

Santa Cruz Police Department

Santa Cruz PD-CA Policy Manual

CHIEFS PREFACE

The Santa Cruz Police Department Policy Manual provides the framework to perform our law enforcement mission. These policies have been established as a result of an ever-changing assimilation of legal and best-practice principles in the law enforcement profession. These policies, coupled with professional training, provide you with the tools to carry out your law enforcement responsibilities. We are tasked with providing effective service to our community in a professional and ethical manner. All members of this department are held to the highest standard by the citizens we serve and adherence to these policies is one of the requirements of these standards. As the Chief of Police, I am honored to work with such a dedicated group of individuals.

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LAW ENFORCEMENT CODE OF ETHICS

As a Law Enforcement Officer, my fundamental duty is to serve mankind; 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 men to liberty, equality and justice.

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

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

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

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MISSION STATEMENT

MISSION STATEMENT

Committed to public safety through exemplary service.

VALUES

-External-

- Service
Providing responsive professional services using collaborative problem-solving strategies.
- Integrity
Providing fair and ethical treatment for all.
- Accountability
Committing to high ethical standards using a transparent approach.

-Internal-

- Accountability
Upholding our standards through honest and respectful communication.
- Integrity
Owning responsibilities; putting egos in check; and providing and receiving honest feedback.
- - Service - Maintaining high expectations for quality work, while providing a supportive environment for success.

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

100.2 POLICY

It is the policy of the Santa Cruz 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.).

100.3.1 ARREST AUTHORITY INSIDE THE JURISDICTION OF THE SANTA CRUZ POLICE DEPARTMENT

The arrest authority within the jurisdiction of the Santa Cruz 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 SANTA CRUZ POLICE DEPARTMENT

The arrest authority outside the jurisdiction of the Santa Cruz 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.

Santa Cruz 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 Santa Cruz 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). The oath shall be as follows:

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

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

103.3 AUTHORITY

The Chief of Police shall be considered the ultimate authority for the content and adoption of the provisions of this manual and shall ensure compliance with all applicable federal, state and local laws. The Chief of Police or the authorized designee is authorized to issue Departmental Directives, which shall modify those provisions of the manual to which they pertain. Departmental Directives shall remain in effect until such time as they may be permanently incorporated into the manual.

103.4 MANUAL ACCEPTANCE

As a condition of employment, all employees are required to read and obtain necessary clarification of this department's policies. All employees are required to sign a statement of receipt acknowledging that they have received a copy, or have been provided access to the Policy Manual and understand they are responsible to read and become familiar with its contents.

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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 Departmental Directives. Members shall seek clarification as needed from an appropriate supervisor for any provisions that they do not fully understand.

103.6 PERIODIC REVIEW OF THE POLICY MANUAL

The Chief of Police 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 Deputy Chief will ensure that members under his/her command are aware of any Policy Manual revision.

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

Law Enforcement Code of Ethics

104.1 PURPOSE AND SCOPE

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

104.2 POLICY

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

104.3 LAW ENFORCEMENT CODE OF ETHICS

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

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

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

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

104.3.1 OBJECTION TO RELIGIOUS AFFIRMATION

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

Chapter 2 - Organization and Administration

Organizational Structure and Responsibility

200.1 PURPOSE AND SCOPE

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

200.2 DIVISIONS

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

- Administration Division
- Operations Division

200.2.1 ADMINISTRATION DIVISION

The Administration Division is commanded by a Deputy Chief, whose primary responsibility is to provide general management direction and control for the Administration Division. The Administration Division consists of the Investigations Section, Records Section and Administrative Section.

200.2.2 OPERATIONS DIVISION

The Operations Division is commanded by a Deputy Chief, whose primary responsibility is to provide general management direction and control for the Operations Division. The Operations Division consists of Uniformed Patrol and Special Operations, which includes Traffic, NetCom and Police Aides/Assistants.

200.3 COMMAND PROTOCOL

200.3.1 SUCCESSION OF COMMAND

The Chief of Police exercises command over all personnel in the Department. During planned absences the Chief of Police will designate a Deputy Chief 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) Operations Deputy Chief
- (b) Administration Deputy Chief
- (c) Watch Commander

200.3.2 UNITY OF COMMAND

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

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Organizational Structure and Responsibility

200.3.3 ORDERS

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

Unity of Command

201.1 PURPOSE AND SCOPE

It is the policy of this Department to define responsibilities and relationships pertaining to unity of command.

To facilitate management of an organization, the principle of "Unity of Command" is employed so that an employee receives orders from only one superior. To insure unity of command and maintain efficient management, clearly defined lines of authority are established to provide command relationships for all employees.

201.1.1 GENERAL RESPONSIBILITY

Supervisors and subordinates will keep each other informed of their activities. All Department members will keep themselves aware of their relative position in the organization, to whom they are accountable, and who are accountable to them.

201.1.2 TABLE OF ORGANIZATION AND CHAIN OF COMMAND

- (a) The Chain of Command will be as follows:
 - 1. Chief of Police
 - 2. Deputy Chief of Police
 - 3. Lieutenant
 - 4. Sergeant
 - 5. Patrol Officer
- (b) Every member will report to the immediate higher authority in the chain of command and within the organizational subdivision affected, and will exercise authority over all subordinate personnel whether sworn or civilian.

201.2 ORDER OF SUCCESSION

- (a) After the notification of the on-duty Watch Commander by the field supervisor, and in the absence of the Chief of Police, the order of succession and/or order of notification in the event of an emergency will be as follows:
 - 1. Deputy Chief, Operations.
 - 2. Deputy Chief, Administration.
 - 3. Lieutenant, Investigation Section.
 - 4. Lieutenant, Off Duty Watch Commanders.

201.3 MANDATORY NOTIFICATIONS

- (a) The Chief of Police and the appropriate Division Commander will be immediately notified of the following incidents:

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Unity of Command

1. Mutual aid situations.
2. Injuries to officers requiring admission to a hospital.
3. Officer involved shootings.
4. Officer involved incidents in which any death occurs.
5. Hostage or barricaded gunman situations.
6. Large scale disturbance or civil disobedience incidents.
7. Impending or actual natural problems or disasters (i.e. floods, storms, tidal waves, etc.).
8. Attacks on any representative of local government.
9. Arrest of any departmental personnel.
10. Any other incident of sufficient magnitude wherein notification of the Chief of Police would seem appropriate.

201.4 AUTHORITY WITHIN THE CHAIN OF COMMAND

- (a) Sound management practice demands that each command or supervisory person issue specific orders only to immediate subordinate personnel. The subordinate person then issues orders in the same manner until the point of implementation is reached.
- (b) When a deviation of the normal practice is believed justified, higher authority may issue direct orders to any subordinate within the higher authority's chain of command. When such an intentional breach of the chain of command is made, every reasonable effort, under the circumstances, will be made to inform all affected intermediate command/supervisory personnel.

201.5 AUTHORITY OUTSIDE THE CHAIN OF COMMAND

- (a) When a deviation of the normal practice is believed justified, direct orders may be given across lines of authority. Such a decision to breach the normal chain of command may be made only under situations of such importance and urgency that proceeding through the normal chain of command would be impractical and would seriously impair the safety or successful completion of some official task.
- (b) This order does not relieve any supervisor of his supervisory responsibilities regardless of assignment. All supervisors share the responsibility that the police mission is carried out and those provisions of this General Order Manual are enforced.

Departmental Directives

202.1 PURPOSE AND SCOPE

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

202.1.1 DEPARTMENTAL DIRECTIVE PROTOCOL

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

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

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

202.2 RESPONSIBILITIES

202.2.1 STAFF

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

202.2.2 CHIEF OF POLICE

The Chief of Police or designee shall issue all Departmental Directives.

202.3 ACCEPTANCE OF DEPARTMENTAL DIRECTIVES

All employees are required to read and obtain any necessary clarification of all Departmental Directives.

All Departmental Directives will be stored in the appropriate network policy folder until the directive is incorporated into the policy or removed.

Emergency Management Plan

203.1 PURPOSE AND SCOPE

The City has prepared an Emergency Management Plan for use by all employees in the event of a major disaster or other emergency event. The plan provides for a strategic response by all employees and assigns specific responsibilities in the event that the plan is activated (Government Code § 8610).

203.2 ACTIVATING THE EMERGENCY PLAN

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

203.2.1 RECALL OF PERSONNEL

In the event that the Emergency Management Plan is activated, all employees of the Santa Cruz 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.

203.3 LOCATION OF THE PLAN

The Emergency Management Plan is available in Administration, the Watch Commander's office and the City's Intranet Website. All supervisors should familiarize themselves with the Emergency Management Plan. The Manager assigned as the coordinator of the Emergency Management Plan should ensure that all department personnel are familiar with the roles police personnel will play when the plan is implemented.

203.4 UPDATING OF MANUALS

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

Administrative Communications

204.1 PURPOSE AND SCOPE

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

204.2 MEMORANDUMS

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

204.3 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.

204.4 SURVEYS

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

Employee Suggestions

205.1 PURPOSE AND SCOPE

It is the policy of this Department to encourage employee input to enhance Departmental operations and to further the goals and objectives of the Department.

205.2 FORMAL SUGGESTIONS

- (a) Employees should submit on a standard Department memo their suggestion to be considered.
- (b) Suggestions will be forwarded via the chain of command in a timely manner to the Chief of Police. All suggestions shall be forwarded to the Chief of Police along with comments by those in the chain of command. The Chief will review the suggestion and decide whether to make assignments for further study and/or preparation for implementation. All assignments for further study will have a suspension date thirty (30) days after assignment, unless otherwise designated.
- (c) A reasonable attempt will be made to contact the employee advising them concerning the status of the proposed suggestion and either its adoption or reason for dismissal within sixty (60) days after it reaches the Office of the Chief of Police.
- (d) If for some reason the employee does not hear back within 60 days, the employee may contact the Administration Division Administrative Assistant for the status of the suggestion.

Training

206.1 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.

206.2 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).

206.3 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.

206.4 TRAINING PLAN

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

- Legislative Changes
- State Mandated Training
- Supplemental Training for Personnel

206.5 TRAINING NEEDS ASSESSMENT

The Training Unit will conduct a 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.

206.5.1 TRAINING RECORDS

The Training Unit shall maintain training records for all department personnel.

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206.6 TRAINING PROCEDURES

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

206.7 POLICY

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

206.8 TRAINING MANAGER

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

206.8.1 TRAINING RESTRICTION

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

Police Mobilization

207.1 PURPOSE AND SCOPE

It is the policy of this Department to provide for the assembly and assignment of police personnel upon emergency notification and to establish specific places of assembly and duty assignments for the purpose of implementing disaster plans or special law enforcement plans relating to civil disorder.

Police mobilization shall adhere to the Incident Command System (ICS), National Incident management System (NIMS), Standardized Emergency Management Systems (SEMS) standards, California law, existing Memorandums of Understanding (MOUs), and the City of Santa Cruz Emergency Management Plan.

207.2 RECALL OF PERSONNEL

- (a) The senior ranking officer, in order of succession, (Chief of Police, Deputy Chief of Police, or Lieutenant) receiving information of a disaster or emergency may initiate "Stand-By" or "Emergency Recall" procedures. If the Chief of Police did not initiate the recall, he/she will be notified of the recall as soon as practical.
- (b) Personnel will be recalled utilizing the department roster.

207.3 MAINTAINING ACCURATE ADDRESS AND TELEPHONE ON DEPARTMENT ROSTER

- (a) All department employees will immediately notify the Police Administration Division if there is a change of their residence address or telephone number. The notification will be in writing on a To/From Memorandum, or Department e-mail.
- (b) The original shall be sent to the Administration Division with a copy to the employee's division commander.
- (c) The Administration Division shall be responsible for updating the police employee residence and telephone list.

207.4 MOBILIZATION LEVELS

- (a) All personnel recalled under status two or three are to report to the police department unless directed to another location by a member of the department holding the rank of lieutenant or higher.
- (b) If evacuation of the primary police facility becomes necessary an alternate site will be designated by the senior ranking officer. These sites may include the Neighborhood Police Station and the City Fire Stations.

207.4.1 STATUS ONE: STAND-BY NOTIFICATION

Notification of key personnel and selected off-duty personnel that they are on "stand-by" status. Selected off-duty personnel are defined as members of that watch which would normally relieve

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the on-duty watch (i.e., Watch I on-duty, Watch II to relieve, Watch II on-duty, Watch III to relieve, etc.) or combinations thereof.

207.4.2 STATUS TWO: LIMITED EMERGENCY RECALL

Notification of key personnel and selected off-duty personnel of "limited emergency recall" status and direction to report to the designated location immediately.

207.4.3 STATUS THREE: EMERGENCY RECALL

Notification to all personnel of a total emergency recall directing them to respond to the designated location immediately.

- (a) The execution of Status Three emergency recall will take place when ordered by the Chief of Police, or in his absence, the next highest ranking officer when a major incident occurs such as a natural disaster or major law enforcement event requiring immediate large scale response.
- (b) After notification of Status Three Recall:
 - 1. All personnel will report immediately to their assigned location.
 - 2. All personnel will report in uniform as directed.
 - 3. All leaves will be automatically cancelled.

207.4.4 SUBSECTION TITLE

207.5 PAY

Applicable M.O.U. will be adhered to during activation level recalls.

207.6 LOGISTICS SUPPORT

Logistics support from sources outside the department must be approved by the Chief of Police or his/her designee.

Electronic Mail

208.1 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.

208.2 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.

208.3 PROHIBITED USE OF EMAIL

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

Email messages addressed to the entire department are only to be used for official business related items that are of particular interest to all users and must be approved by the Chief of Police or a Deputy Chief. 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.

208.4 EMAIL RECORD MANAGEMENT

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

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

Staffing Levels

209.1 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.

209.2 MINIMUM STAFFING LEVELS

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

Minimum staffing levels have been set for each shift. Supervisors should maintain shift staffing at one above minimum when possible and shall not allow staffing to go below minimum.

Community Oriented Policing

210.1 PURPOSE AND SCOPE

The goal of the Santa Cruz Police is to the life and property of the residents of Santa Cruz, thus assuring a high quality of life. Our agency must try to solve continual problems within the community rather than react to their harmful consequences. Arrests and prosecutions remain crucially important tools, but we cannot assume that this is the only solution. Community oriented policing and problem solving seeks to add analytic, goal oriented, and collaborative approaches to traditional policing.

Each officer becomes a facilitator to influence the trust and participation of the community. We realize that we must have active participation by the residents we serve. Residents are encouraged to take an interest in the real perceived security of the community they live in. Officers and residents consult about problems and priorities, adapt strategies to meet the neighborhood needs, and mobilize all community resources (police, civilian, government, private, human, material) to solve the problems of crime, disorder, and insecurity.

210.2 DEFINITION

Community policing is a philosophy, management style, and organization strategy that promotes pro-active problem-solving and police-community partnerships to address the causes of crime and fear as well as other community issues.

Community partnership is a flexible term referring to any combination of neighborhood residents, schools, churches, businesses, community-based organizations, elected officials, and government agencies who are working cooperatively with the police to resolve identified problems that impact or interest them.

Problem-solving refers to a process of identifying problems/priorities through coordinated community/police needs assessments; collecting and analyzing information concerning the problem in a thorough, though not necessarily complicated manner; developing or facilitating responses that are innovative and tailor-made with the best potential for eliminating or reducing the problem; and finally evaluating the response to determine its effectiveness and modifying as necessary.

See attachment: Twelve Principles of Community Oriented Policing and Problem Solving.pdf

See attachment: Supplemental Authorization for Off-Duty Employment.pdf

210.3 PRINCIPLES

Community-Oriented Policing and Problem Solving:

- (a) Reassesses who is responsible for public safety and redefines the roles and partnerships between the police and the community.
- (b) Requires shared ownership, decision making and accountability, as well as sustained commitment from both the police and the community.

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- (c) Establishes new public expectations of and measurement standards for police effectiveness (e.g. from solely 911 response time and arrest/crime statistics to include quality of service, customer (community) satisfaction, responsiveness to community defined issues, and cultural sensitivity).
- (d) Increases understanding and trust between police and community members.
- (e) Empowers and strengthens community-based efforts.
- (f) Requires constant flexibility to respond to all emerging issues.
- (g) Requires an on-going commitment to developing long-term and pro-active programs/strategies to address the underlying conditions that cause community problems.
- (h) Requires knowledge of available community resources and how to access and mobilize them, as well as the ability to develop new resources within the community.
- (i) Has the buy-in of the top management of the police and other local government agencies, as well as a sustained personal commitment from all levels of management/supervision and other key personnel.
- (j) Decentralizes police services/operations/management, relaxes the traditional “chain of command”, and encourages innovative and creative problem solving by all, thereby making greater use of the knowledge, skill and expertise throughout the organization without regard to rank.
- (k) Shifts the focus of police work from responding to individual incidents to addressing problems identified by the community as well as the police, emphasizing the use of problem-solving approaches to supplement traditional law enforcement methods
- (l) Requires commitment to developing new skills through training (e.g., problem-solving, networking, mediation, facilitation, conflict resolution, cultural competency/literacy).

(See the “Twelve Principles of Community Oriented Policing and Problem Solving” attachment for specific details relating to the philosophy. This document is located in the policy manual attachment folder.)

210.4 COMMUNITY ORIENTED POLICING AND PROBLEM SOLVING

Individual Duties:

- (a) Police Officers shall be assigned to geographic beats for prolonged scheduling periods and be held responsible for the safety and quality of life of their beats. In essence, the beat officer will become the “mini-Chief” of their geographical area (beat). The beat officer(s) have the responsibility to facilitate communications with members of the community to foster good relations and cooperation and to respond to changing social and cultural trends as they affect the community.
- (b) Officers shall communicate regularly with other officers assigned to the same beat area. This should be accomplished both through written correspondence and face-to-face group beat meetings.
- (c) Sergeants shall facilitate officer efforts to attend and/or meet with community members in their respective beats and ensure beat coordination activity between shifts and

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teams. Innovative methods such as shift adjustments, training time and/or prudent use of overtime are examples of how these tasks may be accomplished.

- (d) Patrol Sergeants will supervise and direct the beat officer during the identification, assessment, implementation, and evaluation of projects and is responsible for the effective and timely accomplishments of the program and its purpose.
- (e) The Neighborhood Policing Commander will be the overall management coordinator and facilitate both department and community resources to ensure program growth and continuity with department goals. All police managers are responsible for encouraging and implementing community oriented policing and ensuring that this philosophy is part of the overall team evaluation process.
- (f) Neighborhood Policing Supervisors will communicate with the Neighborhood Policing Commander and the shift sergeants on investigations and conditions that impact programs and provide assistance to accomplish program goals and objectives.
- (g) The Neighborhood Policing Supervisors will act as a liaison and information resource between the beat officer and the community. The Neighborhood Policing Commander will maintain and audit project files.

License to Carry a Firearm

211.1 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).

211.1.1 APPLICATION OF POLICY

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

211.2 POLICY

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

211.3 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 Santa Cruz (Penal Code § 26150; Penal Code § 26155).
- (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 Santa Cruz 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.

211.4 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.

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211.4.1 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.

211.4.2 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.

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- (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 Firearms Officer in Charge 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 Firearms Officer in Charge, 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).

211.5 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).
 - 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

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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).

211.5.1 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).

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).

211.5.2 AMENDMENTS TO LICENSES

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

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

In the event that any amendment to a valid license is approved by the Chief of Police, a new license will be issued reflecting the amendment. An amendment to any license will not serve to

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

211.5.3 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 Firearms Officer in Charge 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.

211.6 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.

211.7 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).

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211.8 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).

211.8.1 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 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).

211.9 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 Santa Cruz (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).

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- (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).

211.10 POLICY AVAILABILITY

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

Retiree Concealed Firearms

212.1 PURPOSE AND SCOPE

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

212.2 POLICY

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

212.3 LEOSA

The Chief of Police may issue an identification card for LEOSA purposes to any qualified former officer of this department who (18 USC § 926C(c)):

- (a) Separated from service in good standing from this department as an officer.
- (b) Before such separation, had regular employment as a law enforcement officer for an aggregate of 10 years or more or, if employed as a law enforcement officer for less than 10 years, separated from service after completing any applicable probationary period due to a service-connected disability as determined by this department.
- (c) Has not been disqualified for reasons related to mental health.
- (d) Has not entered into an agreement with this department where the officer acknowledges that he/she is not qualified to receive a firearm qualification certificate for reasons related to mental health.
- (e) Is not prohibited by federal law from receiving or possessing a firearm.

212.3.1 LEOSA IDENTIFICATION CARD FORMAT

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

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

212.3.2 AUTHORIZATION

Any qualified former law enforcement officer, including a former officer of this department, may carry a concealed firearm under 18 USC § 926C when he/she is:

- (a) In possession of photographic identification that identifies him/her as having been employed as a law enforcement officer, and one of the following:
 - 1. An indication from the person's former law enforcement agency that he/she has, within the past year, been tested or otherwise found by the law enforcement agency to meet agency-established active duty standards for qualification in firearms training to carry a firearm of the same type as the concealed firearm.

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2. A certification, issued by either the state in which the person resides or by a certified firearms instructor who is qualified to conduct a firearms qualification test for active duty law enforcement officers within that state, indicating that the person has, within the past year, been tested or otherwise found to meet the standards established by the state or, if not applicable, the standards of any agency in that state.
 - (b) Not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.
 - (c) Not prohibited by federal law from receiving a firearm.
 - (d) Not in a location prohibited by California law or by a private person or entity on his/her property if such prohibition is permitted by California law.

212.4 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).

212.4.1 CALIFORNIA IDENTIFICATION CARD FORMAT

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

- (a) A photograph of the retiree.
- (b) The retiree's name and date of birth.
- (c) The date of retirement.
- (d) The name and address of this department.
- (e) A stamped CCW Approved endorsement along with the date by which the endorsement must be renewed (not more than one year). If a CCW endorsement has been denied or revoked, the identification card shall be stamped "No CCW Privilege."

212.4.2 QUALIFIED RETIREES FROM INCORPORATED JURISDICTION

The Santa Cruz 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.

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- (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.

212.4.3 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).

212.5 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.

212.5.1 RESPONSIBILITIES UNDER LEOSA

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

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

212.5.2 MAINTAINING A CALIFORNIA IDENTIFICATION CARD CCW ENDORSEMENT

In order to maintain a CCW Approved endorsement on an identification card issued under California law, the retired officer shall (Penal Code § 26305):

- (a) Qualify annually with the authorized firearm at a course approved by this department at the retired officer's expense.
- (b) Remain subject to all applicable department policies and federal, state and local laws.
- (c) Not engage in conduct that compromises public safety.
- (d) Only be authorized to carry a concealed firearm inspected and approved by the Department.

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

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

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

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

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

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

212.8 FIREARM QUALIFICATIONS

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

Chapter 3 - General Operations

Use of Force

300.1 PURPOSE AND SCOPE

This policy provides guidelines on the reasonable use of force. 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.

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

300.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

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

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

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

300.2 POLICY

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

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

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

300.2.1 DUTY TO INTERCEDE

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

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

300.2.2 FAILURE TO INTERCEDE

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

300.2.3 FAIR AND UNBIASED USE OF FORCE

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

300.2.4 DUTY TO REPORT EXCESSIVE FORCE

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

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

300.3 USE OF FORCE

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

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

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

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

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

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

300.3.1 ALTERNATIVE TACTICS - DE-ESCALATION

As time and circumstances reasonably permit, and when community and officer safety would not be compromised, officers shall 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)(1)). Such alternatives may include but are not limited to:

- (a) Attempts to de-escalate a situation.
- (b) If reasonably available, the use of crisis intervention techniques by properly trained personnel.
- (c) When circumstances present themselves officers shall consider the process of disengaging from the situation.

300.3.2 USE OF FORCE TO EFFECT AN ARREST

Any peace officer may use objectively reasonable force to effect an arrest, to prevent escape, or to overcome resistance. A peace officer who makes or attempts to make an arrest need not retreat or desist from his/her efforts by reason of resistance or threatened resistance on the part of the person being arrested; nor shall an officer be deemed the aggressor or lose his/her right to self-defense by the use of reasonable force to effect the arrest, prevent escape, or to overcome

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resistance. Retreat does not mean tactical repositioning or other de-escalation techniques (Penal Code § 835a).

300.3.3 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

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

- (a) The apparent immediacy and severity of the threat to officers or others (Penal Code § 835a).
- (b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time (Penal Code § 835a).
- (c) Officer/subject factors (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).
- (d) The conduct of the involved officer leading up to the use of force (Penal Code § 835a).
- (e) The effects of suspected drugs or alcohol.
- (f) The individual's apparent mental state or capacity (Penal Code § 835a).
- (g) The individual's apparent ability to understand and comply with officer commands (Penal Code § 835a).
- (h) Proximity of weapons or dangerous improvised devices.
- (i) The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.
- (j) The availability of other reasonable and feasible options and their possible effectiveness (Penal Code § 835a).
- (k) Seriousness of the suspected offense or reason for contact with the individual prior to and at the time force is used.
- (l) Training and experience of the officer.
- (m) Potential for injury to officers, suspects, bystanders, and others.
- (n) Whether the person appears to be resisting, attempting to evade arrest by flight, or is attacking the officer.
- (o) The risk and reasonably foreseeable consequences of escape.
- (p) The apparent need for immediate control of the subject or a prompt resolution of the situation.
- (q) Whether the conduct of the individual being confronted no longer reasonably appears to pose an immediate threat to the officer or others.
- (r) Prior contacts with the subject or awareness of any propensity for violence.
- (s) Any other exigent circumstances.

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300.3.4 PAIN COMPLIANCE TECHNIQUES

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

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

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

300.3.5 RESTRICTIONS ON THE USE OF CAROTID CONTROL HOLD

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

300.3.6 RESTRICTIONS ON THE USE OF A CHOKE HOLD

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

300.3.7 PERSONAL IMPACT WEAPONS; STRIKES AND PUNCHES

Strikes and punches are an approved use of force only when there is an objectively reasonable basis for use of force given the facts and totality of the circumstances. Any person using force must articulate the circumstances as objectively reasonable and apparently necessary under the totality of the circumstances, and that the use of force is proportionate to the severity of the crime, the threat posed by the suspect, and the suspect's level of resistance.

300.3.8 ADDITIONAL RESTRICTIONS

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

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300.4 DEADLY FORCE APPLICATIONS

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

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

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

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

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

An “immediate” 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 immediate threat. An immediate threat is one that from appearances is reasonably believed to require instant attention.

300.4.1 SHOOTING AT OR FROM MOVING VEHICLES

Shots fired at or from a moving vehicle are rarely effective and may involve additional considerations and risks. When feasible, officers shall 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 shall 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 immediate threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others (Government Code § 7286(b)).

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

Officers may need to use deadly force against a vehicle and/or its driver if the vehicle is being used as a method of inflicting mass casualty.

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300.4.2 DISPLAYING OF FIREARMS

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

- (a) If the officer does not initially perceive a threat but reasonably believes that the potential for such threat exists, firearms should generally be kept in the low-ready or other position not directed toward an individual.
- (b) If the officer reasonably believes that a threat exists based on the totality of circumstances presented at the time (e.g., high-risk stop, tactical entry, armed encounter), firearms may be directed toward such threat until the officer no longer perceives such threat.

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

300.5 REPORTING THE USE OF FORCE

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

300.5.1 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).

300.5.2 NOTIFICATION TO SUPERVISORS

Any use of force by an officer, to include community service officers, 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.

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

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

300.5.3 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 Unit Policy.

300.6 MEDICAL CONSIDERATIONS

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

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

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

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

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

See the Medical Aid and Response Policy for additional guidelines.

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300.7 SUPERVISOR RESPONSIBILITY

It is the policy of this Department to diligently investigate and thoroughly document all incidents of a violent nature against a Police Officer or Community Service Officer. A supervisor shall respond to any reported use of force as qualified in subsection 300.5.1 Notification to Supervisors. The responding supervisor is expected to (Government Code § 7286(b)):

- (a) Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- (b) Ensure that any injured parties are examined and treated.
- (c) When possible, separately obtain a recorded interview with the subject upon whom force was applied. If this interview is conducted without the person having voluntarily waived his/her *Miranda* rights, the following shall apply:
 1. The content of the interview should not be summarized or included in any related criminal charges.
 2. The fact that a recorded interview was conducted should be documented in a property or other report.
 3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.
- (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. Ensure that all witness interviews that were conducted were recorded.
- (f) Review and approve all related reports for accuracy and completeness and ensure all relevant facts of an incident are documented and properly reported, to include any use of force forms.
- (g) Determine if there is any indication that the subject may pursue civil litigation.
 1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.
- (h) The supervisor shall evaluate the circumstances surrounding the incident and the use of force, to include an assessment the effectiveness of communication by involved personnel and whether alternative tactics or de-escalation efforts were warranted and their effectiveness, while considering each of the relevant factors articulated in applicable policy (e.g. Use of Force, Conducted Energy Device, Control Devices and Techniques, Canines, Firearms, etc.). The supervisor should promptly address any areas of concern, including notification of appropriate personnel in the chain of command, potential policy changes, training needs, weapons or equipment issues, and/or discipline (initiate an administrative investigation if there is a question of policy non-compliance or if for any reason further investigation may be appropriate). Any recommendations to modify policy, apply remedial training beyond what can be

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performed by the supervisor, recommended changes to weapons or equipment, or to recommend discipline should be documented in a confidential memorandum and submitted to appropriate agency personnel.

- (i) Ensure that prisoner transportation is not conducted by officers involved in the use of force. The transporting officer shall activate their body-worn camera and record during transportation.
- (j) Complete a supplemental report, or when applicable any internal confidential memorandums, documenting their investigative efforts and review of the reportable use of force incident.

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. The cause for the supervisors inability to respond shall be detailed in the shift log. In all such cases, the victim officer's immediate supervisor will be responsible to ensure that a thorough and complete investigation is conducted.

300.7.1 WATCH COMMANDER RESPONSIBILITY

The Watch Commander of the employee involved in the use of force incident shall review all submitted reports, to include the supervisors report for findings, and any other relevant information if necessary (e.g. body-worn camera video, photographs, and/or documents), with appropriate agency personnel to ensure compliance with applicable policy and to address any potential policy changes, training needs, weapons or equipment issues, and/or discipline (initiate an administrative investigation if there is a question of policy non-compliance or if for any reason further investigation may be appropriate). Watch commander review should occur within 30 days following the use of force incident. Any recommendations to modify policy, apply remedial training beyond what can be performed by the Watch Commander, recommended changes to weapons or equipment, or to apply discipline should be documented in a confidential memorandum and submitted to appropriate agency personnel.

300.8 USE OF FORCE COMPLAINTS

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

300.9 TRAINING

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

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

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

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

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

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

300.10 ANIMALS

Officers are authorized to use deadly force against an animal in circumstances where the animal reasonably appears to pose an immediate threat to human safety and alternative methods to neutralize the threat are not Reasonably available or would likely be ineffective.

In circumstances in which officers have sufficient advanced notice that a potentially dangerous domestic animal (e.g. dog) may be encountered, such as in the serving of a search warrant, officers should develop reasonable contingency plans for dealing with the animal without the use of deadly force (e.g. fire extinguisher, Taser, OC Spray, animal control officer). Nothing in this policy shall prohibit any officer from resorting to deadly force to control a dangerous animal if circumstances reasonably dictate that a contingency plan has failed or becomes impractical.

With the approval of a supervisor, an officer may euthanize an animal that is so badly injured that human compassion requires its removal from further suffering and where other dispositions are impractical (Penal Code § 597.1(e)). Injured animals (with the exception of dogs and cats) may only be euthanized after a reasonable search to locate the owner has been made (Penal Code § 597.1(b)). Injured dogs and cats found without their owners shall be taken to an appropriate veterinarian for determination of whether they should be treated or humanely destroyed.

300.11 POLICY REVIEW

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

300.12 POLICY AVAILABILITY

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

300.13 PUBLIC RECORDS REQUESTS

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

Handcuffing and Restraints

301.1 PURPOSE AND SCOPE

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

301.2 POLICY

The Santa Cruz Police Department authorizes the use of restraint devices in accordance with this policy, the Use of Force Policy, and department training. Restraint devices shall not be used to punish, to display authority, or as a show of force.

301.3 USE OF RESTRAINTS

Only members who have successfully completed Santa Cruz Police Department-approved training on the use of restraint devices described in this policy are authorized to use these devices.

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

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

301.3.1 RESTRAINT OF DETAINEES

Situations may arise where it may be reasonable to restrain a person who may, after brief investigation, be released without arrest. Unless arrested, the use of restraints on detainees should continue only for as long as is reasonably necessary to ensure the safety of officers and others. When deciding whether to remove restraints from a detainee, officers should continuously weigh the safety interests at hand against the continuing intrusion upon the detainee.

301.3.2 RESTRAINT OF PREGNANT PERSONS

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

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

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

301.3.3 RESTRAINT OF JUVENILES

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

301.3.4 NOTIFICATIONS

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

301.4 APPLICATION OF HANDCUFFS OR PLASTIC CUFFS

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

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

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

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

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

301.5 APPLICATION OF SPIT HOODS

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

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

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

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

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

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

301.6 APPLICATION OF AUXILIARY RESTRAINT DEVICES

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

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

301.7 APPLICATION OF LEG RESTRAINT DEVICES

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

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

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

301.7.1 GUIDELINES FOR USE OF LEG RESTRAINTS

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

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

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

301.8 REQUIRED DOCUMENTATION

If an individual 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 an individual is arrested, the use of restraints other than handcuffs shall be documented in the related report. The officer should include, as appropriate:

- (a) The amount of time the suspect was restrained.
- (b) How the suspect was transported and the position of the suspect.
- (c) Observations of the suspect's behavior and any signs of physiological problems.
- (d) Any known or suspected drug use or other medical problems.

Use of Force Review Boards

302.1 PURPOSE AND SCOPE

This policy establishes a process for the Santa Cruz Police Department to review the use of force by its employees.

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

302.2 POLICY

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

302.3 REVIEW BOARD

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

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

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

302.4 CONVENING THE BOARD

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

302.4.1 COMPOSITION OF THE BOARD

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

- Commanding officer in the involved member's chain of command
- Training Lieutenant
- A peer officer
- Department instructor for the type of weapon, device or technique used

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

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302.4.2 RESPONSIBILITIES OF THE BOARD

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

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

The board does not have the authority to recommend discipline.

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

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

The board shall review the administrative and criminal investigations into critical incidents as to both individual performance and agency-wide issues. The board shall assess the full incident, including officer tactics and decision-making efforts, equipment, training and post incident response (including medical assistance and community outreach).

The board shall make the following written and comprehensive recommended findings:

1. Whether training should be developed or revised.
2. Whether policy or procedure should be developed or revised.
3. Complete a review of safety equipment used and any deployment considerations.
4. Recommend additional safety equipment needed and/or improvements or modifications.
5. Overall assessment of the full incident to include the post incident response.

The board chairperson will submit the written and comprehensive recommended findings to the Chief of Police. A recommended finding requires a majority vote of the board. The board may also recommend additional reviews, such as training and equipment reviews as deemed necessary.

302.5 RESPONSIBILITIES FOLLOWING BOARD RECOMMENDATIONS

The Chief of Police (or designee) shall monitor and implement accepted recommendations and action steps arising from the board's review. The Chief of Police (or designee) shall also debrief the involved and witness officers at the conclusion of the process regarding any issues or concerns identified by the review board.

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

Control Devices and Techniques

303.1 PURPOSE AND SCOPE

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

303.2 POLICY

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

303.3 ISSUING, CARRYING AND USING CONTROL DEVICES

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

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

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

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

303.4 RESPONSIBILITIES

303.4.1 WATCH COMMANDER RESPONSIBILITIES

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

303.4.2 FIREARMS OFFICER IN CHARGE RESPONSIBILITIES

The Firearms Officer in Charge shall control the inventory and issuance of all control devices and shall ensure that all damaged, inoperative, outdated or expended control devices or munitions are properly disposed of, repaired or replaced.

Every control device will be periodically inspected by the Firearms Officer in Charge or the designated instructor for a particular control device. The inspection shall be documented.

303.4.3 USER RESPONSIBILITIES

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

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

303.5 BATON GUIDELINES/ RAPID CONTAINMENT BATON (RCB)

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

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

303.6 TEAR GAS GUIDELINES

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

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

303.7 OLEORESIN CAPSICUM (OC) GUIDELINES

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

303.7.1 OC SPRAY

Uniformed personnel carrying OC spray shall carry the device in its holster on the equipment belt. Plainclothes and non-field personnel may carry OC spray as authorized, in accordance with the needs of their assignment or at the direction of their supervisor.

303.7.2 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.

303.7.3 PEPPER PROJECTILE SYSTEMS

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

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impact and release the OC powder, the potential exists for the projectiles to inflict injury if they strike the head, neck, spine or groin. Therefore, personnel using a pepper projectile system should not intentionally target those areas, except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.

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

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

303.8 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.

303.9 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.

303.9.1 DEPLOYMENT AND USE

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

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

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

- (a) The suspect is armed with a weapon and the tactical circumstances allow for the safe application of approved munitions.
- (b) The suspect has made credible threats to harm him/herself or others.

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- (c) The suspect is engaged in riotous behavior or is throwing rocks, bottles or other dangerous projectiles at people and/or officers.
- (d) There is probable cause to believe that the suspect has already committed a crime of violence and is refusing to comply with lawful orders.

303.9.2 DEPLOYMENT CONSIDERATIONS

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

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

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

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

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

303.9.3 SAFETY PROCEDURES

Shotguns and 40mm launchers specifically designated for use with kinetic energy projectiles will be specially marked in a manner that makes them readily identifiable as such.

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

When it is not deployed, the equipment will be unloaded and properly and securely stored in the vehicle. When deploying the kinetic energy projectile shotgun, the officer shall visually inspect the kinetic energy projectiles to ensure that conventional ammunition is not being loaded into the shotgun.

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

303.10 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES

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

303.11 TRAINING FOR CONTROL DEVICES

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

- (a) Proficiency training shall be monitored and documented by a certified, control-device weapons or tactics instructor.
- (b) All training and proficiency for control devices will be documented in the officer's training file.
- (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.

Officer Response to Calls

304.1 PURPOSE AND SCOPE

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

304.2 RESPONSE TO CALLS

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

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

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

304.3 REQUESTING EMERGENCY ASSISTANCE

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

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

304.3.1 NUMBER OF UNITS ASSIGNED

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

304.4 INITIATING CODE 3 RESPONSE

If an officer believes a Code-3 response to any call is appropriate, the officer shall notify NetCom when feasible. An exception to the notification requirement shall occur when Code-3 equipment is operated for the sole purpose of clearing an intersection. Should another officer believe a Code-3 response is appropriate, NetCom shall be notified, when feasible, and the Watch Commander or

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field supervisor will make a determination as to whether one or more officers driving Code-3 is appropriate.

304.5 RESPONSIBILITIES OF RESPONDING OFFICERS

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

The decision to continue a Code-3 response is at the discretion of the officer. If, in the officer's judgment, the roadway conditions or traffic congestion does not permit such a response without unreasonable risk, the officer may elect to respond to the call without the use of red lights and siren at the legal speed limit. In such an event, the officer should, when feasible, notify NetCom. 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 give the location from which he/she is responding. This notification should be made as soon as practical and provided that the radio channel is not needed for immediate emergency radio traffic.

304.6 SUPERVISORY RESPONSIBILITIES

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

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

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

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

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

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

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304.7 FAILURE OF EMERGENCY EQUIPMENT

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

Conducted Energy Device (TASER)

305.1 PURPOSE AND SCOPE

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

305.2 POLICY

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

305.3 ISSUANCE AND CARRYING OF TASER DEVICES

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

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

Officers shall only use the TASER device and cartridges that have been issued by the Department.

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

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

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

- (a) All TASER devices shall be clearly and distinctly marked to differentiate them from the duty weapon and any other device.
- (b) Whenever practicable, officers should carry two or more cartridges on their person when carrying the TASER device.
- (c) Officers shall be responsible for ensuring that the issued TASER device is properly maintained and in good working order.
- (d) Officers should not hold a firearm and the TASER device at the same time.

305.3.1 USER RESPONSIBILITIES

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

305.4 VERBAL AND VISUAL WARNINGS

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

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

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

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

305.5 USE OF THE TASER DEVICE

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

305.5.1 APPLICATION OF THE TASER DEVICE

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

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

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

305.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS

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

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

Officers who anticipate the use of the taser on individuals displaying the following signs or activities should request medical resources be staged prior to engaging if practicable, and in any event

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following the application of the taser, should request medical resources to assess the individual once the scene has been rendered safe:

- (a) Naked
- (b) Profuse sweating
- (c) Doesn't feel pain
- (d) Incoherence
- (e) Random violence
- (f) Aggression toward objects (breaking glass, etc.)
- (g) Disoriented
- (h) Super-human strength
- (i) Emotional instability
- (j) Hallucinations
- (k) Inability to focus
- (l) Appears drugged
- (m) Difficulty breathing

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

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

305.5.4 TARGETING CONSIDERATIONS

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

305.5.3 MULTIPLE APPLICATIONS OF THE CED

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

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

- (a) Whether the probes are making proper contact.
- (b) Whether the individual has the ability and has been given a reasonable opportunity to comply.
- (c) Whether verbal commands or other options or tactics may be more effective.

Multiple applications of the Taser, including the justification for each application, shall be documented in the related report. Additionally, collective Taser exposure lasting longer than fifteen seconds, including the justification for, shall also be documented in the related report.

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

305.5.5 ACTIONS FOLLOWING DEPLOYMENTS

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

305.5.6 DANGEROUS ANIMALS

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

305.5.7 OTHER CONSIDERATIONS

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

Officers shall ensure that TASER devices are secured, including while at the police department, in a manner that will keep the device inaccessible to others.

305.6 DOCUMENTATION

Officers shall document all Taser device discharges in the related arrest/crime reports and the CED report forms. Notification shall also be made to a supervisor in compliance with the Use of Force Policy. Unintentional discharges, pointing the device at a person, and display of the device will also be documented on the report form.

305.6.1 REPORTS

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

- (a) Identification of all personnel firing TASER devices
- (b) Identification of all witnesses
- (c) Medical care provided to the subject

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- (d) Observations of the subject's physical and physiological actions
- (e) Any known or suspected drug use, intoxication or other medical problems
- (f) The type and brand of TASER device and cartridge and cartridge serial number.
- (g) Date, time and location of the incident.
- (h) Whether any display deterred a subject and gained compliance.
- (i) The number of TASER device activations, the duration of each cycle, the duration between activations, and (as best as can be determined) the duration that the subject received applications.
- (j) The range at which the TASER device was used.
- (k) The type of mode used (probe or drive-stun).
- (l) Location of any probe impact.
- (m) Location of contact in drive-stun mode.
- (n) Description of where missed probes went.
- (o) Whether medical care was provided to the subject.
- (p) Whether the subject sustained any injuries.
- (q) Whether any officers sustained any injuries.
- (r) Circumstances listed in 304.5.4.

305.7 MEDICAL TREATMENT

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

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

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

Any individual exhibiting signs of distress or who is exposed to multiple or prolonged applications (i.e., more than 15 seconds) shall be transported to a medical facility for examination or medically

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

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

305.8 SUPERVISOR RESPONSIBILITIES

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

A supervisor should review each incident where a person has been exposed to a Taser device. to include whether multiple applications of the Taser and/or Taser exposure for longer than fifteen seconds was justified and/or whether any Taser use in drive stun mode meets the limited expectations set out in policy, and completed applicable supervisor responsibilities listed under policy 300.7.

The device's onboard memory should be downloaded through the data port by a supervisor and saved with the related arrest/crime report. The download of the Taser use data concerning the event shall include but not limited to the number of discharges, amount of time for each discharge, time between discharges, and probe or stun mode application.

Photographs of probe sites should be taken and witnesses interviewed.

305.9 TRAINING

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

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

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

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

The Taser Training instructor cadre should no less than annually analyze all reports involving Taser deployment and provide recommendations, through their chain of command, concerning

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tactics, equipment, decision-making, policy, training and supervision related to their subject matter expertise and incident review.

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

The Training Manager should ensure that all training includes:

- (a) A review of this policy.
- (b) A review of the Use of Force Policy.
- (c) Performing weak-hand draws or cross-draws to reduce the possibility of unintentionally drawing and firing a firearm.
- (d) Target area considerations, to include techniques or options to reduce the unintentional application of probes near the head, neck, chest and groin.
- (e) Handcuffing a subject during the application of the TASER device and transitioning to other force options.
- (f) De-escalation techniques.
- (g) Restraint techniques that do not impair respiration following the application of the TASER device.

Officer-Involved Shootings and Deaths

306.1 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 the actions of a Santa Cruz Police Department employee.

306.2 POLICY

The policy of the Santa Cruz Police Department is to abide by the Critical Incident Guideline acknowledged and approved by the heads of all law enforcement agencies in Santa Cruz County.

[See attachment: County critical incident protocol.pdf](#)

306.3 CRIMINAL INVESTIGATION

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

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

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

- (a) SCPD supervisors and Professional Standards Unit personnel should not participate directly in any voluntary interview of SCPD officers. This will not prohibit such personnel from monitoring interviews or providing the criminal investigators with topics for inquiry.
- (b) If requested, any involved officer will be afforded the opportunity to consult individually with a representative of his/her choosing or an attorney prior to speaking with criminal investigators (Government Code § 3303(i)). However, in order to maintain the integrity of each involved officer's statement, involved officers shall not consult or meet with a representative or an attorney collectively or in groups prior to being interviewed.
- (c) If any involved officer is physically, emotionally or otherwise not in a position to provide a voluntary statement when interviewed by criminal investigators, consideration should be given to allowing a reasonable period for the officer to schedule an alternate time for the interview.
- (d) Any voluntary statement provided by an involved officer will be made available for inclusion in any related investigation, including administrative investigations. However, no administratively coerced statement will be provided to any criminal investigators unless the officer consents.

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306.3.1 REPORTS BY INVOLVED SCPD OFFICERS

In the event that suspects remain outstanding or subject to prosecution for related offenses, this department shall retain the authority to require involved SCPD 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 SCPD officer may write the report, it is generally recommended that such reports be completed by assigned investigators, who should interview all involved officers as victims/witnesses. Since the purpose of these reports will be to facilitate criminal prosecution, statements of involved officers should focus on evidence to establish the elements of criminal activities by suspects. Care should be taken not to duplicate information provided by involved officers in other reports.

Nothing in this section shall be construed to deprive an involved SCPD 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.

306.3.1 WITNESS IDENTIFICATION AND INTERVIEWS

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

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

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- (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.

306.4 INVESTIGATION PROCESS

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

306.4.1 INVOLVED OFFICERS

The following shall be considered for the involved officer:

- (a) Any request for legal or union representation will be accommodated.
 - 1. Involved SCPD officers shall not be permitted to meet collectively or in a group with an attorney or any representative prior to providing a formal interview or report.
 - 2. Requests from involved non-SCPD officers should be referred to their employing agency.
- (b) Discussions with licensed attorneys will be considered privileged as attorney-client communications.
- (c) Discussions with agency representatives/employee groups will be privileged only as to the discussion of non-criminal information (Government Code § 3303(i)).
- (d) A licensed psychotherapist shall be provided by the Department to each involved SCPD officer. A licensed psychotherapist may also be provided to any other affected SCPD members, upon request.
 - 1. Interviews with a licensed psychotherapist will be considered privileged.
 - 2. An interview or session with a licensed psychotherapist may take place prior to the member providing a formal interview or report. However, involved members shall not be permitted to consult or meet collectively or in a group with a licensed psychotherapist prior to providing a formal interview or report.
 - 3. A separate fitness-for-duty exam may also be required (see the Fitness for Duty Policy).
- (e) Peer counselors are cautioned against discussing the facts of any incident with an involved or witness officer (Government Code § 8669.4).

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

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

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306.4.2 NOTIFICATION TO DEPARTMENT OF JUSTICE

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

306.5 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 SCPD officers to determine conformance with department policy. The investigation will be conducted under the supervision of the Professional Standards Unit and will be considered a confidential officer personnel file.

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

- (a) Any officer involved in a shooting or death may be requested or administratively compelled to provide a blood sample for alcohol/drug screening. Absent consent from the officer, such compelled samples and the results of any such testing shall not be disclosed to any criminal investigative agency.
- (b) If any officer has voluntarily elected to provide a statement to criminal investigators, the assigned administrative investigator should review that statement before proceeding with any further interview of that involved officer.
 - 1. If a further interview of the officer is deemed necessary to determine policy compliance, care should be taken to limit the inquiry to new areas with minimal, if any, duplication of questions addressed in the voluntary statement. The involved officer shall be provided with a copy of his/her prior statement before proceeding with any subsequent interviews.
- (c) In the event that an involved officer has elected to not provide criminal investigators with a voluntary statement, the assigned administrative investigator shall conduct an administrative interview to determine all relevant information.
 - 1. Although this interview should not be unreasonably delayed, care should be taken to ensure that the officer’s physical and psychological needs have been addressed before commencing the interview.
 - 2. If requested, the officer shall have the opportunity to select an uninvolved representative to be present during the interview. However, in order to maintain the integrity of each individual officer's statement, involved officers shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed (Government Code § 3303(i)).
 - 3. Administrative interviews should be recorded by the investigator. The officer may also record the interview (Government Code § 3303(g)).

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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 Professional Standards Unit shall compile all relevant information and reports necessary for the Department to determine compliance with applicable policies.
6. Regardless of whether the use of force is an issue in the case, the completed administrative investigation shall be submitted to the Use of Force Review Board, which will restrict its findings as to whether there was compliance with the Use of Force Policy.
7. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

306.6 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.

306.7 DEBRIEFING

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

306.7.1 CRITICAL INCIDENT/STRESS DEBRIEFING

A critical incident/stress debriefing should occur as soon as practicable. The Administration Deputy Chief 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 non-sworn personnel). Family or other support personnel may attend with the concurrence of those involved in the incident. The debriefing shall be closed to the public and should be closed to all other members of the Department, including supervisory and Professional Standards Unit personnel.

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306.7.2 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.

306.8 REPORTING

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

Firearms

307.1 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.

307.2 POLICY

The Santa Cruz 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.

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

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

307.3.1 PATROL RIFLES

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

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

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

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- (f) When authorized or requested by a supervisor.
- (g) When needed to euthanize an animal.

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

307.3.2 HANDGUNS

The authorized department-issued handguns are as follows:

MAKE	MODEL	CALIBER
Glock	17	9mm
Glock	19	9mm
Glock	45	9mm
Glock	22	40mm

307.3.3 AUTHORIZED SECONDARY HANDGUN

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

The handgun shall be in good working order and on the department list of approved firearms:

- Berretta, Glock, Heckler & Koch, Ruger, Sig Sauer, Smith & Wesson, Springfield, Taurus, Walther.

The handgun shall be one of the following calibers:

- .380,.38,.357Sig,.357,.40,.45, 9mm.
- (a) Only one secondary handgun may be carried at a time.
- (b) The purchase of the handgun and ammunition shall be the responsibility of the member unless the handgun and ammunition are provided by the Department.
- (c) The handgun shall be carried concealed at all times and in such a manner as to prevent unintentional cocking, discharge or loss of physical control.
- (d) The handgun shall be inspected by the Firearms Officer in Charge prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.
- (e) Ammunition shall be the same as department issue. If the caliber of the handgun is other than department issue, the Chief of Police or the authorized designee shall approve the ammunition.
- (f) Prior to carrying the secondary handgun, members shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule. Members must demonstrate proficiency and safe handling, and that the handgun functions properly.

307.3.4 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

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carry a firearm while off-duty, based on their authority as peace officers, will be required to meet the following guidelines.

The handgun shall be in good working order and on the department list of approved firearms:

- Beretta, Browning, Colt, CZ, Dan Wesson, FN, Glock, Heckler & Koch, Kimber, Para Ordnance, Ruger, Sig Sauer, Smith and Wesson, Springfield, Staccato, Taurus, Walther.

The handgun shall be one of the following calibers:

- 380,.38,.357Sig,.357,.40,.44,.45, 9mm, 10mm.
- (a) The member may use his/her duty firearm or may use a personally owned firearm that is carried and inspected in accordance with the Personally Owned Duty Firearms requirements in this policy. A member carrying his/her duty firearm will be deemed to have complied with (c), (d) and (e) of this section.
 1. The purchase of the personally owned firearm and ammunition shall be the responsibility of the member.
- (b) The firearm shall be carried concealed at all times and in such a manner as to prevent accidental unintentional cocking, discharge or loss of physical control.
- (c) It will be the responsibility of the member to submit the firearm to the Firearms Officer in Charge for inspection prior to being personally carried. Thereafter the firearm shall be subject to periodic inspection by the Firearms Officer in Charge.
- (d) Prior to carrying any off-duty firearm, the member shall demonstrate to the Firearms Officer in Charge 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 Firearms Officer in Charge, who will maintain a list of the information.
- (g) If a member desires to use more than one firearm while off-duty, he/she may do so, but is limited to qualifications with 3 off duty firearms as long as all requirements set forth in this policy for each firearm are met. Carrying the duty firearm while off duty represents one of the three off duty allowable firearms.
- (h) Members shall only carry department-authorized ammunition.
- (i) When armed, officers shall carry their badges and Santa Cruz Police Department identification cards under circumstances requiring possession of such identification.

307.3.5 PERSONALLY OWNED DUTY FIREARMS

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

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- (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 Firearms Officer in Charge 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.
- (d) Members shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Firearms Officer in Charge, who will maintain a list of the information.
- (e) All costs associated with the weapons are the responsibility of the individual officer.

Authorized duty weapons are as follows: Glock, FN, or Smith & Wesson in 9mm,.40 cal and .45 cal. Sig Sauer may be carried under current safety considerations. No 1911 style variants are authorized.

307.3.6 AMMUNITION

Members shall carry only department-authorized ammunition. Members shall be issued fresh duty ammunition in the specified quantity for all department-issued firearms during the member's firearms qualification. Replacements for unserviceable or depleted ammunition issued by the Department shall be dispensed by the Firearms Officer in Charge 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 duty ammunition in accordance with the above, at their own expense.

307.4 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.

307.4.1 REPAIRS OR MODIFICATIONS

Each member shall be responsible for promptly reporting any damage or malfunction of an assigned firearm to a supervisor or the Firearms Officer in Charge.

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

Any repairs to the member's personally owned firearm shall be done at his/her expense and must be approved by the Firearms Officer in Charge.

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No Department or personally owned firearms while carried on duty may be modified. The firearm carried on duty shall not have any modifications.

307.4.2 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.

307.4.3 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 Firearms Officer in Charge. Once the approved tactical lights have been properly installed on any firearm, the member shall qualify with the firearm to ensure proper functionality of the firearm prior to carrying it.

307.4.4 RED DOT EQUIPPED HANDGUNS

RDS (red dot sight) equipped handguns are approved for duty use by the members of the Santa Cruz Police Department. All costs associated with the deployment of RDS-equipped handguns are the responsibility of the individual officer. Officers may purchase handguns which are specifically designed by the manufacturer to accept an RDS. These handguns shall be of a caliber and manufacturer approved in Policy 307. Officers may also choose to have their personally owned handgun modified by a qualified gunsmith to accept an RDS. Department owned handguns shall not be modified to accept an RDS.

- (a) RDS Equipped handguns shall have co-witnessing iron sights installed as a backup to the RDS. All RDS shall be approved by the Firearms Team Lieutenant, and in all cases, shall be installed to meet manufacturer specifications and recommendations. Battery sealing plates shall be used when applicable.
- (b) RDS equipped handguns shall be zeroed at 25 yards. Batteries shall be replaced upon annual inspection. Removal of the sight from the slide or battery replacement will require the officer to re-zero the optic.
- (c) Every officer desiring to carry an RDS equipped handgun must have the weapon approved by the Firearms Team Manager/OIC and complete an RDS familiarization course. The officer shall also complete a qualification course demonstrating proficiency with the RDS and co-witnessing sights.
- (d) Officers shall use a holster equipped with a safety strap (SLS hood) in accordance with SCPD policy. The Safariland RDS SLS holster satisfies the requirement of the current SCPD policy.

307.5 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.

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- (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 Firearms Officer in Charge. Members shall not dry fire or practice quick draws except as instructed by the Firearms Officer in Charge or other firearms training staff.
- (c) Members shall not clean, repair, load or unload a firearm anywhere in the Department, except where clearing barrels are present.
- (d) 40mm's or rifles removed from vehicles or the equipment storage room shall be loaded and unloaded in the parking lot and outside of the vehicle, using clearing barrels.
- (e) Members shall not place or store any firearm or other weapon on department premises except where the place of storage is locked. No one shall carry firearms into the jail section or any part thereof when securing or processing an arrestee, but shall place all firearms in a secured location. Members providing access to the jail section to persons from outside agencies are responsible for ensuring firearms are not brought into the jail section.
- (f) Members shall not use any automatic firearm, heavy caliber rifle, gas or other type of chemical weapon or firearm from the armory, except with approval of a supervisor.
- (g) Any firearm authorized by the Department to be carried on- or off-duty that is determined by a member to be malfunctioning or in need of service or repair shall not be carried. It shall be promptly presented to the Department or a Firearms Officer in Charge approved by the Department for inspection and repair. Any firearm deemed in need of repair or service by the Firearms Officer in Charge 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.
- (h) Rifles and 40mm's shall be carried slung with muzzle down during the check-in and check-out process.

307.5.1 INSPECTION AND STORAGE

Handguns shall be inspected regularly and upon access or possession by another person. Rifles shall be inspected at the beginning of the shift by the member to whom the weapon is issued. The member shall ensure that the firearm is carried in the proper condition and loaded with approved ammunition. Inspection of the rifle shall be done at the clearing barrels.

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. Rifles shall be unloaded in a clearing barrel.

307.5.1 STORAGE AT HOME

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

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307.5.4 STORAGE IN VEHICLES

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

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

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

307.5.4 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 (including marijuana) or medication, or has taken any combination thereof that would tend to adversely affect the member's senses or judgment.

Furthermore, members should be aware that the federal Gun Control Act, 18 U.S.C. § 921, et seq., prohibits the possession of a personally-owned firearm or ammunition by anybody who is "an unlawful user of or addicted to any controlled substance" as defined in 21 U.S.C. § 802. (18 U.S.C. §§922(g)(3), 925).

307.6 FIREARMS TRAINING AND QUALIFICATIONS

All sworn personnel are required to qualify semi-annually with their on-duty handgun, and annually with all other weapons carried either on or off duty. Deputy Chief's and the Chief of Police are exempt from qualifying on the department issued rifles, unless they opt to carry one. All qualifications shall be documented by the firearms instructor in a memo to the training manager. The training manager shall maintain all records for firearms training and qualifications for police officers and sergeants. Training records of management personnel will be maintained by the Administrative Assistant II.

307.6.1 NON-CERTIFICATION OR NON-QUALIFICATION

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

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

- (a) Additional range assignments may be scheduled to assist the member in demonstrating consistent firearm proficiency.
- (b) Members shall be given credit for a range training or qualification when obtaining a qualifying score or meeting standards after remedial training.

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- (c) No range credit will be given for the following:
 - 1. Unauthorized range make-up
 - 2. Failure to meet minimum standards or qualify after remedial training

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

307.7 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 Deputy Chief 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.

307.7.1 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.

307.7.2 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

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veterinarian for determination of whether they should be treated or humanely destroyed (Penal Code § 597.1).

307.8 FIREARMS TEAM DUTIES

- (a) **Firearms Team Manager:** The range will be under the exclusive control of the firearms team manager. The firearms team manager will be responsible for advising the Chief of Police of recommendations or concerns of the firearms team. Any member of the firearms team may be removed at any time from the firearms team at the discretion of the firearms team manager.
- (b) **Firearms Team OIC (Officer in Charge):** The OIC shall be appointed by the firearms team manager. The OIC shall schedule firearms team meetings, department firearms training, department qualifications, and annual weapon inspections. The OIC shall document all department firearms training and qualifications within 28 days of the completion of the training or qualification. This documentation shall be routed to the training manager. The training manager will be responsible for maintaining accurate records on all department firearms training and qualifications. The OIC shall be responsible for maintaining accurate inspection and repair records on all department firearms.
- (c) **Firearms Team Member:** Firearms team members will design and assist in department trainings as needed. Firearms team members shall document all firearms training of members of this department in a memo to the OIC, within 14 days of the completion of the training.

307.9 FLYING WHILE ARMED

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

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

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

307.10 CARRYING FIREARMS OUT OF STATE

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

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

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

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

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307.11 DOCUMENTATION OF THE DISPLAY OF A FIREARM

Any officer who displays their firearm directly at a member of the public must document their actions in a written report. One officer can document the actions of other officers in circumstances where several officers are involved in an incident and all display their firearms in order to effect an arrest or detention. A written report and the completion of a department Use of Force worksheet shall be completed during these incidents.

307.12 TRAINEES AND OFF-DUTY CARRY

Any police officer trainee or police officer in the Field Training program is not authorized to carry their firearm while off-duty. Only officers who have successfully completed the Field Training program may carry an approved firearm while off-duty. Police officers who are currently in the FTO program may carry their assigned firearm while traveling to and from work or when reporting for approved range training.

Vehicle Pursuits

308.1 PURPOSE AND SCOPE

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

308.1.1 DEFINITIONS

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

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

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

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

308.2 POLICY

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

308.3 OFFICER RESPONSIBILITIES

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

308.3.1 WHEN TO INITIATE A PURSUIT

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

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

- (a) The seriousness of the known or reasonably suspected crime and its relationship to community safety.
- (b) The importance of protecting the public and balancing the known or reasonably suspected offense and the apparent need for immediate capture against the risks to officers, innocent motorists, and others.

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

308.3.2 WHEN TO TERMINATE A PURSUIT

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

The factors listed in this policy on when to initiate a pursuit will apply equally to the decision to terminate a pursuit. Officers and supervisors must objectively and continuously weigh the seriousness of the offense against the potential danger to innocent motorists, themselves, and the public when electing to continue a pursuit. In the context of this policy, the term "terminate" shall be construed to mean discontinue and to stop chasing the fleeing vehicle.

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

- (a) The distance between the pursuing vehicle and the fleeing vehicle is so great that further pursuit would be futile or require the pursuit to continue for an unreasonable time and/or distance.
- (b) The pursued vehicle's location is no longer definitely known.
- (c) The pursuing vehicle sustains damage or a mechanical failure that renders it unsafe to drive.

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- (d) The pursuing vehicle's emergency lighting equipment or siren becomes partially or completely inoperable.
- (e) Hazards to uninvolved bystanders or motorists.
- (f) The danger that the continued pursuit poses to the public, the officers, or the suspect, balanced against the risk of allowing the suspect to remain at large.
- (g) The identity of the suspect is known and it does not reasonably appear that the need for immediate capture outweighs the risks associated with continuing the pursuit.
- (h) Extended pursuits of violators for misdemeanors not involving violence, risk of serious harm, or weapons (independent of the pursuit) are generally discouraged.

308.3.3 SPEED LIMITS

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

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

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

308.4 PURSUIT UNITS

When involved in a pursuit, unmarked police department emergency vehicles, semi-marked without emergency overhead lights, or motorcycles, should be replaced by marked emergency vehicles whenever practicable

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

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

308.4.1 MOTORCYCLE OFFICERS

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

308.4.2 VEHICLES WITHOUT EMERGENCY EQUIPMENT

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

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308.4.3 PRIMARY UNIT RESPONSIBILITIES

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

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

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

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

308.4.4 SECONDARY UNIT RESPONSIBILITIES

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

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

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308.4.5 PURSUIT DRIVING

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

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

308.4.6 PURSUIT TRAILING

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

308.4.7 AIR SUPPORT ASSISTANCE

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

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

308.4.8 UNITS NOT INVOLVED IN THE PURSUIT

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

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

308.5 SUPERVISORY CONTROL AND RESPONSIBILITIES

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

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

- (a) Immediately notifying, via the radio, involved unit and the dispatcher of supervisory oversight and ascertaining all reasonably available information to continuously assess the situation and risk factors associated with the pursuit.
- (b) Engaging in the pursuit, when appropriate, to provide on-scene supervision.
- (c) Exercising management and control of the pursuit even if not engaged in it.
- (d) Ensuring that no more than the required number of units are involved in the pursuit under the guidelines set forth in this policy.
- (e) Directing that the pursuit be terminated if, in the supervisor's judgment, it is unreasonable to continue the pursuit under the guidelines of this policy.
- (f) Ensuring that assistance from air support, canines, or additional resources is requested, if available and appropriate.
- (g) Ensuring that the proper radio channel is being used.
- (h) Ensuring that the Watch Commander is notified of any pursuit with injuries as soon as practicable.
- (i) Ensuring the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this department.
- (j) Controlling and managing Santa Cruz Police Department units when a pursuit enters another jurisdiction.
- (k) Preparing a post-pursuit review and documentation of the pursuit.
 1. Supervisors should initiate follow up or additional review when appropriate.

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308.5.1 WATCH COMMANDER RESPONSIBILITIES

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

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

308.6 NETCOM

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

308.6.1 NETCOM 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) Assigning an incident number and logging all pursuit activities.

308.6.2 LOSS OF PURSUED VEHICLE

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

308.7 INTER-JURISDICTIONAL CONSIDERATIONS

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

308.7.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

Officers will relinquish control of the pursuit when another agency has assumed the pursuit, unless the continued assistance of the Santa Cruz Police Department is requested by the agency

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

308.7.2 PURSUITS EXTENDING INTO THIS JURISDICTION

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

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

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

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

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

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

308.8 WHEN PURSUIT INTERVENTION IS AUTHORIZED

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

Tire deflation devices or blocking in a parked vehicle can be used to prevent a pursuit.

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308.8.1 USE OF FIREARMS

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

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

Officers may need to use deadly force against a vehicle and/or its driver if the vehicle is being used as a method inflicting mass casualties.

308.8.2 INTERVENTION STANDARDS

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

- (a) Tire deflation devices should only be used after considering the following:
1. Tire deflation devices should only be used by officers who have received training in their use.
 2. Supervisory approval should be obtained before using tire deflation devices.
 3. The need to immediately stop the suspect vehicle reasonably appears to outweigh the risks of injury or death to occupants of the suspect vehicle, officers, or other members of the public.
 4. It reasonably appears the use will terminate or prevent the pursuit.
 5. Tire deflation devices should not be used when the pursued vehicle is a motorcycle, a vehicle transporting hazardous materials, or a school bus transporting children, except in extraordinary circumstances.
 6. Due to the increased risk to officers deploying tire deflation devices, such deployment should be communicated to all involved personnel.

308.8.3 CAPTURE OF SUSPECTS

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

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

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308.9 REPORTING REQUIREMENTS

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

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

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

308.9.1 REGULAR AND PERIODIC PURSUIT TRAINING

The Training Manager shall make available to all officers initial and supplementary Police Officer Standard Training (POST) training on pursuits required by Penal Code § 13519.8, Vehicle Code § 17004.7(d), and 11 CCR 1081, and no less than annual training addressing:

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- (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.

308.9.2 POLICY REVIEW

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

308.10 APPLICATION OF VEHICLE PURSUIT POLICY

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

Public Alerts

309.1 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.

309.2 POLICY

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

Additional alert systems include Nixle and SCRegional911 Code Red.

309.3 RESPONSIBILITIES

Alerts will be generated by a watch commander or Supervisor. Supervisors who initiate an alert must notify their Lieutenant regarding the nature of the incident and advise them of the alert as soon as is feasible.

309.3.1 MEMBER RESPONSIBILITIES

Members of the Santa Cruz Police Department should notify their supervisor, Watch Commander, or Investigations Unit Supervisor as soon as practicable upon learning of a situation where public notification, a warning, or enlisting the help of the media and public could assist in locating a missing person, apprehending a dangerous person, or gathering information.

309.3.2 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 Deputy Chief and the Community Relations Specialist 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 Deputy Chief

309.4 AMBER ALERTS

The AMBER Alert™ Program is a voluntary partnership between law enforcement agencies, broadcasters, transportation agencies and the wireless industry, to activate urgent bulletins in child abduction cases.

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Refer to the Monterey Bay Regional Amber Alert Protocol and Procedure. [See attachment: AMBER Alert-MBRegional Guideline 082608 revised.8-26-08.pdf](#)

309.4.1 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.

309.4.2 PROCEDURE FOR AMBER ALERT

The supervisor in charge will ensure the following:

- (a) An initial press release is prepared that includes all available information that might aid in locating the child:
 - 1. The child's identity, age and description
 - 2. Photograph if available
 - 3. The suspect's identity, age and description, if known
 - 4. Pertinent vehicle description
 - 5. Detail regarding location of incident, direction of travel, potential destinations, if known
 - 6. Name and telephone number of the Community Relations Specialist 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:

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1. The local FBI office
2. National Center for Missing and Exploited Children (NCMEC)

309.5 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).

309.5.1 CRITERIA FOR SILVER ALERTS

All of the following conditions must be met before activating a Silver Alert (Government Code § 8594.10):

- (a) The missing person is 65 years of age or older, developmentally disabled or cognitively impaired.
- (b) The department has utilized all available local resources.
- (c) The investigating officer or supervisor has determined that the person is missing under unexplained or suspicious circumstances.
- (d) The investigating officer or supervisor believes that the person is in danger because of age, health, mental or physical disability, environment or weather conditions, that the person is in the company of a potentially dangerous person, or that there are other factors indicating that the person may be in peril.
- (e) There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person.

309.5.2 PROCEDURE FOR SILVER ALERT

Requests for a Silver Alert shall be made through the California Highway Patrol (Government Code § 8594.10).

309.6 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.

309.6.1 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.

309.6.2 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 Community Relations Specialist 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

309.7 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).

309.7.1 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.

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309.7.2 PROCEDURE

Public safety emergency alerts should be activated by following the guidelines issued by the Office of Emergency Services (Government Code § 8593.7).

309.8 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).

309.8.1 CRITERIA FOR YELLOW ALERT

All of the following conditions must be met before activating a Yellow Alert (Government Code § 8594.15):

- (a) A person has been killed due to a hit-and-run incident.
- (b) There is an indication that a suspect has fled the scene utilizing the state highway system or is likely to be observed by the public on the state highway system.
- (c) The department has additional information concerning the suspect or the suspect's vehicle including but not limited to the following:
 1. The complete license plate number of the suspect's vehicle.
 2. A partial license plate number and additional unique identifying characteristics, such as the make, model, and color of the suspect's vehicle, which could reasonably lead to the apprehension of a suspect.
 3. The identity of a suspect.
 4. Public dissemination of available information could either help avert further harm or accelerate apprehension of a suspect based on any factor, including but not limited to the time elapsed between a hit-and-run incident and the request or the likelihood that an activation would reasonably lead to the apprehension of a suspect.

309.8.2 PROCEDURE FOR YELLOW ALERT

Requests for a Yellow Alert shall be made through the California Highway Patrol (Government Code § 8594.15).

309.9 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).

