through the presentation of the awards below.

Award Classification	When Presented
Officer of the Year Supervisor of the Year Civilian of the Year Meritorious Service Community Policing Unit Commendation	Presented at the Department's Annual Awards Banquet
Life Saving Medal of Valor Medal of Courage	Presented as soon as practical after the qualifying event

1010.5.1 OFFICER OF THE YEAR, SUPERVISOR OF THE YEAR, CIVILIAN OF THE YEAR
Each award in this category is given for overall performance as a career police professional and not based upon one single distinguishing event of the year. Emphasis, however, should be placed on organizational contributions made during the current year.

Those who distinguished themselves in this category generally possess traits such as teamwork, initiative, integrity, dependability, judgment, community involvement, leadership, job knowledge, peer respect, and are viewed as an appropriate Departmental role model.

1010.5.2 MERITORIOUS SERVICE AWARD

Recipients in this category are recognized for an act or series of acts that occur over a period of time that demonstrate outstanding performance/service to the community or the Department, or a special act that required great tenacity and devotion to duty.

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The service recognized in this category involves displaying a greater call to duty than mere performance of one's job.

1010.5.3 COMMUNITY POLICING AWARD

The Community Service/Policing Award recognizes the employee who, in the spirit of service, performs outstanding acts to further the betterment of the community.

1010.5.4 UNIT COMMENDATION

A Unit Commendation recognizes units within the Department that have consistently performed in an exemplary manner. The work of the unit may either be directly related to field police work or performed in support of the mission of the Irvine Police Department.

1010.5.5 LIFE SAVING AWARD

The Life Saving Award recognizes an act undertaken on or off duty resulting in the life of a person being sustained and thus permitting that person to be transported to a medical facility for treatment. The act need not involve bravery, however, the act necessary, such as first aid, must have been accomplished with exceptional competence.

1010.5.6 MEDAL OF COURAGE

The Medal of Courage is the Irvine Police Department's second highest award and is conferred for acts of bravery above and beyond the call of duty, which are of a lesser degree than those required for the Medal of Valor. It is an act of courage performed by an individual assuming great personal risk under dangerous conditions associated with unusual ability and personal initiative while attempting to save the life of another on or off duty.

1010.5.7 MEDAL OF VALOR

The Medal of Valor is the Irvine Police Department's highest award and should recognize an act of courage, where the employee was aware of imminent danger to himself/herself and acted above and beyond the call of duty. The situation should be of sufficient importance to justify the risks in the mind of a reasonable and prudent person. This award can be bestowed if the employee accomplishes the objective on or off duty or is prevented from doing so by injury. The award can be bestowed posthumously.

1010.6 AWARD PRESENTATION

Officer of the Year, Supervisor of the Year, Civilian of the Year, and Rookie of the Year: The Awards Committee will meet prior to the annual Awards Banquet to evaluate nominations for these awards. The committee's recommendations shall be forwarded to the Chief of Police for final review and endorsement. Although the name of each award recipient is announced in advance, the medal and ribbon shall be presented together to the honoree at the Awards Banquet.

Life Saving Award, Medal of Courage, and Medal of Valor: The Awards Committee will meet and evaluate the nomination as soon as practical after the qualifying event or incident. Should the committee determine that the criterion has been met, it will forward its recommendation to the Chief of Police.

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If the nomination is approved, the recipient will be recognized as soon as practical at their respective briefing or work unit meeting. During the briefing ceremony, the award recipient will receive a uniform ribbon, which can be worn on the class A uniform (Uniform Regulations policy).

The recipient will also be honored at the annual awards banquet, where the medal will be formally presented.

1010.7 EMPLOYEE OF THE QUARTER (EOQ)

The Employee of the Quarter program is administered independently of the awards program presented above. Four employees are named by the Awards Committee each year to receive this award, one per quarter.

Each quarter, an employee is identified by the committee for his or her exemplary service during the previous quarter. Exemplary service may be reflected in a single event or consistent performance during the period.

1010.7.1 EOQ NOMINATION PROCESS

Any Department employee may nominate any other employee for this award. The nomination form may be downloaded from the Department's intranet or the nomination may be made directly from the Intranet link. The completed form should be emailed or forwarded to the committee member identified in the instructions on the form.

Submitting employees are asked to include the name of the nominee and a brief explanation supporting the nomination. Performance traits such as reliability, initiative, heroism, dependability, innovation and teamwork represent the spirit of the award and are a requisite for consideration.

1010.7.2 SELECTION PROCESS

The Awards Committee will evaluate each nominee for the upcoming award and forward its recommendation to the Chief of Police for review and endorsement. Once the person has been selected, the committee will coordinate with the recipient's supervisor for a timely and appropriate presentation.

The recipient is also honored at a luncheon. The Chief of Police, or his/her designee, will present an award ribbon to the recipient. In addition, photographs of the recipient are posted within the police facility during the quarter.

1010.8 PRECEDENCE OF ORDER

- (a) Irvine Police Department awards will be given precedence in the order listed.
- (b) Only ribbon bars are authorized to be worn on the uniform. Medals will not be worn at any time.
- (c) Ribbon bars shall be worn in order of precedence from top down and from the wearer's right to left, directly above the officer's nameplate and right breast pocket.
- (d) Multiple ribbon bars will be worn centered on the right breast pocket to a maximum of three across; e.g., a fourth ribbon bar will be centered above the bottom parallel row of three ribbon bars.

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- (e) Only the Medal of Valor, Medal of Courage, and Officer, Supervisor, Rookie, and Civilian of the Year ribbons can be worn on the Class "B" uniform at the officer's discretion.
- (f) All ribbons can be worn on the Class "A" uniform when attending an event, function, funeral, or awards ceremony. Rule "e" applies if the Class "A" uniform is worn for patrol purposes.
- (g) If an officer received the Medal of Valor from a previous law enforcement agency the officer is authorized to wear the authorized Irvine Police Department Medal of Valor ribbon bar on the uniform.
- (h) All other awards, decoration, medal, badge, ribbon bar, or attachments awarded to an individual from a previous law enforcement agency are not authorized to be worn on the uniform.
- (i) Individuals that have received multiple Unit Recognition Ribbons can wear all of them; e.g., an officer that served on both the SWAT and CNT teams can wear the SWAT and CNT service ribbons on the uniform at the same time.

1010.9 AWARDS / MEDALS - ORDER OF PRECEDENCE FOR UNIFORMS

- (a) Medal of Valor
- (b) Medal of Courage
- (c) Lifesaving Award
- (d) Officer of the Year, Supervisor of the Year, Civilian of the Year, Rookie of the Year
- (e) Meritorious Service Award
- (f) Employee of the Quarter
- (g) Unit Award
- (h) Community Oriented Policing
- (i) SWAT/CNT, Honor Guard, B2V, Service Recognition Ribbon
- (j) 1992 Civil Disturbance Ribbon
- (k) All other non-departmental awards; e.g., MADD Award, Auto Theft Award, etc.

1010.10 INSIGNIAS - WEARING OF MILITARY AWARDS / DECORATIONS

Uniformed employees of the Irvine Police Department, including both sworn and civilian, who are active military reservists or veterans of the United States Armed Forces, whether active or reserve, including the California National Guard, State Military Reserve, or Naval Militia, will be authorized to wear ribbons earned while serving in the United States Armed Forces, in accordance with the provisions of Military and Veterans Code, Division 3, Chapter 2, Section 648 (b) and the following restrictions:

- (a) Military ribbons are to be worn on Class A uniforms only.

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- (b) Military ribbons are to be worn in lieu of Department issued awards and decorations. There shall be no mixing or combining of military ribbons and Department issued awards and decorations.
- (c) Only military ribbons may be worn. Military medals and badges (shooting badges, jump wings, dive badge, etc.) are not authorized.
- (d) Military ribbons are authorized only during the following time periods (Pursuant to Military and Veterans Code, Division 3, Chapter 2, Section §648 (b)):
 - 1. The business week prior to Veterans Day
 - 2. The day of Veterans Day
 - 3. The business day immediately following Veterans Day
 - 4. The business week prior to Memorial Day
 - 5. The day of Memorial Day
 - 6. The business day immediately following Memorial Day
- (e) The placement of military ribbons on the Class A uniform shall be in accordance with Department policies related to Department awards. Order of Precedence for military ribbons shall be in accordance with current military regulations or orders.

Department Badges

1011.1 PURPOSE AND SCOPE

The Irvine Police Department badge and uniform patch as well as the likeness of these items and the name of the Irvine Police Department are property of the Department and their use shall be restricted as set forth in this policy.

1011.2 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.

Badges shall be clearly marked to reflect the position of the assigned employee.

1011.3 INSIGNIA - BADGE

When in uniform, personnel shall wear the official badge currently issued to them and approved by the Chief of Police for their rank or job classification. The badge will be attached to the badge holder provided on the outermost garment and shall be clearly visible at all times. A cloth badge, embroidered or screen printed equivalent, may be substituted for the badge on the field jacket, utility uniform or other authorized substitute uniform shirt (IE: polo shirts). The badge or print/embroidery template will be provided by the Department. When on duty, but not in uniform, sworn peace officers shall carry their badge and identification card, unless doing so could endanger the officer or an investigation. Carrying of the badge off-duty is encouraged.

1011.4 FLAT BADGE

Sworn officers, with the written approval of the Chief of Police may purchase, at his/her own expense, a flat badge capable of being carried in a wallet. The use of the flat badge is subject to all the same provisions of department policy as the uniform badge.

- (a) An officer may sell, exchange, or transfer the flat badge he/she purchased to another officer within the Irvine Police Department with the written approval of the Chief of Police.
- (b) Should the flat badge become lost, damaged, or otherwise removed from the officer's control, he/she shall make the proper notifications as outlined in the Department Owned and Personal Property Policy.
- (c) An honorably retired officer may keep his/her flat badge upon retirement.
- (d) The purchase, carrying or display of a flat badge is not authorized for non-sworn personnel without expressed written approval by the Chief of Police.

1011.5 INSIGNIA - BADGE TITLE CONFIGURATION

Each Department badge shall be configured as described below:

TITLE	CONFIGURATION

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CHIEF	"Chief" in blue block enamel lettering in an arc at the top, "Irvine Police" immediately below the depiction of City Hall/City Seal with four stars in the center of the ribbon at the bottom.
ASSISTANT CHIEF	"Assistant Chief" in blue block enamel lettering in an arc at the top, "Irvine Police" immediately below the depiction of City Hall/City Seal with three stars in the center of the ribbon at the bottom.
COMMANDER	"Commander" in blue block enamel lettering in an arc at the top, "Irvine Police" immediately below the depiction of City Hall/City Seal with two stars in center of ribbon at bottom.
LIEUTENANT	"Lieutenant" in blue block enamel lettering in an arc at the top, "Irvine Police" in an arc immediately below the depiction of City Hall/City Seal with one star in center of ribbon at bottom.
SERGEANT	"Sergeant" in arc at top, "Irvine Police" in arc immediately below the depiction of City Hall/ City Seal all in block blue enamel letters, with a sergeant's chevron in center of ribbon at bottom.
DETECTIVE SERGEANT	"Detective Sergeant" in arc at top, "Irvine Police" in arc immediately below the depiction of City Hall/ City Seal all in block blue enamel letters which shall be the sergeant's badge number in a panel at the bottom.
DETECTIVE	"Detective" in blue block enamel lettering in an arc at the top, "Irvine Police" in arc immediately below the depiction of City Hall/City Seal below which shall be the officer's badge number in a panel at the bottom.
OFFICER	"Police Officer" in blue block enamel lettering in an arc at the top, "Irvine Police" in arc immediately below the depiction of City Hall/City Seal below which shall be the officer's badge number in a panel at the bottom.
MOTOR SERGEANT / TRAFFIC SERGEANT	"Motor Sergeant"/"Traffic Sergeant" in arc at top, "Irvine Police" in arc immediately below the depiction of City Hall/City Seal all in block blue enamel letters which shall be the sergeant's badge number in a panel at the bottom.
MOTOR OFFICER	"Motor Officer" in blue block enamel lettering in an arc at the top, "Irvine Police" in arc immediately below the depiction of City Hall/City Seal below which shall be the officer's badge number in a panel at the bottom.

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HONOR GUARD	"Honor Guard" in blue block enamel lettering in an arc at the top, "Irvine Police" in arc immediately below the depiction of City Hall/City Seal below which shall be the officer's badge number in a panel at the bottom. The Honor Guard badge has an antique finish and displays the American and California flags in color, positioned behind the clock tower.
AREA TRAFFIC OFFICER	"Area Traffic Officer" in blue block enamel lettering in an arc at the top, "Irvine Police" in arc immediately below the depiction of City Hall/City Seal below which shall be the officer's badge number in a panel at the bottom.
BUSINESS SERVICES MANAGER	Shall appear as follows: The specific position title will be in blue block enamel lettering in an arc at the top, "Irvine Police" in arc immediately below the depiction of City Hall/City Seal below which shall be two stars.
BUSINESS SERVICES ADMINISTRATOR	Shall appear as follows: The specific position title will be in blue block enamel lettering in an arc at the top, "Irvine Police" in arc immediately below the depiction of City Hall/City Seal below which shall be one star.
COMMUNICATIONS ADMINISTRATOR	Shall appear as follows: The specific position title will be in blue block enamel lettering in an arc at the top, "Irvine Police" in arc immediately below the depiction of City Hall/City Seal below which shall be one star.
ADMINISTRATIVE COORDINATOR ADMINISTRATIVE SECRETARY ANIMAL SERVICES OFFICER ANIMAL SERVICES SUPERVISOR ARMORER CHAPLAIN INVESTIGATOR CRIME ANALYST TRAFFIC INVESTIGATOR COMMUNITY SERVICE OFFICER	Shall appear as follows: The specific position title will be in blue block enamel in arc at top, "Irvine Police" in arc immediately below the depiction of City Hall/City Seal below which shall be the personnel's badge number in a panel at the bottom. The exception to this description are Chaplain badges. Chaplain badges display a symbol (e.g., Star of David, cross, etc.) in the bottom panel.

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DISPATCHER	Shall appear as follows: The specific position title will be in blue block enamel in arc at top, "Irvine Police" in arc immediately below the depiction of City Hall/City Seal below which shall be the personnel's badge number in a panel at the bottom. The exception to this description are Chaplain badges. Chaplain badges display a symbol (e.g., Star of David, cross, etc.) in the bottom panel.
EMERGENCY MANAGEMENT	
FORENSIC SPECIALIST	
FORENSIC SUPERVISOR	
LEAD RECORDS SPECIALIST	
MANAGEMENT ANALYST	
MULTI-MEDIA SPECIALIST	
OFFICE SPECIALIST	
PARKING ENFORCEMENT	
PROGRAM ASSISTANT	
PROGRAM SPECIALIST	
PUBLIC SAFETY ASSISTANT	
PUBLIC RELATIONS SPECIALIST	
RECORDS SUPERVISOR	
RECORDS SPECIALIST	
REGULATORY SUPERVISOR	
LICENSE SPECIALIST	
SENIOR CRIME ANALYST	
SENIOR PUBLIC SAFETY ASSIST	
SUPERVISING DISPATCHER	
SUPPORT K-9	
TECHNICAL RESERVE	
TECHNICAL SERVICES	
TECHNOLOGY ANALYST	
TRAFFIC SUPERVISOR	

1011.6 PROFESSIONAL STAFF 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.

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- (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.