309.9.1 CRITERIA FOR ENDANGERED MISSING ADVISORY

All of the following conditions must be met before activating an Endangered Missing Advisory (Government Code § 8594.11):

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- (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.

309.9.2 PROCEDURE FOR ENDANGERED MISSING ADVISORIES

Requests for an endangered missing advisory shall be made through the California Highway Patrol (Government Code § 8594.11).

309.10 FEATHER ALERT

A Feather Alert may be issued when an indigenous person is reported missing under unexplained or suspicious circumstances (Government Code § 8594.13).

309.10.1 CRITERIA FOR FEATHER ALERT

All of the following conditions must be met before activating a Feather Alert (Government Code § 8594.13):

- (a) The missing person is an indigenous person.
- (b) The Department has utilized local and tribal resources.
- (c) The investigating officer has determined the person has gone missing under unexplained or suspicious circumstances.
- (d) The investigating officer or supervisor believes that the person is in danger because of age, health, mental or physical disability, environment or weather conditions, that the person is in the company of a potentially dangerous person, or that there are other factors indicating that the person may be in peril.
- (e) There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person.

309.10.2 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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309.11 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).

309.11.1 CRITERIA FOR EBONY ALERT

The investigating officer may consider the following factors to make the determination that an Ebony Alert would be an effective tool (Government Code § 8594.14):

- (a) The missing person is between the ages of 12 and 25 years old, inclusive.
- (b) The missing person is missing under circumstances that indicate their physical safety is endangered or they have been subject to trafficking.
- (c) The missing person suffers from a mental or physical disability.
- (d) Determination that the person has gone missing under unexplained or suspicious circumstances.
- (e) Belief that the person is in danger because of age, health, mental or physical disability, environment or weather conditions, that the person is in the company of a potentially dangerous person, or that there are other factors indicating that the person may be in peril.
- (f) The Department has utilized all available local resources.
- (g) There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person.

309.11.2 PROCEDURE FOR EBONY ALERT

Requests for an Ebony Alert shall be made through the California Highway Patrol (Government Code § 8594.14).

Canines

310.1 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.

310.2 POLICY

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

310.3 ASSIGNMENT

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

Canine teams should generally not be assigned to handle routine matters that will take them out of service for extended periods of time. If such assignment is necessary, it should only be made with the approval of the Watch Commander.

310.4 CANINE SUPERVISOR

The canine supervisor shall be appointed by and directly responsible to the Operations Division or the authorized designee.

The responsibilities of the supervisor 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 supervisors.
- (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.

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310.5 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.

310.5.1 OUTSIDE AGENCY REQUEST

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

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

310.5.2 PUBLIC DEMONSTRATIONS

All public requests for a canine team shall be reviewed and, if appropriate, approved by the canine supervisor prior to making any resource commitment. The canine supervisor is responsible for obtaining resources and coordinating involvement in the demonstration to include proper safety protocols. Canine handlers shall not demonstrate any apprehension work unless authorized to do so by the canine supervisor.

310.6 APPREHENSION GUIDELINES

A canine may be used to locate and apprehend a suspect if the canine handler reasonably believes that the individual has committed, is committing, or is threatening to commit any serious offense and if any of the following conditions exist:

- (a) There is a reasonable belief the suspect poses an imminent threat of violence or serious harm to the public, any officer, or the handler.
- (b) The suspect is physically resisting or threatening to resist arrest and the use of a canine reasonably appears to be necessary to overcome such resistance.
- (c) The suspect is believed to be concealed in an area where entry by other than the canine would pose a threat to the safety of officers or the public.

It is recognized that situations may arise that do not fall within the provisions set forth in this policy. Such events require consideration of the totality of the circumstances and the use of an objective reasonableness standard applied to the decision to use a canine.

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Absent a reasonable belief that a suspect has committed, is committing, or is threatening to commit a serious offense, mere flight from a pursuing officer, without any of the above conditions, shall not serve as the basis for the use of a canine to apprehend a suspect.

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

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

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

310.6.1 PREPARATION FOR DEPLOYMENT

Prior to the use of a canine to search for or apprehend any suspect, the canine handler and/or the supervisor on-scene should carefully consider all pertinent information reasonably available at the time. The information should include but is not limited to:

- (a) The nature and seriousness of the suspected offense.
- (b) Whether violence or weapons were used or are anticipated.
- (c) The degree of resistance or threatened resistance, if any, the suspect has shown.
- (d) The suspect's known or perceived age.
- (e) The potential for injury to officers or the public caused by the suspect if the canine is not utilized.
- (f) Any potential danger to the public and/or other officers at the scene if the canine is released.
- (g) The potential for the suspect to escape or flee if the canine is not utilized.

As circumstances permit, the canine handler should make every reasonable effort to communicate and coordinate with other involved members to minimize the risk of unintended injury.

It is the canine handler's responsibility to evaluate each situation and determine whether the use of a canine is appropriate and reasonable. The canine handler shall have the authority to decline the use of the canine whenever he/she deems deployment is unsuitable.

A supervisor who is sufficiently apprised of the situation may prohibit deploying the canine.

Unless otherwise directed by a supervisor, assisting members should take direction from the handler in order to minimize interference with the canine.

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310.6.2 WARNINGS AND ANNOUNCEMENTS

Unless it would increase the risk of injury or escape, a clearly audible warning announcing that a canine will be used if the suspect does not surrender should be made prior to releasing a canine. The handler should allow a reasonable time for a suspect to surrender and should quiet the canine momentarily to listen for any verbal response to the warning. If feasible, other members should be in a location opposite the warning to verify that the announcement could be heard. If available, warnings given in other languages should be used as necessary.

If a warning is not to be given, the canine handler, when practicable, should first advise the supervisor of his/her decision before releasing the canine. In the event of an apprehension, the handler shall document in any related report how the warning was given and, if none was given, the reasons why.

310.6.3 REPORTING DEPLOYMENTS, BITES AND INJURIES

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

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

If an individual alleges an injury, either visible or not visible, a supervisor shall be notified and both the individual's injured and uninjured areas shall be photographed as soon as practicable after first tending to the immediate needs of the injured party. Photographs shall be retained as evidence in accordance with current department evidence procedures. The photographs shall be retained until the criminal proceeding is completed and the time for any related civil proceeding has expired.

Canines used by law enforcement agencies are generally exempt from impoundment and reporting requirements. However, the canine shall be made available for examination at any reasonable time if requested by the local health department. The canine handler shall also notify the local health department if the canine exhibits any abnormal behavior after a bite (Health and Safety Code § 121685).

310.7 NON-APPREHENSION GUIDELINES

Properly trained canines may be used to track or search for non-criminals (e.g., lost children, individuals who may be disoriented or in need of medical attention). The canine handler is responsible for determining the canine's suitability for such assignments based on the conditions and the particular abilities of the canine. When the canine is deployed in a search or other non-apprehension operation, the following guidelines apply:

- (a) Absent a change in circumstances that presents an imminent threat to officers, the canine, or the public, such applications should be conducted on-leash or under

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conditions that minimize the likelihood the canine will bite or otherwise injure the individual, if located.

- (b) Unless otherwise directed by a supervisor, assisting members should take direction from the handler in order to minimize interference with the canine.
- (c) Throughout the deployment, the handler should periodically give verbal assurances that the canine will not bite or hurt the individual and encourage the individual to make him/herself known.
- (d) Once the individual has been located, the handler should place the canine in a down-stay or otherwise secure it as soon as reasonably practicable.

310.7.1 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.

310.7.2 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.

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

310.7.3 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.

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

310.8 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 5-foot-high fence with locking gates).
- (c) A garage that can be secured and can accommodate a canine vehicle.
- (d) Living within 30 minutes travel time from the Santa Cruz City limits.
- (e) Agreeing to be assigned to the position for a minimum of three years.

310.9 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 Santa Cruz Police Department facility.
- (e) Handlers shall permit the canine supervisor 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 supervisor 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 supervisor or Watch Commander.

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- (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 supervisor 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 supervisor so that appropriate arrangements can be made.

310.9.1 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.

310.10 HANDLER COMPENSATION

The canine handler shall be available for call-out under conditions specified by the canine supervisor.

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).

310.11 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 supervisor 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 canine file.

310.12 TRAINING

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

The canine supervisor 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.

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

310.12.1 CONTINUED TRAINING

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

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

310.12.2 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.

310.12.3 TRAINING RECORDS

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

310.12.4 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 Santa Cruz Police Department may work with outside trainers with the applicable licenses or permits.

310.12.5 CONTROLLED SUBSTANCE TRAINING AIDS

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

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

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

310.12.7 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.
- (c) The canine supervisor shall be responsible to verify the explosive training aids on hand against the inventory ledger once each quarter.

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- (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 supervisor, 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).

Domestic Violence

311.1 PURPOSE AND SCOPE

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

311.1.1 DEFINITIONS

Definitions related to this policy include:

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

311.2 POLICY

The Santa Cruz Police Department's response to incidents of domestic violence and violations of related court orders shall stress enforcement of the law to protect the victim and shall communicate the philosophy that domestic violence is criminal behavior. It is also the policy of this department to facilitate victims' and offenders' access to appropriate civil remedies and community resources whenever feasible.

311.3 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.

311.4 INVESTIGATIONS

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

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

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- (e) All injuries should be photographed, regardless of severity, taking care to preserve the victim's personal privacy. Where practicable, photographs should be taken by a person of the same sex. Victims whose injuries are not visible at the time of the incident should be asked to contact the Investigations Unit in the event that the injuries later become visible.
- (f) Officers should request that the victim complete and sign an authorization for release of medical records related to the incident when applicable.
- (g) If the suspect is no longer at the scene, officers should make reasonable efforts to locate the suspect to further the investigation, provide the suspect with an opportunity to make a statement, and make an arrest or seek an arrest warrant if appropriate.
- (h) Seize any firearms or other dangerous weapons in the home, if appropriate and legally permitted, for safekeeping or as evidence. If the domestic violence involved threats of bodily harm, any firearm discovered in plain view or pursuant to consent or other lawful search must be taken into temporary custody (Penal Code § 18250).
- (i) When completing an incident or arrest report for violation of a court order, officers should include specific information that establishes that the offender has been served, including the date the offender was served, the name of the agency that served the order, and the provision of the order that the subject is alleged to have violated. When reasonably available, the arresting officer should attach a copy of the order to the incident or arrest report.
- (j) Officers should take appropriate enforcement action when there is probable cause to believe an offense has occurred. Factors that should not be used as sole justification for declining to take enforcement action include:
 - 1. Whether the suspect lives on the premises with the victim.
 - 2. Claims by the suspect that the victim provoked or perpetuated the violence.
 - 3. The potential financial or child custody consequences of arrest.
 - 4. The physical or emotional state of either party.
 - 5. Use of drugs or alcohol by either party.
 - 6. Denial that the abuse occurred where evidence indicates otherwise.
 - 7. A request by the victim not to arrest the suspect.
 - 8. Location of the incident (public/private).
 - 9. Speculation that the complainant may not follow through with the prosecution.
 - 10. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or marital status of the victim or suspect.
 - 11. The social status, community status, or professional position of the victim or suspect.

311.4.1 IF A SUSPECT IS ARRESTED

If a suspect is arrested, officers should:

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

311.4.2 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 when appropriate.

311.5 VICTIM ASSISTANCE

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

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

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

311.6 DISPATCH ASSISTANCE

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

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

311.7 FOREIGN COURT ORDERS

Various types of orders may be issued in domestic violence cases. Any foreign court order properly issued by a court of another state, Indian tribe, or territory shall be enforced by officers as if it were the order of a court in this state. An order should be considered properly issued when it reasonably appears that the issuing court has jurisdiction over the parties and reasonable notice and opportunity to respond was given to the party against whom the order was issued (18 USC § 2265). An otherwise valid out-of-state court or foreign order shall be enforced, regardless of whether the order has been properly registered with this state (Family Code § 6403).

Canadian domestic violence protection orders shall also be enforced in the same manner as if issued in this state (Family Code § 6452).

311.8 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.

311.9 STANDARDS FOR ARRESTS

Officers investigating a domestic violence report should consider the following:

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

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311.10 REPORTS AND RECORDS

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

311.11 RECORD-KEEPING AND DATA COLLECTION

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

311.12 SERVICE OF COURT ORDERS

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

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1. An officer should ensure that the Records Unit is notified of any firearm obtained for entry into the Automated Firearms System (Family Code § 6383) (see the Records Unit 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).

311.13 PUBLIC ACCESS TO POLICY

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

311.14 DECLARATION IN SUPPORT OF BAIL INCREASE

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

311.15 DOMESTIC VIOLENCE DEATH REVIEW TEAM

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

Temporary Custody of Juveniles

312.1 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 Santa Cruz Police Department (34 USC § 11133).

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

312.1.1 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).

312.2 POLICY

The Santa Cruz 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 Santa Cruz Police Department. Juveniles should be held in temporary custody only for as long as reasonably necessary for processing, transfer, or release.

312.3 JUVENILES WHO SHOULD NOT BE HELD

Juveniles who exhibit any of the following conditions should not be held at the Santa Cruz 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 Santa Cruz 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).

312.3.1 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).

312.3.2 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).

312.4 CUSTODY OF JUVENILES

Officers should take custody of a juvenile and temporarily hold the juvenile at the Santa Cruz 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 Santa Cruz 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 Santa Cruz Police Department (34 USC § 11133; Welfare and Institutions Code § 207.1).

312.4.1 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 Santa Cruz 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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312.4.2 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).

312.4.3 CUSTODY OF JUVENILE OFFENDERS

Juvenile offenders should be held in non-secure custody while at the Santa Cruz 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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312.5 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).

312.6 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 Santa Cruz Police Department (15 CCR 1150).
- (c) Watch Commander notification and approval to temporarily hold the juvenile.
- (d) Any charges for which the juvenile is being held and classification of the juvenile as a juvenile offender, status offender, or non-offender.
- (e) Any changes in status (e.g., emergency situations, unusual incidents).
- (f) Time of all safety checks.
- (g) Any medical and other screening requested and completed (15 CCR 1142).
- (h) Circumstances that justify any secure custody (Welfare and Institutions Code § 207.1; 15 CCR 1145).
- (i) Any other information that may be required by other authorities, such as compliance inspectors or a local juvenile court authority.

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

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312.7 NO-CONTACT REQUIREMENTS

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

In situations where brief or accidental contact may occur (e.g., during the brief time a juvenile is being fingerprinted and/or photographed in booking), a member of the Santa Cruz 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).

312.8 TEMPORARY CUSTODY REQUIREMENTS

Members and supervisors assigned to monitor or process any juvenile at the Santa Cruz 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 Santa Cruz Police Department more than four hours. This will enable the Watch Commander to ensure no juvenile is held at the Santa Cruz 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).

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

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

312.9 RELIGIOUS ACCOMMODATION

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

312.10 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 Santa Cruz 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).

312.11 PERSONAL PROPERTY

The officer taking custody of a juvenile offender or status offender at the Santa Cruz 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.

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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 Santa Cruz Police Department.

312.12 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).

312.12.1 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.

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- (b) Juveniles shall have constant auditory access to department members (15 CCR 1147).
- (c) Initial placement into and removal from a locked enclosure shall be logged (Welfare and Institutions Code § 207.1).
- (d) 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.

312.13 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 Santa Cruz Police Department (15 CCR 1142; 15 CCR 1047). The procedures will address:

- (a) Immediate notification of the on-duty supervisor, Chief of Police, and Investigations Unit Division Supervisor.
- (b) Notification of the parent, guardian, or person standing in loco parentis of the juvenile.
- (c) Notification of the appropriate prosecutor.
- (d) Notification of the City attorney.
- (e) Notification to the coroner.
- (f) Notification of the juvenile court.
- (g) In the case of a death, providing a report to the Attorney General under Government Code § 12525 within 10 calendar days of the death, and forwarding the same report to the Board of State and Community Corrections within the same time frame (15 CCR 1046).
- (h) A medical and operational review of deaths and suicide attempts pursuant to 15 CCR 1046.
- (i) Evidence preservation.

312.14 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.

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

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

312.14.1 MANDATORY RECORDINGS OF JUVENILES

Any interrogation of an individual under 18 years of age who is in custody and suspected of committing murder shall be audio and video recorded when the interview takes place at a department facility, jail, detention facility, or other fixed place of detention. The recording shall include the entire interview and a *Miranda* advisement preceding the interrogation (Penal Code § 859.5).

This recording is not mandatory when (Penal Code § 859.5):

- (a) Recording is not feasible because of exigent circumstances that are later documented in a report.
- (b) The individual refuses to have the interrogation recorded, including a refusal any time during the interrogation, and the refusal is documented in a report. If feasible, the refusal shall be electronically recorded.
- (c) The custodial interrogation occurred in another state by law enforcement officers of that state, unless the interrogation was conducted with the intent to avoid the requirements of Penal Code § 859.5.
- (d) The interrogation occurs when no member conducting the interrogation has a reason to believe that the individual may have committed murder. Continued custodial interrogation concerning that offense shall be electronically recorded if the interrogating member develops a reason to believe the individual committed murder.
- (e) The interrogation would disclose the identity of a confidential informant or would jeopardize the safety of an officer, the individual being interrogated, or another individual. Such circumstances shall be documented in a report.
- (f) A recording device fails despite reasonable maintenance and the timely repair or replacement is not feasible.
- (g) The questions are part of a routine processing or booking, and are not an interrogation.
- (h) The suspect is in custody for murder and the interrogation is unrelated to a murder. However, if any information concerning a murder is mentioned during the interrogation, the remainder of the interrogation shall be recorded.

These recordings shall be retained until a conviction is final and all direct and habeas corpus appeals are exhausted, a court no longer has any jurisdiction over the individual, or the prosecution for that offense is barred (Penal Code § 859.5; Welfare and Institutions Code § 626.8).

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312.15 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 Unit supervisor, giving due consideration to the following:

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

312.16 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.

A copy of the current policy of the juvenile court concerning authorized release of information and appropriate acknowledgment forms shall be kept with copies of this procedure in the Santa Cruz Police Department Policy Manual. Such releases are authorized by Welfare and Institutions Code § 827.

Welfare and Institutions Code § 828 authorizes the release of certain information to other agencies. It shall be the responsibility of the Records Manager and the appropriate Investigations Unit supervisors to ensure that personnel of those bureaus act within legal guidelines.

312.17 BOARD OF STATE AND COMMUNITY CORRECTIONS CERTIFICATION

The Operations Deputy Chief shall coordinate the procedures related to the custody of juveniles held at the Santa Cruz Police Department and ensure any required certification is maintained (Welfare and Institution Code § 210.2).

312.18 TRAINING

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

Search and Seizure

313.1 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 Santa Cruz Police Department personnel to consider when dealing with search and seizure issues.

313.2 POLICY

It is the policy of the Santa Cruz 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.

313.3 SEARCHES

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

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

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

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

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

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

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313.4 SEARCH PROTOCOL

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

- (a) Members of this department will strive to conduct searches with dignity and courtesy.
- (b) Officers should explain to the person being searched the reason for the search and how the search will be conducted.
- (c) Searches should be carried out with due regard and respect for private property interests and in a manner that minimizes damage. Property should be left in a condition as close as reasonably possible to its pre-search condition.
- (d) In order to minimize the need for forcible entry, an attempt should be made to obtain keys, combinations or access codes when a search of locked property is anticipated.
- (e) When the person to be searched is of the opposite sex as the searching officer, a reasonable effort should be made to summon an officer of the same sex as the subject to conduct the search. When it is not practicable to summon an officer of the same sex as the subject, the following guidelines should be followed:
 1. Another officer or a supervisor should witness the search.
 2. The officer should not search areas of the body covered by tight-fitting clothing, sheer clothing or clothing that could not reasonably conceal a weapon.

313.5 DOCUMENTATION

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

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

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

Senior and Disability Victimization

314.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation and reporting of suspected abuse of certain adults who may be more vulnerable than others. This policy also addresses mandatory notification for Santa Cruz Police Department members as required by law (Penal Code § 368.6).

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

314.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

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

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

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

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

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

314.2 POLICY

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

314.2.1 ARREST POLICY

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

314.2.2 ADHERENCE TO POLICY

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

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

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

314.3 INVESTIGATIONS AND REPORTING

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

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

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

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

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

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

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

314.3.1 ADDITIONAL INVESTIGATIVE CONSIDERATIONS

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

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

314.4 MANDATORY NOTIFICATION

Members of the Santa Cruz 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)):

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

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

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

314.4.1 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.

314.5 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.

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- (f) Participate in or coordinate with multidisciplinary investigative teams as applicable (Welfare and Institutions Code § 15610.55).
- (g) Make reasonable efforts to determine whether any person committed unlawful interference in a mandated report.

314.6 INTERVIEWS

314.6.1 PRELIMINARY INTERVIEWS

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

314.6.2 DETAINING VICTIMS FOR INTERVIEWS

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

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

314.6.3 INTERVIEWS WITH A PERSON WITH DEAFNESS OR HEARING LOSS

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

314.7 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

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for officers to take the adult for a medical examination, the supervisor should consider other government agencies or services that may obtain a court order for such an examination.

314.8 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.

314.8.1 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)).

314.8.2 VERIFICATION OF PROTECTIVE ORDER

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

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

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

314.9 DRUG-ENDANGERED VICTIMS

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

314.9.1 OFFICER RESPONSIBILITIES

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

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

314.9.2 SUPERVISOR RESPONSIBILITIES

The Investigations Unit supervisor should:

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

314.10 TRAINING

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

- (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.

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- (f) Availability of victim advocates or other support.

314.10.1 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 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)).

314.11 RECORDS BUREAU RESPONSIBILITIES

The Records Unit 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.

314.12 JURISDICTION

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

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

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

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314.13 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 bodily injury on the victim or another person, with the intent described in subdivision (a), is guilty of a felony and shall be punished by imprisonment in the state prison for 5, 8, or 10 years.

Penal Code § 368 (c)

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

Penal Code § 368 (f)

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

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

Welfare and Institutions Code § 15610.05

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

Welfare and Institutions Code § 15610.06

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

Welfare and Institutions Code § 15610.30

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

Welfare and Institutions Code § 15610.43

- (a) "Isolation" means any of the following:
 - 1. Acts intentionally committed for the purpose of preventing, and that do serve to prevent, an elder or dependent adult from receiving his or her mail or telephone calls.
 - 2. Telling a caller or prospective visitor that an elder or dependent adult is not present, or does not wish to talk with the caller, or does not wish to meet with the visitor where the statement is false, is contrary to the express wishes of the elder or the dependent adult, whether he or she is competent or not, and is made for the purpose of preventing the elder or dependent adult from having contact with family, friends, or concerned persons.
 - 3. False imprisonment, as defined in Section 236 of the Penal Code.
 - 4. Physical restraint of an elder or dependent adult, for the purpose of preventing the elder or dependent adult from meeting with visitors.

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- (b) The acts set forth in subdivision (a) shall be subject to a rebuttable presumption that they do not constitute isolation if they are performed pursuant to the instructions of a physician and surgeon licensed to practice medicine in the state, who is caring for the elder or dependent adult at the time the instructions are given, and who gives the instructions as part of his or her medical care.
- (c) The acts set forth in subdivision (a) shall not constitute isolation if they are performed in response to a reasonably perceived threat of danger to property or physical safe.

Welfare and Institutions Code § 15610.57

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

Welfare and Institutions Code § 15610.63

"Physical abuse" means any of the following:

- (a) Assault, as defined in Section 240 of the Penal Code.
- (b) Battery, as defined in Section 242 of the Penal Code.
- (c) Assault with a deadly weapon or force likely to produce great bodily injury, as defined in Section 245 of the Penal Code.
- (d) Unreasonable physical constraint, or prolonged or continual deprivation of food or water.

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

314.14 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

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order, the officer shall make a warrantless arrest based on probable cause when necessary or advisable to protect the safety of the victim or others.

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

314.15 ELDER AND DEPENDENT ADULT ABUSE LIAISON

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

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

Discriminatory Harassment

315.1 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.

315.2 POLICY

The Santa Cruz 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.

315.3 DEFINITIONS

Definitions related to this policy include:

315.3.1 DISCRIMINATION

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

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

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

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315.3.2 RETALIATION

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

315.3.3 SEXUAL HARASSMENT

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

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

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

315.3.4 ADDITIONAL CONSIDERATIONS

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

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

315.4 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 Human Resources Director, or the City Manager.

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

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

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

315.4.1 QUESTIONS OR CLARIFICATION

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

315.4.2 SUPERVISOR RESPONSIBILITIES

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

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

315.4.3 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.

315.5 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.

315.5.1 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.

315.5.2 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 Human Resources Director, or the City Manager.

315.5.3 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.

315.6 DOCUMENTATION OF COMPLAINTS

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

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

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

315.6.1 NOTIFICATION OF DISPOSITION

The complainant and/or victim will be notified in writing of the disposition of the investigation and the actions taken to remedy or address the circumstances giving rise to the complaint.

315.7 WORKING CONDITIONS

The Administration Deputy Chief 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).

315.8 TRAINING

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

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

315.8.1 STATE-REQUIRED TRAINING

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

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

315.8.2 TRAINING RECORDS

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

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315.9 REQUIRED POSTERS

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

Child Abuse

316.1 PURPOSE AND SCOPE

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

316.1.1 DEFINITIONS

Definitions related to this policy include:

Child - Unless otherwise specified by a cited statute, a child is any person under the age of 18 years.

Child abuse - Any offense or attempted offense involving violence or neglect with a child victim when committed by a person responsible for the child's care or any other act that would mandate notification to a social service agency or law enforcement (Penal Code § 11165.9; Penal Code § 11166).

316.2 POLICY

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

316.3 MANDATORY NOTIFICATION

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

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

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

When the abuse or neglect occurs at a licensed facility or is alleged to have resulted from the actions of a person who is required to have a state license (e.g., foster homes, group homes, day care), notification shall also be made to the California Department of Social Services or other applicable licensing authority. When the alleged abuse or neglect involves a child of a minor parent or a dependent adult, notification shall also be made to the attorney of the minor or the dependent adult within 36 hours (Penal Code 11166.1; Penal Code 11166.2).

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

316.3.1 NOTIFICATION PROCEDURE

Notification should occur as follows (Penal Code § 11166):

- (a) Notification shall be made immediately, or as soon as practicable, by telephone, fax or electronic transmission.
- (b) A written follow-up report should be forwarded within 36 hours of receiving the information concerning the incident.

316.4 QUALIFIED INVESTIGATORS

Qualified investigators should be available for child abuse investigations. These investigators should:

- (a) Conduct interviews in child appropriate interview facilities.
- (b) Be familiar with forensic interview techniques specific to child abuse investigations.
- (c) Present all cases of alleged child abuse to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies and school administrators as needed.
- (e) Provide referrals to therapy services, victim advocates, guardians and support for the child and family as appropriate.
- (f) Participate in or coordinate with multidisciplinary investigative teams as applicable (Welfare and Institutions Code § 18961.7).

316.5 INVESTIGATIONS AND REPORTING

In all reported or suspected cases of child abuse, a report will be written. Officers shall write a report even if the allegations appear unfounded or unsubstantiated.

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

- (a) The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected child abuse victim was contacted.
- (b) The exigent circumstances that existed if officers interviewed the child victim without the presence of a parent or guardian.

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- (c) Any relevant statements the child may have made and to whom he/she made the statements.
- (d) If a child was taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.
- (e) Documentation of any visible injuries or any injuries identified by the child. This should include photographs of such injuries, if practicable.
- (f) Whether the child victim was transported for medical treatment or a medical examination.
- (g) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other children who may reside in the residence.
- (h) Identification of any prior related reports or allegations of child abuse, including other jurisdictions, as reasonably known.
- (i) Previous addresses of the victim and suspect.
- (j) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

All cases of the unexplained death of a child should be investigated as thoroughly as if it had been a case of suspected child abuse (e.g., a sudden or unexplained death of an infant).

316.5.1 EXTRA JURISDICTIONAL REPORTS

If a report of known or suspected child abuse or neglect that is alleged to have occurred outside this jurisdiction is received, department 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).

316.5.2 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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316.6 PROTECTIVE CUSTODY

Before taking any child into protective custody, the officer should make reasonable attempts to contact CPS. Generally, removal of a child from 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.

316.6.1 CALIFORNIA SAFELY SURRENDERED BABY LAW

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

316.6.2 NEWBORNS TESTING POSITIVE FOR DRUGS

Under certain circumstances, officers can be prohibited from taking a newborn who is the subject of a proposed adoption into protective custody, even when the newborn has tested positive for illegal drugs or the birth mother tested positive for illegal drugs.

Officers shall instead follow the provisions of Welfare and Institutions Code § 305.6 to ensure that the newborn is placed with the adoptive parents when it is appropriate.

316.7 INTERVIEWS

316.7.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, officers should record the preliminary interview with suspected child abuse victims. Officers should avoid multiple interviews with a child victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating officers should defer interviews until a person who is specially trained in such interviews is available. Generally, child victims should not be interviewed in the home or location where the alleged abuse occurred.

316.7.2 DETAINING SUSPECTED CHILD ABUSE VICTIMS FOR AN INTERVIEW

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

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

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316.7.3 INTERVIEWS AT A SCHOOL

Any student at school who is a suspected victim of child abuse shall be afforded the option of being interviewed in private or selecting any qualified available adult member of the school staff to be present. The purpose of the staff member's presence is to provide comfort and support. The staff member shall not participate in the interview. The selection of a staff member should be such that it does not burden the school with costs or hardship (Penal Code § 11174.3).

316.8 MEDICAL EXAMINATIONS

If the child has been the victim of abuse that requires a medical examination, the investigating officer should obtain consent for such examination from the appropriate parent, guardian or agency having legal custody of the child. The officer should also arrange for the child's transportation to the appropriate medical facility.

In cases where the alleged offender is the custodial parent or guardian and is refusing consent for the medical examination, officers should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for officers to take the child for a medical examination, the notified supervisor should consider obtaining a court order for such an examination.

316.9 DRUG-ENDANGERED CHILDREN

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

316.9.1 SUPERVISOR RESPONSIBILITIES

The Investigations Unit supervisor should:

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

316.9.2 OFFICER RESPONSIBILITIES

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

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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 Unit supervisor so an interagency response can begin.

316.10 TRAINING

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

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

316.11 STATE MANDATES AND OTHER RELEVANT LAWS

California requires or permits the following:

316.11.1 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).

316.11.2 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.

316.11.3 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

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- (b) Statements by investigators
- (c) Statements from representatives of the District Attorney's Office
- (d) Statements by representatives of a child protective agency who may be familiar with the case

After considering all information presented, the hearing officer shall make a determination as to whether the requesting party's name should be removed from the CACI list. Such determination shall be based on a finding that the allegations in the investigation are not substantiated (Penal Code § 11169).

If, after considering the evidence, the hearing officer finds that the allegations are not substantiated, he/she shall cause a request to be completed and forwarded to the DOJ that the person's name be removed from the CACI list. A copy of the hearing results and the request for removal will be attached to the case reports.

The findings of the hearing officer shall be considered final and binding.

316.11.4 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).

316.11.5 CACI HEARING OFFICER

The Investigations Unit supervisor will normally serve as the hearing officer but must not be actively connected with the case that resulted in the person's name being submitted to CACI. Upon receiving a qualified request for removal, the hearing officer shall promptly schedule a hearing to take place during normal business hours and provide written notification of the time and place of the hearing to the requesting party.

Missing Persons

317.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

317.1.1 DEFINITIONS

At risk - Includes, but is not limited to (Penal Code § 14215):

- A victim of a crime or foul play.
- A person missing and in need of medical attention.
- A missing person with no pattern of running away or disappearing.
- A missing person who may be the victim of parental abduction.
- A mentally impaired missing person, including cognitively impaired or developmentally disabled.

Missing person - Any person who is reported missing to law enforcement when the person's location is unknown. This includes a child who has been taken, detained, concealed, enticed away or kept by a parent in violation of the law (Penal Code § 277 et seq.). It also includes any child who is missing voluntarily, involuntarily or under circumstances that do not conform to his/her ordinary habits or behavior, and who may be in need of assistance (Penal Code § 14215).

Missing person networks - Databases or computer networks available to law enforcement and that are suitable for information related to missing persons investigations. These include the National Crime Information Center (NCIC), the California Law Enforcement Telecommunications System (CLETS), Missing Person System (MPS) and the Unidentified Persons System (UPS).

317.2 POLICY

The Santa Cruz 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 Santa Cruz 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).

317.3 REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS

The Investigations Unit supervisor should ensure the forms and kits are developed and available in accordance with this policy, state law, federal law and the California Peace Officer Standards and Training (POST) Missing Persons Investigations guidelines, including:

- Department report form for use in missing person cases
- Missing person investigation checklist that provides investigation guidelines and resources that could be helpful in the early hours of a missing person investigation (Penal Code § 13519.07)
- Missing person school notification form

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

317.4 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).

317.5 INITIAL INVESTIGATION

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

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

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

317.6 REPORT PROCEDURES AND ROUTING

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

317.6.1 SUPERVISOR RESPONSIBILITIES

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

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

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

317.6.2 RECORDS UNIT RESPONSIBILITIES

The receiving member shall:

- (a) As soon as reasonable under the circumstances, notify and forward a copy of the report to the law enforcement agency having jurisdiction over the missing person's residence in cases where the missing person is a resident of another jurisdiction (Penal Code § 14211).
- (b) Notify and forward a copy of the report to the law enforcement agency in whose jurisdiction the missing person was last seen (Penal Code § 14211).

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- (c) Notify and forward a copy of the report to the law enforcement agency having jurisdiction over the missing person's intended or possible destination, if known.
- (d) Forward a copy of the report to the Investigations Unit.
- (e) Coordinate with the NCIC Terminal Contractor for California to have the missing person record in the NCIC computer networks updated with additional information obtained from missing person investigations (34 USC § 41308).

317.7 INVESTIGATIONS UNIT FOLLOW-UP

In addition to completing or continuing any actions listed above, the investigator assigned to a missing person investigation:

- (a) Shall ensure that the missing person's school is notified within 10 days if the missing person is a juvenile.
 - 1. The notice shall be in writing and should also include a photograph (Education Code § 49068.6).
 - 2. The investigator should meet with school officials regarding the notice as appropriate to stress the importance of including the notice in the child's student file, along with contact information if the school receives a call requesting the transfer of the missing child's files to another school.
- (b) Should recontact the reporting person and/or other witnesses within 30 days of the initial report and within 30 days thereafter to determine if any additional information has become available via the reporting party.
- (c) Should consider contacting other agencies involved in the case to determine if any additional information is available.
- (d) Shall verify and update CLETS, NCIC, and any other applicable missing person networks within 30 days of the original entry into the networks and every 30 days thereafter until the missing person is located (34 USC § 41308).
- (e) Should continue to make reasonable efforts to locate the missing person and document these efforts at least every 30 days.
- (f) Shall maintain a close liaison with state and local child welfare systems and the National Center for Missing and Exploited Children® (NCMEC) if the missing person is under the age of 21 and shall promptly notify NCMEC when the person is missing from a foster care family home or childcare institution (34 USC § 41308).
- (g) Should make appropriate inquiry with the Coroner.
- (h) Should obtain and forward medical and dental records, photos, X-rays, and biological samples pursuant to Penal Code § 14212 and Penal Code § 14250.
- (i) Shall attempt to obtain the most recent photograph for persons under 18 years of age if it has not previously been obtained and forward the photograph to California DOJ (Penal Code § 14210) and enter the photograph into applicable missing person networks (34 USC § 41308).
- (j) Should consider making appropriate entries and searches in the National Missing and Unidentified Persons System (NamUs).

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

317.8 WHEN A MISSING PERSON IS FOUND

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

The Records Manager shall ensure that, upon receipt of information that a missing person has been located, the following occurs (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.

317.8.1 UNIDENTIFIED PERSONS

Department members investigating a case of an unidentified person who is deceased or a living person who cannot assist in identifying him/herself should:

- (a) Obtain a complete description of the person.
- (b) Enter the unidentified person's description into the NCIC Unidentified Person File.
- (c) Use available resources, such as those related to missing persons, to identify the person.

317.9 CASE CLOSURE

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

- (a) Closure is appropriate when the missing person is confirmed returned or evidence has matched an unidentified person or body.
- (b) If the missing person is a resident of Santa Cruz or this department is the lead agency, the case should be kept under active investigation for as long as the person may still be alive. Exhaustion of leads in the investigation should not be a reason for closing a case.
- (c) If this department is not the lead agency, the case can be made inactive if all investigative leads have been exhausted, the lead agency has been notified and entries are made in the applicable missing person networks as appropriate.

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- (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.

Victim and Witness Assistance

318.1 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.

318.2 POLICY

The Santa Cruz Police Department is committed to providing guidance and assistance to the victims and witnesses of crime. The members of the Santa Cruz 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.

318.3 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 Santa Cruz 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.

318.3.1 CRIME VICTIM LIAISON DUTIES

The crime victim liaison is specifically tasked with the following:

- (a) Developing and implementing written procedures for notifying and providing forms for filing with the California Victim Compensation Board (CalVCB) to crime victims, their dependents, or family. Access to information or an application for victim compensation shall not be denied based on the victim's or derivative victim's designation as a gang member, associate, or affiliate, or on the person's documentation or immigration status (Government Code § 13962; 2 CCR 649.35; 2 CCR 649.36).
- (b) Responding to inquiries concerning the procedures for filing a claim with CalVCB (2 CCR 649.36).
- (c) Providing copies of crime reports requested by CalVCB or victim witness assistance centers. Disclosure of reports must comply with the Records Maintenance and Release Policy.
- (d) Annually providing CalVCB with the crime victim liaison's contact information (Government Code § 13962).
- (e) Developing in consultation with sexual assault experts a sexual assault victim card explaining the rights of victims under California law (Penal Code § 680.2).
 1. Ensuring that sufficient copies of the rights of sexual assault victim card are provided to each provider of medical evidentiary examinations or physical examinations arising out of sexual assault in the Santa Cruz Police Department jurisdiction (Penal Code § 680.2).

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- (f) Providing information required by Penal Code § 679.09 of a deceased minor to a parent or guardian of the minor whose death is being investigated.
 - 1. In cases where the parent or guardian of the deceased minor cannot be located, information required by Penal Code § 679.09 shall be provided to the victim's immediate family, upon their request.
- (g) Providing notification to victims of human trafficking or abuse of their right to have a human trafficking advocate and a support person that the victim chooses present during an interview by the Department, prosecutor, or the suspect's defense attorney (Penal Code § 236.21).

318.4 CRIME VICTIMS

Officers should provide all victims with the applicable victim information handouts.

Officers should never guarantee a victim's safety from future harm but may make practical safety suggestions to victims who express fear of future harm or retaliation. Officers should never guarantee that a person qualifies as a victim for the purpose of compensation or restitution but may direct him/her to the proper written department material or available victim resources.

318.4.1 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).

318.1 VICTIM INFORMATION

The Administration Department shall ensure that victim information handouts are available and current. These should include as appropriate:

- (a) Shelters and other community resources for victims of domestic violence.
- (b) Community resources for victims of sexual assault.
- (c) Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams, and information about evidence collection, storage, and preservation in sexual assault cases (34 USC § 10449; 34 USC § 20109; Penal Code § 13823.95(a)).
- (d) An explanation that victims of sexual assault who seek a standardized medical evidentiary examination shall not be required to participate or agree to participate in the criminal justice system, either prior to the examination or at any other time (Penal Code § 13823.95(b)).
- (e) An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.
- (f) A clear explanation of relevant court orders and how they can be obtained.

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- (g) Information regarding available compensation for qualifying victims of crime (Government Code § 13962).
- (h) VINE® information (Victim Information and Notification Everyday), including the telephone number and whether this free service is available to allow victims to check on an offender's custody status and to register for automatic notification when a person is released from jail.
- (i) Notice regarding U visa and T visa application processes.
- (j) Resources available for victims of identity theft.
- (k) A place for the officer's name, badge number, and any applicable case or incident number.
- (l) The "Victims of Domestic Violence" card containing the names, phone numbers, or local county hotlines of local shelters for battered women and rape victim counseling centers within the county and their 24-hour counseling service telephone numbers (Penal Code § 264.2).
- (m) The rights of sexual assault victims card with the required information as provided in Penal Code § 680.2.
- (n) Any additional information required by state law (Penal Code § 13701; Penal Code § 679.02; Penal Code § 679.04; Penal Code § 679.05; Penal Code § 679.026).

318.6 WITNESSES

Officers should never guarantee a witness' safety from future harm or that his/her identity will always remain confidential. Officers may make practical safety suggestions to witnesses who express fear of future harm or retaliation.

Officers should investigate allegations of witness intimidation and take enforcement action when lawful and reasonable.

Hate Crimes

320.1 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 Santa Cruz 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).

320.1.1 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

320.2 POLICY

It is the policy of this department to safeguard the rights of all individuals irrespective of their disability, gender, nationality, race or ethnicity, religion, sexual orientation, and/or association with a person or group with one or more of these actual or perceived characteristics. Any acts or threats of violence, property damage, harassment, intimidation, or other crimes motivated by hate or bias should be viewed very seriously and given high priority.

This department will employ reasonably available resources and vigorous law enforcement action to identify and arrest hate crime perpetrators. Also, recognizing the particular fears and distress typically suffered by victims, the potential for reprisal and escalation of violence, and the far-reaching negative consequences of these crimes on the community, this department should take all reasonable steps to attend to the security and related concerns of the immediate victims and their families as feasible.

All officers are required to be familiar with the policy and use reasonable diligence to carry out the policy unless directed by the Chief of Police or other command-level officer to whom the Chief of Police formally delegates this responsibility.

320.3 PLANNING AND PREVENTION

In order to facilitate the guidelines contained within this policy, department members will continuously work to build and strengthen relationships with the community, engage in dialogue, and provide education to the community about this policy. Department personnel are also encouraged to learn about the inherent issues concerning their communities in relation to hate crimes.

Although hate incidents are not criminal events, they can be indicators of, or precursors to, hate crimes. Hate incidents should be investigated and documented as part of an overall strategy to prevent hate crimes.

320.3.1 RELEASE OF INFORMATION

Establishing a relationship with stakeholders, before any incident occurs, to develop a network and protocol for disclosure often assists greatly in any disclosure.

The benefit of public disclosure of hate crime incidents includes:

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- (a) Dissemination of correct information.
- (b) Assurance to affected communities or groups that the matter is being properly and promptly investigated.
- (c) The ability to request information regarding the commission of the crimes from the victimized community.

Information or records relating to hate crimes subject to public disclosure shall be released as provided by the Records Maintenance and Release Policy or as allowed by law. In accordance with the Media Relations Policy, the supervisor, public information officer, or the authorized designee should be provided with information that can be responsibly reported to the media. When appropriate, the department spokesperson should reiterate that hate crimes will not be tolerated, will be investigated seriously, and will be prosecuted to the fullest extent of the law.

The Department should consider the following when releasing information to the public regarding hate crimes and hate incidents that have been reported within the jurisdiction:

- Inform community organizations in a timely manner when a community group has been the target of a hate crime.
- Inform the community of the impact of these crimes on the victim, the victim's family, and the community, and of the assistance and compensation available to victims.
- Inform the community regarding hate crime law and the legal rights of, and remedies available to, victims of hate crimes.
- Provide the community with ongoing information regarding hate crimes and/or hate incidents.

320.3.2 HATE CRIMES COORDINATOR

A department member appointed by the Chief of Police or the authorized designee will serve as the Hate Crimes Coordinator. The responsibilities of the Hate Crimes Coordinator should include but not be limited to (Penal Code § 422.87):

- (a) Meeting with residents in target communities to allay fears; emphasizing the department's concern over hate crimes and related incidents; reducing the potential for counter-violence; and providing safety, security, and crime-prevention information. Cultural diversity education and immersion programs (if available) could facilitate this process.
- (b) Finding, evaluating, and monitoring public social media sources to identify possible suspects in reported hate crimes; to identify suspects or suspect groups in future hate crimes or hate incidents affecting individuals, groups, or communities that may be victimized; and to predict future hate-based events.
- (c) Providing direct and referral assistance to the victim and the victim's family.
- (d) Conducting public meetings on hate crime threats and violence in general.
- (e) Establishing relationships with formal community-based organizations and leaders.

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- (f) Expanding, where appropriate, preventive programs such as hate, bias, and crime-reduction seminars for students.
- (g) Reviewing the Attorney General's latest opinion on hate crime statistics and targets in order to prepare and plan for future crimes, specifically for Arab/Middle Eastern and Muslim communities (Penal Code § 13519.6(b)(8)).
- (h) Providing orientation of and with communities of specific targeted victims such as immigrant, Muslim, Arab, LGBTQ, Black or African-American, Jewish, and Sikh persons and persons with disabilities.
- (i) Coordinating with the Training Manager to develop a schedule of required hate-crime training and include in a training plan recognition of hate crime bias characteristics, including information on general underreporting of hate crimes.
- (j) Verifying a process is in place to provide this policy and related orders to officers in the field and taking reasonable steps to rectify the situation if such a process is not in place.
- (k) Taking reasonable steps to ensure hate crime data is provided to the Records Unit for mandated reporting to the Department of Justice.
 - 1. Ensure the California Department of Justice crime data is posted monthly on the department website (Penal Code § 13023).
- (l) Reporting any suspected multi-mission extremist crimes to the department Terrorism Liaison Officer, the assigned designee, or other appropriate resource; and verifying that such data is transmitted to the Joint Regional Information Exchange System in accordance with the protocols of the Records Unit 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).
- (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.

320.4 RESPONSE, VICTIM ASSISTANCE, AND FOLLOW-UP

320.4.1 INITIAL RESPONSE

First responding officers should know the role of all department personnel as they relate to the department's investigation of hate crimes and/or incidents. Responding officers should evaluate the need for additional assistance and, working with supervision and/or investigations, access needed assistance if applicable.

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At the scene of a suspected hate or bias crime, officers should take preliminary actions reasonably deemed necessary, including but not limited to the following:

- (a) Use agency checklist (per Penal Code § 422.87) to assist in the investigation of any hate crime (see Appendix).
- (b) Stabilize the victims and request medical attention when necessary.
- (c) Properly protect the safety of victims, witnesses, and perpetrators.
 - 1. Assist victims in seeking a Temporary Restraining Order (if applicable).
- (d) Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.
- (e) Properly protect, preserve, and process the crime scene, and remove all physical evidence of the incident as soon as possible after the offense is documented. If evidence of an inflammatory nature cannot be physically removed, the property owner should be contacted to facilitate removal or covering as soon as reasonably possible. Department personnel should follow up with the property owner to determine if this was accomplished in a timely manner.
- (f) Collect and photograph physical evidence or indicators of hate crimes such as:
 - 1. Hate literature.
 - 2. Spray paint cans.
 - 3. Threatening letters.
 - 4. Symbols used by hate groups.
- (g) Identify criminal evidence on the victim.
- (h) Request the assistance of translators or interpreters when needed to establish effective communication with witnesses, victims, or others as appropriate.
- (i) Conduct a preliminary investigation and record pertinent information including but not limited to:
 - 1. Identity of suspected perpetrators.
 - 2. Identity of witnesses, including those no longer at the scene.
 - 3. The offer of victim confidentiality per Government Code § 7923.615.
 - 4. Prior occurrences in this area or with this victim.
 - 5. Statements made by suspects; exact wording is critical.
 - 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.

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- (k) Provide information regarding immigration remedies available to victims of crime (e.g., U-Visa, T-Visa, S-Visa).
- (l) Provide the department's Hate Crimes Brochure (per Penal Code § 422.92) if asked, if necessary, or per policy.
- (m) Utilize proper techniques for interviewing people with disabilities and be aware of and provide appropriate accommodations (e.g., ADA standards, Braille, visuals, translators for the deaf or hard of hearing).
- (n) Document any suspected multi-mission extremist crimes.

320.4.2 INVESTIGATION

Investigators at the scene of, or performing follow-up investigation on, a suspected hate or bias crime or hate incident should take all actions deemed reasonably necessary, including but not limited to the following:

- (a) Consider typologies of perpetrators of hate crimes and incidents, including but not limited to thrill, reactive/defensive, and mission (hard core).
- (b) Utilize investigative techniques and methods to handle hate crimes or hate incidents in a professional manner.
- (c) Utilize proper techniques for interviewing people with disabilities and be aware of and provide appropriate accommodations (e.g., ADA standards, Braille, visuals, translators for the deaf or hard of hearing).
- (d) Properly investigate any report of a hate crime committed under the color of authority per Penal Code § 422.6 and Penal Code § 13519.6.
- (e) Document physical evidence or indicators of hate crimes, in accordance with the provisions of the Property and Evidence Policy, such as:
 - 1. Hate literature.
 - 2. Spray paint cans.
 - 3. Threatening letters.
 - 4. Symbols used by hate groups.
 - 5. Desecration of religious symbols, objects, or buildings.
- (f) Request the assistance of translators or interpreters when needed to establish effective communication.
- (g) Conduct a preliminary investigation and record information regarding:
 - 1. Identity of suspected perpetrators.
 - 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.

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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.

320.4.3 SUPERVISION

The supervisor shall confer with the initial responding officer and take reasonable steps to ensure that necessary preliminary actions have been taken. The supervisor shall request any appropriate personnel necessary to accomplish the following:

- (a) Provide immediate assistance to the crime victim by:
 1. Expressing the department's official position on the importance of these cases and the measures that will be taken to apprehend the perpetrators.
 2. Expressing the department's interest in protecting victims' anonymity (confidentiality forms, Government Code § 7923.615) to the extent reasonably possible. Allow the victims to convey their immediate concerns and feelings.
 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).

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- (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.

320.5 TRAINING

All members of this department will receive POST-approved training on hate crime recognition and investigation as provided by Penal Code § 13519.6. Training should include (Penal Code § 422.87):

- (a) Recognition of bias motivators such as ranges of attitudes and perceptions toward a specific characteristic or group, including disability bias, gender bias, and religion bias.
- (b) Accurate reporting by officers, including information on the general underreporting of hate crimes.
- (c) Distribution of hate crime brochures.

320.6 APPENDIX

See attachments:

[Statutes and Legal Requirements.pdf](#)

[Hate Crime Checklist.pdf](#)

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[Supplemental Hate Crime Report.pdf](#)

Standards of Conduct and Discipline

321.1 POLICY

It is the policy of this Department that its members are highly visible representatives of government and are entrusted with the responsibility of ensuring the safety and well being of the community as well as the delivery of police services. Since the functions of a police department have a major impact upon the community, standards of conduct for police personnel are higher than standards applied to the general public. In this regard, department members will conduct themselves in a manner which does not bring discredit upon individuals, the Department, the City, the community or the profession. A procedure is established for violation of Law and Departmental Policy. (Reference: Code of Professional Conduct and Responsibility for Peace Officers, see attachment A.)

321.2 PROCEDURES STANDARDS OF CONDUCT

321.2.1 GENERAL RESPONSIBILITIES

All members of the Department, sworn and civilian, will become thoroughly familiar with these rules and regulations and will abide by them. They will observe and obey all:

- (a) Federal, state, and local laws;
- (b) General Orders of the Department and of the division to which they are assigned;
- (c) Training Bulletins and procedural documents;
- (d) Code of Professional Conduct and Responsibility for Peace Officers;
- (e) City of Santa Cruz Personnel Rules and Regulations and Administrative Procedure Orders;
- (f) Other lawful orders of their superiors.

Upon observing or otherwise becoming aware of a violation of rules, procedures, or policies, each department member is obligated to report such violation to a superior officer (supervisor or manager).

321.2.2 ENFORCEMENT OF ALL LAWS

Employees are responsible for taking prompt and proper police action relative to violations of all laws observed by them or coming to their attention.

321.2.3 CONDUCT UNBECOMING

A members conduct either on or off-duty, which could adversely reflect upon the department, will be deemed to be conduct unbecoming. Each case of misconduct will be examined to determine if the act was such that a reasonable person would find that such conduct was unbecoming a police employee. Actual conduct does not have to be public knowledge, but if known, could have an adverse effect.

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Standards of Conduct and Discipline

The Chief of Police or an authorized representative will evaluate conduct. This evaluation will include as criteria the nature of the violation. In addition, the following criteria may be considered:

- (a) The member's tenure with the department;
- (b) The severity of the member's past violations;
- (c) The nature and effectiveness of prior corrective action;
- (d) The member's past conduct which was beneficial to the department;
- (e) The member's past conduct which did not result in disciplinary measures.

321.2.4 COORDINATION

In carrying out the mission of the department, members will coordinate their efforts in a manner that will establish and maintain the highest possible standard of efficiency and conduct.

Department members will cooperate with and assist other members in their departmental work. Any deliberate and unjustified withholding of police information from other members of the department is prohibited.

321.2.5 MEMBERS TO ACCEPT ASSIGNMENTS

Notwithstanding the assignment of specific duties and responsibilities to members of the department, members will perform all other duties required of them by competent authority, at the time requested.

321.2.6 PROVIDING SERVICES

Members will be responsible for providing such services as may be assigned to them in pursuit of Department goals and objectives.

321.2.7 OFFICIAL BUSINESS

Department members will not enter into correspondence with any person concerning their official activities except as provided by departmental orders, nor will they use departmental stationery or forms for any purpose other than the transaction of official business.

321.2.8 SUPPLYING IDENTIFICATION

Consistent with officer safety and protection of the public, department members, while acting in an official capacity, will supply their name, rank and position, and similar identifying information in a professional manner to any person who may inquire. All employees are issued business cards. The furnishing of this card is encouraged and shall satisfy the identification requirement.

321.2.9 INDIVIDUAL RESPONSIBILITIES

- (a) Civil Cases and Processes: When representing the Department, members will not serve civil processes nor will they render assistance in civil court cases, except when the City of Santa Cruz is party or they have been subpoenaed in the proper manner. They will, however, prevent breaches of the peace and quell disturbances growing

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out of such matters and advise the parties concerning why police action may not be possible.

- (b) **Consumption of Alcohol:** No member of the Department will consume any intoxicating beverage while on any property occupied or administered by the Police Department without the express permission of the Chief of Police.
- (c) **Influence of Intoxicants:** No employee will report for work, or begin work, while under the influence of intoxicants.
- (d) **Ingesting Intoxicants:** No employee, except by management authorization for investigative purposes, shall ingest intoxicants while on duty.
- (e) **Consuming Beverages:** No employees in uniform shall consume any beverage, including soft drinks, in a bar, tavern, cocktail lounge, or other premises at which the impression might be given that the employee was ingesting intoxicants.
- (f) **Illegal use of Drugs:** Is prohibited.
- (g) **Incapacity to Perform Duties:** Department members while on duty who are unable to perform their duties due to illness, exhaustion or any other impairment will report this fact to a superior officer who will then determine the proper disposition.
- (h) **Recommending Services:** When acting in an official capacity, members of the department will not recommend or suggest the employment or purchase of any specific professional or commercial service or product. This rule does not affect a member's duty to inform people in need of the availability of municipal, county, state or federal services.
- (i) **Private use of Department Address:** Members and employees will not use the Department as a mailing address for private purposes.
- (j) **Conduct During Display of National Colors:** Saluting the national colors by an organized civil or military body is an almost universal custom. Courtesy to the national colors will be displayed by police officers at retreat ceremonies, the playing of the National Anthem and parades.
- (k) **Duty to Obey Lawful Orders:** Department members will obey lawful orders from a superior officer.
- (l) **Conflicting Orders:** If a subordinate receives instructions from a senior member conflicting with the instructions received from proper or higher authority, the subordinate will inform the senior member of the conflict. If the senior member still desires that the order be carried out, the subordinate will do so and the senior member will review the order with the subordinate's supervisor.
- (m) **Criticism of Orders:** No member of the Department will publicly criticize, disparage or ridicule written or oral orders or instructions issued by a senior officer.
- (n) **Improper or Questionable Orders:** Department members receiving orders which they believe to be improper, in violation of the law or in violation of this manual, will express their concern to the senior member directly issuing the order. When the senior member directly issuing the order indicates that the order is to be complied with, the subordinate will adhere to one of the following appropriate procedures:

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1. Orders Requiring Immediate Compliance: Orders which pertain to situations that require immediate compliance will be carried out as directed. Once such orders are complied with, the member receiving the order may then appeal, in writing through the chain of command, to the Chief of Police.
 2. Orders Requiring Future Compliance: Orders which pertain to situations that do not require immediate compliance may be appealed prior to execution as long as such appeal does not frustrate or impede the operations that the order was intended to implement. The appeal will be in person or in writing through the chain of command to the Chief of Police
- (o) Confidentiality: Members will adhere to the following procedures pertaining to the confidentiality of official business of the Department.
1. Identities: The identity of complainants, suspects, defendants, or friends or family of such persons must be protected. Their identities should be released to persons outside the Department only when allowed by law and departmental policy. The needless or careless making known of the identities of such persons is considered a breach of police responsibility and neglect of duty.
 2. Information of Operations: Members will not release to anyone information which may delay an arrest, aid a person to escape, destroy evidence, or remove stolen or embezzled goods, or which may in any other way hinder effective performance of police responsibilities.
 3. Official Statements and Appearances: Members are not to make any public statements relating to departmental business without the consent of the Chief of Police.
 4. Private Use of Department Information: Members are prohibited from using confidential or official information to advance the financial or other private interest of themselves or others.
- (p) Reporting for Duty: Members of the Department will be punctual in reporting for duty at the time and place designated by their superior officer. Members will report for duty in the regular uniform of the day, and apparel and equipment will be in a presentable condition.
1. Late for Duty: Members of the Department who report for duty at a later time than is required by their commanding officers may be subject to dismissal from duty for that watch or tour of duty. Immediate supervisors may allow tardy subordinates to assume their duties when notified by members that lateness will occur, however, repeated failures to report promptly may be deemed neglect of duty and made the subject of department discipline.
 2. Absence Without Proper Leave: Members will not be absent from duty without proper permission to leave, except when unable to report for duty at the assigned time due to sickness or injury. Employees shall notify the on-duty supervisor at least two hours in advance (if possible), if they are not going to be present for duty.

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- (q) **Personal Activities on Duty:** Members of the Department will not devote any of their on-duty time to any activity which does not relate to a police function. They will not perform any police duty for the purpose of private gain nor will they make any private purchases when in uniform unless for personal maintenance or sustenance, or as authorized by competent authority. For non-uniformed personnel who take a non-paid lunch period, personal activities are permitted that are not in conflict with other policies and procedures.
- (r) **Gratuities and Bribes:** Members will not receive any rewards for services rendered in the line of duty.
 - 1. Members will not accept a bribe or engage in any act of extortion or other unlawful means of obtaining money or property through their position with the Department.
 - 2. Members will not accept, directly or indirectly, a fee, loan, reward or gift of any kind from any person in custody, discharged from custody, liable to arrest or complaint or from any friend or relative of such person.
 - 3. Members, individually or collectively, will not solicit any reward from the performance of duties or seek or ask for a gratuity of any kind.
 - 4. Members will not use their positions to seek nor will they accept favors or gratuities which would not ordinarily be accorded private persons.
 - 5. Members are prohibited from buying or selling anything of value from or to any complainant, suspect, witness, defendant, prisoner or other person involved in any case which has come to the member's attention or which arose out of the member's departmental employment except as may be specifically authorized by the Chief of Police.
- (s) **Misuse of Authority:** A department member will not engage in any act which could reasonably be construed to constitute misuse of authority. They will not use their position in the department to obtain any money, property or favors except as required by law or departmental procedures.
- (t) **Solicitations:** A department member will not solicit, collect, or receive money or other things of value for charitable or testimonial purposes except as approved by the Chief of Police.
- (u) **Misuses of Property;** Members will handle property in the manner directed by the Duty Manual. Under no circumstances will members appropriate property of the department, property of another department member, or any other property for their own use.
- (v) **Political Campaigning:** On-duty members will not engage in activities related to political campaigning. Improper activities include, but are not limited to, engaging in campaign speeches, distribution of pamphlets, posting of campaign ads, willfully being photographed in uniform (on or off-duty) with political candidates.
 - 1. Nothing in this policy precludes officers from working off-duty, out of uniform, in a non-law enforcement capacity in support of or in opposition to any political campaign. Additionally, it does not preclude candidates

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from approaching employee groups for purposes of endorsement or, in fact, employee organizations endorsing specific candidates, propositions, or measures.

- (w) Strikes: Members shall not initiate, authorize or participate in any strike.
- (x) Meals/Coffee Breaks: Sworn employees may suspend their police duty for a meal or coffee break depending on calls for service and subject to modification by their supervisor. Break periods are included in employees' working day and are subject to recall depending on departmental priorities and the demands of public safety.
 - 1. Time Limitations: Meal breaks"approximately 30 minutes; coffee breaks"approximately 15 minutes. Neither a meal break nor a coffee break may be had during the first hour or the last hour of an officer's assigned shift without specific authorization of the employee's supervisor.
 - 2. The acceptance of discount meals or free coffee, etc. is not allowed.
 - 3. No more than two marked police vehicles parked at any one restaurant, coffee shop, etc. at one time without management approval.
 - 4. No more than a total of three (3) uniformed (sworn/CSO's) members may be at any one restaurant at one time, without management approval.
 - 5. All officers working in uniform available for routine dispatch shall radio out for all coffee, meal breaks, etc. The use of portable radios does not alleviate this responsibility.
- (y) Training: Members shall attend in-service training at the direction of their commanding officer. Such attendance is considered a duty assignment.
- (z) Smoking/use of Tobacco Products on Duty: Uniformed members shall not smoke or use tobacco products while on-duty while in direct contact with the public. Smoking or use of tobacco products is prohibited inside all city-owned or leased buildings and vehicles.
- (aa) Social Conduct on Duty: While on duty, department members will not:
 - 1. Encourage, suggest, offer or accept sexual favors.
 - 2. Encourage, suggest, offer or provide leniency in enforcement in return for sexual or social encounters.
 - 3. Encourage, suggest, offer, or perform any services in the line of duty in return for sexual or social encounters.
 - 4. Engage in sexual activity.
 - 5. Associate unnecessarily with victims where an improper relationship could be perceived.
 - 6. Under color of authority, or otherwise, engage in any form of sexual harassment.
- (ab) Unnecessary Force: The improper use of firearms or of aerosol spray devices such as OC (oleoresin capsicum)/pepper spray, or the unnecessary use of physical force, constitutes gross misconduct. (For details of the law and department procedures and policies relative to the use of force).

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- (ac) Maintenance of Department Property: Members and employees are responsible for the proper care of department property and equipment. Damaged or lost property may subject the responsible individual to reimbursement charges and/or appropriate disciplinary action.
- (ad) Reporting Damage: Accidents involving City personnel and/or equipment must be reported in accordance with procedures in this manual and the applicable City of Santa Cruz Administrative Procedure Order.
- (ae) Consumption of Intoxicants: Off-duty members will not consume intoxicants in a public place to the extent that they are unable to care for themselves and/or become discourteous when such conduct reflects adversely upon the Department.
- (af) Gambling: No games of chance for stakes or wages or other gambling will take place at the police building or any other police or City-owned facility.
- (ag) Off Duty Enforcement Action: Prior to taking enforcement action, off-duty officers will first give consideration to causing the appropriate action to be effected by on-duty personnel from the law enforcement agency in which the activity occurs. Additionally, the Department recognizes that off-duty officers cannot rely on the immediate assistance or application of police resources in the same capacity as while on-duty and thus, does not expect officers to jeopardize themselves or others by taking police action while off-duty.
 - 1. Neighborhood Disputes: When on or off-duty, department members will avoid becoming officially involved in quarrels or disputes occurring in their own neighborhoods, unless the incident involves an immediate threat to human life. In any event, department members will first give consideration to their capacity to render an appropriate and adequate response before any action is taken.
 - 2. All off-duty arrests shall require notification of the on-duty sergeant.
- (ah) Chemical Tests: Department members may be required to submit to a chemical test if they are involved in certain, but not all, enforcement situations. When required by a superior officer, members will submit to a test following the incident. Circumstances which may require chemical tests are as follows:
 - 1. The member injures or kills another person.
 - 2. In-custody death.
 - 3. The member or a superior officer determines that sobriety should be documented.
 - 4. Chemical tests may include, but are not limited to, a test of the blood, breath, or urine.
- (ai) Carrying Equipment Off-Duty: When off-duty, officers will carry or have in their immediate possession their issued identification card. Officers may, but are not required to, carry firearms or chemical agent devices when off-duty (at their discretion). Whenever an officer carries a firearm, the department badge must also be carried. When wearing an off-duty firearm, officers will avoid exposing the weapon to public view.

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1. Chemical Agent Devices: Officers will carry only chemical agent devices issued or approved by the Department.
 - (aj) The Code of Professional Conduct and Responsibility for Peace Officers: Is hereby made a part of the Duty Manual and all sworn officers, and non-sworn employees where applicable, shall conform to it. It is attached to the General Order for reference. (Attachment A)
 - (ak) Lying: Intentional mis-truths, an assertion of fact not actually known to be true when made, or omission intended to present an inaccurate account or conceal misconduct.

321.3 DISCIPLINE

321.3.1 DEPARTMENT RESPONSIBILITY

The Department has responsibility to its members and the community to seek out and discipline those whose conduct discredits the Department or impairs its effective operation. Discipline has as its immediate purpose the channeling of individual effort into effective and productive action. It may involve encouragement inspiration, training, or the imposition of negative sanctions. Negative sanctions administered internally may range from a warning, where the immediate effect is on the individual, to termination, where the positive result is the reassurance to other employees of the unacceptable limits of misconduct. Policies, procedures, rules, regulations, and written or oral directives are made known as guidelines to set standards as acceptable and desired objectives. When violations of such directives occur, members of the Department will be subject to disciplinary action.

A well-disciplined Police Department is a Department whose members voluntarily conform to all Department policies, procedures, and rules. It follows that the best disciplined Department is least in need of corrective action. Nevertheless, a violation of the Department's policies, procedures and rules, or of the law, requires disciplinary action.

Discipline may be instruction or counseling which modifies the behavior of an individual, or may be punishment. The use of punishment as a disciplinary technique will be resorted to only when other forms of discipline have failed or the gravity of the violation dictates its use for the good of the Department.

321.3.2 GENERAL CONDUCT SUBJECT TO DISCIPLINARY ACTION

Any member or employee of the Santa Cruz Police Department whose personal actions reflect, or may reflect if known, against the reputation of the law enforcement profession, the Police Department or the City of Santa Cruz, or who commits an offense punishable under the laws or statutes of the United States, the State, or local ordinances, or violates any provision of the Rules and Regulations of the City of Santa Cruz or of the Department including, but not limited to, General Orders, Training Bulletins/Procedures, memorandums and/or disobeys any lawful order or is incompetent to perform assigned duties is subject to appropriate disciplinary action.

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321.3.3 SPECIFIC CONDUCT SUBJECT TO DISCIPLINARY ACTION

In concert with Civil Service rules, a member of the Department may be made the subject of disciplinary action whenever a member's conduct warrants.

321.3.4 DISCIPLINARY ACTION PERMITTED

When corrective action is indicated by the finding, one or more of the following actions may be taken by the Chief of Police subject to the provisions of the Charter of the City of Santa Cruz:

- (a) Counseling;
- (b) Training;
- (c) Oral reprimand;
- (d) Written reprimand;
- (e) Suspension;
- (f) Demotion;
- (g) Dismissal from the Department.

The level of discipline to be imposed will be considered on a case by case basis in accordance with the factors of consideration delineated in this General Order. Nothing set forth herein shall be construed as obligating the Department to adhere to a policy or procedure of progressive discipline.

321.3.5 DEPARTMENT AUTHORITY FOR DISCIPLINARY ACTION

Departmental disciplinary authority and responsibility rests with the Chief of Police. Supervisory personnel may administer one or more of the following:

- (a) Counseling;
- (b) Training;
- (c) Oral reprimand;
- (d) Written recommendation for other disciplinary action.

In those instances where emergency relief from duty is believed necessary, commanding officers will adhere to the procedures entitled "Non-Disciplinary Emergency Relief from Duty".

321.3.6 EMERGENCY INTER-DIVISIONAL DISCIPLINARY ACTION

When the improper conduct of a member or employee of one unit is of such a nature that immediate or emergency disciplinary action is required of a commanding or supervisory officer of another unit, such action may be taken at once.

When such action is taken, the commanding or supervisory member imposing the discipline will notify superiors in both chains of command immediately. When the conduct is such that the commanding or supervisory member believes that other disciplinary measures are required,

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such supervisor will submit a memorandum to the member's immediate supervisor detailing the conduct.

321.3.7 INFORMING THE PERSON BEING DISCIPLINED

The member or employee being disciplined will be informed of the charges and penalties assigned at the time such action is taken. Prior to the imposition of any discipline resulting in a suspension, demotion or dismissal, the employee will be advised of their right to appeal the discipline prior to its imposition at a meeting with the Chief of Police or designee.

321.3.8 APPEAL FROM PENALTIES

Appeals from penalties imposed as disciplinary measures may be taken as provided in the Charter of the City of Santa Cruz and in accordance with the Civil Service rules and applicable Memorandums of Understanding (MOU's).

321.3.9 USE OF COUNSELING AND TRAINING

Misconduct investigations which result in a finding of "Exonerated" or "Not-Sustained" will not relieve Department supervisors or commanders from the responsibility of counseling or training subordinate personnel who demonstrate problems of knowledge, judgment or common sense.

321.4 NON-DISCIPLINARY EMERGENCY RELIEF FROM DUTIES

The following personnel have the authority to impose emergency relief from duty until the next business day against an employee when it appears that such action is in the best interest of the Department:

- Any command officer;
- Any police sergeant.

When a Department employee is relieved from duty pursuant to this procedure, the command officer or sergeant instituting the action will direct the employee to report to such employee's division commander on the next business day at 0900 hours, unless otherwise directed by competent authority.

The command officer or sergeant imposing or recommending the action shall report to the employee's division commander prior to the employee's designated time and have prepared a written report of the details of the incident prompting the relief from duty. The report will include:

- (a) The name, rank and present assignment of the person relieved from duty;
- (b) The date(s) and time(s) of the incident and location(s);
- (c) The section number(s) of this manual violated or common name of the violation;
- (d) A complete statement of the facts of the incident;
- (e) The written signature and rank of the preparing officer and his position in relation to the member or employee involved.

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The relieved employee's division commander, or a designee, will evaluate the incident and determine what action is appropriate. Division dispositions may be:

- Counseling;
- Training;
- Written reprimand.

All written reprimands will be forwarded to the Office of the Chief of Police for review. If disciplinary action more severe than a written reprimand is indicated, the division commander will refer the incident to the Office of the Chief of Police for further investigation.

321.5 CODE OF PROFESSIONAL CONDUCT AND RESPONSIBILITY FOR PEACE OFFICERS (ATTACHMENT A)

321.5.1 PREAMBLE

WHEREAS, peace officers are vested with a public trust which requires that they consistently demonstrate the highest degree of integrity and good moral character; and

WHEREAS, the need to maintain high standards of moral character, integrity, knowledge and trust requires the establishment of a Code of Professional Conduct and Responsibility for peace officers as a matter of the highest significance to the health, welfare, and safety of the citizens of this state; and

WHEREAS, the establishment of a Code of Professional Conduct and Responsibility for Peace Officers, which includes Canon of Ethics and minimum standards, requires the granting of authority to enforce these standards of professional conduct through disciplinary action as necessary for the protection of the health, welfare and safety of the public; therefore,

BE IT RESOLVED that the need to maintain high standards of moral character, integrity, knowledge and trust require that peace officers establish and conform to a Code of Professional Conduct and Responsibility for Peace Officers.

321.5.2 GENERAL STATEMENT

Peace officers are granted public trust, which requires that they consistently demonstrate the highest degree of integrity. To be worthy of this public trust, and to ensure that their professional conduct is above reproach, members of the peace officer profession must not only conform to a Code of Ethics, but must also abide by these Canons of Ethics and Ethical Standards which constitute this Code of Professional Conduct and Responsibility as a means of internal regulation. The essence of a profession requires that, in addition to prescribing a desired level of performance, it must establish minimum standards of ethical conduct with prescribed rules for internal discipline to ensure compliance. Accordingly, this Code of Professional Conduct and Responsibility is established for the peace officer profession.

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Nothing in the Code of Professional Conduct and Responsibility for Peace Officers is intended to limit or supersede any provision of law relating to the duties and obligations of peace officers or the consequence of a violation thereof.

Whereas these rules specify certain conduct as unprofessional, this is not to be interpreted as approval of conduct not specifically mentioned.

Nothing in this code is intended to limit the authority of an agency to adopt and enforce rules and regulations that are more stringent or comprehensive than those that are contained in this Code of Professional Conduct and Responsibility of Peace Officers.

321.6 CANONS OF ETHICS

321.6.1 CANON ONE

Peace Officers shall uphold the Constitution of the United States, the State Constitution, and all laws enacted or established pursuant to legally constituted authority.

Standard 1.1 Peace Officers shall recognize that the primary responsibility of their profession and on and of the individual officer is the protection of the people within the jurisdiction of the United States through upholding of their laws, the most important of which are the Constitution of the United States and the State Constitutions and laws derived therefrom.

Standard 1.2 Peace Officers shall be aware of the extent and limitations of their authority in the enforcement of the law.

Standard 1.3 Peace Officers shall diligently study principles and new enactments of the laws they enforce.

Standard 1.4 Peace Officers shall be responsible for keeping abreast of current case law as applied to their duties.

Standard 1.5 Peace Officers shall endeavor to uphold the spirit of the law, as opposed to enforcing merely the letter of the law.

Standard 1.6 Peace Officers shall respect and uphold the dignity, human rights, and constitutional rights of all persons.

321.6.2 CANON TWO

Peace Officers shall be aware of and shall use proper and ethical procedure in discharging their official duties and responsibilities.

Standard 2.1 Peace Officers shall be aware of their lawful authority to use what force is reasonably necessary in securing compliance with their lawful enforcement duties.

Standard 2.2 Peace Officers shall truthfully, completely and impartially report, testify and present evidence in all matters of an official nature.

Standard 2.3 Peace Officers shall follow legal practices in areas such as interrogation, arrest, detention, searches, seizures, use of informants and collection and preservation of evidence.

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Standard 2.4 Peace Officers shall follow the principles of integrity, fairness and impartiality in connection with their duties.

321.6.3 CANON THREE

Peace Officers shall regard the discharge of their duties as a public trust and shall recognize their responsibilities to the people whom they are sworn to protect and serve.

Standard 3.1 Peace Officers, as professionals, shall maintain an awareness of those factors affecting their responsibilities.

Standard 3.2 Peace Officer, during their tour of duty, shall diligently devote their time and attention to the effective and professional performance of their responsibilities.

Standard 3.3 Peace Officers shall ensure that they are prepared for the effective and efficient undertaking of their assignment.

Standard 3.4 Peace Officers shall safely and efficiently use equipment and material available to them.

Standard 3.5 Peace Officers shall be prepared to and shall respond effectively to the demands of their office.

Standard 3.6 Peace Officers, with due regard for compassion, shall maintain an objective and impartial attitude in official contacts.

Standard 3.7 Peace Officers shall not allow their personal convictions, beliefs, prejudices, or biases to interfere unreasonably with their official acts or decisions.

Standard 3.8 Peace Officers shall recognize that their allegiance is first to the people, then to their profession and the government entity or agency that employs them.

321.6.4 CANON FOUR

Peace Officers will so conduct their public life that they exemplify the high standards of integrity, trust and morality demanded of a member of the peace officers profession.

Standard 4.1 Peace Officers shall refrain from consuming intoxicating beverages to the extent that it results in impairment which brings discredit upon the profession or their employing agency, or renders them unfit for their next tour of duty.

Standard 4.2 Peace Officers shall not consume intoxicating beverages while on duty, except to the degree permitted in the performance of official duties, and under no circumstances while in uniform.

Standard 4.3 Peace Officers shall not use any narcotics, hallucinogens or any other controlled substance except when legally prescribed. When such controlled substances are prescribed, officers shall notify their superior prior to reporting for duty.

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Standard 4.4 Peace Officers shall maintain a level of conduct in their personal and business affairs in keeping with the high standards of the peace officers profession. Officers shall not participate in any incident involving moral turpitude.

Standard 4.5 Peace Officers shall not undertake financial obligations which they know or reasonably should know they will be unable to meet and shall pay all just debts when due.

Standard 4.6 Peace Officers shall not engage in illegal political activities.

Standard 4.7 Peace Officers shall not permit or authorize for personal gain the use of their name or photograph and official title identifying them as peace officers in connection with testimonial or advertisements for any commodity, commercial enterprise, or commercial service which is not the product of the officer involved.

Standard 4.8 Peace Officers shall not engage in any activity which would create a conflict of interest or would be in violation of any law.

Standard 4.9 Peace Officers shall at all times conduct themselves in a manner which does not discredit the peace officer profession or their employing agency.

Standard 4.10 Peace Officers shall not be disrespectful, insolent, mutinous or insubordinate in attitude or conduct.

Standard 4.11 Peace Officers shall be courteous and respectful in their official dealings with the public, fellow officers, superiors and subordinates.

Standard 4.12 Peace Officers shall not engage in any strike, work obstruction, or abstention, in whole or in part, from the full, faithful and proper performance of their assigned duties and responsibilities, except as authorized by law.

Standard 4.13 Peace Officers shall maintain a neutral position with regard to the merits of any labor dispute, political protest, or other public demonstration while acting in an official capacity.

321.6.5 CANON FIVE

Peace Officers shall recognize that our society holds the freedoms of the individual as a paramount precept which shall not be infringed upon without just, legal and necessary cause.

Standard 5.1 Peace Officers shall not restrict the freedom of individuals, whether by detention or arrest, except to the extent necessary to legally or reasonably apply the law.

Standard 5.2 Peace Officers shall recognize the rights of individuals to be free from capricious or arbitrary acts which deny or abridge their fundamental rights as guaranteed by law.

Standard 5.3 Peace Officers shall not use their official position to detain an individual or restrict the freedom of any individual, except in the manner and means permitted or prescribed by law.

321.6.6 CANON SIX

Peace Officers shall assist in maintaining the integrity and competence of the peace officer profession.

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Standard 6.1 Peace Officers shall recognize that every person in our society is entitled to professional, effective and efficient law enforcement services.

Standard 6.2 Peace Officers shall perform their duties in such a manner as to discourage double standards.

Standard 6.3 Peace Officers shall conduct themselves so as to set exemplary standards of performance for all law enforcement personnel.

Standard 6.4 Peace Officers shall maintain the integrity of their profession through complete disclosure of those who violate any of these rules of conduct, violate any law, or who conduct themselves in a manner which tends to discredit the profession.

Standard 6.5 Peace Officers shall have responsibility for reporting to proper authorities any known information which would serve to disqualify candidates from transferring within or entering the profession.

Standard 6.6 Peace Officers shall be responsible for maintaining a level of education and training that will keep them abreast of current techniques, concepts, law and requirements of the profession.

Standard 6.7 Chief executive peace officers shall accept the responsibility of utilizing all available resources and the authority of their office to maintain the integrity of their agency and the competency of their officers.

Standard 6.8 Peace Officers shall assume a leadership role in furthering their profession by encouraging and assisting in the education and training of other members of the profession.

321.6.7 CANON SEVEN

Peace Officers shall cooperate with other officials and organizations that are using legal and ethical means to achieve the goals and objectives of the peace officer profession.

Standard 7.1 Peace Officers, within legal and agency guidelines, shall share with personnel, both within and outside their agency, appropriate information that will facilitate the achievement of criminal justice goals and objectives.

Standard 7.2 Peace Officers, whether requested through appropriate channels or called upon individually, shall render needed assistance to any other officer in the proper performance of their duty.

Standard 7.3 Peace Officers shall, within legal and agency guidelines, endeavor to communicate to the people of their community the goals and objectives of the profession, and keep them apprised of conditions which threaten the maintenance of an ordered society.

321.6.8 CANON EIGHT

Peace Officers shall not compromise their integrity, or that of their agency or profession, by accepting, giving or soliciting any gratuity.

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Standard 8.1 Peace Officers shall refuse to offer, give or receive gifts, favors or gratuities, either large or small, which can be reasonably interpreted as capable of influencing official acts or judgments. This standard is not intended to isolate police officers from normal social practices, or to preclude gifts among friends, associates, or relatives, where appropriate.

Standard 8.2 Peace Officers shall not consider their badge of office as a license designed to provide them with special favor or consideration.

321.6.9 CANON NINE

Standard 9.1 Peace Officers shall be aware of and shall meticulously observe all legal restrictions on the release and dissemination of information.

Standard 9.2 Peace Officers shall treat as confidential the official business of their employing agency, and shall release or disseminate such information solely in an authorized manner.

Standard 9.3 Peace Officers shall treat as confidential that information confided to them personally. They shall disclose such information as required in the proper performance of their duties.

Standard 9.4 Peace Officers shall neither disclose nor use for their personal interest any confidential information acquired by them in the course of their official duties.

Standard 9.5 Peace Officers shall treat as confidential all matters relating to investigations, internal affairs and personnel.

321.7 INVESTIGATIVE PROVISIONS

- (a) **Investigative Procedures:** Peace Officers under investigation for an alleged violation of any of these standards of agency disciplinary rules shall be afforded, at minimum, the rights established by law and contract to ensure fair and just treatment in the enforcement of disciplinary rules of conduct or agency rules.
- (b) **Exercise of Rights:** By reason of the lawful exercise of rights, officers shall not be discharged, disciplined, demoted, transferred or denied promotion or re-assignment, or discriminated against with regard to employment nor threatened with such action.
- (c) **Criminal Investigations:** When the investigation focuses on an officer for prosecution of a criminal offense, the officer shall be afforded the same constitutional rights, privileges or guarantees enjoyed by any person. This section, however, shall not deprive the agency of the right to pursue the investigation administratively.
- (d) **Agency Appeal or Review Process:** To ensure due process, officers shall be provided with an internal administrative appeal or review process or procedure. This process shall be in addition to any external appeal process the employing agency may have established for the review of disciplinary cases.

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321.8 ADMISSIBILITY/CONFIDENTIALITY

- (a) Confidentiality of Investigative Files: To promote the complete investigation and reporting of complaints against peace officer, the City finds that the need to preserve and protect the work product of any agency outweighs the public interest in full or partial disclosure, discovery or production in any manner of an agency's investigative files pertaining to complaints against officers. Accordingly, administrative files, records, reports or other documentation may be subpoenaed in either criminal or civil proceedings only in accordance with existing law.

Report Preparation

322.1 PURPOSE AND SCOPE

Report preparation is a major part of each officer's job. The purpose of reports is to document sufficient information to refresh the officer's memory and to provide sufficient information for follow-up investigation and successful prosecution. Reports also support the Department's responsibilities as they relate to crime statistics and data reporting. Report writing is the subject of substantial formalized training and on-the-job training.

322.1.1 REPORT PREPARATION

Employees should ensure that reports are sufficiently detailed for their purpose and free from errors prior to submission. It is the responsibility of the assigned employee to complete and submit all reports taken during the shift before going off-duty unless permission to hold the report has been approved by a supervisor. Reports requiring prompt follow-up action on active leads, or arrest reports where the suspect remains in custody shall 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 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. Officers shall ensure that the following topics are thoroughly covered if applicable to the incident:

- (a) Legal authority for the officer's activity (i.e. consent, reasonable suspicion and/or probable cause clearly articulated).
- (b) Elements of the crime(s) are clearly articulated.
- (c) Statements from all witnesses to the event, including their location at the time of the incident.
- (d) How, when and where the "Miranda Waiver" was given and the exact manner in which the suspect waived or exercised his Miranda rights.
- (e) Location of evidence found, who located it and how the evidence was processed. A connection should be given between the evidence and the suspect or victim.
- (f) Injuries to any involved party to the incident, including officers, victims and suspects. The injuries should be described in detail, including how the injury was caused and any treatment given, offered or refused.
- (g) Investigative activity by Department members.
- (h) Department members' training and/or experience which support unique expertise related to the incident.

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- (i) Notification of sergeants, lieutenants and/or detectives.
- (j) Ensure the accuracy, thoroughness, legal authority, and departmental policy and procedure compliance of any report attachments.

322.2 REQUIRED REPORTING

Written reports are required in all of the following situations on the appropriate department approved form.

- (a) All arrests
- (b) All felony crimes
- (c) Non-felony incidents involving threats or stalking behavior
- (d) Situations covered by a separate policy. Which include:
 - 1. Use of Force
 - 2. Domestic Violence
 - 3. Child Abuse
 - 4. Senior and Disability Victimization
 - 5. Hate Crimes
 - 6. Suspicious Activity Reporting
- (e) All misdemeanor crimes where the victim desires a report.
- (f) Where a misdemeanor crime has occurred involving a known suspect that does not involve an arrest, the officer shall document as follows:
 - 1. Document the incident on an FI card if no further action is required;
 - 2. Complete a crime report if follow up action is warranted even if not requested by the reporting party (for example, indecent exposure, sex crimes).

322.2.1 APPROVED APPLICABLE MISDEMEANOR CRIMES

Approved applicable misdemeanor crimes shall be documented using the department-approved alternative online reporting method. See the Alternative Reporting for Victims section of this policy for further specific information.

322.2.2 NON-CRIMINAL ACTIVITY

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

- (a) Anytime an officer points a firearm at any person in a non-tactical situation.
- (b) Any use of force against any person by a member of this department (see the Use of Force Policy).
- (c) Any firearm discharge (see the Firearms Policy).
- (d) Anytime a person is reported missing, regardless of jurisdiction (see the Missing Persons Policy).
- (e) Any found property or found evidence.

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- (f) Any traffic collisions above the minimum reporting level (see Traffic Collision Reporting Policy).
- (g) Suspicious incidents that may indicate a potential for crimes against children or that a child's safety is in jeopardy.
- (h) All protective custody detentions.
- (i) Suspicious incidents that may place the public or others at risk.
- (j) Whenever the employee believes the circumstances should be documented or at the direction of a supervisor.

322.2.3 DEATH CASES

Death investigations require specific investigation methods depending on circumstances and should be handled in accordance with the Death Investigations Policy. The handling officer should notify and apprise a supervisor of the circumstances surrounding the incident to determine how to proceed. Supervisors shall respond to the scene of all death investigation incidents. 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) Deaths resulting from drug overdose.
- (e) Unattended deaths (No physician or qualified hospice care in the 20 days preceding death).
- (f) Found dead bodies or body parts.

322.2.4 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.

322.2.5 MISCELLANEOUS INJURIES

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

- (a) Attempted suicide
- (b) The injury is major/serious, whereas death could result
- (c) The circumstances surrounding the incident are suspicious in nature and it is desirable to record the event
- (d) A citizen is injured as a result from a fall on City property or the use of City property or equipment. A Confidential Non-Vehicle Incident Report shall also be completed by the supervisor and returned to the City Attorney and Risk Manager within 24 hours of the incident occurrence.

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.

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322.2.6 MANDATORY REPORTING OF JUVENILE GUNSHOT INJURIES

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

322.2.7 ALTERNATE REPORTING FOR VICTIMS

Reports that may be submitted by the public via online or other self-completed reporting processes include:

- (a) Lost property.
- (b) Thefts of property, other than firearms or materials that threaten public safety, when there is no suspect information, serial number or ability to trace the item.
 1. Thefts of cellular telephones may be reported even though they have a serial number.
- (c) Misdemeanor vandalism with no suspect information and no hate crime implications.
- (d) Vehicle burglaries with no suspect information or evidence.
- (e) Stolen vehicle attempts / Vehicle Tampering with no suspect information or evidence.
- (f) Annoying telephone calls with no suspect information.
- (g) Identity theft without an identifiable suspect.
- (h) Online or email fraud solicitations without an identifiable suspect and if the financial loss classifies the crime as a misdemeanor.
- (i) Hit-and-run vehicle collisions with no suspect or suspect vehicle.
- (j) Supplemental property lists.

Members at the scene of one of the above incidents shall not refer the reporting party to an alternate means of reporting without authorization from a supervisor. Members may refer victims to online victim assistance programs (e.g., Federal Communications Commission (FCC) website for identity theft, Internet Crime Complaint Center (IC3) website for computer crimes).

For the purposes of alternate means of reporting only, suspect information is defined as a named suspect. However, in cases in which investigative leads could result (or a high probability based on the quality and quantity of leads) in identifying a suspect or if providing a customer service needs to a community member or business would outweigh the intended benefits associated with Coplogic, officers should not refer the reporting party to an alternate means of reporting without authorization from a supervisor.

322.3 COURTESY REPORTS

In the event the victim of a crime that occurred within another jurisdiction contacts any member of this Department and requests that a police report be initiated, the victim should be referred to the agency with jurisdiction. If the responsible agency is unable to respond to the victim's location or if referral of the victim to that agency would prove an unreasonable inconvenience or hardship, the shift supervisor shall evaluate the situation, including the seriousness of the crime and determine

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if a courtesy report will be completed. The appropriate agency should be contacted as soon as practicable, based on the circumstances.

Refer to the Missing Persons and Identity Theft policies for exceptions.

322.4 GENERAL POLICY OF EXPEDITIOUS REPORTING

In general, all officers and supervisors shall act with promptness and efficiency in the preparation and processing of all reports. An incomplete report, unorganized reports or reports delayed without supervisory approval are not acceptable. Reports shall be processed according to established priorities or according to special priority necessary under exceptional circumstances.

322.5 AUTHORITY AND RESPONSIBILITY OF SUPERVISORS

In cases where an employee's supervisor is unavailable, the reports may be reviewed and approved by the Watch Commander. Reports generated at the front counter or by officers shall be reviewed and processed by the shift supervisor.

All supervisors have the authority and responsibility to review all reports critically.

- (a) Supervisors will remain aware of the quality of the reports submitted by their team members.
- (b) Supervisors will make sure that reports associated with the event are properly completed.
- (c) Supervisors will check the reports for proper chronology, readability and grammar. They will ensure reports are critically reviewed for excessive use of "canned" phrases (i.e. "The suspect assumed a combative stance" or "I took the suspect to the ground").
- (d) Supervisors will ensure that the report includes sufficient details to support the issuance of a criminal complaint and that they meet the requirements outlined in this policy.

322.6 REPORT CORRECTIONS

Supervisors shall review each report for content and accuracy, including completeness, content, clarity, neatness, objectivity, spelling, grammar, and the elements of applicable criminal codes. If a correction is necessary, the reviewing supervisor should immediately return the report to the reporting employee for correction. The originating employee shall ensure that any report returned for correction is processed in a timely manner (during their next shift). After approval, the supervisor shall submit the report to the Records Section for processing. Reports shall not be processed without supervisory approval of each original or supplemental report. Approved reports shall be forwarded to the Records Section in a timely manner.

322.7 REPORT CHANGES OR ALTERATIONS

Reports that have been approved by a supervisor and submitted to the Records Unit for filing and distribution shall not be modified or altered except by way of a supplemental report. Reviewed reports that have not yet been submitted to the Records Section may be corrected or modified by the authoring officer only with the knowledge and authorization of the reviewing supervisor.

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Prior to submitting a report to the Records Section for processing, a supervisor may make corrections to a report without the reporting officer's knowledge if the corrections are only for grammatical or spelling errors, or statistical purposes. These corrections shall be reported to the reporting officer via the report return mechanism associated with the records management system.

322.8 REPORT APPROVAL

No employee, with the exception of Records personnel, shall approve their own report.

322.9 DEFERRED (HOLDOVER) REPORTS

Occasionally, due to an unexpected workload and/or overtime management concerns, a report may be deferred but only if all of the following apply:

- (a) The deferment is pre-approved by a supervisor or is directed by supervisor.
- (b) Only if the employee is scheduled to work the following calendar day.
- (c) No suspects are in custody.
- (d) If suspects are named, that all of the appropriate paperwork is completed for any follow-up needs (e.g., probable cause declaration, bulletin(s), officer safety notifications, Emergency Protective Orders, etc.).
- (e) There are no significant leads for detective follow up.

If a report is deferred, the supervisor shall ensure the officer has made an entry of the date of deferment, case number, the officer's name, approving supervisors name, and the approved completion date of the report within the narrative portion of the Alliance system. The officer shall also complete the approved holdover slip and place any related attachments within the report writing holdover tray. The Holdover Tray shall be reconciled each day by the shift supervisor for outstanding reports.

Reporting officers shall complete and submit deferred reports for approval during their next shift. Under no circumstances shall reports be held over or deferred beyond the officer's next shift or during days off.

322.10 INCIDENT NUMBERING SYSTEM

Separate case numbers (or incident numbers per DOJ) shall be issued to each reported crime or detail. If multiple offenses are committed during a single detail, then one incident number shall be issued. The number of persons involved or arrested for a crime shall have no bearing on the issuance of incident numbers.

Examples are as follows:

- (a) Robbery involving two victims – one incident number.
- (b) Burglary of two adjacent businesses – two incident numbers (each is a separate incident).
- (c) Burglary of four hotel rooms belonging to different guests – one incident number (each room is a temporary lodging with the hotel as the one owner).

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- (d) Burglary of four business offices in one building – four incident numbers (different owners).
- (e) Two people killed in a traffic collision – three case numbers (traffic collision and two death investigation cases).
- (f) DUI traffic collision – One case number with two reports (one traffic collision and one crime report).
- (g) Burglary of three vehicles in a non-public parking lot – three incident numbers.
- (h) Burglary of three vehicles in an open public parking lot – three incident numbers.
- (i) When multiple arrests occur for different violations, Group A crime code arrests shall be separated per the acting on concert rule – two incident numbers (one crime report for Group A and one crime report for other arrests to include offenses listed in Group B).

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322.10.1 NIBRS GROUP A & B OFFENSES

NIBRS

Group A offenses (Part I offenses italicized)

1. *Arson*
2. *Assault offenses*
3. Bribery
4. *Burglary/breaking and entering*
5. Counterfeiting/forgery
6. Destruction/damage/vandalism of property
7. Drug/narcotic offenses
8. Embezzlement
9. Extortion/blackmail
10. Fraud offenses
11. Gambling offenses
12. *Homicide offenses*
13. Kidnapping/abduction
14. *Larceny/theft offenses*
15. *Motor vehicle theft*
16. Pornography/obscene materials
17. Prostitution offenses
18. *Robbery*
19. *Sex offenses, forcible*
20. Sex offenses, nonforcible
21. Stolen property offenses (receiving, etc)
22. Weapons laws violations
23. Human Trafficking offenses
24. Animal Cruelty

Group B offenses

1. Bad checks
2. Curfew/loitering/vagrancy violations
3. Disorderly conduct
4. Driving under the influence
5. Drunkenness
6. Family offenses, nonviolent
7. Liquor law violations
8. Peeping tom
9. Trespass of real property
10. All other offenses

Department Use of Social Media

323.1 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).

323.1.1 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, except that social media does not include an electronic data system developed and administered by the police department.

Nonviolent crime - means a crime not identified in subdivision (c) of Penal Code § 667.5.

323.2 POLICY

The Santa Cruz 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.

323.3 AUTHORIZED CONTENT

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

Examples of appropriate content include:

- (a) Announcements.
- (b) Tips and information related to crime prevention.
- (c) Investigative requests for information.
- (d) Requests that ask the community to engage in projects that are relevant to the department mission.
- (e) Real-time safety information that is related to in-progress crimes, geographical warnings or disaster information.

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- (f) Traffic information.
- (g) Press releases.
- (h) Recruitment of personnel.

323.3.1 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 Community Relations Specialist or the authorized designee will be responsible for the compilation of information to be released, subject to the approval of the Incident Commander.

323.4 AUTHORIZED USERS

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

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

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

323.5 RETENTION OF RECORDS

The Administration Deputy Chief should work with the Custodian of Records to establish a method of ensuring that public records generated in the process of social media use are retained in accordance with established records retention schedules.

323.6 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 Santa Cruz 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.
- (h) Any booking photos of an individual arrested on suspicion of committing a nonviolent crime unless any of the following circumstances exist:

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1. The department has determined that the suspect is a fugitive or an imminent threat to an individual or to public safety and releasing or disseminating the suspect's image will assist in locating or apprehending the suspect or reducing or eliminating the threat.
2. A judge orders the release or dissemination of the suspect's image based on a finding that the release or dissemination is in furtherance of a legitimate law enforcement interest.
3. There is an exigent circumstance that necessitates the dissemination of the suspect's image in furtherance of an urgent and legitimate law enforcement interest.

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.

323.6.1 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.

323.6.2 REQUEST FOR CONTENT REMOVAL

A police department that shares, on social media, a booking photo of an individual arrested for the suspected commission of a nonviolent crime shall remove the booking photo from its social media page within 14 days, upon the request of the individual who is the subject of the social media post or the individual's representative, unless any of the circumstances described in subdivision (h) exist.

A police department that shares, on social media, a booking photo of an individual arrested for the suspected commission of a crime identified in subdivision (c) of Penal Code § 667.5 shall remove the booking photo from its social media page within 14 days, upon the request of the individual who is the subject of the social media post or the individual's representative, if the individual or their representative demonstrates any of the following:

- (a) The individual's record has been sealed.
- (b) The individual's conviction has been dismissed, expunged, pardoned, or eradicated pursuant to law.
- (c) The individual has been issued a certificate of rehabilitation.
- (d) The individual was found not guilty of the crime for which they were arrested.
- (e) The individual was ultimately not charged with the crime or the charges were dismissed.

This section shall apply retroactively to any booking photo shared on social media.

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323.7 MONITORING CONTENT

The Chief of Police will appoint a supervisor to review, at least annually, the use of department social media and report back on, at a minimum, the resources being used, the effectiveness of the content, any unauthorized or inappropriate content and the resolution of any issues.

323.8 TRAINING

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

Media Relations

324.1 PURPOSE AND SCOPE

This policy provides guidelines for the release of official department information to the media. It also addresses coordinating media access to scenes of disasters, criminal investigations, emergencies, and other law enforcement activities.

324.2 POLICY

It is the policy of the Santa Cruz Police Department to protect the privacy rights of individuals, while releasing non-confidential information to the media regarding topics of public concern. Information that has the potential to negatively affect investigations will not be released.

324.3 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, Deputy Chiefs, Watch Commanders, and designated Community Relations Specialists (Community Relations Specialists) may prepare and release information to the media in accordance with this policy and the applicable laws regarding confidentiality.

324.4 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 Community Relations Specialist 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.

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324.4.1 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 Community Relations Specialist.

324.4.2 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).

324.5 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.

324.6 MEDIA REQUESTS

Any media request for information or access to a law enforcement incident shall be referred to the Community Relations Specialist, 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 Community Relations Specialist.
- (b) In situations involving multiple agencies or government departments, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this department.
- (c) Under no circumstance should any member of this department make any comments to the media regarding any law enforcement incident not involving this department without prior approval of the Chief of Police. Under these circumstances the member should direct the media to the agency handling the incident.

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324.7 CONFIDENTIAL OR RESTRICTED INFORMATION

It shall be the responsibility of the Community Relations Specialist to ensure that confidential or restricted information is not inappropriately released to the media (see the Records Maintenance and Release and Personnel Records policies). When in doubt, authorized and available legal counsel should be consulted prior to releasing any information.

324.7.1 EMPLOYEE INFORMATION

The identities of officers involved in shootings or other critical incidents may only be released to the media upon the consent of the involved officer or upon a formal request filed.

Any requests for copies of related reports or additional information not contained in the information log (see the Information Log section in this policy), including the identity of officers involved in shootings or other critical incidents, shall be referred to the Community Relations Specialist.

Requests should be reviewed and fulfilled by the Custodian of Records, or if unavailable, the Watch Commander or the authorized designee. Such requests will be processed in accordance with the provisions of the Records Maintenance and Release Policy and public records laws.

324.8 RELEASE OF INFORMATION

The Department may routinely release information to the media without receiving a specific request. This may include media releases regarding critical incidents, information of public concern, updates regarding significant incidents, or requests for public assistance in solving crimes or identifying suspects. This information may also be released through the department website or other electronic data sources.

324.8.1 INFORMATION LOG

The Department will maintain a daily information log of significant law enforcement activities. Log entries shall only contain information that is deemed public information and not restricted or confidential by this policy or applicable law. Upon request, the log entries shall be made available to media representatives through the Watch Commander.

The daily information log will generally include:

- (a) The date, time, location, case number, type of crime, extent of injury or loss, and names of individuals involved in crimes occurring within this jurisdiction, unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation, or the information is confidential (e.g., juveniles or certain victims).
- (b) The date, time, location, case number, name, birth date, and charges for each person arrested by this department, unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation or the information is confidential (e.g., juveniles).
- (c) The time and location of other significant law enforcement activities or requests for service with a brief summary of the incident.

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At no time shall identifying information pertaining to a juvenile arrestee (13 years of age and under), victim, or witness be publicly released without prior approval of a competent court. The identity of a minor 14 years of age or older shall not be publicly disclosed unless the minor has been arrested for a serious felony and the release of such information has been approved by the Watch Commander (Welfare and Institutions Code § 827.5).

Identifying information concerning deceased individuals shall not be released to the media until notification of next of kin or otherwise cleared through the 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).

Information Technology Use

325.1 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.

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

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

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

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

325.2 POLICY

It is the policy of the Santa Cruz 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.

325.3 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).

325.4 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.

325.4.1 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.

325.4.1 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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325.4.3 INTERNET USE

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

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

325.4.4 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.

325.5 PROTECTION OF AGENCY SYSTEMS AND FILES

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

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

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

325.6 INSPECTION OR REVIEW

A supervisor or the authorized designee has the express authority to inspect or review the computer system, all temporary or permanent files, related electronic systems or devices, and any contents thereof, whether such inspection or review is in the ordinary course of his/her supervisory duties or based on cause.

Reasons for inspection or review may include, but are not limited to, computer system malfunctions, problems or general computer system failure, a lawsuit against the Department

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

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

325.7 PROTECTION OF AGENCY SYSTEMS AND FILES

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

It is expressly prohibited for an employee to allow an unauthorized user to access the system at any time or for any reason.

Subpoenas and Court Appearances

326.1 PURPOSE AND SCOPE

This policy establishes the guidelines for department members who must appear in court. It will allow the Santa Cruz Police Department to cover any related work absences and keep the Department informed about relevant legal matters.

326.2 POLICY

Santa Cruz Police Department members will respond appropriately to all subpoenas and any other court-ordered appearances.

326.3 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 delivery of subpoenas via the subpoena app is a designated delivery method.

The party that issues a civil subpoena to an officer to testify as a witness must tender the statutory fee of \$275 with the subpoena for each day that an appearance is required before service is accepted of the subpoena (Government Code § 68097.2).

An immediate supervisor or authorized individual may refuse to accept service for a criminal subpoena if (Penal Code § 1328(d)(e)):

- (a) He/she knows that he/she will be unable to deliver a copy of the subpoena to the named officer within sufficient time for the named officer to comply with the subpoena.
- (b) It is less than five working days prior to the date listed for an appearance and he/she is not reasonably certain that service can be completed.

If, after initially accepting service of a criminal subpoena, a supervisor or other authorized individual determines that he/she is unable to deliver a copy of the subpoena to the named officer within sufficient time for the named officer to comply with the subpoena, the supervisor or the subpoena clerk shall notify the server or the attorney named on the subpoena of such not less than 48 hours prior to the date listed for the appearance (Penal Code § 1328(f)).

326.3.1 SPECIAL NOTIFICATION REQUIREMENTS

Any member who is subpoenaed to testify, agrees to testify or provides information on behalf of or at the request of any party other than the City Attorney or the prosecutor shall notify his/her immediate supervisor without delay regarding:

- (a) Any civil case where the City or one of its members, as a result of his/her official capacity, is a party.

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- (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 Santa Cruz Police Department.
- (e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the Santa Cruz Police Department.

The supervisor will then notify the Chief of Police and the appropriate prosecuting attorney as may be indicated by the case. The Chief of Police should determine if additional legal support is necessary.

No member shall be retaliated against for testifying in any matter.

326.3.2 CIVIL SUBPOENA

The Department will compensate members who appear in their official capacities on civil matters arising out of their official duties, as directed by the current memorandum of understanding or collective bargaining agreement.

The Department should seek reimbursement for the member's compensation through the civil attorney of record who subpoenaed the member.

326.3.3 OFF-DUTY RELATED SUBPOENAS

Members receiving valid subpoenas for off-duty actions not related to their employment or appointment will not be compensated for their appearance. Arrangements for time off shall be coordinated through their immediate supervisors.

326.4 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.

326.5 STANDBY

To facilitate standby agreements, members are required to provide and maintain current information on their addresses and contact telephone numbers with the Department.

If a member on standby changes his/her location during the day, the member shall notify the designated department member of how he/she can be reached. Members are required to remain on standby until released by the court or the party that issued the subpoena.

326.6 COURTROOM PROTOCOL

When appearing in court, members shall:

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- (a) Be punctual and prepared to proceed immediately with the case for which they are scheduled to appear.
- (b) Dress in the department uniform or business attire.
- (c) Observe all rules of the court in which they are appearing and remain alert to changes in the assigned courtroom where their matter is to be heard.

326.6.1 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.

326.7 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.

Reserve Officers

327.1 PURPOSE AND SCOPE

The Santa Cruz 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.

327.2 SELECTION AND APPOINTMENT OF POLICE RESERVE OFFICERS

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

327.2.1 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 the POST required training modules for the respective reserve level.

327.2.2 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.

327.2.3 COMPENSATION FOR POLICE RESERVE OFFICERS

Compensation for reserve officers is provided as follows:

All reserve officer appointees are issued 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 bi-annual stipend allowance as set forth by City Council Resolution.

327.2.4 EMPLOYEES WORKING AS RESERVE OFFICERS

Qualified employees of this department, when authorized, may also serve as reserve officers. However, the Department must not utilize the services of a reserve or volunteer in such a way that it would violate employment laws or labor agreements (e.g., a detention officer working as a reserve officer for reduced or no pay). Therefore, the Reserve Coordinator should consult the Department of Human Resources prior to an employee serving in a reserve or volunteer capacity (29 CFR 553.30).

327.3 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

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Operations Division. Reserve officers may be assigned to other areas within the Department as needed. Reserve officers are required to work a minimum of 20 hours per month.

327.3.1 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.

327.3.2 RESERVE OFFICER ASSIGNMENTS

All reserve officers will be assigned to duties by the Reserve Coordinator or his/her designee.

327.3.3 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

327.4 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.

Reserve Officers who demonstrate a desire and ability for Level I status must complete the field training program requirements.

327.4.1 TRAINING OFFICERS

Officers of this department, who demonstrate a desire and ability to train reserve officers, may train the reserves during Phase II, subject to Watch Commander approval.

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327.4.2 PRIMARY TRAINING OFFICER

Upon completion of the Academy, reserve officers will be assigned to a primary training officer. The primary training officer will be selected from members of the Field Training Officer (FTO) 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.

327.4.3 FIELD TRAINING MANUAL

Each new reserve officer will be issued a Field Training Manual at the beginning of his/her Primary Training Phase. This manual is an outline of the subject matter and/or skills necessary to properly function as an officer with the Santa Cruz 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.

327.4.4 COMPLETION OF THE PRIMARY TRAINING PHASE

At the completion of the Primary Training Phase, (Phase I) the primary training officer will meet with the Reserve Coordinator. The purpose of this meeting is to discuss the progress of the reserve officer in training.

If the reserve officer has progressed satisfactorily, he/she will then proceed to Phase II of the training. If he/she has not progressed satisfactorily, the Reserve Coordinator will determine the appropriate action to be taken.

327.4.5 SECONDARY TRAINING PHASE

The Secondary Training Phase (Phase II) shall consist of 100 hours of additional on-duty training. The reserve officer will no longer be required to ride with his/her primary training officer. The reserve officer may now ride with any officer designated by the Watch Commander.

During Phase II of training, as with Phase I, the reserve officer's performance will be closely monitored. In addition, rapid progress should continue towards the completion of the Officer's Field Training Manual. At the completion of Phase II of training, the reserve officer will return to his/her primary training officer for Phase III of the training.

327.4.6 THIRD TRAINING PHASE

Phase III of training shall consist of 24 hours of additional on-duty training. For this training phase, the reserve officer will return to his/her original primary training officer. During this phase, the training officer will evaluate the reserve officer for suitability to graduate from the formal training program.

At the completion of Phase III training, the primary training officer will meet with the Reserve Coordinator. Based upon the reserve officer's evaluations, plus input from the primary training officer, the Reserve Coordinator shall decide if the reserve officer has satisfactorily completed his/her formal training. If the reserve officer has progressed satisfactorily, he/she will then graduate from the formal training process. If his/her progress is not satisfactory, the Reserve Coordinator will decide upon the appropriate action to be taken.

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327.4.7 COMPLETION OF THE FORMAL TRAINING PROCESS

When a reserve officer has satisfactorily completed all three phases of formal training, he/she will have had a minimum of 284 hours of on-duty training. He/she will no longer be required to ride 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.

327.5 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 Deputy Chief.

327.5.1 SPECIAL AUTHORIZATION REQUIREMENTS

Reserve officers certified as Level I may, with prior authorization of the Reserve Coordinator and on approval of the Deputy Chief, 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 Deputy Chief, 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.

327.5.2 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.

327.5.3 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.

327.5.4 UNIFORM

Reserve officers shall conform to all uniform regulation and appearance standards of this department.

327.5.5 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 Deputy Chief.

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Reserve officers are considered at-will employees. Government Code § 3300 et seq. applies to reserve officers with the exception that the right to hearing is limited to the opportunity to clear their name.

Any disciplinary action that may have to be administered to a reserve officer shall be accomplished as outlined in the Policy Manual.

327.5.6 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.

327.6 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.

327.6.1 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.

327.6.2 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

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as long as the reserve officer remains in good standing as a Reserve Officer with the Santa Cruz Police Department.

327.6.3 RESERVE OFFICER FIREARM TRAINING

All reserve officers are required to maintain proficiency with firearms used in the course of their assignments. Reserve officers shall comply with all areas of the firearms training section of the Policy Manual, with the following exceptions:

- (a) All reserve officers are required to qualify bi-annually with their duty weapon and once per year with the department carbine rifle.
- (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

officer officer

327.7 EMERGENCY CALL-OUT FOR RESERVE PERSONNEL

The Reserve Coordinator shall develop a plan outlining an emergency call-out procedure for reserve personnel.

Outside Agency Assistance

328.1 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.

328.1 POLICY

It is the policy of the Santa Cruz 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.

328.3 REQUESTING OUTSIDE ASSISTANCE

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

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

328.4 ASSISTING OUTSIDE AGENCIES

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

When another law enforcement agency requests assistance from this department, the Watch Commander may authorize, if available, an appropriate number of personnel to assist. Members are reminded that their actions when rendering assistance must conform with applicable laws and be consistent with the policies of this department.

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

Arrestees may be temporarily detained by this department until arrangements for transportation are made by the outside agency. 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.

328.4.1 INITIATED ACTIVITY

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

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328.5 REPORTING REQUIREMENTS

Incidents of outside assistance or law enforcement activities that are not documented in a crime report shall be documented in a general case report or as directed by the Watch Commander.

328.6 MANDATORY SHARING

Equipment and supplies purchased with federal funds or grants that require such equipment and supplies be shared with other agencies should be documented and updated as necessary by the Administration Deputy Chief 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 NetCom 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.

Registered Offender Information

329.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the Santa Cruz 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.

329.2 POLICY

It is the policy of the Santa Cruz 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.

329.3 REGISTRATION

The 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.

329.3.1 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.).

329.4 MONITORING OF REGISTERED OFFENDERS

The Investigations Unit supervisor should establish a system to periodically, and at least once annually, verify that a registrant remains in compliance with his/her registration requirements after the initial registration. This verification should include:

- (a) Efforts to confirm residence using an unobtrusive method, such as an internet search or drive-by of the declared residence.
- (b) Review of information on the California DOJ website for sex offenders.
- (c) Contact with a registrant's parole or probation officer.

Any discrepancies should be reported to the California DOJ.

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The Investigations Unit supervisor should also establish a procedure to routinely disseminate information regarding registered offenders to Santa Cruz Police Department personnel, including timely updates regarding new or relocated registrants.

329.5 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 Santa Cruz Police Department's website. Information on sex registrants placed on the Santa Cruz Police Department's website shall comply with the requirements of Penal Code § 290.46.

The Records Manager 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).

329.5.1 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).

329.5.2 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).

Major Incident Notification

330.1 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.

330.1 POLICY

The Santa Cruz 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.

330.4 MINIMUM CRITERIA FOR NOTIFICATION

Most situations where the media show a strong interest are also of interest to the Chief of Police and the affected Deputy Chief. The following list of incident types is provided as a guide for notification and is not intended to be all inclusive:

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

330.5 WATCH COMMANDER RESPONSIBILITY

The Watch Commander is responsible for making the appropriate notifications. The Watch Commander shall make reasonable attempts to obtain as much information on the incident as possible before notification. The Watch Commander shall attempt to make the notifications as soon as practicable. Notification should be made by calling the home telephone number first and then by any other available contact numbers.

330.5.1 STAFF NOTIFICATION

In the event an incident occurs described in this policy, the Chief of Police shall be notified along with the affected Deputy Chief and the Detective Lieutenant if that division is affected.

330.5.2 DETECTIVE NOTIFICATION

If the incident requires that a detective respond from home, the on duty supervisor shall make a request for the response of the on-call detective(s).

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330.5.3 COMMUNITY RELATIONS SPECIALIST

The Community Relations Specialist shall be called after members of staff have been notified that it appears the media may have a significant interest in the incident.

Death Investigation

331.1 PURPOSE AND SCOPE

The investigations of cases involving death include those ranging from natural cause to homicide. Some causes of death may not be readily apparent and some cases differ substantially from what they appeared to be initially. The thoroughness of death investigations cannot be emphasized enough.

331.2 INVESTIGATION CONSIDERATIONS

Death investigation cases require certain actions be taken. Paramedics shall be called in all suspected death cases unless the death is obvious (e.g., decapitated, decomposed). A supervisor shall be notified in all death investigations.

331.2.1 CORONER REQUEST

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

- (a) Unattended deaths when no physician will sign death certificate (see section 330.3)
- (b) Deaths where the deceased has not been attended by either a physician or a registered nurse, who is a member of a hospice care interdisciplinary team, as defined by Health and Safety Code § 1746 in the 20 days prior to death.
- (c) Physician unable to state the cause of death. Unwillingness does not apply. Includes all sudden, unexpected and unusual deaths and fetal deaths when the underlying cause is unknown.
- (d) Known or suspected homicide.
- (e) Known or suspected suicide.
- (f) Involving any criminal action or suspicion of a criminal act. Includes child and dependent adult negligence and abuse.
- (g) Related to or following known or suspected self-induced or criminal abortion.
- (h) Associated with a known or alleged rape or crime against nature.
- (i) Following an accident or injury (primary or contributory). Deaths known or suspected as resulting (in whole or in part) from or related to accident or injury, either old or recent.
- (j) Drowning, fire, hanging, gunshot, stabbing, cutting, starvation, exposure, alcoholism, drug addiction, strangulation or aspiration.
- (k) Accidental poisoning (food, chemical, drug, therapeutic agents).
- (l) Occupational diseases or occupational hazards.
- (m) Known or suspected contagious disease and constituting a public hazard.
- (n) All deaths in operating rooms and all deaths where a patient has not fully recovered from an anesthetic, whether in surgery, recovery room or elsewhere.

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- (o) In prison or while under sentence. Includes all in-custody and involved deaths.
- (p) All deaths of unidentified persons.
- (q) All deaths of state hospital patients.
- (r) Suspected Sudden Infant Death Syndrome (SIDS) deaths.
- (s) All deaths where the patient is comatose throughout the period of the physician's attendance. Includes patients admitted to hospitals unresponsive and expire without regaining consciousness.

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

331.2.2 DEATH NOTIFICATION

When practical, and if not handled by the Coroner's Office, notification to the next-of-kin of the deceased person shall be made, in person, by the officer assigned to the incident. If the next-of-kin lives in another jurisdiction, a law enforcement official from that jurisdiction shall be requested to make the personal notification. If the relatives live outside this county, the Coroner may be requested to make the notification. The Coroner needs to know if notification has been made. Assigned detectives may need to talk to the next-of-kin.

331.2.3 DEATH INVESTIGATION REPORTING

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

331.2.4 SEARCHING DEAD BODIES

The Coroner or Deputy Coroner is generally the only person permitted to search a body known to be dead from any of the circumstances set forth in Government Code § 27491. The only exception is that an officer is permitted to search the body of a person killed in a traffic collision for the limited purpose of locating an anatomical donor card (Government Code § 27491.3). If such a donor card is located, the Coroner or a designee shall be promptly notified. Should exigent circumstances indicate to an officer that any search of a known dead body is warranted prior to the arrival of the Coroner or a designee; the investigating officer shall first obtain verbal consent from the Coroner or a designee (Government Code § 27491.2).

Whenever possible, a witness, preferably a relative to the deceased or a member of the household, should be requested to remain at the scene with the officer pending the arrival of the Coroner or a designee. The name and address of this person shall be included in the narrative of the death report. Whenever personal effects are removed from the body of the deceased by the Coroner or a designee, a receipt shall be obtained. This receipt shall be attached to the death report.

331.2.5 UNIDENTIFIED DEAD BODIES

If the identity of a dead body cannot be established after the Coroner arrives, the Coroner's office will issue a "John Doe" or "Jane Doe" number for the report.

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331.2.6 SUSPECTED HOMICIDE

If the initially assigned officer suspects that the death involves a homicide or other suspicious circumstances, the Investigations Division shall be notified to determine the possible need for a detective to respond to the scene for further immediate investigation.

331.2.7 EMPLOYMENT RELATED DEATHS OR INJURIES

Any member of this agency who responds to and determines that a death, serious illness, or serious injury has occurred as a result of an accident at or in connection with the victim's employment shall ensure that the nearest office of Cal-OSHA is notified by telephone immediately or as soon as practicable with all pertinent information (8 CCR 342(b)).

331.3 PHYSICIAN ATTENDED DEATHS

Frequently, officers are called to death investigations that occur in a private residence or in an assisted living or retirement facility. These cases involve subjects who are under a doctor's care, home care, or have a primary physician who provides them regular care. Generally, a doctor will sign a death certificate in these incidences.

The following procedure shall occur when the coroner confirms that a private physician is going to sign the death certificate.

- (a) Officer will respond to location of deceased.
- (b) Officer will utilize their Body Camera to video the scene, medications, and any statements from the reporting party or witnesses.
- (c) Contact Coroner and provide them with medication and doctor list.
- (d) If Coroner confirms that a physician is going to sign death certificate and no coroners case into a suspicious death is going to be generated:
 - (a) Complete CAD entry with the deceased name, coroner's name, and confirmation that the doctor is going to sign certificate.
 - (b) Label video in DOA filed in Evidence.com under incident number.
- (e) Confirm with family if funeral arrangements have been made ahead of time with funeral parlor. If not, direct them and assist them in finding local funeral homes that can respond to collect deceased.
- (f) Clear call, no report or case number required.

Identity Theft

332.1 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.

332.2 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, when feasible, also cross-reference all known reports made by the victim (e.g., U.S. Secret Service, credit reporting bureaus, U.S. Postal Service and DMV) with all known report numbers.
- (e) The reporting officer should inform victims of identity theft that the California Identity Theft Registry is available to help those who are wrongly linked to crimes. The registry can be checked by law enforcement and other authorized persons to investigate whether a criminal history or want was created in the victim's name (Penal Code § 530.7). Information regarding the California Identity Theft Registry can be obtained by calling toll free (888) 880-0240.
- (f) Following supervisory review and department processing, the initial report should be forwarded to the appropriate detective for follow up investigation, coordination with other agencies and prosecution as circumstances dictate.

Communications with Persons with Disabilities

333.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with disabilities, including those who are deaf or hard of hearing, have impaired speech or vision, or are blind.

333.1.1 DEFINITIONS

Definitions related to this policy include:

Auxiliary aids - Tools used to communicate with people who have a disability or impairment. They include, but are not limited to, the use of gestures or visual aids to supplement oral communication; a notepad and pen or pencil to exchange written notes; a computer or typewriter; an assistive listening system or device to amplify sound; a teletypewriter (TTY) or videophones (video relay service or VRS); taped text; qualified readers; or a qualified interpreter.

Disability or impairment - A physical or mental impairment that substantially limits a major life activity, including hearing or seeing, regardless of whether the disabled person uses assistive or adaptive devices or auxiliary aids. Individuals who wear ordinary eyeglasses or contact lenses are not considered to have a disability (42 USC § 12102).

Qualified interpreter - A person who is able to interpret effectively, accurately and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include oral interpreters, translators, sign language interpreters and intermediary interpreters.

333.2 POLICY

It is the policy of the Santa Cruz Police Department to reasonably ensure that people with disabilities, including victims, witnesses, suspects and arrestees have equal access to law enforcement services, programs and activities. Members must make efforts to communicate effectively with individuals with disabilities.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon disabilities.

333.3 AMERICANS WITH DISABILITIES (ADA) COORDINATOR

The Chief of Police shall delegate certain responsibilities to an ADA Coordinator (28 CFR 35.107). The ADA Coordinator shall be appointed by, and directly responsible, to the Operations Deputy Chief or the authorized designee.

The responsibilities of the ADA Coordinator shall include, but not be limited to:

- (a) Working with the City ADA coordinator regarding the Santa Cruz Police Department's efforts to ensure equal access to services, programs and activities.
- (b) Developing reports, new procedures, or recommending modifications to this policy.

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- (c) Acting as a liaison with local disability advocacy groups or other disability groups regarding access to department services, programs and activities.
- (d) Ensuring that a list of qualified interpreter services is maintained and available to each Watch Commander and Dispatch Supervisor. The list should include information regarding the following:
 - 1. Contact information
 - 2. Availability
- (e) Developing procedures that will enable members to access auxiliary aids or services, including qualified interpreters, and ensure the procedures are available to all members.
- (f) Ensuring signage is posted in appropriate areas, indicating that auxiliary aids are available free of charge to people with disabilities.
- (g) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities.

333.4 FACTORS TO CONSIDER

Because the nature of any law enforcement contact may vary substantially from one situation to the next, members of this department should consider all information reasonably available to them when determining how to communicate with an individual with a disability. Members should carefully balance all known factors in an effort to reasonably ensure people who are disabled have equal access to services, programs and activities. These factors may include, but are not limited to:

- (a) Members should not always assume that effective communication is being achieved. The fact that an individual appears to be nodding in agreement does not always mean he/she completely understands the message. When there is any doubt, members should ask the individual to communicate back or otherwise demonstrate their understanding.
- (b) The nature of the disability (e.g., deafness or blindness vs. hard of hearing or low vision).
- (c) The nature of the law enforcement contact (e.g., emergency vs. non-emergency, custodial vs. consensual contact).
- (d) The availability of auxiliary aids. The fact that a particular aid is not available does not eliminate the obligation to reasonably ensure access. However, in an emergency, availability may factor into the type of aid used.

333.5 INITIAL AND IMMEDIATE CONSIDERATIONS

Recognizing that various law enforcement encounters may be potentially volatile and/or emotionally charged, members should remain alert to the possibility of communication problems.

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Members should exercise special care in the use of all gestures, and verbal and written communication to minimize initial confusion and misunderstanding when dealing with any individual with known or suspected disabilities.

In a non-emergency situation, when a member knows or suspects an individual requires assistance to effectively communicate, the member shall identify the individual's choice of auxiliary aid or service.

The individual's preferred communication method must be honored unless another effective method of communication exists under the circumstances (28 CFR 35.160).

Factors to consider when determining whether an alternative method is effective include:

- (a) The methods of communication usually used by the individual.
- (b) The nature, length and complexity of the communication involved.
- (c) The context of the communication.

In emergency situations involving an imminent threat to the safety or welfare of any person, members may use whatever auxiliary aids and services that reasonably appear effective under the circumstances. This may include, for example, exchanging written notes or using the services of a person who knows sign language but is not a qualified interpreter, even if the person who is deaf or hard of hearing would prefer a qualified sign language interpreter or another appropriate auxiliary aid or service. Once the emergency has ended, the continued method of communication should be reconsidered. The member should inquire as to the individual's preference and give primary consideration to that preference.

If an individual who is deaf, hard of hearing or has impaired speech must be handcuffed while in the custody of the Santa Cruz Police Department, consideration should be given, safety permitting, to placing the handcuffs in the front of the body to facilitate communication using sign language or writing.

333.1 TYPES OF ASSISTANCE AVAILABLE

Santa Cruz Police Department members shall never refuse to assist an individual with disabilities who is requesting assistance. The Department will not charge anyone to receive auxiliary aids, nor shall they require anyone to furnish their own auxiliary aid or service as a condition for receiving assistance. The Department will make every reasonable effort to provide equal access and timely assistance to individuals who are disabled through a variety of services.

A person who is disabled may choose to accept department-provided auxiliary aids or services or they may choose to provide their own.

Department-provided auxiliary aids or services may include, but are not limited to, the assistance methods described in this policy.

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333.1 AUDIO RECORDINGS AND ENLARGED PRINT

The Department may develop audio recordings to assist people who are blind or have a visual impairment with accessing important information. If such a recording is not available, members may read aloud from the appropriate form, for example a personnel complaint form, or provide forms with enlarged print.

333.1 TTY AND RELAY SERVICES

In situations where an individual without a disability would have access to a telephone (e.g., booking or attorney contacts), members must also provide those who are deaf, hard of hearing or have impaired speech the opportunity to place calls using an available TTY (also known as a telecommunications device for deaf people, or TDD). Members shall provide additional time, as needed, for effective communication due to the slower nature of TTY and TDD communications.

The Department will accept all TTY or TDD calls placed by those who are deaf or hard of hearing and received via a telecommunications relay service (28 CFR 35.162).

Note that relay services translate verbatim, so the conversation must be conducted as if speaking directly to the caller.

333.11 COMMUNITY VOLUNTEERS

Interpreter services may be available from community volunteers who have demonstrated competence in communication services, such as ASL or SE, and have been approved by the Department to provide interpreter services.

Where qualified interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the individual with the disability and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

333.12 QUALIFIED INTERPRETERS

A qualified interpreter may be needed in lengthy or complex transactions (e.g., interviewing a victim, witness, suspect or arrestee), if the individual to be interviewed normally relies on sign language or speechreading (lip-reading) to understand what others are saying. The qualified interpreter should not be a person with an interest in the case or investigation involving the disabled individual. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a court proceeding.

Qualified interpreters should be:

- (a) Available within a reasonable amount of time but in no event longer than one hour if requested.
- (b) Experienced in providing interpretation services related to law enforcement matters.
- (c) Familiar with the use of VRS and/or video remote interpreting services.

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- (d) Certified in either American Sign Language (ASL) or Signed English (SE).
- (e) Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (f) Knowledgeable of the ethical issues involved when providing interpreter services.

Members should use department-approved procedures to request a qualified interpreter at the earliest reasonable opportunity, and generally not more than 15 minutes after a request for an interpreter has been made or it is reasonably apparent that an interpreter is needed. No individual who is disabled shall be required to provide his/her own interpreter (28 CFR 35.160).

333.2 CUSTODIAL INTERROGATIONS

In an effort to ensure that the rights of individuals who are deaf, hard of hearing or have speech impairment are protected during a custodial interrogation, this department will provide interpreter services before beginning an interrogation, unless exigent circumstances exist or the individual has made a clear indication that he/she understands the process and desires to proceed without an interpreter. The use of a video remote interpreting service should be considered, where appropriate, if a live interpreter is not available. *Miranda* warnings shall be provided to suspects who are deaf or hard of hearing by a qualified interpreter or by providing a written *Miranda* warning card.

In order to ensure that communications during custodial investigations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

333.3 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve individuals with disabilities. The scope and nature of these activities and contacts will inevitably vary.

The Department recognizes that it would be virtually impossible to provide immediate access to complete communication services to every member of this department. Members and/or supervisors must assess each situation and consider the length, complexity and importance of the communication, as well as the individual's preferred method of communication, when determining the type of resources to use and whether a qualified interpreter is needed.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to verbally request consent to search if the officer is unable to effectively communicate with an individual who is deaf or hard of hearing and requires communications assistance.

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If available, officers should obtain the assistance of a qualified interpreter before placing an individual with a disability under arrest. Individuals who are arrested and are assisted by service animals should be permitted to make arrangements for the care of such animals prior to transport.

333.3.1 FIELD RESOURCES

Examples of methods that may be sufficient for transactions, such as checking a license or giving directions to a location or for urgent situations such as responding to a violent crime in progress, may, depending on the circumstances, include such simple things as:

- (a) Hand gestures or visual aids with an individual who is deaf, hard of hearing or has impaired speech.
- (b) Exchange of written notes or communications.
- (c) Verbal communication with an individual who can speechread by facing the individual and speaking slowly and clearly.
- (d) Use of computer, word processing, personal communication device or similar device to exchange texts or notes.
- (e) Slowly and clearly speaking or reading simple terms to individuals who have a visual or mental impairment.

Members should be aware that these techniques may not provide effective communication as required by law and this policy depending on the circumstances.

333.15 REPORTING

Whenever any member of this department is required to complete a report or other documentation, and communication assistance has been provided, such services should be noted in the related report. Members should document the type of communication services utilized and whether the individual elected to use services provided by the Department or some other identified source. If the individual's express preference is not honored, the member must document why another method of communication was used.

All written communications exchanged in a criminal case shall be attached to the report or placed into evidence.

333.15 FAMILY AND FRIENDS

While family or friends may offer to assist with interpretation, members should carefully consider the circumstances before relying on such individuals. The nature of the contact and relationship between the individual with the disability and the person offering services must be carefully considered (e.g., victim/suspect).

Children shall not be relied upon except in emergency or critical situations when there is no qualified interpreter reasonably available.

Adults may be relied upon when (28 CFR 35.160):

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- (a) There is an emergency or critical situation and there is no qualified interpreter reasonably available.
- (b) The person with the disability requests that the adult interpret or facilitate communication and the adult agrees to provide such assistance, and reliance on that adult for such assistance is reasonable under the circumstances.

333.16 ARREST AND BOOKINGS

If an individual with speech or hearing disabilities is arrested, the arresting officer shall use department-approved procedures to provide a qualified interpreter at the place of arrest or booking as soon as reasonably practicable, unless the individual indicates that he/she prefers a different auxiliary aid or service or the officer reasonably determines another effective method of communication exists under the circumstances.

When gathering information during the booking process, members should remain alert to the impediments that often exist when communicating with those who are deaf, hard of hearing, who have impaired speech or vision, are blind, or have other disabilities. In the interest of the arrestee's health and welfare, the safety and security of the facility and to protect individual rights, it is important that accurate medical screening and booking information be obtained. If necessary, members should seek the assistance of a qualified interpreter whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by the individual.

Individuals who require and possess personally owned communication aids (e.g., hearing aids, cochlear processors) should be permitted to retain them while in custody.

333.17 TRAINING

To ensure that all members who may have contact with individuals who are disabled are properly trained, the Department will provide periodic training that should include:

- (a) Awareness and understanding of this policy and related procedures, related forms and available resources.
- (b) Procedures for accessing qualified interpreters and other available resources.
- (c) Working with in-person and telephone interpreters and related equipment.

The Training Manager shall be responsible for ensuring new members receive training related to interacting with individuals who have disabilities, including individuals who are deaf, hard of hearing, who have impaired speech or vision, or are blind. Those who may have contact with such individuals should receive refresher training at least once every two years thereafter. The Training Manager shall maintain records of all training provided, and will retain a copy in each member's training file in accordance with established records retention schedules.

333.18 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

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to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

333.18 COMPLAINTS

The Department shall ensure that individuals with disabilities who wish to file a complaint regarding members of this department are able to do so. The Department may provide a qualified interpreter or forms in enlarged print, as appropriate. Complaints will be referred to the department ADA Coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Qualified interpreters used during the investigation of a complaint should not be members of this Department.

Private Persons Arrests

334.1 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.

334.2 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.

334.3 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.

334.4 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

Mandatory Employer Notification

336.1 PURPOSE AND SCOPE

The purpose of this policy is to describe the requirements and procedures to follow when a public or private school employee (teacher and non-teacher) has been arrested under certain circumstances.

336.1 POLICY

The Santa Cruz Police Department will meet the reporting requirements of California law to minimize the risks to children and others.

336.4 ARREST OF PERSONS EMPLOYED IN COMMUNITY CARE FACILITIES

In the event an employee of a community treatment facility, a day treatment facility, a group home, a short-term residential therapeutic program or a foster family agency is arrested for child abuse (as defined in 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).

336.5 MANDATORY SCHOOL EMPLOYEE ARREST REPORTING

In the event a school employee is arrested for any offense enumerated below, the Chief of Police or his/her designee is required to report the arrest as follows.

336.5.1 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).

336.5.2 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).

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336.5.3 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).

336.5.4 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).

336.5.5 PROCEDURE

When an arrest is made, the officer making the arrest shall notify their immediate supervisor. The supervisor will ensure notification is made to the office of the Chief of Police through the chain-of-command.

Biological Samples

337.1 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.

337.2 POLICY

The Santa Cruz 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.

337.3 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.

337.4 PROCEDURE

When an individual is required to provide a biological sample, a trained employee shall obtain the sample in accordance with this policy.

337.4.1 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.

337.5 LEGAL MANDATES AND RELEVANT LAWS

California law provides for the following:

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Biological Samples

337.5.1 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 the subject was asked to provide the requisite specimen, sample, or impression and refused, as well as the related court order authorizing the force.

337.5.2 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)).

337.5.3 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.

Children of Arrested Parents

339.1 PURPOSE AND SCOPE

This policy provides guidelines for the care, disposition, and reporting of children of arrested parents.

339.1.1 DEFINITIONS

Child - Unless otherwise specified by a cited statute, a child is any person under the age of 18 years.

339.2 POLICY

The goal of responding officers is to minimize the disruption to the children of an arrested parent by providing the most supportive environment possible after an arrest, minimizing unnecessary trauma to the children of an arrestee, and determining the best alternative care for the children that is safe. The purpose of this policy is to establish the best methods for working with Family and Children Services (FCS) and responding officers

Nothing in this policy negates parental rights to choose appropriate placement for their children consistent with the procedures outlined below. Unless there is compelling evidence to the contrary (obvious drug use, weapons, other indicators of an unsafe environment, or any circumstance outlined in policy 315 - Child Abuse) parental discretion shall be respected. However, FCS maintains the ultimate responsibility for determining placement in the event the parent does not designate placement.

339.3 RESPONDING OFFICER RESPONSIBILITIES

Responding officers shall assist FCS by adhering to the following procedures:

- (a) When making an arrest, officers shall inquire about the presence of children for whom the arrested adult has responsibility. If the arrest is made in a home environment, officers should be aware of items which suggest the presence of children such as toys, clothing, formula, bunk bed, diapers, etc.
- (b) If it is safe to do so, officers should attempt to make the arrest away from the children or at a time when the children are not present.
- (c) If it is safe to do so, officers should allow the arrested parent to assure the children that they will be safe and provided for. If it is not safe or if the demeanor of the in-custody parent suggests this conversation would be non-productive, an officer at the scene should explain the reason for the arrest in age-appropriate language and offer reassurances to the children that both parent and children will be cared for.
- (d) When planning an arrest or search warrant, officers shall consider the ages and likely location of the children when determining the time, place and logistics of executing the arrest and/or search warrant.
- (e) If a child or children are present, officers shall determine whether the non-arrested custodial parent is able to take responsibility for the child. Prior to taking the child into protective custody, the officer should take reasonable steps to deliver the child

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to another qualified parent or legal guardian, unless it reasonably appears that the release would endanger the child or result in abduction. Officers may, after consulting with and receiving approval from FCS, deliver the child to another adult relative or responsible adult. If this is not a reasonable option, the officer shall ensure the child is delivered to FCS. In any case, a supervisor shall be consulted and advised of the ultimate plan for the child or children.

- (f) To contact FCS, officers shall make the request through the communications center, identify themselves and the nature of their call, and ask for an expedited response or call back from FCS.

339.4 DOCUMENTATION

The reporting officer shall include the following in the incident report:

- (a) The name and contact information of the child(ren), the arrested parent, and any other party present during the incident.
- (b) The name and contact information of the qualified parent or legal guardian with whom the children were left.
- (c) The name and contact information of the responding FCS worker.
- (d) If the arrest occurred in the presence of the child(ren), list the reason(s) why the officer felt it was unsafe or impractical to complete the arrest away from the child(ren).

Service Animals

340.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to ensure the rights of individuals who use service animals to assist with disabilities are protected in accordance with Title II of the Americans with Disabilities Act of 1990 (ADA).

340.1.1 DEFINITIONS

Definitions related to this policy include:

Service animal - A dog that is trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability. The work or tasks performed by a service animal must be directly related to the individual's disability (28 CFR 35.104; Health and Safety Code § 113903).

Service animal also includes a miniature horse if the horse is trained to do work or perform tasks for people with disabilities, provided the horse is housebroken, is under the handler's control, the facility can accommodate the horse's type, size and weight, and the horse's presence will not compromise legitimate safety requirements necessary for safe operation of the facility (28 CFR 35.136(i)).

340.2 POLICY

It is the policy of the Santa Cruz Police Department to provide services and access to persons with service animals in the same manner as those without service animals. Department members shall protect the rights of persons assisted by service animals in accordance with state and federal law.

340.3 IDENTIFICATION AND USE OF SERVICE ANIMALS

Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness or collar.

Service animals may be used in a number of ways to provide assistance, including:

- Guiding people who are blind or have low vision.
- Alerting people who are deaf or hard of hearing.
- Retrieving or picking up items, opening doors or flipping switches for people who have limited use of their hands, arms or legs.
- Pulling wheelchairs.
- Providing physical support and assisting with stability and balance.
- Doing work or performing tasks for persons with traumatic brain injury, intellectual disabilities or psychiatric disabilities, such as reminding a person with depression to take medication.
- Alerting a person with anxiety to the onset of panic attacks, providing tactile stimulation to calm a person with post-traumatic stress disorder, assisting people with

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schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items or follow daily routines.

340.4 MEMBER RESPONSIBILITIES

Service animals that are assisting individuals with disabilities are permitted in all public facilities and areas where the general public is allowed. Department members are expected to treat individuals with service animals with the same courtesy and respect that the Santa Cruz Police Department affords to all members of the public (28 CFR 35.136).

340.4.1 INQUIRY

If it is apparent or if a member is aware that an animal is a service animal, the individual generally should not be asked any questions as to the status of the animal. If it is unclear whether an animal meets the definition of a service animal, the member should ask the individual only the following questions (28 CFR 35.136(f)):

- Is the animal required because of a disability?
- What task or service has the service animal been trained to perform?

If the individual explains that the animal is required because of a disability and has been trained to work or perform at least one task, the animal meets the definition of a service animal and no further questions as to the animal's status should be asked. The individual should not be questioned about his/her disability nor should the person be asked to provide any license, certification or identification card for the service animal.

340.4.2 REMOVAL

If a service animal is not housebroken or exhibits vicious behavior, poses a direct threat to the health of others, or unreasonably disrupts or interferes with normal business operations, an officer may direct the handler to remove the animal from the premises. Barking alone is not a threat nor does a direct threat exist if the person takes prompt, effective action to control the service animal (28 CFR 35.136(b)).

Each incident must be considered individually and past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse service to an individual with disabilities. Members of this department are expected to provide all services as are reasonably available to an individual with a disability, with or without a service animal.

340.4.3 CONTACT

Service animals are not pets. Department members should not interfere with the important work performed by a service animal by talking to, petting or otherwise initiating contact with a service animal.

340.4.4 COMPLAINTS

When handling calls of a complaint regarding a service animal, members of this department should remain neutral and should be prepared to explain the ADA requirements concerning service animals to the concerned parties. Businesses are required to allow service animals to accompany

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their handlers into the same areas that other customers or members of the public are allowed (28 CFR 36.302).

Absent a violation of law independent of the ADA, officers should take no enforcement action beyond keeping the peace. Individuals who believe they have been discriminated against as a result of a disability should be referred to the Civil Rights Division of the U.S. Department of Justice (DOJ).

Volunteer Program

341.1 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.

Volunteers shall adhere to all policies as set by the Santa Cruz Police Department.

341.1.1 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.

341.2 VOLUNTEER MANAGEMENT

341.2.1 VOLUNTEER COORDINATOR

The Volunteer Coordinator shall be appointed by the Administration Deputy Chief. 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) Administering discipline when warranted.
- (j) Maintaining liaison with other volunteer-utilizing programs in the community and assisting in community-wide efforts to recognize and promote volunteering.

341.2.2 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.

341.2.3 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.

341.2.4 SELECTION AND PLACEMENT

Service as a volunteer with the Department shall begin with an official notice of acceptance or appointment to a volunteer position. Notice may only be given by an authorized representative of the Department, who will normally be the Volunteer Coordinator. No volunteer should begin any assignment until they have been officially accepted for that position and completed all required screening and paperwork. At the time of final acceptance, each volunteer should complete all required enrollment paperwork and will receive a copy of their position description and agreement of service with the Department. All volunteers shall receive a copy of the volunteer handbook and shall be required to sign a volunteer agreement.

Volunteers should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the Department.

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341.2.5 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.

341.2.6 SCREENING

All prospective volunteers should complete the volunteer application form. The Volunteer Coordinator or designee should conduct a face-to-face interview with an applicant under consideration.

A documented background investigation shall be completed on each volunteer applicant and shall include, but not necessarily be limited to, the following:

- (a) Traffic and criminal background check. Fingerprints shall be obtained from all applicants and processed through the California Criminal Information Index.
- (b) Employment
- (c) References

A polygraph exam may be required of each applicant depending on the type of assignment.

341.2.7 DRESS CODE

As representatives of the Department, volunteers are responsible for presenting a professional image to the community. Volunteers shall dress appropriately for the conditions and performance of their duties.