1011.7 RETIREE UNIFORM BADGE AND CAP PIECE

Upon honorable retirement or separation, employees may purchase his/her assigned duty badge and cap piece for display purposes with the approval from the Chief. 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.

1011.8 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 professional staff 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.

1011.9 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 Irvine 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.

1011.10 BADGE PURCHASE

Personnel may, upon successful fulfillment of their assignment or upon promotion, purchase the badge and dress cap piece they were issued while in the assignment. Purchase of the badge does not authorize its use while on duty, unless the employee is reassigned to the division.

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Sworn personnel assigned to the Honor Guard and Mounted Unit may, upon successful fulfillment of their assignment, purchase the badge and cap piece they were issued while in the assignment. Purchase of the badge and cap piece does not authorize its use while on duty, unless the employee is reassigned to one of these collateral assignments.

Illness and Injury Prevention

1012.1 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 Irvine Police Department, in accordance with the requirements of 8 CCR § 3203.

This policy specifically applies to illness and injury that results in lost time or that requires medical treatment beyond first aid. Although this policy provides the essential guidelines for a plan that reduces illness and injury, it may be supplemented by procedures outside the Policy Manual.

This policy does not supersede, but supplements any related Citywide safety efforts.

1012.2 POLICY

The Irvine 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 City 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.

1012.3 ILLNESS AND INJURY PREVENTION PLAN

The City Human Resources Aide is responsible for developing an illness and injury prevention plan that shall include:

- (a) Workplace safety and health training programs.
- (b) Regularly scheduled safety meetings.
- (c) Posted or distributed safety information.
- (d) A system for members to anonymously inform management about workplace hazards.
- (e) Establishment of a safety and health committee that will:
 - 1. Meet regularly.
 - 2. Prepare a written record of safety and health committee meetings.
 - 3. Review the results of periodic scheduled inspections.
 - 4. Review investigations of accidents and exposures.
 - 5. Make suggestions to command staff for the prevention of future incidents.
 - 6. Review investigations of alleged hazardous conditions.
 - 7. Submit recommendations to assist in the evaluation of member safety suggestions.
 - 8. Assess the effectiveness of efforts made by the Department to meet relevant standards.

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- (f) Establishment of a process to ensure serious illnesses or injuries and death are reported as required by the Division of Occupational Safety and Health Administration (Cal/OSHA) (8 CCR § 342).

1012.4 ADMINISTRATIVE SERVICES DIVISION COMMANDER RESPONSIBILITIES

The responsibilities of the Administrative Services Division Commander include but are not limited to:

- (a) Managing and implementing a plan to reduce the incidence of member illness and injury.
- (b) Ensuring that a system of communication is in place that facilitates a continuous flow of safety and health information between supervisors and members. This system shall include:
 - 1. New member orientation that includes a discussion of safety and health policies and procedures.
 - 2. Regular member review of the illness and injury prevention plan.
 - 3. 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; 8 CCR 3396)
 - (e) Emergency Action Plan (8 CCR 3220)
 - (f) Fire Prevention Plan (8 CCR 3221)
 - (g) Hazards associated with wildfire smoke (8 CCR 5141.1)
- (e) Making available the Identified Hazards and Correction Record form to document inspections, unsafe conditions or work practices, and actions taken to correct unsafe conditions and work practices.
- (f) Making available the Investigation/Corrective Action Report to document individual incidents or accidents.

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- (g) Making available a form to document the safety and health training of each 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.

1012.5 SUPERVISOR RESPONSIBILITIES

Supervisor responsibilities include, but are not limited to:

- (a) Ensuring member compliance with illness and injury prevention guidelines and answering questions from members about this policy.
- (b) Training, counseling, instructing or making informal verbal admonishments any time safety performance is deficient. Supervisors may also initiate discipline when it is reasonable and appropriate under the Standards of Conduct Policy.
- (c) Establishing and maintaining communication with members on health and safety issues. This is essential for an injury-free, productive workplace.
- (d) Completing required forms and reports relating to illness and injury prevention; such forms and reports shall be submitted to the Administrative Services Division Commander.
- (e) Notifying the Administrative Services Division Commander when:
 - 1. New substances, processes, procedures or equipment that present potential new hazards are introduced into the work environment.
 - 2. New, previously unidentified hazards are recognized.
 - 3. Occupational illnesses and injuries occur.
 - 4. New and/or permanent or intermittent members are hired or reassigned to processes, operations or tasks for which a hazard evaluation has not been previously conducted.
 - 5. Workplace conditions warrant an inspection.

1012.6 HAZARDS

All members should report and/or take reasonable steps to correct unsafe or unhealthy work conditions, practices or procedures in a timely manner. Members should make their reports to a supervisor (as a general rule, their own supervisors).

Supervisors should make reasonable efforts to correct unsafe or unhealthy work conditions in a timely manner, based on the severity of the hazard. These hazards should be corrected when observed or discovered, when it is reasonable to do so. When a hazard exists that cannot be immediately abated without endangering members or property, supervisors should protect or remove all exposed members from the area or item, except those necessary to correct the existing condition.

Members who are necessary to correct the hazardous condition shall be provided with the necessary protection.

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All significant actions taken and dates they are completed shall be documented on an Identified Hazards and Correction Record form. This form should be forwarded to the Administrative Services Division Commander via the chain of command.

The Administrative Services Division Commander will take appropriate action to ensure the illness and injury prevention plan addresses potential hazards upon such notification.

1012.7 INSPECTIONS

Safety inspections are crucial to a safe work environment. These inspections identify and evaluate workplace hazards and permit mitigation of those hazards. A hazard assessment checklist should be used for documentation and to ensure a thorough assessment of the work environment.

The Administrative Services Division Commander shall ensure that the appropriate documentation is completed for each inspection.

1012.7.1 EQUIPMENT

Members are charged with daily vehicle inspections of their assigned vehicles and of their personal protective equipment (PPE) prior to working in the field. Members shall complete the Identified Hazards and Correction Record form if an unsafe condition cannot be immediately corrected. Members should forward this form to their supervisors.

1012.8 INVESTIGATIONS

Any member sustaining any work-related illness or injury, as well as any member who is involved in any accident or hazardous substance exposure while on-duty shall report such event as soon as practicable to a supervisor. Members observing or learning of a potentially hazardous condition are to promptly report the condition to their immediate supervisors.

A supervisor receiving such a report should personally investigate the incident or ensure that an investigation is conducted. Investigative procedures for workplace accidents and hazardous substance exposures should include:

- (a) A visit to the accident scene as soon as possible.
- (b) An interview of the injured member and witnesses.
- (c) An examination of the workplace for factors associated with the accident/exposure.
- (d) Determination of the cause of the accident/exposure.
- (e) Corrective action to prevent the accident/exposure from reoccurring.
- (f) Documentation of the findings and corrective actions taken.
- (g) Completion of an Investigation/Corrective Action Report form.
- (h) Completion of an Identified Hazards and Correction Record form.

Additionally, the supervisor should proceed with the steps to report an on-duty injury, as required under the Occupational Disease and Work-Related Injury Reporting Policy, in conjunction with this investigation to avoid duplication and ensure timely reporting.

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1012.9 TRAINING

The Administrative Services Division Commander should work with the Training Manager to provide all members, including supervisors, with training on general and job-specific workplace safety and health practices. Training shall be provided:

- (a) To supervisors to familiarize them with the safety and health hazards to which members under their immediate direction and control may be exposed.
- (b) To all members with respect to hazards specific to each member's job assignment.
- (c) To all members given new job assignments for which training has not previously been provided.
- (d) Whenever new substances, processes, procedures or equipment are introduced to the workplace and represent a new hazard.
- (e) Whenever the Department is made aware of a new or previously unrecognized hazard.

1012.9.1 TRAINING TOPICS

The Training Manager shall ensure that training includes:

- (a) Reporting unsafe conditions, work practices and injuries, and informing a supervisor when additional instruction is needed.
- (b) Use of appropriate clothing, including gloves 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.
- (m) Good housekeeping and fire prevention.
- (n) Other job-specific safety concerns.

1012.10 RECORDS

Records and training documentation relating to illness and injury prevention will be maintained in accordance with the established records retention schedule.

Temporary Modified-Duty Assignments

1013.1 PURPOSE AND SCOPE

This policy establishes procedures for providing temporary modified-duty assignments. This policy is not intended to affect the rights or benefits of employees under federal or state law, City rules, current memorandums of understanding, or collective bargaining agreements. For example, nothing in this policy affects the obligation of the Department to engage in a good faith, interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability or limitation that is protected under federal or state law.

1013.2 POLICY

Subject to operational considerations, the Irvine Police Department may identify temporary modified-duty assignments for employees who have an injury or medical condition resulting in temporary work limitations or restrictions. Depending on the needs of the Department, an employee may be offered a temporary modified duty assignment in their current position or another position, or through work on a special project. A temporary assignment allows the employee to work, while providing the Department with a productive employee during the temporary period.

1013.3 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 Irvine 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, for an "as-needed" duration. 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 will be reviewed after sixty (60) days. Should an employee have a disability that requires accommodation beyond sixty (60) days, the Department will evaluate whether continued modified duty is reasonable or may recommend an alternate assignment for

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approval. If no alternative assignment is available or approved, the employee will be required to return to any available and applicable leave of absence status.

Department personnel working in a modified-duty capacity are not permitted to work overtime for the City of Irvine without permission from the Chief of Police or their designee.

1013.4 PROCEDURE

Employees may request a temporary modified-duty assignment for short-term injuries or illnesses.

Employees seeking a temporary modified-duty assignment should submit a written request to their Division Commanders or the authorized designees. The request should, as applicable, include a certification from the treating medical professional containing:

- (a) An assessment of the nature and probable duration of the illness or injury.
- (b) The specific nature and scope of any limitations and/or work restrictions, including the number of hours per week the employee can safely work.
- (c) A statement regarding any required workplace accommodations, mobility aids or medical devices.
- (d) A statement that the employee can safely perform the duties of the temporary modified-duty assignment.

The Assistant Chief will make a recommendation through the chain of command to the Chief of Police regarding temporary modified-duty assignments that may be available based on the needs of the Department and the limitations of the employee. The Chief of Police or the authorized designee shall confer with the Human Resources Department or the City Attorney as appropriate.

1013.5 ACCOUNTABILITY

Written notification of assignments, work schedules and any restrictions should be provided to employees assigned to temporary modified-duty assignments and their supervisors. Those assignments and schedules may be adjusted to accommodate department operations and the employee's medical appointments, as mutually agreed upon with the Division Commander.

1013.5.1 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.

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- (d) Submitting a written status report to the Division Commander that contains a status update and anticipated date of return to full-duty when a temporary modified-duty assignment extends beyond 60 days.

1013.5.2 SUPERVISOR RESPONSIBILITIES

The employee's immediate supervisor shall monitor and manage the work schedule of those assigned to temporary modified duty.

The responsibilities of supervisors shall include, but not be limited to:

- (a) Periodically apprising the Division Commander of the status and performance of employees assigned to temporary modified duty.
- (b) Notifying the Division Commander and ensuring that the required documentation facilitating a return to full duty is received from the employee.
- (c) Ensuring that employees returning to full duty have completed any required training and certification.

1013.6 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 able to perform the essential functions of their jobs with or without reasonable accommodation.

The Department may require a fitness-for-duty examination prior to returning an employee to full-duty status, in accordance with the Fitness for Duty Policy.

1013.7 PROBATIONARY EMPLOYEES

Probationary employees who are assigned to a temporary modified-duty assignment may have their probation extended by a period of time equal to their assignment to temporary modified duty.

1013.8 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.

Sick Leave

1014.1 PURPOSE AND SCOPE

This policy provides general guidance regarding the use and processing of sick leave. The accrual and terms of use of sick leave for eligible employees are detailed in the City personnel manual or applicable collective bargaining agreement.

This policy is not intended to cover all types of sick or other leaves. For example, employees may be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (FMLA) (29 USC § 2601 et seq.), the California Family Rights Act, leave for victims of crime or abuse, or for organ or bone marrow donor procedures (29 CFR 825; Government Code § 12945.2; Government Code § 12945.8; Labor Code § 1510).

1014.2 POLICY

It is the policy of the Irvine Police Department to provide eligible employees with a sick leave benefit.

1014.3 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 secondary 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).

1014.3.1 NOTIFICATION

All members 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 two hours before the start of their scheduled shifts. If, due to an emergency, a member is unable to contact the supervisor, every effort should be made to have a representative for the member contact the supervisor (Labor Code § 246).

When the necessity to be absent from work is foreseeable, such as planned medical appointments or treatments, the member shall, whenever possible and practicable, provide the Department with no less than 30 days' notice of the impending absence (Labor Code § 246).

Upon return to work, members are responsible for ensuring their time off was appropriately accounted for, and for completing and submitting the required documentation describing the type of time off used and the specific amount of time taken.

Members may be required to show a physician's note upon return to work as per indicated in their respective MOU.

1014.4 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include, but are not limited to:

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- (a) Monitoring and regularly reviewing the attendance of those under their command to ensure that the use of sick leave and absences is consistent with this policy.
- (b) Attempting to determine whether an absence of four or more days may qualify as family medical leave and consulting with legal counsel or the Human Resources Department 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.

1014.5 REQUIRED NOTICES

The Director of Human Resources 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.

Fitness for Duty

1015.1 PURPOSE AND SCOPE

All officers are required to be free from any physical, emotional, or mental condition which might adversely affect the exercise of peace officer powers. The purpose of this policy is to ensure that all officers of this department remain fit for duty and able to perform their job functions (Government Code § 1031).

1015.2 EMPLOYEE RESPONSIBILITIES

- (a) It shall be the responsibility of each member of this department to maintain good physical condition sufficient to safely and properly perform essential duties of their position.
- (b) Each member of this department shall perform his/her respective duties without physical, emotional, and/or mental constraints.
- (c) During working hours, all employees are required to be alert, attentive, and capable of performing his/her assigned responsibilities.
- (d) Any employee who feels unable to perform his/her duties shall promptly notify a supervisor. In the event that an employee believes that another employee is unable to perform his/her duties, such observations and/or belief shall be promptly reported to a supervisor.
- (e) Any employee who receives work restrictions from a physician for any injury or medical condition must immediately notify their supervisor of their work restrictions.