Volunteers shall conform to department-approved dress consistent with their duty assignment. Uniforms authorized for volunteers should be readily distinguishable from those worn by sworn officers. The uniform or identifiable parts of the uniform shall not be worn while off-duty except volunteers may choose to wear the uniform while in transit to or from official department assignments or functions provided an outer garment is worn over the uniform shirt so as not to bring attention to the volunteer while he/she is off duty.

Volunteers shall be required to return any issued uniform or department property at the termination of service.

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341.3 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.

341.4 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.

341.5 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.

341.5.1 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:

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- (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.

341.5.2 RADIO AND MDT USAGE

Volunteers shall successfully complete CLETS and radio procedures training prior to using the police radio or MDT and comply with all related provisions. The Volunteer Coordinator should ensure that radio and CLETS training is provided for volunteers whenever necessary.

341.6 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.

341.7 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.

341.7.1 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.

Gun Violence Restraining Orders

342.1 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).

342.1.1 DEFINITIONS

Definitions related to this policy include:

Gun violence restraining order - Civil restraining order prohibiting a named person from controlling, owning, purchasing, possessing, receiving, or otherwise having custody of any firearms or ammunition, including an ammunition magazine (Penal Code § 18100).

342.2 POLICY

It is the policy of the Santa Cruz 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.

342.3 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.

342.4 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).

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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).

342.4.1 ADDITIONAL CONSIDERATIONS

Officers should also consider requesting permission to petition the court for a gun violence restraining order (Penal Code § 18108):

- (a) When responding to a domestic disturbance where the residence is associated with a firearm registration or record.
- (b) When responding to any call or incident when a firearm is present or when one of the involved parties owns or possesses a firearm.
- (c) During a contact with a person exhibiting mental health issues, including suicidal thoughts, statements, or actions if that person owns or possesses a firearm.

Officers should consider obtaining a mental health evaluation if the encounter involves a situation where there is a reasonable cause to believe that the person poses an immediate and present danger of causing personal injury to themselves or another person by having custody or control of a firearm (see the Mental Illness Commitments Policy) (Penal Code § 18108).

342.5 SERVICE OF GUN VIOLENCE RESTRAINING ORDERS

An officer serving any gun violence restraining order shall:

- (a) Verbally ask the subject of the order if he/she has any firearm, ammunition, or magazine in his/her possession or under his/her custody or control (Penal Code § 18160).
- (b) Request that any firearms or ammunition be immediately surrendered and issue a receipt for the surrendered items (Penal Code § 18120).
- (c) Take into temporary custody any firearm or other deadly weapon discovered in plain view or pursuant to consent or other lawful search (Penal Code § 18250).
- (d) Inform the restrained person of any scheduled hearing regarding the order (Penal Code § 18160).
- (e) Transmit the original proof of service form to the issuing court as soon as practicable but within one business day (Penal Code § 18115).
- (f) As soon as practicable, but by the end of his/her shift, submit proof of service to the Records Manager for prompt entry into the California Restraining and Protective Order System (Penal Code § 18115).

The officer should also inform the restrained person that he/she is required, within 24 hours, to surrender to a law enforcement agency any other firearms and ammunition he/she owns or that are in his/her custody or control or sell them to a firearms dealer. This notification should be documented.

All firearms and ammunition collected shall be handled and booked in accordance with the Property and Evidence Policy.

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342.5.1 TEMPORARY EMERGENCY GUN VIOLENCE RESTRAINING ORDERS

An officer requesting a temporary emergency gun violence restraining order shall (Penal Code § 18140):

- (a) For oral requests, sign a declaration under penalty of perjury reciting the oral statements provided to the judicial officer and memorialize the order of the court on the form approved by the Judicial Council.
- (b) Serve the order on the restrained person if the person can be reasonably located.
- (c) Forward a copy of the order to the Records Manager for filing with the court and appropriate databases.

342.6 RECORDS MANAGER RESPONSIBILITIES

The Records Manager is responsible for ensuring:

- (a) Proof of service of any gun violence restraining order served by an officer or received from the clerk of the court is entered in the computer database system for protective and restraining orders maintained by the Department of Justice within one business day of service if served by an officer, or within one business day of receipt of proof of service if served by a person other than a law enforcement officer (Penal Code § 18115).
- (b) Temporary orders are entered into the California Restraining and Protective Order System (Penal Code § 18140).
- (c) Copies of temporary orders are filed with the court as soon as practicable, but no later than three court days, after issuance (Penal Code § 18140).
- (d) Copies of receipts of surrendered firearms or ammunition issued by other agencies for gun violence restraining orders issued by the Department are properly maintained (Penal Code § 18120).
- (e) Any relinquishment of firearm rights form received from the court is entered into the California Restraining and Protective Order System within one business day of receipt (Penal Code § 18115).

342.7 RELEASE OF FIREARMS AND AMMUNITION

Firearms and ammunition that were taken into temporary custody or surrendered pursuant to a gun violence restraining order shall be returned to the restrained person upon the expiration of the order and in accordance with Penal Code § 18120 and the Property and Evidence Policy.

342.8 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

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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.

342.9 GUN VIOLENCE RESTRAINING ORDER COORDINATOR

The Chief of Police will appoint a gun violence restraining order coordinator. The responsibilities of the coordinator include:

- (a) Developing and maintaining procedures for the filing of a petition for an order or a renewal of an order by department members, also including procedures for requesting and serving (Penal Code § 18108):
 - 1. A temporary emergency gun violence restraining order.
 - 2. An ex parte gun violence restraining order.
 - 3. A gun violence restraining order issued after notice and hearing.
- (b) Developing and maintaining factors to consider when assessing the need to seek an order, including:
 - 1. Whether threats have been made, and if so, whether the threats are credible and specific.
 - 2. Whether the potential victim is within close proximity.
 - 3. Whether the person has expressed suicidal tendencies.
 - 4. Whether the person has access to firearms.
 - 5. The criminal history of the person, in particular any history of criminal violence, including whether the person is currently on parole, probation, or monitored release.
 - 6. The mental health history of the person, in particular whether the person has any history of mental illness or has ever been detained for being a danger to themselves or others.
 - 7. Any upcoming holidays, anniversaries, or other dates of significance that may serve as a trigger for the person, such as the death of a family member.
 - 8. Whether the person has any history of drug or alcohol abuse.

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- (c) Developing and maintaining procedures for the receipt and service of orders consistent with the requirements of Penal Code § 18115; Penal Code § 18120; Penal Code § 18135; Penal Code § 18140; and Penal Code § 18160. Procedures should include:
 - 1. Evaluation of an order to determine appropriate service and necessary precautions (see the Warrant Service Policy and the Operations Planning and Deconfliction Policy).
 - 2. Forwarding orders to the Records Manager for recording in appropriate databases and required notice to the court, as applicable.
 - 3. Preparing or obtaining a search warrant prior to attempting service of an order, when appropriate (Penal Code § 18108).
 - 4. Seizure procedures of firearms and ammunition at the time of issuance of a temporary emergency gun violence restraining order.
 - 5. Verification procedures for the removal of firearms and ammunition from the subject of a gun violence restraining order.
- (d) Coordinating with the Training Manager to provide officers who may be involved in petitioning for or serving orders with training on such orders. Training should include determining when a petition is appropriate, the process for seeking an order, and the service of such orders.
- (e) Reviewing each petition and any associated court documents for an order prepared by members, for compliance with this policy, department procedures, and state law.
- (f) Developing and maintaining procedures for members to accept voluntarily surrendered prohibited items at times other than when an order is being served by the Department.
 - 1. Procedures should include preparing and providing a receipt identifying all prohibited items to the person surrendering the items.
- (g) Coordinating review of notices of court hearings and providing notice to the appropriate officer of the hearing date and the responsibility to appear (Penal Code § 18108).

342.10 RENEWAL OF GUN VIOLENCE RESTRAINING ORDERS

The Investigations Unit supervisor is responsible for the review of a gun violence restraining order obtained by the Department to determine if renewal should be requested within the time prescribed by law (Penal Code § 18190).

342.11 POLICY AVAILABILITY

The Chief of Police or the authorized designee shall be responsible for making this policy available to the public upon request (Penal Code § 18108).

342.12 TRAINING

The Training Manager should ensure that members receive periodic training on the requirements of this policy (Penal Code § 18108).

Off-Duty Law Enforcement Actions

343.1 PURPOSE AND SCOPE

The decision to become involved in a law enforcement action when off-duty can place an officer as well as others at great risk and must be done with careful consideration. This policy is intended to provide guidelines for officers of the Santa Cruz Police Department with respect to taking law enforcement action while off-duty.

343.2 POLICY

Initiating law enforcement action while off-duty is generally discouraged. Officers should not attempt to initiate enforcement action when witnessing minor crimes, such as suspected intoxicated drivers, reckless driving or minor property crimes. Such incidents should be promptly reported to the appropriate law enforcement agency.

Officers are not expected to place themselves in unreasonable peril. However, any sworn member of this department who becomes aware of an incident or circumstance that he/she reasonably believes poses an imminent threat of serious bodily injury or death, or significant property damage may take reasonable action to minimize the threat.

When public safety or the prevention of major property damage requires immediate action, officers should first consider reporting and monitoring the activity and only take direct action as a last resort.

343.3 FIREARMS

Officers of this department may carry firearms while off-duty in accordance with federal regulations and department policy. All firearms and ammunition must meet guidelines as described in the department Firearms Policy. When carrying firearms while off-duty officers shall also carry their department-issued badge and identification.

Officers should refrain from carrying firearms when the consumption of alcohol is likely or when the need to carry a firearm is outweighed by safety considerations. Firearms shall not be carried by any officer who has consumed an amount of an alcoholic beverage or taken any drugs or medications or any combination thereof that would tend to adversely affect the officer's senses or judgment.

343.4 REPORTING

Any off-duty officer who engages in any law enforcement activity, regardless of jurisdiction, shall notify the Watch Commander as soon as practicable. The Watch Commander shall determine whether a report should be filed by the employee.

Officers should cooperate fully with the agency having jurisdiction in providing statements or reports as requested or as appropriate.

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343.5 DECISION TO INTERVENE

There is no legal requirement for off-duty officers to take law enforcement action. However, should officers decide to intervene, they must evaluate whether the action is necessary or desirable, and should take into consideration the following:

- (a) The tactical disadvantage of being alone and the fact there may be multiple or hidden suspects.
- (b) The inability to communicate with responding units.
- (c) The lack of equipment, such as handcuffs, OC or baton.
- (d) The lack of cover.
- (e) The potential for increased risk to bystanders if the off-duty officer were to intervene.
- (f) Unfamiliarity with the surroundings.
- (g) The potential for the off-duty officer to be misidentified by other peace officers or members of the public.

Officers should consider waiting for on-duty uniformed officers to arrive, and gather as much accurate intelligence as possible instead of immediately intervening.

343.5.1 INTERVENTION PROCEDURE

If involvement is reasonably necessary the officer should attempt to call or have someone else call 9-1-1 to request immediate assistance. The dispatcher should be informed that an off-duty officer is on-scene and should be provided a description of the officer if possible.

Whenever practicable, the officer should loudly and repeatedly identify him/herself as an Santa Cruz Police Department officer until acknowledged. Official identification should also be displayed.

343.5.2 INCIDENTS OF PERSONAL INTEREST

Officers should refrain from handling incidents of personal interest, (e.g., family or neighbor disputes) and should remain neutral. In such circumstances officers should call the responsible agency to handle the matter.

343.5.1 NON-SWORN RESPONSIBILITIES

Non-sworn personnel should not become involved in any law enforcement actions while off-duty except to notify the local law enforcement authority and remain at the scene, if safe and practicable.

343.5.4 OTHER CONSIDERATIONS

When encountering a non-uniformed officer in public, uniformed officers should wait for acknowledgement by the non-uniformed officer in case he/she needs to maintain an undercover capability.

343.6 MANDATORY NOTIFICATIONS

All employees shall immediately notify an on duty watch commander or supervisor any time the employee is contacted, detained, or arrested by another law enforcement agency while off-duty.

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Notifications are not mandatory if the officer is a victim of a crime and seeks the assistance of law enforcement. Incidents where the employee is the subject person of a criminal investigation or criminal complaint by another agency shall be documented in memo form and forwarded up the chain of command.

Chapter 4 - Patrol Operations

Patrol Function

400.1 PURPOSE AND SCOPE

The purpose of this policy is to define the patrol function and address intraorganizational cooperation and information sharing.

400.2 POLICY

The Santa Cruz Police Department provides patrol services 24 hours a day, seven days a week and will prioritize responses to requests for emergency services using available resources to enhance the safety of the public and department members.

400.3 FUNCTION

Patrol will generally be conducted by uniformed officers in clearly marked law enforcement vehicles in assigned jurisdictional areas of Santa Cruz. The function of patrol is to respond to calls for assistance and reports of criminal activity, act as a deterrent to crime, enforce state and local laws, identify community needs, provide support and assistance to the community and respond to emergencies.

Patrol services include, but are not limited to:

- (a) Responding to emergency calls for service.
- (b) Apprehending criminal offenders.
- (c) Providing mutual aid and assistance to other agencies for emergency and law enforcement-related activities.
- (d) Preventing criminal acts, traffic violations and collisions, maintaining public order and discovering hazardous situations or conditions.
- (e) Responding to reports of criminal and non-criminal acts.
- (f) Responding to routine calls for service, such as public assistance or public safety.
- (g) Carrying out crime prevention activities such as residential inspections, business inspections and community presentations.
- (h) Carrying out community oriented policing and problem-solving activities including the application of resources to improve or resolve specific problems or situations and contacting or assisting members of the public in a positive way.
- (i) Directing and controlling traffic.

400.4 INFORMATION SHARING

To the extent feasible, all information relevant to the mission of the Department should be shared among all divisions and specialized units on a timely basis. Members should be provided with opportunities on a regular basis to share information during the daily roll calls and to attend roll calls of other divisions or specialized units.

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Patrol Function

Additionally, information should be shared with outside agencies and the public in conformance with department policies and applicable laws. Members are encouraged to share information with other units and divisions.

400.5 CROWDS, EVENTS AND GATHERINGS

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.

Bias-Based Policing

401.1 PURPOSE AND SCOPE

This policy provides guidance to department members that affirms the Santa Cruz Police Department's commitment to policing that is fair and objective.

Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the department's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, partnerships).

401.1.1 DEFINITIONS

Definitions related to this policy include:

Racial or identity profiling- (Bias-based policing) is the consideration of, or reliance on, to any degree, actual or perceived race, color, ethnicity, national origin, age, religion, gender identity or expression, sexual orientation, or mental or physical disability in deciding which persons to subject to a stop or in deciding upon the scope or substance of law enforcement activities following a stop, except that an officer may consider or rely on characteristics listed in a specific suspect description. The activities include, but are not limited to, traffic or pedestrian stops, or actions during a stop, such as asking questions, frisks, consensual and nonconsensual searches of a person or any property, seizing any property, removing vehicle occupants during a traffic stop, issuing a citation, and making an arrest (Penal Code § 13519.4).

401.2 POLICY

The Santa Cruz Police Department is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this department to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group.

401.3 BIAS-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited.

However, nothing in this policy is intended to prohibit an officer from considering protected characteristics in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns or specific schemes.

401.3.1 CALIFORNIA RELIGIOUS FREEDOM ACT

Members shall not collect information from a person based on religious belief, practice, affiliation, national origin or ethnicity unless permitted under state or federal law (Government Code § 8310.3).

Members shall not assist federal government authorities (Government Code § 8310.3):

- (a) In compiling personal information about a person's religious belief, practice, affiliation, national origin or ethnicity.

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- (b) By investigating, enforcing or assisting with the investigation or enforcement of any requirement that a person register with the federal government based on religious belief, practice, or affiliation, or national origin or ethnicity.

401.4 MEMBER RESPONSIBILITIES

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.

401.4.1 REASON FOR CONTACT

Officers contacting a person shall be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual.

To the extent that written documentation would otherwise be completed (e.g., arrest report, field interview (FI) card), the involved officer should include those facts giving rise to the contact, as applicable.

Except for required data-collection forms or methods, nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.

401.4.2 REPORTING OF STOPS

Unless an exception applies under 11 CCR 999.227, an officer conducting a stop of a person shall collect the data elements required by 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 Santa Cruz Police Department is the primary agency, the Santa Cruz Police Department officer shall collect the data elements and prepare the stop data report (11 CCR 999.227).

The stop data report shall be completed by the end of the officer's shift (11 CCR 999.227).

401.4.3 DISCLOSURE AND DOCUMENTATION OF TRAFFIC OR PEDESTRIAN STOP

An officer conducting a traffic or pedestrian stop shall state the reason for the stop prior to questioning the individual related to a criminal investigation or traffic violation unless the officer reasonably believes that withholding the reason for the stop is necessary to protect life or property from imminent threat, including but not limited to cases of terrorism or kidnapping (Vehicle Code § 2806.5).

Officers shall document the reason for the stop on any citation or report (Vehicle Code § 2806.5).

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401.5 SUPERVISOR RESPONSIBILITIES

Supervisors should monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations in accordance with the Personnel Complaints Policy.

- (a) Supervisors should discuss any issues with the involved officer and his/her supervisor in a timely manner.
 - 1. Supervisors should document these discussions, in the prescribed manner.
- (b) Each shift a Supervisors should conduct one daily audit of a MAV recordings, portable audio/video recordings, Mobile Data Terminal (MDT) data and any other available resource used to document contact between officers and the public to ensure compliance with the policy.
 - (a) Supervisors should document these periodic reviews.
 - (b) Recordings or data that capture a potential instance of bias-based policing should be appropriately retained for administrative investigation purposes.
- (c) Supervisors shall initiate investigations of any actual or alleged violations of this policy.
- (d) Supervisors should take prompt and reasonable steps to address any retaliatory action taken against any member of this department who discloses information concerning bias-based policing.
- (e) Supervisors shall conduct at least two stop data audits per shift. These audits will be documented in the corresponding shift supervisor's log.
- (f) The Professional Standards Unit will conduct a quarterly review of the stop data to ensure compliance with state law and this policy.

401.6 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

The Professional Standards Unit 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 Manager for required reporting to the DOJ (Penal Code § 13012; Penal Code § 13020). See the Records Unit Policy.

Supervisors should ensure that data stop reports are provided to the Records Manager for required annual reporting to the DOJ (Government Code § 12525.5) (See Records Bureau Policy).

401.7 ADMINISTRATION

Each year, the Administration Deputy Chief should review the efforts of the Department to provide fair and objective policing and submit an annual report, including public concerns and complaints, to the Chief of Police.

The annual report should not contain any identifying information about any specific complaint, member of the public or officers. It should be reviewed by the Chief of Police to identify any changes in training or operations that should be made to improve service.

Supervisors should review the annual report and discuss the results with those they are assigned to supervise.

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401.8 TRAINING

Training on fair and objective policing and review of this policy shall be conducted annually and include:

- (a) Explicit and implicit biases.
- (b) Avoiding improper profiling.

401.8.1 ADDITIONAL STATE REQUIREMENTS

Training should be conducted as directed by the Training Unit.

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

Roll Call Training

402.1 PURPOSE AND SCOPE

Roll Call training is generally conducted at the beginning of the officer's assigned shift. Roll Call provides an opportunity for important exchange between employees and supervisors. A supervisor generally will conduct Roll Call; however officers may conduct Roll Call for training purposes with supervisor approval.

Roll Call should accomplish, at a minimum, the following basic tasks:

- (a) Briefing officers with information regarding daily patrol activity, with particular attention given to unusual situations and changes in the status of wanted persons, stolen vehicles, and major investigations
- (b) Notifying officers of changes in schedules and assignments
- (c) Notifying officers of new Departmental Directives or changes in Departmental Directives
- (d) Reviewing recent incidents for training purposes
- (e) Providing training on a variety of subjects

402.2 PREPARATION OF MATERIALS

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

402.3 RETENTION OF ROLL CALL TRAINING RECORDS

Roll Call training materials and a curriculum or summary shall be forwarded to the Training Manager for inclusion in training records, as appropriate.

Crime and Disaster Scene Integrity

403.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance in handling a major crime or disaster.

403.2 POLICY

It is the policy of the Santa Cruz Police Department to secure crime or disaster scenes so that evidence is preserved, and to identify and mitigate the dangers associated with a major crime or disaster scene for the safety of the community and those required to enter or work near the scene.

403.3 SCENE RESPONSIBILITY

The first officer at the scene of a crime or major incident is generally responsible for the immediate safety of the public and preservation of the scene. Officers shall also consider officer safety and the safety of those persons entering or exiting the area, including those rendering medical aid to any injured parties. Once an officer has assumed or been assigned to maintain the integrity and security of the crime or disaster scene, the officer shall maintain the crime or disaster scene until he/she is properly relieved by a supervisor or other designated person.

403.4 FIRST RESPONDER CONSIDERATIONS

The following list generally describes the first responder's function at a crime or disaster scene. This list is not intended to be all-inclusive, is not necessarily in order and may be altered according to the demands of each situation:

- (a) Broadcast emergency information, including requests for additional assistance and resources.
- (b) Provide for the general safety of those within the immediate area by mitigating, reducing or eliminating threats or dangers.
- (c) Locate or identify suspects and determine whether dangerous suspects are still within the area.
- (d) Provide first aid to injured parties if it can be done safely.
- (e) Evacuate the location safely as required or appropriate.
- (f) Secure the inner perimeter.
- (g) Protect items of apparent evidentiary value.
- (h) Secure an outer perimeter.
- (i) Identify potential witnesses.
- (j) Start a chronological log noting critical times and personnel allowed access.

403.5 SEARCHES

Officers arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims, and to determine if suspects are present and continue to pose a threat. Once officers are satisfied that no additional suspects are present and/or there are no injured

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persons to be treated, those exigent circumstances will likely no longer exist. Officers should thereafter secure the scene and conduct no further search until additional or alternate authority for the search is obtained, such as consent or a search warrant.

403.5.1 CONSENT

When possible, officers should seek written consent to search from authorized individuals. However, in the case of serious crimes or major investigations, it may be prudent to also obtain a search warrant. Consent as an additional authorization may be sought, even in cases where a search warrant has been granted.

403.6 EXECUTION OF HEALTH ORDERS

Any sworn member of this department is authorized to enforce all orders of the local health officer that have been issued for the purpose of preventing the spread of any contagious, infectious or communicable disease (Health and Safety Code § 120155).

Emergency Services Unit

404.1 PURPOSE AND SCOPE

The Emergency Services Unit ESU is comprised of two specialized teams: the Hostage Negotiation Team (CNT), the Tactical Team, and the Dive Team. These units have been established to provide specialized support in handling critical field operations where intense negotiations and/or special tactical deployment, and dive/rescue/recovery 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).

404.1.1 OPERATIONAL AND ADMINISTRATIVE POLICY

The Policy Manual sections pertaining to the Emergency Services Unit are divided into Administrative and Operational Policy and Procedures. Since situations that necessitate the need for such a police response vary greatly from incident to incident and such events often demand on-the-scene evaluation, the Operational Policy outlined in this manual section serves as a guideline to department personnel allowing for appropriate on scene decision making as required. The Administrative Procedures, however, are more restrictive and few exceptions should be taken.

404.2 COMMAND OF THE EMERGENCY SERVICES UNIT (ESU)

The Emergency Services Unit Commander is a Lieutenant.

404.2.1 TEAM MANAGERS

Each specialized team shall be managed by a Lieutenant assigned by the Deputy Chief of Operations. The Team Manager shall be responsible to coordinate all aspects of the team, including deployment, acquisition of equipment, and training. Team Supervisors will be under the direction of the Team Manager. There may be one or more Team Supervisors and a secondary Team Manager assigned to the team. The decision to assign a Team Supervisor or secondary Team Manager shall rest with the Deputy Chief of Operations.

404.2.2 TEAM ASSIGNMENTS

The Emergency Services Unit is a voluntary assignment in nature. Personnel who are selected are not guaranteed a length of assignment and may be rotated out of the unit by the Deputy Chief of Operations. These rotations are normal and not disciplinary or subject to the grievance process.

404.3 CRISIS NEGOTIATION TEAM ADMINISTRATIVE PROCEDURES

The Hostage Negotiation Team has been established to provide skilled verbal communicators who may be utilized to attempt to de-escalate and effect surrender in critical situations where suspects have taken hostages, barricaded themselves, or have suicidal tendencies.

The following procedures serve as directives for the administrative operation of the Hostage Negotiation Team.

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404.3.1 SELECTION OF PERSONNEL

Interested sworn personnel, who are off probation, shall submit a change of assignment request to their appropriate Deputy Chief. A copy will be forwarded to the ESU Commander and the Hostage Negotiation Team supervisor. Qualified applicants will then be invited to an oral interview. The oral board will consist of the ESU Commander, the Hostage Negotiation Team supervisor, and a third person to be selected by the two. Interested personnel shall be evaluated by the following criteria:

- (a) Recognized competence and ability as evidenced by performance.
- (b) Demonstrated good judgment and understanding of critical role of negotiator and negotiation process.
- (c) Effective communication skills to ensure success as a negotiator.
- (d) Special skills, training, or appropriate education as it pertains to the assignment.
- (e) Commitment to the unit, realizing that the assignment may necessitate unusual working hours, conditions, and training obligations.

The oral board shall submit a list of successful applicants to staff for final selection.

404.3.2 TRAINING OF NEGOTIATORS

Those officers selected as members of the Negotiation Team should attend the Basic Negotiators Course as approved by the Commission on Peace Officer Standards and Training (POST) prior to primary use in an actual crisis situation. Untrained officers may be used in a support or training capacity. Additional training will be coordinated by the team supervisor.

A minimum of two training days per year will be required to provide the opportunity for role playing and situational training necessary to maintain proper skills. This will be coordinated by the team supervisor.

Continual evaluation of a team member's performance and efficiency as it relates to the positive operation of the unit shall be conducted by the team supervisor. Performance and efficiency levels, established by the team supervisor, will be met and maintained by all team members. Any member of the Negotiation Team who performs or functions at a level less than satisfactory shall be subject to dismissal from the unit.

404.4 TACTICAL 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.

404.4.1 SELECTION OF PERSONNEL

Interested sworn personnel who are off probation shall submit a change of assignment request to their appropriate Deputy Chief, a copy of which will be forwarded to the ESU Commander and other Tactical supervisors. Those qualifying applicants will then be invited to participate in the

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testing process. The order of the tests will be given at the discretion of the ESU Commander. The testing process will consist of an oral board, physical agility, Tactical basic handgun, and team evaluation.

- (a) Oral board: The oral board will consist of personnel selected by the ESU Commander. Applicants will be evaluated by the following criteria:
 - 1. Recognized competence and ability as evidenced by performance;
 - 2. Demonstrated good judgment and understanding of critical role of Tactical member;
 - 3. Special skills, training, or appropriate education as it pertains to this assignment; and,
 - 4. Commitment to the unit, realizing that the additional assignment may necessitate unusual working hours, conditions, and training obligations.
- (b) Physical agility: The physical agility test is designed to determine the physical capabilities of the applicant as it relates to performance of Tactical-related duties. The test and scoring procedure will be established by the ESU Commander. A minimum qualifying score shall be attained by the applicant to be considered for the position.
- (c) Tactical basic handgun: Candidates will be invited to shoot the most current course for both handgun and carbine. Applicants must obtain the minimum qualifying score.
- (d) Team evaluation: Current team members will evaluate each candidate on his or her field tactical skills, teamwork, ability to work under stress, communication skills, judgment, and any special skills that could benefit the team.
- (e) A list of successful applicants shall be submitted to staff, by the ESU Commander, for final selection.

404.4.2 TRAINING OF TACTICAL TEAM MEMBERS

Personnel selected as members of the Tactical Team shall attend and pass a Department selected P.O.S.T. approved 80 hour Basic Special Weapons and Tactics type course prior to becoming an active member of the team who performs critical mission tasks. Additional training will be coordinated by the Team Manager. Team members are required to participate in team training. Any team member who fails to attend training, will be placed on inactive status until the team member has reviewed the missed training material with a Team Supervisor or Team Manager. Team members who continually have unexcused absences from training will be rotated off of the team.

Officers and Sergeants assigned to the Team must pass the physical agility test on an annual basis and E.S.U. firearms qualification courses on a quarterly basis. The Team Manager will schedule these tests. If the team member fails to pass these tests, they will immediately be placed on inactive status. The Team Manager will schedule another test 30 days later. If the team member does not pass the test, they will be rotated off of the team. Continual evaluation of a team member's performance and efficiency as it relates to the positive operation of the team/unit shall be conducted by the Team Manager. The Team Manager may recommend rotation of personnel

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off of the team at any time to the Deputy Chief of Operations. The Deputy Chief of Operations maintains the authority for rotation of team members. Rotation off the team can be based upon failure to attend training, poor performance, or other actions that reflect negatively on the team.

404.5 DIVE TEAM ADMINISTRATIVE PROCEDURES

The Dive Team has been established to provide a skilled and trained team to be deployed in a marine environment for purposes of arrest, rescue, recovery, and general support of the law enforcement mission. The following procedures serve as directives for the administrative operation of the Dive Team.

404.5.1 SELECTION OF PERSONNEL

During an established filing period, interested sworn personnel who are off probation and possess a valid N.A.U.I. or P.A.D.I. dive certification, shall submit a written request to the Deputy Chief of Operations requesting consideration for appointment to the team. Applicants will be scheduled for a check-out dive by the dive team commander (attachment C). The check-out dive is designed to determine the physical capabilities of the applicant as it relates to performance of dive team duties. The check-out dive is pass/fail. Applicants will then be interviewed by an oral panel designated by the Deputy Chief of Operations. Interested personnel shall be evaluated by the following criteria:

- (a) Work history as evidenced by past job performance including a review of the personnel file;
- (b) Demonstrated good judgment and understanding of the critical role of a dive team member;
- (c) Skills, training, and education as it pertains to the assignment;
- (d) Willingness to work unusual working hours and attend required training.

The oral panel shall submit a list of successful candidates to the Deputy Chief of Operations. The Deputy Chief of Operations will make the final selection for assignment to the team after consultation with the Chief of Police.

404.5.2 TRAINING OF DIVE TEAM MEMBERS

Personnel selected as members of the dive team shall be placed on active status. Team members are required to participate in a minimum of twelve team training dives annually as scheduled by the Team Manager. Any team member who fails to attend training will be placed on inactive status until completing the next scheduled team training day. If the team member fails to complete the next scheduled training day, they will be rotated off of the team. Team members must pass the check-out dive on an annual basis. The Team Manager will schedule the check-out dive. If the team member fails to pass the check-out dive, they will immediately be placed on inactive status. The Team Manager will schedule another check-out dive 30 days later. If the team member does not pass the check-out dive, they will be rotated off of the team. Continual evaluation of a team member's performance and efficiency as it relates to the positive operation of the team/unit shall be conducted by the Team Manager. The Team Manager may recommend rotation of personnel

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off of the team at any time to the Deputy Chief of Operations. The Deputy Chief of Operations maintains the authority for rotation of team members.

404.5.3 OPERATIONAL READINESS INSPECTIONS

The ESU Commander shall appoint a ESU supervisor to perform operational readiness inspections of all unit equipment at least quarterly. The result of the inspection will be forwarded to the ESU Commander in writing. The inspection will include personal equipment issued to members of the unit, operational equipment maintained in the ESU facility and equipment maintained or used in ESU vehicles.

404.6 OPERATION GUIDELINES FOR THE EMERGENCY

The following procedures serve as guidelines for the operational deployment of the Emergency Services Unit. Generally, the Negotiations Team and the Tactical Team will be activated together however, it is recognized that the Tactical Team may be used in a situation not requiring the physical presence of the Negotiation Team such as warrant service operations. The Tactical Team Manager shall make this determination.

404.6.1 APPROPRIATE SITUATIONS FOR USE

The following are examples of incidents which may result in the activation of the Emergency Services Unit:

- (a) Barricaded suspects who refuse an order to surrender.
- (b) Incidents where hostages are taken.
- (c) Cases of suicide threats.
- (d) High risk arrests/warrants service
- (e) Recovery/Rescue operations in marine environment.
- (f) Any situation that could enhance the ability to preserve life, maintain social order, and ensure the protection of property.

404.6.2 MOBILIZATION OF EMERGENCY SERVICES UNIT

The On-Scene supervisor shall make a request to the Watch Commander for the Emergency Services Unit. The Watch Commander shall then notify the ESU Commander. If unavailable, a team supervisor shall be notified. A current mobilization list shall be maintained in the Watch Commander's office by the ESU Commander. The Watch Commander will then notify the Operations Deputy Chief as soon as practical.

The Watch Commander should advise the ESU Commander with as much of the following information which is available at the time:

- (a) The number of suspects, known weapons and resources.
- (b) If the suspect is in control of hostages.
- (c) If the suspect is barricaded.
- (d) The type of crime involved.

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- (e) If the suspect has threatened or attempted suicide.
- (f) The location of the command post and a safe approach to it.
- (g) The extent of any perimeter and the number of officers involved.
- (h) Any other important facts critical to the immediate situation and whether the suspect has refused an order to surrender.

The ESU Commander or supervisor shall then call selected officers to respond.

404.6.3 FIELD UNIT RESPONSIBILITIES

While waiting for the Emergency Services Unit, field personnel should, if safe, practical and sufficient resources exist:

- (a) Establish an inner and outer perimeter.
- (b) Establish a command post outside of the inner perimeter.
- (c) Establish an arrest/response team. The team actions may include:
 - 1. Securing any subject or suspect who may surrender.
 - 2. Taking action to mitigate a deadly threat or behavior.
- (d) Evacuate any injured persons or citizens in the zone of danger.
- (e) Attempt to establish preliminary communication with the suspect. Once the CRU has arrived, all negotiations should generally be halted to allow the negotiators and SWAT time to set up.
- (f) Be prepared to brief the CRU Commander on the situation.
- (g) Plan for, and stage, anticipated resources.

404.6.4 ON-SCENE COMMAND RESPONSIBILITIES

Upon arrival of the Emergency Services Unit at the scene, the Incident Commander shall brief the ESU Commander and team supervisors about the situation. Upon review, it will be the Incident Commander's decision, with input from the ESU Commander, whether to deploy the Emergency Services Unit. Once the Incident Commander authorizes deployment, the ESU Commander will be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the command post operation, outer perimeter security, and support for the Emergency Services Unit. The Incident Commander and the ESU Commander (or his or her designee) shall maintain communications at all times.

404.6.5 OUTSIDE AGENCY REQUESTS

Requests by field personnel for assistance from outside agency crisis units must be approved by the Watch Commander. Deployment of the Santa Cruz Police Department Emergency Services Unit in response to requests by other agencies must be authorized by a Deputy Chief.

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404.6.3 MULTI-JURISDICTIONAL ESU OPERATIONS

The Tactical team, including relevant specialized units and supporting resources, should develop protocols, agreements, MOU's, or working relationships to support multi-jurisdictional or regional responses.

- (a) If it is anticipated that multi-jurisdictional SWAT operations will regularly be conducted; SWAT multi-agency and multi-disciplinary joint training exercises are encouraged.
- (b) Members of the Santa Cruz Police Department ESU team shall operate under the policies, procedures and command of the Santa Cruz Police Department when working in a multi-agency situation.

404.6.7 COMMUNICATION WITH EMERGENCY SERVICES UNIT PERSONNEL

All of those persons who are non-Emergency Services Unit 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 Team personnel directly. All non-emergency communications shall be channeled through the Negotiation Team Sergeant or his or her designee.

404.7 UNIFORMS, EQUIPMENT, AND FIREARMS

404.7.1 OPERATIONAL READINESS INSPECTIONS

The ESU Commander shall appoint a ESU supervisor to perform operational readiness inspections of all unit equipment at least quarterly. The result of the inspection will be forwarded to the ESU Commander in writing. The inspection will include personal equipment issued to members of the unit, operational equipment maintained in the ESU facility and equipment maintained or used in ESU vehicles.

404.7.2 UNIFORMS

ESU teams from this agency should wear uniforms that clearly identify team members as law enforcement officers. It is recognized that certain tactical conditions may require covert movement. Attire may be selected appropriate to the specific mission.

404.7.3 FIREARMS

Weapons and equipment used by the Tactical Team, the specialized units, and the supporting resources should be agency-issued or approved, including any modifications, additions, or attachments.

Team Members must qualify with their handgun and carbine on the most current firearms qualification course on file. Team members must qualify when testing for the team and then must qualify quarterly (4 times a year) as a member of the team.

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Emergency Services Unit

404.7.4 PHYSICAL AGILITY

Team members must complete the current physical agility course that is on file. The physical agility course must be completed when testing for the position and must be completed annually as a member of the team.

Emergency Services Unit Dive Team/Testing

405.1 PURPOSE AND SCOPE

The Dive Team has been established to provide a skilled and trained team to be deployed in a marine environment for purposes of arrest, rescue, recovery, and general support of the law enforcement mission. The following procedures serve as directives for the administrative operation of the Dive Team.

405.1.1 SELECTION OF PERSONNEL

During an established filing period, interested sworn personnel who are off probation and possess a valid N.A.U.I. or P.A.D.I. dive certification, shall submit a written request to the Deputy Chief of Operations requesting consideration for appointment to the team. Applicants will be scheduled for a check-out dive by the dive team commander. The check-out dive is designed to determine the physical capabilities of the applicant as it relates to performance of dive team duties. The check-out dive is pass/fail. Applicants will then be interviewed by an oral panel designated by the Deputy Chief of Operations. Interested personnel shall be evaluated by the following criteria:

- (a) Work history as evidenced by past job performance including a review of the personnel file;
- (b) Demonstrated good judgment and understanding of the critical role of a dive team member;
- (c) Skills, training, and education as it pertains to the assignment;
- (d) Willingness to work unusual working hours and attend required training.

The oral panel shall submit a list of successful candidates to the Deputy Chief of Operations. The Deputy Chief of Operations will make the final selection for assignment to the team after consultation with the Chief of Police.

405.1.2 TRAINING OF DIVE TEAM MEMBERS

Personnel selected as members of the dive team shall be placed on active status. Team members are required to participate in a minimum of twelve team training dives annually as scheduled by the Team Manager. Any team member who fails to attend training will be placed on inactive status until completing the next scheduled team training day. If the team member fails to complete the next scheduled training day, they will be rotated off of the team. Team members must pass the check-out dive on an annual basis. The Team Manager will schedule the check-out dive. If the team member fails to pass the check-out dive, they will be immediately placed on inactive status. The Team Manager will schedule another check-out dive 30 days later. If the team member does not pass the check-out dive, they will be rotated off of the team. Continual evaluation of a team member's performance and efficiency as it relates to the positive operation of the team/unit shall be conducted by the Team Manager. The Team Manager may recommend rotation of person off of the team at any time to the Deputy Chief of Operations. The Deputy Chief of Operations maintains the authority for rotation of team members.

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Emergency Services Unit Dive Team/Testing

405.2 EMERGENCY SERVICES UNIT TESTING

405.2.1 SCUBA DIVING/SWIM SKILLS TEST

- (a) Swim 25 yards underwater continuously.
- (b) Swim 250 meters unassisted freestyle.
- (c) Tread water for a period of 10 minutes unassisted.
- (d) At a depth of 20 feet or more, flood mask and purge mask.
- (e) At a depth of 20 feet or more, completely remove and replace mask then purge mask.
- (f) At a depth of 20 feet or more, remove regulator while continuously blowing bubbles. Recover regulator by pushing up the tank from the bottom and reaching the regulator hose from the rear. Purge regulator and re-insert regulator.
- (g) Repeat the above exercise by using the arm sweep motion to recover the regulator, purge regulator, and re-insert regulator.
- (h) At a depth of 20 feet or more, remove BC and fins. While underwater put gear back on.
- (i) Demonstrate buoyancy control.
- (j) Demonstrate proficiency in a 50 yard kelp swim in full gear.

Ride-Along Policy

406.1 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.

406.1.1 ELIGIBILITY

The Santa Cruz Police Department Ride-Along Program is offered to residents, students and those employed within the City. Every attempt will be made to accommodate interested persons however any applicant may be disqualified without cause.

The following factors may be considered in disqualifying an applicant and are not limited to:

- Being under 14 years of age (18 after 2200hrs)
- Prior criminal history
- Pending criminal action
- Pending lawsuit against the Department
- Denial by any supervisor

406.1.2 AVAILABILITY

The Ride-Along Program is available on most days of the week, with certain exceptions established by the Operations Division.

406.2 PROCEDURE TO REQUEST A RIDE-ALONG

Generally, ride-along requests will be scheduled by the Operations Division Administrative Assistant. The participant will complete a ride-along waiver form. Information requested will include a valid ID or California driver's license, address, and telephone number. If the participant is under 18 years of age, a parent/guardian must be present to complete the Ride-Along Form.

The Operations Division Administrative Assistant will schedule a date, based on availability, at least one week after the date of application. If approved, the completed waiver will be routed to the appropriate field supervisor. When the ride-along is completed, the completed waiver will be re-route to the Operations Division Administrative Assistant.

If the ride-along is denied after the request has been made, the Operations Division Administrative Assistant will contact the applicant and advise him/her of the denial. The applicant will be directed to a Watch Commander if they want to dispute the denial.

406.2.1 PROGRAM REQUIREMENTS

Once approved, civilian ride-alongs will be allowed to ride no more than once every twelve months. An exception would be police applicants, and all others with approval of the Watch Commander.

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Ride-Along Policy

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.

The length of the ride-along may be determined by the shift supervisor. A minimum of two hours and a maximum of six hours is suggested. Police Officer applicants may ride longer if approved.

406.2.2 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 at the discretion of the supervisor or officer assigned to the ride-along. The Watch Commander or field supervisor may refuse a ride along to anyone not properly dressed.

406.2.3 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.

406.2.4 RIDE-ALONG CRIMINAL HISTORY CHECK

All Ride-along applicants are subject to a criminal history check. The criminal history check may include a local records check and a Department of Justice Automated Criminal History System check through CLETS prior to their approval as a ride-along with a law enforcement officer (provided that the ride-along is not an employee of the Santa Cruz Police Department) (CLETS Policies, Practices and Procedures Manual § 1.6.1.F.2.).

406.3 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.

406.4 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

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- (c) The ride-along may terminate the ride at any time and the officer may return the observer to their home or to the station if the ride-along interferes with the performance of the officer's duties
- (d) Ride-alongs may be allowed to continue riding during the transportation and booking process provided this does not jeopardize their safety
- (e) Officers will not allow any ride-alongs to be present in any residences or situations that would jeopardize their safety or cause undue stress or embarrassment to a victim or any other citizen
- (f) Under no circumstance shall a civilian ride along be permitted to enter a private residence with an officer without the expressed consent of the resident or other authorized person

Hazardous Material Response

407.1 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.

407.1.1 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.

407.2 HAZARDOUS MATERIAL RESPONSE

Members may encounter situations involving suspected hazardous materials, such as at the scene of a traffic accident, chemical spill, or fire. When members come into contact with a suspected hazardous material, certain steps should be taken to protect themselves and citizens.

The following steps should be considered at any scene involving suspected hazardous materials:

- (a) Attempt to identify the type of hazardous substance. (Identification can be determined by placard, driver's manifest, or statements from the person transporting).
- (b) Notify the fire department.
- (c) Provide first-aid for injured parties if it can be done safely and without contamination.
- (d) Begin evacuation of the immediate area and surrounding areas, depending on the substance. Voluntary evacuation should be considered; however, depending on the substance, mandatory evacuation may be necessary.
- (e) Notify the local health authority. Such notification is mandatory when a spilled or released item is a pesticide (Health and Safety Code § 105215).
- (f) Notify the Department of Toxic Substances Control. This is mandatory when an officer comes in contact with, or is aware of, the presence of a suspected hazardous substance at a site where an illegal controlled substance is or was manufactured (Health and Safety Code § 79355).

407.3 REPORTING EXPOSURE

Department members who believe that they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Each exposure shall be documented by the member in an employee memorandum that shall be forwarded via chain of command to the Watch Commander as soon as practicable. Should the affected member be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the report.

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Hazardous Material Response

Injury or illness caused or believed to be caused from exposure to hazardous materials shall be reported the same as any other on-duty injury or illness in addition to a crime report or incident report as applicable.

407.3.1 SUPERVISOR RESPONSIBILITY

When a supervisor has been informed that a member has been exposed to a hazardous material, the supervisor shall ensure that immediate medical treatment is obtained and appropriate action is taken to lessen the exposure.

To ensure the safety of members, safety equipment is available through supervisory personnel. Safety items not maintained by the Department will be obtained through the fire department.

Hostage and Barricade Incidents

408.1 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.

408.1.1 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.

408.2 POLICY

It is the policy of the Santa Cruz 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.

The Santa Cruz Police Department recognizes and understands not all suicidal subjects are considered barricaded or require an ESU and/or Negotiator response or immediate police action. There is a distinction between an armed barricaded **suspect** wanted for a crime, and barricaded **subject** who has not committed a crime but only expressed the desire to commit suicide. It is not a criminal act to express the desire or even attempt to commit suicide, and suicidal or mentally ill persons are afforded the same level of legal protection as everyone else.

408.3 COMMUNICATION

When circumstances permit, initial responding officers should try to establish and maintain lines of communication with a barricaded person or hostage-taker. Officers should attempt to identify any additional subjects, inquire about victims and injuries, seek the release of hostages, gather intelligence information, identify time-sensitive demands or conditions and obtain the suspect's surrender.

When dealing with involved family members, officers should avoid making any promises to family members or loved ones that would suggest a special relationship has been created. Officers

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should attempt to establish the concerned parties' expectations of on-scene law enforcement personnel.

When available, department-authorized negotiators should respond to the scene as soon as practicable and assume communication responsibilities. Negotiators are permitted to exercise flexibility in each situation based upon their training, the circumstances presented, suspect actions or demands and the available resources.

408.3.1 EMERGENCY COMMUNICATIONS

Only an officer who has been designated by the District Attorney or Attorney General may use or authorize the use of an electronic amplifying or recording device to eavesdrop on or record, or both, oral communication in response to an emergency situation involving a hostage or the barricading of a location, and only when (Penal Code § 633.8(b)):

- (a) The officer reasonably determines an emergency situation exists that involves the immediate danger of death or serious physical injury to any person within the meaning of 18 USC § 2518(7)(a)(i),
- (b) The officer reasonably determines that the emergency situation requires that eavesdropping on oral communication occur immediately, and
- (c) There are grounds upon which an order could be obtained pursuant to 18 USC § 2516(2).
- (d) An application for an order approving the eavesdropping and complying with the requirements of Penal Code § 629.50 is made within 48 hours of the beginning of the eavesdropping.
- (e) The contents of any oral communications overheard are recorded on tape or other comparable device.

408.4 FIRST RESPONDER CONSIDERATIONS

First responding officers should promptly and carefully evaluate all available information to determine whether an incident involves, or may later develop into, a hostage or barricade situation.

The first responding officer should immediately request a supervisor's response as soon as it is determined that a hostage or barricade situation exists. The first responding officer shall assume the duties of the supervisor until relieved by a supervisor or a more qualified responder. The officer shall continually evaluate the situation, including the level of risk to officers, to the persons involved and to bystanders, and the resources currently available.

The handling officer should brief the arriving supervisor of the incident, including information about suspects and victims, the extent of any injuries, additional resources or equipment that may be needed, and current perimeters and evacuation areas.

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408.4.1 BARRICADE SITUATION

Unless circumstances require otherwise, officers handling a barricade situation should attempt to avoid a forceful confrontation in favor of stabilizing the incident by establishing and maintaining lines of communication while awaiting the arrival of specialized personnel and trained negotiators. During the interim the following options, while not all-inclusive or in any particular order, should be considered:

- (a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.
- (b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.
- (c) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).
- (d) Provide responding emergency personnel with a safe arrival route to the location.
- (e) Evacuate uninjured persons in the immediate threat area if it is reasonably safe to do so.
- (f) Attempt or obtain a line of communication and gather as much information on the subject as possible, including weapons, other involved parties, additional hazards or injuries.
- (g) Establish an inner and outer perimeter as circumstances require and resources permit to prevent unauthorized access.
- (h) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.
- (i) Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the Community Relations Specialist (Community Relations Specialist).
- (j) If necessary and available, establish a tactical or exclusive radio frequency for the incident.
- (k) Establish a command post.

408.4.2 HOSTAGE SITUATION

Officers presented with a hostage situation should attempt to avoid a forceful confrontation in favor of controlling the incident in anticipation of the arrival of specialized personnel and trained hostage negotiators. However, it is understood that hostage situations are dynamic and can require that officers react quickly to developing or changing threats. The following options, while not all-inclusive or in any particular order, should be considered:

- (a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.

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- (b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.
- (c) Establish a rapid response team in the event it becomes necessary to rapidly enter a building, structure or vehicle, such as when the suspect is using deadly force against any hostages (see the Rapid Response and Deployment Policy).
- (d) Assist hostages or potential hostages to escape if it is reasonably safe to do so. Hostages should be kept separated if practicable pending further interview.
- (e) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).
- (f) Provide responding emergency personnel with a safe arrival route to the location.
- (g) Evacuate uninjured persons in the immediate threat area if it is reasonably safe to do so.
- (h) Coordinate pursuit or surveillance vehicles and control of travel routes.
- (i) Attempt to obtain a line of communication and gather as much information about the suspect as possible, including any weapons, victims and their injuries, additional hazards, other involved parties and any other relevant intelligence information.
- (j) Establish an inner and outer perimeter as resources and circumstances permit to prevent unauthorized access.
- (k) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.
- (l) Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the Community Relations Specialist.
- (m) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

408.5 SUPERVISOR RESPONSIBILITIES

Upon being notified that a hostage or barricade situation exists, the supervisor should immediately respond to the scene, assess the risk level of the situation, establish a proper chain of command and assume the role of Incident Commander until properly relieved. This includes requesting a Emergency Services Unit (ESU) response if appropriate and apprising the ESU Commander of the circumstances. In addition, the following options should be considered:

- (a) Ensure injured persons are evacuated and treated by medical personnel.
- (b) Ensure the completion of necessary first responder responsibilities or assignments.
- (c) Request crisis negotiators, specialized units, additional personnel, resources or equipment as appropriate.
- (d) Establish a command post location as resources and circumstances permit.

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- (e) Designate assistants who can help with intelligence information and documentation of the incident.
- (f) If it is practicable to do so, arrange for video documentation of the operation.
- (g) Consider contacting utility and communication providers to restrict such services (e.g., restricting electric power, gas, telephone service).
 1. When considering restricting communication services, a supervisor should make the determination that there is reason to believe an emergency situation exists involving immediate danger of death or great bodily harm and that an interruption to communication services is necessary to protect public safety (Penal Code § 11471). The supervisor must ensure the Department obtains a court order, in accordance with Penal Code § 11472, prior to requesting the interruption. In the case of an extreme emergency when there is insufficient time to obtain an order prior to the request, application for the order must be submitted within six hours after initiating the interruption. If six hours is not possible, then the application for the court order shall be made at the first reasonably available opportunity, but no later than 24 hours in accordance with Penal Code § 11475.
- (h) Ensure adequate law enforcement coverage for the remainder of the City during the incident. The supervisor should direct non-essential personnel away from the scene unless they have been summoned by the supervisor or NetCom.
- (i) Identify a media staging area outside the outer perimeter and have the department Community Relations Specialist or a designated temporary media representative provide media access in accordance with the Media Relations Policy.
- (j) Identify the need for mutual aid and the transition or relief of personnel for incidents of extended duration.
- (k) Debrief personnel and review documentation as appropriate.

408.6 ESU RESPONSIBILITIES

The Incident Commander will decide, with input from the ESU Commander, whether to deploy the ESU during a hostage or barricade situation. Once the Incident Commander authorizes deployment, the ESU Commander or the authorized designee will be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the command post operation, outer perimeter security and evacuation, media access and support for the ESU. The Incident Commander and the ESU Commander or the authorized designee shall maintain communications at all times.

408.6.1 OPTIONS TO STRATEGICALLY DISENGAGE FROM BARRICADED SUSPECTS

The actions of first responders will be weighed against the information known, governmental interest, subject's actions, and efforts to deescalate the situation. First responders may choose to strategically disengage to avoid resorting to force when it is determined the primary concern is self-harm, and he/she has not committed a serious or violent crime. The decision to disengage should be in-consideration of the totality of the circumstances, including supervisory approval, and (if available) in consultation with the County Mental Health Liaison. In instances where the decision

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is made to strategically disengage, the County Mental Health Liaison or County Behavioral Health Services shall be notified when time allows. This notification provides the Mental Health Liaison information for possible contact, at a later date and time when the subject may be more receptive to intervention.

408.7 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.

Foreign Diplomatic and Consular Representatives

409.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that members of the Santa Cruz Police Department extend appropriate privileges and immunities to foreign diplomatic and consular representatives in accordance with international law.

409.2 POLICY

The Santa Cruz 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.

409.3 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.

409.4 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.

409.5 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.

409.6 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.

Response to Bomb Calls

410.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to assist members of the Santa Cruz Police Department in their initial response to incidents involving explosives, explosive devices, explosion/bombing incidents or threats of such incidents. Under no circumstances should these guidelines be interpreted as compromising the safety of first responders or the public. When confronted with an incident involving explosives, safety should always be the primary consideration.

410.2 POLICY

It is the policy of the Santa Cruz Police Department to place a higher priority on the safety of persons and the public over damage or destruction to public or private property.

410.3 RECEIPT OF BOMB THREAT

Department members receiving a bomb threat should obtain as much information from the individual as reasonably possible, including the type, placement and alleged detonation time of the device.

If the bomb threat is received on a recorded line, reasonable steps should be taken to ensure that the recording is preserved in accordance with established department evidence procedures.

The member receiving the bomb threat should ensure that the Watch Commander is immediately advised and informed of the details. This will enable the Watch Commander to ensure that the appropriate personnel are dispatched, and, as appropriate, the threatened location is given an advance warning.

410.4 GOVERNMENT FACILITY OR PROPERTY

A bomb threat targeting a government facility may require a different response based on the government agency.

410.4.1 SANTA CRUZ POLICE DEPARTMENT FACILITY

If the bomb threat is against the Santa Cruz Police Department facility, the Watch Commander will direct and assign officers as required for coordinating a general building search or evacuation of the police department, as he/she deems appropriate.

410.4.2 OTHER COUNTY OR MUNICIPAL FACILITY OR PROPERTY

If the bomb threat is against a county or municipal facility within the jurisdiction of the Santa Cruz Police Department that is not the property of this department, the appropriate agency will be promptly informed of the threat. Assistance to the other entity may be provided as the Watch Commander deems appropriate.

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410.4.3 FEDERAL BUILDING OR PROPERTY

If the bomb threat is against a federal building or property, the Federal Protective Service should be immediately notified. The Federal Protective Service provides a uniformed law enforcement response for most facilities, which may include use of its Explosive Detector Dog teams.

If the bomb threat is against a federal government property where the Federal Protective Service is unable to provide a timely response, the appropriate facility's security or command staff should be notified.

Bomb threats against a military installation should be reported to the military police or other military security responsible for the installation.

410.5 PRIVATE FACILITY OR PROPERTY

When a member of this department receives notification of a bomb threat at a location in the City of Santa Cruz, the member receiving the notification should obtain as much information as reasonably possible from the notifying individual, including:

- (a) The location of the facility.
- (b) The nature of the threat.
- (c) Whether the type and detonation time of the device is known.
- (d) Whether the facility is occupied and, if so, the number of occupants currently on-scene.
- (e) Whether the individual is requesting police assistance at the facility.
- (f) Whether there are any internal facility procedures regarding bomb threats in place, such as:
 1. No evacuation of personnel and no search for a device.
 2. Search for a device without evacuation of personnel.
 3. Evacuation of personnel without a search for a device.
 4. Evacuation of personnel and a search for a device.

The member receiving the bomb threat information should ensure that the Watch Commander is immediately notified so that he/she can communicate with the person in charge of the threatened facility.

410.5.1 ASSISTANCE

The Supervisor should be notified when police assistance is requested. The Supervisor will make the decision whether the Department will render assistance and at what level. Information and circumstances that indicate a reasonably apparent, imminent threat to the safety of either the facility or the public may require a more active approach, including police control over the facility

410.6 FOUND DEVICE

When handling an incident involving a suspected explosive device, the following guidelines, while not all inclusive, should be followed:

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- (a) No known or suspected explosive item should be considered safe regardless of its size or apparent packaging.
- (b) The device should not be touched or moved except by the bomb squad or military explosive ordnance disposal team.
- (c) Personnel should not transmit on any equipment that is capable of producing radio frequency energy within the evacuation area around the suspected device. This includes the following:
 - 1. Two-way radios
 - 2. Cell phones
 - 3. Other personal communication devices
- (d) The appropriate bomb squad or military explosive ordnance disposal team should be summoned for assistance.
- (e) The largest perimeter reasonably possible should initially be established around the device based upon available personnel and the anticipated danger zone.
- (f) A safe access route should be provided for support personnel and equipment.
- (g) Search the area for secondary devices as appropriate and based upon available resources.
- (h) Consider evacuation of buildings and personnel near the device or inside the danger zone and the safest exit route.
- (i) Promptly relay available information to the Watch Commander including:
 - 1. The time of discovery.
 - 2. The exact location of the device.
 - 3. A full description of the device (e.g., size, shape, markings, construction).
 - 4. The anticipated danger zone and perimeter.
 - 5. The areas to be evacuated or cleared.

410.7 EXPLOSION/BOMBING INCIDENTS

When an explosion has occurred, there are multitudes of considerations which may confront the responding officers. As in other catastrophic events, a rapid response may help to minimize injury to victims, minimize contamination of the scene by gathering crowds, or minimize any additional damage from fires or unstable structures.

410.7.1 CONSIDERATIONS

Officers responding to explosions, whether accidental or a criminal act, should consider the following actions:

- (a) Assess the scope of the incident, including the number of victims and extent of injuries.
- (b) Request additional personnel and resources, as appropriate.
- (c) Assist with first aid.

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- (d) Identify and take appropriate precautions to mitigate scene hazards, such as collapsed structures, bloodborne pathogens and hazardous materials.
- (e) Assist with the safe evacuation of victims, if possible.
- (f) Establish an inner perimeter to include entry points and evacuation routes. Search for additional or secondary devices.
- (g) Preserve evidence.
- (h) Establish an outer perimeter and evacuate if necessary.
- (i) Identify witnesses.

410.7.1 NOTIFICATIONS

When an explosion has occurred, the following people should be notified as appropriate:

- Fire department
- Bomb squad
- Additional department personnel, such as investigators and forensic services
- Field supervisor
- Watch Commander
- Other law enforcement agencies, including local, state or federal agencies, such as the FBI and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)
- Other government agencies, as appropriate

410.7.4 CROWD CONTROL

Only authorized members with a legitimate need should be permitted access to the scene. Spectators and other unauthorized individuals should be restricted to a safe distance as is reasonably practicable given the available resources and personnel.

410.7.4 PRESERVATION OF EVIDENCE

As in any other crime scene, steps should immediately be taken to preserve the scene. The Watch Commander should assign officers to protect the crime scene area, which could extend over a long distance. Consideration should be given to the fact that evidence may be imbedded in nearby structures or hanging in trees and bushes.

Mental Illness Commitments

411.1 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).

411.2 POLICY

It is the policy of the Santa Cruz Police Department to protect the public and individuals through legal and appropriate use of the 72-hour treatment and evaluation commitment (5150 commitment) process.

411.3 AUTHORITY

An officer having probable cause may take a person into custody and place the person in an approved mental health facility for 72-hour treatment and evaluation when the officer believes that, as a result of a mental disorder, the person is a danger to him/herself or others or the person is gravely disabled (Welfare and Institutions Code § 5150; Welfare and Institutions Code § 5585.50).

When determining whether to take a person into custody, officers are not limited to determining the person is an imminent danger and shall consider reasonably available information about the historical course of the person's mental disorder, which may include evidence presented from any of the following (Welfare and Institutions Code § 5150; Welfare and Institutions Code § 5150.05):

- (a) An individual who is providing or has provided mental health treatment or related support services to the person
- (b) A family member
- (c) The person subject to the determination or anyone designated by the person

411.3.1 VOLUNTARY EVALUATION

If an officer encounters an individual who may qualify for a 5150 commitment, he/she may inquire as to whether the person desires to voluntarily be evaluated at an appropriate facility. If the person so desires, the officers should:

- (a) Transport the person to an appropriate facility that is able to conduct the evaluation and admit the person pursuant to a 5150 commitment.
- (b) If at any point the person changes his/her mind regarding voluntary evaluation, officers should proceed with the 5150 commitment, if appropriate.
- (c) Document the circumstances surrounding the individual's desire to pursue voluntary evaluation and/or admission. Documentation can be completed through CAD notes unless circumstances warrant a police report.

411.4 CONSIDERATIONS AND RESPONSIBILITIES

Any officer handling a call involving an individual who may qualify for a 5150 commitment should consider, as time and circumstances reasonably permit:

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- (a) Available information that might assist in determining the cause and nature of the person's action or stated intentions.
- (b) Community or neighborhood mediation services.
- (c) Conflict resolution and de-escalation techniques.
- (d) Community or other resources available to assist in dealing with mental health issues.

While these steps are encouraged, nothing in this section is intended to dissuade officers from taking reasonable action to ensure the safety of the officers and others.

Officers should consider a 5150 commitment over arrest when mental health issues appear to be a mitigating factor for people who are suspected of committing minor crimes or creating other public safety issues.

411.4.1 SECURING OF PROPERTY

When a person is taken into custody for evaluation, or within a reasonable time thereafter, and unless a responsible relative, guardian or conservator is in possession of the person's personal property, the officer shall take reasonable precautions to safeguard the individual's personal property in his/her possession or on the premises occupied by the person (Welfare and Institutions Code § 5150).

The officer taking the person into custody shall provide a report to the court that describes the person's property and its disposition in the format provided in Welfare and Institutions Code § 5211, unless a responsible person took possession of the property, in which case the officer shall only include the name of the responsible person and the location of the property (Welfare and Institutions Code § 5150).

411.5 TRANSPORTATION

When transporting any individual for a 5150 commitment, the transporting officer should have NetCom notify the receiving facility of the estimated time of arrival, the level of cooperation of the individual and whether any special medical care is needed.

Officers may transport individuals in a patrol unit and shall secure them in accordance with the Handcuffing and Restraints Policy. Should the detainee require transport in a medical transport vehicle and the safety of any person, including the detainee, requires the presence of an officer during the transport, Watch Commander approval is required before transport commences.

411.6 TRANSFER TO APPROPRIATE FACILITY

Upon arrival at the facility, the officer will escort the individual into a treatment area designated by a facility staff member. If the individual is not seeking treatment voluntarily, the officer should provide the staff member with the written application for a 5150 commitment and remain present to provide clarification of the grounds for detention, upon request.

Absent exigent circumstances, the transporting officer should not assist facility staff with the admission process, including restraint of the individual. However, if the individual is transported

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and delivered while restrained, the officer may assist with transferring the individual to facility restraints and will be available to assist during the admission process, if requested. Under normal circumstances, officers will not apply facility-ordered restraints.

411.7 DOCUMENTATION

The officer shall complete an application for a 72-Hour detention for evaluation and treatment, provide it to the facility staff member assigned to that patient and retain a copy of the application for inclusion in the case report.

The application shall include the circumstances for officer involvement; the probable cause to believe the person is, as a result of a mental health disorder, a danger to others or him/herself or gravely disabled; and all information used for the determination of probable cause (Welfare and Institutions Code § 5150; Welfare and Institutions Code § 5150.05).

The officer should also provide a verbal summary to any evaluating staff member regarding the circumstances leading to the involuntary detention.

411.7.1 ADVISEMENT

The officer taking a person into custody for evaluation shall advise the person of:

- (a) The officer's name and agency.
- (b) The fact that the person is not under criminal arrest but is being taken for examination by mental health professionals and the mental health staff will advise him/her of their rights.
- (c) The name of the facility to which the person is being taken.
- (d) If the person is being taken into custody at his/her residence, he/she should also be advised that he/she may take a few personal items, which the officer must approve, and may make a telephone call or leave a note indicating where he/she is being taken. The officer should also ask if the person needs assistance turning off any appliance or water.

The advisement shall be given in a language the person understands. If the person cannot understand an oral advisement, the information shall be provided in writing (Welfare and Institutions Code § 5150).

411.8 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

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circumstances, consent). A search warrant may also be needed before searching for or seizing weapons

The handling officers shall issue a receipt describing the deadly weapon or any firearm seized, and list any serial number or other identification that is on the firearm. Officers shall advise the person of the procedure for the return of any firearm or other weapon that has been taken into custody (Welfare and Institutions Code § 8102 (b)) (see Property and Evidence Policy).

411.8.1 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 Unit, which shall be responsible for initiating a petition to the Superior Court for a hearing in accordance with Welfare and Institutions Code § 8102(c), to determine whether the weapon will be returned.

The petition to the Superior Court shall be initiated within 30 days of the release of the individual from whom such weapon has been confiscated, unless the Department makes an ex parte application to the court to extend the time to file such a petition, up to a maximum of 60 days. At the time any such petition is initiated, the Department shall send written notice to the individual informing him/her of the right to a hearing on the issue, that he/she has 30 days to confirm with the court clerk any desire for a hearing and that the failure to do so will result in the forfeiture of any confiscated weapon.

411.9 CRIMINAL OFFENSES

Officers investigating an individual who is suspected of committing a minor criminal offense and who is being taken on a 5150 commitment should resolve the criminal matter by issuing a warning or a Notice to Appear as appropriate.

When an individual who may qualify for a 5150 commitment has committed a serious criminal offense that would normally result in an arrest and transfer to a jail facility, the officer should:

- (a) Arrest the individual when there is probable cause to do so.
- (b) Notify the appropriate supervisor of the facts supporting the arrest and the facts that would support the 5150 commitment.
- (c) Facilitate the individual's transfer to jail.
- (d) Thoroughly document in the related reports the circumstances that indicate the individual may qualify for a 5150 commitment.

In the supervisor's judgment, the individual may instead be arrested or booked and transported to the appropriate mental health facility. The supervisor should consider the seriousness of the offense, the treatment options available, the ability of this department to regain custody of the individual, department resources (e.g., posting a guard) and other relevant factors in making this decision.

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411.10 TRAINING

This department will endeavor to provide Peace Officer Standards and Training (POST)-approved advanced officer training on interaction with persons with mental disabilities, 5150 commitments and crisis intervention.

Aircraft Accidents

412.1 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.

412.1.1 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.

412.2 POLICY

It is the policy of the Santa Cruz Police Department to provide an appropriate emergency response to aircraft accidents. This includes emergency medical care and scene management.

412.3 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).

412.1 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.

412.6 CONTROLLING ACCESS AND SCENE AUTHORITY

Prior to NTSB arrival, scene access should be limited to authorized personnel from the:

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- (a) FAA.
- (b) Fire department, EMS or other assisting law enforcement agencies.
- (c) Coroner.
- (d) Air Carrier/Operators investigative teams with NTSB approval.
- (e) Appropriate branch of the military, when applicable.
- (f) Other emergency services agencies (e.g., hazardous materials teams, biohazard decontamination teams, fuel recovery specialists, explosive ordnance disposal specialists).

The NTSB has primary responsibility for investigating accidents involving civil aircraft. In the case of a military aircraft accident, the appropriate branch of the military will have primary investigation responsibility.

After the NTSB or military representative arrives on-scene, the efforts of this department will shift to a support role for those agencies.

If NTSB or a military representative determines that an aircraft or accident does not qualify under its jurisdiction, the on-scene department supervisor should ensure the accident is still appropriately investigated and documented.

412.7 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)

412.8 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.

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412.9 MEDIA RELATIONS

The Community Relations Specialist (Community Relations Specialist) 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 Community Relations Specialist should coordinate with other involved entities before the release of information.

412.9 DOCUMENTATION

All aircraft accidents occurring within the City of Santa Cruz 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 SCPD 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.

412.9.1 WRECKAGE

When reasonably safe, members should:

- (a) Obtain the aircraft registration number (N number) and note the type of aircraft.
- (b) Attempt to ascertain the number of casualties.
- (c) Obtain photographs or video of the overall wreckage, including the cockpit and damage, starting at the initial point of impact, if possible, and any ground scars or marks made by the aircraft.
 1. Military aircraft may contain classified equipment and therefore shall not be photographed unless authorized by a military commanding officer (18 USC § 795).
- (d) Secure, if requested by the lead authority, any electronic data or video recorders from the aircraft that became dislodged or cell phones or other recording devices that are part of the wreckage.
- (e) Acquire copies of any recordings from security cameras that may have captured the incident.

412.9.2 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.

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- (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.

Cite and Release Policy

413.1 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.

413.2 POLICY

It is the policy of the Santa Cruz 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.

413.3 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.

413.3.1 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.

413.3.2 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.

413.4 NON-RELEASE

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413.4.1 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)

413.4.2 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 Unit.

413.5 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.

413.6 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 Santa Cruz City codes

All other misdemeanor violations for juveniles shall be documented with a case number and the case should be referred to the Investigations Unit for further action including diversion.

413.7 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.

Reporting Police Activity Outside of Jurisdiction

414.1 PURPOSE AND SCOPE

This policy provides general guidelines for reporting police activity while on or off-duty and occurring outside the jurisdiction of the Santa Cruz Police Department.

414.1.1 ASSISTANCE TO AGENCIES OUTSIDE THE CITY

When an officer is on-duty and is requested by an allied agency to participate in law enforcement activity in another jurisdiction, he/she shall obtain prior approval from the immediate supervisor or the Watch Commander.

414.1.2 LAW ENFORCEMENT ACTIVITY OUTSIDE THE CITY

Any on-duty officer, who engages in law enforcement activities of any type outside the immediate jurisdiction of Santa Cruz shall notify his or her supervisor or the on-duty Watch Commander at the earliest possible opportunity. Any off duty officer who engages in any law enforcement activities, regardless of jurisdiction shall notify the on duty Watch Commander immediately. The on-duty supervisor will notify the on-duty Watch Commander immediately.

Automated License Plate Readers (ALPRs)

415.1 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.

415.1.1 DEFINITIONS

Automated License Plate Reader (ALPR): A device that uses cameras and computer technology to capture images of every vehicle that passes the camera's view and compare digital images to lists of known information of interest.

ALPR Operator: Trained department members who may utilize ALPR system/equipment. ALPR operators may be assigned to any position within the department, and the ALPR Administrator may order the deployment of the ALPR systems for use in various efforts.

ALPR Administrator: The Investigations Bureau Lieutenant or the Administration Deputy Chief's designee, serves as the ALPR Administrator for the department.

Hot List: A list of license plates associated with vehicles of interest compiled from one or more databases including, but not limited to, National Crime Information Center (NCIC), California Department of Motor Vehicles, local be on the lookout (BOLO's) lists, etc.

Vehicles of Interest: Including, but not limited to vehicles, which are reported as stolen; display stolen license plates or tags; vehicles linked to missing and/or wanted persons, and vehicles flagged by the Department of Motor Vehicle Administration or law enforcement agencies.

Detection: Data obtained by an ALPR of an image (such as a license plate) within public view that was read by the device, including potential images (such as the plate and description of vehicle on which it was displayed), and information regarding the location of the ALPR system at the time of the ALPR's read.

Hit: Alert from the ALPR system that a scanned license plate number may be in the NCIC or other law enforcement databases for a specific reason including, but not limited to, being related to a stolen car, wanted person, missing person, domestic violation protective order or terrorist-related activity.

415.2 POLICY

The policy of the Santa Cruz 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.

The Santa Cruz Police Department does not permit the sharing of ALPR data gathered by the City of Santa Cruz or its contractors/subcontractors for purpose of federal immigration enforcement, pursuant to the California Values Act (Government Code § 7282.5; Government Code § 7284.2 et seq.) – these federal immigration agencies include Immigrations and Customs Enforcement

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(ICE) and Customs and Border Patrol (CPB). Further, pursuant to Government Code section 1798.90.55, a public agency is not permitted to share ALPR information with private entities or out-of-state or federal agencies, including out-of-state and federal law enforcement agencies.

415.3 ADMINISTRATION

The ALPR technology, also known as License Plate Recognition (LPR), allows for the automated detection of license plates. It is used by the Santa Cruz 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, electronic surveillance (plot movement of wanted suspect(s)), suspect interdiction and stolen property recovery.

All installation and maintenance of ALPR equipment, as well as ALPR data retention and access, shall be managed by the Administration Deputy Chief. The Administration Deputy Chief will assign members under his/her command to administer the day-to-day operation of the ALPR equipment and data.

415.3.1 ALPR ADMINISTRATOR

The Administration Deputy Chief 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) The authorized purposes for using the ALPR system and collecting ALPR information.
- (b) 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.
- (c) Training requirements for authorized users.
- (d) A description of how the ALPR system will be monitored to ensure the security of the information and compliance with applicable privacy laws.
- (e) The purposes of, process for, and restrictions on, the sale, sharing, or transfer of ALPR information to other persons.
- (f) Procedures for system operators to maintain records of access in compliance with Civil Code § 1798.90.52.
- (g) The title of the official custodian, or owner, of the ALPR system responsible for implementing the policies and procedures provided in Civil Code section 1798.90.51 and 1798.90.53.
- (h) A description of the reasonable measures that will be used to ensure the accuracy of ALPR information and correct data errors.
- (i) The length of time ALPR information will be retained, and the process the ALPR operator will utilize to determine if and when to destroy retained ALPR information.

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415.4 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) Partial license plates and unique vehicle descriptions reported during major crimes should be entered into the ALPR system in an attempt to identify suspect vehicles.
- (d) The officer shall make every reasonable effort to verify an ALPR response through the California Law Enforcement Telecommunications System (CLETS) before taking enforcement action that is based solely on an ALPR alert. Once an alert is received, the operator shall confirm that the observed license plate from the system matches the license plate of the observed vehicle. Before any law enforcement action is taken because of an ALPR alert, the alert will be verified through a CLETS inquiry via a mobile digital communicator or through dispatch. Members will not take any police action that restricts the freedom of any individual based solely on an ALPR alert unless it has been validated. Because the ALPR alert may relate to a vehicle and may not relate to the person operating the vehicle, officers are reminded that they need to have reasonable suspicion and/or probable cause to make an enforcement stop of any vehicle. For example, if a vehicle is entered into the system because of its association with a wanted individual, officers shall attempt to visually match the driver to the description of the wanted subject prior to making the stop or should have another legal basis for making the stop.
- (e) Hot Lists. Designation of hot lists to be utilized by the ALPR system shall be made by the ALPR Administrator or their designee. Hot lists shall be obtained or compiled from sources as may be consistent with the purposes of the ALPR system set forth in this policy. Hot lists utilized by the department's ALPR system may be updated by agency sources more frequently than the department may be uploading them and thus the department's ALPR system will not have access to real time data. Occasionally, there may be errors in the ALPR system's read of a license plate. Therefore, an alert alone shall not be a basis for police action (other than following the vehicle of interest). Prior to initiation of a stop of a vehicle or other intervention based on an alert, department members shall undertake the following:
 - 1. Verification of status on a hot list. An officer must receive confirmation, from a Santa Cruz Police Department Communications Dispatcher or other department computer device, that the license plate is still stolen, wanted, or otherwise of interest before proceeding (absent exigent circumstances).
 - 2. Visual verification of license plate number. Officers shall visually verify that the license plate of interest matches identically with the image of the license plate number captured (read) by the ALPR, including both the alphanumeric characters of the license plate, state of issue, and vehicle descriptors before proceeding. Department members alerted to the fact that an observed motor

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vehicle's license plate is entered as a hot plate (hit) in a specific BOLO list are required to make a reasonable effort to confirm that a wanted person is actually in the vehicle and/or that a reasonable basis exists before a department member would have a lawful basis to stop the vehicle.

3. Department members will clear all stops from hot list alerts by indicating the positive ALPR hit, i.e., with an arrest or other enforcement action. If it is not obvious in the text of the call as to the correlation of the ALPR hit and the arrest, then the department member shall update with the Communications Dispatcher and original person and/or a crime analyst inputting the vehicle in the hot list (hit).
 4. General hot lists (i.e. Stolen Vehicle System) will be automatically downloaded into the ALPR system a minimum of once a day with the most current data overwriting the old data.
 5. All entries and updates of specific hot lists within the ALPR system will be documented by the requesting department member within the appropriate general offense report. As such, specific hot lists shall be approved by the ALPR Administrator (or their designee) before initial entry within the ALPR system. The updating of such a list within the ALPR system shall thereafter be accomplished pursuant to the approval of the department member's immediate supervisor. The hits from these data sources should be viewed as informational; created solely to bring the officer's attention to specific vehicles that have been associated with criminal activity.
All hot plates and suspect information entered into the ALPR system will contain the following information as a minimum:
 - (a) Entering department member's name
 - (b) Related case number
 - (c) Short synopsis describing the nature of the originating call
- (f) Training. No member of this Department shall operate ALPR equipment or access ALPR data without proper training or authorization to do so.
 - (g) Login/Log-Out Procedure. To ensure proper operation and facilitate oversight of the ALPR system, all users will be required to have individual credentials for access and use of the systems and/or data, which has the ability to be fully audited.
 - (h) Permitted/Impermissible Uses. The ALPR system, and all data collected, is the property of the Santa Cruz Police Department. Department personnel may only access and use the ALPR system for official and legitimate law enforcement purposes consistent with this policy. The following uses of the ALPR system are specifically prohibited:
 1. Invasion of Privacy: Except when done pursuant to a court order such as a search warrant, it is a violation of this policy to utilize the ALPR to record license plates except those of vehicles that are exposed to public view (e.g., vehicles on a public road or street, or that are on private property but whose license plate(s) are visible from a public road, street, or a place to which members of the public have access, such as the parking lot of a shop or other business establishment.)

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2. Harassment or Intimidation: It is a violation of this policy to use the ALPR system to harass and/or intimidate any individual or group.
3. Use Based on a Protected Characteristic. It is a violation of this policy to use the ALPR system or associated scan files or hot lists solely because of a person's or group's race, gender, religion, political affiliation, nationality, ethnicity, sexual orientation, disability, or other classification protected by law.
4. Personal Use: It is a violation of this policy to use the ALPR system or associated scan files or hot lists for any personal purpose.
5. First Amendment Rights. It is a violation of this policy to use the ALPR system or associated scan files or hot lists for the purpose or known effect of infringing upon First Amendment rights.
6. Anyone who engages in an impermissible use of the ALPR system or associated scan files or hot lists may be subject to administrative sanctions, up to and including termination, pursuant to and consistent with the relevant collective bargaining agreements and Department policies.

415.5 DATA COLLECTION AND RETENTION

The Administration Deputy Chief is responsible for ensuring systems and processes are in place for the proper collection and retention of ALPR data.

All ALPR data downloaded to the server should be stored for a maximum of 30 days in accordance with the established records retention schedule. Thereafter, ALPR data should be purged unless it has 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, and stored in accordance with the established records retention schedule..

ALPR vendor will store the data (data hosting) and ensure proper maintenance and security of data stored in their data towers. ALPR vendor will purge their data at the end of the 30 days of storage. However, this will not preclude SCPD from maintaining any relevant vehicle data obtained from the system after that period pursuant to the established City of Santa Cruz retention schedule mentioned above or outlined elsewhere. Relevant vehicle data are scans corresponding to the vehicle of interest on a hot list.

Restrictions on use of ALPR Data: Information gathered or collected, and records retained by ALPR cameras or any other Santa Cruz Police Department (SCPD) ALPR system will not be sold, accessed, or used for any purpose other than legitimate law enforcement or public safety purposes. SCPD ALPR data shall not be shared with Immigrations and Customs Enforcement (ICE) unless under the authority of a valid court order. Furthermore, Government Code section 1798.90.55 does not permit a public agency to share ALPR information with private entities or out-of-state or federal agencies, including out-of-state and federal law enforcement agencies. Nor will ALPR data be shared with any law enforcement agency for the purposes of enforcing prohibitions on reproductive or gender-affirming care.

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415.6 ACCOUNTABILITY AND SAFEGUARDS

All data will be closely safeguarded and protected by both procedural and technological means. The Santa Cruz 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 non-law enforcement requests for access to stored ALPR data shall be processed in accordance with applicable law. Such requests may include requests via a subpoena, criminal discovery, or court order.
- (b) All ALPR data downloaded to the mobile workstation shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date, and time.
- (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 relates to a specific criminal investigation or department-related civil or administrative action.
- (d) Such ALPR data may not be released to other authorized and verified law enforcement officials and agencies, unless the Administration Deputy Chief provides written approval, and only for a valid crime.
- (e) Every ALPR Detection Browsing Inquiry must be documented by either the associated Santa Cruz Police case number or incident number, if available. If an incident number or case number is not available, the ALPR Detection Browsing Inquiry must be documented by stating a reason for the inquiry.

For security or data breaches, see the Records Release and Maintenance Policy.

415.7 ALPR DATA DETECTION BROWSING AUDITS

It is the responsibility of the Professional Standards Unit (PSU) Sergeant or the Chief's designee to ensure that an audit is conducted of ALPR detection browsing inquiries at least once during each calendar year. The Department will audit a sampling of the ALPR system utilization from the prior 12-month period to verify proper use in accordance with the above authorized uses. The audit shall randomly select at least 10 detection browsing inquiries conducted by department employees.

The audit shall be documented in the form of an internal department memorandum to the Administration Deputy Chief. The memorandum shall include any data errors found so that such errors can be corrected. After review by the Administration Deputy Chief, the memorandum and any associated documentation shall be filed and retained by PSU.

415.8 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.

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3. The intended purpose of obtaining the information.
 - (b) The request is reviewed by the Administration Deputy Chief 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).

415.9 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).

Immigration Violations

416.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the Santa Cruz Police Department relating to immigration and interacting with federal immigration officials.

416.1.1 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.

416.2 POLICY

It is the policy of the Santa Cruz 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.

416.3 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 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 without regard to race, ethnicity, or national origin in any way that would violate the United States or California constitutions, or the City of Santa Cruz status as a sanctuary city.

416.3.1 IDENTIFICATION

Whenever any individual is reasonably suspected of a criminal violation (infraction, misdemeanor, or felony), the investigating officer should take reasonable steps to determine the person's identity through valid identification or other reliable sources.

If an individual would have otherwise been released for an infraction or misdemeanor on a citation, the person should be taken to the station and given a reasonable opportunity to verify his/her

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true identity (e.g., telephone calls). If the person's identity is thereafter reasonably established, the original citation release should be completed without consideration of immigration status.

416.3.2 ARREST

If the officer intends to take enforcement action and the individual is unable to reasonably establish his/her true identity, the officer may take the person into custody on the suspected criminal violation (see Vehicle Code § 40302(a) and Penal Code § 836, if pertinent to the circumstances). A field supervisor shall approve all such arrests.

416.3.3 BOOKING

If the officer is unable to reasonably establish an arrestee's identity, the individual may, upon approval of a supervisor, be booked into jail for the suspected criminal violation and held for bail.

If a person is detained pursuant to the authority of Vehicle Code § 40302(a), for an infraction that person may be detained upon approval of a supervisor for a reasonable period not to exceed two hours for the purpose of establishing his/her true identity. Regardless of the status of that person's identity at the expiration of two hours, he/she shall be released on his/her signature with a promise to appear in court for the Vehicle Code infraction involved.

416.3.4 DETERMINATION OF IMMIGRANT STATUS

Determination of immigration status is primarily the jurisdiction of the U.S. Immigration and Customs Enforcement. The Santa Cruz Police Department is in compliance with and adheres to the standards set in the California Values Act (Government Code § 7284.2 et seq.) and does not conduct enforcement, investigative stops, or identification solely for the determination of immigration status.

416.4 DETENTIONS

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).

416.5 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 Deputy Chief. The Deputy Chief is responsible for determining whether the requested assistance would be permitted under the California Values Act (Government Code § 7284.2 et seq.) or this policy.

Members of the Santa Cruz Police Department shall not assist in immigration enforcement without the direct approval of the Chief of Police.

416.6 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)).

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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 Unit supervisor assigned to oversee the handling of any related case. The Investigations Unit supervisor should:

- (a) Consult with the assigned investigator to determine the current status of any related case and whether further documentation is warranted.
- (b) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the certification or declaration has not already been completed and whether a certification or declaration is warranted.
- (c) Address the request and complete the certification or declaration, if appropriate, in a timely manner.
 1. The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website.
 2. Form I-918 Supplement B certification shall be completed if the victim qualifies under Penal Code § 679.10 (multiple serious offenses). The certification shall be completed and not refused for the specified reasons in Penal Code § 679.10(k) (3).
 3. Form I-914 Supplement B declaration shall be completed if the victim qualifies under Penal Code § 236.5 or Penal Code § 679.11 (human trafficking). The declaration shall be completed and not refused for completion for the specified reasons in Penal Code § 679.11(j)(3).
 4. Forward the completed Form I-918 Supplement B certification or completed Form I-914 declaration B to the victim, family member, or authorized representative (as defined in Penal Code § 679.10 and Penal Code § 679.11) without requiring the victim to provide government-issued identification (Penal Code § 679.10; Penal Code § 679.11)
- (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.

416.6.1 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).

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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.

416.6.2 REPORTING TO LEGISLATURE

The Investigations Unit supervisor or the authorized designee should ensure that certification requests are reported to the Legislature in January of each year and include the number of certifications signed and the number denied. The report shall comply with Government Code § 9795 (Penal Code § 679.10; Penal Code § 679.11).

416.6.3 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).

416.7 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.

416.7.1 TRANSFERS TO IMMIGRATION AUTHORITIES

Members shall not transfer an individual to immigration authorities unless approved by the Chief of Police.

416.7.2 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

The Investigations Unit 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 Manager for required reporting to the DOJ (Government Code § 7284.6(c)(2)(see the Records Unit Policy).

416.8 TRAINING

The Training Manager should ensure that all appropriate members receive training on immigration issues.

Training should include:

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- (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.).

Field Training Officer Program

417.1 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 Santa Cruz 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.

417.2 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.

417.2.1 SELECTION PROCESS

FTOs will be selected based on the following requirements:

- (a) Desire to be an FTO
- (b) Minimum of four years of patrol experience, two of which shall be with this department. This may be waived with Deputy Chief approval.
- (c) Demonstrated ability as a positive role model
- (d) Participate and pass an internal oral interview selection process
- (e) Evaluation by supervisors and current FTOs
- (f) Possess a POST Basic certificate

417.2.2 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.

417.3 FIELD TRAINING OFFICER PROGRAM SUPERVISOR

The FTO Program supervisor should be selected from the rank of sergeant or above by the Operations Deputy Chief or a designee and should possess, or be eligible to receive, a POST Supervisory Certificate.

The responsibilities of the FTO Program supervisor include the following:

- (a) Assignment of trainees to FTOs

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- (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)).

417.4 TRAINEE DEFINED

Any entry level or lateral police officer newly appointed to the Santa Cruz Police Department who has successfully completed a POST approved Basic Academy.

417.5 REQUIRED TRAINING

Entry level officers shall be required to successfully complete the Field Training Program, consisting of a minimum of 16 weeks.

The training period for a lateral officer may be modified depending on the trainee's demonstrated performance and level of experience, but shall consist of a minimum of 8 weeks.

To the extent practicable, entry level and lateral officers should be assigned to a variety of Field Training Officers, shifts, and geographical areas during their Field Training Program.

417.5.1 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 Santa Cruz 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 Santa Cruz Police Department.

417.6 EVALUATIONS

Evaluations are an important component of the training process and shall be completed as outlined below.

417.6.1 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.

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- (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.

The use of Adore software and tools meets the written requirement portion of this policy.

417.6.2 IMMEDIATE SUPERVISOR

The immediate supervisor or FTO Supervisor shall review and approve the Daily Trainee Performance Evaluations and forward them to the Field Training Administrator.

417.6.3 FIELD TRAINING ADMINISTRATOR

The Field Training Administrator will review and approve the Daily Trainee Performance Evaluations submitted by the FTO through his/her immediate supervisor.

417.6.4 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.

417.7 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

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 Santa Cruz 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 Santa Cruz 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

418.5.1 FIELD PHOTOGRAPHS TAKEN WITH CONSENT

Field photographs may be taken when the subject being photographed knowingly and voluntarily gives consent. When taking a consensual photograph, the officer should record the consent in writing or by audio/video waiver.

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.

All field photographs and related reports shall be submitted to a supervisor and retained in compliance with this policy.

418.5.3 DISPOSITION OF PHOTOGRAPHS

All detainee photographs must be adequately labeled and submitted into Evidence.com. Officers will submit photographs in the following manner:

- (a) Associate the photograph with a case number or incident number which will be placed in the ID section in Evidence.com
- (b) If multiple individuals are photographed during the same incident, the name of the individual will be listed in the Title section.
- (c) Select the category that best applies to the incident in the Evidence.com categories field. This will set the retention schedule.
- (d) Check the photo box on the FI Card indicating the photograph exists in Evidence.com.
- (e) Records will link the FI Card with the photograph and incident number in the Records Management system.

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 Santa Cruz 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.

Loud or Unruly Gatherings

419.1 PURPOSE AND SCOPE

Municipal Code § 9.37 (and appropriate subsections) has been enacted to address police responses to properties on which repeated loud or unruly gatherings occur.

The legislation addresses fines and cost recovery associated with continued Police/Fire/City Emergency Responder responses to the same address as a result of these disturbances.

419.1.1 POLICY

The department will utilize Municipal Code Section 9.37 and appropriate subsections to address the issue of continued police response to the same address for loud or unruly gatherings. Supervisory approval from the on-duty Field Supervisor shall be obtained prior to taking action under this section.

419.1.2 APPLICATION

Enforcement procedures are outlined in the Municipal Code (Attachment A). Upon response to the location of a loud or unruly gathering and, after evaluation by the officer and approval by the supervisor that a loud or unruly gathering has occurred, and that the police department has responded to that location within the past 12 months on a loud or unruly gathering, the officer may enforce the section. The officer will complete the citation, the "Notice of Violation and Warning" form, and the police report. All documents will be forwarded per department procedures. The officer shall also advise NETCOM to flag the address as receiving the warning under this section. The Police Payroll and Purchasing Clerk shall be responsible for notifying the landlord in writing of first response no sooner than 10 days after the response occurred, and complete the billing process for the responsible persons in violation of the ordinance. The forms for this notification are attached (Attachment B). Application of this Ordinance does not relieve the officer from the responsibility to properly apply other code sections (Penal, Health & Safety, Business & Professions, etc.) as necessary in the performance of their duty.

Criminal Organizations

420.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that the Santa Cruz Police Department appropriately utilizes criminal intelligence systems and temporary information files to support investigations of criminal organizations and enterprises.

420.1.1 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.

420.2 POLICY

The Santa Cruz Police Department recognizes that certain criminal activities, including but not limited to gang crimes and drug trafficking, often involve some degree of regular coordination and may involve a large number of participants over a broad geographical area.

It is the policy of this department to collect and share relevant information while respecting the privacy and legal rights of the public.

420.3 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.

420.3.1 SYSTEM ENTRIES

It is the designated supervisor's responsibility to approve the entry of any information from a report, field interview (FI), photo or other relevant document into an authorized criminal intelligence system. If entries are made based upon information that is not on file with this department, such as open or public source documents or documents that are on file at another agency, the designated supervisor should ensure copies of those documents are retained by the Records Unit. Any supporting documentation for an entry shall be retained by the Records Unit in accordance with

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the established records retention schedule and for at least as long as the entry is maintained in the system.

The designated supervisor should ensure that any documents retained by the Records Unit are appropriately marked as intelligence information. The Records Manager may not purge such documents without the approval of the designated supervisor.

420.3.2 GANG DATABASES

The Chief of Police may approve participation by the gang unit in a shared criminal gang intelligence database, such as CALGANG®. Members must obtain the requisite training before accessing any such database (11 CCR 751.6).

It is the gang unit supervisor's responsibility to determine whether any report or FI contains information that would qualify for entry into the database. Prior to designating any person as a suspected gang member, associate, or affiliate in a shared gang database; or submitting a document to the Attorney General's office for the purpose of designating a person in a shared gang database; or otherwise identifying the person in a shared gang database, the gang unit supervisor shall provide written notice to the person and, if the person is under the age of 18, to his/her parent or guardian of the designation and the basis for the designation, unless providing that notification would compromise an active criminal investigation or compromise the health or safety of a minor. Notice shall also describe the process to contest the designation (Penal Code § 186.34).

The person, an attorney working on his/her behalf, or his/her parent or guardian (if the person is under 18 years of age) may request, in writing, information as to whether the person is designated as a suspected gang member, associate, or affiliate in a shared gang database accessible by the Department, the basis for that designation, and the name of the agency that made the designation. The Department shall respond to a valid request in writing within 30 days, and shall provide the information requested unless doing so would compromise an active investigation or compromise the health and safety of the person if he/she is under 18 years of age (Penal Code § 186.34).

The person, or his/her parent or guardian if the person is under 18 years of age, may contest the designation by submitting written documentation, which shall be reviewed by the gang unit supervisor. If it is determined that the person is not a suspected gang member, associate, or affiliate, the person shall be removed from the database. The person and the parent or guardian shall be provided written verification of the department's decision within 30 days of receipt of the written documentation contesting the designation and shall include the reason for a denial when applicable (Penal Code § 186.34).

The gang unit supervisor should forward reports or FIs to the Records Unit after appropriate database entries are made. The supervisor should clearly mark the report/FI as gang intelligence information.

It is the responsibility of the Records Unit supervisor to retain reports and FIs in compliance with the database rules and any applicable end user agreement.

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Records contained in a shared gang database shall not be disclosed for employment or military screening purposes, and shall not be disclosed for the purpose of enforcing federal immigration law unless required by state or federal statute or regulation (Penal Code § 186.36).

420.4 TEMPORARY INFORMATION FILE

No member may create or keep files on individuals that are separate from the approved criminal intelligence system. However, members may maintain temporary information that is necessary to actively investigate whether a person or group qualifies for entry into the department-approved criminal intelligence system only as provided in this section. Once information qualifies for inclusion, it should be submitted to the supervisor responsible for consideration of criminal intelligence system entries.

420.4.1 FILE CONTENTS

A temporary information file may only contain information and documents that, within one year, will have a reasonable likelihood to meet the criteria for entry into an authorized criminal intelligence system.

Information and documents contained in a temporary information file:

- (a) Must only be included upon documented authorization of the responsible department supervisor.
- (b) Should not be originals that would ordinarily be retained by the Records Unit or Property Unit, but should be copies of, or references to, retained documents such as copies of reports, FI forms, NetCom records or booking forms.
- (c) Shall not include opinions. No person, organization or enterprise shall be labeled as being involved in crime beyond what is already in the document or information.
- (d) May include information collected from publicly available sources or references to documents on file with another government agency. Attribution identifying the source should be retained with the information.

420.4.2 FILE REVIEW AND PURGING

The contents of a temporary information file shall not be retained longer than one year. At the end of one year, the contents must be purged.

The designated supervisor shall periodically review the temporary information files to verify that the contents meet the criteria for retention. Validation and purging of files is the responsibility of the supervisor.

420.5 INFORMATION RECOGNITION

Department members should document facts that suggest an individual, organization or enterprise is involved in criminal activity and should forward that information appropriately. Examples include, but are not limited to:

- (a) Gang indicia associated with a person or residence.
- (b) Information related to a drug-trafficking operation.

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- (c) Vandalism indicating an animus for a particular group.
- (d) Information related to an illegal gambling operation.

Department supervisors who utilize an authorized criminal intelligence system should work with the Training Manager to train members to identify information that may be particularly relevant for inclusion.

420.6 RELEASE OF INFORMATION

Department members shall comply with the rules of an authorized criminal intelligence system regarding inquiries and release of information.

Information from a temporary information file may only be furnished to department members and other law enforcement agencies on a need-to-know basis and consistent with the Records Maintenance and Release Policy.

When an inquiry is made by the parent or guardian of a juvenile as to whether that juvenile's name is in a temporary information file, such information should be provided by the supervisor responsible for the temporary information file, unless there is good cause to believe that the release of such information might jeopardize an ongoing criminal investigation.

420.7 CRIMINAL STREET GANGS

The Investigations Unit supervisor should ensure that there are an appropriate number of department members who can:

- (a) Testify as experts on matters related to criminal street gangs, and maintain an above average familiarity with:
 1. Any organization, associate or group of three or more persons that meets the definition of a criminal street gang under Penal Code § 186.22(f).
 2. Identification of a person as a criminal street gang member and criminal street gang-related crimes.
 3. The California Street Terrorism Enforcement and Prevention Act (Penal Code § 186.21 et seq.), associated crimes and what defines a criminal street gang (Penal Code § 186.22).
- (b) Coordinate with other agencies in the region regarding criminal street gang-related crimes and information.
- (c) Train other members to identify gang indicia and investigate criminal street gang-related crimes.

420.8 TRAINING

The Training Manager should provide training on best practices in the use of each authorized criminal intelligence system to those tasked with investigating criminal organizations and enterprises. Training should include:

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- (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.

420.8.1 SHARED GANG DATABASE TRAINING

The Training Manager should ensure that members who are authorized users of a shared gang database receive the required training from the California Department of Justice (DOJ) or an instructor certified by the DOJ that includes comprehensive and standardized training on the use of shared gang databases, and any other associated training required by the Department (Penal Code § 186.36; 11 CCR 751.6).

ATV Policy

421.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of police department All Terrain Vehicles (ATVs). ATVs will be used to patrol open spaces in the city including the main beach and levee areas.

421.2 AUTHORIZED VEHICLES

Only those ATVs owned by the City of Santa Cruz may be used by department personnel unless prior permission is obtained from the Deputy Chief or Chief of Police.

421.3 TRAINING

All personnel must successfully pass the department approved training program prior to using the ATVs for patrol purposes. The training program will be consistent with that provided by the State of California Park Ranger program.

421.4 OPERATION

ATVs will be operated pursuant to state and local laws. Operators will wear helmets and eye-wear at all times when the vehicle is in motion. ATVs may be operated on designated city streets pursuant to Santa Cruz Municipal Code § 10.50.010. Generally, speeds on surface streets shall be limited to 15 mph but in no event shall speeds exceed the posted speed limit. Pursuits are prohibited on ATVs. Speeds when off-road shall be prudent for the conditions at the time taking into account the number of people in the vicinity, the conditions of the riding surface, etc.

Prior to use, the operator will perform a safety check. Any deficiencies will be reported in the same manner as that used for patrol cars. Whenever the ATV is left unattended by the operator, it will be turned off and the key will be removed. City employees of other city departments are not permitted to use the ATVs without prior consent of the Deputy Chief or Chief of Police.

Mobile Audio/Video

422.1 PURPOSE AND SCOPE

The Santa Cruz Police Department has equipped marked patrol cars with Mobile Audio/Video (MAV) recording systems to provide records of events and assist officers in the performance of their duties. This policy provides guidance on the use of these systems.

422.1.1 DEFINITIONS

Definitions related to this policy include:

Activate - Any process that causes the MAV system to transmit or store video or audio data in an active mode.

In-car camera system and Mobile Audio/Video (MAV) system- Synonymous terms which refer to any system that captures audio and video signals, that is capable of installation in a vehicle, and that includes at minimum, a camera, microphone, recorder and monitor.

MAV technician -Personnel certified or trained in the operational use and repair of MAVs, duplicating methods, storage and retrieval methods and procedures, and who have a working knowledge of video forensics and evidentiary procedures.

Recorded media - Audio-video signals recorded or digitally stored on a storage device or portable media.

422.2 POLICY

It is the policy of the Santa Cruz Police Department to use mobile audio and video technology to more effectively fulfill the department's mission and to ensure these systems are used securely and efficiently.

422.3 OFFICER RESPONSIBILITIES

At the start of each shift, officers should test the MAV system's operation in accordance with manufacturer specifications and department operating procedures and training.

System documentation is accomplished by the officer by uploading their information into the system. If the system is malfunctioning, the officer shall take the vehicle out of service unless a supervisor requests the vehicle remain in service.

422.4 ACTIVATION OF THE MAV

The MAV system is designed to turn on whenever the unit's emergency lights are activated. The system remains on until it is turned off manually. The audio portion is independently controlled and should be activated manually by the officer whenever appropriate. When audio is being recorded, the video will also record.

Upon a detainee being placed in a patrol vehicle, the MAV system will be activated and remain active until the detainee is removed from the vehicle.

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Mobile Audio/Video

422.4.1 CESSATION OF RECORDING

Once activated, the MAV system should remain on until the incident has concluded. For purposes of this section, conclusion of an incident has occurred when all arrests have been made, arrestees have been transported and all witnesses and victims have been interviewed. Recording may cease if an officer is simply waiting for a tow truck or a family member to arrive, or in other similar situations.

Members shall cease audio recording whenever necessary to ensure conversations are not recorded between a person in custody and the person's attorney, religious advisor or physician, unless there is explicit consent from all parties to the conversation (Penal Code § 636).

422.4.2 WHEN ACTIVATION IS NOT REQUIRED

Activation of the MAV system is not required when exchanging information with other officers or during breaks, lunch periods, when not in service or actively on patrol.

No member of this department may surreptitiously record a conversation of any other member of this department except with a court order or when lawfully authorized by the Chief of Police or the authorized designee for the purpose of conducting a criminal or administrative investigation.

422.5 REVIEW OF MAV RECORDINGS

All recording media, recorded images and audio recordings are the property of the Department. Dissemination outside of the agency is strictly prohibited, except to the extent permitted or required by law.

To prevent damage to, or alteration of, the original recorded media, it shall not be copied, viewed or otherwise inserted into any device not approved by the department MAV technician or forensic media staff. When reasonably possible, a copy of the original media shall be used for viewing (unless otherwise directed by the courts) to preserve the original media.

Recordings may be reviewed in any of the following situations:

- (a) For use when preparing reports or statements
- (b) By a supervisor investigating a specific act of officer conduct
- (c) By a supervisor to assess officer performance
- (d) To assess proper functioning of MAV systems
- (e) By department investigators who are participating in an official investigation, such as a personnel complaint, administrative inquiry or a criminal investigation
- (f) By department personnel who request to review recordings
- (g) By an officer who is captured on or referenced in the video or audio data and reviews and uses such data for any purpose relating to his/her employment
- (h) By court personnel through proper process or with permission of the Chief of Police or the authorized designee
- (i) By the media through proper process or with permission of the Chief of Police or the authorized designee

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- (j) To assess possible training value
- (k) Recordings may be shown for training purposes. If an involved officer objects to showing a recording, his/her objection will be submitted to the staff to determine if the training value outweighs the officer's objection

In no event shall any recording be used or shown for the purpose of ridiculing or embarrassing any employee.

422.6 DOCUMENTING MAV USE

If any incident is recorded with either the video or audio system, the existence of that recording shall be documented in the officer's report. If a citation is issued, the officer shall make a notation on the back of the records copy of the citation, indicating that the incident was recorded.

422.7 RECORDING MEDIA STORAGE AND INTEGRITY

Once submitted for storage, all recording media will be labeled and stored in a designated secure area. All recording media that is not booked as evidence will be retained for a minimum of one year after which time it will be erased, destroyed or recycled in accordance with the established records retention schedule (Government Code § 34090.6).

422.7.1 COPIES OF ORIGINAL RECORDING MEDIA

Original recording media shall not be used for any purpose other than for initial review by a supervisor. Upon proper request, a copy of the original recording media will be made for use as authorized in this policy.

Original recording media may only be released in response to a court order or upon approval by the Chief of Police or the authorized designee. In the event that an original recording is released to a court, a copy shall be made and placed in storage until the original is returned.

422.7.2 MAV RECORDINGS AS EVIDENCE

Officers who reasonably believe that a MAV recording is likely to contain evidence relevant to a criminal offense, potential claim against the officer or against the Santa Cruz Police Department should indicate this in an appropriate report. Officers should ensure relevant recordings are preserved.

422.8 SYSTEM OPERATIONAL STANDARDS

- (a) MAV system vehicle installations should be based on officer safety requirements and the vehicle and device manufacturer's recommendations.
- (b) The MAV system should be configured to minimally record for 30 seconds prior to an event.
- (c) The MAV system may not be configured to record audio data occurring prior to activation.

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- (d) Unless the transmitters being used are designed for synchronized use, only one transmitter, usually the primary initiating officer's transmitter, should be activated at a scene to minimize interference or noise from other MAV transmitters.
- (e) Officers using digital transmitters that are synchronized to their individual MAV shall activate both audio and video recordings when responding in a support capacity. This is to obtain additional perspectives of the incident scene.
- (f) With the exception of law enforcement radios or other emergency equipment, other electronic devices should not be used inside MAV-equipped law enforcement vehicles to minimize the possibility of causing electronic or noise interference with the MAV system.
- (g) Officers shall not erase, alter, reuse, modify or tamper with MAV recordings. Only a supervisor, MAV technician or other authorized designee may erase and reissue previous recordings and may only do so pursuant to the provisions of this policy.
- (h) To prevent damage, original recordings shall not be viewed on any equipment other than the equipment issued or authorized by the MAV technician.

422.9 MAV TECHNICIAN RESPONSIBILITIES

The MAV technician is responsible for:

- (a) Ordering, issuing, retrieving, storing, erasing and duplicating of all recorded media.
- (b) Collecting all completed media for oversight and verification of wireless downloaded media. Once collected, the MAV technician:
 - 1. Ensures it is stored in a secure location with authorized controlled access.
 - 2. Makes the appropriate entries in the chain of custody log.
- (c) Erasing of media:
 - 1. Pursuant to a court order.
 - 2. In accordance with established records retention policies, including reissuing all other media deemed to be of no evidentiary value.
- (d) Assigning all media an identification number prior to issuance to the field:
 - 1. Maintaining a record of issued media.
- (e) Ensuring that an adequate supply of recording media is available.
- (f) Managing the long-term storage of media that has been deemed to be of evidentiary value in accordance with the department evidence storage protocols and the records retention schedule.

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422.10 TRAINING

All members who are authorized to use the MAV system shall successfully complete an approved course of instruction prior to its use.

Mobile Data Terminal Use

423.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper access, use and application of the Mobile Data Terminal (MDT) 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 NetCom.

423.2 POLICY

Santa Cruz Police Department members using the MDT shall comply with all appropriate federal and state rules and regulations and shall use the MDT in a professional manner, in accordance with this policy.

423.3 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).

423.4 RESTRICTED ACCESS AND USE

MDT use is subject to the Information Technology Use and Protected Information policies.

Members shall not access the MDT system if they have not received prior authorization and the required training. Members shall immediately report unauthorized access or use of the MDT by another member to their supervisors or Watch Commanders.

Use of the MDT system to access law enforcement databases or transmit messages is restricted to official activities, business-related tasks and communications that are directly related to the business, administration or practices of the Department. In the event that a member has questions about sending a particular message or accessing a particular database, the member should seek prior approval from his/her supervisor.

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive, harassing or any other inappropriate messages on the MDT 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 MDT system unless directed to do so by a supervisor. Members are required to log off the MDT or secure the MDT when it is unattended. This added security measure will minimize the potential for unauthorized access or misuse.

423.4.1 USE WHILE DRIVING

Use of the MDT by the vehicle operator should be limited to times when the vehicle is stopped. Information that is required for immediate enforcement, investigative, tactical or safety needs should be transmitted over the radio.

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Short transmissions, such as a license plate check, are permitted if it reasonably appears that it can be done safely. In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.

423.5 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 MDT unless security or confidentiality prevents such broadcasting.

MDT 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 MDT.

423.5.1 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 MDT system.

Members responding to in-progress calls should advise changes in status over the radio to assist other members responding to the same incident. Other changes in status can be made on the MDT when the vehicle is not in motion.

423.6 EQUIPMENT CONSIDERATIONS

423.6.1 MALFUNCTIONING MDT

Whenever possible, members will not use vehicles with malfunctioning MDTs. Whenever members must drive a vehicle in which the MDT is not working, they shall notify NetCom. It shall be the responsibility of the dispatcher to document all information that will then be transmitted verbally over the police radio.

423.6.2 BOMB CALLS

When investigating reports of possible bombs, members should not communicate on their MDTs when in the evacuation area of a suspected explosive device. Radio frequency emitted by the MDT could cause some devices to detonate.

Medical Marijuana

424.1 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.

424.1.1 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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Medical Marijuana

424.2 POLICY

It is the policy of the Santa Cruz 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 Santa Cruz Police Department will exercise discretion to ensure laws are appropriately enforced without unreasonably burdening both those individuals protected under California law and public resources.

424.3 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.

424.3.1 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.

424.3.2 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.

424.3.3 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).

424.3.1 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).

424.3.6 EXCEPTIONS

This policy does not apply to, and officers should consider taking enforcement action for the following:

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- (a) Persons who engage in illegal conduct that endangers others, such as driving under the influence of marijuana in violation of the Vehicle Code (Health and Safety Code § 11362.5).
- (b) Marijuana possession in jails or other correctional facilities that prohibit such possession (Health and Safety Code § 11362.785).
- (c) Smoking marijuana (Health and Safety Code § 11362.79):
 - 1. In any place where smoking is prohibited by law.
 - 2. In or within 1,000 feet of the grounds of a school, recreation center or youth center, unless the medical use occurs within a residence.
 - 3. On a school bus.
 - 4. While in a motor vehicle that is being operated.
 - 5. While operating a boat.
- (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).

424.3.7 ADDITIONAL CONSIDERATIONS

Officers should consider the following when investigating an incident involving marijuana possession, delivery, production, or use:

- (a) Because enforcement of medical marijuana laws can be complex, time consuming, and call for resources unavailable at the time of initial investigation, officers may consider submitting a report to the prosecutor for review, in lieu of making an arrest. This can be particularly appropriate when:
 - 1. The suspect has been identified and can be easily located at a later time.
 - 2. The case would benefit from review by a person with expertise in medical marijuana investigations.
 - 3. Sufficient evidence, such as photographs or samples, has been lawfully obtained.
 - 4. Other relevant factors, such as available department resources and time constraints prohibit making an immediate arrest.
- (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).

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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.

424.4 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.

424.5 PROPERTY UNIT SUPERVISOR RESPONSIBILITIES

The Property Unit 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 Unit 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 Unit 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 Unit may release marijuana to federal law enforcement authorities upon presentation of a valid court order or by a written order of the Investigations Unit supervisor.

Medical Aid and Response

427.1 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.

427.2 POLICY

It is the policy of the Santa Cruz Police Department that all officers and other designated members be trained to provide emergency medical aid and to facilitate an emergency medical response.

427.3 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 NetCom 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 NetCom 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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427.4 TRANSPORTING ILL AND INJURED PERSONS

Except in extraordinary cases where alternatives are not reasonably available, members should not transport persons who are unconscious, who have serious injuries or who may be seriously ill. EMS personnel should be called to handle patient transportation.

Officers should search any person who is in custody before releasing that person to EMS for transport.

An officer should accompany any person in custody during transport in an ambulance when requested by EMS personnel, when it reasonably appears necessary to provide security, when it is necessary for investigative purposes or when so directed by a supervisor.

Members should not provide emergency escort for medical transport or civilian vehicles.

427.5 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.

427.6 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.

427.7 AUTOMATED EXTERNAL DEFIBRILLATOR (AED) USE

A member may use an AED only after receiving appropriate training from an approved public safety first aid and CPR course (22 CCR 100014; 22 CCR 100017; 22 CCR 100018).

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427.7.1 AED USER RESPONSIBILITY

Members who are issued AEDs for use in department vehicles should check the AED at the beginning of the shift to ensure it is properly charged and functioning. Any AED that is not functioning properly will be taken out of service and given to the Training Manager who is responsible for ensuring appropriate maintenance.

Following use of an AED, the 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 NetCom as soon as possible and request response by EMS.

427.7.2 AED REPORTING

Any member using an AED will complete an incident report detailing its use.

427.7.3 AED TRAINING AND MAINTENANCE

The Training Manager should ensure appropriate training and refresher training is provided to members authorized to use an AED. A list of authorized members and training records shall be made available for inspection by the local EMS agency (LEMSA) or EMS authority upon request (22 CCR 100021; 22 CCR 100022; 22 CCR 100029).

The Training Manager is responsible for ensuring AED devices are appropriately maintained and will retain records of all maintenance in accordance with the established records retention schedule (22 CCR 100021).

427.8 ADMINISTRATION OF OPIOID OVERDOSE MEDICATION

Trained members may administer opioid overdose medication (Civil Code § 1714.22; Business and Professions Code § 4119.9).

427.8.1 OPIOID OVERDOSE MEDICATION USER RESPONSIBILITIES

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 they are serviceable and not expired. Any expired medication or unserviceable administration equipment should be removed from service and given to the Training Manager or other manager currently responsible for the program.

Any member who administers an opioid overdose medication should contact NetCom as soon as possible and request response by EMS.

427.8.2 OPIOID OVERDOSE MEDICATION REPORTING

Any member administering opioid overdose medication should detail its use in an appropriate report.

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427.8.3 OPIOID OVERDOSE MEDICATION TRAINING

The Training Manager should ensure initial and refresher training is provided to members authorized to administer opioid overdose medication. Training should be coordinated with the local health department and comply with the requirements in 22 CCR 100019 and any applicable POST standards (Civil Code § 1714.22).

427.8.4 DESTRUCTION OF OPIOID OVERDOSE MEDICATION

The Training Manager shall ensure the destruction of any expired opioid overdose medication (Business and Professions Code § 4119.9).

427.8.5 OPIOID OVERDOSE MEDICATION RECORD MANAGEMENT

Records regarding acquisition and disposition of opioid overdose medications shall be maintained and retained in accordance with the established records retention schedule and at a minimum of three years from the date the record was created (Business and Professions Code § 4119.9).

427.9 ADMINISTRATION OF EPINEPHRINE AUTO-INJECTORS

The Operations Deputy Chief may authorize the acquisition of epinephrine auto-injectors for use by Department members as provided by Health and Safety Code § 1797.197a. The Training Manager shall create and maintain an operations plan for the storage, maintenance, use and disposal of epinephrine auto-injectors as required by Health and Safety Code § 1797.197a(f).

Trained members who possess valid certification may administer an epinephrine auto-injector for suspected anaphylaxis (Health and Safety Code § 1797.197a(b); 22 CCR 100019).

427.9.1 EPINEPHRINE USER RESPONSIBILITIES

Members should handle, store and administer epinephrine auto-injectors consistent with their training and the Department operations plan. Members should check the auto-injectors at the beginning of their shift to ensure the medication is not expired. Any expired medication should be removed from service in accordance with the Department Operations Plan.

Any member who administers an epinephrine auto-injector medication should contact NetCom as soon as possible and request response by EMS (Health and Safety Code § 1797.197a(b)).

427.9.2 EPINEPHRINE AUTO-INJECTOR REPORTING

Any member who administers an epinephrine auto-injector should detail its use in an appropriate report.

The Training Manager should ensure that the Records Manager is provided enough information for required reporting to the EMS Authority within 30 days after each use (Health and Safety Code § 1797.197a(f)).

Records regarding the acquisition and disposition of epinephrine auto-injectors shall be maintained pursuant to the established records retention schedule but no less than three years (Business and Professions Code § 4119.4(d)).

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427.9.3 EPINEPHRINE AUTO-INJECTOR TRAINING

The Training Manager should ensure that members authorized to administer epinephrine auto-injectors are provided with initial and refresher training that meets the requirements of Health and Safety Code § 1797.197a(c) and 22 CCR 100019.

427.10 SICK OR INJURED ARRESTEE

If an arrestee appears ill or injured, or claims illness or injury, he/she should be medically cleared prior to booking. If the officer has reason to believe the arrestee is feigning injury or illness, the officer should contact a supervisor, who will determine whether medical clearance will be obtained prior to booking.

If the jail or detention facility refuses to accept custody of an arrestee based on medical screening, the officer should note the name of the facility person refusing to accept custody and the reason for refusal, and should notify a supervisor to determine the appropriate action.

Arrestees who appear to have a serious medical issue should be transported by ambulance. Officers shall not transport an arrestee to a hospital without a supervisor's approval.

Nothing in this section should delay an officer from requesting EMS when an arrestee reasonably appears to be exhibiting symptoms that appear to be life threatening, including breathing problems or an altered level of consciousness, or is claiming an illness or injury that reasonably warrants an EMS response in accordance with the officer's training.

427.11 FIRST AID TRAINING

The Training Manager should ensure officers receive initial first aid training within one year of employment and refresher training every two years thereafter (22 CCR 100016; 22 CCR 100022).

Body Worn Camera

428.1 PURPOSE AND SCOPE

This Department procedure establishes guidelines for Department members using body worn cameras, and procedures for preserving the digital media in the video storage system in a department approved manner. This procedure applies to all Department members. The use of the BWC provides video and audio evidence for critical incidents, use of force, criminal and administrative investigations, and civil litigation.

428.2 POLICY

The Santa Cruz Police Department shall provide designated peace officer personnel with body worn cameras (BWC) for use during the performance of their duties.

428.3 DEFINITIONS

For purposes of this policy, the following terms are defined:

- A. "Critical incident" is any incident in which a law enforcement agency's personnel, acting under the color of authority, are directly involved in an incident where death or the substantial risk of death results.
- B. "Evidentiary data" refers to data of an incident that may be useful for investigative purposes including, but not limited to, a crime, an arrest or citation, a search, a use of force incident, or a confrontational encounter.
- C. "Non-evidentiary data" refers to data that does not necessarily have value to aid in an investigation or prosecution.
- D. "BWC System Administrator (BWC Administrator)" – A Police Department program administrator for video storage systems and BWC system and Video Storage System with full access to user rights, sets user access and parameters.
- E. "Evidence Transfer Manager (ETM)" - A portable multi-ported docking station installed in the police department. The ETM simultaneously recharges the BWC while uploading all digitally encrypted data from the device. The docking station then transfers the digitally encrypted data to Video Storage System.
- F. "Metadata" - Case numbers, Incident numbers and other descriptors used to identify digital evidence.

428.4 OPERATING PROCEDURES

Officer safety takes precedence over recording events. Officers shall follow existing officer safety policies when conducting enforcement stops as outlined in Department policies and procedures. Officer safety shall be the primary consideration when contacting citizens or conducting vehicle stops, not the ability to record an event.

Officers and supervisors assigned to uniform or enforcement duty who are trained to use a BWC will wear it all times while on-duty. Personnel shall position the BWC to facilitate the optimum field

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of view and may be worn on the chest, shoulder, collar, or duty belt with an authorized mounting system. Plainclothes officers are exempt from this policy unless they are knowingly conducting enforcement activity while in plainclothes. See Activation section below for enforcement activity actions.

Personnel are responsible for ensuring that the BWC is charged and operable at the beginning of their shift. Officers will leave their BWC docked in an ETM at the end of their shift or during digital evidence transfer.

If a BWC is in need of repair, personnel will promptly notify their supervisors or BWC Administrator via e-mail and turn in their equipment for repair or replacement. The supervisor will provide the officer with a temporary replacement as needed. The inoperable equipment will be taken to BWC Administrator for repair as soon as possible.

If the BWC Administrator cannot repair the unit, the BWC Administrator shall contact the manufacturer to facilitate the repair. Repair and replacement of damaged or nonfunctional BWC equipment is coordinated through the BWC Administrator and performed through an authorized service provider. This procedure will be followed for all BWC related equipment and accessories.

Personnel shall not deliberately remove, dismantle or tamper with any hardware or software component of the BWC system.

428.5 RECORDINGS

All recordings made by personnel are the property of the Santa Cruz Police Department.

Personnel shall have no expectation of privacy or an ownership interest in the content of recordings or data. All data collected by BWC is considered to be a law enforcement investigatory record and exempt from disclosure under Government Code section 6254(f).

The following is prohibited:

- Unauthorized use, duplication or distribution of BWC data.
- Personal copies of official recordings.
- Re-recording data using personal devices.
- Posting of video or audio to any social networking or website.
- Unauthorized removal of the BWC or recordings from the work site.
- Use of the BWC for personal purposes.
- Use of personally owned video recording devices while on-duty.
- Activation of BWC in workplace locker rooms or restrooms.
- Recording conversations between employees or supervisors.
- Officers should not record undercover officers or confidential informants, absent supervisor approval under limited circumstances.

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428.6 ACTIVATION OF THE BODY WORN CAMERA

Personnel shall not use a BWC to investigate, collect, maintain, use or share information regarding persons or groups solely because they are involved in constitutionally protected activity. Personnel should not record individuals who are picketing, engaged in peaceful protests, or First Amendment protected speech/activities- unless the officer believes a violation of criminal law is occurring, may occur, or if the officer has direct interaction with a participant or third party to the event.

Personnel are not expected to jeopardize their safety or the safety of the public in order to activate a BWC.

Personnel shall activate the BWC at the beginning, or as soon as it is safe to do so, in the following situations:

- (a) Use of force
- (b) Arrest
- (c) Detention / citation
- (d) Resist, delay or obstruct an officer
- (e) Search
- (f) Vehicle or foot pursuit
- (g) Emergency vehicle response
- (h) Any call for service involving a crime where the recorder may aid in the arrest and/or prosecution of a suspect:
 - 1. Domestic Violence Calls
 - 2. Disturbance of the peace calls
 - 3. Offenses involving violence or weapons
 - 4. Victim/witness statements involved in a use of force incident.
- (i) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording.

Recordings obtained under this section are considered evidentiary data.

When documenting any police action in a written report, personnel shall document the use of body worn camera digital media as evidence in the case.

Emergency Services Unit (ESU) personnel who are engaged in an active ESU operation shall defer to the ESU Commander or Incident Commander for direction on the activation of BWC's to avoid recording strategy or tactical related discussions or operations.

428.7 DEACTIVATION OF THE BODY WORN CAMERA

Once activated, the BWC shall remain on continuously until the employee's direct participation in enforcement or police action has concluded. After police action or enforcement action has been completed, officers may use video recordings as part of the investigative process. During the course of their investigation, officers may stop recording in between interviews of victims,

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witnesses, or other parties. When feasible, officers should verbally note the reasons for stopping the recordings as part of the investigative process.

During a critical incident in which a community member is seriously injured or killed by police action, BWC's shall remain continuously recording while the involved officers remain on scene of the incident, or when directed by a supervisor to stop recording. Serious injury is defined as an injury that involves a substantial risk of death, disfigurement, or permanent loss of a bodily function. See Critical Incident section below for additional critical incident requirements.

If a BWC is not activated during an enforcement encounter, or a recording is terminated prior to the end of an encounter, the reason(s) shall be documented in a report concerning the incident. If an incident report is not applicable, personnel shall note the reason(s) for the early termination during the tagging process.

If the BWC is in use during an enforcement situation and it becomes necessary to discuss issues or concerns with another law enforcement officer or supervisor in private, the BWC may be turned off. The intention to stop the recording should be verbally noted before switching the device off. When the private conversation has ended, the BWC recording may resume. Situations that may warrant stopping the recording include, but are not limited to:

1. Officers discussing investigative strategy;
2. Officers discussing tactical plans;
3. Officers obtaining information from confidential informants or reluctant witnesses.

Officers may stop recording when the arrestee is cooperative and safely secured inside a police car or law enforcement facility. If an arrestee becomes uncooperative, or if there is some evidentiary purpose, officers should resume recording. If an officer resumes recording, the camera shall continue recording until the officer no longer has contact with the subject.

428.8 DOWNLOAD RECORDINGS

Each recorded segment requires Metadata be entered, even if the segments are of the same event. Metadata should be added at the conclusion of the event. In the case of a delay, Metadata shall be added by the end of their next shift and prior to their weekend or other scheduled time off.

Personnel shall download data from the BWC into an ETM by the end of each shift. Personnel who are unable to complete the download shall immediately notify a supervisor.

428.9 REVIEW OF RECORDINGS

Personnel may review their own recordings for the following reasons:

- (a) To prepare official reports.
- (b) To prepare for court testimony or other legal processes.
- (c) To prepare for an administrative interview.
- (d) For training purposes as outlined in this policy.

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Digital evidence captured by the BWC is not all-inclusive. The system captures a less broad and less detailed image than the totality of the human senses. An officer's recollection of specific details may be different than what is captured in digital evidence. Officers should review digital evidence prior to completing reports when necessary to ensure accuracy. Officers are encouraged to review digital evidence prior to providing testimony at hearings, trial, administrative investigations, or depositions.

Detectives are responsible for reviewing, updating and tracking digital evidence associated with their assigned cases.

428.10 SUPERVISOR REVIEW OF RECORDINGS

It is NOT the intent of the Department to review digital evidence for the purpose of general performance review, for routine preparation of performance reports, or to discover policy violations.

Supervisors shall review recordings involving the use of force before approving reports involving the use of force. Instances such as the simple application of a control hold to overcome minor resistance or a foot pursuit "flee only" do not require a supervisor's investigation and the supervisor is not required to review BWC video related to these cases. Supervisors may review recordings and data to assist in resolving a matter of fact, to investigate a formal or informal complaint or possible misconduct, or for training.

In those circumstances that involve a formal or informal complaint or possible misconduct, the supervisors shall tag the recording via Metadata for two-year retention and notify the patrol lieutenant.

Investigators conducting a personnel related criminal or administrative investigation shall:

- (a) Advise the System Administrator to restrict access to the recording to the lead investigators.
- (b) Document the reason for access by entering the case number or reason for access in the comment field.
- (c) Review the recording to determine if the recording is evidentiary data and tag it appropriately for retention.
- (d) Direct the System Administrator to modify access restrictions appropriately when the matter is resolved.

428.11 USE OF BODY WORN CAMERA FILES FOR TRAINING

A Deputy Chief may authorize the use of BWC recordings for training.

If an involved officer objects to showing a recording, his/her objection will be submitted to the Deputy Chief to determine if the training value outweighs the officer's objection. Employees desiring to view any previously uploaded or archived BWC recording should submit a request in writing to the Watch Commander. Approved requests should be forwarded to the System Administrator for processing. In no event shall any recording be used or shown for the purpose of ridiculing or embarrassing any employee.

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Training video's that do not involve an arrest of a person for a misdemeanor or felony crime shall be reviewed for redaction of involved party's faces or identifying information. In the event that the training video depicts a person who is in medical crisis and no crime is involved, the person's image shall be redacted in order to avoid embarrassment or HIPPA violations of the detained/contacted individual.

428.12 CRITICAL INCIDENTS

Personnel involved in critical incidents shall immediately notify the responding supervisor of any recordings of the critical incident. The supervisor shall take immediate physical control of the BWC, download the recording as soon as practical and assign the recording via Metadata to the Critical Incident category for permanent retention.

Personnel who are involved in any critical incident shall be permitted to view their recording prior to providing a formal statement or written report. Personnel may consult with legal representation prior to viewing their recordings. Before personnel view the recording, they shall be provided the following admonishment verbally and in writing:

"In this case, there is video evidence that you have the opportunity to view before you give your initial statement. Video evidence has limitations and may depict the events differently than you recall, and may not depict all of the events as seen or heard by you. Video has limited field of view and may not capture events normally seen by the human eye. The frame rate of video may limit the camera's ability to capture movements normally seen by the human eye. Lighting as seen on the video may be different than what is seen by the human eye. Videos are two-dimensional medium and may not capture depth, distance or positional orientation as well as the human eye. Remember, the video evidence is intended to assist your memory and recollection, not replace it."

The Chief or his designee shall notify involved personnel prior to the Department's release of any critical incident recording(s) to the media.

428.13 SYSTEM ADMINISTRATOR

BWC data shall be stored in an online cloud database that has a reliable method for automatically backing up data for storage, managed by an experienced and reputable third-party vendor using a system that has a built-in audit trail to prevent data tampering or unauthorized access.

The System Administrator is designated by the Chief of Police and is responsible for the organization and retention of data obtained from the BWCs. This includes, but is not limited to, the following:

- (a) Operation and user administration of the system.
- (b) System evaluation.
- (c) Training.
- (d) Policy and Procedure review.

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- (e) Review and release of BWC data in accordance with federal, state, local statutes and the Santa Cruz Police Department's retention policy.
- (f) Deletion of recordings.

428.14 DELETION OF ACCIDENTAL RECORDING

If personnel accidentally activate a BWC and the data has no value, personnel may request the body-worn-camera file be deleted by submitting a request to the System Administrator via the chain of command. Before deleting an accidental recording, the System Administrator will view the data and make notes in the comment field concerning the request and a description of the content of the data.

428.15 CATEGORY AND RETENTION

Non-evidentiary Data: All non-evidentiary data will be retained for a minimum of (60) days.
Evidentiary Data: Evidentiary data, including data involving a critical incident, will be retained for a minimum of two years or in the same manner as is required by law for other evidence that may be relevant to a criminal prosecution if longer, under any of the following circumstances:

- (a) The recording is an incident involving the use of force.
- (b) The recording is of an incident that leads to the detention or arrest of any individual.
- (c) The recording is relevant to a formal or informal complaint against a law enforcement officer or a law enforcement agency.

Critical Incident Data: All data concerning a critical incident shall be retained permanently.

All evidentiary and non-evidentiary data shall be erased, destroyed, or recycled in accordance with the provisions of Government Code section 26202(a).

Records or logs of access and deletion of data from BWCs shall be retained permanently.

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 Santa Cruz Police Department. Information provided by the California Statewide Integrated Traffic Reporting System (SWITRS) is a valuable resource for traffic accident occurrences and therefore officer deployment. Some of the factors for analysis include:

- Location
- Time
- Day
- Violation factors

All officers assigned to patrol or traffic enforcement functions will emphasize enforcement of accident causing violations during high accident hours and at locations of occurrence. All officers will take directed enforcement action on request, and random enforcement action when appropriate against violators as a matter of routine. All officers shall maintain high visibility while working general enforcement, especially at high accident locations.

Other factors to be considered for deployment are requests from the public, construction zones or special events.

500.3 ENFORCEMENT

Enforcement actions are commensurate with applicable laws and take into account the degree and severity of the violation committed. This department does not establish ticket quotas and the number of arrests or citations issued by any officer shall not be used as the sole criterion for evaluating officer overall performance (Vehicle Code § 41603). The visibility and quality of an officer's work effort will be commensurate with the philosophy of this policy. Several methods are effective in the reduction of collisions:

500.3.1 WARNINGS

Warnings or other non-punitive enforcement actions should be considered in each situation and substituted for arrests or citations when circumstances warrant, 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 required timeline (30 days for infraction or court date for misdemeanor).
- (c) Notice of the appropriate court contact information on the citation regarding any procedural court questions.

500.3.3 PHYSICAL ARREST

Physical arrest can be made on a number of criminal traffic offenses outlined in the Vehicle Code or Penal Code. These physical arrest cases usually deal with, but are not limited to:

- (a) Vehicular manslaughter
- (b) Felony and misdemeanor driving under the influence of alcohol/drugs
- (c) Felony or misdemeanor hit-and-run
- (d) Refusal to sign notice to appear
- (e) Any other misdemeanor at the discretion of the officer, such as reckless driving with extenuating circumstances

500.4 SUSPENDED OR REVOKED DRIVERS LICENSES

If an officer contacts a traffic violator for driving on a suspended or revoked license, the officer may issue a traffic citation pursuant to Vehicle Code § 14601.

If a computer check of a traffic violator's license status reveals a suspended or revoked driver license and the traffic violator still has his or her license in possession, the license shall be seized by the officer. The officer shall verbally advise the traffic violator of the suspension or revocation and issue the citation. The officer will be responsible for filling out the Verbal Notice form (DMV form DL-310) and causing that form and license to be forwarded to the Department of Motor Vehicles.

500.5 HIGH-VISIBILITY VESTS

The Department has provided American National Standards Institute (ANSI) Class II high-visibility vests to increase the visibility of department members who may be exposed to hazards presented by passing traffic, maneuvering or operating vehicles, machinery and equipment (23 CFR 655.601; 8 CCR 1598).

Although intended primarily for use while performing traffic related assignments, high-visibility vests should be worn at any time increased visibility would improve the safety or efficiency of the member.

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500.5.1 REQUIRED USE

Except when working in a potentially adversarial or confrontational role, such as during vehicle stops, high-visibility vests should be worn at any time it is anticipated that an employee will be exposed to the hazards of approaching traffic or construction and recovery equipment. Examples of when high-visibility vests should be worn include traffic control duties, accident investigations, lane closures and while at disaster scenes, or anytime high visibility is desirable. When emergency conditions preclude the immediate donning of the vest, officers should retrieve and wear the vest as soon as conditions reasonably permit. Use of the vests shall also be mandatory when directed by a supervisor.

Vests maintained in the investigation units may be used any time a plainclothes officer might benefit from being readily identified as a member of law enforcement.

500.5.2 CARE AND STORAGE OF HIGH-VISIBILITY VESTS

High-visibility vests shall be maintained in the trunk of each patrol and investigation unit, in the side box of each police motorcycle and in the saddlebag or gear bag of each police bicycle. Each vest should be stored inside the re-sealable plastic bag provided to protect and maintain the vest in a serviceable condition. Before going into service each employee shall ensure a serviceable high-visibility vest is properly stored.

A supply of high-visibility vests will be maintained in the equipment room for replacement of damaged or unserviceable vests. The Training Manager should be promptly notified whenever the supply of vests in the equipment room needs replenishing.

Traffic Collision Review

501.1 PURPOSE AND SCOPE

This policy sets out the procedure for administrative review of all traffic collisions involving on-duty personnel.

501.2 REVIEW

All traffic collisions involving on-duty personnel will be reviewed by the employee's manager. Those collisions involving a management employee or above will be reviewed by the next highest ranking member of the department. The person conducting the review will obtain all documents related to the event as soon as they are available. Upon receipt of all documents, the reviewer will provide the employee(s) involved in the collision with a copy of the documents. The employee has the option, within 10 days from receipt of the documents, to provide the reviewer with any additional information (in writing) they deem pertinent to the case. Within 10 days of receipt of the documents from the involved employee(s), the reviewer will evaluate the case and make a written recommendation to the Deputy Chief of the employee's Division as to whether any further action/corrective measures should be taken. The Deputy Chief will review the recommendation and make the final determination as to whether any further action is necessary. If further corrective action is necessary, the reviewer will take such action in accordance with department policy.

501.3 RETENTION OF INFORMATION

Retention of documents related to collision review will follow the records retention schedule.

Traffic Collision Reporting

502.1 PURPOSE AND SCOPE

The Santa Cruz Police Department prepares traffic collision reports in compliance with the California Highway Patrol Collision Investigation Manual (CIM) and as a public service makes traffic collision reports available to the community with some exceptions.

502.1.1 COLLISIONS INVOLVING FAMILY OR CLOSE RELATIVE

Officers shall not investigate any traffic collision involving their immediate family or relatives. If an officer believes they cannot objectively investigate a traffic collision because of the involvement of a close relationship, they shall notify the on-duty supervisor. The supervisor shall arrange for another officer to investigate the collision.

502.2 RESPONSIBILITY

The Traffic Sergeant will be responsible for distribution of the Collision Investigation Manual. The Traffic Sergeant will receive all changes in the state manual and ensure conformity with this policy.

502.3 TRAFFIC COLLISION REPORTING

All traffic collision reports taken by members of this department shall be forwarded to the Traffic Unit.

502.4 REPORTING SITUATIONS

502.4.1 TRAFFIC COLLISIONS INVOLVING CITY VEHICLES

Traffic collision investigation reports shall be taken when a City-owned vehicle is involved in a traffic collision resulting in a visible or severe injury.. A general information report will be taken in lieu of a traffic collision report (CHP 555 form) in all other collisions involving a city owed vehicle.. Whenever there is damage to a City vehicle, a supervisor from the appropriate city department should respond and document the incident on a City of Santa Cruz "Confidential Vehicle Accident / Incident form and forward to the city risk manager.

Photographs of the collision scene and vehicle damage shall be taken at the discretion of the traffic investigator or any supervisor.

502.4.2 TRAFFIC COLLISIONS WITH OTHER CITY EMPLOYEES OR OFFICIALS

The Traffic Sergeant or on-duty Watch Commander may request assistance from the California Highway Patrol for the investigation of any traffic collision involving any City official or employee where a serious injury or fatality has occurred.

502.4.4 TRAFFIC COLLISIONS ON ROADWAYS OR PRIVATE PROPERTY

Traffic collision reports shall be taken when they occur within the jurisdiction of this department under any of the following circumstances:

- (a) When there is a death, severe or visible injury to any persons involved in the collision.

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- (b) When there is an identifiable **criminal** violation of the Vehicle Code such as hit and run, DUI, etc. which results in an arrest or sufficient information is available to identify the driver through follow-up. Criminal traffic collisions with no follow up to be completed will be documented as a regular crime report.
- (c)

Traffic incident / collisions that do not meet the above listed criteria but need to be documented will be require an "informational" report.

502.5 NOTIFICATION OF TRAFFIC BUREAU SUPERVISION

In the event of a serious injury or death related traffic collision, the Watch Commander shall notify the Traffic Sergeant to relate the circumstances of the traffic collision and seek assistance from the Traffic Bureau. In the absence of a Traffic Sergeant, the Watch Commander or any supervisor may assign an accident investigator or motor officer to investigate the traffic collision.

502.6 TRAFFIC COLLISIONS INVOLVING POLICE VEHICLES/PERSONNEL

The on-duty shift supervisor will request the CHP to investigate collisions involving police vehicles which result in an injury to any party.

The on-duty supervisor or their designees shall investigate non-injury collisions involving police vehicles.

Under no circumstance will an officer investigate a collision in which he/she is involved.

502.6.1 EXCEPTIONS TO SUPERVISOR'S REPORT

A supervisor shall document a collision on a "**Confidential City of Santa Cruz Vehicle Deficiency Report**" with supporting information on an attached memo, under the following circumstances:

- (a) The collision involved a police vehicle and City of Santa Cruz Property only
- (b) The damage estimate is **less than \$1000**

502.6.2 SUPERVISOR POST-COLLISION RESPONSIBILITIES

- (a) Photographs shall be taken of all involved vehicles by the on-duty supervisor or their designee
- (b) The Traffic Supervisor will review the collision investigation document for its content and to ensure it is complete.
- (c) The on-duty supervisor will complete the **Confidential City of Santa Cruz Vehicle Accident Report**. The purpose of this confidential form is to assist the City Attorney and Risk Manager. Once completed, the form shall be signed by the supervisor and immediately routed to the driver's Division Commander in a sealed envelope. The Division Commander will sign the form and route it to the Risk Manager (via the Administration AAIII under the Attorney-Client Privilege). The completion of this form does not negate the requirement for the supervisor to contact the Risk Manager immediately.

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- (a) When the C.H.P. conducts the collision investigation, the on-duty supervisor shall initiate an **Outside Agency Report** case in Alliance. At a minimum, the report will include the following:
 - 1. Date and time of occurrence
 - 2. Names of all the parties involved and witnesses to the collision
 - 3. Information on all vehicles involved in the collision
 - 4. A narrative statement to refer to the C.H.P. investigation.

502.6.3 RECORDS PROCESSING

In cases where the CHP conducts the investigation, a copy of the CHP investigation is to be routed to Records. When the Records Section receives the C.H.P. report, they will scan the report and attach it to the Alliance case.

502.8 FATAL AND MAJOR INJURY TRAFFIC COLLISIONS

Fatal and/or major injury traffic collisions require additional attention and direction. In these cases the following procedures will be followed.

- (a) Notifications:
 - 1. The on-duty field supervisor shall be notified and respond to the scene of all major injury or fatal traffic collisions.
 - 2. The on-duty team Watch Commander and the Traffic Supervisor shall be notified immediately of collisions involving major injury or death to any party. The Traffic Supervisor shall respond to the scene of all fatal collisions.
 - 3. The Watch Commander shall be responsible for notifying the appropriate chain of command, as soon as practical. Immediacy of the notification will depend on the circumstances at the discretion of the Watch Commander.
- (b) The Traffic Supervisor or Watch Commander will assign a Traffic Collision Investigator as soon as possible to assist in and direct the investigation.
- (c) If a designated Traffic Collision Investigator is not on-duty at the time of the collision, one of the Traffic Collision Investigators will be called out. A call-out list for major Traffic Collision Investigators shall be maintained by the Traffic Section Supervisor for NETCOM.
- (d) If a fatality has occurred and there is sufficient information to indicate a potential criminal filing, the district attorney's office will be notified. The responsibility for notification rests with the Traffic Supervisor. The Investigation Section Commander may be called upon to assist.
- (e) The City Risk Manager shall be notified of all fatal traffic collisions. Immediacy of notification will depend on circumstances at the discretion of the Watch Commander.

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502.8.1 REPORT ROUTING

- (a) Records will immediately complete and route all information obtained during the initial investigation to the Operations Division where it will be reviewed and approved by one supervisor designated by the Watch Commander.
- (b) Reports will be held in the Patrol Supervisor's office until all initial reports are in. The reports shall be placed in a folder clearly labeled as to its contents. Included in the folder with the reports shall be the Major Case Coordination Guide.
- (c) The Watch Commander (Lieutenant), the designated Supervisor (normally the Traffic Supervisor) and the assigned Traffic Collision Investigator shall review all initial investigation reports, and outline those areas requiring additional follow-up. The Watch Commander or Supervisor will approve the reports when complete.
- (d) After approval, Records will then route copies as required.

502.8.2 FOLLOW UP INVESTIGATION

- (a) The Traffic Section Supervisor shall be responsible for the supervision of the collision investigation. A Traffic Collision Investigator will be designated as the primary investigator, and will be relieved from regular patrol duties until the completion of the investigation. In the event additional assistance is needed, the Traffic Section Supervisor will meet with the Watch Commander to coordinate the resources needed to complete the follow-up investigation.
- (b) In the event that the assigned Traffic Collision Investigator is unable to complete the necessary follow-up investigation prior to commencing his/her normal days off, the investigator shall meet with the Traffic Section Supervisor to develop a follow-up plan.