1015.3 SUPERVISOR RESPONSIBILITIES

- (a) A supervisor observing an employee, or receiving a report of an employee who is perceived to be, unable to safely perform his/her duties due to a physical or mental condition shall take prompt and appropriate action in an effort to resolve the situation.
- (b) Whenever feasible, the supervisor should attempt to ascertain the reason or source of the problem and in all cases a preliminary evaluation should be made in an effort to determine the level of inability of the employee to perform his/her duties.
- (c) In the event the employee appears to be in need of immediate medical or psychiatric treatment, all reasonable efforts should be made to provide such care.
- (d) In conjunction with the watch commander or employee's available Division Commander, a determination should be made whether or not the employee should be temporarily relieved from his/her duties.
- (e) The Chief of Police shall be promptly notified in the event that any employee is relieved from duty.

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1015.4 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.

1015.5 WORK RELATED CONDITIONS

Any employee suffering from a work related condition which warrants a temporary relief from duty shall be required to comply with personnel rules and guidelines for processing such claims.

Upon the recommendation of the watch commander or unit supervisor and concurrence of a Division Commander, any employee whose actions or use of force in an official capacity result in death or serious injury to another may be temporarily removed from regularly assigned duties and/or placed on paid administrative leave for the wellbeing of the employee and until such time as the following may be completed:

- (a) A preliminary determination that the employee's conduct appears to be in compliance with policy and, if appropriate.
- (b) The employee has had the opportunity to receive necessary counseling and/or psychological clearance to return to full duty.

1015.6 PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS

- (a) Whenever circumstances reasonably indicate that an employee is unfit for duty, the Chief of Police may serve that employee with a written order to undergo a physical and/or psychological examination in cooperation with Human Resources Department to determine the level of the employee's fitness for duty. The order shall indicate the date, time and place for the examination.
- (b) The examining physician or therapist will provide the Department with a report indicating that the employee is either fit for duty or, if not, listing any functional limitations which limit the employee's ability to perform job duties. If the employee places his/her condition at issue in any subsequent or related administrative action/grievance, the examining physician or therapist may be required to disclose any and all information which is relevant to such proceeding (Civil Code § 56.10(c)(8)).
- (c) In order to facilitate the examination of any employee, the Department will provide all appropriate documents and available information to assist in the evaluation and/or treatment.
- (d) All reports and evaluations submitted by the treating physician or therapist shall be part of the employee's confidential personnel file.
- (e) Any employee ordered to receive a fitness for duty examination shall comply with the terms of the order and cooperate fully with the examining physician or therapist regarding any clinical interview, tests administered or other procedures as directed. Any failure to comply with such an order and any failure to cooperate with the

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examining physician or therapist may be deemed insubordination and shall be subject to discipline up to and including termination.

- (f) Once an employee has been deemed fit for duty by the examining physician or therapist, the employee will be notified to resume his/her duties.

1015.7 LIMITATION ON HOURS WORKED

Absent emergency operations members should not work more than:

- 16 hours in one day (24 hour) period or

Except in very limited circumstances members should have a minimum of 5 hours off between shifts. Supervisors should give consideration to reasonable rest periods and are authorized to deny overtime or relieve to off-duty status any member who has exceeded the above guidelines.

1015.8 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 Personnel Complaints Policy.

Lactation Breaks

1016.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding reasonable accommodations for lactating members (Labor Code § 1034).

1016.2 POLICY

It is the policy of the Irvine Police Department to provide, in compliance with federal and state law, reasonable accommodations for lactating members. This includes break time and appropriate facilities to accommodate any member desiring to express breast milk for the member's nursing child (29 USC § 218d; 42 USC § 2000gg-1; 29 CFR 1636.3; Labor Code § 1030).

1016.3 LACTATION BREAK TIME

A rest period should be permitted each time the member requires a lactation break (29 USC § 218d; 42 USC § 2000gg-1; 29 CFR 1636.3; 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.

Lactation 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 the dispatcher 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.

1016.4 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 proximity to the member's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view, free from intrusion from coworkers and the public, and otherwise satisfy the requirements of federal and state law (29 USC § 218d; 42 USC § 2000gg-1; 29 CFR 1636.3; 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.

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Authorized lactation breaks for members assigned to the field may be taken at the nearest appropriate private area.

1016.5 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's shift ends.

1016.5.1 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).

Drug- and Alcohol-Free Workplace

1017.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace.

1017.2 POLICY

It is the policy of this department to provide a drug- and alcohol-free workplace for all members.

1017.3 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).

1017.3.1 CONFIDENTIALITY

The Department recognizes the confidentiality and privacy due to employees, and disclosure of any information relating to chemical abuse treatment, except on a need to know basis, shall only be with the expressed written consent of the employee involved or pursuant to lawful process.

1017.3.2 USE OF MEDICATIONS

Members should avoid taking any medications that will impair their ability to safely and completely perform their duties. Any member who is medically required or has a need to take any such medication shall report that need to his/her immediate supervisor prior to commencing any on-duty status.

No member shall be permitted to work or drive a vehicle owned or leased by the Department while taking any medication that has the potential to impair his/her abilities, without a written release from his/her physician.

1017.3.3 USE OF MARIJUANA

Possession of marijuana, including medical marijuana, or being under the influence of marijuana on- or off-duty is prohibited and may lead to disciplinary action up to and including termination.

1017.4 MEMBER RESPONSIBILITIES

Members shall report for work in an appropriate mental and physical condition. Members are prohibited from purchasing, manufacturing, distributing, dispensing, possessing or using controlled substances or alcohol on department premises or on department time (41 USC § 8103).

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The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

Members who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance.

Members shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow member poses a risk to the health and safety of the member or others due to drug or alcohol use.

Members are required to notify their immediate supervisors of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction (41 USC § 8103).

1017.5 EMPLOYEE ASSISTANCE PROGRAM

There may be available a voluntary employee assistance program to assist those who wish to seek help for alcohol and drug problems (41 USC § 8103). Insurance coverage that provides treatment for drug and alcohol abuse also may be available. Employees should contact the Human Resources Department, their insurance providers or the employee assistance program for additional information. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

1017.6 WORK RESTRICTIONS

If a member informs a supervisor that he/she has consumed any alcohol, drug or medication that could interfere with a safe and efficient job performance, the member may be required to obtain clearance from his/her physician before continuing to work.

If the supervisor reasonably believes, based on objective facts, that a member is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the member from continuing work and shall ensure that he/she is safely transported away from the Department.

1017.7 REQUESTING SCREENING TESTS

The supervisor may request an employee to submit to a screening test under the following circumstances:

- (a) The supervisor reasonably believes, based upon objective facts, that the employee is under the influence of alcohol or drugs that are impairing his/her ability to perform duties safely and efficiently.
- (b) The employee discharges a firearm, other than by accident, in the performance of his/her duties.
- (c) During the performance of his/her duties, the employee drives a motor vehicle and becomes involved in an incident that results in bodily injury to him/herself or another person, or substantial damage to property.

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1017.7.1 SUPERVISOR RESPONSIBILITY

The supervisor shall prepare a written record documenting the specific facts that led to the decision to request the test, and shall inform the employee in writing of the following:

- (a) The test will be given to detect either alcohol or drugs, or both.
- (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.

1017.7.2 SCREENING TEST REFUSAL

An employee may be subject to disciplinary action if he/she:

- (a) Fails or refuses to submit to a screening test as requested.
- (b) After taking a screening test that indicates the presence of a controlled substance, fails to provide proof, within 72 hours after being requested, that he/she took the controlled substance as directed, pursuant to a current and lawful prescription issued in his/her name.
- (c) Violates any provisions of this policy.

1017.8 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).

1017.9 CONFIDENTIALITY

The Department recognizes the confidentiality and privacy due to its members. Disclosure of any information relating to substance abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the member involved or pursuant to lawful process.

The written results of any screening tests and all documents generated by the employee assistance program are considered confidential medical records and shall be maintained separately from the employee's other personnel files.

Smoking and Tobacco Use

1018.1 PURPOSE AND SCOPE

This policy establishes limitations on smoking and the use of tobacco products by members and others while on-duty or while in Irvine 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.

1018.2 POLICY

The Irvine 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).

1018.3 SMOKING AND TOBACCO USE

Smoking and tobacco use by members is prohibited anytime members are in public view representing the Irvine Police Department.

It shall be the responsibility of each member to ensure that no person under his/her supervision smokes or uses any tobacco product inside City facilities and vehicles.

1018.4 ADDITIONAL PROHIBITIONS

No person shall use tobacco products within 20 feet of a main entrance, exit or operable window of any public building (including any department facility), or buildings on the campuses of the University of California, California State University and California community colleges, whether present for training, enforcement or any other purpose (Government Code § 7596 et seq.).

1018.4.1 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).

Occupational Disease and Work-Related Injury Reporting

1019.1 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.

1019.1.1 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.).

1019.2 POLICY

The Irvine 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.).

1019.3 RESPONSIBILITIES

1019.3.1 MEMBER RESPONSIBILITIES

Any member sustaining any occupational disease or work-related injury shall report such event as soon as practicable, but within 24 hours, to a supervisor, and shall seek medical care when appropriate (8 CCR 14300.35).

1019.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor learning of any occupational disease or work-related injury should ensure the member receives medical care as appropriate. Updated copies of forms with instructions for completion provided by Risk Management are kept in the Sergeant's office.

Supervisors shall ensure that required documents regarding workers' compensation are completed and forwarded promptly. Any related City wide disease- or injury-reporting protocol shall also be followed.

For work-related accidents, injuries or illness not requiring professional medical care, a Supervisor's Report of Injury form shall be completed in triplicate. All copies of the completed form shall be forwarded to the supervisor's Division Commander, through the chain of command.

When an accident, injury, or illness is reported initially on the Supervisor's Report of Injury form and the employee subsequently requires professional medical care, the State of California Employer's Report of Occupational Injury or Illness form shall then be completed. The injured employee shall also sign the form in the appropriate location.

Every injured employee must be provided with an Employee's Claim for Workers' Compensation Benefits Form (DWC-1) within 24 hours, regardless of the nature of illness or injury.

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Copies of any reports documenting the accident or injury should be forwarded to the Division Commander as soon as they are completed.

Supervisors shall determine whether the Major Incident Notification and Illness and Injury Prevention policies apply and take additional action as required.

1019.3.3 DIVISION COMMANDER RESPONSIBILITIES

The Division Commander who receives a report of an occupational disease or work-related injury should review the report for accuracy and determine what additional action should be taken. The report shall then be forwarded to the Chief of Police, the City's risk management entity, and the Administrative Services Division Commander to ensure any required Division of Occupational Health and Safety Administration (Cal/OSHA) reporting is made as required in the illness and injury prevention plan identified in the Illness and Injury Prevention Policy.

1019.3.4 CHIEF OF POLICE RESPONSIBILITIES

The Chief of Police shall review and forward copies of the report to the Human Resources Department. Copies of the report and related documents retained by the Department shall be filed in the member's confidential medical file.

1019.4 OTHER DISEASE OR INJURY

Diseases and injuries caused or occurring on-duty that do not qualify for workers' compensation reporting shall be documented on the designated report of injury form, which shall be signed by a supervisor. A copy of the completed form shall be forwarded to the appropriate Division Commander through the chain of command and a copy sent to the Administrative Services Division Commander.

Unless the injury is extremely minor, this report shall be signed by the affected member, indicating that he/she desired no medical attention at the time of the report. By signing, the member does not preclude his/her ability to later seek medical attention.

1019.5 SETTLEMENT OFFERS

When a member sustains an occupational disease or work-related injury that is caused by another person and is subsequently contacted by that person, his/her agent, insurance company or attorney and offered a settlement, the member shall take no action other than to submit a written report of this contact to his/her supervisor as soon as possible.

1019.5.1 NO SETTLEMENT WITHOUT PRIOR APPROVAL

No less than 10 days prior to accepting and finalizing the settlement of any third-party claim arising out of or related to an occupational disease or work-related injury, the member shall provide the Chief of Police with written notice of the proposed terms of such settlement. In no case shall the member accept a settlement without first providing written notice to the Chief of Police. The purpose of such notice is to permit the City to determine whether the offered settlement will affect any claim the City may have regarding payment for damage to equipment or reimbursement for

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wages against the person who caused the disease or injury, and to protect the City's right of subrogation, while ensuring that the member's right to receive compensation is not affected.

Communicable Diseases

1020.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of department members contracting and/or spreading communicable diseases.

1020.1.1 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 Irvine Police Department. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred.)

1020.2 POLICY

The Irvine 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.

1020.3 EXPOSURE CONTROL OFFICER

The Chief of Police will assign a person as the Exposure Control Officer (ECO). The ECO shall develop an exposure control plan that includes:

- (a) Exposure-prevention and decontamination procedures.
- (b) Procedures for when and how to obtain medical attention in the event of an exposure or suspected exposure.
- (c) The provision that department members will have no-cost access to the appropriate personal protective equipment (PPE) (e.g., gloves, face masks, eye protection, pocket masks) for each member's position and risk of exposure.
- (d) Evaluation of persons in custody for any exposure risk and measures to separate them (15 CCR 1051; 15 CCR 1207).
- (e) Compliance with all relevant laws or regulations related to communicable diseases, including:
 1. Responding to requests and notifications regarding exposures covered under the Ryan White law (42 USC § 300ff-133; 42 USC § 300ff-136).
 2. Bloodborne pathogen mandates including (8 CCR 5193):
 - (a) Sharps injury log.

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- (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).

1020.4 EXPOSURE PREVENTION AND MITIGATION

1020.4.1 GENERAL PRECAUTIONS

All members are expected to use good judgment and follow training and procedures related to mitigating the risks associated with communicable disease. This includes, but is not limited to (8 CCR 5193):

- (a) Stocking disposable gloves, antiseptic hand cleanser, CPR masks or other specialized equipment in the work area or department vehicles, as applicable.
- (b) Wearing department-approved disposable gloves when contact with blood, other potentially infectious materials, mucous membranes and non-intact skin can be reasonably anticipated.
- (c) Washing hands immediately or as soon as feasible after removal of gloves or other PPE.
- (d) Treating all human blood and bodily fluids/tissue as if it is known to be infectious for a communicable disease.
- (e) Using an appropriate barrier device when providing CPR.

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- (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.

1020.4.2 IMMUNIZATIONS

Members who could be exposed to HBV due to their positions may receive the HBV vaccine and any routine booster at no cost (8 CCR 5193).

1020.5 POST EXPOSURE

1020.5.1 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.