502.8.3 ON-DUTY EMERGENCY VEHICLE FATAL COLLISIONS

- (a) Cases involving a law enforcement officer employed within the County of Santa Cruz will be investigated per those procedures outlined in the Critical Incident Protocol.
- (b) On-duty collisions with injuries or death involving Santa Cruz Police vehicles will be investigated by the California Highway Patrol as per § 502.6 of this Policy.

502.8 CHP MULTIDISCIPLINARY ACCIDENT INVESTIGATION TEAM (MAIT)

- (a) MAIT is designed to supplement the CHP's normal accident investigation efforts, as well as conduct in-depth investigations to determine the collision events that are significant in accident causation.
- (b) The on-duty Watch Commander shall be responsible for making MAIT requests. If possible, the Traffic Section Supervisor shall respond to coordinate/assist with any MAIT call out.
- (c) All requests for MAIT must be directed to the local CHP Area Commander.

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- (d) Criteria for requesting MAIT:
1. SHALL call when:
 - (a) A severe or fatal injury collision involving an on-duty CHP or Caltrans employee.
 2. SHOULD call when:
 - (a) Any collision occurs where there are four or more fatalities occur.
 - (b) Any collision with two or more fatalities involving any vehicle or combination of vehicles described in Vehicle Code § 34500.
 - (c) Any collision which results in the spillage or leakage of a significant amount of hazardous material and seriously threatens life and/or property.
 - (d) Any collision in which the Department has been notified that Investigators from the National Transportation Safety Board (NTSB) will be responding to conduct a parallel investigation.
 3. MAY call when:
 - (a) Any severe or fatal injury collision involving a possible roadway defect as a primary cause or contributing factor.
 - (b) Any collision where there is an indication that an involved vehicle has a manufacturing defect which was the primary cause or contributing factor.
 - (c) Any collision where there is a need for an in-depth speed analysis.

72-Hour Parking Violations

503.1 PURPOSE AND SCOPE

This policy provides procedures for the marking, recording, and storage of vehicles parked in violation of the Santa Cruz City Ordinance regulating 72-hour parking violations and abandoned vehicles under the authority of Vehicle Code § 22669.

503.2 MARKING VEHICLES

Vehicles suspected of being in violation of the City of Santa Cruz 72-Hour Parking Ordinance shall be marked and noted on the Santa Cruz Police Department Marked Vehicle Card. No case number is required at this time.

A visible chalk mark should be placed on the left rear tire tread at the fender level unless missing tires or other vehicle conditions prevent marking. Any deviation in markings shall be noted on the Marked Vehicle Card. The investigating employee should make a good faith effort to notify the owner of any vehicle subject to towing prior to having the vehicle removed. This may be accomplished by personal contact, telephone or by leaving notice attached to the vehicle at least 24 hours prior to removal.

All Marked Vehicle Cards shall be submitted to the Vehicle Abatement Officer or Records for computer data entry.

If a marked vehicle has been moved or the markings have been removed during a 72-hour investigation period, the vehicle shall be marked again for the 72-hour parking violation and a Marked Vehicle Card completed and forwarded to the Traffic Unit.

Parking citations for the 72-hour parking ordinance shall not be issued when the vehicle is stored for the 72-hour parking violation.

503.2.1 MARKED VEHICLE FILE

The Vehicle Abatement Officer shall be responsible for maintaining a file for all Marked Vehicle Cards.

Abandoned Vehicle Abatement officers shall be responsible for the follow up investigation of all 72-hour parking violations noted on the Abandoned Vehicle Form SCPD-024.

503.2.2 VEHICLE STORAGE

Any vehicle in violation shall be stored by the authorized towing service and a vehicle storage report (CHP180) shall be completed by the officer authorizing the storage of the vehicle.

The storage report form shall be submitted to the Records Unit immediately following the storage of the vehicle. It shall be the responsibility of the Records Unit to immediately notify the Stolen Vehicle System (SVS) of the Department of Justice in Sacramento (Vehicle Code § 22851.3(b)). Notification may also be made to the National Law Enforcement Telecommunications System (NLETS)(Vehicle Code § 22854.5).

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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 Unit to determine the names and addresses of any individuals having an interest in the vehicle through DMV or CLETS computers. Notice to all such individuals shall be sent first-class or certified mail pursuant to Vehicle Code § 22851.3(d).

Vehicle Towing and Release

504.1 PURPOSE AND SCOPE

This policy provides the procedures for towing a vehicle by or at the direction of the Santa Cruz Police Department. Nothing in this policy shall require the Department to tow a vehicle.

504.2 STORAGE AND IMPOUNDS

When reasonable, 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. If a vehicle presents a hazard, such as being abandoned on the roadway, it may be towed immediately.

The responsibilities of those employees towing, storing or impounding a vehicle are listed below.

504.2.1 VEHICLE STORAGE REPORT

Department members requesting towing, storage, or impound of a vehicle shall complete CHP Form 180 and accurately record the mileage and a description of property within the vehicle (Vehicle Code § 22850). A copy of the storage report should be given to the tow truck operator, and the original shall be submitted to the Records Unit as soon as practicable after the vehicle is stored.

504.2.2 REMOVAL FROM TRAFFIC COLLISION SCENES

When a vehicle has been involved in a traffic collision and must be removed from the scene, the officer shall have the driver select a towing company, if possible, and shall relay the request for the specified towing company to the dispatcher. When there is no preferred company requested, a company will be selected from the rotational list of towing companies in NetCom.

If the owner is incapacitated, or for any reason it is necessary for the Department to assume responsibility for a vehicle involved in a collision, the officer shall request the dispatcher to call the next official towing garage on rotation for the City of Santa Cruz. The officer will then store the vehicle using a CHP Form 180.

504.2.3 STORAGE AT ARREST SCENES

Whenever a person in charge or in control of a vehicle is arrested, it is the policy of this department to provide reasonable safekeeping by storing the arrestee's vehicle subject to the exceptions described below. The vehicle, however, shall be stored whenever it is needed for the furtherance of the investigation or prosecution of the case, or when the community caretaker doctrine would reasonably suggest that the vehicle should be stored (e.g., traffic hazard, high-crime area).

The following are examples of situations where consideration should be given to leaving a vehicle at the scene in lieu of storing, provided the vehicle can be lawfully parked and left in a reasonably secured and safe condition:

- Traffic-related warrant arrest.
- Situations where the vehicle was not used to further the offense for which the driver was arrested.

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- Whenever the licensed owner of the vehicle is present, willing, and able to take control of any vehicle not involved in criminal activity.
- Whenever the vehicle otherwise does not need to be stored and the owner requests that it be left at the scene. In such cases, the owner shall be informed that the Department will not be responsible for theft or damages.

504.2.4 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.

504.2.5 DRIVING A NON-CITY VEHICLE

Vehicles which have been towed by or at the direction of the Department should not be driven by police personnel unless it is necessary to move a vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant or to comply with posted signs.

504.2.6 DISPATCHER'S RESPONSIBILITIES

Upon receiving a request for towing, the dispatcher shall promptly telephone the specified authorized towing service. The officer shall be advised when the request has been made and the towing service has been dispatched.

When there is no preferred company requested, the dispatcher shall call the next 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.

504.2.7 RECORDS UNIT RESPONSIBILITY

Records 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 Supervisor for approval (Vehicle Code § 22651.5(b); Vehicle Code § 22851.3(b); Vehicle Code § 22854.5).

Approved storage forms shall be promptly placed into the auto-file so that they are immediately available for release or review should inquiries be made.

Within 48 hours, excluding weekends and holidays, of the storage of any such vehicle it shall be the responsibility of the Records Unit to determine the names and addresses of any individuals

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having an interest in the vehicle through DMV or CLETS computers. Notice 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

504.3 TOWING SERVICES

Refer to Tow Service Agreement.

504.4 VEHICLE INVENTORY

All property of particular or unusual value 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 and reasonable in preparing an itemized inventory. These inventory procedures are for the purpose of protecting an owner's property while in police custody, to provide for the safety of officers, and to protect the Department against fraudulent claims of lost, stolen, or damaged property. Photographs shall be taken of the exterior and interior of the vehicle, including the contents.

504.5 SECURITY OF VEHICLES AND PROPERTY

Unless it would cause an unreasonable delay in the completion of a vehicle impound/storage or create an issue of officer safety, officers should make reasonable accommodations to permit a driver/owner to retrieve small items of value or personal need (e.g., cash, jewelry, cell phone, prescriptions) that are not considered evidence or contraband.

If a search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft, or damage, personnel conducting the search shall take such steps as are reasonably necessary to secure and/or preserve the vehicle or property from such hazards.

504.6 RELEASE OF VEHICLE

The Department will maintain a listed, 24-hour telephone number to provide information regarding impoundment of vehicles and the right of the registered owner to request a storage hearing. Releases for towed vehicles will be made available during regular, non-emergency business hours (Vehicle Code § 14602.6).

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- (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.

504.7 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 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

505.1 PURPOSE AND SCOPE

This policy establishes a procedure for the requirement to provide vehicle storage or impound hearings pursuant to Vehicle Code § 22852.

505.2 STORED OR IMPOUND HEARING

When a vehicle is stored or impounded by any member of the Santa Cruz 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)).

505.2.1 HEARING PROCEDURES

The vehicle storage hearing is an informal process to evaluate the validity of an order to store or impound a vehicle. The employee who caused the storage or removal of the vehicle does not need to be present for this hearing.

All requests for a hearing on a stored or impounded vehicle shall be submitted in person, in writing or by telephone within 10 days of the date appearing on the notice (Vehicle Code § 22852(b)). The 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.

- (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.
 - 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, 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 Deputy Chief. The hearing officer will recommend to the appropriate Deputy Chief 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

506.1 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).

506.2 POLICY

The Santa Cruz 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.

506.3 INVESTIGATIONS

Officers should not enforce DUI laws to the exclusion of their other duties unless specifically assigned to DUI enforcement. All officers are expected to enforce these laws with due diligence.

The Traffic Sergeant 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.

506.4 FIELD TESTS

Whenever practical officers should at a minimum administer the NHTSA standardized FTS including Horizontal Gaze Nystagmus(HGN), Walk and Turn, and one leg stand. Additional tests may be administered at the officer's discretion

506.5 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.

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- (b) The person is under 21 years of age and is arrested by an officer having reasonable cause to believe that the person's blood alcohol content is 0.05 or more (Vehicle Code § 23140).
- (c) The person is under 21 years of age and detained by an officer having reasonable cause to believe that the person was driving a vehicle while having a blood alcohol content of 0.01 or more (Vehicle Code § 23136).
- (d) The person was operating a vehicle while under the influence and proximately caused bodily injury to another person (Vehicle Code § 23153).

If a person withdraws this implied consent, or is unable to withdraw consent (e.g., the person is unconscious), the officer should consider implied consent revoked and proceed as though the person has refused to provide a chemical sample.

506.5.1 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).

506.5.2 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.

506.5.2 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).

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506.5.2 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).

506.5.6 CHOICE OF TESTS

Officers shall respect a viable choice of chemical test made by an arrestee, as provided for by law (e.g., breath will not be acceptable for suspected narcotics influence).

A person arrested for DUI has the choice of whether the test is of the person's blood or breath, and the officer shall advise the person that the person has that choice. If the person arrested either is incapable, or states that the person is incapable, of completing the chosen test, the person shall submit to the remaining test.

If the person chooses to submit to a breath test and there is reasonable cause to believe that the person is under the influence of a drug or the combined influence of alcohol and any drug, the officer may also request that the person submit to a blood test. If the person is incapable of completing a blood test, the person shall submit to and complete a urine test (Vehicle Code § 23612(a)(2)(C)).

506.5.7 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.

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.

506.5.7 BREATH SAMPLES

The Traffic Sergeant should ensure that all devices used for the collection and analysis of breath samples are properly serviced and tested, and that a record of such service and testing is properly maintained.

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Officers obtaining a breath sample should monitor the device for any sign of malfunction. Any anomalies or equipment failures should be noted in the appropriate report and promptly reported to the Traffic Sergeant.

When the arrested person chooses a breath test, the handling officer shall advise the person that the breath-testing equipment does not retain a sample, and the person may, if desired, provide a blood or urine specimen, which will be retained to facilitate subsequent verification testing (Vehicle Code § 23614).

The officer should also require the person to submit to a blood test if the officer has a clear indication that a blood test will reveal evidence of any drug or the combined influence of an alcoholic beverage and any drug. Evidence of the officer's belief shall be included in the officer's report (Vehicle Code § 23612(a)(2)(C)).

506.6 REFUSALS

When an arrestee refuses to provide a viable chemical sample, officers should:

- (a) Advise the arrestee of the requirement to provide a sample (Vehicle Code § 23612).
- (b) Audio- and/or video-record the admonishment when it is practicable.
- (c) Document the refusal in the appropriate report.

506.6.1 STATUTORY NOTIFICATIONS UPON REFUSAL

Upon refusal to submit to a chemical test as required by law, officers shall personally serve the notice of order of suspension upon the arrestee and take possession of any state-issued license to operate a motor vehicle that is held by that individual (Vehicle Code § 23612(e); Vehicle Code § 23612(f)).

506.6.2 FORCED BLOOD SAMPLE

If an arrestee indicates by word or action that the person will physically resist a blood draw, the officer should request a supervisor to respond.

The responding supervisor should:

- (a) Evaluate whether using force to obtain a blood sample is appropriate under the circumstances.
- (b) Ensure that all attempts to obtain a blood sample through force cease if the person agrees to, and completes a viable form of testing in a timely manner.
- (c) Advise the person of the person's duty to provide a sample (even if this advisement was previously done by another officer) and attempt to persuade the individual to submit to such a sample without physical resistance.
 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.

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- (f) Monitor and ensure that the type and level of force applied appears reasonable under the circumstances:
 - 1. Unless otherwise provided in a warrant, force should generally be limited to handcuffing or similar restraint methods.
 - 2. In misdemeanor cases, if the arrestee becomes violent or more resistant, no additional force will be used and a refusal should be noted in the report.
 - 3. In felony cases, force which reasonably appears necessary to overcome the resistance to the blood draw may be permitted.
- (g) Ensure the use of force and methods used to accomplish the collection of the blood sample are documented in the related report.

If a supervisor is unavailable, officers are expected to use sound judgment and perform as a responding supervisor, as set forth above.

506.6.3 BLOOD SAMPLE WITHOUT CONSENT

A blood sample may be obtained from a person who refuses a chemical test when any of the following conditions exist:

- (a) A search warrant has been obtained (Penal Code § 1524).
- (b) The officer can articulate that exigent circumstances exist. Exigency does not exist solely because of the short time period associated with the natural dissipation of alcohol or controlled or prohibited substances in the person's bloodstream. Exigency can be established by the existence of special facts such as a lengthy time delay in obtaining a blood sample due to an accident investigation or medical treatment of the person.

506.7 ADMINISTRATIVE HEARINGS

The Records Manager 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.

506.8 RECORDS UNIT RESPONSIBILITIES

The Records Manager will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney's office.

506.9 ARREST AND INVESTIGATION

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506.9.1 WARRANTLESS ARREST

In addition to the arrest authority granted to officers pursuant to Penal Code § 836, an officer may make a warrantless arrest of a person that the officer has reasonable cause to believe has been driving under the influence of an alcoholic beverage or any drug, or under the combined influence of the same when (Vehicle Code § 40300.5):

- (a) The person is involved in a traffic crash.
- (b) The person is observed in or about a vehicle that is obstructing the roadway.
- (c) The person will not be apprehended unless immediately arrested.
- (d) The person may cause injury to themselves or damage property unless immediately arrested.
- (e) The person may destroy or conceal evidence of a crime unless immediately arrested.

506.9.2 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.

506.10 TRAINING

The Training Manager should ensure that officers participating in the enforcement of DUI laws receive regular training. Training should include, at minimum, current laws on impaired driving, investigative techniques and rules of evidence pertaining to DUI investigations. The Training Manager should confer with the prosecuting attorney's office and update training topics as needed.

Traffic Citations

507.1 PURPOSE AND SCOPE

This policy outlines the responsibility for traffic citations, the procedure for dismissal, correction, and voiding of traffic citations.

507.2 RESPONSIBILITIES

The Traffic Sergeant or designee shall be responsible for the development and design of all Department traffic citations in compliance with state law and the Judicial Council.

The Records Unit shall be responsible for the supply and accounting of all traffic citations issued to employees of this department.

507.3 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 a Lieutenant for review. Upon a review of the circumstances involving the issuance of the traffic citation, the Lieutenant may request the Operations Deputy Chief to recommend dismissal of the traffic citation. If approved, the citation will be forwarded to the appropriate court with a request for dismissal. All recipients of traffic citations whose request for the dismissal of a traffic citation has been denied shall be referred to the appropriate court.

Should an officer determine during a court proceeding that a traffic citation should be dismissed in the interest of justice or where prosecution is deemed inappropriate the officer may request the court to dismiss the citation. Upon dismissal of the traffic citation by the court, the officer shall notify his/her immediate supervisor of the circumstances surrounding the dismissal and shall complete any paperwork as directed or required. The citation dismissal shall then be forwarded to the Operations Deputy Chief for review.

507.4 VOIDING TRAFFIC CITATIONS

Voiding a traffic citation may occur when a traffic citation has not been completed or where it is completed, but not issued. All copies of the citation shall be forwarded to Records.

507.5 CORRECTION OF TRAFFIC CITATIONS

When a traffic citation is issued and in need of correction, the officer issuing the citation shall submit the citation and a letter requesting a specific correction to Records. Records shall forward a letter of correction to the court having jurisdiction and to the recipient of the citation.

507.6 DISPOSITION OF TRAFFIC CITATIONS

The court and file copies of all traffic citations issued by members of this department shall be forwarded to the Records Unit.

Upon separation from employment with this department, all employees issued traffic citation books shall return any unused citations to the Records Unit.

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507.7 NOTICE OF PARKING VIOLATION APPEAL PROCEDURE

Disposition of notice of parking violation appeals is conducted pursuant to Vehicle Code § 40215 through the City of Santa Cruz Parking Office

507.8 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

508.1 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.

508.2 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.

508.3 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.

508.3.1 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.

508.3.2 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.

508.3.3 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.

508.4 PUBLIC ACCESS TO THIS POLICY

This written policy is available upon request.

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 Santa Cruz Police Department to investigate crimes thoroughly and with due diligence, and to evaluate and prepare criminal cases for appropriate clearance or submission to a prosecutor.

600.3 INITIAL INVESTIGATION

600.3.1 OFFICER RESPONSIBILITIES

An officer responsible for an initial investigation shall complete no less than the following:

- (a) Make a preliminary determination of whether a crime has been committed by completing, at a minimum:
 1. An initial statement from any witnesses or complainants.
 2. A cursory examination for evidence.
- (b) If information indicates a crime has occurred, the officer shall:
 1. Preserve the scene and any evidence as required to complete the initial and follow-up investigation.
 2. Determine if additional investigative resources (e.g., investigators or scene processing) are necessary and request assistance as required.
 3. If assistance is warranted, or if the incident is not routine, notify a supervisor or the Watch Commander.
 4. Make reasonable attempts to locate, identify and interview all available victims, complainants, witnesses and suspects.
 5. Collect any evidence.
 6. Take any appropriate law enforcement action.
 7. Complete and submit the appropriate reports and documentation.
- (c) If the preliminary determination is that no crime occurred, determine what other action may be necessary, what other resources may be available, and advise the informant or complainant of this information.

600.3.2 NON-SWORN MEMBER RESPONSIBILITIES

A non-sworn member assigned to any preliminary investigation is responsible for all investigative steps, except making any attempt to locate, contact or interview a suspect face-to-face or take any enforcement action. Should an initial investigation indicate that those steps are required, the assistance of an officer shall be requested.

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600.4 CUSTODIAL INTERROGATION REQUIREMENTS

Suspects who are in custody and subjected to an interrogation shall be given the *Miranda* warning, unless an exception applies. Interview or interrogation of a juvenile shall be in accordance with the Temporary Custody of Juveniles Policy.

600.4.1 AUDIO/VIDEO RECORDINGS

Any custodial interrogation of an individual who is suspected of having committed any violent felony offense should be recorded (audio or video with audio as available) in its entirety. Regardless of where the interrogation occurs, every reasonable effort should be made to secure functional recording equipment to accomplish such recordings.

Consideration should also be given to recording a custodial interrogation, or any investigative interview, for any other offense when it is reasonable to believe it would be appropriate and beneficial to the investigation and is otherwise allowed by law.

No recording of a custodial interrogation should be destroyed or altered without written authorization from the prosecuting attorney and the Investigations Unit supervisor. Copies of recorded interrogations or interviews may be made in the same or a different format as the original recording, provided the copies are true, accurate and complete and are made only for authorized and legitimate law enforcement purposes.

Recordings should not take the place of a thorough report and investigative interviews. Written statements from suspects should continue to be obtained when applicable.

600.4.2 MANDATORY RECORDING OF ADULTS

Any custodial interrogation of an adult who is suspected of having committed any murder shall be recorded in its entirety. The recording should be video with audio if reasonably feasible (Penal Code § 859.5).

This recording is not mandatory when (Penal Code § 859.5):

- (a) Recording is not feasible because of exigent circumstances that are later documented in a report.
- (b) The suspect refuses to have the interrogation recorded, including a refusal any time during the interrogation, and the refusal is documented in a report. If feasible, the refusal shall be electronically recorded.
- (c) The custodial interrogation occurred in another state by law enforcement officers of that state, unless the interrogation was conducted with the intent to avoid the requirements of Penal Code § 859.5.
- (d) The interrogation occurs when no member conducting the interrogation has a reason to believe that the individual may have committed murder. Continued custodial interrogation concerning that offense shall be electronically recorded if the interrogating member develops a reason to believe the individual committed murder.

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- (e) The interrogation would disclose the identity of a confidential informant or would jeopardize the safety of an officer, the individual being interrogated or another individual. Such circumstances shall be documented in a report.
- (f) A recording device fails despite reasonable maintenance and the timely repair or replacement is not feasible.
- (g) The questions are part of a routine processing or booking, and are not an interrogation.
- (h) The suspect is in custody for murder and the interrogation is unrelated to a murder. However, if any information concerning a murder is mentioned during the interrogation, the remainder of the interrogation shall be recorded.

The Department shall maintain an original or an exact copy of the recording until a conviction relating to the interrogation is final and all appeals are exhausted or prosecution is barred by law (Penal Code § 859.5).

600.5 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.

600.6 DISCONTINUATION OF INVESTIGATIONS

The investigation of a criminal case or efforts to seek prosecution should only be discontinued if one of the following applies:

- (a) All reasonable investigative efforts have been exhausted, no reasonable belief that the person who committed the crime can be identified, and the incident has been documented appropriately.
- (b) The 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).

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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.

600.7 CELLULAR COMMUNICATIONS INTERCEPTION TECHNOLOGY

The Investigations Unit Deputy Chief is responsible for ensuring the following for cellular communications interception technology operations (Government Code § 53166):

- (a) Security procedures are developed to protect information gathered through the use of the technology.
- (b) A usage and privacy policy is developed that includes:
 - 1. The purposes for which using cellular communications interception technology and collecting information is authorized.
 - 2. Identification by job title or other designation of employees who are authorized to use or access information collected through the use of cellular communications interception technology.
 - 3. Training requirements necessary for those authorized employees.
 - 4. A description of how the Department will monitor the use of its cellular communications interception technology to ensure the accuracy of the information collected and compliance with all applicable laws.
 - 5. Process and time period system audits.
 - 6. Identification of the existence of any memorandum of understanding or other agreement with any other local agency or other party for the shared use of cellular communications interception technology or the sharing of information collected through its use, including the identity of signatory parties.
 - 7. The purpose of, process for and restrictions on the sharing of information gathered through the use of cellular communications interception technology with other local agencies and persons.
 - 8. The length of time information gathered through the use of cellular communications interception technology will be retained, and the process the local agency will utilize to determine if and when to destroy retained information.

Members shall only use approved devices and usage shall be in compliance with department security procedures, the department's usage and privacy procedures and all applicable laws.

600.8 COMPUTERS AND DIGITAL EVIDENCE

The collection, preservation, transportation and storage of computers, cell phones and other digital devices may require specialized handling to preserve the value of the related evidence. If it is anticipated that computers or similar equipment will be seized, officers should request that computer forensic examiners assist with seizing computers and related evidence. If a forensic examiner is unavailable, officers should take reasonable steps to prepare for such seizure and use the resources that are available.

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600.9 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 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).

600.9.1 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.

600.9.2 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.

600.10 ANTI-REPRODUCTIVE RIGHTS CRIMES

A member should take a report any time a person living within the jurisdiction of the Santa Cruz 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:

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- (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 to facilitate the crime).

A member investigating an anti-reproductive rights crime should ensure that the case is referred to the appropriate agency if it is determined that this department should not be the investigating agency. The victim should be advised that the case is being transferred to the agency of jurisdiction. The appropriate entries should be made into any databases that have been authorized for department use and are specific to this type of investigation.

The Investigations Unit supervisor should provide the Records Manager with enough information regarding the number of calls for assistance and number of arrests to meet the reporting requirements to the California Department of Justice as required by Penal Code § 13777. See the Records Unit Policy for additional guidance.

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 Unit supervisor shall assign an officer to retrieve the firearm and book the firearm into evidence in accordance with the Property and Evidence Policy. Recovery of the firearm shall be reported pursuant to Penal Code § 11108.2, Penal Code §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 Unit supervisor shall designate a member to have access to the Armed Prohibited Persons System (APPS) to receive information regarding individuals in the jurisdiction of the Department who have become a prohibited possessor of a firearm registered in their name and have not provided proof of relinquishment. The member shall document steps taken to verify that the individual is no longer in possession of firearms and provide the information to the Records Unit for preparation of a quarterly report to the California DOJ (Penal Code § 29813) (see the Records Unit Policy for additional guidance).

Asset Forfeiture

601.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure, forfeiture and liquidation of property associated with designated offenses.

601.1.1 DEFINITIONS

Definitions related to this policy include:

Fiscal agent - The person designated by the Chief of Police to be responsible for securing and maintaining seized assets and distributing any proceeds realized from any forfeiture proceedings. This includes any time the Santa Cruz Police Department seizes property for forfeiture or when the Santa Cruz Police Department is acting as the fiscal agent pursuant to a multi-agency agreement.

Forfeiture - The process by which legal ownership of an asset is transferred to a government or other authority.

Forfeiture reviewer - The department member assigned by the Chief of Police who is responsible for reviewing all forfeiture cases and for acting as the liaison between the Department and the assigned attorney.

Property subject to forfeiture - The following may be subject to forfeiture:

- (a) Property related to a narcotics offense, which includes (Heath and Safety Code § 11470; Health and Safety Code § 11470.1):
 1. Property (not including real property or vehicles) used, or intended for use, as a container for controlled substances, materials to manufacture controlled substances, etc.
 2. Interest in a vehicle (car, boat, airplane, other vehicle) used to facilitate the manufacture, possession for sale or sale of specified quantities of controlled substances.
 3. Money, negotiable instruments, securities or other things of value furnished or intended to be furnished by any person in exchange for a controlled substance, proceeds traceable to an exchange, etc.
 4. Real property when the owner is convicted of violating Health and Safety Code § 11366, Health and Safety Code § 11366.5 or Health and Safety Code § 11366.6 (drug houses) when the property was not used as a family residence or for other lawful purposes, or property owned by two or more persons, one of whom had no knowledge of its unlawful use.
 5. The expenses of seizing, eradicating, destroying or taking remedial action with respect to any controlled substance or its precursors upon conviction for the unlawful manufacture or cultivation of any controlled substance or its precursors.

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- (b) Property related to criminal profiteering (may include gang crimes), to include (Penal Code § 186.2; Penal Code § 186.3):
 - 1. Any property interest, whether tangible or intangible, acquired through a pattern of criminal profiteering activity.
 - 2. All proceeds acquired through a pattern of criminal profiteering activity, including all things of value that may have been received in exchange for the proceeds immediately derived from the pattern of criminal profiteering activity.

Seizure - The act of law enforcement officials taking property, cash or assets that have been used in connection with or acquired by specified illegal activities.

601.2 POLICY

The Santa Cruz Police Department recognizes that appropriately applied forfeiture laws are helpful to enforce the law, deter crime and reduce the economic incentive of crime. However, the potential for revenue should never compromise the effective investigation of criminal offenses, officer safety or any person's due process rights.

It is the policy of the Santa Cruz 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.

601.3 ASSET SEIZURE

Property may be seized for forfeiture as provided in this policy.

601.3.1 PROPERTY SUBJECT TO SEIZURE

The following may be seized upon review and approval of a supervisor and in coordination with the forfeiture reviewer:

- (a) Property subject to forfeiture authorized for seizure under the authority of a search warrant or court order.
- (b) Property subject to forfeiture not authorized for seizure under the authority of a search warrant or court order when any of the following apply (Health and Safety Code § 11471; Health and Safety Code § 11488):
 - 1. The property subject to forfeiture is legally seized incident to an arrest.
 - 2. There is probable cause to believe that the property was used or is intended to be used in a violation of the Uniform Controlled Substances Act and the seizing officer can articulate a nexus between the property and the controlled substance offense that would lead to the item being property subject for forfeiture.

Officers aware of assets that may be forfeitable as a result of criminal profiteering or human trafficking should consider contacting the district attorney regarding a court order to protect the assets (Penal Code § 186.6; Penal Code § 236.6).

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Whenever practicable, a search warrant or court order for seizure prior to making a seizure is the preferred method.

A large amount of money standing alone is insufficient to establish the probable cause required to make a seizure.

601.3.2 PROPERTY NOT SUBJECT TO SEIZURE

The following property should not be seized for forfeiture:

- (a) Cash and property that does not meet the forfeiture counsel's current minimum forfeiture thresholds should not be seized.
- (b) Real property is not subject to seizure, absent exigent circumstances, without a court order (Health and Safety Code § 11471).
- (c) A vehicle which may be lawfully driven on the highway if there is a community property interest in the vehicle by a person other than the suspect and the vehicle is the sole vehicle available to the suspect's immediate family (Health and Safety Code § 11470).
- (d) Vehicles, boats or airplanes owned by an "innocent owner," such as a common carrier with no knowledge of the suspected offense (Health and Safety Code § 11490).
- (e) Any property when the associated activity involves the possession of marijuana or related paraphernalia that is permissible under the Control, Regulate and Tax Adult Use of Marijuana Act (Health and Safety Code § 11362.1).

601.4 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.

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.

601.5 MAINTAINING SEIZED PROPERTY

The Property Unit Supervisor is responsible for ensuring compliance with the following:

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- (a) All property received for forfeiture is reasonably secured and properly stored to prevent waste and preserve its condition.
- (b) All property received for forfeiture is checked to determine if the property has been stolen.
- (c) All property received for forfeiture is retained in the same manner as evidence until forfeiture is finalized or the property is returned to the claimant or the person with an ownership interest.
- (d) Property received for forfeiture is not used unless the forfeiture action has been completed.

601.6 FORFEITURE REVIEWER

The Chief of Police will appoint an officer as the forfeiture reviewer. Prior to assuming duties, or as soon as practicable thereafter, the forfeiture reviewer should attend a department-approved course on asset forfeiture.

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).

601.7 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).

601.8 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).

601.8.1 RECEIVING EQUITABLE SHARES

When participating in a joint investigation with a federal agency, the Santa Cruz 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

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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.

Sexual Assault Investigations

602.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the investigation of sexual assaults. These guidelines will address some of the unique aspects of such cases and the effects that these crimes have on the victims.

Mandatory notifications requirements are addressed in the Child Abuse and Senior and Disability Victimization policies.

602.1.1 DEFINITIONS

Definitions related to this policy include:

Sexual assault - Any crime or attempted crime of a sexual nature, to include but not limited to offenses defined in Penal Code § 243.4, Penal Code § 261 et seq., and Penal Code § 285 et seq.

Sexual Assault Response Team (SART) - A multidisciplinary team generally comprised of advocates; law enforcement officers; forensic medical examiners, including sexual assault forensic examiners (SAFEs) or sexual assault nurse examiners (SANEs) if possible; forensic laboratory personnel; and prosecutors. The team is designed to coordinate a broad response to sexual assault victims.

602.2 POLICY

It is the policy of the Santa Cruz Police Department that its members, when responding to reports of sexual assaults, will strive to minimize the trauma experienced by the victims, and will aggressively investigate sexual assaults, pursue expeditious apprehension and conviction of perpetrators, and protect the safety of the victims and the community.

602.3 REPORTING

In all reported or suspected cases of sexual assault, a report should be written and assigned for follow-up investigation. This includes incidents in which the allegations appear unfounded or unsubstantiated.

602.4 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.

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- (f) Participate in or coordinate with SART.

602.5 VICTIM INTERVIEWS

The primary considerations in sexual assault investigations, which begin with the initial call to NetCom, should be the health and safety of the victim, the preservation of evidence, and preliminary interviews to determine if a crime has been committed and to attempt to identify the suspect.

Whenever possible, a member of SART should be included in the initial victim interviews. An in-depth follow-up interview should not be conducted until after the medical and forensic examinations are completed and the personal needs of the victim have been met (e.g., change of clothes, bathing). The follow-up interview may be delayed to the following day based upon the circumstances. Whenever practicable, the follow-up interview should be conducted by a qualified investigator.

No opinion of whether the case is unfounded shall be included in the report.

Victims shall not be asked or required to take a polygraph examination (34 USC § 10451; Penal Code § 637.4).

Victims should be apprised of applicable victim's rights provisions, as outlined in the Victim and Witness Assistance Policy.

602.5.1 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).

602.5.2 VICTIM CONFIDENTIALITY

Officers investigating or receiving a report of an alleged sex offense shall inform the victim, or the victim's parent or guardian if the victim is a minor, that his/her name will become a matter of public record unless the victim requests that his/her name not be made public. The reporting

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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).

602.6 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).

602.6.1 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.

602.6.2 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.

602.6.3 STANDARDIZED SEXUAL ASSAULT FORENSIC MEDICAL EVIDENCE KIT

The Property Unit supervisor should make California standardized sexual assault forensic medical evidence (SAFE) kits available to members who may investigate sexual assault cases. Members investigating a sexual assault should use these SAFE kits when appropriate and follow related usage guidelines issued by the California Clinical Forensic Medical Training Center (Penal Code § 13823.14).

602.6.4 COLLECTION OF DNA REFERENCE SAMPLES

Reference samples of DNA collected directly from a victim of sexual assault, and reference samples of DNA collected from any individual that were voluntarily provided for the purpose of exclusion, shall be protected as provided in Penal Code § 679.12 (Penal Code § 680).

602.7 DISPOSITION OF CASES

If the assigned investigator has reason to believe the case is without merit, the case may be classified as unfounded only upon review and approval of the Investigations Unit supervisor.

Classification of a sexual assault case as unfounded requires the Investigations Unit supervisor to determine that the facts have significant irregularities with reported information and that the incident could not have happened as it was reported. When a victim has recanted his/her original statement, there must be corroborating evidence that the allegations were false or baseless (i.e., no crime occurred) before the case should be determined as unfounded.

602.8 RELEASING INFORMATION TO THE PUBLIC

In cases where the perpetrator is not known to the victim, and especially if there are multiple crimes where more than one appear to be related, consideration should be given to releasing information to the public whenever there is a reasonable likelihood that doing so may result in developing helpful investigative leads. The Investigations Unit supervisor should weigh the risk of alerting the suspect to the investigation with the need to protect the victim and the public, and to prevent more crimes.

602.9 TRAINING

Subject to available resources, periodic training should be provided to:

- (a) Members who are first responders. Training should include:
 1. Initial response to sexual assaults.
 2. Legal issues.
 3. Victim advocacy.
 4. Victim's response to trauma.
 5. Proper use and handling of the California standardized SAFE kit (Penal Code § 13823.14).

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- (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.

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 Santa Cruz Police Department for law enforcement purposes. This also includes a person agreeing to supply information to the Santa Cruz Police Department for a benefit (e.g., a quid pro quo in the form of a reduced criminal penalty, money).

603.2 POLICY

The Santa Cruz 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 his/her supervisor. The officer shall compile sufficient information through a background investigation and experience with the informant in order to determine the suitability of the individual, including age, maturity and risk of physical harm, as well as any indicators of his/her reliability and credibility.

Members of this department should not guarantee absolute safety or confidentiality to an informant.

603.3.2 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.

603.3.3 JUVENILE INFORMANTS

The use of informants under the age of 13 is prohibited.

Except for the enforcement of laws related to the commercial sale of alcohol, marijuana or tobacco products, a juvenile 13 years of age or older may only be used as an informant with the written consent of each of the following:

- (a) The juvenile's parents or legal guardians

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- (b) The juvenile's attorney, if any
- (c) The court in which the juvenile's case is being handled, if applicable (Penal Code § 701.5)
- (d) The Chief of Police or the authorized designee

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, Deputy Chief, Neighborhood Enforcement Team supervisor or their authorized designees.
 - 1. Identities of informants acting in a confidential capacity shall otherwise be kept confidential.
- (b) Criminal activity by informants shall not be condoned.
- (c) Informants shall be told they are not acting as police officers, employees or agents of the Santa Cruz 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 Neighborhood Enforcement Team supervisor.
 - 3. Members shall neither solicit nor accept gratuities or engage in any private business transaction with an informant.
- (e) Officers shall not meet with informants in a private place unless accompanied by at least one additional officer or with prior approval of the Neighborhood Enforcement Team supervisor.
 - 1. Officers may meet informants alone in an occupied public place, such as a restaurant.
- (f) When contacting informants for the purpose of making payments, officers shall arrange for the presence of another officer.
- (g) In all instances when department funds are paid to informants, 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 unsuitable will notify the supervisor, who will initiate a review to determine suitability. Until a

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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.

603.5 INFORMANT FILES

Informant files shall be utilized as a source of background information about the informant, to enable review and evaluation of information provided by the informant, and to minimize incidents that could be used to question the integrity of department members or the reliability of the informant.

Informant files shall be maintained in a secure area within the Neighborhood Enforcement Team. The Neighborhood Enforcement Team supervisor or the authorized designee shall be responsible for maintaining informant files. Access to the informant files shall be restricted to the Chief of Police, Deputy Chief, Neighborhood Enforcement Team supervisor or their authorized designees.

The Investigations Unit Deputy Chief should arrange for an audit using a representative sample of randomly selected informant files on a periodic basis, but no less than one time per year. If the Neighborhood Enforcement Team supervisor is replaced, the files will be audited before the new supervisor takes over management of the files. The purpose of the audit is to ensure compliance with file content and updating provisions of this policy. The audit should be conducted by a supervisor who does not have normal access to the informant files.

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603.5.1 FILE SYSTEM PROCEDURE

A separate file shall be maintained on each informant and shall be coded with an assigned informant control number. An informant history that includes the following information shall be prepared for each file:

- (a) Name and aliases
- (b) Date of birth
- (c) Physical description: sex, race, height, weight, hair color, eye color, scars, tattoos or other distinguishing features
- (d) Photograph
- (e) Current home address and telephone numbers
- (f) Current employers, positions, addresses and telephone numbers
- (g) Vehicles owned and registration information
- (h) Places frequented
- (i) Briefs of information provided by the informant and his/her subsequent reliability
 1. If an informant is determined to be unsuitable, the informant's file is to be marked "unsuitable" and notations included detailing the issues that caused this classification.
- (j) Name of the officer initiating use of the informant
- (k) Signed informant agreement
- (l) Update on active or inactive status of informant

603.6 INFORMANT PAYMENTS

No informant will be told in advance or given an exact amount or percentage for his/her service. The amount of funds to be paid to any informant will be evaluated against the following criteria:

- The extent of the informant's personal involvement in the case
- The significance, value or effect on crime
- The value of assets seized
- The quantity of the drugs or other contraband seized
- The informant's previous criminal activity
- The level of risk taken by the informant

The Neighborhood Enforcement Team supervisor will discuss the above factors with the Operations Deputy Chief and recommend the type and level of payment subject to approval by the Chief of Police.

603.6.1 PAYMENT PROCESS

Approved payments to an informant should be in cash using the following process:

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- (a) Payments of \$500 and under may be paid in cash from a Neighborhood Enforcement Team buy/expense fund.
 - 1. The Neighborhood Enforcement Team supervisor shall sign the voucher for cash payouts from the buy/expense fund.
- (b) Payments exceeding \$500 shall be made by issuance of a check, payable to the officer who will be delivering the payment.
 - 1. The check shall list the case numbers related to and supporting the payment.
 - 2. A written statement of the informant's involvement in the case shall be placed in the informant's file.
 - 3. The statement shall be signed by the informant verifying the statement as a true summary of his/her actions in the case.
 - 4. Authorization signatures from the Chief of Police and the City Manager are required for disbursement of the funds.
- (c) To complete the payment process for any amount, the officer delivering the payment shall complete a cash transfer form.
 - 1. The cash transfer form shall include the following:
 - (a) Date
 - (b) Payment amount
 - (c) Santa Cruz Police Department case number
 - (d) A statement that the informant is receiving funds in payment for information voluntarily rendered.
 - 2. The cash transfer form shall be signed by the informant.
 - 3. The cash transfer form will be kept in the informant's file.

603.6.2 REPORTING OF PAYMENTS

Each informant receiving a cash payment shall be advised of his/her responsibility to report the cash to the Internal Revenue Service (IRS) as income. If funds distributed exceed \$600 in any reporting year, the informant should be provided IRS Form 1099 (26 CFR 1.6041-1). If such documentation or reporting may reveal the identity of the informant and by doing so jeopardize any investigation, the safety of officers or the safety of the informant (26 CFR 1.6041-3), then IRS Form 1099 should not be issued.

In such cases, the informant shall be provided a letter identifying the amount he/she must report on a tax return as "other income" and shall be required to provide a signed acknowledgement of receipt of the letter. The completed acknowledgement form and a copy of the letter shall be retained in the informant's file.

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603.6.3 AUDIT OF PAYMENTS

The Neighborhood Enforcement Team supervisor or the authorized designee shall be responsible for compliance with any audit requirements associated with grant provisions and applicable state and federal law.

At least once every six months, the Chief of Police or the authorized designee should conduct an audit of all informant funds for the purpose of accountability and security of the funds. The funds and related documents (e.g., buy/expense fund records, cash transfer forms, invoices, receipts and logs) will assist with the audit process.

Expert Information Account

604.1 PURPOSE AND SCOPE

The purpose of this policy is to establish accounting and control procedures for the expert information account.

604.2 POLICY

It is the policy of this Department to maintain stringent control over all expert information account monies by this agency, and to ensure that the funds are used only for authorized purposes.

604.3 DEFINITIONS

Expert Information Account: The Department's accounting and banking system that provides officers with investigative expense monies.

Expert Information Account Custodian: The employee(s) responsible for dispensing and monitoring the use of investigative funds by officers:

- (a) Deputy Chief of Administration
- (b) Investigation Section Commander

604.4 PROCEDURES

The expert information account custodian shall have the following responsibilities with respect to the department's expert information account:

- (a) Maintenance of the account in accordance with all appropriate laws and procedures.
- (b) Proper disbursements and deposits.
- (c) Bookkeeping and banking procedures.
- (d) Maintenance of file containing copies of all relevant account transaction documents.
- (e) Purging of the account records in accordance with state records retention provisions.
- (f) An annual audit of the expert information account shall be performed by an independent accounting authority from outside the department in order to evaluate the continued integrity of the fund, and the need for any additional controls.
- (g) The expert information account custodian shall make disbursements from the account only to authorized personnel for the following purposes:
 - 1. Payments made directly to confidential informants.
 - 2. Investigative funds for the purchase of illegal drugs, contraband and other criminal evidence.
 - 3. Purchases of food and beverages for a confidential informant, victim, or witness.
 - 4. Expenditures for authorized undercover operations/major case investigations.

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5. Flash and front money.
- (h) The expert information account custodian shall not be permitted to make disbursements from the account to himself/herself.
- (i) Expert information account transaction records shall be stored in a secured location (Investigation Section Commander's safe) and access shall be restricted in accordance with applicable laws, ordinances and departmental procedures.

604.5 WITHDRAWALS AND EXPENDITURES FROM ACCOUNT

- (a) All officers seeking to make a withdrawal from the account must first obtain approval from their immediate supervisor.
- (b) Prior to issuance of any money from the expert information account, the officer will complete and submit a request voucher to the account custodian for approval.
- (c) The expert information account custodian shall keep the original of the request voucher and return a copy back to the requesting officer as a receipt acknowledging that funds were requested and received by the officer.
- (d) Authorized officers needing money for an operation shall withdraw such funds at the convenience of the account custodian.

604.6 ACCOUNTING FOR EXPENDED FUNDS

- (a) All officers receiving expert information account monies shall complete a written expense report, accounting for all the monies withdrawn from the account, as soon as practical after the expenditure of the funds. This report may be written on the officer's copy of the request form in the space provided. If a lengthy explanation is necessary, additional pages can be attached. The report should include:
 1. A synopsis of what the money was spent on.
 2. Date, time and location of the expenditure.
 3. Copies of receipts, if applicable.
 4. Type of investigation.
 5. Case number, when applicable, or copies of the case.
- (b) Whenever possible for all funds expended, the officer issuing payment shall secure an appropriate receipt.
- (c) All unexpended money shall be returned to the expert information account custodian by the officer, as soon as practical, after the conclusion of the need. The account custodian will approve the completed voucher, sign the receipt of the money and deliver a copy of the voucher back to the officer.

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Expert Information Account

- (d) Each officer may maintain a personal file containing a record of all expert information account transactions and copies of all relevant receipts and department request vouchers.

Undercover Operations - First Amendment Activity

606.1 PURPOSE AND SCOPE

The Santa Cruz Police Department supports the right of citizens to freely associate without government interference, respects the protections afforded Americans by the First and Fourth Amendments to the Constitution of the United States and respects the right of privacy guaranteed to individuals under the State and Federal Constitutions. The following policy has been established for undercover operations with these precepts in mind.

606.2 UNDERCOVER OPERATIONS

Members of the Santa Cruz Police Department shall not undertake an undercover criminal operation that entails the investigation of First Amendment activities of persons, community groups, or organizations unless:

- (a) there is articulable and reasonable suspicion to believe that the subject of the investigation is planning criminal activity, or is engaged in criminal activity, that constitutes a hate crime or a crime that is reasonably likely to result in personal injury, property loss or property damage; and
- (b) the subject's First Amendment activities are relevant to the criminal investigation. Absent exigent circumstances that require an undercover investigation to commence immediately, the Police Department will not undertake any such undercover investigation unless it has first sought to gather information it seeks through direct and open communication with the subject of the investigation or the subject's membership. Authorized undercover investigations shall use the least intrusive techniques possible given the circumstances. Examples of less intrusive techniques include tactics such as researching departmental records or researching public records, the internet or other information sources accessible by the general public. When covert surveillance becomes necessary, the Police Department whenever feasible shall conduct that surveillance from a public location before undertaking surveillance from private property with or without the property owner's consent. Tactics employed by police personnel will comply with existing law, will not entail entrapment, and will not further criminal acts. Undercover officers shall not assume leadership positions in the organizations under surveillance and shall not attempt to direct organizational activities. Any such undercover investigation shall immediately cease when the investigation or other information reveals that the reasonable suspicion which prompted the investigation is unfounded.

¹ For purposes of this policy the terms "undercover criminal investigation", "undercover investigation" and "undercover operation" shall be defined to include covert surveillance whether conducted from public or private property.

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Undercover Operations - First Amendment Activity

606.3 DOCUMENTATION - INVESTIGATION

The Police Department shall keep no information or persons, community groups or organizations or their membership compiled pursuant to undercover investigations of First Amendment activity unless the information is directly related to a criminal investigation or criminal act referenced in Section 610.2. The maintenance of any files, documentation, photographs, etc. compiled pursuant to any such undercover investigation, shall comply with all state and federal laws and shall be maintained and disposed of pursuant to the Public Records Act and the City of Santa Cruz Records Detention Schedule. This provision shall not be construed to limit the Department's ability to film or photograph public events where police engagement is reasonably expected or for the purpose of supplementing a Department crime report or incident report; however any such film or photographs shall not be used in connection with the compilation of intelligence files regarding persons, community groups or organizations.

606.4 APPROVAL

Absent exigent circumstances that require the commencement of an immediate undercover investigation of First Amendment activity, any request to commence such an investigation shall be first made in writing to the Police Chief (or Acting Police Chief when the Police Chief is not available). The request will explain the need for the undercover investigation and the efforts made in accordance with this policy to obtain necessary information by less intrusive means. Prior to approving any such request the Police Chief (or Acting Police Chief when the Police Chief is not available) shall consult with the City Attorney's office. Where an immediate undercover investigation has been undertaken due to exigent circumstances, as soon as practicable after the investigation's commencement a memorandum shall be forwarded to the Police Chief (or Acting Police Chief when the Police Chief is not available) explaining the nature of the investigation, the circumstances that prompted the immediate commencement of the investigation and any pre-investigation efforts to obtain pertinent information by less intrusive means. Upon receipt of the memorandum, the Police Chief (or Acting Police Chief when the Police Chief is not available) shall consult with the City Attorney's office to determine whether the investigation should continue. No undercover investigation instituted per this policy shall extend for more than thirty days without the Police Chief's (or Acting Police Chief when the Police Chief is not available) authorization to extend the investigation. Extension authorizations may not exceed thirty days in duration.

606.5 REPORTING

On an annual basis, the Police Department Auditor shall report to the Public Safety Committee of the City Council the number of undercover operations conducted pursuant to this policy during the previous year. The Auditor shall review all such undercover investigations undertaken by the Police Department. The Auditor's annual report to the Public Safety Committee shall be a public record and shall delineate the number of undercover investigations of First Amendment activity undertaken by the Police Department, the number of authorizations sought for this type of investigation which were sought but denied, and the number of authorizations sought for this type of investigation which were sought and approved. If in the Auditor's opinion any actions of the Police Department constituted possible violations of this policy, the Auditor shall report

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this determination to the City Manager. The Auditor's report to the City Manager shall generally describe the nature of the possible violation and the Auditor's rationale for concluding that the Police Department's action possibly constituted a violation. The City Manager shall thereafter review the Police Auditor's report and take any administrative action deemed necessary by the City Manager including but not limited to directing the Police Chief to initiate an Internal Affairs investigation to determine if a policy violation did indeed occur.

Unmanned Aerial System

607.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of an unmanned aerial system (UAS) and for the storage, retrieval and dissemination of images and data captured by the UAS.

The mission of the UAS program is to provide officers with the ability to make observations from an overhead, aerial position and provide vital updates to assisting first responders in the public safety missions defined herein. Balancing public safety and community privacy interests shall be of paramount concern in every operation.

Unmanned Aerial Systems are defined as "military equipment" pursuant to Assembly Bill 481 and this equipment falls under the umbrella of Policy 705: Military Equipment. As such, this policy will set forth parameters to ensure compliance with statutory requirements and other established Department policies and procedures. Additionally, the use of the UAS's will be in strict accordance with State and Federal laws, as well as compliance with the Federal Aviation Administration (FAA), and City policies.

607.1.1 DEFINITIONS

Definitions related to this policy include:

Certificate of Authorization (COA): Certificate given by the Federal Aviation Administration (FAA) granting permission to fly the UAS within specific boundaries and perimeters.

Observer: Visual observers are personnel who have not yet been certified as UAS Operators. They should complete a visual observer certification course and be approved by the UAS Commander. Visual observers must have completed sufficient training to communicate to the pilot any instructions required to remain clear of conflicting traffic, hazards or obstructions.

Operator: Under FAA Part 107, an operator must hold a current remote pilot airman certificate with an UAS rating or be under the direct supervision of a person who holds such a certificate to operate the controls of an UAS.

Operators report directly to the UAS Coordinator. Each operator is responsible for their compliance with department and UAS policies and procedures. Operators and their equipment are to be ready at all times to respond to a mission or training. Each operator will follow and complete all tasks, duties, and lawful orders as directed by the UAS Commander, UAS Coordinator, or ranking operator. The UAS operators are responsible for maintaining all training and certification required in this policy and required by law. As much on-duty time as possible should be made available to develop proficiency in the use of the UAS.

Unmanned aerial system (UAS) - An unmanned aircraft of any type that is capable of sustaining directed flight, whether preprogrammed or remotely controlled (commonly referred to as an unmanned aerial vehicle (UAV)), and all of the supporting or attached systems designed for gathering information through imaging, recording or any other means.

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Unmanned Aerial System

607.2 POLICY

Unmanned aerial systems may be utilized to enhance the department's mission of protecting lives and property when other means and resources are not available or are less effective. The UAS may be available for cross-departmental use and mutual aid requests in support of other law enforcement agencies or fire departments when the underlying mission meets the uses outlined in this policy. Cross-departmental use and mutual aid requests will be evaluated on a case-by-case basis in accordance with the provisions set forth in this policy and all other applicable policies.

607.3 PRIVACY

The use of the UAS potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers shall adhere to FAA altitude regulations and shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure). Operators and observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy. Reasonable precautions can include, for example, deactivating or turning imaging devices away from such areas or persons during UAS operations. The UAS shall be clearly and visibly marked to identify the UAS to the public as Santa Cruz Police Department equipment.

607.4 PROGRAM COORDINATOR

The Chief of Police will appoint a program coordinator who will be responsible for the management of the UAS program. The program coordinator will ensure that policies and procedures conform to current laws, regulations, and best practices and will have the following additional responsibilities:

- Coordinating the FAA Certificate of Waiver or Authorization (COA) application process and ensuring that the COA is current, and/or coordinating compliance with FAA Part 107 Remote Pilot Certificate, as appropriate for department operations.
- Ensuring that all authorized operators and required observers have completed all required FAA and department-approved training in the operation, applicable laws, policies, and procedures regarding use of the UAS.
- Developing uniform protocol for submission and evaluation of requests to deploy a UAS, including urgent requests made during ongoing or emerging incidents. Deployment of a UAS may be done at the discretion of the on-duty sergeant as long as such use is in accordance with this policy.
- Coordinating the completion of the FAA Emergency Operation Request Form in emergency situations, as applicable (e.g., natural disasters, search and rescue, emergency situations to safeguard human life).
- Developing protocol for conducting criminal investigations involving a UAS, including documentation of time spent monitoring a subject.
- Developing an operational protocol governing the deployment and operation of a UAS including but not limited to safety oversight, use of visual observers, establishment of lost link procedures, and secure communication with air traffic control facilities.
- Developing a protocol for fully documenting all missions.

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- Developing a UAS inspection, maintenance, and record-keeping protocol to ensure continuing airworthiness of a UAS, up to and including its overhaul or life limits.
- Developing protocols to ensure that all data intended to be used as evidence are accessed, maintained, stored, and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements. Electronic trails, including encryption, authenticity certificates, and date and time stamping, shall be used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.
- Developing protocols that ensure retention and purge periods are maintained in accordance with established records retention schedules.
- Facilitating law enforcement access to images and data captured by the UAS.
- Recommending program enhancements, particularly regarding safety and information security.
- Ensuring that established protocols are followed by monitoring and providing periodic reports on the program to the Chief of Police.
- Maintaining familiarity with FAA regulatory standards, state laws and regulations, and local ordinances regarding the operations of a UAS.
- Develop and implement a system for public notification of UAS deployments when safe and feasible.
- Coordinating with the department's military equipment coordinator to provide an annual report summarizing the department's use of the UAS consistent with section 7072(a) of the Government Code and Policy 705 (Military Equipment).

607.5 USE OF UAS

Only authorized operators who have completed the required training shall be permitted to operate the UAS.

Use of vision enhancement technology (e.g., thermal and other imaging equipment not generally available to the public) is permissible in viewing areas only where there is no protectable privacy interest or when in compliance with a search warrant or court order. In all other instances, legal counsel should be consulted.

UAS operations should only be conducted during daylight and nighttime hours.

Circumstances in which the UAS is authorized for deployment are listed in Policy 705 – Military Equipment.

607.6 PROHIBITED USE

The UAS video surveillance equipment shall not be used:

- To conduct random surveillance activities.
- To target a person based solely on actual or perceived characteristics, such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.

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- To harass, intimidate, or discriminate against any individual or group.
- To conduct personal business of any type.
- To conduct routine monitoring of a mass gathering, protest, or demonstration where security concerns do not exist or where criminal activity is not occurring.
- Shall not be used for activities that do not have a legitimate public safety purpose as outlined in the authorized use section of the Military Equipment Policy.

The use of a personally owned UAS while on duty is prohibited.

The UAS shall not be weaponized.

The UAS shall not have facial recognition technology.

607.7 RETENTION OF UAS DATA

Data collected by the UAS shall be retained as provided in the established records retention schedule.

Data collected by the UAS and stored by the Santa Cruz Police Department shall be subject to internal audits for compliance with department policies and procedure.

Chapter 7 - Equipment

Department Owned and Personal Property

700.1 PURPOSE AND SCOPE

Department employees are expected to properly care for department property assigned or entrusted to them. Employees may also suffer occasional loss or damage to personal or department property while performing their assigned duty. Certain procedures are required depending on the loss and ownership of the item.

700.2 CARE OF DEPARTMENT PROPERTY

Employees shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of department property assigned or entrusted to them. An employee's intentional or negligent abuse or misuse of department property may lead to discipline including, but not limited to the cost of repair or replacement.

- (a) Employees shall promptly report through their chain of command, any loss, damage to, or unserviceable condition of any department issued property or equipment assigned for their use.
- (b) The use of damaged or unserviceable department property should be discontinued as soon as practical and replaced with comparable Department property as soon as available and following notice to a supervisor.
- (c) Except when otherwise directed by competent authority or required by exigent circumstances, department property shall only be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed.
- (d) Department property shall not be thrown away, sold, traded, donated, destroyed, or otherwise disposed of without proper authority.
- (e) In the event that any Department property becomes damaged or unserviceable, no employee shall attempt to repair the property without prior approval of a supervisor.

700.3 FILING CLAIMS FOR PERSONAL PROPERTY

Claims for reimbursement for damage or loss of personal property must be made on a memo to the supervisor, detailing the circumstances of the loss and the value of the item(s).

The supervisor shall direct the memo to the appropriate Division Commander for processing.

The department will make a recommendation to the Finance Department based on the guidelines outlined in the current Memorandum of Understanding between the affected employee and the City.

700.3.1 REPORTING REQUIREMENT

A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.

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Department Owned and Personal Property

A written report shall be submitted before the employee goes off duty or within the time frame directed by the supervisor to whom the verbal report is made.

700.4 LOSS OR DAMAGE OF PROPERTY OF ANOTHER

Officers and other employees intentionally or unintentionally may cause damage to the real or personal property of another while performing their duties. Any employee who damages or causes to be damaged any real or personal property of another while performing any law enforcement functions, regardless of jurisdiction, shall report it as provided below.

- (a) A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.
- (b) A written report shall be submitted before the employee goes off duty or within the time frame directed by the supervisor to whom the verbal report is made.

700.4.1 DAMAGE BY PERSON OF ANOTHER AGENCY

If employees of another jurisdiction cause damage to real or personal property belonging to the City, it shall be the responsibility of the employee present or the employee responsible for the property to make a verbal report to his/her immediate supervisor as soon as circumstances permit. The employee shall submit a written report before going off duty or as otherwise directed by the supervisor.

These written reports, accompanied by the supervisor's written report, shall promptly be forwarded to the appropriate Deputy Chief.

Personal Communication Devices

701.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of mobile telephones and communication devices, whether issued or funded by the Department or personally owned, while on-duty or when used for authorized work-related purposes.

This policy generically refers to all such devices as Personal Communication Devices (PCDs) but is intended to include all mobile telephones, personal digital assistants (PDAs), wireless capable tablets and similar wireless two-way communications and/or portable Internet access devices. PCD use includes, but is not limited to, placing and receiving calls, text messaging, blogging and microblogging, emailing, using video or camera features, playing games and accessing sites or services on the Internet.

701.2 POLICY

The Santa Cruz Police Department allows members to utilize department-issued or funded PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations. Any department owned PCD used while on-duty, or used off-duty, will be subject to monitoring and inspection consistent with the standards set forth in this policy.

The inappropriate use of a PCD while on-duty may impair officer safety. Additionally, members are advised and cautioned that the use of a personally owned PCD either on-duty or after duty hours for business-related purposes may subject the member and the member's PCD records to civil or criminal discovery or disclosure under applicable public records laws.

Members who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory personnel.

701.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to any communication accessed, transmitted, received or reviewed on any PCD issued or funded by the Department and shall have no expectation of privacy in their location should the device be equipped with location detection capabilities (see the Information Technology Use Policy for additional guidance).

701.3.1 CALIFORNIA ELECTRONIC COMMUNICATIONS PRIVACY ACT (CALECPA)

No 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 for work-related business constitutes specific consent for access for department purposes. Prior to conducting an administrative search of a PCD, supervisors should consult legal counsel to ensure access is consistent with CalECPA (Penal Code § 1546; Penal Code § 1546.1).

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701.4 DEPARTMENT-ISSUED PCD

Depending on a member's assignment and the needs of the position, the Department may, at its discretion, issue or fund a PCD. Department-issued or funded PCDs are provided as a convenience to facilitate official department business. Such devices and the associated telephone number shall remain the sole property of the Department and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause.

If you are issued a Department PCD you shall have it with you, charged, and turned on at all times while on-duty.

701.5 PERSONALLY OWNED PCD

Members may carry a personally owned PCD while on-duty, subject to the following conditions and limitations:

- (a) Permission to carry a personally owned PCD may be revoked if it is used contrary to provisions of this policy.
- (b) The Department accepts no responsibility for loss of or damage to a personally owned PCD.
- (c) The PCD and any associated services shall be purchased, used and maintained solely at the member's expense.
- (d) The device should not be used for work-related purposes except in exigent circumstances (e.g., unavailability of radio communications). Members will have a reduced expectation of privacy when using a personally owned PCD in the workplace and have no expectation of privacy with regard to any department business-related communication.
 - 1. Members may use personally owned PCDs on-duty for routine administrative work as authorized by the Chief of Police.
- (e) The device shall not be utilized to record or disclose any business-related information, including photographs, video or the recording or transmittal of any information or material obtained or made accessible as a result of employment with the Department, without the express authorization of the Chief of Police or the authorized designee.
- (f) Use of a personally owned PCD for work-related business constitutes consent for the Department to access the PCD to inspect and copy data to meet the needs of the Department, which may include litigation, public records retention and release obligations and internal investigations. If the PCD is used for work-related business, members will provide the Department with the telephone number of the device.
- (g) All work-related documents, emails, photographs, recordings or other public records created or received on a member's personally owned PCD should be transferred to the Santa Cruz Police Department and deleted from the member's PCD as soon as reasonably practicable but no later than the end of the member's shift.

701.6 USE 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

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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.

Vehicle Use

702.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a system of accountability to ensure department vehicles are used appropriately. This policy provides guidelines for on- and off-duty use of department vehicles and shall not be construed to create or imply any contractual obligation by the City of Santa Cruz to provide assigned take-home vehicles.

702.2 POLICY

The Santa Cruz Police Department provides vehicles for department-related business and may assign patrol and unmarked vehicles based on a determination of operational efficiency, economic impact to the Department, requirements for tactical deployments, and other considerations.

702.2.1 SHIFT ASSIGNED VEHICLES

Personnel assigned to routine scheduled field duties shall log onto the in-car computer inputting the required information when going on duty. If the vehicle is not equipped with a working in-car computer, they shall notify NetCom for entry of the vehicle number on the shift roster. If the employee exchanges vehicles during the shift, the new vehicle number shall be entered.

The Watch Commander shall ensure a copy of the unit roster indicating personnel assignments and vehicle numbers is completed for each shift and maintained for a minimum period of two years.

Employees shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of their shift. 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.

702.2.2 UNSCHEDULED USE OF VEHICLES

Personnel utilizing a vehicle for any purpose other than their normally assigned duties shall first notify the Watch Commander of the reasons for use and a notation will be made on the shift roster indicating the operator's name and vehicle number. This section does not apply to personnel permanently assigned an individual vehicle (e.g., command staff, detectives), or to Property Unit personnel assigned transportation duties to and from the maintenance yard, etc. Property Unit personnel shall be responsible for maintaining records of the property transportation vehicles for a minimum of two years.

702.2.3 UNDERCOVER VEHICLES

Unmarked units, if not assigned to an individual employee, shall not be used without first obtaining approval from the respective unit supervisor.

702.2.4 DETECTIVE BUREAU VEHICLES

Investigations Unit Division vehicle use is restricted to detective personnel Monday through Friday from 7:00 AM to 5:00 PM unless approved by a detective supervisor. Investigations Unit Division personnel shall record vehicle usage via the Sign-out Log maintained in the Division. After hour

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use of Investigations Unit vehicles by personnel not assigned to the Investigations Unit shall be recorded with the Watch Commander on the shift roster.

702.2.5 AUTHORIZED PASSENGERS

Personnel operating department owned vehicles shall not permit persons other than City employees or persons required to be conveyed in the performance of duty or as otherwise authorized to ride as a passenger in their vehicle.

702.2.6 PARKING

City owned vehicles should be parked in their assigned stalls. Employees shall not park privately owned vehicles in any stall assigned to a City owned vehicle or in other areas of the parking lot not designated as a parking space unless authorized by a supervisor. Privately owned motorcycles shall be parked in designated areas.

702.2.7 BEARCAT RESCUE VEHICLE

The BearCat rescue vehicle is specialized equipment designed for specific purposes. The vehicle is not intended to be used for routine patrol or day-to-day operations. Only properly trained and certified personnel may operate the BearCat rescue vehicle.

The Santa Cruz Police Department is obligated to make the BearCat rescue vehicle available to other law enforcement agencies. Any request for use of the BearCat rescue vehicle requires review and approval from a police manager. In the event the request is approved, the Santa Cruz Police Department will provide our own personnel to safely operate and deploy the vehicle.

Use of the BearCat rescue vehicle is restricted to those situations where the utility and capability of the vehicle are necessary and when the capabilities of other department vehicles are insufficient for those situations as determined by the chief of police or department designee. This includes, but is not limited to public safety emergencies where life threatening conditions exist, the extraction of persons at risk, the need to insert police, fire, and emergency medical services into a dangerous environment, ballistic or projectile protection, high-risk vehicle stops, high-risk warrant service, active shooters, unsecured crime scenes.

This policy recognizes that it is not possible to catalog or anticipate all situations where the BearCat rescue vehicle's capabilities are necessary and/or appropriate. This policy acknowledges that it is not the intent that the BearCat rescue vehicle be used in an offensive manner where no threat to the public or first responder personnel exists. Such situations would include, but are not limited to parades and peaceful demonstrations where violence is not threatened toward the public, property, or law enforcement personnel.

702.3 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.

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The assignment of vehicles may be suspended when the member is unable to perform the member's regular assignment.

702.3.1 ON-DUTY USE

Vehicle assignments shall be based on the nature of the member's duties, job description and essential functions, and employment or appointment status. Vehicles may be reassigned or utilized by other department members at the discretion of the Chief of Police or the authorized designee.

702.3.2 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 unplanned and were created by the needs of the department.
- (b) Other reasonable transportation options are not available.
- (c) The member lives within a reasonable distance (generally not to exceed a 60-minute drive time) of the Santa Cruz 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 and properly secured in the residence when the vehicle is not attended, unless the vehicle is parked in a locked garage.

702.3.3 ENFORCEMENT ACTIONS

When driving a take-home vehicle to and from work outside of the jurisdiction of the Santa Cruz Police Department or while off-duty, an officer shall not initiate enforcement actions except in those circumstances where a potential threat to life or serious property damage exists (see the Off-Duty Law Enforcement Actions and Law Enforcement Authority policies).

Officers may render public assistance when it is deemed prudent (e.g., to a stranded motorist).

Officers driving take-home vehicles shall be armed, appropriately attired and carry their department-issued identification. Officers should also ensure that department radio communication capabilities are maintained to the extent feasible.

702.3.4 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. Residence in the City of Santa Cruz is a prime consideration for assignment of a take-home vehicle. Members who reside outside the City of Santa Cruz may be required to secure the vehicle at a designated location or the Department at the discretion of the Chief of Police.

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Department members shall sign a take-home vehicle agreement that outlines certain standards, including, but not limited to, how the vehicle shall be used, where it shall be parked when the member is not on-duty, vehicle maintenance responsibilities and member enforcement actions.

Members are cautioned that under federal and local tax rules, personal use of a City vehicle may create an income tax liability for the member. Questions regarding tax rules should be directed to the member's tax adviser.

Criteria for use of take-home vehicles include the following:

- (a) Vehicles shall only be used for work-related purposes and shall not be used for personal errands or transports, unless special circumstances exist and the Chief of Police or a Deputy Chief gives authorization.
- (b) Vehicles may be used to transport the member to and from the member's residence for work-related purposes.
- (c) Vehicles will not be used when off-duty except:
 - 1. In circumstances when a member has been placed on call by the Chief of Police or Deputy Chiefs and there is a high probability that the member will be called back to duty.
 - 2. When the member is performing a work-related function during what normally would be an off-duty period, including vehicle maintenance or travelling to or from a work-related activity or function.
 - 3. When the member has received permission from the Chief of Police or Deputy Chiefs.
 - 4. When the vehicle is being used by the Chief of Police, Deputy Chiefs or members who are in on-call administrative positions.
 - 5. When the vehicle is being used by on-call investigators.
- (d) While operating the vehicle, authorized members will carry and have accessible their duty firearms and be prepared to perform any function they would be expected to perform while on-duty.
- (e) The two-way communications radio, MDT and global positioning satellite device, if equipped, must be on and set to an audible volume when the vehicle is in operation.
- (f) Unattended vehicles are to be locked and secured at all times.
 - 1. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging).
 - 2. All weapons shall be secured while the vehicle is unattended.
 - 3. All department identification, portable radios and equipment should be secured.
- (g) Vehicles are to be parked off-street at the member's residence unless prior arrangements have been made with the Chief of Police or the authorized designee. If the vehicle is not secured inside a locked garage, all firearms and kinetic impact

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weapons shall be removed and properly secured in the residence (see the Firearms Policy regarding safe storage of firearms at home).

- (h) Vehicles are to be secured at the member's residence or the appropriate department facility, at the discretion of the Department when a member will be away (e.g., on vacation) for periods exceeding one week.
 - 1. If the vehicle remains at the residence of the member, the Department shall have access to the vehicle.
 - 2. If the member is unable to provide access to the vehicle, it shall be parked at the Department.
- (i) The member is responsible for the care and maintenance of the vehicle.

702.3.5 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 the assigned vehicle is maintained according to the established service and maintenance schedule.
- (c) All scheduled vehicle maintenance and car washes shall be performed as necessary at a facility approved by the department supervisor in charge of vehicle maintenance.
- (d) The Department shall be notified of problems with the vehicle and approve any major repairs before they are performed.
- (e) When leaving the vehicle at the maintenance facility, the member will complete a vehicle repair card explaining the service or repair, and leave it on the seat or dash.
- (f) All weapons shall be removed from any vehicle left for maintenance.
- (g) Supervisors shall make, at a minimum, monthly inspections of vehicles assigned to members under their command to ensure the vehicles are being maintained in accordance with this policy.

702.4 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. Any member operating an unmarked vehicle shall record vehicle usage on the sign-out log maintained in the division for that purpose. Any use of unmarked vehicles by those who are not assigned to the division to which the vehicle is assigned shall also record the use with the Watch Commander on the shift assignment roster.

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Vehicle Use

702.5 DAMAGE, ABUSE AND MISUSE

When any department vehicle is involved in a traffic collision or otherwise incurs damage, the involved member shall promptly notify a supervisor. Any traffic collision report shall be filed with the agency having jurisdiction (see the Traffic Collision Reporting Policy).

Damage to any department vehicle that was not caused by a traffic collision shall be immediately reported during the shift in which the damage was discovered, documented in memorandum format and forwarded to the Watch Commander. An administrative investigation should be initiated to determine if there has been any vehicle abuse or misuse.

702.6 TOLL ROAD USAGE

Law enforcement vehicles are not routinely exempted from incurring toll road charges.

To avoid unnecessary toll road charges, all members operating department vehicles on a toll road shall adhere to the following:

- (a) Members operating department vehicles for any reason other than in response to an emergency shall pay the appropriate toll charge or utilize the appropriate toll way transponder. Members may submit a request for reimbursement from the City for any toll fees incurred in the course of official business.
- (b) Members passing through a toll plaza or booth during a response to an emergency shall notify, in writing, the appropriate Deputy Chief within five working days explaining the circumstances.

702.7 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.

Cash Handling, Security and Management

703.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure department members handle cash appropriately in the performance of their duties.

This policy does not address cash-handling issues specific to the Property and Evidence and Informants policies.

703.2 POLICY

It is the policy of the Santa Cruz 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.

703.3 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.

703.4 PETTY CASH AUDITS

The fund manager shall perform an audit no less than once every six months. This audit requires that the fund manager 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 fund manager 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.

A separate audit of each petty cash fund should be completed on a random date, approximately once each year by the Chief of Police or the City.

703.5 PETTY CASH FUNDS

The Chief of Police shall designate a person as the fund manager responsible for maintaining and managing the petty cash fund.

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.

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Cash Handling, Security and Management

703.6 ROUTINE CASH HANDLING

Those who handle cash as part of their 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.

703.7 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 \$1,000 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.

Personal Protective Equipment

704.1 PURPOSE AND SCOPE

This policy identifies the different types of personal protective equipment (PPE) provided by the Department as well the requirements and guidelines for the use of PPE.

704.1.1 DEFINITIONS

Definitions related to this policy include:

Personal protective equipment (PPE) - Equipment that protects a person from serious workplace injuries or illnesses resulting from contact with chemical, radiological, physical, electrical, mechanical or other workplace hazards.

Respiratory PPE - Any device that is worn by the user to protect from exposure to atmospheres where there is smoke, low levels of oxygen, high levels of carbon monoxide, or the presence of toxic gases or other respiratory hazards. For purposes of this policy, respiratory PPE does not include particulate-filtering masks such as N95 or N100 masks.

704.2 POLICY

The Santa Cruz Police Department endeavors to protect members by supplying certain PPE to members as provided in this policy.

704.3 HEAD AND BODY PROTECTION

Members who make arrests or control crowds should be provided ballistic head protection with an attachable face shield.

704.4 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.

704.5 HEARING PROTECTION

Approved hearing protection shall be used by members during firearms training. Personnel using the departments indoor range must use both earplugs and hard ear covers when in the shooting area.

Hearing protection shall meet or exceed the requirements provided in 8 CCR 5098.

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Personal Protective Equipment

704.6 RESPIRATORY PROTECTION

The Administration Deputy Chief is responsible for ensuring a respiratory protection plan is developed and maintained by a trained and qualified member. The plan shall include procedures for (8 CCR 5144):

- (a) Selecting appropriate respiratory PPE based on hazards and risks associated with functions or positions.
- (b) Fit testing, including identification of members or contractors qualified to conduct fit testing.
- (c) Medical evaluations.
- (d) PPE inventory control.
- (e) PPE issuance and replacement.
- (f) Cleaning, disinfecting, storing, inspecting, repairing, discarding and otherwise maintaining respiratory PPE, including schedules for these activities.
- (g) Regularly reviewing the PPE plan.
- (h) Remaining current with applicable National Institute for Occupational Safety and Health (NIOSH), American National Standards Institute (ANSI), Occupational Safety and Health Administration (OSHA), Environmental Protective Agency (EPA) and state PPE standards and guidelines.

704.6.1 RESPIRATORY PROTECTION USE

Designated members may be issued respiratory PPE based on the member's assignment (e.g., a narcotics investigator who is involved in clandestine lab investigations).

Respiratory PPE may be worn when authorized by a scene commander who will determine the type and level of protection appropriate at a scene based upon an evaluation of the hazards present.

Scene commanders are responsible for monitoring members using respiratory PPE and their degree of exposure or stress. When there is a change in work area conditions or when a member's degree of exposure or stress may affect respirator effectiveness, the scene commander shall reevaluate the continued effectiveness of the respirator and direct the member to leave the respirator use area when the scene commander reasonably believes (8 CCR 5144):

- (a) It is necessary for the member to wash his/her face and the respirator facepiece to prevent eye or skin irritation associated with respirator use.
- (b) The member detects vapor or gas breakthrough, or there is a change in breathing resistance or leakage of the facepiece.
- (c) The member needs to replace the respirator, filter, cartridge or canister.

704.6.2 MEMBER RESPONSIBILITIES FOR RESPIRATORY PROTECTION

Members shall not use self-contained breathing apparatus (SCBA), full-face respirators or cartridge respirators unless they have completed training requirements for the equipment.

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Personal Protective 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.

704.6.1 GAS MASK

Full-face air-purifying respirators, commonly referred to as gas masks, may be fitted with mechanical pre-filters or combination cartridge/filter assemblies for use in areas where gases, vapors, dusts, fumes or mists are present. Members must identify and use the correct cartridge based on the circumstances (8 CCR 5144).

A scene commander may order the use of gas masks in situations where the use of a SCBA is not necessary. 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.

704.7 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.
- (d) Respirator medical evaluation questionnaires and any subsequent physical examination results.

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1. These records shall be maintained in a separate confidential medical file.

The records shall be maintained in accordance with the department records retention schedule and 8 CCR 5144.

704.8 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.

The Firearms Officer in Charge shall ensure eye protection meets or exceeds the requirements provided in 8 CCR 3382.

704.9 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

705.1 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).

705.1.1 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.
- TASER® Shockwave, microwave weapons, water cannons, and long-range acoustic devices (LRADs).
- Kinetic energy weapons and munitions.
- Any other equipment as determined by a governing body or a state agency to require additional oversight.

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Military Equipment

705.2 POLICY

It is the policy of the Santa Cruz Police Department that, with respect to military equipment, members of this department comply with the provisions of Government Code § 7071, Penal Code § 13652 (AB 48), City of Santa Cruz Resolution No. NS-29,862, and Council Policy No. 29-16.

705.3 MILITARY EQUIPMENT COORDINATOR

The Chief of Police should designate a member of this department to act as the military equipment coordinator. The responsibilities of the military equipment coordinator include but are not limited to:

- (a) Acting as liaison to the governing body for matters related to the requirements of this policy.
- (b) Identifying department equipment that qualifies as military equipment in the current possession of the Department, or the equipment the Department intends to acquire that requires approval by the governing body.
- (c) Conducting an inventory of all military equipment at least annually.
- (d) Collaborating with any allied agency that may use military equipment within the jurisdiction of Santa Cruz Police Department (Government Code § 7071).
- (e) Preparing for, scheduling, and coordinating the annual community engagement meeting to include:
 1. Publicizing the details of the meeting.
 2. Preparing for public questions regarding the department's funding, acquisition, and use of equipment.
- (f) Preparing the annual military equipment report for submission to the Chief of Police and ensuring that the report is made available on the department website (Government Code § 7072).
- (g) Establishing the procedure for a person to register a complaint or concern, or how that person may submit a question about the use of a type of military equipment, and how the Department will respond in a timely manner.

705.4 MILITARY EQUIPMENT INVENTORY

The following constitutes a list of qualifying equipment for the Department:

[See attachment: 2023 12 06 Santa Cruz Police AB 481 Equipment List_FINAL.pdf](#)

705.5 APPROVAL

The Chief of Police or the authorized designee shall obtain approval from the governing body by way of an ordinance adopting the military equipment policy. As part of the approval process, the Chief of Police or the authorized designee shall ensure the proposed military equipment policy is submitted to the governing body and is available on the department website at least 30 days prior to any public hearing concerning the military equipment at issue (Government Code § 7071). The military equipment policy must be approved by the governing body prior to engaging in any of the following (Government Code § 7071):

- (a) Requesting military equipment made available pursuant to 10 USC § 2576a.

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- (b) Seeking funds for military equipment, including but not limited to applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.
- (c) Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.
- (d) Collaborating with another law enforcement agency in the deployment or other use of military equipment within the jurisdiction of this department.
- (e) Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing body.
- (f) Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of military equipment.
- (g) Acquiring military equipment through any means not provided above.

705.6 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.

705.7 ANNUAL REPORT

Upon approval of a military equipment policy, the Chief of Police or the authorized designee should submit a military equipment report to the governing body for each type of military equipment approved within one year of approval, and annually thereafter for as long as the military equipment is available for use (Government Code § 7072).

The Chief of Police or the authorized designee should also make each annual military equipment report publicly available on the department website for as long as the military equipment is available for use. The report shall include all information required by Government Code § 7072 for the preceding calendar year for each type of military equipment in department inventory.

705.8 COMMUNITY ENGAGEMENT

Within 30 days of submitting and publicly releasing the annual report, the Department shall hold at least one well-publicized and conveniently located community engagement meeting, at which the Department should discuss the report and respond to public questions regarding the funding, acquisition, or use of military equipment.

705.9 PUBLIC SUBMITTAL OF COMPLAINTS, CONCERNS AND/OR QUESTIONS

Any member of the public wishing to submit a complaint, concern, or question regarding the Department's use of each specific type of military equipment, should contact the Department's Professional Standards Unit, call (831) 420-5800, or visit the Department's website at <https://www.cityofsantacruz.com/government/city-departments/police> and select the "Community Feed Back Form." Complaints, concerns, or questions can be submitted in any form (i.e. in person, telephone, email, etc.). The Department will work diligently to timely respond to the public submittal

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of complaints, concerns, and/or questions regarding the Department's use of each specific type of military equipment.

Chapter 8 - Support Services

Crime Analysis

800.1 PURPOSE AND SCOPE

Crime analysis should provide currently useful information to aid operational personnel in meeting their tactical crime control and prevention objectives by identifying and analyzing methods of operation of individual criminals, providing crime pattern recognition, and providing analysis of data from field interrogations and arrests. Crime analysis can be useful to the Department's long range planning efforts by providing estimates of future crime trends and assisting in the identification of enforcement priorities.

800.2 CRIME ANALYSIS FACTORS

The following minimum criteria should be used in collecting data for Crime Analysis:

- Frequency by type of crime
- Geographic factors
- Temporal factors
- Victim and target descriptors
- Suspect descriptors
- Suspect vehicle descriptors
- Modus operandi factors
- Physical evidence information

800.3 DATA SOURCES

Crime analysis data is extracted from many sources including, but not limited to:

- Crime reports
- Field Interview cards
- Parole and Probation records
- Computer Aided Dispatch data
- Statewide Integrated Traffic Reporting System (SWITRS)

800.4 CRIME ANALYSIS DISSEMINATION

For a crime analysis system to function effectively, information should be disseminated to the appropriate units or persons on a timely basis. Information that is relevant to the operational and tactical plans of specific line units should be sent directly to them. Information relevant to the development of the Department's strategic plans should be provided to the appropriate staff units. When information pertains to tactical and strategic plans, it should be provided to all affected units.

Property and Evidence

801.1 PURPOSE AND SCOPE

This policy provides for the proper collection, storage, and security of evidence and other property. Additionally, this policy provides for the protection of the chain of evidence and identifies those persons authorized to remove and/or destroy property.

801.2 DEFINITIONS

Property - Includes all items of evidence, items taken for safekeeping and found property.

Evidence - Includes items taken or recovered during an investigation that may be used in the prosecution of a case. This includes photographs and latent fingerprints.

Safekeeping - Includes the following types of property:

- Property obtained by the Department for safekeeping such as a firearm
- Personal property of an arrestee not taken as evidence
- Property taken for safekeeping under authority of a law (e.g., Welfare and Institutions Code § 5150 (mentally ill persons))

Found property - Includes property found by an employee or citizen that has no apparent evidentiary value and where the owner cannot be readily identified or contacted.

801.3 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, packaged and placed in the designated property locker or storage room. Care shall be taken to maintain the chain of custody for all evidence.

Where ownership can be established as to found property with no apparent evidentiary value, such property may be released to the owner without the need for booking. The property receipt form must be completed to document the release of property not booked and the owner shall sign the form acknowledging receipt of the items.

When a public agency obtains possession of personal property from a person for temporary safekeeping, the public agency shall (Civil Code 2080.10.2) provide the person from whom the property was taken with a receipt and instructions for the retrieval of the property. Booking Officer is responsible for providing a property receipt to individual(s) from whom the property was taken.

801.3.1 PROPERTY BOOKING PROCEDURE

All property must be booked prior to the employee going off-duty unless otherwise approved by a supervisor. Employees booking property shall observe the following guidelines:

- (a) Complete the property entries describing each item of property separately, listing all serial numbers, owner's name, finder's name, and other identifying information or markings.

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- (b) Mark each item of evidence/property with the booking employee's item number and the date booked using the appropriate method so as not to deface or damage the value of the property.
- (c) Complete an evidence/property tag and attach it to each package or envelope in which the property is stored.
- (d) Place the case number in the upper right hand corner on the front of the package. Also include the employee's property item number, description of the item, status of the item (EV, SK, FP, etc.) and the date.
- (e) The booking officer shall seal their package/envelope with property packaging tape and place their initials and date half on the tape and half on the package/envelope. Never use staples to seal property items.
- (f) When the property is too large to be placed in a locker, the item may be retained in the Evidence Garage or other location designated by property personnel. Notify the Property Section by email the location of the item if they are unavailable.
- (g) No food or perishable items will be booked in with property items.
- (h) If property is not being held for evidence and can be designated a biohazard the booking officer shall dispose of the property after consulting with their supervisor. If property is for evidence purposes and is deemed a biohazard the booking officer's supervisor can authorize the disposal of the property.

801.3.2 NARCOTICS AND DANGEROUS DRUGS

All narcotics and dangerous drugs shall be booked separately using a separate property entry.

The officer seizing the narcotics and dangerous drugs shall place them in the designated locker

801.3.3 EXPLOSIVES

When an employee encounters a suspected explosive device they shall promptly notify their immediate supervisor or the Watch Commander. The bomb squad will be called to handle explosive-related incidents and will be responsible for the handling, storage, sampling and disposal of all suspected explosives.

Explosives will not be retained in the police facility. Only fireworks that are considered stable and safe and road flares or similar signaling devices may be booked into property. All such items shall be stored in proper containers and in an area designated for the storage of flammable materials. Cal Fire accepts fireworks and completes the disposal. Drop off of fireworks is completed after July 4th every year to Cal Fire by property personnel.

801.3.4 EXCEPTIONAL HANDLING

Certain property items require a separate process. The following items shall be processed in the described manner:

- (a) Bodily fluids such as blood or semen stains shall be air dried prior to booking.
- (b) License plates found not to be stolen or connected with a known crime, should be released directly to the Property Specialist, or placed in the designated container for

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return to the Department of Motor Vehicles. No formal property booking process is required.

- (c) (c) All bicycles and bicycle frames require a property record. Property tags will be securely attached to the bicycle handle bars or bicycle frame if the frame does not have handle bars. Bicycles shall be placed in the designated bicycle storage area. Bicycles will be left in their upright positions at all times in designated areas.
- (d) All cash shall be counted in the presence of a supervisor and placed in the designated currency envelope. The sealed by portion on the currency envelope shall be completed once counted. The Watch Commander shall be contacted for cash in excess of \$1,000 for special handling procedures.

City property, unless connected to a known criminal case, should be released directly to the appropriate City department. No formal booking is required. In cases where no responsible person can be located, the property should be booked for safekeeping in the normal manner.

801.3.5 RELINQUISHED FIREARMS

Individuals who relinquish firearms pursuant to the provisions of Penal Code § 29850 shall be issued a receipt that describes the firearm, the serial number or other identification of the firearm at the time of relinquishment (Penal Code § 29810).

Relinquished firearms shall be retained for 30 days, after which time they may be destroyed, retained, sold or otherwise transferred, unless (Penal Code § 29810):

- (a) A certificate is issued by a judge of a court of record or the District Attorney stating the firearms shall be retained; or
- (b) The convicted person provides written notice of an intent to appeal the conviction that necessitated the relinquishment; or
- (c) The Automated Firearms System indicates that the firearm was reported lost or stolen.
 - 1. In such event, the firearm shall be restored to the lawful owner as soon as it is no longer needed as evidence, the lawful owner has identified the weapon and provided proof of ownership, and the Department has complied with the requirements of Penal Code § 33850 et seq.

The booking officer shall ensure the Records Unit or Dispatch is notified of the relinquished firearm for purposes of updating the Automated Firearms System and the disposition of the firearm for purposes of notifying the California Department of Justice (DOJ) (See the Records Unit Policy).

801.4 PACKAGING OF PROPERTY

Certain items require special consideration and shall be booked separately as follows:

- (a) Narcotics and dangerous drugs
- (b) Firearms (ensure they are unloaded and booked separately from ammunition). Empty magazines can be placed with the firearm in the firearm box.
- (c) Property with more than one known owner

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- (d) Photos can be utilized for Paraphernalia as described in Health and Safety Code § 11364, unless directed by supervisor.
- (e) Fireworks
- (f) Contraband

801.4.1 PACKAGING CONTAINER

Employees shall package all property, except narcotics and dangerous drugs in a suitable container available for its size. Knife boxes should be used to package knives, and syringe tubes shall be used to package syringes and needles. Syringes and needles will only be collected for major incidents and by the direction of a supervisor. The booking officer shall notify the Property Section they have booked in a syringe and/or needle and include case information.

801.4.2 PACKAGING NARCOTICS

The officer seizing narcotics and dangerous drugs shall retain such property in his/her possession until it is properly weighed, packaged, tagged, and placed in the designated narcotics locker, and correct documentation has been completed.. Prior to packaging and if the quantity allows, a presumptive test should be made on all suspected narcotics. If conducted, the results of this test shall be included in the officer's report. No employee should complete any testing on known or suspected Fentanyl narcotics.

Narcotics and dangerous drugs shall be double packaged in a heat sealed envelope of appropriate size available in the property booking area then placed in the appropriate manila envelope. If Fentanyl is booked, place completed package in large heat sealed envelope. Narcotics and dangerous drugs shall not be packaged with other property.

No marijuana shall be booked in any type of plastic packaging.

801.5 RECORDING OF PROPERTY

The Property Specialist receiving custody of evidence or property shall record his/her signature, the date and time the property was received and where the property will be stored in the RMS system.

A property location number shall be obtained for each item or group of items. This number shall be recorded on the property packaging and in the RMS system.

Any changes in the location of property held by the Santa Cruz Police Department shall be noted in the property RMS section.

801.6 PROPERTY CONTROL

Each time the Property Specialist receives property or releases property to another person, he/she shall enter this information in the property section of the RMS system. Officers desiring property for court shall contact the Property Specialist at least one day prior to the court day.

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801.6.1 RESPONSIBILITY OF OTHER PERSONNEL

Every time property is released or received, an appropriate entry into the RMS system shall be completed to maintain the chain of evidence. No property or evidence is to be released without first receiving written authorization from a supervisor or detective.

Request for analysis for property items shall be completed on the appropriate forms and submitted to the Property Section. This request may be filled out any time after booking of the property or evidence.

801.6.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY

The transporting employee will check the evidence out of property, indicating the date and time in the property section in the RMS system and the request for laboratory analysis.

The Property Specialist releasing the evidence must complete the required information in the RMS system. The lab forms will be transported with the property to the examining laboratory. The original copy of the lab form will be returned to the Records Unit for filing with the case.

801.6.3 STATUS OF PROPERTY

Each person receiving property will make the appropriate entry to document the chain of evidence. Temporary release of property to officers for investigative purposes, or for court, shall be noted in the RMS system, stating the date, time, reason for release and to whom released.

The Property Specialist shall obtain the signature of the person to whom property is released, and the reason for release. Any employee receiving property shall be responsible for such property until it is properly returned to property or properly released to another authorized person or entity.

The return of the property should be recorded in the RMS system, indicating the date and time.

801.6.4 AUTHORITY TO RELEASE PROPERTY

The Investigations Unit shall authorize the disposition or release of all evidence and property coming into the care and custody of the Department.

801.6.5 RELEASE OF PROPERTY

All reasonable attempts shall be made to identify the rightful owner of found property or evidence not needed for an investigation.

- (a) Release of property shall be made upon receipt of an authorized release form. The authorized release form shall:
 - 1. List the name and address of the person to whom the property is to be released.
 - 2. Be signed by the authorizing supervisor or detective and must conform to the items listed on the RMS system or must specify the specific item(s) to be released.
 - 3. Release of all property shall be documented on the RMS system.
- (b) A Property Specialist shall release the property upon proper identification being presented by the owner for which an authorized release has been received. A signature of the person receiving the property shall be recorded on the property form.

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Upon release, the proper entry shall be documented in the RMS system, the recorded information shall be forwarded to the Records Unit for filing with the case. If some items of property have not been released, the recorded information will remain with the RMS System. Upon release, the proper entry shall be documented in the RMS system.

- (c) In addition to the authorized release form, the person receiving the property shall be required present a valid photo identification and sign a property release form acknowledging receipt of the property.

Under no circumstances shall any firearm, magazine, or ammunition be returned to any individual unless and until such person presents valid identification and written notification from the California Department of Justice that conforms to the provisions of Penal Code § 33865.

Department of Justice that conforms to the provisions of Penal Code § 33865.

The Property Unit Supervisor should also make reasonable efforts to determine whether the person is the subject of any court order preventing the person from possessing a firearm and, if so, the firearm should not be released to the person while the order is in effect.

801.6.6 TIME PERIOD FOR HOLDING ANY FIREARM, MAGAZINE, OR AMMUNITION

The Department is not required to retain any firearm, magazine, or ammunition longer than 180 days after notice has been provided to the owner that such items are available for return. At the expiration of such period, the firearm, magazine, and ammunition may be processed for disposal in accordance with applicable law (Penal Code § 33875).

801.6.7 TIME PERIOD FOR HOLDING FOUND PROPERTY

With the exception of firearms and other property specifically regulated by statute, found property shall be held for 90 days. During such period, property personnel shall attempt to contact the rightful owner by telephone and/or mail when sufficient identifying information is available. Found property not held for any other purpose and not claimed within 90 days after notification (or receipt, if notification is not feasible) may be auctioned to the highest bidder at a properly published public auction. If such property is not sold at auction or otherwise lawfully claimed, it may thereafter be destroyed (Civil Code § 2080.6). The final disposition of all such property shall be fully documented in related reports.

801.6.8 TIME PERIOD FOR HOLDING PROPERTY HELD FOR SAFEKEEPING

With the exception of firearms and other property specifically regulated by statute, property held for safekeeping shall be held for 60 days, unless the owner notifies the Santa Cruz Police Department in writing that he or she is unable to retrieve the property, because he or she is in custody, and requests the Santa Cruz Police Department to hold the property. After such notification the property will be held for not longer than an additional 10 months (Civil Code § 2080.10). After which the property will be disposed of in accordance with the law. The final disposition of all such property shall be fully documented in related reports.

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801.6.9 DISPUTED CLAIMS TO PROPERTY

Occasionally more than one party may claim an interest in property being held by the Department, and the legal rights of the parties cannot be clearly established. Such property shall not be released until one party has obtained a valid court order or other undisputed right to the involved property.

All parties should be advised that their claims are civil and in extreme situations, legal counsel for the Department may wish to file an interpleader to resolve the disputed claim (Code of Civil Procedure § 386(b)).

801.6.10 CONTROL OF NARCOTICS AND DANGEROUS DRUGS

The Investigations Unit will be responsible for the storage, control and destruction of all narcotics and dangerous drugs coming into the custody of this department, including paraphernalia as described in Health and Safety Code § 11364.

801.6.11 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 and ammunition, the Property Specialist shall return the weapon and ammunition to the owner if the requirements of Penal Code § 33850 and Penal Code § 33855 are met, unless the firearm and ammunition are determined to be stolen, evidence in a criminal investigation, another successive restraining order has been issued against the individual, or the individual is otherwise prohibited from possessing a firearm and ammunition (Family Code § 6389(g); Penal Code § 33855).

801.6.12 RELEASE OF FIREARMS IN GUN VIOLENCE RESTRAINING ORDER MATTERS

Firearms and ammunition that were taken into temporary custody or surrendered pursuant to a gun violence restraining order shall be returned to the restrained person upon the expiration of the order and in accordance with the requirements of Penal Code § 33850 et seq. (Penal Code § 18120).

If the restrained person who owns the firearms or ammunition does not wish to have the firearm or ammunition returned, he/she is entitled to sell or transfer title to a licensed dealer, provided that the firearms or ammunition are legal to own or possess and the restrained person has right to title of the firearms or ammunition (Penal Code § 18120).

If a person other than the restrained person claims title to the firearms or ammunition surrendered pursuant to Penal Code § 18120 and the Santa Cruz Police Department determines him/her to be the lawful owner, the firearms or ammunition shall be returned in accordance with the requirements of Penal Code § 33850 et seq. (Penal Code § 18120).

Firearms and ammunition that are not claimed are subject to the requirements of Penal Code § 34000.

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801.6.13 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 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) and the court determines that the return of the firearm or weapon would likely endanger the individual or others, the Department may destroy the firearm within 180 days from the date that the court makes that determination, unless the person contacts the Department to facilitate the sale or transfer of the firearm to a licensed dealer.
- (c) 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.
- (d) 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 will be sold, transferred, destroyed, or retained as provided in Welfare and Institutions Code § 8102.

801.6.14 RELEASE OF FIREARMS, MAGAZINES, AND AMMUNITION

The Department shall not return to any individual any firearm, magazine, or ammunition taken into custody unless all requirements of Penal Code § 33855 are met. Ammunition will not be released on the same day a firearm is released. Separate appointments are required.

801.7 DISPOSITION OF PROPERTY

801.7.1 EXCEPTIONAL DISPOSITIONS

The following types of property shall be destroyed or disposed of in the manner, and at the time prescribed by law, unless a different disposition is ordered by a court of competent jurisdiction:

- Weapons declared by law to be nuisances (Penal Code § 29300; Penal Code § 18010; Penal Code § 32750)
- Animals, birds, and related equipment that have been ordered forfeited by the court (Penal Code § 599a)
- Counterfeiting equipment (Penal Code § 480)
- Gaming devices (Penal Code § 335a)

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- 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)

801.7.2 UNCLAIMED MONEY

If found or seized money is no longer required as evidence and remains unclaimed after three years, the Department shall cause a notice to be published each week for a period of two consecutive weeks in a local newspaper of general circulation (Government Code § 50050). Such notice shall state the amount of money, the fund in which it is held and that the money will become the property of the agency on a designated date not less than 45 days and not more than 60 days after the first publication (Government Code § 50051).

Any individual item with a value of less than \$15.00, or any amount if the depositor/owner's name is unknown, which remains unclaimed for a year or by order of the court, may be transferred to the general fund without the necessity of public notice (Government Code § 50055).

If the money remains unclaimed as of the date designated in the published notice, the money will become the property of this department to fund official law enforcement operations. Money representing restitution collected on behalf of victims shall either be deposited into the Restitution Fund or used for purposes of victim services.

801.7.3 RETENTION OF BIOLOGICAL EVIDENCE

The Property Unit Supervisor shall ensure that no biological evidence held by the Department is destroyed without adequate notification to the following persons, when applicable:

- (a) The defendant
- (b) The defendant's attorney
- (c) The appropriate prosecutor and Attorney General
- (d) Any sexual assault victim
- (e) The Investigations Unit Division supervisor

Biological evidence shall be retained for either a minimum period that has been established by law (Penal Code § 1417.9) or that has been established by the Property Unit Supervisor, or until the expiration of any imposed sentence that is related to the evidence, whichever time period is greater. Following the retention period, notifications should be made by certified mail and should inform the recipient that the evidence will be destroyed after a date specified in the notice unless a motion seeking an order to retain the sample is filed and served on the Department within 180 days of the date of the notification. A record of all certified mail receipts shall be retained in the appropriate file. Any objection to, or motion regarding, the destruction of the biological evidence

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should be retained in the appropriate file and a copy forwarded to the Investigations Unit 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 Investigations Unit Division supervisor should be consulted and the sexual assault victim shall be notified at least 60 days prior to the disposal (Penal Code § 680). Reasons for not analyzing biological evidence shall be documented in writing (Penal Code § 680.3).

801.8 INSPECTIONS OF THE EVIDENCE ROOM

- (a) An annual audit of evidence held by the Department may be conducted by a Deputy Chief (as appointed by the Chief of Police) not routinely or directly connected with evidence control.
- (b) Whenever a change is made in personnel who have access to the evidence room, an inventory of all evidence/property shall be made by an individual not associated to the property room or function to ensure that records are correct and all evidence property is accounted for.

Records Unit

802.1 PURPOSE AND SCOPE

This policy establishes the guidelines for the operational functions of the Santa Cruz Police Department Records Unit. The policy addresses department file access and internal requests for case reports.

802.2 POLICY

It is the policy of the Santa Cruz Police Department to maintain department records securely, professionally, and efficiently.

802.3 RESPONSIBILITIES

802.3.1 RECORDS MANAGER

The Chief of Police shall appoint and delegate certain responsibilities to a Records Manager. The Records Manager shall be directly responsible to the Administration Deputy Chief or the authorized designee.

The responsibilities of the Records Manager include but are not limited to:

- (a) Overseeing the efficient and effective operation of the Records Unit.
- (b) Scheduling and maintaining Records Unit time records.
- (c) Supervising, training, and evaluating Records Unit staff.
- (d) Maintaining and updating a Records Unit procedure manual.
- (e) Ensuring compliance with established policies and procedures.
- (f) Supervising the access, use, and release of protected information (see the Protected Information Policy).
- (g) Establishing security and access protocols for case reports designated as sensitive, where additional restrictions to access have been implemented. Sensitive reports may include but are not limited to:
 1. Homicides.
 2. Cases involving department members or public officials.
 3. Any case where restricted access is prudent.

802.3.2 RECORDS UNIT

The responsibilities of the Records Unit include but are not limited to:

- (a) Maintaining a records management system for case reports.
 1. The records management system should include a process for numbering, identifying, tracking, and retrieving case reports.
- (b) Entering case report information into the records management system.
 1. Modification of case reports shall only be made when authorized by a supervisor.

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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 suicides
 - (b) Officer misconduct
 - (c) Uses of force
 - (d) Officer deaths or assaults
 - (e) Crime incidents
 - (f) Deaths in custody
- (h) Updating the Automated Firearms System to reflect any firearms relinquished to the Department and the subsequent disposition to the California DOJ pursuant to Penal Code § 34010 (Penal Code § 29810).
- (i) Entering into the Automated Firearms System information about each firearm that has been reported stolen, lost, found, recovered, held for safekeeping, surrendered in relation to a private party firearms transaction or registration, relinquished pursuant to a court order, or under observation, within seven calendar days of the precipitating event (Penal Code § 11108.2).

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- (j) Entering into the California DOJ automated property system descriptions of serialized property, or non-serialized property that has been uniquely inscribed, which has been reported stolen, lost, found, recovered, held for safekeeping, or under observation (Penal Code § 11108).
- (k) Maintaining compliance with quarterly California DOJ reporting requirements regarding the department's efforts to verify an individual listed in the Armed and Prohibited Persons System (APPS) is no longer in possession of a firearm (Penal Code § 29813).
- (l) Maintaining compliance with the state and California DOJ reporting requirements regarding the number of transfers of individuals to immigration authorities and offenses that allowed for the transfers (Government Code § 7284.6(c)(2)).
- (m) Transmitting data to the Joint Regional Information Exchange System on any suspected multi-mission extremist crimes.

802.3.3 RECORDS UNIT PROCEDURE MANUAL

The Records Manager should establish procedures that address:

- (a) Identifying by name persons in reports.
- (b) Classifying reports by type of incident or crime.
- (c) Tracking reports through the approval process.
- (d) Assigning alpha-numerical records to all arrest records.
- (e) Managing a warrant and wanted persons file.

802.4 FILE ACCESS AND SECURITY

The security of files in the Records Unit must be a high priority and shall be maintained as mandated by state or federal law. All case reports including but not limited to initial, supplemental, follow-up, evidence, and any other reports related to a police department case, including field interview (FI) cards, criminal history records, and publicly accessible logs, shall be maintained in a secure area within the Records Unit, accessible only by authorized members of the Records Unit. Access to case reports or files when Records Unit staff is not available may be obtained through the Watch Commander.

The Records Unit will also maintain a secure file for case reports deemed by the Chief of Police as sensitive or otherwise requiring extraordinary access restrictions.

802.5 ORIGINAL CASE REPORTS

Generally, original case reports shall not be removed from the Records Unit. Should an original case report be needed for any reason, the requesting department member shall first obtain authorization from the Records Manager. All original case reports removed from the Records Unit shall be recorded on a designated report check-out log, which shall be the only authorized manner by which an original case report may be removed from the Records Unit.

All original case reports to be removed from the Records Unit shall be photocopied and the photocopy retained in the file location of the original case report until the original is returned to

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the Records Unit. The photocopied report shall be shredded upon return of the original report to the file.

802.6 CONFIDENTIALITY

Records Unit staff has access to information that may be confidential or sensitive in nature. Records Unit staff shall not access, view, or distribute, or allow anyone else to access, view, or distribute any record, file, or report, whether in hard copy or electronic file format, or any other confidential, protected, or sensitive information except in accordance with the Records Maintenance and Release and Protected Information policies and the Records Unit procedure manual.

802.7 DETERMINATION OF FACTUAL INNOCENCE

In any case where a person has been arrested by officers of the Santa Cruz Police Department and no accusatory pleading has been filed, the person arrested may petition the Department to destroy the related arrest records. Petitions should be forwarded to the Administration Supervisor. The Administration Supervisor should promptly contact the prosecuting attorney and request a written opinion as to whether the petitioner is factually innocent of the charges (Penal Code § 851.8). Factual innocence means the accused person did not commit the crime.

Upon receipt of a written opinion from the prosecuting attorney affirming factual innocence, the Administration Supervisor should forward the petition to the Investigations Unit Supervisor and the City Attorney for review. After such review and consultation with the City Attorney, the Investigations Unit Supervisor and the Administration Supervisor shall decide whether a finding of factual innocence is appropriate.

Upon determination that a finding of factual innocence is appropriate, the Administration Supervisor shall ensure that the arrest record and petition are sealed for later destruction and the required notifications are made to the California DOJ and other law enforcement agencies (Penal Code § 851.8).

The Administration Supervisor should respond to a petition with the Department's decision within 45 days of receipt. Responses should include only the decision of the Department, not an explanation of the analysis leading to the decision.

802.8 ARREST WITHOUT FILING OF ACCUSATORY PLEADING

The Operations Deputy Chief should ensure a process is in place for when an individual is arrested and released and no accusatory pleading is filed so that the following occurs (Penal Code § 849.5; Penal Code § 851.6):

- (a) The individual is issued a certificate describing the action as a detention.
- (b) All references to an arrest are deleted from the arrest records of the Department and the record reflects only a detention.
- (c) The California DOJ is notified.

Restoration of Firearm Serial Numbers

803.1 PURPOSE AND SCOPE

The primary purpose for restoring firearm serial numbers is to determine the prior owners or origin of the item from which the number has been recovered. Thus, property can be returned to rightful owners or investigations can be initiated to curb illegal trade of contraband firearms. The purpose of this plan is to develop standards, methodologies, and safety protocols for the recovery of obliterated serial numbers from firearms and other objects using procedures that are accepted as industry standards in the forensic community. All personnel who are involved in the restoration of serial numbers will observe the following guidelines. This policy complies with Penal Code § 11108.9.

803.2 PROCEDURE

Any firearm coming into the possession of the Santa Cruz Police Department as evidence, found property, etc., where the serial numbers have been removed or obliterated will be processed in the following manner:

803.2.1 PRELIMINARY FIREARM EXAMINATION

- (a) Always keep the muzzle pointed in a safe direction. Be sure the firearm is in an unloaded condition. This includes removal of the ammunition source (e.g., the detachable magazine, contents of the tubular magazine) as well as the chamber contents.
- (b) If the firearm is corroded shut or in a condition that would preclude inspection of the chamber contents, treat the firearm as if it is loaded. Make immediate arrangements for a firearms examiner or other qualified examiner to render the firearm safe.
- (c) Accurately record/document the condition of the gun when received. Note the positions of the various components such as the safeties, cylinder, magazine, slide, hammer, etc. Accurately record/document cylinder chamber and magazine contents. Package the ammunition separately.
- (d) If the firearm is to be processed for fingerprints or trace evidence, process before the serial number restoration is attempted. First record/document important aspects such as halos on the revolver cylinder face or other relevant evidence that might be obscured by the fingerprinting chemicals.

803.2.2 PROPERTY BOOKING PROCEDURE

Any 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

803.2.3 OFFICER RESPONSIBILITY

The Property Attendant receiving a firearm when the serial numbers have been removed or obliterated shall arrange for the firearm to be transported to the crime lab for restoration and maintain the chain of evidence.

803.2.4 DOCUMENTATION

Case reports are prepared in order to document the chain of custody and the initial examination and handling of evidence from the time it is received/collected until it is released.

This report must include a record of the manner in which and/or from whom the firearm was received. This may appear on the request form or property form depending on the type of evidence.

803.2.5 FIREARM TRACE

After the serial number has been restored (or partially restored) by the criminalistics laboratory, the Property Attendant will complete a Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) National Tracing Center (NTC) Obliterated Serial Number Trace Request Form (ATF 3312.1-OBL) and forward the form to the NTC in Falling Waters, West Virginia or enter the data into the ATF eTrace system.

803.3 BULLET AND CASING IDENTIFICATION

Exemplar bullets and cartridge cases from the firearm, depending upon acceptance criteria and protocol, may be submitted to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) National Integrated Ballistic Information Network (NIBIN) which uses the Integrated Ballistic Identification System (IBIS) technology to search the national database and compare with ballistic evidence recovered from other crime scenes.

Records Maintenance and Release

804.1 PURPOSE AND SCOPE

This policy provides guidance on the maintenance and release of department records. Protected information is separately covered in the Protected Information Policy.

804.2 POLICY

The Santa Cruz Police Department is committed to providing public access to records in a manner that is consistent with the California Public Records Act (Government Code § 7920.000 et seq.).

804.3 CUSTODIAN OF RECORDS RESPONSIBILITIES

The Chief of Police shall designate a Custodian of Records. The responsibilities of the Custodian of Records include but are not limited to:

- (a) Managing the records management system for the Department, including the retention, archiving, release, and destruction of department public records.
- (b) Maintaining and updating the department records retention schedule including:
 1. Identifying the minimum length of time the Department must keep records.
 2. Identifying the department division responsible for the original record.
- (c) Establishing rules regarding the inspection and copying of department public records as reasonably necessary for the protection of such records (Government Code § 7922.525; Government Code § 7922.530).
- (d) Identifying records or portions of records that are confidential under state or federal law and not open for inspection or copying.
- (e) Establishing rules regarding the processing of subpoenas for the production of records.
- (f) Ensuring a current schedule of fees for public records as allowed by law is available (Government Code § 7922.530).
- (g) Determining how the department's website may be used to post public records in accordance with Government Code § 7922.545.
- (h) Ensuring that all department current standards, policies, practices, operating procedures, and education and training materials are posted on the department website in accordance with Penal Code § 13650.
- (i) Ensuring that public records posted on the Department website meet the requirements of Government Code § 7922.680 including but not limited to posting in an open format where a record may be retrieved, downloaded, indexed, and searched by a commonly used internet search application.
- (j) Ensuring that a list and description, when applicable, of enterprise systems (as defined by Government Code § 7922.700) is publicly available upon request and posted in a prominent location on the Department's website (Government Code § 7922.710; Government Code § 7922.720).

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804.4 PROCESSING REQUESTS FOR PUBLIC RECORDS

Any department member who receives a request for any record shall route the request to the Custodian of Records or the authorized designee.

804.4.1 REQUESTS FOR RECORDS

Any member of the public, including the media and elected officials, may access unrestricted records of this department, during regular business hours by submitting a written and signed request that reasonably describes each record sought and paying any associated fees (Government Code § 7922.530).

The processing of requests for any record is subject to the following (Government Code § 7922.530; Government Code § 7922.535):

- (a) The Department is not required to create records that do not exist.
- (b) Victims of an incident or their authorized representative shall not be required to show proof of legal presence in the United States to obtain department records or information. If identification is required, a current driver's license or identification card issued by any state in the United States, a current passport issued by the United States or a foreign government with which the United States has a diplomatic relationship or current Matricula Consular card is acceptable (Government Code § 7923.655).
- (c) Either the requested record or the reason for non-disclosure will be provided promptly, but no later than 10 days from the date of request, unless unusual circumstances preclude doing so. If more time is needed, an extension of up to 14 additional days may be authorized by the Custodian of Records or the authorized designee. If an extension is authorized, the Department shall provide the requester written notice that includes the reason for the extension and the anticipated date of the response.
 - 1. When the request does not reasonably describe the records sought, the Custodian of Records shall assist the requester in making the request focused and effective in a way to identify the records or information that would be responsive to the request including providing assistance for overcoming any practical basis for denying access to the records or information. The Custodian of Records shall also assist in describing the information technology and physical location in which the record exists (Government Code § 7922.600).
 - 2. If the record requested is available on the department website, the requester may be directed to the location on the website where the record is posted. If the requester is unable to access or reproduce the record, a copy of the record shall be promptly provided.
- (d) Upon request, a record shall be provided in an electronic format utilized by the Department. Records shall not be provided only in electronic format unless specifically requested (Government Code § 7922.570; Government Code § 7922.580).
- (e) When a record contains material with release restrictions and material that is not subject to release restrictions, the restricted material shall be redacted and the unrestricted material released.

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1. A copy of the redacted release should be maintained in the case file for proof of what was actually released and as a place to document the reasons for the redactions. If the record is audio or video, a copy of the redacted audio/video release should be maintained in the department-approved media storage system and a notation should be made in the case file to document the release and the reasons for the redacted portions.
- (f) If a record request is denied in whole or part, the requester shall be provided a written response that includes the statutory exemption for withholding the record or facts that the public interest served by nondisclosure outweighs the interest served by disclosure. The written response shall also include the names, titles, or positions of each person responsible for the denial (Government Code § 7922.000; Government Code § 7922.540).

804.5 RELEASE RESTRICTIONS

Examples of release restrictions include:

- (a) Personal identifying information, including an individual's photograph; Social Security and driver identification numbers; name, address, and telephone number; and medical or disability information that is contained in any driver license record, motor vehicle record, or any department record, including traffic collision reports, are restricted except as authorized by the Department, and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721; 18 USC § 2722).
- (b) Social Security numbers (Government Code § 7922.200).
- (c) Personnel records, medical records, and similar records that would involve an unwarranted invasion of personal privacy except as allowed by law (Government Code § 7927.700; Penal Code § 832.7; Penal Code § 832.8; Evidence Code § 1043 et seq.).
 1. Peace officer personnel records that are deemed confidential shall not be made public or otherwise released to unauthorized individuals or entities absent a valid court order.
 2. The identity of any officer subject to any criminal or administrative investigation shall not be released without the consent of the involved officer, prior approval of the Chief of Police, or as required by law.
- (d) Victim information that may be protected by statutes, including victims of certain crimes who have requested that their identifying information be kept confidential, victims who are minors, and victims of certain offenses (e.g., sex crimes or human trafficking (Penal Code § 293)). Addresses and telephone numbers of a victim or a witness shall not be disclosed to any arrested person or to any person who may be a defendant in a criminal action unless it is required by law (Government Code § 7923.615; Penal Code § 841.5).
 1. Victims of certain offenses (e.g., domestic violence, sexual assault, stalking, human trafficking, elder and dependent adult abuse) or their representatives shall be provided, upon request and without charge, one copy of all incident 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 Prosecuting Attorney, the City Attorney, or the courts pursuant to Penal Code § 1054.5.
 - (h) Certain types of reports involving but not limited to child abuse and molestation (Penal Code § 11167.5), elder and dependent abuse (Welfare and Institutions Code § 15633), and juveniles (Welfare and Institutions Code § 827).
 - (i) Sealed autopsy and private medical information concerning a murdered child with the exceptions that allow dissemination of those reports to law enforcement agents, prosecutors, defendants, or civil litigants under state and federal discovery laws (Code of Civil Procedure § 130).
 - (j) Information contained in applications for licenses to carry firearms or other files that indicates when or where the applicant is vulnerable or which contains medical or psychological information (Government Code § 7923.800).
 - (k) Traffic collision reports (and related supplemental reports) shall be considered confidential and subject to release only to the California Highway Patrol, Department of Motor Vehicles (DMV), other law enforcement agencies, and those individuals and their authorized representatives set forth in Vehicle Code § 20012.
 - (l) Any record created exclusively in anticipation of potential litigation involving this department (Government Code § 7927.200).
 - (m) Any memorandum from legal counsel until the pending litigation has been adjudicated or otherwise settled (Government Code § 7927.205).

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- (n) Records relating to the security of the department's electronic technology systems (Government Code § 7929.210).
- (o) A record of a complaint, or the investigations, findings, or dispositions of that complaint if the complaint is frivolous, as defined by Code of Civil Procedure § 128.5, or if the complaint is unfounded (Penal Code § 832.7 (b)(9)).
- (p) Any other record not addressed in this policy shall not be subject to release where such record is exempt or prohibited from disclosure pursuant to state or federal law, including but not limited to provisions of the Evidence Code relating to privilege (Government Code § 7927.705).
- (q) Information connected with juvenile court proceedings or the detention or custody of a juvenile. Federal officials may be required to obtain a court order to obtain certain juvenile information (Welfare and Institutions Code § 827.9; Welfare and Institutions Code § 827.95; Welfare and Institutions Code § 831).

804.6 SUBPOENAS AND DISCOVERY REQUESTS

Any 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.

804.7 RELEASED RECORDS TO BE MARKED

Front page of any written record released pursuant to this policy should be stamped in a colored ink or otherwise marked to indicate the department name and to whom the record was released.

Each audio/video recording released should include the department name and to whom the record was released.

804.8 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 Manager shall ensure that the required notations on local summary criminal history information and police investigative

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reports are made. Sealed records may be disclosed or used as authorized by Penal Code § 851.92.

804.8.1 SEALED JUVENILE ARREST RECORDS

Upon receiving notice from a probation department to seal juvenile arrest records pursuant to Welfare and Institutions Code § 786.5, the Records Manager should ensure that the records are sealed within 60 days of that notice and that the probation department is notified once the records have been sealed (Welfare and Institutions Code § 786.5).

804.9 SECURITY BREACHES

The Records Manager shall ensure notice is given anytime there is a reasonable belief an unauthorized person has acquired either unencrypted personal identifying information or encrypted personal information along with the encryption key or security credential stored in any Department information system (Civil Code § 1798.29).

Notice shall be given as soon as reasonably practicable to all individuals whose information may have been acquired. The notification may be delayed if the Department determines that notification will impede a criminal investigation or any measures necessary to determine the scope of the breach and restore the reasonable integrity of the data system.

For the purposes of this requirement, personal identifying information includes an individual's first name or first initial and last name in combination with any one or more of the following (Civil Code § 1798.29):

- (a) Social Security number
 - 1. Driver license number, California identification card number, tax identification number, passport number, military identification number, or other unique identification number issued on a government document commonly used to verify the identity of a specific individual
 - 2. Account number or credit or debit card number, in combination with any required security code, access code or password that would permit access to an individual's financial account
 - 3. Medical information
 - 4. Health insurance information
 - 5. Information or data collected by Automated License Plate Reader (ALPR) technology
 - 6. Unique biometric data
 - 7. Genetic data
- (b) A username or email address, in combination with a password or security question and answer that permits access to an online account

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804.9.1 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 Santa Cruz 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 Santa Cruz 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 Santa Cruz 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.

804.9.2 MANNER OF NOTICE

- (a) Notice may be provided by one of the following methods (Civil Code § 1798.29):
 - 1. Written notice.
 - 2. Electronic notice if the notice provided is consistent with the provisions regarding electronic records and signatures set forth in 15 USC § 7001.
 - 3. Substitute notice if the cost of providing notice would exceed \$250,000, the number of individuals exceeds 500,000 or the Department does not have

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sufficient contact information. Substitute notice shall consist of all of the following:

- (a) Email notice when the Department has an email address for the subject person.
 - (b) Conspicuous posting of the notice on the department's webpage for a minimum of 30 days.
4. Notification to major statewide media and the California Information Security Office within the California Department of Technology.
- (b) If a single breach requires the Department to notify more than 500 California residents, the Department shall electronically submit a sample copy of the notification, excluding any personally identifiable information, to the Attorney General.

804.10 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 Professional Standards Unit supervisor in determining what recordings may qualify for disclosure when a request for a recording is received and if the requested recording is subject to delay from disclosure, redaction, or other release restrictions.

804.10.1 DELAY OF RELEASE

Disclosure of critical incident recordings during active criminal or administrative investigations may be delayed as follows if disclosure would substantially interfere with the investigation, such as by endangering the safety of a witness or a confidential source:

- (a) Disclosure may be delayed up to 45 days from the date the Department knew or reasonably should have known about the incident.
- (b) Delay of disclosure may continue after the initial 45 days and up to one year if the Department demonstrates that disclosure would substantially interfere with the investigation.
- (c) Any delay of disclosure longer than one year must be supported by clear and convincing evidence that disclosure would substantially interfere with the investigation (Government Code § 7923.625).

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804.10.2 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.

804.10.3 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).

804.10.4 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.
- (b) If the person is a minor, the parent or legal guardian of the person whose privacy is to be protected.

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- (c) If the person whose privacy is to be protected is deceased, an heir, beneficiary, designated immediate family member, or authorized legal representative of the deceased person whose privacy is to be protected.

If the Department determines that this disclosure would substantially interfere with an active criminal or administrative investigation, the Custodian of Records shall provide the requester with written notice of the specific basis for the determination and the estimated date of disclosure (Government Code § 7923.625).

The Department may continue to delay release of the recording from the public for 45 days with extensions as provided in this policy (Government Code § 7923.625).

Protected Information

805.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the access, transmission, release and security of protected information by members of the Santa Cruz Police Department. This policy addresses the protected information that is used in the day-to-day operation of the Department and not the public records information covered in the Records Maintenance and Release Policy.

805.1.1 DEFINITIONS

Definitions related to this policy include:

Protected information - Any information or data that is collected, stored or accessed by members of the Santa Cruz Police Department and is subject to any access or release restrictions imposed by law, regulation, order or use agreement. This includes all information contained in federal, state or local law enforcement databases that is not accessible to the public.

805.2 POLICY

Members of the Santa Cruz Police Department will adhere to all applicable laws, orders, regulations, use agreements and training related to the access, use, dissemination and release of protected information.

805.3 RESPONSIBILITIES

The Chief of Police shall select a member of the Department to coordinate the use of protected information.

The responsibilities of this position include, but are not limited to:

- (a) Ensuring member compliance with this policy and with requirements applicable to protected information, including requirements for the National Crime Information Center (NCIC) system, National Law Enforcement Telecommunications System (NLETS), Department of Motor Vehicle (DMV) records and California Law Enforcement Telecommunications System (CLETS).
- (b) Developing, disseminating and maintaining procedures that adopt or comply with the U.S. Department of Justice's current Criminal Justice Information Services (CJIS) Security Policy.
- (c) Developing, disseminating and maintaining any other procedures necessary to comply with any other requirements for the access, use, dissemination, release and security of protected information.
- (d) Developing procedures to ensure training and certification requirements are met.
- (e) Resolving specific questions that arise regarding authorized recipients of protected information.
- (f) Ensuring security practices and procedures are in place to comply with requirements applicable to protected information.

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805.4 ACCESS TO PROTECTED INFORMATION

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Santa Cruz 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.

805.4.1 PENALTIES FOR MISUSE OF RECORDS

It is a misdemeanor to furnish, buy, receive or possess Department of Justice criminal history information without authorization by law (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).

805.5 RELEASE OR DISSEMINATION OF PROTECTED INFORMATION

Protected information may be released only to authorized recipients who have both a right to know and a need to know.

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 Manager for information regarding a formal request.

Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by the Department may generally be shared with authorized persons from other law enforcement agencies who are assisting in the investigation or conducting a related investigation. Any such information should be released through the Records Unit to ensure proper documentation of the release (see the Records Maintenance and Release Policy).

805.5.1 REVIEW OF CRIMINAL OFFENDER RECORD

Individuals requesting to review their own California criminal history information shall be referred to the Department of Justice (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).

805.5.2 TRANSMISSION GUIDELINES

Protected information, such as restricted Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), should not be transmitted via unencrypted radio. When circumstances reasonably indicate that the immediate safety of officers, other department members, or the public is at risk, only summary information may be transmitted.

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In cases where the transmission of protected information, such as Personally Identifiable Information, is necessary to accomplish a legitimate law enforcement purpose, and utilization of an encrypted radio channel is infeasible, a MDT or department-issued cellular telephone should be utilized when practicable. If neither are available, unencrypted radio transmissions shall be subject to the following:

- Elements of protected information should be broken up into multiple transmissions, to minimally separate an individual's combined last name and any identifying number associated with the individual, from either first name or first initial.
- Additional information regarding the individual, including date of birth, home address, or physical descriptors, should be relayed in separate transmissions.

Nothing in this policy is intended to prohibit broadcasting warrant information.

805.6 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).

805.7 SECURITY OF PROTECTED INFORMATION

The Chief of Police will select a member of the Department to oversee the security of protected information.

The responsibilities of this position include, but are not limited to:

- (a) Developing and maintaining security practices, procedures and training.
- (b) Ensuring federal and state compliance with the CJIS Security Policy and the requirements of any state or local criminal history records systems.
- (c) Establishing procedures to provide for the preparation, prevention, detection, analysis and containment of security incidents including computer attacks.
- (d) Tracking, documenting and reporting all breach of security incidents to the Chief of Police and appropriate authorities.

805.7.1 MEMBER RESPONSIBILITIES

Members accessing or receiving protected information shall ensure the information is not accessed or received by persons who are not authorized to access or receive it. This includes leaving protected information, such as documents or computer databases, accessible to others when it is reasonably foreseeable that unauthorized access may occur (e.g., on an unattended table or desk; in or on an unattended vehicle; in an unlocked desk drawer or file cabinet; on an unattended computer terminal).

805.8 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

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authorized access and use of protected information, as well as its proper handling and dissemination.

Computers and Digital Evidence

806.1 PURPOSE AND SCOPE

This policy establishes procedures for the seizure and storage of computers, personal communications devices (PCDs) digital cameras, digital recorders and other electronic devices that are capable of storing digital information; and for the preservation and storage of digital evidence. All evidence seized and/or processed pursuant to this policy shall be done so in compliance with clearly established Fourth Amendment and search and seizure provisions.

806.2 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.

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4. If it can be determined, how it was being used.
 - (i) In most cases when a computer is involved in criminal acts and is in the possession of the suspect, the computer itself and all storage devices (hard drives, tape drives, and disk drives) should be seized along with all media. Accessories (printers, monitors, mouse, scanner, keyboard, cables, software and manuals) should not be seized unless as a precursor to forfeiture.

806.2.1 BUSINESS OR NETWORKED COMPUTERS

If the computer belongs to a business or is part of a network, it may not be feasible to seize the entire computer. Cases involving networks require specialized handling. Officers should contact a certified 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.

806.2.2 FORENSIC EXAMINATION OF COMPUTERS

If an examination of the contents of the computer's hard drive, or floppy disks, compact discs, or any other storage media is required, forward the following items to a computer forensic examiner:

- (a) Complete a Forensic Services Request form.
- (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.

806.3 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 a digital Forensics Investigator to copy the contents to an appropriate form of storage media.

806.4 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) If an exigent circumstance exists and the immediate recovery of data is deemed necessary, an officer may manually attempt to recover data from the device. If feasible, the officer attempting to recover the data should contact a digital forensic investigator for guidance. The officer shall document what actions they took while looking for the

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data on the device and the justification for accessing the data. Documenting their actions can also include the use of their BWC to record the steps that were taken.

- (c) 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.
- (d) When seizing the devices, also seize the charging units.

806.5 DIGITAL EVIDENCE RECORDED BY OFFICERS

Officers handling and submitting recorded and digitally stored evidence from digital cameras and audio or video recorders will comply with these procedures to ensure the integrity and admissibility of such evidence.

806.5.1 COLLECTION OF DIGITAL EVIDENCE

Once evidence is recorded it shall not be erased, deleted or altered in any way prior to submission. All photographs taken will be preserved regardless of quality, composition or relevance. Video and audio files will not be altered in any way.

806.5.2 SUBMISSION OF DIGITAL EVIDENCE

The following are required procedures for the submission of digital collected by officers:

- (a) Supported video, audio, and image formats shall be uploaded to the department's cloud-based digital evidence management system.
- (b) File formats not supported by the cloud-based digital evidence management system shall be uploaded to the department's network storage drive.
- (c) Digital media obtained from victims or other sources such as USB thumb drives, DVDs, and CDs shall be booked into Property as evidence.

806.5.3 PRESERVATION OF DIGITAL EVIDENCE

- (a) 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.
- (b) If any enhancement is done to the copy of the original, it shall be noted in the corresponding incident report.

Chapter 9 - Custody

Temporary Custody of Adults

900.1 PURPOSE AND SCOPE

This policy provides guidelines to address the health and safety of adults taken into temporary custody by members of the Santa Cruz Police Department for processing prior to being released or transferred to a housing or other type of facility.

Temporary custody of juveniles is addressed in the Temporary Custody of Juveniles Policy. Juveniles will not be permitted where adults in custody are being held.

Custodial searches are addressed in the Custodial Searches Policy.

900.1.1 DEFINITIONS

Definitions related to this policy include:

Holding cell/cell - Any locked enclosure for the custody of an adult or any other enclosure that prevents the occupants from being directly visually monitored at all times by a member of the Department.

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 Santa Cruz Police Department prior to being released or transported to a housing or other type of facility.

900.2 POLICY

The Santa Cruz Police Department is committed to releasing adults from temporary custody as soon as reasonably practicable, and to keeping adults safe while in temporary custody at the Department. Adults should be in temporary custody only for as long as reasonably necessary for investigation, processing, transfer or release.

900.3 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).

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- (f) The individual is not permitted in any nonpublic areas of the Santa Cruz 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.
 - 1. The department member transporting the individual shall ensure such risks are communicated to intake personnel at the other facility.
- (h) Generally, persons of the opposite sex, or adults and juveniles, should not be transported in the same vehicle unless they are physically separated by a solid barrier. If segregating individuals is not practicable, officers should be alert to inappropriate physical or verbal contact and take appropriate action as necessary.
- (i) Transfers between facilities or other entities, such as a hospital, should be accomplished with a custodial escort of the same sex as the person being transferred to assist with the person's personal needs as reasonable.

900.3.1 FORM REQUEST FOR PETITION TO SEAL RECORDS

Upon request, a detained arrestee released from custody shall be provided with the appropriate Judicial Council forms to petition the court to have the arrest and related records sealed (Penal Code § 851.91).

The Department shall display the required signage that complies with Penal Code § 851.91 advising an arrestee of the right to obtain the Judicial Council forms.

900.4 GENERAL CRITERIA AND SUPERVISION

No adult should be in temporary custody for longer than six hours without reasonable justification.

900.4.1 INDIVIDUALS WHO SHOULD NOT BE IN TEMPORARY CUSTODY

Individuals who exhibit certain behaviors or conditions should not be in temporary custody at the Santa Cruz Police Department, but should be transported to a jail facility, a medical facility, or another type of facility as appropriate. These include:

- (a) Any individual who is unconscious or has been unconscious while being taken into custody or while being transported.
- (b) Any individual who has a medical condition, including pregnancy, that may require medical attention, supervision, or medication while 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).

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Temporary Custody of Adults

- (e) Individuals who are obviously in crisis, as defined in the Crisis Intervention Incidents Policy.
- (f) Individuals who are under the influence of alcohol, a controlled substance, or any substance to the degree that may require medical attention, or who have ingested any substance that poses a significant risk to their health, whether or not they appear intoxicated.
- (g) Any individual who has exhibited extremely violent or continuously violent behavior including behavior that results in the destruction of property or demonstrates an intent to cause physical harm to themselves or others (15 CCR 1053; 15 CCR 1055).
- (h) Any individual who claims to have, is known to be afflicted with, or displays symptoms of any communicable disease that poses an unreasonable exposure risk (15 CCR 1051).
- (i) Any individual with a prosthetic or orthopedic device where removal of the device would be injurious to the individual's health or safety.
- (j) Any individual with an obvious developmental disability (15 CCR 1057).
- (k) Any individual who appears to be a danger to themselves or others due to a behavioral crisis, or who appears gravely disabled (15 CCR 1052).
- (l) Any individual who needs restraint beyond the use of handcuffs or shackles for security reasons (15 CCR 1058).
- (m) Any individual obviously suffering from drug or alcohol withdrawal (15 CCR 1213).

Officers taking custody of a person who exhibits any of the above conditions should notify a supervisor of the situation. These individuals should not be in temporary custody at the Department unless they have been evaluated by a qualified medical or mental health professional, as appropriate for the circumstances.

900.4.2 ENTRY RESTRICTIONS

Entry into any location where a person is held in custody should be restricted to:

- (a) Authorized members entering for official business purposes.
- (b) Emergency medical personnel when necessary.
- (c) Any other person authorized by the Watch Commander.

When practicable, more than one authorized member should be present for entry into a location where a person is held in custody for security purposes and to witness interactions.

900.4.3 SUPERVISION IN TEMPORARY CUSTODY

An authorized department member capable of supervising shall be present at all times when an individual is held in temporary custody. The member responsible for supervising should not have other duties that could unreasonably conflict with the member's supervision. Any individual in custody must be able to summon the supervising member if needed. If the person in custody has a hearing or speech impairment, accommodations shall be made to provide this ability.

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At least one female department member should be present when a female adult is in temporary custody. In the event that none is readily available, the female in custody should be transported to another facility or released pursuant to another lawful process (15 CCR 1027).

Absent exigent circumstances, such as a medical emergency or a violent subject, members should not enter the cell of a person of the opposite sex unless a member of the same sex as the person in custody is present (Penal Code § 4021).

No individual in custody shall be permitted to supervise, control, or exert any authority over other individuals in custody.

900.4.4 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.

900.5 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 City jail or the appropriate mental health facility.

The officer should promptly notify the Watch Commander of any conditions that may warrant immediate medical attention or other appropriate action. The Watch Commander shall determine whether the individual will be placed in a cell, immediately released, or transported to jail or other facility.

900.5.1 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).

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- (b) Evaluate the following issues against the stated risks in (a) to determine the need for placing the individual in a single cell:
 - 1. Consider whether the individual may be at a high risk of being sexually abused based on all available known information (28 CFR 115.141), or whether the person is facing any other identified risk.
 - 2. Provide any individual identified as being at a high risk for sexual or other victimization with heightened protection. This may include (28 CFR 115.113; 28 CFR 115.141):
 - (a) Continuous, direct sight and sound supervision.
 - (b) Single-cell placement in a cell that is actively monitored on video by a member who is available to immediately intervene.
 - 3. Ensure individuals are separated according to severity of the crime (e.g., felony or misdemeanor).
 - 4. Ensure males and females are separated by sight and sound when in cells.
 - 5. Ensure restrained individuals are not placed in cells with unrestrained individuals.
- (c) Ensure that those confined under civil process or for civil causes are kept separate from those who are in temporary custody pending criminal charges.
- (d) Ensure separation, as appropriate, based on other factors, such as age, criminal sophistication, assaultive/non-assaultive behavior, mental state, disabilities and sexual orientation.

900.5.2 CONSULAR NOTIFICATION

Consular notification may be mandatory when certain foreign nationals are arrested. The Operations Deputy Chief will ensure that the U.S. Department of State's list of countries and jurisdictions that require mandatory notification is readily available to department members. There should also be a published list of foreign embassy and consulate telephone and fax numbers, as well as standardized notification forms that can be transmitted and then retained for documentation. Prominently displayed signs informing foreign nationals of their rights related to consular notification should also be posted in areas used for the temporary custody of adults.

Department members assigned to process a foreign national shall:

- (a) Inform the individual, without delay, that the individual may have the individual's consular officers notified of the arrest or detention and may communicate with them.
 - 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.

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- (b) Tell the individual that this notification has been made and inform the individual without delay that the individual may communicate with consular officers.
 - (c) Forward any communication from the individual to the individual's consular officers without delay.
 - (d) Document all notifications to the embassy or consulate and retain the faxed notification and any fax confirmation for the individual's file.
2. If the country is not on the mandatory notification list and the individual requests that the individual's consular officers be notified, then:
- (a) Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.
 - (b) Forward any communication from the individual to the individual's consular officers without delay.

900.6 SAFETY, HEALTH AND OTHER PROVISIONS

900.6.1 TEMPORARY CUSTODY LOGS

Any time an individual is in temporary custody at the Santa Cruz 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 Santa Cruz Police Department.

The Watch Commander should initial the log to approve the temporary custody and should also initial the log when the individual is released from custody or transferred to another facility.

The Watch Commander should make periodic checks to ensure all log entries and safety and security checks are made on time.

900.6.2 TEMPORARY CUSTODY REQUIREMENTS

Members monitoring or processing anyone in temporary custody shall ensure:

- (a) Safety checks and significant incidents/activities are noted on the log.
- (b) Individuals in custody are informed that they will be monitored at all times, except when using the toilet.

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1. There shall be no viewing devices, such as peep holes or mirrors, of which the individual is not aware.
 2. This does not apply to surreptitious and legally obtained recorded interrogations.
- (c) There is reasonable access to toilets and wash basins.
 - (d) There is reasonable access to a drinking fountain or water.
 - (e) There are reasonable opportunities to stand and stretch, particularly if handcuffed or otherwise restrained.
 - (f) There is privacy during attorney visits.
 - (g) Those in temporary custody are generally permitted to remain in their personal clothing unless it is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.
 - (h) Clean blankets are provided as reasonably necessary to ensure the comfort of an individual.
 1. The supervisor should ensure that there is an adequate supply of clean blankets.
 - (i) Adequate shelter, heat, light and ventilation are provided without compromising security or enabling escape.
 - (j) Adequate furnishings are available, including suitable chairs or benches.

900.6.2 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 Santa Cruz Police Department. They should be released or transferred to another facility as appropriate.

900.6.4 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.

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Those who request to wear headscarves or simple head coverings for religious reasons should generally be accommodated absent unusual circumstances. Head coverings shall be searched before being worn.

Individuals wearing headscarves or other approved coverings shall not be required to remove them while in the presence of or while visible to the opposite sex if they so desire. Religious garments that substantially cover the individual's head and face may be temporarily removed during the taking of any photographs.

900.6.6 ORTHOPEDIC OR PROSTHETIC APPLIANCE

Subject to safety and security concerns, individuals shall be permitted to retain an orthopedic or prosthetic appliance. However, if the member supervising the individual has probable cause to believe the possession of the appliance presents a risk of bodily harm to any person or is a risk to the security of the facility, the appliance may be removed from the individual unless its removal would be injurious to the individual's health or safety.

Whenever a prosthetic or orthopedic appliance is removed, the Watch Commander shall be promptly apprised of the reason. It shall be promptly returned when it reasonably appears that any risk no longer exists (Penal Code § 2656; 15 CCR 1207).

900.6.7 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

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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).

900.6.3 FIREARMS AND OTHER SECURITY MEASURES

Firearms and other weapons and control devices shall not be permitted in secure areas where individuals are in custody or are processed. They should be properly secured outside of the secure area. An exception may occur only during emergencies, upon approval of a supervisor.

All perimeter doors to secure areas shall be kept locked at all times, except during routine cleaning, when no individuals in custody are present or in the event of an emergency, such as an evacuation.

900.6.9 ATTORNEYS AND BAIL BONDSMEN

- (a) An attorney may visit at the request of the individual in custody or a relative (Penal Code § 825).
- (b) Attorneys and bail bondsmen who need to interview an individual in custody should do so inside a secure interview room.
- (c) The individual in custody as well as the attorney or bail bondsman should be searched for weapons prior to being admitted to the interview room and at the conclusion of the interview.
- (d) Attorneys must produce a current California Bar card as well as other matching appropriate identification.
- (e) Interviews between attorneys and their clients shall not be monitored or recorded (15 CCR 1068).

900.6.10 DISCIPLINE

Discipline will not be administered to any individual in custody at this facility. Any individual in custody who repeatedly fails to follow directions or facility rules should be transported to the appropriate jail, mental health facility or hospital as soon as practicable. Such conduct should be documented and reported to the receiving facility (15 CCR 1081).

900.6.10 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

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shall be submitted as soon as reasonably practicable. The Watch Commander will retain a record of these reports for inspection purposes (15 CCR 1044).

900.7 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.

900.8 HOLDING CELLS

The Santa Cruz Police Department does not have any locked rooms or rooms that meet the definition of a holding cell. The department is equipped with interview rooms where subjects may be detained for interview or other evidence collection. All individuals detained in a non-locking interview room will be monitored by audio/video and within calling distance of a department member.

900.8.1 USE OF SOBERING CELL

The Santa Cruz Police Department is not equipped with sobering cells

900.9 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 Santa Cruz 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.

900.9.1 PREGNANT ADULTS

Adults who are known to be pregnant should be restrained in accordance with the Handcuffing and Restraints Policy.

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900.10 SUICIDE ATTEMPT, DEATH, OR SERIOUS INJURY

The Operations Deputy Chief will ensure procedures are in place to address any suicide attempt, death or serious injury of any individual in temporary custody at the Santa Cruz 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 Investigations Unit Deputy Chief
- (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 reviews (15 CCR 1046)
- (i) Notification to the Attorney General within 10 days of any death in custody including any reasonably known facts concerning the death (Government Code § 12525)

900.11 TRAINING

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

Custodial Searches

901.1 PURPOSE AND SCOPE

This policy provides guidance regarding searches of individuals in custody. Such searches are necessary to eliminate the introduction of contraband, intoxicants or weapons into the Santa Cruz Police Department facility. Such items can pose a serious risk to the safety and security of department members, individuals in custody, contractors and the public.

Nothing in this policy is intended to prohibit the otherwise lawful collection of evidence from an individual in custody.