1020.5.2 REPORTING REQUIREMENTS

The supervisor on-duty shall investigate every exposure or suspected exposure that occurs as soon as possible following the incident. The supervisor shall ensure the following information is documented (8 CCR 5193):

- (a) Name and Social Security number of the member exposed
- (b) Date and time of the incident
- (c) Location of the incident
- (d) Potentially infectious materials involved and the source of exposure (e.g., identification of the person who may have been the source)
- (e) Work being done during exposure
- (f) How the incident occurred or was caused

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- (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).

1020.5.3 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.

1020.5.4 COUNSELING

The Department shall provide the member, and his/her family if necessary, the opportunity for counseling and consultation regarding the exposure (8 CCR 5193).

1020.5.5 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.
- (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

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of the involved individuals to determine whether the County Health Officer will order testing (Penal Code § 7510).

- (e) Under certain circumstances, a court may issue a search warrant for the purpose of HIV testing a person when the exposed member qualifies as a crime victim (Penal Code § 1524.1).

Since there is the potential for overlap between the different manners in which source testing may occur, the ECO is responsible for coordinating the testing to prevent unnecessary or duplicate testing.

The ECO should seek the consent of the individual for testing and consult the City Attorney to discuss other options when no statute exists for compelling the source of an exposure to undergo testing if he/she refuses.

1020.6 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.

1020.7 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.

Line-of-Duty Deaths

1021.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of the Irvine Police Department in the event of the death of a member occurring in the line of duty and to direct the Department in providing proper support for the member's survivors.

The Chief of Police may also apply some or all of this policy 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.

1021.1.1 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 professional staff 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.

1021.1.2 ADDITIONAL GUIDANCE

Department employees should refer to the Irvine Police Department's Line of Duty Death Protocol for additional guidance. This document is saved on the Department's network and a hard copy is located in the Watch Commander's office.

1021.2 POLICY

It is the policy of the Irvine 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.

1021.3 INITIAL ACTIONS BY COMMAND STAFF

- (a) Upon learning of a line-of-duty death, the deceased member's supervisor should provide all reasonably available information to the watch commander and Communications Bureau.
 1. Communication of information concerning the member and the incident should be restricted to secure networks to avoid interception by the media or others (see the Press Information Officer section of this policy).

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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 temporary responsibilities as the Hospital Liaison.
- (d) The Chief of Police or the authorized designee should assign members to handle survivor notifications and assign members to the roles of Hospital Liaison (to relieve the temporary Hospital Liaison) and the Department Liaison as soon as practicable (see the Notifying Survivors section and the Department Liaison and Hospital Liaison subsections in this policy).

1021.4 NOTIFYING SURVIVORS

Survivors should be notified as soon as possible in order to avoid the survivors hearing about the incident in other ways.

The Chief of Police or the authorized designee should review the deceased member's emergency contact information and make accommodations to respect the member's wishes and instructions specific to notifying survivors. However, notification should not be excessively delayed because of attempts to assemble a notification team in accordance with the member's wishes.

The Chief of Police, watch commander, or the authorized designee should select at least two members to conduct notification of survivors, one of which may be the Department chaplain.

Notifying members should:

- (a) Make notifications in a direct and compassionate manner, communicating as many facts of the incident as possible, including the current location of the member. Information that is not verified should not be provided until an investigation has been completed.
- (b) Determine the method of notifying surviving children by consulting with other survivors and taking into account factors such as the child's age, maturity, and current location (e.g., small children at home, children in school).
- (c) Plan for concerns such as known health concerns of survivors or language barriers.
- (d) Offer to transport survivors to the hospital, if appropriate. Survivors should be transported in department vehicles. Notifying members shall inform the Hospital Liaison over a secure network that the survivors are on their way to the hospital. Notifying members 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 survivors' 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 Irvine Police Department members may be apprised that survivor notifications are complete.

1021.4.1 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.

1021.5 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 shifts. Members reporting for duty from their residences should be instructed to contact their supervisors 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.

1021.6 LIAISONS AND COORDINATORS

The Chief of Police or the authorized designee should select members to serve as liaisons and coordinators to handle responsibilities related to a line-of-duty death, including but not limited to:

- (a) Department Liaison.
- (b) Hospital Liaison.
- (c) Survivor Support Liaison.
- (d) 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 may consider seeking assistance from surrounding law enforcement agencies to fill liaison and coordinator positions, as appropriate.

1021.6.1 DEPARTMENT LIAISON

The Department Liaison should be a Division Commander or of sufficient rank to effectively coordinate department resources, and should serve as a facilitator between the deceased member's survivors and the Department. The Department Liaison reports directly to the Chief of Police. The Department Liaison's responsibilities include but are not limited to:

- (a) Directing the other liaisons and coordinators in fulfilling survivors' needs and requests. Consideration should be given to organizing the effort using the National Incident Management System.
- (b) Establishing contact with survivors within 24 hours of the incident and providing them contact information.
- (c) Advising survivors of the other liaison and coordinator positions and their roles and responsibilities.

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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-staff.
- (g) Reminding department members 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.

1021.6.2 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 Irvine 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.

1021.6.3 SURVIVOR SUPPORT LIAISON

The Survivor Support Liaison should work with the Department Liaison to fulfill the immediate needs and requests of the survivors of any member who has died in the line of duty, and serve as the long-term department contact for survivors.

The Survivor Support Liaison should be selected by the deceased member's Division Commander. The following should be considered when selecting the Survivor Support Liaison:

- The liaison should be an individual the survivors know and with whom they are comfortable working.
- 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 Press Information Officer (PIO) to brief the survivors on pending press releases related to the incident and to assist the survivors with media relations in accordance with their wishes (see the Press Information Officer section of this policy).
- (i) Briefing survivors on investigative processes related to the line-of-duty death, such as criminal, internal, and administrative investigations.
- (j) Informing survivors of any related criminal proceedings and accompanying them to such proceedings.
- (k) Introducing survivors to prosecutors, victim's assistance personnel, and other involved personnel as appropriate.
- (l) Maintaining long-term contact with survivors and taking measures to sustain a supportive relationship (e.g., follow-up visits, phone calls, cards on special occasions, special support during holidays).
- (m) Inviting survivors to department activities, memorial services (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.

1021.6.4 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.

1021.6.5 PEER SUPPORT LIAISON

Due to the trauma associated with the death of a co-worker, members of the department's Peer Support Team may be unable to perform their normal support functions (see Peer Support Team policy). If countywide peer support is needed, the Chief of Police or their designee should contact the coordinator for the Orange County Association of Peer Supporters (OCAPS) for assistance. OCAPS personnel will liaison with the Critical Incident Stress Management Coordinator to determine needed resources.

1021.6.6 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

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- 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).

1021.6.7 MUTUAL AID COORDINATOR

The mutual aid coordinator should work with the Department Liaison and the Funeral Liaison to request and coordinate any assistance from outside law enforcement agencies needed for, but not limited to:

- (a) Traffic control during the deceased member's funeral.
- (b) Area coverage so that as many Irvine Police Department members can attend funeral services as possible.

The mutual aid coordinator should perform 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).

1021.6.8 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).

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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.
- (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.

1021.6.9 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.

1021.7 PRESS INFORMATION OFFICER

In the event of a line-of-duty death, the department's PIO should be the department's contact point for the media. As such, the PIO should coordinate with the Department Liaison to:

- (a) Collect and maintain the most current incident information and determine what information should be released.
- (b) Instruct department members to direct any media inquiries to the PIO.

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- (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.
- (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.

1021.7.1 SOCIAL MEDIA

In the event of a line-of-duty death, the department's social media platforms may be used to share information with the public. All social media posts shall be routed through the Press Information Officer to the Chief of Police for approval.

1021.8 DEPARTMENT CHAPLAIN

The Department chaplain may serve a significant role in line-of-duty deaths. Chaplain duties may include but are not limited to:

- Assisting with survivor notifications and assisting the survivors with counseling, emotional support, or other matters, as appropriate.
- Assisting liaisons and coordinators with their assignments, as appropriate.
- Assisting department members with counseling or emotional support, as requested and appropriate.

Further information on the potential roles and responsibilities of the chaplain is in the Chaplains Policy.

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1021.9 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.

1021.10 NON-LINE-OF-DUTY DEATH

The Chief of Police may authorize certain support services for the death of a member or retired member not occurring in the line of duty. Some examples include:

- (a) On-Duty Death: An On-Duty Death pertains to a police officer or civilian employee of the Irvine Police Department who dies while on-duty, but not due to injuries sustained while performing emergency activities. This may include a police officer or civilian employee whose death is as a direct result of medical treatment or complications arising from a previous on-duty injury. This may also include a death as a result of a medical condition (i.e., heart attack).
- (b) Current Employee Off-Duty: An active-member-off-duty-death is the death of an active police officer or civilian employee, occurring while the employee is off-duty, and the death is not related to any police related activity.
- (c) Retired Employee: A Retired Employee death applies to the death of a retiree or civilian retiree of the IPD. It may also include a dignitary closely associated with the IPD, as designated by the Chief of Police, and to whom the Irvine Police Department wishes to bestow funeral honors.

LEVELS OF DEPARTMENT PARTICIPATION

Complete implementation of this policy is predicated on the wishes of the affected employee's family.

- (a) Line of Duty Death funeral honors may include On-Duty Death criteria and any of the following:
 - 1. Casket Watch;
 - 2. Death and funeral notice managed by the Department's Press Information Officer & posting on "Concerns of Police Survivors (COP) home page;
 - 3. Motorcade from service to cemetery;
 - 4. Missing man formation flyover.
- (b) On-Duty Death funeral honors may include Current Employee Off-Duty criteria and any of the following:

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1. Flag folding;
 2. Taps;
 3. Rifle volley;
 4. Department photo and Uniform display;
 5. Bag Pipe player.
- (c) Current Employee off duty funeral honors may include Retired Employee criteria and any of the following:
1. Casket draped with United States of America Flag;
 2. Honor Guard as Pallbearers;
 3. Administration and Logistic support;
 4. Flag flown at half-staff until burial.
- (d) Retired Employee funeral honors may include (with the approval of the Chief of Police):
1. Wearing of the mourning band for the death of a retired sworn Irvine Police Department officer may be worn for the twenty-four hour period on the day of the funeral;
 2. Honor Guard (per request of family);
 3. Uniformed personnel;
 4. Flag being raised and lowered over City Hall;
 5. Flag presentation to family member by Honor Guard.

WEARING THE DEPARTMENT MOURNING BAND

It is the philosophy of this Department to pay tribute to fellow police employees killed in the line of duty, regardless of agency affiliation, by placement of a mourning band affixed across the badge of every uniformed Department employee. The mourning band shall also be worn to honor a current or retired employee from this agency who has died.

The mourning band shall be worn by each uniformed employee from notification of the Department member's death by the Chief of Police (or his/her designee) to interment. The only mourning band permitted for display is the current band issued by the property division. It features two black horizontal strands separated by a thin blue strand.

1021.11 LINE-OF-DUTY DEATH OF A LAW ENFORCEMENT ANIMAL

The Chief of Police may authorize appropriate memorial and funeral services for law enforcement animals killed in the line of duty.

Open Space Public Safety Assistants (PSA)

1022.1 PURPOSE AND SCOPE

The mission of the Irvine Police Department Public Safety Assistants (PSA) assigned to Open Space Preserve is to provide the highest level of service to those people utilizing this recreation and educational area and to assist in the implementation and accomplishment of the City's Recreation and Resource Management Plan in partnership with the Community Services Department and the Irvine Ranch Land Reserve Trust.

1022.2 DUTIES

Public Safety Assistants must be prepared to assist lost persons, provide directions, assist with minor first aid, assist in trail and facility maintenance and work on problem solving strategies for issues affecting the Open Space Preserve. PSA personnel are expected to be available in the Open Space Preserve to contact the public, render necessary assistance, to monitor trails, structures and other property for damage and to make the appropriate notifications to resolve issues and concerns that may be identified. PSA personnel may be required to assist Animal Services by monitoring observations made by citizens and movements of animals in the Open Space Preserve; however the PSA personnel should not have any direct contact with wildlife in the Preserve area.

1022.3 VEHICLE OPERATIONS

Care shall be taken when driving any vehicle off-road in the Open Space Preserve. Off-road means any unpaved, but maintained dirt road, such as fire roads. At no time, except when exigent circumstances require it, shall a four-wheel drive vehicle be driven off of dirt roads and fire roads, or on hiking paths, single-track bike paths, or other unimproved and/or unmaintained off-road paths. Anytime exigent circumstances exist that might make driving a four-wheel drive vehicle on these paths necessary, the operator shall weigh the potential danger to his/herself and vehicle passengers and the destruction of the local habitat against the nature of the exigency.

Four-wheel drive vehicle operators will take the environment, turf, grass, greenbelts, and other natural surroundings into consideration while driving off-road. They should consider the potential damage and/or environmental impact the four-wheel drive vehicle may have on the terrain they are driving across and take all reasonable measures to mitigate damage. Operators shall report any damage caused to their shift supervisor.

1022.4 SIGN ON/SIGN OFF PROCEDURES

Due to anticipated communications issues in some areas of the Open Space Preserve, strict procedures for tracking of PSA personnel coming on-duty and going off-duty have been developed and shall be followed.

- (a) PSA personnel will sign on to the CAD and check in with on-duty patrol supervision at the beginning of each shift, prior to going to "available" status.

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- (b) PSA personnel must sign off CAD and verbally advise the dispatcher of their Out of Service ("10-7") status.
- (c) If a PSA fails to advise dispatch of his or her off-duty status, the dispatcher shall immediately notify an on-duty supervisor and make every attempt to locate the PSA.

Park Safety Officers (PSOs)

1023.1 PURPOSE AND SCOPE

Park Safety Officers (PSOs) are Department civilian employees assigned to the Orange County Great Park (GP) and the Great Park Neighborhoods (GPN). As civilian employees their primary function is to observe and report incidents of both routine and emergent nature, as defined below, that occur within the Great Park. Their mission shall include, but is not limited to, the following:

- (a) Safeguard all city and personal property located on GP/GPN property;
- (b) Monitor access to GP/GPN property. Deter and report all unauthorized persons or vehicles trying to enter the property, or persons or vehicles found in areas they are not authorized to be in;
- (c) Deter the commission of crimes against persons and property by maintaining a visible presence throughout the property and calling for the appropriate assistance when necessary;
- (d) Report all incidents of damage, pilferage, removal, destruction, misuse, theft or unlawful threats to, or disposition of GP and GPN, or city and personal property, or any unsafe condition resulting from criminal activity, negligence, neglect, or natural occurrences;
- (e) Report all incidents involving injury or death;
- (f) Provide proper documentation and reports of all incidents;
- (g) Summon appropriate response forces, and notify appropriate GP/GPN and IPD representatives. Assist in minimizing the impacts of such occurrences, and restoring the area to a safe and secure condition as directed by responding IPD personnel;
- (h) Act as a community relations ambassador for the Irvine Police Department. Provide assistance and direction as necessary. Treat all members of the public with dignity and respect and adhere to the Irvine Police Department's Core Values.

1023.2 DUTY ASSIGNMENTS

Park Safety Officers assigned to the Orange County Great Park and the Great Park Neighborhoods may be assigned to work one of several different positions. Each position has specific responsibilities that shall be adhered to by the Park Safety Officers.

1023.2.1 ROVING PATROL

The "Roving Patrol" duty refers to a Park Safety Officer whose primary responsibility is to drive throughout the GP/ GPN property continuously during their shift, as well as the following specific tasks:

- (a) Complete daily Rover Logs; ensure logs are completed thoroughly and accurately.
- (b) Make contact, when it is safe to do so, with person on the property to ensure they are in the correct locations.
- (c) Call for a patrol officer's assistance when the situation warrants.

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- (d) Conduct building checks and perimeter checks of the GP/ GPN property.
- (e) Additional tasks that may arise as directed by IPD personnel.

1023.3 BALLOON SECURITY

The “Balloon Security” duty refers to a Park Safety Officer whose primary responsibility is to patrol the balloon site during overnight hours. In addition to the tasks detailed in the Purpose/Scope of this policy, the Balloon Security PSO is responsible for monitoring balloon telemetry gauges and notifying the appropriate balloon personnel if there is a problem.

1023.4 ROVER LOG

The roving patrol Park Safety Officer shall maintain a Rover Log/ Activity Summary at all times while working this position. The log shall list all the times that the perimeter fences are checked, the zones patrolled, concentrated zone checks, and any patrol checks specified on the log sheet or directed by inter-office correspondence from the GP/ GPN supervisor, or requested by GP/ GPN representatives. The log shall also list any significant activity that occurs on the GP/ GPN, including, but not limited to, contacts with trespassers or any persons or vehicles of a suspicious nature, any arrests, any calls for police officer assistance, any notifications made to GP or GPN representatives, medical aides or fire authority responses, crimes reported, vehicle or industrial accidents, airplane landings, airplane crashes, and newly discovered vandalism or damage to buildings or property.

1023.5 VEHICLE OPERATIONS

Patrol vehicles shall be operated on the property in a safe and reasonable manner. Park Safety Officers shall not speed or try to unreasonably pursue any vehicles on the property in an attempt to catch someone. The use of the overhead amber lights on the patrol vehicle shall generally be used for caution only, or to get the attention of a motorist on the property.

All PSOs shall complete a full inspection of their patrol vehicle at the start of each shift, or when they change vehicles. They will inspect for any damage to the exterior or interior of the vehicle, and to make sure that all required equipment is present and in working condition. The PSO shall note the status of the vehicle on the patrol log each workday. Any damage noted shall be entered in the vehicle damage log kept in the guard shack and/or PSO office. Further, any damage that occurs during a PSOs shift shall be noted on the daily log and in the vehicle damage log. In addition, the GP/GPN supervisor shall be notified, either in writing (including the use of email) or verbally, of the nature and cause of any new damage or accidents that occur.

Park Safety Officers are also bound by provisions of the Irvine Police Department Policy Manual, (Policy §502) Police/City Vehicle Collision.

1023.6 SHIFT REPORTING PROCEDURES

All Park Safety Officers shall check their work schedules in advance to make sure they report for duty on time and on the appropriate day. All PSOs shall wear a clean and pressed uniform, and have all necessary equipment with them in good working order.

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PSOs are also bound by the Uniform Regulations Policy.

All PSOs shall sign on to the CAD at the beginning of his/her shift. This can be accomplished by using the computer in the PSO office or notifying dispatch via telephone. At the conclusion of his/her shift, all PSOs shall sign off of the CAD using the computer in the PSO office or notifying dispatch via telephone.

No PSO shall leave his/her post until properly relieved by the scheduled relief PSO. If the relief PSO does not report for work on-time, the on-duty PSO shall notify the GP/ GPN supervisor and notify him or her immediately. If the GP/ GPN supervisor is unavailable, the on-duty PSO shall notify the on-duty Watch Commander or field sergeant.

1023.7 LEAVING THE GP/GPN DURING SHIFT

In general, Park Safety Officers shall not leave the GP/GPN property during their assigned shift unless; it is necessary in order to complete assigned tasks; the absence is approved by the GP/ GPN supervisor, and/or on-duty watch commander or field sergeant; or exigent circumstances arise that necessitate a PSOs absence from the property. Examples might include a medical emergency, taking vehicles to the City Yard for maintenance, driving to the Irvine Police Station to pick up/ deliver paperwork, etc.

In all cases where a PSO leaves the property s/he should expedite their business off the property so they can return to their assigned post in a timely manner.

PSOs are not permitted to perform personal business while on-duty.

1023.8 USE OF FORCE

Park Safety Officers shall only use reasonable force to protect themselves; this includes the use of pepper spray. PSOs should remember that pepper spray is a defensive weapon and should only be used to protect themselves. If a PSO encounters a person who is very irate, hostile, or uncooperative, the PSO shall immediately notify IPD dispatch and request assistance. In no event shall a PSO attempt an arrest of a person.

PSOs are also bound by provisions of the Use of Force policy in the Irvine Police Department Policy Manual, specifically, Control Devices and Techniques.

Reserve Officers

1024.1 PURPOSE AND SCOPE

The Irvine Police Department Reserve Unit was established to supplement and assist regular sworn police officers in their duties. This unit provides professional, sworn volunteer reserve officers who can augment regular staffing levels.

1024.2 SELECTION AND APPOINTMENT OF POLICE RESERVE OFFICERS

The Irvine Police Department shall endeavor to appoint to the Reserve Unit only those applicants who meet the high ethical, moral and professional standards set forth by this department.

1024.2.1 PROCEDURE

All applicants shall be required to meet and pass the same pre-employment procedures as regular police officers before appointment.

Before appointment to the Police Reserve Unit, an applicant must have completed, or be in the process of completing, a POST approved basic academy or extended basic academy.

1024.2.2 APPOINTMENT

Applicants who are selected for appointment to the Police Reserve Unit shall, on the recommendation of the Chief of Police, be sworn in by the Chief of Police and take a loyalty oath to observe and obey all of the laws of the land and to carry out their duties to the best of their ability.

Reserve officers appointed to the Reserve Unit will serve as “non-designated” Level 1 reserve officers whose authority, pursuant to Penal Code 830.6(a)(1), shall extend only for the duration of assignments to specific police functions.

1024.2.3 COMPENSATION FOR POLICE RESERVE OFFICERS

Compensation for reserve officers is provided as follows:

All reserve officer appointees are issued two sets of uniforms and all designated attire and safety equipment. All property issued to the reserve officer shall be returned to the Department upon termination or resignation. Reserves shall receive a yearly uniform allowance equal to that of regular officers.

1024.2.4 EMPLOYEES WORKING AS RESERVE OFFICERS

Qualified employees of this department, when authorized, may also serve as reserve officers. However, the Department must not utilize the services of a reserve or volunteer in such a way that it would violate employment laws or labor agreements (e.g., a detention officer working as a reserve officer for reduced or no pay). Therefore, the Reserve Coordinator should consult the Human Resources Department prior to an employee serving in a reserve or volunteer capacity (29 CFR 553.30).

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1024.3 DUTIES OF RESERVE OFFICERS

Reserve officers assist regular officers in the enforcement of laws and in maintaining peace and order within the community. Assignments of reserve officers will usually be to augment the Operations Division. Reserve officers may be assigned to other areas within the Department as needed. Reserve officers are required to work an average of 16 hours per month.

1024.3.1 POLICY COMPLIANCE

Police reserve officers shall be required to adhere to all department policies and procedures. A copy of the policies and procedures will be made available to each reserve officer upon appointment and he/she shall become thoroughly familiar with these policies.

Whenever a rule, regulation, or guideline in this manual refers to a sworn regular full-time officer, it shall also apply to a sworn reserve officer unless by its nature it is inapplicable.

1024.3.2 RESERVE OFFICER ASSIGNMENTS

All reserve officers will be assigned to duties by the Reserve Coordinator or his/her designee.

1024.3.3 RESERVE COORDINATOR

The Chief of Police shall delegate the responsibility for administering the Reserve Officer Program to a Reserve Coordinator.

The Reserve Coordinator shall have the responsibility of, but not be limited to:

- (a) Assignment of reserve personnel
- (b) Conducting reserve meetings
- (c) Establishing and maintaining a reserve call-out roster
- (d) Maintaining and ensuring performance evaluations are completed
- (e) Monitoring individual reserve officer performance
- (f) Monitoring overall Reserve Program
- (g) Maintaining liaison with other agency Reserve Coordinators

1024.4 FIELD TRAINING

Penal Code § 832.6 requires Level II reserve officers, who have not been released from the immediate supervision requirement per the Completion of the Formal Training Process subsection, to work under the immediate supervision of a peace officer who possesses a Basic POST Certificate.

1024.4.1 PRIMARY TRAINING OFFICER

Upon completion of the Academy, reserve officers will be assigned to a primary training officer. The primary training officer will be selected from members of the Field Training Officer (FTO) Committee. The reserve officer will be assigned to work with his/her primary training officer during the first 160 hours of training. This time shall be known as the Primary Training Phase.

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1024.4.2 FIELD TRAINING MANUAL

Each new reserve officer will be issued a Field Training Manual at the beginning of his/her Primary Training Phase. This manual is an outline of the subject matter and/or skills necessary to properly function as an officer with the Irvine Police Department. The reserve officer shall become knowledgeable of the subject matter as outlined. He/she shall also become proficient with those skills as set forth in the manual.

1024.4.3 COMPLETION OF THE PRIMARY TRAINING PHASE

At the completion of the Primary Training Phase, (Phase I) the primary training officer will meet with the Reserve Coordinator. The purpose of this meeting is to discuss the progress of the reserve officer in training.

If the reserve officer has progressed satisfactorily, he/she will then proceed to Phase II of the training. If he/she has not progressed satisfactorily, the Reserve Coordinator will determine the appropriate action to be taken.

1024.4.4 SECONDARY TRAINING PHASE

The Secondary Training Phase (Phase II) shall consist of 100 hours of additional on-duty training.

During Phase II of training, as with Phase I, the reserve officer's performance will be closely monitored. In addition, rapid progress should continue towards the completion of the Officer's Field Training Manual. At the completion of Phase II of training, the reserve officer will return to his/her primary training officer for Phase III of the training.

1024.4.5 THIRD TRAINING PHASE

Phase III of training shall consist of 24 hours of additional on-duty training. For this training phase, the reserve officer will return to his/her original primary training officer. During this phase, the training officer will evaluate the reserve officer for suitability to graduate from the formal training program.

At the completion of Phase III training, the primary training officer will meet with the Reserve Coordinator. Based upon the reserve officer's evaluations, plus input from the primary training officer, the Reserve Coordinator shall decide if the reserve officer has satisfactorily completed his/her formal training. If the reserve officer has progressed satisfactorily, he/she will then graduate from the formal training process. If his/her progress is not satisfactory, the Reserve Coordinator will decide upon the appropriate action to be taken.

1024.4.6 COMPLETION OF THE FORMAL TRAINING PROCESS

When a reserve officer has satisfactorily completed all three phases of formal training, he/she will have had a minimum of 284 hours of on-duty training. He/she will no longer be required to ride with a reserve training officer. The reserve officer may now be assigned to ride with any officer for the remaining 200-hour requirement for a total of 484 hours before being considered for relief of immediate supervision.

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1024.5 SUPERVISION OF RESERVE OFFICERS

Reserve officers who have attained the status of Level II shall be under the immediate supervision of a regular sworn officer (Penal Code 832.6). The immediate supervision requirement shall also continue for reserve officers who have attained Level I status unless special authorization is received from the Reserve Coordinator with the approval of the Division Commander.

1024.5.1 SPECIAL AUTHORIZATION REQUIREMENTS

Reserve officers certified as Level I may, with prior authorization of the Reserve Coordinator and on approval of the Division Commander, be relieved of the "immediate supervision" requirement. Level I reserve officers may function under the authority of Penal Code § 832.6(a)(1) only for the duration of the assignment or purpose for which the authorization was granted.

In the absence of the Reserve Coordinator and the Division Commander, the watch commander may assign a certified Level I reserve officer to function under the authority of Penal Code § 832.6(a)(1) for specific purposes and duration.

1024.5.2 RESERVE OFFICER MEETINGS

All reserve officer meetings will be scheduled and conducted by the Reserve Coordinator. All reserve officers are required to attend scheduled meetings. Any absences must be satisfactorily explained to the Reserve Coordinator.

1024.5.3 IDENTIFICATION OF RESERVE OFFICERS

All reserve officers will be issued a uniform badge and a Department identification card. The uniform badge shall be the same as that worn by a regular full-time officer. The identification card will be the standard identification card with the exception that "Reserve" will be indicated on the card.

1024.5.4 UNIFORM

Reserve officers shall conform to all uniform regulation and appearance standards of this department.

1024.5.5 INVESTIGATIONS AND COMPLAINTS

If a reserve officer has a complaint made against him/her or becomes involved in an internal investigation, that complaint or internal investigation may be investigated by the Reserve Coordinator, at the discretion of the Operations Division Commander.

Reserve officers are considered at-will employees. Government Code § 3300 et seq. applies to reserve officers with the exception that the right to hearing is limited to the opportunity to clear their name.

Any disciplinary action that may have to be administered to a reserve officer shall be accomplished as outlined in the Policy Manual.

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1024.5.6 RESERVE OFFICER EVALUATIONS

While in training reserves will be continuously evaluated using standardized daily and weekly observation reports. The reserve will be considered a trainee until all of the training phases have been completed. Reserves having completed their field training will be evaluated annually using performance dimensions applicable to the duties and authorities granted to that reserve.

1024.6 FIREARMS REQUIREMENTS

Penal Code § 830.6(a)(1) designates a reserve officer as having peace officer powers during his/her assigned tour of duty, provided the reserve officer qualifies or falls within the provisions of Penal Code § 832.6.

1024.6.1 CARRYING WEAPON ON DUTY

Penal Code § 830.6(a)(1) permits qualified reserve officers to carry a loaded firearm while on-duty. It is the policy of this department to allow reserves to carry firearms only while on-duty or to and from duty.

1024.6.2 CONCEALED FIREARMS PROHIBITED

No reserve officer will be permitted to carry a concealed firearm while in an off-duty capacity, other than to and from work, except those reserve officers who possess a valid CCW permit. An instance may arise where a reserve officer is assigned to a plainclothes detail for his/her assigned tour of duty. Under these circumstances, the reserve officer may be permitted to carry a weapon more suited to the assignment with the knowledge and approval of the supervisor in charge of the detail.

Any reserve officer who is permitted to carry a firearm other than the assigned duty weapon may do so only after verifying that the weapon conforms to department standards. The weapon must be registered by the reserve officer and be inspected and certified as fit for service by a department armorer.

Before being allowed to carry any optional firearm during an assigned tour of duty, the reserve officer shall have demonstrated his/her proficiency with said weapon.

When a reserve officer has satisfactorily completed all three phases of training (as outlined in the Field Training section), he/she may be issued a permit to carry a concealed weapon. The decision to issue a concealed weapon permit will be made by the Chief of Police with input from the Reserve Program Coordinator and administrative staff. In issuing a concealed weapon permit a reserve officer's qualification will be individually judged. A reserve officer's dedication to the program and demonstrated maturity, among other factors, will be considered before a concealed weapon permit will be issued. Once issued, the concealed weapon permit will be valid only for as long as the reserve officer remains in good standing as a Reserve Officer with the Irvine Police Department.

1024.6.3 RESERVE OFFICER FIREARM TRAINING

All reserve officers are required to maintain proficiency with firearms used in the course of their assignments. Reserve officers shall comply with all areas of the firearms training section of the Policy Manual, with the following exceptions:

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- (a) All reserve officers are required to qualify at least every other month
- (b) Reserve officers may fire at the department approved range at least once each month and more often with the approval of the Reserve Coordinator
- (c) Should a reserve officer fail to qualify over a two-month period, that reserve officer will not be allowed to carry a firearm until he/she has reestablished his/her proficiency

1024.7 EMERGENCY CALL-OUT FOR RESERVE PERSONNEL

The Reserve Coordinator shall develop a plan outlining an emergency call-out procedure for reserve personnel.

1024.8 RESERVE MOTORCYCLE OFFICER PROGRAM

The Irvine Police Department Reserve Motorcycle Officer Program has been established to supplement and assist the Operations Division and the full-time motorcycle officers in their duties. This program provides Level I “Designated” Reserve Officers, who have completed all of the requisite Departmental motorcycle training, to augment the Operations Division.

1024.8.1 SELECTION AND APPOINTMENT OF RESERVE MOTORCYCLE OFFICERS

Level I “Designated” Reserve Officers who have successfully completed their probationary period may, with the approval of the Reserve Program Coordinator, submit a memorandum of interest to the Operations Division Lieutenant expressing their desire to be considered for the Reserve Motorcycle Officer Program.

1024.8.2 PROCEDURE

All reserve motorcycle officers shall be required to meet and pass the same selection procedures as full-time motorcycle officers before selection. After selection to the Reserve Motorcycle Officer Program, the reserve officer shall attend and complete the same training required of a full-time motorcycle officer, or an alternate training program approved by the Operations Division Sergeant and Lieutenant.

1024.8.3 SELECTION

Applicants are selected for the Reserve Motorcycle Officer Program upon the recommendation of the Traffic Lieutenant with the approval of the Chief of Police.

1024.8.4 DUTIES OF RESERVE MOTORCYCLE OFFICERS

Reserve motorcycle officers assist full-time motorcycle officers in the enforcement of the California Vehicle Code, responding to traffic collisions, conducting traffic control, and in maintaining peace and order within the community. Assignments of reserve motorcycle officers will be to augment the Operations Division. Upon selection to the Reserve Motorcycle Officer Program, reserve motorcycle officers are required to work a minimum of 16 hours per month to maintain “good standing” status.

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1024.8.5 POLICY COMPLIANCE

Reserve motorcycle officers shall be required to adhere to the same Departmental policies and procedures as full-time motorcycle officers. A copy of the policies and procedures will be made available to each reserve motorcycle officer upon selection to the Reserve Motorcycle Officer Program and he/she shall become thoroughly familiar with these policies. Whenever a rule, regulation, or guideline in this manual refers to a sworn full-time motorcycle officer, it shall also apply to a sworn reserve motorcycle officer unless by its nature it is inapplicable. All of the provisions of "Police Motorcycle Operations" in this manual shall apply to the reserve motorcycle officer with the following exceptions:

- (a) The use of police motorcycles by reserve motor officers will be subject to the availability of a spare police motorcycle.
- (b) Police motorcycles will not be designated as "take home motorcycles" for reserve motorcycle officers.
- (c) Any time a motorcycle being utilized by a reserve motorcycle officer is needed by a full-time motorcycle officer for the performance of his/her duties, the reserve motorcycle officer shall relinquish the motorcycle to the full-time motorcycle officer and complete the remainder of his/her shift in a department vehicle.

1024.8.6 MOTORCYCLE TRAINING

Each reserve motorcycle officer will be required to attend the same recurrent motorcycle training activities as full-time motorcycle officers. The Operations Division Sergeant may grant an excusal from a motorcycle training day if training of similar type and quality can be completed on an alternate date.

1024.8.7 SUPERVISION AND EVALUATION

For the purposes of the Reserve Motor Officer Program, each reserve motorcycle officer will be supervised and evaluated on an annual basis by the Operations Division/Traffic Sergeant. The reserve coordinator will still maintain overall supervision of the reserve officer and the reserve coordinator will be considered the reserve officer's immediate supervisor.

Police Explorer Program

1025.1 PURPOSE AND SCOPE

The purpose of Law Enforcement Exploring is to provide juveniles who may be interested in a career in law enforcement with a comprehensive volunteer experience, including training, competition, service and practical experiences. Character development, physical fitness, good citizenship and patriotism are integral components of the overall program. Through their involvement in the program, Explorers develop an awareness of the purpose, mission and objectives of law enforcement agencies.

The mission of the Irvine Police Department Explorers is to stimulate interest of today's youth in law enforcement practices and the Explorer Code of Ethics; to promote self-confidence and responsibility; and to provide specific services to the community.

1025.2 EXPLORER POST REQUIREMENTS

Law Enforcement Exploring is open to juveniles ages 14 and in their last semester of eighth grade, through 18. Eligibility standards include:

- (a) A hold harmless and release form for the agency and Learning for Life must be executed by the parents or legal guardian and/or the Explorer if of legal age to sign such a form.
- (b) Must not have a prior conviction for a criminal offense or serious traffic offense.
- (c) Must have and maintain a minimum of a 2.0 cumulative grade point average (GPA) in high school to remain in the Post.
- (d) Must complete the Police Explorer Academy within one year of appointment and the six-month introductory period.
- (e) Must undergo a thorough background review to assess character and integrity that may include interviews with neighbors, teachers and employers.
- (f) Must keep body weight in proportion to height and maintain a high level of physical fitness.

The advisory staff shall complete a background investigation on all applicants. The background will ensure the applicant meets the Explorer Post minimum program requirements. If a candidate fails to meet these requirements, the advisor should contact the candidate and family/parent to explain membership denial. Any candidate failing the background requirements may reapply for membership after a period of six months if they feel they now qualify for membership.

All new Explorers shall be in an introductory status for a minimum of six months upon their entry into the post. Introductory Explorers must attend all training sessions and meetings during this initial period, unless excused in advance by an Advisor. Introductory Explorers shall attend one of the next scheduled Basic Explorer Academies. If an Introductory Explorer cannot complete the training as described, she/he must apply for an extension period in writing to the advisory staff, including their plan on completion of the required training. The Traffic Bureau/Special Events

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Sergeant overseeing the Explorer Program will determine when an Explorer's introductory training period will end.

Upon entering the Explorer program, a Volunteer Portfolio will be prepared. The Portfolio will include:

- (a) Application and background investigation
- (b) Oral interview evaluation forms
- (c) Parental consent forms
- (d) All parental waivers
- (e) Commendations and discipline memos
- (f) Any relevant / future documents
- (g) Semester or quarterly grades from school

1025.3 ORGANIZATION AND COMMAND STRUCTURE

The Post shall have one Explorer Coordinator appointed by the Traffic Bureau Lieutenant. The Post may have as many Associate Advisors as deemed necessary to effectively operate the Post. All members of the staff shall be full-time, Irvine Employees. The Explorer Coordinator and all Associate Advisors shall report to the Lieutenant in charge of the Explorer Program.

The Explorer post chain of command is a framework for membership that follows a traditional rank structure of paramilitary organizations. It teaches Explorers responsibility, supervision and cooperation. The chain of command gives the post an efficient method for communication and authority to flow from the lowest rank upwards to the top levels. The chain of command is as follows:

- (a) Chief of Police
- (b) Assistant Chief of Police
- (c) Traffic Bureau Lieutenant
- (d) Traffic Bureau/Special Events Sergeant
- (e) Explorer Coordinator
- (f) Senior Advisor
- (g) Associate Advisors
- (h) Explorer Captain
- (i) Explorer Lieutenant
- (j) Explorer Sergeant
- (k) Explorer Corporal
- (l) Explorer
- (m) Introductory Explorer

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Generally, Explorers should follow the chain of command to communicate information. In instances where the Explorer needs to report violations of the Department's Discriminatory Harassment policy, any crime, or any serious policy violation, the Explorer should contact anyone in the Explorer chain of command immediately. Complaints may also be filed with the Director of Human Resources, or the City Manager.

1025.4 SCOPE OF ACTIVITIES

Typical types of patrol operations, calls for services and other law enforcement assistance that trained Explorers can provide with relatively minimal risk include, but are not limited to:

- (a) Crime prevention services.
- (b) Citizen tours of police facilities.
- (c) Child identification fingerprinting for parents/legal guardian.
- (d) Agency information booth at career fairs and community events.
- (e) Assistance with organized searches for lost/missing persons.
- (f) Traffic/crowd control at parades, festivals and other community events.

There are numerous police operations and procedures that must not intentionally involve Explorers due to the considerable potential for legal complications or for an aggressive and risk inherent response. The law enforcement officer who is responsible for the Explorer must use his/her best professional judgment with respect to the safety and security of the Explorer and should never intentionally place an Explorer in a high risk or legally precarious situation. Such operations and procedures which an Explorer should not conduct include, but are not limited to:

- (a) Conducting any type of arrests.
- (b) Direct involvement with high-risk calls.
- (c) Administer Breathalyzer/sobriety tests.
- (d) Custodial interviews or interrogations.
- (e) Traffic or foot pursuits.
- (f) Searches & seizures (to include direct Explorer involvement in a routine stop and frisk).
- (g) Conducting surveillance operations.
- (h) Processing evidence or involved in the chain of custody of same.
- (i) Field testing of narcotics or other controlled substances if such test is part of a criminal investigation.
- (j) Handling, intake or transfer of persons taken into custody.

1025.5 EXPLORER SAFETY

The following provisions have been adopted to provide security for youth; in addition, they serve to maintain proper and appropriate boundaries between Explorers and Department employees.

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Adherence to these provisions not only enhances the protection of participants but also ensures the values of the Department are preserved.

- (a) Two-deep leadership. Two Explorer Advisors are required on all trips and outings.
- (b) No one-on-one contact. One-on-one contact between adults and participants is not permitted, except for authorized ride-along programs in Exploring. Personal conferences must be conducted in plain view of others.
- (c) Respect of privacy. Adult leaders must respect the privacy of participants in situations such as changing into swimsuits or taking showers at activities and intrude only to the extent that health and safety require. They must also protect their own privacy in similar situations.
- (d) Separate accommodations. When camping or staying in a hotel, no youth is permitted to sleep in the same tent or room with an adult other than their parents or guardians, or with a member of the opposite sex. In general, youth members, adults, and advisors of the opposite sex should not socialize or congregate together within tents or hotel rooms.
- (e) Proper preparation for high-adventure activities. Activities with elements of risk should never be undertaken without proper preparation, equipment, supervision, and safety measures.
- (f) No secret organizations. There are no secret organizations allowed and all aspects of the Explorer program are open to observation by parents and leaders.
- (g) Appropriate attire. Proper clothing for activities is required.
- (h) Constructive discipline. Discipline in the Explorer Program should be constructive and reflect the program's underlying values. Corporal punishment is never permitted.
- (i) Hazing prohibited. Physical or emotional hazing and initiations are prohibited.
- (j) Youth Leader Training and Supervision. Explorer Advisors must monitor and guide the leadership techniques used by youth leaders.

Explorers from any agency involved in activities for the Irvine Police Department are prohibited from directly or indirectly engaging in covert operations (i.e., serving in an undercover capacity) and should not be used as confidential informants or sources. These activities are fraught with potential legal complications and are risk inherent for the agency and the Explorer. Further, they are inconsistent with the career education and orientation objectives of Law Enforcement Exploring.

Law Enforcement Explorers (whether or not in uniform) are not permitted to drive marked police vehicles or other motorized police conveyances. The exception to this policy is when Explorers are participating in an authorized training program or competition and are under the direct, onsite, supervision of a law enforcement officer or Explorer Advisor/Coordinator.

Outings are trips or meetings that occur at places other than the usual group/post meeting location and require preplanning of transportation. Outings may have an overnight component. All groups

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or posts planning an outing must read, agree, and comply with the requirements in the outing permit.

Transportation to and from Planned Outings:

- (a) Meet for departure at a designated area.
- (b) Prearrange a schedule for periodic checkpoint stops as a group.
- (c) Plan a daily destination point.
- (d) A common departure site and daily destination point are a must. If you cannot provide two adults for each vehicle, the minimum required is one adult and two or more youth participants, never one on one.

Safety Rule of Four: No fewer than four individuals (always with the minimum of two adults) go on any overnight or extended outing. If an accident occurs, one person stays with the injured, and two go for help. Additional adult leadership requirements must reflect an awareness of such factors as size and skill level of the group, anticipated environmental conditions, and overall degree of challenge.

- (a) Male and female leaders require separate sleeping facilities. Married couples may share the same quarters if appropriate facilities are available.
- (b) Male and female youth participants will not share the same sleeping facility.
- (c) When staying in tents, no youth will stay in the tent of an adult other than his or her parent or guardian. Youth and adults, other than the participant's parent(s), must have separate sleeping quarters.
- (d) If separate shower and bathroom facilities are not available, separate times for male and female use should be scheduled and posted.

1025.6 CODE OF CONDUCT

Explorers should remember that whether on or "off-duty" their actions reflect upon the Irvine Police Department and the community. Whether in a post-sponsored social activity or "on-duty", explorers shall always act so as not to bring discredit on themselves, the Department or the community.

- (a) Explorers will be orderly, attentive and will exercise patience and discretion when dealing with the public.
- (b) Explorers will obey all laws. Violation of any law may be cause for disciplinary action including dismissal.
- (c) Explorers shall not impersonate a police officer or imply through appearance or action that they have any law enforcement authority beyond that of a private person.
- (d) Explorers will immediately report any type of "off duty" contact with any law enforcement officer to an advisor. During regular hours, Explorers must contact an advisor by telephone. Between 2300 and 0600, Explorers must send an email to all of the advisory staff. This includes contacts for traffic violations, criminal investigations, field interviews and any time the explorer is a reporting party or witness in any police matter. Any failure to notify an advisor is cause for immediate dismissal from the Post.

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- (e) Explorers will not use or have in their possession any controlled substance except when legally prescribed by a licensed physician. When an explorer is taking prescribed medication that could affect performance, the advisory staff shall be notified before the event/shift begins. Explorers are not allowed to use any tobacco products while on duty or at explorer social events.
 - 1. Any Explorers who are issued a “Medicinal Marijuana” prescription or recommendation must notify the advisory staff immediately.
 - 2. Explorers are never permitted to be present in a situation where drugs are being used illegally. Furthermore, Explorers shall never be present in a situation where legal medications are being improperly used.
- (f) Explorers shall address all Department personnel in a courteous manner, using rank or title and their last name unless otherwise instructed by the individual Department member.
- (g) In some circumstances the advisory staff may allow the Explorers to call them by their first name. (i.e., summer trips). However, explorers shall avoid treating Advisors like their peers and be respectful at all times.
- (h) Explorers will perform their assigned duties to the best of their abilities. Laziness is looked upon by your peers and the public as inappropriate and it will not be tolerated.
- (i) Members will arrive at their assignments on time, dressed in proper attire and ready for the activity at hand. Explorers should not arrive earlier than 30 minutes prior to an assignment.
- (j) Explorers will promptly obey any lawful orders of a superior officer. Any explorer who refuses to obey a lawful order will be considered insubordinate. Should any lawful order given by a superior conflict with any previous order or published directive, the explorer will respectfully bring this conflict to the attention of the superior. The superior will take any necessary steps to correct the conflict and, at the same time, assume responsibility for the explorer's actions in carrying out the order.
- (k) Explorers will not directly or indirectly solicit or accept any gratuities, loans, gifts, rewards, merchandise, meals, beverages, or any other thing of value in connection with their official position. Explorers will not use their official position, uniforms, or identification to obtain privileges not otherwise available to them. Any items of value, which the advisory staff obtains as a form of compensation to the post, shall not be considered gratuities, i.e.: meals at functions, event T-shirts, etc. Explorers shall not accept these items unless they have been specifically approved by the advisory staff for that function.
- (l) Explorers are never permitted to utilize an Explorer identification card or badge to identify them when off duty for any reason including a traffic stop.
- (m) **Fraternization:** Close social relationships, such as dating, between adult leaders and participants are prohibited. Explorers are encouraged to keep personal relationships and dating outside of the Explorer Post and the Department. Explorers shall not display affection toward one another (i.e., kissing, holding hands, etc.) while on duty or attending any Explorer activity.

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1025.7 HARASSMENT IN THE WORKPLACE

Explorers shall be courteous to the public and fellow Explorers. Explorers shall be tactful in the performance of their duties, shall control their tempers, and exercise patience and discretion. Explorers shall not use coarse, violent, profane or insolent language or gestures. Explorers shall not express any prejudice or engage in harassment or discrimination based upon race, creed, color, national origin, ancestry, sex, gender identity or expression, age, physical or mental disability, medical condition, genetic information, religion, marital status or sexual preference. Harassment includes, but is not limited to, verbal, physical and visual harassment.

Reporting Harassment: Any explorer who believes he or she has been the subject of harassment should report the alleged act immediately to his/her advisor or sergeant in charge of the explorer post. The explorer need not follow the chain of command to report harassment incidents.

Sexual Harassment Defined: Unwelcome sexual advances, requests for sexual favors, and/or other verbal or physical conduct of a sexual nature constitute sexual harassment when any of the following exist:

- (a) Submission to such conduct is made either explicitly or implicitly a term, or condition of an individual's participation as a volunteer in the Explorer program;
- (b) Submission to or rejection of such conduct by an individual is used as a basis for decisions affecting such individual;
- (c) Submission to such conduct has the purpose or effect of unreasonably interfering with an individual's performance as an Explorer or creation of an intimidating, hostile or offensive environment. Sexual harassment may include any of the following behaviors:
 - 1. Verbal Harassment: Repeated, unsolicited, derogatory comments or slurs, or continued requests for social or sexual contact after being advised such is unwelcome;
 - 2. Physical Harassment: Physical interference or contact which impedes normal work movement when directed at an individual;
 - 3. Visual Harassment: Derogatory posters, cartoons, or drawings, staring or leering;
 - 4. Sexual Favors: Sexual advances which condition an employment benefit in exchange for sexual favors, or which may reasonably be perceived as such.

Explorer Responsibilities: All Explorers have a responsibility and obligation to enforce a zero tolerance sexual harassment and discrimination policy. If offensive or hostile type behavior occurs, all Explorers present have the obligation to attempt to stop the action in progress and report it to their advisor.

There is no intent by this Department to regulate or control any relationship or social interactions of Explorers which are freely entered into by both parties and which do not impact Explorer performance.

The following are suggestions for all explorers to help establish and maintain a professional and healthy environment, while at the same time preventing sexual harassment from occurring.

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- (a) It is this Department's philosophy that Explorers must set an example of acceptable conduct by not participating in or provoking behavior that is offensive.
- (b) When appropriate and possible, the Explorer should warn the harasser that the particular behavior is offensive and unwelcome. Make it absolutely clear that you are neither interested in, nor flattered by, uninvited sexual advances. Be specific in advising that person about what conduct is offensive and unwelcome. Make it clear that you will take official action if it continues. If you foresee a problem, document the incident thoroughly.
- (c) If the harassing behavior continues, or if you were unable or unwilling to confront the harasser directly, you must notify your immediate advisor or any advisor, including the Chief's office and document the notification. It is the Explorer's responsibility to bring sexual harassment behavior to the attention of an advisor to ensure proper follow-up action. **YOU NEED NOT FOLLOW THE CHAIN OF COMMAND TO REPORT HARASSING BEHAVIOR.**
- (d) The Department will take steps necessary to prevent retaliation against the complaining party or witnesses and support that individual. Appropriate sanctions will be imposed on any individual subjecting any party involved in this process to retaliation.

Advisor's Responsibilities:

- (a) Individual advisors are responsible to report and/or handle harassment incidents where the advisor knows or should have known of the incident by nature of his or her advisory position.
- (b) Regardless of whether the complaining party requests action, the advisor must follow through, either by the formal complaint or by verbally warning the harasser and documenting the admonishment in writing.
- (c) The advisor, as well as the Department, may be held civilly liable if swift corrective action is not taken. Any advisor who fails to take corrective action can and will be disciplined by this Department.
- (d) It is the responsibility of all advisors to establish and maintain a working environment, which is free from discriminatory intimidation, ridicule and insult.

The advisors and Department supervisors have the responsibility and obligation to enforce a zero tolerance harassment policy.

Investigation of Harassment: It is the advisor's obligation to document all incidents and any action taken involving allegations of harassment. All such incidents must be reported to the supervisor in charge of the Explorer post. At which time it would be determined whether an internal affairs investigation is required. An investigation may be conducted whether or not an involved party elects to pursue a complaint.

If, based upon the facts and circumstances presented, a decision is made to proceed, then, a full and complete investigation will be conducted by an individual selected by the Chief of Police. The investigation will be conducted as quickly as possible and based upon that report. A decision will be made regarding whether disciplinary action is necessary.

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The identity and statements of the complaining party will be kept confidential to the fullest extent possible, but disclosure may occur in some circumstances including, but not limited to counseling, discipline or litigation.

Discipline up to and including dismissal from the Explorer program may result from behavior found to constitute a violation of this directive.

1025.8 RIDE ALONGS

The purpose of the Explorer Program is to provide comprehensive training, competition, service, practical, and recreational experience for young adults interested in a career in law enforcement or a related field. Toward that end, the objectives of the Ride-Along program are to offer qualified Explorers the opportunity to accompany a police officer on patrol to observe and gain practical experience with regard to the methods and techniques used in patrol operations and related services. This program also provides Explorers with valuable knowledge of the challenges and benefits of patrol operations and a better understanding of the importance of police services within the City of Irvine.

- (a) The Department recognizes the potential risks to participants involved with Explorer activities, to include personal injury and/or inadvertent involvement with dangerous situations. All IPD personnel, or approved volunteers, involved with Post #24 will make every effort to minimize risk to Explorers through training, supervision, adherence to policy and standard operating procedures, and proactive risk management. As a condition of acceptance into the Explorer Program, the parents or legal guardian of every Explorer, or the Explorer if of legal age to do so, must sign a hold harmless and release form acknowledging they have been advised of the risk potential and waive any right to initiate a legal cause of action against the City of Irvine, the Department, and Learning for Life/Law Enforcement Exploring, or any of their representatives.
- (b) Prior to participation the Program, the parents or legal guardian of every Explorer, or the Explorer if of legal age to do so, must sign a medical release form authorizing IPD representatives to approve emergency medical treatment.
- (c) Explorers may not accompany officers on a Ride-Along between 12 midnight and 6 AM. In order to ensure that Explorers partake in all activities of the Post, and to provide an equal opportunity for all members, Explorers will be limited to participating in the Ride- Along program based on the number of hours expended on other Post activities. Upon accruing eight hours of time involved in Post meetings, training, competition or other approved activities, an Explorer can spend an equal amount of time participating in the Ride-Along program. The Explorer Coordinator, or his/her designee, can make an exception to this policy as needed. Explorers shall not participate in more than two Ride-Alongs per month unless authority is granted by the Operations Division Lieutenant.
- (d) As a prerequisite for participating in the Ride-Along Program, an Explorer must have successfully passed the Explorer Academy, completed the required Introductory period, and not be the subject of any disciplinary action (to include not being on academic probation for failure to maintain a 2.0 cumulative GPA).

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- (e) Prior to being designated as qualified for the Ride-Along program, Explorers will receive specialized training in methods and techniques used in patrol operations and related services, traffic control, crowd control, telecommunications procedures, and youth protection issues. The youth protection issues portion of the training will emphasize assertive and practical ways in which an Explorer can prevent and stop inappropriate behavior from adults or other Explorers. Explorers also will be provided with familiarization training on all patrol vehicle systems and equipment.
- (f) In order for an Officer to be considered for the program they must have completed their field training program and Introductory period, and be in good standing with no pending disciplinary actions or other adverse matters. IPD personnel approved for participation in the Ride-Along program must undergo an orientation that includes an overview of Law Enforcement Exploring, agency policy and standard operating procedures for Officers and Explorers, and youth protection issues. Officers must also undergo the self-guided Youth Protection Training course for adults.
- (g) Explorers will report for a Ride-Along well-groomed in a clean and pressed Class B uniform (unless otherwise notified). Explorers should have other uniform items as dictated by weather or other factors (i.e. rain coat, coat, boots, etc.), along with a reflective vest or other approved reflective clothing item to be used when in engaged in traffic control functions.
- (h) Explorers will have with them on every Ride-Along a notepad, pen and pencil, flashlight, and whistle contained in an approved carrying case. Explorers should wear a protective vest.
- (i) Explorers may not carry an offensive or defensive weapon, such as a firearm, Taser, nightstick, baton (collapsible or otherwise), sap, sap gloves, tactical flashlight, any knife with a blade in excess of four inches, chemical repellent or electrical shock device.
- (j) Explorers will report for their Ride-Along at least 15 minutes before their scheduled time in their complete uniform and with the required equipment.
- (k) Whenever possible and practical, the Ride-Along officer and Explorer should be of the same gender.
- (l) A Ride-Along logbook will be maintained in the Patrol Division Watch Commander's Office and will be completed by a supervisor each time an Explorer goes on a Ride-Along. The logbook will contain the following information about the Ride-Along: date, start time, end time, Explorer's name, supervising officer's name and any comments deemed appropriate by the supervising officer or supervisor. A records book will also be maintained in the Patrol Division Watch Commander's Office that will contain a current list of Explorers qualified to participate in the Ride-Along program, along with a copy of their hold harmless and release form as well as their medical release form that permits IPD representatives to approve emergency medical treatment. It is the responsibility of the Explorer Coordinator, or his/her designee, to make sure the logbook is maintained properly and the release records book is up to date.
- (m) Explorers may not eat or drink (except while on a break with supervising patrol officer); use tobacco products; use any electronic device such as a cell phone, personal digital assistant, music device or game; or engage in any other behavior that would distract

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the supervising officer or interfere with the objectives of the Ride-Along program. The only exception to this policy is the use of a cell phone, or other communication device, in an emergency.

- (n) Due to potential legal issues with federal and state statutes regulating criminal law and procedure, civil law, and privacy and confidentiality concerns, Explorers are not permitted to participate in interviews, interrogations, the handling or processing of evidence, or the intake or transfer of persons taken into custody. Further, Explorers are forbidden from responding to any opinion or judgment questions posed to them by the public (i.e., at a scene of a traffic accident someone asks, "Who do you think was at fault?" "What type of citation should be issued?" etc.). Conversations with citizens will be limited to comments made necessary by direct inquiry and do not require an opinion or judgment, or as otherwise directed by the supervising officer. If avoidable, Explorers should not be placed in situations where they may be called as a witness in a criminal or civil proceeding.
- (o) At all times during a Ride-Along the Explorer will adhere to the commands and direction given to him/her by the supervising officer or, in the supervising officer's absence or incapacity, any other law enforcement officer. The Explorer shall, to the extent possible, remain in the patrol vehicle as an observer during a Ride-Along unless otherwise directed by the supervising officer or other law enforcement officer.
- (p) Explorers, as directed by the supervising officer, may assist with telecommunications; traffic control; perimeter control; completion of incident report forms; or any other activity that is considered by the supervising officer to be routine and low-risk for the Explorer.
- (q) Due to the considerable potential for legal complications or for an aggressive or risk inherent response, Explorers are prohibited from participating in arrests; felony-in-progress calls; high-speed traffic pursuits; foot pursuits; domestic crisis calls; civil unrest or drinking establishment disturbances; sobriety tests or any other high risk or legally precarious situation. Should, during the course of a Ride-Along, the supervising officer have enough advance notice of a high risk or legally precarious call as it relates to the Explorer, he/she will transport the Explorer to a safe location or make arrangements for the Explorer to be transported to a safe location.
- (r) Patrol operations and calls for service often involve spontaneous situations that require an aggressive and risk inherent response; or just as likely a routine call for service escalates into a situation requiring the same type of response. In that it is not possible to foresee every possible contingency for Explorers participating in the Ride-Along program the supervising law enforcement officer responsible for the Explorer must, based upon the circumstances presented, use his/her best professional judgment with respect to the safety and security of the Explorer. As a general rule, if the supervising officer is confronted with such a situation and able, he/she should make arrangements for another law enforcement officer to transport the Explorer to the police station or other safe location. In some situations, it may be safer for the Explorer to remain in the patrol vehicle. It is the responsibility of the Explorer to remain as uninvolved as possible during a spontaneous emergency. In the event the supervising officer is in need of emergency assistance, the Explorer will contact the police dispatch center by police radio or cell phone and relate as clearly as possible the location and situation. If

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the Explorer's safety is in jeopardy, and he/she can be of no further assistance to the supervising officer or other law enforcement personnel, the Explorer should remove himself/herself from the immediate area and, without unnecessary delay, report to the police station.

- (s) The supervising officer, or any other IPD personnel or volunteer involved with Post #24, must report to the shift supervisor and Post Advisor any injury that occurs to an Explorer, or any situation that may have legal consequences, arising from the Explorer's participation in a Ride-Along or any other Post #24 activity.
- (t) The supervising officer shall immediately terminate the Ride-Along for any infraction of this policy.

1025.9 DISCIPLINE AND DISMISSAL

Any Explorer, who fails to abide by these policies, or any other rule, policy, standard or expectation of the Department, may be disciplined or dismissed from the Explorer program in the sole discretion of the Department. Employees who are dismissed from the program may submit a letter of appeal to the Traffic Bureau Lieutenant who oversees the Explorer Program, whose decision to uphold or overturn the dismissal will be final and binding.

Volunteer Program

1026.1 PURPOSE AND SCOPE

It is the policy of this department to use qualified volunteers for specified tasks and duties in order to create efficiencies for the Department and improve services to the community. Volunteers are intended to supplement and support, rather than supplant, sworn officers and civilian personnel. Volunteers can be an important part of any organization and are proven to be a valuable asset to law enforcement agencies. Volunteers help to increase department responsiveness, delivery of services and information input, and provide new program opportunities. In addition, volunteers bring new skills and expertise to the Department and prompt new enthusiasm.

1026.1.1 DEFINITION OF VOLUNTEER

An individual who performs a service for the Department without promise, expectation or receipt of compensation for services rendered. This may include unpaid chaplains, unpaid reserve officers, interns, persons providing administrative support and youth involved in a law enforcement Explorer Post, among others.

1026.2 VOLUNTEER MANAGEMENT

Management of the volunteer program is the responsibility of the Volunteer Coordinator. The subsections, below, outline the responsibilities of the coordinator, explain the recruitment and training process and articulate the required dress code for volunteers.

1026.2.1 VOLUNTEER COORDINATOR

The Volunteer Coordinator shall be appointed by the Training Manager. The function of the Volunteer Coordinator is to provide a central coordinating point for effective volunteer management within the Department, and to direct and assist staff and volunteer efforts to jointly provide more productive services. The Volunteer Coordinator should work with other Department staff on an ongoing basis to assist in the development and implementation of volunteer-staffed positions.

The Volunteer Coordinator, or his/her designee, shall be responsible for the following:

- (a) Recruiting, selecting and training qualified volunteers for various positions.
- (b) Facilitating the implementation of new volunteer activities and assignments.
- (c) Maintaining records for each volunteer.
- (d) Tracking and evaluating the contribution of volunteers.
- (e) Maintaining the volunteer handbook and outlining expectations, policies and responsibilities for all volunteers.
- (f) Maintaining a record of volunteer schedules and work hours.
- (g) Completion and dissemination as appropriate of all necessary paperwork and information.
- (h) Planning periodic recognition events.

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- (i) Maintaining liaison with other volunteer-utilizing programs in the community and assisting in community-wide efforts to recognize and promote volunteering.

1026.2.2 RECRUITMENT

Volunteers should be recruited on a continuous and ongoing basis consistent with department policy on equal opportunity nondiscriminatory employment. A primary qualification for participation in the application process should be an interest in, and an ability to assist the Department in serving the public.

Requests for volunteers should be submitted in writing by interested staff to the Volunteer Coordinator through the requester's immediate supervisor. A complete position description and a requested time-frame should be included in the request. All parties should understand that the recruitment of volunteers is enhanced by creative and interesting assignments. The Volunteer Coordinator may withhold assignment of any volunteer until such time as the requesting unit is prepared to make effective use of volunteer resources.

1026.2.3 SCREENING

All prospective volunteers should complete the volunteer application form. The Volunteer Coordinator or designee should conduct a face-to-face interview with an applicant under consideration.

A documented background investigation shall be completed on each volunteer applicant and shall include, but not necessarily be limited to, the following:

- (a) Traffic and criminal background check. Fingerprints shall be obtained from all applicants and processed via Live Scan through the California Criminal Information Index, state and federal databases.
- (b) Employment
- (c) References
- (d) Background investigation
- (e) Interview with the Chief of Police

1026.2.4 SELECTION AND PLACEMENT

Service as a volunteer with the Department shall begin with an official notice of acceptance or appointment to a volunteer position. Notice may only be given by an authorized representative of the Department, who will normally be the Volunteer Coordinator. No volunteer should begin any assignment until they have been officially accepted for that position and completed all required screening and paperwork. At the time of final acceptance, each volunteer should complete all required enrollment paperwork and will receive a copy of their position description and agreement of service with the Department. All volunteers shall receive a copy of the volunteer handbook and shall be required to sign a volunteer agreement. New volunteers shall also receive an orientation on Discriminatory Harassment that includes the presentation of the policy on the subject. Once the policy has been presented and explained, the volunteer is required to sign an acknowledgement of the receipt and understanding of the policy.

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Volunteers should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the Department.

1026.2.5 TRAINING

Volunteers will be provided with an orientation program to acquaint them with the Department, personnel, policies and procedures that have a direct impact on their work assignment.

Volunteers should receive position-specific training to ensure they have adequate knowledge and skills to complete tasks required by the position and should receive periodic ongoing training as deemed appropriate by their supervisor or the Volunteer Coordinator.

Training should reinforce to volunteers that they may not intentionally represent themselves as, or by omission infer that they are sworn officers or other full-time members of the Department. They shall always represent themselves as volunteers.

All volunteers shall comply with the rules of conduct and with all orders and directives, either oral or written, issued by the Department.

1026.2.6 FITNESS FOR DUTY

No volunteer shall report to work or be on-duty when his/her judgment or physical condition has been impaired by alcohol, medication, other substances, illness or injury.

Volunteers shall report to their supervisor any changes in status that may affect their ability to fulfill their duties. This includes, but is not limited to, the following:

- (a) Driver license
- (b) Medical condition
- (c) Arrests
- (d) Criminal investigations

All volunteers shall adhere to the guidelines set forth by this department regarding drug and alcohol use.

1026.2.7 DRESS CODE

As representatives of the Department, volunteers are responsible for presenting a professional image to the community. Volunteers shall dress appropriately for the conditions and performance of their duties.

Volunteers shall conform to department-approved dress consistent with their duty assignment. Uniforms authorized for volunteers should be readily distinguishable from those worn by sworn officers. The uniform or identifiable parts of the uniform shall not be worn while off-duty except volunteers may choose to wear the uniform while in transit to or from official department assignments or functions provided an outer garment is worn over the uniform shirt so as not to bring attention to the volunteer while he/she is off duty.

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Volunteers shall be required to return any issued uniform or department property at the termination of service.

1026.3 SUPERVISION OF VOLUNTEERS

Each volunteer who is accepted to a position with the Department must have a clearly identified supervisor who is responsible for direct management of that volunteer. This supervisor will be responsible for day-to-day management and guidance of the work of the volunteer and should be available to the volunteer for consultation and assistance.

A volunteer may be assigned as and act as a supervisor of other volunteers provided that the supervising volunteer is under the direct supervision of a paid staff member.

Functional supervision of volunteers is the responsibility of the supervisor in charge of the unit where the volunteer is assigned. Following are some considerations to keep in mind while supervising volunteers:

- (a) Take the time to introduce volunteers to employees on all levels.
- (b) Ensure volunteers have work space and necessary office supplies.
- (c) Make sure the work is challenging. Do not hesitate to give them an assignment or task that will tap these valuable resources.

1026.4 CONFIDENTIALITY

With appropriate security clearance, volunteers may have access to confidential information such as criminal histories or investigative files. Unless otherwise directed by a supervisor or department policy, all information shall be considered confidential. Only that information specifically identified and approved by authorized personnel shall be released. Confidential information shall be given only to persons who have a need and a right to know as determined by department policy and supervisory personnel.

Each volunteer will be required to sign a nondisclosure agreement before being given an assignment with the Department. Subsequent unauthorized disclosure of any confidential information, verbally, in writing or by any other means, by the volunteer is grounds for immediate dismissal and possible criminal prosecution.

Volunteers shall not address public gatherings, appear on radio or television, prepare any article for publication, act as correspondents to a newspaper or other periodical, release or divulge any information concerning the activities of the Department, or maintain that they represent the Department in such matters without permission from the proper department personnel.

1026.5 PROPERTY AND EQUIPMENT

Volunteers will be issued an identification card that must be worn at all times while on-duty. Any fixed and portable equipment issued by the Department shall be for official and authorized use only. Any property or equipment issued to a volunteer shall remain the property of the Department and shall be returned at the termination of service.

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1026.5.1 VEHICLE USE

Volunteers assigned to duties such as vacation house checks or other assignments that require the use of a vehicle must first complete the following:

- (a) A driving safety briefing and department approved driver safety course.
- (b) Verification that the volunteer possesses a valid California Driver License.
- (c) Verification that the volunteer carries current vehicle insurance.

The Volunteer Coordinator should insure that all volunteers receive safety briefing updates and license and insurance verification at least once a year.

When operating a Department vehicle, volunteers shall obey all rules of the road, including seat belt requirements. Smoking is prohibited in all Department vehicles.

Volunteers should not operate a marked patrol car unless there is a prominently placed sign indicating that it is out of service and are not authorized to operate a Department vehicle Code-3.

1026.5.2 RADIO AND MDC USAGE

Volunteers shall successfully complete CLETS and radio procedures training prior to using the police radio or MDC and comply with all related provisions. The Volunteer Coordinator should ensure that radio and CLETS training is provided for volunteers whenever necessary.

1026.6 DISCIPLINARY PROCEDURES/TERMINATION

A volunteer may be removed from the volunteer program at the discretion of the Chief of Police or the Volunteer Coordinator. Volunteers shall have no property interests in their continued appointment. However, if a volunteer is removed for alleged misconduct, the volunteer will be afforded an opportunity solely to clear his/her name through a liberty interest hearing which shall be limited to a single appearance before the Chief of Police or authorized designee.

Volunteers may resign from volunteer service with the Department at any time. It is requested that volunteers who intend to resign provide advance notice of their departure and a reason for their decision.

1026.6.1 EXIT INTERVIEWS

Exit interviews, where possible, should be conducted with volunteers who are leaving their positions. The interview should ascertain why the volunteer is leaving the position and solicit the volunteer's suggestions on improving the position. When appropriate, the interview should also include a discussion on the possibility of involvement in some other capacity with the Department.

1026.7 EVALUATION

An evaluation of the overall volunteer program will be conducted on an annual basis by the Volunteer Coordinator. Regular evaluations should be conducted with volunteers to ensure the best use of human resources available, to ensure personnel problems can be identified and dealt with promptly and fairly, and to ensure optimum satisfaction on the part of volunteers.

WELLNESS PROGRAM

1027.1 PURPOSE AND SCOPE

The Irvine Police Department (IPD) recognizes that first responders and other public safety employees are regularly exposed to traumatic events in the performance of their duties. The Department also recognizes the psychological and emotional impact these events may have on employees and their families, both in the short-term and over the course of the employee's career.

The Wellness Program is dedicated to fostering a culture of wellness that prioritizes the physical, mental, and emotional well-being of our officers, staff, and their families. Through our comprehensive Wellness Program, we aim to provide resources, support, and education to empower individuals to lead healthier lifestyles and enhance resiliency.

In an effort to ensure employees maintain a high level of psychological and emotional resiliency, the Department has created a Wellness Program to provide resources to all employees, regardless of assignment. These services are at no cost to the employee.

1027.2 PROGRAM FEATURES

Wellness Team

The Department's Wellnes Team has been in place since 2013. The mission of the team is to support employees during times of personal and/or professional stress and to assist employees with obtaining professional resources when needed. Wellness Team members receive advanced training in critical incident stress management, post-traumatic stress, and suicide prevention. Additional information about the Wellness Team can be found in the Lexipol policy manual.

Chaplains

The Department's Chaplain Team consists of spiritual leaders from several local houses of worship. Chaplains attend many IPD events and are available to IPD personnel for personal and/or professional assistance. Additional information about the Chaplain Program can be found in the Lexipol policy manual.

Mental Health Professionals - Counseling

IPD contracts with two different vendors to provide confidential counseling services to Department employees. Employees seeking professional support may self-refer to either vendor without Department knowledge or approval and must contact the vendor directly to make the initial appointment or to schedule follow-up sessions. Employees may attend counseling sessions on their own time, or utilize sick time if attending while on-duty. Employees attending while on-duty must obtain approval to be absent from their work assignment, as they would with any medical appointment.

Mental Health Professionals - Annual Resiliency Check-In

Employees who do not feel the need to engage in regular counseling may elect to voluntarily attend an annual "resiliency check-in" with one of the two mental health vendors described above. The

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purpose of the annual resiliency check-in is to ensure employees have healthy stress management techniques in place to cope with personal and professional stress and to establish a trusting relationship with a mental health professional before one is actually needed. The resiliency check-in may be completed at any time during the year. Employees may attend annual resiliency check-in appointments during their normal work hours. Employee's wishing to attend while on-duty must obtain supervisor approval.

Police Support Canine Program

The Irvine Police Department has support canines within the agency that may be deployed in the aftermath of traumatic events to aid employees with critical incident stress management. The support canines will also periodically visit different work groups to build camaraderie and reduce stress. The use of support canines may be accessed through the Wellness Program Manager or directly from the handler. See the Department Lexipol policy for specific information regarding the use of a support canine.

1027.3 CONFIDENTIALITY

Information shared during counseling sessions and resiliency check-in visits are confidential and are protected under the Psychotherapist-Patient privilege. The Department and the City do not have the right to obtain the results, patient notes, or any records related to the employee. The Department and City shall not use the annual resiliency check-in to inquire into the mental fitness of an employee to perform their duties. Information collected during counseling sessions or resiliency check-in visits shall be maintained by the vendor. Limitations to confidentiality, including mandated reporting laws, should be discussed with the mental health professional prior to treatment.

1027.4 ACCESSING WELLNESS PROGRAM INFORMATION

Contact information for the Wellness Team, Chaplains, Mental Health Professionals, and the Support Canine Program may be found on the IPD intranet.