901.1.1 DEFINITIONS

Definitions related to this policy include:

Custody search - An in-custody search of an individual and of the individual's property, shoes, and clothing, including pockets, cuffs, and folds on the clothing, to remove all weapons, dangerous items, and contraband.

Physical body cavity search - A search that includes a visual inspection and may include a physical intrusion into a body cavity. Body cavity means the stomach, rectal cavity, or vagina of an individual.

Strip search - A search that requires an individual to remove or rearrange some or all of the individual's clothing to permit a visual inspection of the underclothing, breasts, buttocks, anus, or outer genitalia. This includes monitoring an individual who is changing clothes, where the individual's underclothing, buttocks, genitalia, or female breasts are visible.

901.2 POLICY

All searches shall be conducted with concern for safety, dignity, courtesy, respect for privacy and hygiene, and in compliance with policy and law to protect the rights of those who are subject to any search.

Searches shall not be used for intimidation, harassment, punishment or retaliation.

901.3 FIELD AND TRANSPORTATION SEARCHES

An officer should conduct a custody search of an individual immediately after the individual's arrest, when receiving an individual from the custody of another, and before transporting a person who is in custody in any department vehicle.

Whenever practicable, a custody search should be conducted by an officer of the same sex as the person being searched. If an officer of the same sex is not reasonably available, a witnessing officer should be present during the search.

901.4 SEARCHES AT POLICE FACILITIES

Custody searches shall be conducted on all individuals in custody, upon entry to the Santa Cruz Police Department facilities. Except in exigent circumstances, the search should be conducted by

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Custodial Searches

a member of the same sex as the individual being searched. If a member of the same sex is not available, a witnessing member must be present during the search.

Custody searches should also be conducted any time an individual in custody enters or re-enters a secure area, or any time it is reasonably believed that a search is necessary to maintain the safety and security of the facility.

901.4.1 PROPERTY

Members shall take reasonable care in handling the property of an individual in custody to avoid discrepancies or losses. Property retained for safekeeping shall be kept in a secure location until the individual is released or transferred.

Some property may not be accepted by a facility or agency that is taking custody of an individual from this department, such as weapons or large items. These items should be retained for safekeeping in accordance with the Property and Evidence Policy.

All property shall be inventoried by objective description on a SCPD property report form. The individual from whom it was taken shall be required to sign the completed inventory. If the individual's signature cannot be obtained, the inventory shall be witnessed by another department member. The individual shall be provided with a field property receipt form.

901.5 STRIP SEARCHES

No individual in temporary custody at any Santa Cruz 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).

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901.5.1 STRIP SEARCH PROCEDURES

Strip searches at Santa Cruz Police Department facilities shall be conducted as follows (28 CFR 115.115; Penal Code § 4030):

- (a) Written authorization from the Watch Commander shall be obtained prior to the strip search.
- (b) All members involved with the strip search shall be of the same sex as the individual being searched, unless the search is conducted by a medical practitioner.
- (c) All strip searches shall be conducted in a professional manner under sanitary conditions and in a secure area of privacy so that it cannot be observed by those not participating in the search. The search shall not be reproduced through a visual or sound recording.
- (d) Whenever possible, a second member of the same sex should also be present during the search, for security and as a witness to the finding of evidence.
- (e) Members conducting a strip search shall not touch the breasts, buttocks, or genitalia of the individual being searched.
- (f) The primary member conducting the search shall prepare a written report to include:
 1. The facts that led to the decision to perform a strip search.
 2. The reasons less intrusive methods of searching were not used or were insufficient.
 3. The written authorization for the search, obtained from the Watch Commander.
 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.

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- (i) A copy of the written authorization shall be retained and made available upon request to the individual or the individual's authorized representative. A record of the time, date, place of the search, the name, and sex of the person conducting the search, and a statement of the results of the search shall also be retained and made available upon request to the individual or the individual's authorized representative.

901.5.2 SPECIAL CIRCUMSTANCE FIELD STRIP SEARCHES

A strip search may be conducted in the field only with Watch Commander authorization and only in exceptional circumstances, such as when:

- (a) There is probable cause to believe that the individual is concealing a weapon or other dangerous item that cannot be recovered by a more limited search.
- (b) There is probable cause to believe that the individual is concealing controlled substances or evidence that cannot be recovered by a more limited search, and there is no reasonable alternative to ensure the individual cannot destroy or ingest the substance during transportation.

These special-circumstance field strip searches shall only be authorized and conducted under the same restrictions as the strip search procedures in this policy, except that the Watch Commander authorization does not need to be in writing.

901.6 PHYSICAL BODY CAVITY SEARCH

Physical body cavity searches shall be subject to the following (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.

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2. The reasons less intrusive methods of searching were not used or were insufficient.
 3. The Watch Commander's approval.
 4. A copy of the search warrant.
 5. The time, date and location of the search.
 6. The medical personnel present.
 7. The names, sex and roles of any department members present.
 8. Any contraband or weapons discovered by the search.
- (f) Copies of the written authorization and search warrant shall be retained and shall be provided to the individual who was searched or other authorized representative upon request. A record of the time, date, place of the search, the name and sex of the person conducting the search and a statement of the results of the search shall also be retained and made available upon request to the individual or the individual's authorized representative.

901.7 BODY SCANNER SEARCH

If a body scanner is available, a body scan search should be performed on all persons in custody upon entering the secure booking area of the facility. Members (Penal Code § 4030):

- (a) Within sight of the visual display of a body scanner that is depicting the body during a scan shall be of the same sex as the person being scanned, except for physicians or licensed medical personnel.
- (b) Should ask persons in custody if they are pregnant prior to a body scan and should not knowingly use a body scanner on a pregnant person.

901.8 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.

901.9 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.

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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).

901.10 TRAINING

The Training Manager shall ensure members have training that includes (28 CFR 115.115):

- (a) Conducting searches of cross-gender individuals.
- (b) Conducting searches of transgender and intersex individuals.
- (c) Conducting searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

Chapter 10 - Personnel

Absences/Time Off

1000.1 PURPOSE AND SCOPE

It is the policy of this Department to set forth procedures and guidelines for time off requests, absences and injuries, and surrendering departmental equipment in cases of leaves of absence.

1000.2 PROCEDURE

1000.2.1 TIME OFF REQUESTS

The Department will strive to facilitate time off requests in a timely manner. It is necessary to balance employees' needs for time off with the mandate that the organization provide public safety services for the City of Santa Cruz. In order to do this it is required that time off requests be made sufficiently in advance so that proper consideration may be given to the needs of the employee, City and the Department.

- (a) All employees, permanent, part time, or temporary must put in writing their time requests.
- (b) Time off requests may be submitted up to one (1) year in advance of the date(s) requested.
- (c) Requests shall be for vacation, management vacation, holiday, floating holiday, compensatory time off, maternity leave, leave of absence, military leave, or family leave.
 - 1. Requests may be for any or a combination of all of the above.
- (d) Requests for forty hours or more should be made thirty days in advance of the requested time off.
 - 1. Reasons of legitimate exigency may be accepted by a supervisor in the event that thirty days notice does not occur.
- (e) Requests for more than eighty hours will require approval from the Deputy Chief of Police and should be made a minimum of sixty days in advance of the requested time off.

1000.2.2 RESPONSIBILITIES

- (a) The requesting employee is responsible for making the request in a timely manner and for knowing and requesting only that time which they have earned and may, therefore, take legally.
 - 1. It is the employee's responsibility to notify the Financial Services Unit/payroll/purchasing clerk of any changes or cancellations of a time off request that was previously submitted.
- (b) The supervisor is responsible for evaluation staffing levels and for insuring that sufficient staffing is available if the request is approved.

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Absences/Time Off

1. Every effort should be made to avoid the use of overtime when granting leave. Shift exchanges in lieu of overtime are encouraged and require a completed form SCPD-2110-001.
 2. Shift exchange forms shall be routed to the officers' lieutenant for filing.
 3. The supervisor must be cognizant of special events and deployments that may affect staffing needs, the operations calendar, and the master schedule.
 4. The staffing available (badge numbers) will be listed on the request form by the supervisor so it may be reviewed by the lieutenant. The supervisor will enter the requested time off into the operations calendar as "Pending Approval" using the green category indicating benefit time.
 5. If approved, the approving lieutenant will remove the "Pending Approval" from the notation on the operations calendar. The approving lieutenant will also indicate their approval by using their badge number on the calendar notation. The operations calendar notation will be removed for denied requests.
 6. Lieutenants will route the original time off request to the payroll clerk (or designee) for filing within the time off binder. A copy of the time off request will also be placed within the requesting employee's mail slot for notification purposes.
 7. The master schedule and the operations calendar are the reference documents used to allocate personnel. They must be maintained in an accurate condition at all times.
- (c) Lieutenants are responsible for reviewing the requests and insuring that sufficient staffing remains available.
1. Lieutenants will strive to provide a maximum of seven (7) day turnaround on all time off requests.
 2. An exception may occur if a request is made prior to the master schedule being established.
 3. An exception may occur if a request is made for a holiday (e.g. Easter, Thanksgiving, Christmas, etc.) or a major deployment period (Independence Day, Halloween, New Year, etc.). These requests will be routed to the scheduling lieutenant (holiday) or the responsible deployment lieutenant (major deployment period) for assessment.
 4. Lieutenants will ensure that all approved time off is recorded onto the payroll sheet (Kronos) as required by City Payroll procedures. This does not negate employee or supervisor responsibility to record time-off on the time sheet for the affected payroll period.
 5. Time off request forms, once approved, will be maintained by the payroll clerk (or designee) within the time off request binder or by filing.

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1000.2.3 ORGANIZATIONAL INTENT

- (a) It is the intent of the organization to facilitate time off requests to the extent economically and operationally feasible.
- (b) Normally, overtime will not be authorized to replace an employee so they can obtain time off.
- (c) Exceptions may be made for good cause but will require approval of the Division Commander. Items to be considered are:
 - 1. Time of year.
 - 2. Special events.
 - 3. Negative impacts on remaining working employees.
 - 4. Budgetary restraints.
 - 5. Long term impacts on both the organization and the requesting employee.
- (d) Employees should strive to take the bulk of vacation or holiday time off during time other than mid-June through August due to the department's summer workload.
- (e) Time off requests will be considered in the order in which they are submitted. Seniority in rank will be a determining factor when time off requests are made by more than one person, submitted on the same day and requesting the same time off, or a large percentage of it.

1000.3 ABSENCES AND INJURIES

1000.3.1 NOTIFICATION OF ABSENCE

- (a) Any employee who is unable to report for duty as scheduled shall notify the appropriate Watch Commander/Section Commander. Notification shall be as far in advance as possible. A minimum of two hours is required. The reason for such absence shall be reported.
 - 1. In the event the Watch Commander/Section Commander is not available to receive the call, the employee receiving the notification shall forward the information to the Watch Commander as soon as practical, with minimum of the following information.
 - (a) Name of absent employee.
 - (b) Time called.
 - (c) Reason for absence.
 - (d) Length of absence (if known).
 - (e) Location of employee.
 - (f) Telephone number where employee can be reached.
 - 2. The employee calling in ill shall leave a telephone number where he/she can be reached by their supervisor.

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- (b) Availability of Employee.
 - 1. Employees shall inform their respective Watch/Section Commander of their location during their respective (normal) duty hours while absent.
- (c) Checks on Absentees
 - 1. Any employee should expect a personal visit or phone contact from a Department representative during their period of recuperation. Such contact shall be at the discretion of the appropriate supervisor, Watch Commander, Division Commander, or the Chief of Police. Priority shall be given to absences in conjunction with days off.
- (d) Procedure for returning to full duty from an off-duty injury or illness.
 - 1. Absence of three (3) working days or less: If an employee is absent from work for a period of three consecutive working days or less, the following procedure will apply:
 - (a) Approval to return to work can be approved by the employee's immediate supervisor.
 - (b) Sick leave affidavit must be completed.
 - (c) If questions arise concerning the employee's health or ability to work, the employee may be referred to a physician for re-examination.
 - 2. Absences in excess of three (3) working days: For the benefit of the employee's health, and the health and welfare of those persons who will work with and depend on the returning employee, on absences in excess of three (3) consecutive working days the following will apply:
 - (a) The absence must be support by a completed sick leave form and a Medical release from employee's physician.
 - (b) If a question arises concerning the employee's health or ability to work, the employee may be referred to a physician for an examination.
- (e) Industrial Injuries or Illness.
 - 1. All injuries on duty and all work-incurred diseases shall be reported to the employee's immediate supervisor as soon as possible following the injury.
 - 2. If an injury or disease requires the attention of a physician, the supervisor receiving the injury report will direct the employee to a physician or medical center listed on the City's Medical Service order form.
 - (a) Exception: In the case of needed emergency attention, the supervisor will direct that the employee be transported to the nearest medical center.
 - (b) The employee, if able, or the employee's supervisor, shall advise the attending physician or medical center that the injury or disease is a Workers Compensation injury.
 - (c) If, however, an employee notifies the employer in writing prior to the date of injury that he/she has a personal physician, the employee shall have the

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- right to be treated by that physician from the date of injury after emergency treatment, if necessary, has occurred.
3. Completing the City of Santa Cruz Report of Personal Injury to City Employee and City of Santa Cruz Medical Service Order.
 - (a) The injured employee's supervisor shall complete the Medical Service Order form as soon after the injury as possible and in all cases prior to termination of the shift.
 - (b) The injured employee's supervisor shall complete the Employer's Report of Occupational Injury or Illness form as soon after the injury as possible and, in all cases, prior to termination of the shift.
 4. Completing the SCPD Physician's Statement
 - (a) In every industrial injury or illness situation, the SCPD Physician's statement must be completed by the attending physician.
 - (b) The SCPD Physician's Statement must be completed by the attending physician after any subsequent examinations that result in:
 1. A continuation of restricted duty status.
 2. A modification to restricted duty status.
 3. A continuation of limited duty status.
 4. A modification to limited duty status.
 5. Or whenever requested by the employee's supervisor.
 5. Treating Physician
 - (a) It is necessary for an employee to be examined by the same physician or medical facility who made the first examination and diagnoses and treatment on the industrial injury or illness during the first 30 days subsequent to the injury or illness, unless the physician refers the employee to another medical facility or permission is received from the Worker's Compensation Administrator and/or the City Human Resources Department Benefits Coordinator.

1000.3.2 LIMITED DUTY STATUS

- (a) Supervisor's Responsibility
 1. It shall be the responsibility of each Division Commander to make the most productive use of limited duty personnel under their command.
 2. Each Watch/Section Commander shall contact the Division Commander to ascertain information on the returning employee to see what duty limitations or restrictions have been imposed by his physician. If the physician's instructions are not clear, the Division Commander shall contact the physician and have him/her restate the medical work restrictions in concise written terms.
 3. The employee's proposed assignment shall be put in writing, including any limitations placed on their activities. After approval of the Division Commander,

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personally serve the employee with a copy of their assigned duties. Discuss the assignment with the employee to ensure there are no misunderstandings or that you are not asking them to perform a task that they feel they should not be doing because of risk of re-injury and/or delaying recuperation time. Have the employee sign the memo.

4. Distribution/routing of memo:
 - (a) Copy to employee.
 - (b) Copy to Administration Division Commander.
 - (c) Copy to Operations Division Commander.
 - (d) Copy to the Chief of Police.
 - (e) Original to employee's police personnel file.
 - (f) Copy to Personnel Department.
- (b) Employee's Responsibility:
 1. Inform their supervisor of any physical limitations that they may have prior to acceptance of assigned duties that they feel they are incapable of safely performing.
 2. Any employee returning in a limited duty capacity shall be exempt from normal scheduling provisions and may be assigned to any unit/section within the Department that is in the best interest of the Department.
 3. All employees working in a limited duty status shall dress in business-like attire. S.C.P.D. polo shirts are acceptable. No jeans or collarless shirts.
- (c) Reporting Outside Employment
 1. Department employees engaged in outside employment who are placed on disability leave, limited duty or restricted duty, will inform or remind their commanding officer of their outside work authorization in writing.
- (d) Outside Employment while Disabled/Injured
 1. The Chief of Police or a designee has final authority to determine when an employee's outside employment should be discontinued. When discontinued, a notice of revocation of the employee's work authorization shall be attached to the original work request form. The employee shall also receive a copy.
 2. Criteria for revoking the outside work authorization includes, but is not limited to, the following elements:
 - (a) The outside work is detrimental to the total recovery of the disabled employee as indicated by the employee's treating physician and/or City designated physician.
 - (b) The outside work performed requires the same physical ability as would be required of an on-duty officer.
 3. When the disabled member returns to duty, a written request to the Chief of Police shall be made to restore the outside work authorization.

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- (e) Returning to full duty from a Limited Duty Status.
 - 1. Prior to an employee returning to full duty after being on a limited or restricted duty status, the employee must furnish the Department with a medical release signed by their physician that the employee is capable of returning to full duty status.
 - 2. Routing of medical release form:
 - (a) Copy to Administration Division Commander.
 - (b) Copy to Operations Division Commander.
 - (c) Copy to the Chief of Police.
 - (d) Copy to city Personnel Department.
 - (e) Original to employee's police personnel file.

1000.3.3 INABILITY TO REPORT FOR WORK

- (a) Options available to sick and/or injured employees:
 - 1. Health and fitness is a condition of employment. It is the responsibility of the employee to maintain themselves in a healthy and fit condition.
 - 2. If feasible, the Department will attempt to put an injured or ill employee into a productive work slot for a reasonable period.
 - 3. If a productive work position is not available, or if there does not appear to be a likelihood that the employee will return to full duty status, a number of options are available:
 - (a) Use of accumulated sick leave.
 - (b) Long term disability.
 - (c) Worker's Compensation claim, if injury/illness was incurred during course and scope of employment.
 - (d) Retirement.
 - (e) Resignation.
 - (f) Dismissal.

1000.3.4 DISCIPLINARY ACTION

- (a) Abuse of sick leave.
 - 1. Documentation of an abuse of sick leave may result in any one or combination of the following:
 - (a) Reprimand-oral or written.
 - (b) Suspension.
 - (c) Reduction in pay or rank.
 - (d) Dismissal.

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1000.3.5 RECURRENCE OF PRIOR INDUSTRIAL INJURY

No worker's compensation time will be allowed unless there is a physician's note. Example: Employee has an old back injury that was work-related and treated as a worker's compensation injury. Three months later, employee's back is hurting. Employee calls in to take time off. No worker's compensation time off can be approved unless the injury is verified by a physician as a continuation or re-injury of a previous worker's compensation injury.

1000.4 THE SURRENDER OF DEPARTMENTAL PROPERTY IN CASES OF LEAVES OF ABSENCE

- (a) Leaves of Absence:
 - 1. When any departmental personnel are placed on administrative leave, leave of absence, medical leave of absence, worker's compensation, or any leave of absence due to disciplinary action, and the leave of absence is for more than one work week, they shall report to the Administrative Division Commander at the discretion of the Administrative Commander.
 - 2. The involved personnel may be required to surrender their badge, identification card, and duty weapon. In any case involving the above-mentioned situations, it shall be the responsibility of the Administrative Deputy Chief to retrieve these items.
- (b) In all cases, the Division Commander of the affected personnel shall notify the Chief of Police by way of departmental memorandum of the circumstances of the action. Included in this memorandum should be:
 - 1. Employee's name.
 - 2. Employee's present rank.
 - 3. Employee's present assignment.
 - 4. Projected length of leave.
 - 5. Reason for leave.
- (c) The Administrative Deputy Chief shall be responsible for the proper storage of the above property, and the return of the property to the employee when the employee returns to active duty.
- (d) The employee, while on this leave, shall not in any way act as a peace officer.

Recruitment and Selection

1001.1 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 Santa Cruz Police Department and that are promulgated and maintained by the Department of Human Resources.

1001.2 POLICY

In accordance with applicable federal, state, and local law, the Santa Cruz 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.

1001.3 RECRUITMENT

The Administration Deputy Chief 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) Establishment of a written recruitment plan.
 1. The plan shall include an outline of steps for recruiting candidates who are representative of the community. This should include candidates who live in or are from the community, if appropriate and consistent with applicable laws and memorandums of understanding or collective bargaining agreements.
- (b) Identification of racially and culturally diverse target markets.
- (c) Use of marketing strategies to target diverse applicant pools.
- (d) Expanded use of technology and maintenance of a strong internet presence. This may include an interactive department website and the use of department-managed social networking sites, if resources permit.
- (e) Expanded outreach through partnerships with media, community groups, citizen academies, local colleges, universities, and the military.
- (f) Employee referral and recruitment incentive programs.
- (g) Consideration of shared or collaborative regional testing processes.

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The Administration Deputy Chief shall avoid advertising, recruiting, and screening practices that tend to stereotype, focus on homogeneous applicant pools, or screen applicants in a discriminatory manner.

The Department should strive to facilitate and expedite the screening and testing process, and should periodically inform each candidate of their status in the recruiting process.

1001.4 SELECTION PROCESS

The Department shall actively strive to identify a diverse group of candidates who have in some manner distinguished themselves as being outstanding prospects. Minimally, the Department shall employ a comprehensive screening, background investigation, and selection process that assesses cognitive and physical abilities and includes review and verification of the following:

- (a) A comprehensive application for employment (including previous employment, references, current and prior addresses, education, military record)
 - 1. The personnel records of any applicant with prior peace officer experience in this state shall be requested from the appropriate law enforcement agency and reviewed prior to extending an offer of employment (Penal Code § 832.12).
 - 2. This includes review of prior law enforcement employment information maintained by POST (Penal Code § 13510.9).
- (b) Driving record
- (c) Personal and professional reference checks
- (d) Employment eligibility, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents consistent with Labor Code § 1019.1. This required documentation should not be requested until a candidate is hired. This does not prohibit obtaining documents required for other purposes.
- (e) Information obtained from public internet sites
 - 1. This review should include the identification of any activity that promotes or supports unlawful violence or unlawful bias against persons based on protected characteristics (e.g., race, ethnicity, national origin, religion, gender, gender identity, sexual orientation, disability).
- (f) Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.)
- (g) Local, state, and federal criminal history record checks
- (h) Lie detector test (when legally permissible) (Labor Code § 432.2)
- (i) Medical and psychological examination (may only be given after a conditional offer of employment)
 - 1. The Medical Suitability Declaration (POST form 2-363) provided by the evaluating physician shall be maintained in the candidate's background investigation file (11 CCR 1954).

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2. The Psychological Suitability Declaration (POST form 2-364) provided by the evaluator shall be maintained in the candidate's background investigation file (11 CCR 1955).
 - (j) Review board or selection committee assessment
 - (k) Relevant national and state decertification records, if available
 - (l) Any relevant information in the National Law Enforcement Accountability Database

1001.4.1 VETERAN'S PREFERENCE

Qualifying veterans of the United States Armed Forces who receive a passing score on an entrance examination shall be ranked in the top rank of any resulting eligibility list. The veteran's preference shall also apply to a widow or widower of a veteran or a spouse of a 100 percent disabled veteran (Government Code § 18973.1).

1001.5 BACKGROUND INVESTIGATION

Every candidate shall undergo a thorough background investigation to verify his/her personal integrity and high ethical standards, and to identify any past behavior that may be indicative of the candidate's unsuitability to perform duties relevant to the operation of the Santa Cruz 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).

1001.5.1 BACKGROUND INVESTIGATION UPDATE

A background investigation update may, at the discretion of the Chief of Police, be conducted in lieu of a complete new background investigation on a peace officer candidate who is reappointed within 180 days of voluntary separation from the Santa Cruz Police Department, or who is an interim police chief meeting the requirements contained in 11 CCR 1953(f).

1001.5.2 NOTICES

Background investigators shall ensure that investigations are conducted and notices provided in accordance with the requirements of the FCRA and the California Investigative Consumer Reporting Agencies Act (15 USC § 1681d; Civil Code § 1786.16).

1001.5.3 STATE NOTICES

If information disclosed in a candidate's criminal offender record information (CORI) is the basis for an adverse employment decision, a copy of the CORI shall be provided to the applicant (Penal Code § 11105).

1001.5.4 DOCUMENTING AND REPORTING

The background investigator shall summarize the results of the background investigation in a narrative report that includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment. The report shall include sections that

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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 Administration Deputy Chief for final review and submission to POST (11 CCR 1953).

The background investigation file shall be made available during POST compliance inspections (11 CCR 1953).

1001.5.5 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 Administration Deputy Chief shall not require candidates to provide passwords, account information, or access to password-protected social media accounts (Labor Code § 980).

The Administration Deputy Chief should consider utilizing the services of an appropriately trained and experienced third party to conduct open source, internet-based searches, and/or review information from social media sites to ensure that:

- (a) The legal rights of candidates are protected.
- (b) Material and information to be considered are verified, accurate, and validated.
- (c) The Department fully complies with applicable privacy protections and local, state, and federal law.

Regardless of whether a third party is used, the Administration Deputy Chief should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

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1001.5.6 RECORDS RETENTION

The background report and all supporting documentation shall be maintained according to the established records retention schedule and at a minimum as follows (Government Code § 12946; 11 CCR 1953):

- (a) Reports and documentation for candidates hired by the Department shall be retained for the entire term of employment and a for a minimum of four years after separation from the Department.
- (b) Reports and documentation for candidates not hired by the Department for a minimum of four years.

1001.5.7 INVESTIGATOR TRAINING

Background investigators shall complete POST-certified background investigation training prior to conducting investigations (11 CCR 1953; 11 CCR 1959).

1001.5.8 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.

1001.6 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.

1001.7 EMPLOYMENT STANDARDS

All candidates shall meet the minimum standards required by state law (Government Code § 1029; Government Code § 1031; Penal Code § 13510.1; 11 CCR 1950 et seq.). Candidates will be evaluated based on merit, ability, competence, and experience, in accordance with the high standards of integrity and ethics valued by the Department and the community. The California

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Commission on Peace Officer Standards and Training (POST) developed a Job Dimensions list, which is used as a professional standard in background investigations.

Validated, job-related, and nondiscriminatory employment standards shall be established for each job classification and shall minimally identify the training, abilities, knowledge, and skills required to perform the position's essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation. The Department of Human Resources should maintain validated standards for all positions.

1001.7.1 STANDARDS FOR OFFICERS

Candidates shall meet the minimum standards established by POST or required by state law (Government Code § 1029; Government Code § 1031; 11 CCR 1950 et seq.):

- (a) Free of any felony convictions
- (b) Be legally authorized to work in the United States under federal law
- (c) At least 21 years of age except as provided by Government Code § 1031.4
- (d) Fingerprinted for local, state, and national fingerprint check
- (e) Good moral character as determined by a thorough background investigation (11 CCR 1953)
- (f) High school graduate, passed the GED or other high school equivalency test, or obtained a two-year, four-year, or advanced degree from an accredited or approved institution
- (g) Free from any physical, emotional, or mental condition, including bias against race or ethnicity, gender, nationality, religion, disability, or sexual orientation which might adversely affect the exercise of police powers (11 CCR 1954; 11 CCR 1955)
- (h) Free of hate group memberships, participation in hate group activities, or advocacy of public expressions of hate within the previous seven years, and since 18 years of age, as determined by a background investigation (Penal Code § 13681)
- (i) Candidates must also satisfy the POST selection requirements, including (11 CCR 1950 et seq.):
 - 1. Reading and writing ability assessment (11 CCR 1951)
 - 2. Oral interview to determine suitability for law enforcement service (11 CCR 1952)
- (j) POST certification that has not been revoked, denied, or voluntarily surrendered pursuant to Penal Code § 13510.8(f)
- (k) Not identified in the National Decertification Index of the International Association of Directors of Law Enforcement Standards and Training or similar federal government database that reflects revoked certification for misconduct or reflects misconduct that would result in a revoked certification in California.

In addition to the above minimum POST required standards, candidates may be subjected to additional standards established by the Department (Penal Code § 13510(d)).

Drug- and Alcohol-Free Workplace

1002.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace (41 USC § 8103).

1002.2 POLICY

It is the policy of this department to provide a drug- and alcohol-free workplace for all members.

1002.3 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, marijuana, 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).

1002.3.1 USE OF MEDICATIONS

Members should not use any medications that will impair their ability to safely and completely perform their duties. Any member who is medically required or has a need to take any such medication shall report that need to the member's immediate supervisor prior to commencing any on-duty status.

No member shall be permitted to work or drive a vehicle owned or leased by the Department while taking any medication that has the potential to impair the member's abilities, without a written release from the member's physician.

1002.3.2 USE OF MARIJUANA

Possession of marijuana, including medical marijuana, or being under the influence of marijuana on-duty, at the workplace, or while engaged in law enforcement activity is prohibited and may lead to disciplinary action.

Furthermore, members should be aware that the federal Gun Control Act, 18 U.S.C. § 921, et seq., prohibits the possession of a personally-owned firearm or ammunition by anybody who is "an unlawful user of or addicted to any controlled substance" as defined in 21 U.S.C. § 802. (18 U.S.C. §§922(g)(3), 925).

1002.4 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

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controlled substances, marijuana or alcohol on department premises or on department time (41 USC § 8103). The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

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).

1002.5 EMPLOYEE ASSISTANCE PROGRAM

There may be available a voluntary employee assistance program to assist those who wish to seek help for alcohol and drug problems (41 USC § 8103). Insurance coverage that provides treatment for drug and alcohol abuse also may be available. Employees should contact the Department of Human Resources, their insurance providers or the employee assistance program for additional information. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

1002.6 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.

1002.7 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).

1002.8 SCREENING TESTS

A supervisor may require an employee to submit to a screening under any of the following circumstances:

- (a) The supervisor reasonably believes, based upon objective facts, that the employee is under the influence of alcohol or drugs that are impairing the employee's ability to perform duties safely and efficiently.

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- (b) The employee discharges a firearm in the performance of the employee's duties (excluding training or authorized euthanizing of an animal), or in any other circumstance in which a nexus exists between the discharge of a firearm and employment with the department.
- (c) The employee discharges a firearm issued by the Department while off-duty, resulting in injury, death, or substantial property damage.
- (d) The employee drives a motor vehicle in the performance of the employee's duties and becomes involved in an incident that results in bodily injury, death, or substantial damage to property.

1002.8.1 SUPERVISOR RESPONSIBILITIES

The supervisor shall prepare a written record documenting the specific facts that led to the decision to require the test, and shall inform the employee in writing of the following:

- (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.

1002.8.2 DISCIPLINE

An employee may be subject to disciplinary action if the employee:

- (a) Fails or refuses to submit to a screening test as requested.
- (b) After taking a screening test that indicates the presence of a controlled substance, fails to provide proof, within 72 hours after being requested, that the employee took the controlled substance as directed, pursuant to a current and lawful prescription issued in the employee's name.

1002.9 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.

Scheduling Personnel

1003.1 POLICY

It is the policy of this Department to ensure that sufficient personnel are scheduled for operational needs, to have personnel experience varied job assignments, to enhance effectiveness and to have fair and consistent scheduling procedures.

1003.2 PROCEDURE SCHEDULING PERSONNEL

(a) Notice

1. It shall be the policy of the Police Department to give a two-week advance notice of personnel assignment schedule changes when feasible.

1003.2.1 SCHEDULING PLANS

- (a) Police employees who work a 4 day/10 hour or a 5 day/9 hour schedule do so with the understanding that it is contingent upon the availability of sufficient personnel as determined by the Chief of Police.
- (b) If the Chief of Police determines that the department must change scheduling plans due to insufficient personnel or operational need, he will notify all affected personnel (refer to MOU.)
- (c) Personnel will be allowed to select their shift based on seniority as set forth by the Chief of Police. The schedule will be completed not less than 30 days nor more than 12 months prior to shift change.
- (d) Seniority Scheduling for Patrol Officers assigned to the Operations Division:
1. Seniority is determined by the employee's last uninterrupted date of hire. For employees hired on the same date, seniority will be determined by the date of release from their field training program. Ties will be determined by a coin toss.
 2. Seniority scheduling would apply on a date of hire basis only to those officers assigned to Patrol.

1003.2.2 EXCEPTIONS

- (a) FTOs: FTO assignments will be made prior to the schedule being routed for sign ups. Assignments will be made on a seniority basis when possible, however, this selection may be overruled for the requirements and continuity of the FTO Program. The FTO Sergeant will determine FTO assignments by shift and days off.
- (b) Canine Program: Exempt
- (c) Neighborhood Enforcement Team or Neighborhood Policing Team members: Exempt
- (d) Probationary Employee: Exempt

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- (e) Exemption: Through the evaluation process, disciplinary action, medical reasons, or extenuating circumstances, an officer may be assigned or reassigned to a certain shift. Those officers assigned are exempt from this scheduling general order.
- (f) Leaves of Absence (medical, military, maternity, etc) A reasonable expectation must exist that the officer will be able to report for full duty at the start of a new shift. In the absence of a reasonable expectation, those officers will be exempt from this scheduling general order.

1003.2.3 SELECTING A SHIFT - OPERATIONS DIVISION

- (a) The seniority list and draft schedule will be prepared by the scheduling Lieutenant at least 30 days prior to the beginning of the schedule.
- (b) Officers will be responsible for contacting the scheduling Lieutenant at predetermined times for shift sign up according to seniority by date of hire. The scheduling Lieutenant will post the contact times two weeks prior to the shift sign up. If an officer does not contact the Lieutenant at the scheduled time, they will be inserted into the seniority list where it stands at the time the officer calls and the Lieutenant is able to speak to the caller between appointments. The officer cannot insert himself on the list due to seniority and bump someone who has already signed up.
- (c) The completed draft schedule will then be returned to the Division Commander. If the draft schedule is returned without sign ups by officers, those officers who failed to sign up will be assigned as needed and deemed appropriate by management personnel.
- (d) Once the draft schedule is returned, additional assignments will be entered for the exempt list detailed above and the schedule posted 14 days prior to the implementation date.
- (e) Officers may sign up and work the same shift for two consecutive times, but will be required to select a different shift the next time. For purposes of this order, shift shall mean days, swing, or grave shifts.

1003.2.4 ROTATION/REASSIGNMENTS

- (a) Employees covered by this order are expected to rotate among shifts and are subject to periodic reassignments (assignments to/as FTOs, Traffic, NET, DTU, Investigations, etc., are considered "at will" appointments.)
- (b) These changes are a normal part of their work and are not disciplinary or subject to the grievance process even though employees may lose or gain eligibility for compensation (such as shift differential or other premium pays.)
- (c) Scheduling Operations Sergeants - 10/4 Plan:
 - 1. It is management's intent to modify sergeant's seniority scheduling when it is in the best interest of the organization at large. The Chief of Police will maintain this authority and responsibility.

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2. Seniority is determined within the rank (as opposed to the section), and impacts only those six patrol sergeant's assigned to one of the six patrol teams (i.e., A-I, II, III, or B-I, II, III). If two or more sergeants are promoted on the same day, seniority reverts to date of hire. A sergeant may work two of the same shifts in a row (i.e., I, II, or III) and must then change to a different shift. (Changing from A-Team to B-Team does not constitute changing shifts. The change must be from Shift I, II or III) Newly promoted sergeants are exempt from seniority scheduling until they work two of three shifts (i.e., I, II, III) not necessarily in that order. To accomplish this rotation, the Division Commander will/may modify/change shift scheduling as stated above until this training rotation is complete. A change from A-Team to B-Team (or vice versa) will require Operations Lieutenant's and Deputy Chief's approval.
3. An assignment to a specific shift may occur for good cause, not necessarily discipline, to satisfy remedial training or operational needs.

1003.2.5 SCHEDULING OF INVESTIGATION SECTION PERSONNEL

- (a) All personnel are scheduled on a 4/10 Plan to equal 80-hour pay periods. Personnel generally work day shift with other hours as necessary and assigned.
- (b) Investigators are assigned, on a rotational basis, to "On Call" status for major crime investigations. While "On Call," the officer must be available after normal business hours, from Monday through Sunday.
 1. Civilian personnel working in Investigations and related units generally work day shift, normally a 4-day/40-hour work week.

1003.2.6 SCHEDULING OF NON SWORN EMPLOYEES

- (a) Community Service Officers:
 1. CSO scheduling and assigned duties will be at the discretion of the Division Commander or their delegated manager.
 2. CSOs will be rotated through the different job assignments within this classification to broaden their expertise and enhance operational productivity.
 3. When appropriate, CSOs will be able to request team assignment, days and hours worked. When this is available, seniority will be one factor taken into consideration, but not the sole criteria.
 4. The scheduling Lieutenant will coordinate CSO scheduling.
- (b) Operational needs shall take priority when scheduling.
 1. Police Records Supervisors, Payroll/Purchasing Clerk, Police Records Technicians, Administrative Assistant II and III, Property Attendants and all other non-sworn employees will be scheduled and assigned duties in order to conform

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with their job classification, their current MOU, and the operational needs of the department.

1003.2.7 MANAGEMENT PERSONNEL

Management personnel are scheduled at the discretion of the Chief of Police in accordance with the current MOU and department needs. They will be assigned duties and scheduled in order to conform to the current Memorandum of Understanding for such classifications, and to meet the needs of the department.

1003.2.8 SCHEDULING PERIODS

Personnel assignment schedules shall normally be for a four-month period. The Operations Division Administrative Assistant will type and distribute the schedule and ensure a current schedule is posted in the Patrol Sergeant's Office. The personnel assignment schedule will be updated periodically. The Scheduling Lieutenant will review the schedule to ensure assignments meet the needs of the department and the community to further our community policing efforts.

Anti-Retaliation

1004.1 POLICY

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

1004.2 PURPOSE AND SCOPE

This policy prohibits retaliation against members who identify workplace issues, such as fraud, waste, abuse of authority, gross mismanagement or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety or well-being of members.

This policy does not prohibit actions taken for nondiscriminatory or non-retaliatory reasons, such as discipline for cause.

These guidelines are intended to supplement and not limit members' access to other applicable remedies. Nothing in this policy shall diminish the rights or remedies of a member pursuant to any applicable federal law, provision of the U.S. Constitution, law, ordinance or memorandum of understanding.

1004.3 RECORDS RETENTION AND RELEASE

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

1004.4 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.

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- Shunning or unreasonably avoiding a person because he/she has engaged in protected activity.

1004.4.1 RETALIATION PROHIBITED FOR REPORTING VIOLATIONS

An officer shall not be retaliated against for reporting a suspected violation of a law or regulation of another officer to a supervisor or other person in the Department who has the authority to investigate the violation (Government Code § 7286(b)).

1004.5 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 Human Resources Director.

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

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

1004.6 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.

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- (f) Monitoring the work environment to ensure that any member making a complaint is not subjected to further retaliation.
- (g) Periodic follow-up with the complainant to ensure that retaliation is not continuing.
- (h) Not interfering with or denying the right of a member to make any complaint.
- (i) Taking reasonable steps to accommodate requests for assignment or schedule changes made by a member who may be the target of retaliation if it would likely mitigate the potential for further violations of this policy.

1004.7 COMMAND STAFF RESPONSIBILITIES

The Chief of Police should communicate to all supervisors the prohibition against retaliation.

Command staff shall treat all complaints as serious matters and shall ensure that prompt actions take place, including but not limited to:

- (a) Communicating to all members the prohibition against retaliation.
- (b) The timely review of complaint investigations.
- (c) Remediation of any inappropriate conduct or condition and instituting measures to eliminate or minimize the likelihood of recurrence.
- (d) The timely communication of the outcome to the complainant.

1004.8 TRAINING

The policy should be reviewed with each new member.

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

1004.9 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.

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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 Professional Standards Unit for investigation pursuant to the Personnel Complaints Policy.

1004.9.1 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).

Reporting of Arrests, Convictions, and Court Orders

1005.1 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 Santa Cruz 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.

1005.2 POLICY

The Santa Cruz 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.

1005.3 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.

1005.4 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.

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Reporting of Arrests, Convictions, and Court Orders

1005.5 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 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).

1005.5.1 NOTIFICATION REQUIREMENTS

The Administration Deputy Chief shall submit within 10 days of final disposition a notice to POST of a conviction or Government Code § 1029 reason that disqualifies any current peace officer employed by this department or any former peace officer if this department was responsible for the investigation (11 CCR 1003).

Peer Counseling

1006.1 PURPOSE AND SCOPE

To establish peer counselors within the Santa Cruz Police Department.

1006.2 POLICY

The Peer Counselors are intended to provide employees of the Santa Cruz Police Department with an in-house support network. Peer counselors will be available to assist any employee or family member.

1006.3 PEER COUNSELING

1006.3.1 INDEPENDENT CONSULTANT

- (a) The Police Department will contractually employ an independent consultant with appropriate credentials to oversee the operation of the Peer Counseling Program. The consultant will provide professional assistance/guidance to the Peer Counselors.
- (b) The independent consultant will report to the Administration Division Commander, for the purpose of:
 - 1. Recommending enhancements to the Peer Counselor Program.
 - 2. Recommending selections for Peer Counselor assignment.
 - 3. The independent consultant will not maintain any written reports of counseling sessions.
- (c) The independent consultant will provide training for the Peer Counselors at regularly scheduled meetings.
 - 1. These meetings will be mandatory for all Peer Counselors to attend.
 - 2. Any Peer Counselor who misses a meeting (unexcused) will be removed and replaced as a Peer Counselor.
 - 3. Each meeting will include a refresher on communication/counseling skills.
- (d) The independent consultant will be available as a resource for the Peer Counselors to use and for referral when appropriate.

1006.3.2 PEER COUNSELORS

- (a) Peer Counselors may be selected among Sergeants, Police Officers, Records Technicians, and Community Service Officers.
- (b) Selection will be by the following process:
 - 1. Call for letters of interest.

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2. Oral interview with a panel comprised of the independent consultant and Peer Counselors.
 3. Recommendations for Peer Counselor selection will be made by the Independent Consultant to the Administration Deputy Chief.
 4. Selection and assignment as a Peer Counselor will be made by the Chief of Police.
- (c) Prior to assuming any peer counseling responsibilities, prescribed training must first be completed as follows:
1. Familiarization with the City E.A.P. Plan;
 2. Critical Incident Debriefing;
 3. Substance Abuse Awareness/Counseling;
 4. Any other applicable training identified by the Independent Consultant and approved by the Administration Division Commander.
- (d) Peer Counselors may be removed from the program at the discretion of the Chief of Police at any time and for any reason.

1006.3.3 PROGRAM PHILOSOPHY

- (a) The Peer Counselor Program is designed to serve as a stabilizing force available to any employee or their family for immediate peer counseling and support.
- (b) The Peer Counseling Program is not intended to replace any portion of the Employee Assistance Plan, nor professional counseling service. It is not necessary for an employee to speak with a Peer Counselor prior to utilizing the Employee Assistance Plan. Peer Counselors are simply another resource for employees to utilize should they choose to do so.
- (c) Peer Counselors may recommend critical incident diffusing or debriefing as appropriate.

1006.4 EXPECTATIONS

Peer Counselors will be expected to:

- (a) Approach and speak freely to any employee who may or may not be experiencing a problem which could conceivably adversely impact their work performance (personal or professional).
- (b) Assist any employee with a possible substance abuse problem by bringing resource information to their attention and, if possible, by making a referral.
- (c) Take and/or maintain no written information regarding any employee or their family.

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- (d) Utilize the Independent Consultant as a resource for guidance, input and direction on any situation involving the delivery of peer counseling services to any employee or family member.
- (e) Perform peer counseling responsibilities as much as possible during normal working time.

Communicable Diseases

1007.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of department members contracting and/or spreading communicable diseases.

1007.1.1 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 Santa Cruz Police Department. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred.)

1007.2 POLICY

The Santa Cruz 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.

1007.3 EXPOSURE CONTROL OFFICER

The Chief of Police will assign a person as the Exposure Control Officer (ECO). The ECO shall develop an exposure control plan that includes:

- (a) Exposure-prevention and decontamination procedures.
- (b) Procedures for when and how to obtain medical attention in the event of an exposure or suspected exposure.
- (c) The provision that department members will have no-cost access to the appropriate personal protective equipment (PPE) (e.g., gloves, face masks, eye protection, pocket masks) for each member's position and risk of exposure.
- (d) Evaluation of persons in custody for any exposure risk and measures to separate them (15 CCR 1051; 15 CCR 1207).
- (e) Compliance with all relevant laws or regulations related to communicable diseases, including:
 1. Responding to requests and notifications regarding exposures covered under the Ryan White law (42 USC § 300ff-133; 42 USC § 300ff-136).
 2. Bloodborne pathogen mandates including (8 CCR 5193):

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- (a) Sharps injury log.
 - (b) Needleless systems and sharps injury protection.
 3. Airborne transmissible disease mandates including (8 CCR 5199):
 - (a) Engineering and work practice controls related to airborne transmissible diseases.
 - (b) Distribution of appropriate personal protective equipment to minimize exposure to airborne disease.
 4. Promptly notifying the county health officer regarding member exposures (Penal Code § 7510).
 5. Establishing procedures to ensure that members request exposure notification from health facilities when transporting a person that may have a communicable disease 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).

1007.4 EXPOSURE PREVENTION AND MITIGATION

1007.4.1 GENERAL PRECAUTIONS

All members are expected to use good judgment and follow training and procedures related to mitigating the risks associated with communicable disease. This includes, but is not limited to (8 CCR 5193):

- (a) Stocking disposable gloves, antiseptic hand cleanser, CPR masks or other specialized equipment in the work area or department vehicles, as applicable.
- (b) Wearing department-approved disposable gloves when contact with blood, other potentially infectious materials, mucous membranes and non-intact skin can be reasonably anticipated.
- (c) Washing hands immediately or as soon as feasible after removal of gloves or other PPE.
- (d) Treating all human blood and bodily fluids/tissue as if it is known to be infectious for a communicable disease.

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- (e) Using an appropriate barrier device when providing CPR.
- (f) Using a face mask or shield if it is reasonable to anticipate an exposure to an airborne transmissible disease.
- (g) Decontaminating non-disposable equipment (e.g., flashlight, control devices, clothing and portable radio) as soon as possible if the equipment is a potential source of exposure.
 - 1. Clothing that has been contaminated by blood or other potentially infectious materials shall be removed immediately or as soon as feasible and stored/decontaminated appropriately.
- (h) Handling all sharps and items that cut or puncture (e.g., needles, broken glass, razors, knives) cautiously and using puncture-resistant containers for their storage and/or transportation.
- (i) Avoiding eating, drinking, smoking, applying cosmetics or lip balm, or handling contact lenses where there is a reasonable likelihood of exposure.
- (j) Disposing of biohazardous waste appropriately or labeling biohazardous material properly when it is stored.

1007.4.2 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).

1007.5 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.

1007.6 POST EXPOSURE

1007.6.1 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.

1007.6.1 REPORTING REQUIREMENTS

The supervisor on-duty shall investigate every exposure or suspected exposure that occurs as soon as possible following the incident. The supervisor shall ensure the following information is documented (8 CCR 5193):

- (a) Name and Social Security number of the member exposed
- (b) Date and time of the incident

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- (c) Location of the incident
- (d) Potentially infectious materials involved and the source of exposure (e.g., identification of the person who may have been the source)
- (e) Work being done during exposure
- (f) How the incident occurred or was caused
- (g) PPE in use at the time of the incident
- (h) Actions taken post-event (e.g., clean-up, notifications)

The supervisor shall advise the member that disclosing the identity and/or infectious status of a source to the public or to anyone who is not involved in the follow-up process is prohibited. The supervisor should complete the incident documentation in conjunction with other reporting requirements that may apply (see the Occupational Disease and Work-Related Injury Reporting Policy).

1007.6.3 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.

1007.6.4 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).

1007.6.5 SOURCE TESTING

Testing a person for communicable diseases when that person was the source of an exposure should be done when it is desired by the exposed member or when it is otherwise appropriate (8 CCR 5193). Source testing is the responsibility of the ECO. If the ECO is unavailable to seek timely testing of the source, it is the responsibility of the exposed member's supervisor to ensure testing is sought.

Source testing may be achieved by:

- (a) Obtaining consent from the individual.
- (b) Complying with the statutory scheme of Health and Safety Code § 121060. This includes seeking consent from the person who was the source of the exposure and seeking a court order if consent is not given.

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- (c) Testing the exposed member for evidence of a communicable disease and seeking consent from the source individual to either access existing blood samples for testing or for the source to submit to testing (Health and Safety Code § 120262).
- (d) Taking reasonable steps to immediately contact the County Health Officer and provide preliminary information regarding the circumstances of the exposure and the status of the involved individuals to determine whether the County Health Officer will order testing (Penal Code § 7510).
- (e) Under certain circumstances, a court may issue a search warrant for the purpose of HIV testing a person when the exposed member qualifies as a crime victim (Penal Code § 1524.1).

Since there is the potential for overlap between the different manners in which source testing may occur, the ECO is responsible for coordinating the testing to prevent unnecessary or duplicate testing.

The ECO should seek the consent of the individual for testing and consult the City Attorney to discuss other options when no statute exists for compelling the source of an exposure to undergo testing if he/she refuses.

1007.7 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.

Smoking and Tobacco Use

1008.1 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 Santa Cruz 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.

1008.2 POLICY

The Santa Cruz 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).

1008.3 SMOKING AND TOBACCO USE

Smoking and tobacco use by members is prohibited anytime members are in public view representing the Santa Cruz 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.

1008.4 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.).

1008.4.1 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).

Personnel Complaints

1009.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the Santa Cruz 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.

1009.1.1 PERSONNEL COMPLAINTS DEFINED

Personnel complaints consist of any allegation of misconduct or improper job performance against any department employee that, if true, would constitute a violation of department policy, federal, state or local law.

Inquiries about employee conduct which, even if true, would not qualify as a personnel complaint may be handled informally by a department supervisor and shall not be considered complaints.

This policy shall not apply to any interrogation, counseling, instruction, informal verbal admonishment or other routine or unplanned contact of an employee in the normal course of duty, by a supervisor or any other employee, nor shall this policy apply to an investigation concerned solely and directly with alleged criminal activities (Cal. Govt. Code 3303(i)).

Complaints from the public shall be classified in one of the following categories:

Inquiry - A matter involving questions or concerns by community members regarding department policies or procedures and how they are applied, or improper conduct consisting of relatively minor violations of procedure, courtesy, or service, which, even if true, would not result in discipline. Inquires need not be documented using the administrative investigative format and the responsible supervisor shall have the discretion to document the complaint in any manner consistent with this policy. A well-documented resolution in the form of an internal memorandum shall be completed within 90 days after assigned. Supervisors can extend the investigative time with the approval of a Deputy Chief based on the complexity of the complaint or extenuating circumstances. The internal memorandum will become part of the inquiry file. These complaints will be logged like all other complaints and disposition letters will be sent as per section 1009.10.2.

Formal - A matter in which the complaining party requests further investigation or which a department supervisor determines that further action is warranted (including but not limited to violations of policy or criminal activity) and if true, could result in discipline. Such complaints should be investigated by a department supervisor of rank greater than the subject employee or referred to the Professional Standards Unit depending on the seriousness and complexity of the investigation. Investigations involving a member with a ranking of a lieutenant or above shall be assigned at the discretion of the Chief of Police. A well-documented investigation in the administrative investigation format will be completed generally within 90 days. PSU can extend the investigative time with the approval of the Chief of Police based on the complexity of the complaint or extenuating circumstances.

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Informational – When a complaint is received and all the evidence (i.e. body camera footage, police reports) clearly shows the allegations did not occur, the Chief of Police has the authority to designate the complaint as informational and not require additional investigation. Subject employees will be notified in writing that the complaint was received although no further investigation will take place. These complaints will be logged like all other complaints and disposition letters will be sent as per section 1009.10.2.

1009.2 POLICY

The Santa Cruz 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.

1009.3 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.

Concerns 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. This does not preclude a supervisor from documenting outcomes in a written internal memorandum through computer aided dispatch notes. Such inquiries generally include clarification regarding policy, procedures or the response to specific incidents by the Department.

1009.3.1 SOURCES OF COMPLAINTS

The following applies to the source of complaints:

- (a) Individuals from the public may make complaints in any form, including in writing, by email, in person or by telephone.
- (b) Any department member becoming aware of alleged misconduct shall immediately notify a supervisor.
- (c) Supervisors shall initiate a complaint based upon observed misconduct or receipt from any source alleging misconduct that, if true, could result in disciplinary action.
- (d) Anonymous and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.
- (e) Tort claims and lawsuits may generate a personnel complaint. Risk Management in consultation with the City Attorney and the police chief will decide if and when a complaint resulting from a claim or lawsuit will be investigated.

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1009.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

Community complaint forms will be maintained in a clearly visible location in the public area of the police facility and be accessible through the department website. Complaint forms may also be mailed to a complainant upon request.

Community complaint forms in languages other than English may also be provided, as determined necessary or practicable.

1009.4.1 ACCEPTANCE

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

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

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).

1009.4.2 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).

1009.4.3 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).

1009.5 DOCUMENTATION

Supervisors shall ensure that all formal complaints are documented on a complaint form or internal memorandum. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible and shall ensure the date of discovery by an individual authorized to initiate an investigation is also defined as clearly as possible. The date of discovery shall also be confirmed as able by the professional standards unit.

Complaints should also be documented in a log that records and tracks complaints. The log shall include the nature of the complaint and the actions taken to address the complaint. On an annual basis, the Department should audit the log and send an audit report to the Chief of Police or the authorized designee.

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1009.6 ADMINISTRATIVE INVESTIGATIONS

Allegations of misconduct will be administratively investigated as follows.

1009.6.1 SUPERVISOR RESPONSIBILITIES

In general, the primary responsibility for the investigation of a personnel complaint shall rest with the Professional Standards Unit. 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 or internal memorandum is completed.
 - 1. The original complaint form or internal memorandum will be directed to the Watch Commander of the subject member, via the chain of command, who will take appropriate action and/or forward to the Chief of Police for a determination of who will have responsibility for the investigation.
 - 2. In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to the member's Division commander or the Chief of Police, who will initiate appropriate action.
- (b) Respond to all complainants in a courteous and professional manner.
 - 1. Follow-up contact with the complainant should be made within 24 hours of the Department receiving the complaint. When feasible, supervisors shall respond to the scene when a complainant indicates they want to file a complaint or want to talk with a supervisor. A supervisor's inability to respond should be documented in any supervisor report.
- (c) 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.
- (d) Promptly contacting the Department of Human Resources 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.
- (e) Forwarding unresolved personnel complaints to the Watch Commander, who will determine whether to contact the complainant or assign the complaint for investigation.
- (f) Investigating a complaint as follows:
 - 1. Making reasonable efforts to obtain names, addresses and telephone numbers of witnesses.
 - 2. When appropriate, ensuring immediate medical attention is provided and photographs of alleged injuries and accessible uninjured areas are taken.

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- (g) Ensuring that the procedural rights of the subject member are followed (Government Code § 3303 et seq.).
- (h) Ensuring interviews of the complainant are generally conducted during reasonable hours. Complainant interviewees should be interviewed as to each complaint allegation.
- (i) Recording of all statements in a manner that complies with applicable law, policy, and procedure.

1009.6.2 ADMINISTRATIVE INVESTIGATION PROCEDURES

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

- (a) Interviews of a subject member shall be conducted during reasonable hours and preferably when the member is on-duty. If the member is off-duty, he/she shall be compensated.
- (b) Unless waived by the member, interviews of a subject member shall be at the Santa Cruz Police Department or other reasonable and appropriate place.
- (c) No more than two interviewers should ask questions of a subject member at one time.
- (d) Prior to any interview, a member shall be informed of the nature of the investigation, the name, rank and command of the officer in charge of the investigation, the interviewing officers, and all other persons to be present during the interview.
- (e) All interviews shall be for a reasonable period and the member's personal needs should be accommodated.
- (f) No member should be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers.
- (g) Any member refusing to answer questions directly related to the investigation may be ordered to answer questions administratively and may be subject to discipline for failing to do so.
 - 1. A member should be given an order to answer questions in an administrative investigation that might incriminate the member in a criminal matter only after the member has been given a Lybarger advisement. Administrative investigators should consider the impact that compelling a statement from the member may have on any related criminal investigation and should take reasonable steps to avoid creating any foreseeable conflicts between the two related investigations. This may include conferring with the person in charge of the criminal investigation (e.g., discussion of processes, timing, implications).
 - 2. No information or evidence administratively coerced from a member may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.
- (h) The interviewer should record all interviews of members and witnesses. The member may also record the interview. If the member has been previously interviewed, a copy

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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 for the interviewee 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 employee solely because the employee has been placed on a prosecutor's Brady list or the name of the employee may otherwise be subject to disclosure pursuant to Brady v. Maryland. However, an investigation may be based on the underlying acts or omissions for which the employee has been placed on a Brady list or may otherwise be subject to disclosure pursuant to Brady v. Maryland (Government Code § 3305.5).

1009.6.3 ADMINISTRATIVE INVESTIGATION FORMAT

Formal investigations of personnel complaints shall be thorough, complete and essentially follow this format:

Introduction - Include the identity of the members, the identity of the assigned investigators, the time and date of incident occurrence; the time, date, and manner the complaint was received; the date and time of initiation; the source of the complaint; the manner the personnel complaint was received, and the one-year statute of limitations date.

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

Summary - List the allegations separately, including applicable policy sections, with a brief summary of the evidence relevant to each allegation. A separate recommended finding should be provided for each allegation.

Evidence - Each allegation should be set forth with the details of the evidence applicable to each allegation provided, including comprehensive summaries of member and witness statements. Other evidence related to each allegation should also be detailed in this section.

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

Additional Information – List reasons for significant investigative delays and approval authority for extensions.

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

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1009.6.4 DISPOSITIONS

Each formal personnel complaint shall include findings for each allegation. Each allegation shall be classified with one of the following dispositions:

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

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

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

Sustained - An allegation is sustained when the evidence indicates that it is more likely than not that a violation of the policy or procedure occurred; this standard of evidence is called the "preponderance of evidence". A final determination by an investigating agency, commission, board, hearing department, 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 the employee were found to violate law or policy (Penal Code 832.8)

No Finding - If the complaint failed to disclose promised information to further the investigation; the investigation revealed that another agency was involved, and the complaint or complainant has been referred to that agency; the complainant wished to withdraw the complaint; the complainant is no longer available for clarification. The complainant, witness(es), or subject officer(s) are no longer available and their statements or evidence is crucial to fully understanding the circumstances.

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.

1009.6.5 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 90 days of receiving the assignment and within one year from the date of discovery by an individual authorized to initiate an investigation (Government Code § 3304).

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

Any required tolling exceptions to the one-year statute of limitations shall be approved by a Deputy Chief, in consultation with the City Attorney, and documented in the investigative file. Additionally, significant investigative delays, any extension requests, and authorizations for such requests shall be documented in the investigative file.

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1009.6.6 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.

1009.7 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 at 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).

1009.7.1 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

1009.8 ADMINISTRATIVE LEAVE

When a complaint of misconduct is of a serious nature, or when circumstances indicate that allowing the subject to continue to work would adversely affect the mission of the Department, the Chief of Police or the authorized designee may temporarily assign a subject 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.
- (d) May be required to remain available for contact at any time.

1009.9 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.

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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 subject 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 Santa Cruz 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.

1009.10 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES

Upon completion of a formal investigation, an investigation report should be forwarded to the Chief of Police through the chain of command. The Chief of Police may accept or modify any classification or recommendation for disciplinary action.

1009.10.1 NOTICE OF FINAL DISPOSITION TO THE COMPLAINANT

The Chief of Police or the authorized designee shall ensure that the complainant, and all co-complainants are notified of the disposition (i.e., sustained, not sustained, exonerated, unfounded) of the complaint (Penal Code § 832.7(f)) at the conclusion of the investigation. A disposition letter that provides findings as to each allegation raised in the complaint should be sent to the complainant for all complaints (formal, inquiries, and informational) received when appropriate.

1009.10.2 NOTICE REQUIREMENTS

The disposition of any complaint shall be released to the complaining party within 30 days of the final disposition. While this release shall not include what discipline, if any, was imposed (Penal Code § 832.7(f)), final disposition notices should generally describe any reform or learning that resulted from the complaint when notifying the complainant of the investigation's conclusions. Additionally, a copy of the notification letter sent to the complainant about the investigation's conclusion shall be retained within the investigative file.

1009.11 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

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

1009.12 POST-DISCIPLINE APPEAL RIGHTS

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

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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).

1009.13 PRE-DISCIPLINE EMPLOYEE RESPONSE

The pre-discipline process is intended to provide the subject 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.

1009.14 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.

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1009.15 REQUIRED REPORTING TO POST

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

- (a) Termination or separation from employment or appointment. Separation from employment or appointment includes any involuntary termination, resignation, or retirement.
 - 1. A POST affidavit-of-separation form shall be executed and maintained by the Department and submitted to POST as required by Penal Code § 13510.9 and 11 CCR 1003.
- (b) Events that could affect an officer's POST certification, such as:
 - 1. Complaints, charges, or allegations of serious misconduct (as defined by Penal Code § 13510.8).
 - 2. Findings of civilian review boards.
 - 3. Final dispositions of any investigations.
 - 4. Civil judgments or court findings based on conduct, or settlement of a civil claim against an officer or the Santa Cruz 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.

1009.15.1 NOTIFICATIONS TO POST FOR SERIOUS MISCONDUCT

The Chief of Police or the authorized designee shall report allegations of serious misconduct by an officer to POST and the report shall include the following (11 CCR 1207):

- (a) Name of the Department
- (b) Administrative case number
- (c) Name, current address, and phone number of the complainant, if available
- (d) Name, POST ID, current address, and phone number of the involved officer
- (e) A summary of the alleged misconduct including:
 - 1. A narrative of the allegations
 - 2. Date and time of incidents
 - 3. Location of occurrence
 - 4. Any witness information, if available
 - 5. Summary of arrest or indictment of involved officer

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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.

1009.15.2 ADDITIONAL NOTIFICATIONS TO POST FOR SERIOUS MISCONDUCT

Additional notification shall be made to POST (11 CCR 1207):

- (a) If the imposed disciplinary action is pending appeal or other review through an administrative or judicial proceeding:
 - 1. The Department shall provide the name of the body conducting the proceeding.
 - 2. The status of the proceeding, if known.
- (b) If criminal charges are pending:
 - 1. The name of the court having jurisdiction over the criminal charges against the officer.
 - 2. The status of the criminal case, if known.

1009.16 CONFIDENTIALITY OF PERSONNEL FILES

All investigations of personnel complaints shall be considered confidential peace officer personnel files. The contents of such files shall not be revealed to other than the involved employee or authorized personnel except pursuant to lawful process and/or if the contents are legally required to be disclosed.

In the event that an accused employee (or the representative of such employee) knowingly makes false representations regarding any internal investigation and such false representations are communicated to any media source, the Department may disclose sufficient information from the employee's personnel file to refute such false representations. (Penal Code 832.7(d)).

"Complaints and any reports or findings relating to these complaints... shall be retained for a period of no less than 5 years for records where there was not a sustained finding of misconduct and for not less than 15 years where there was a sustained finding of misconduct."(Penal Code § 832.5(b).)

Discipline resulting from a sustained complaint shall be maintained in the employee's personnel file. Complaints which are unfounded, exonerated or not sustained shall be maintained by the Professional Standards Unit apart from the employee's personnel file.

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1009.17 PROFESSIONAL STANDARDS UNIT

The Professional Standards Unit is responsible to, and reports directly to the Chief of Police. Day to day management of the Professional Standards Unit is monitored by the Deputy Chief of the Administration Division in order to assess and manage the workload. The Deputy Chief of Administration is also responsible for monitoring the timeliness of the complaint investigations through regular status updates provided to the Chief of Police. The Professional Standards Unit and the Deputy Chief of Administration shall meet regularly with the Chief of Police (or designee) to monitor investigations. Monitoring shall include a review of the date(s) of discovery for all incomplete investigations to ensure that the Department's internal review and notification of potential discipline to involved officers are provided within the statutory period.

The Professional Standards Unit will be responsible for investigating any complaint as assigned to the unit by the Chief of Police, or Deputy Chief. The Professional Standards Unit does not ordinarily conduct criminal investigations on department members but is responsible for any type of investigation assigned to the unit. In cases of police involved shootings or other serious injury cases as defined in the Santa Cruz County Critical Incident Protocol, the Professional Standards Unit will be immediately notified. Response of the Professional Standards Unit to any such incident will be at the direction of a Division Commander or the Chief of Police.

The Professional Standards Unit shall, upon the completion of an investigation, notify the complaining party by mail that the investigation has been completed and the disposition.

Seat Belts

1010.1 POLICY

It is the policy of the Santa Cruz Police Department that members use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle collision.

1010.2 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).

1010.2.1 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.

1010.3 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, due to unusual circumstances, wearing a seat belt would endanger the member or the public. Members must be prepared to justify any deviation from this requirement.

1010.4 TRANSPORTING CHILDREN

Children under the age of 8 shall be transported in compliance with California's child restraint system requirements (Vehicle Code § 27360; Vehicle Code § 27363).

Rear seat passengers in a cage-equipped vehicle may have reduced clearance, which requires careful seating and positioning of seat belts. Due to this reduced clearance, and if permitted by law, children and any child restraint system may be secured in the front seat of such vehicles provided this positioning meets federal safety standards and the vehicle and child restraint system manufacturer's design and use recommendations. In the event that a child is transported in the front seat of a vehicle, the seat should be pushed back as far as possible and the passenger-side airbag should be deactivated. If this is not possible, 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).

1010.5 TRANSPORTING PERSONS IN CUSTODY

Persons who are in custody should be in a seated position and secured in the rear seat of any department vehicle with a restraint system or, when a restraint system is not available, by seat

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belts provided by the vehicle manufacturer. The restraint system is not intended to be a substitute for handcuffs or other appendage restraints.

An incarcerated person in leg restraints shall be transported in accordance with the Handcuffing and Restraints Policy. Under circumstances where the detainee cannot be safely secured with the vehicles safety restraint system (seatbelt), the following will be adhered to:

1. Officer(s) will maintain observation of detainee to monitor breathing status and significant risks of positional asphyxiation.

1010.6 INOPERABLE SEAT BELTS

Department vehicles shall not be operated when the seat belt in the driver's position is inoperable. Persons shall not be transported in a seat in which the seat belt is inoperable.

Department vehicle seat belts shall not be modified, removed, deactivated or altered in any way, except by the vehicle maintenance and repair staff, who shall do so only with the express authorization of the Chief of Police.

Members who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

1010.7 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.

1010.8 VEHICLE AIRBAGS

In all vehicles equipped with airbag restraint systems, the system will not be tampered with or deactivated, except when transporting children as written elsewhere in this policy. All equipment installed in vehicles equipped with airbags will be installed as per the vehicle manufacturer specifications to avoid the danger of interfering with the effective deployment of the airbag device.

Body Armor

1011.1 PURPOSE AND SCOPE

The purpose of this policy is to provide law enforcement officers with guidelines for the proper use of body armor.

1011.2 POLICY

It is the policy of the Santa Cruz 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.

1011.3 ISSUANCE OF BODY ARMOR

The Administration supervisor shall ensure that body armor is issued to all officers when the officer begins service at the Santa Cruz Police Department and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

The Administration supervisor shall establish a body armor replacement schedule and ensure that replacement body armor is issued pursuant to the schedule or whenever the body armor becomes worn or damaged to the point that its effectiveness or functionality has been compromised.

1011.3.1 USE OF SOFT BODY ARMOR

Generally, the use of body armor is required subject to the following:

- (a) Officers shall only wear agency-approved body armor.
- (b) Officers shall wear body armor anytime they are in a situation where they could reasonably be expected to take enforcement action.
- (c) Officers may be excused from wearing body armor when they are functioning primarily in an administrative or support capacity and could not reasonably be expected to take enforcement action.
- (d) Body armor shall be worn when an officer is working in uniform or taking part in Department range training.
- (e) An officer may be excused from wearing body armor when he/she is involved in undercover or plainclothes work that his/her supervisor determines could be compromised by wearing body armor, or when a supervisor determines that other circumstances make it inappropriate to mandate wearing body armor.

1011.3.2 INSPECTIONS OF BODY ARMOR

Supervisors should ensure that body armor is worn and maintained in accordance with this policy through routine observation and periodic documented inspections. Annual inspections of body armor should be conducted by an authorized designee for fit, cleanliness, and signs of damage, abuse and wear.

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1011.3.3 CARE AND MAINTENANCE OF SOFT BODY ARMOR

Soft body armor should never be stored for any period of time in an area where environmental conditions (e.g., temperature, light, humidity) are not reasonably controlled (e.g., normal ambient room temperature/humidity conditions), such as in automobiles or automobile trunks.

Soft body armor should be cared for and cleaned pursuant to the manufacturer's care instructions provided with the soft body armor. The instructions can be found on labels located on the external surface of each ballistic panel. The carrier should also have a label that contains care instructions. Failure to follow these instructions may damage the ballistic performance capabilities of the armor. If care instructions for the soft body armor cannot be located, contact the manufacturer to request care instructions.

Soft body armor should not be exposed to any cleaning agents or methods not specifically recommended by the manufacturer, as noted on the armor panel label.

Soft body armor should be replaced in accordance with the manufacturer's recommended replacement schedule.

1011.4 FIREARMS OFFICER IN CHARGE RESPONSIBILITIES

The Firearms Officer in Charge should:

- (a) Monitor technological advances in the body armor industry for any appropriate changes to Department approved body armor.
- (b) Assess weapons and ammunition currently in use and the suitability of approved body armor to protect against those threats.
- (c) Provide training that educates officers about the safety benefits of wearing body armor.

Personnel Records

1012.1 PURPOSE AND SCOPE

This policy governs maintenance and access to personnel records. Personnel records include any file maintained under an individual member's name.

1012.2 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).

1012.3 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.

1012.4 DIVISION FILE

Division files (commonly referred to as Operations 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.

1012.5 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.

1012.6 INTERNAL AFFAIRS FILE

Internal affairs files shall be maintained under the exclusive control of the Professional Standards Unit in conjunction with the office of the Chief of Police. Access to these files may only be approved by the Chief of Police or the Professional Standards Unit supervisor.

These files shall contain the complete investigation of all formal complaints of member misconduct, regardless of disposition (Penal Code § 832.12). Investigations of complaints that result in the following findings shall not be placed in the member's file but will be maintained in the internal affairs file:

- (a) Not sustained
- (b) Unfounded
- (c) Exonerated

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Investigation files arising out of sustained civilian's complaints involving misconduct shall be maintained pursuant to the established records retention schedule and for a period of at least 15 years. Investigations that resulted in other than a sustained finding may not be used by the Department to adversely affect an employee's career (Penal Code § 832.5).

Investigation files arising out of internally generated complaints shall be maintained pursuant to the established records retention schedule and for at least four years (Government Code § 12946).

Investigation files arising out of a civilian complaint involving misconduct that was not sustained shall be maintained pursuant to the established records retention schedule and for at least five years (Penal Code § 832.5).

1012.7 SECURITY

Personnel records should be maintained in a secured location and locked either in a cabinet or access-controlled room. Personnel records maintained in an electronic format should have adequate password protection.

Personnel records are subject to disclosure only as provided in this policy, the Records Maintenance and Release Policy or according to applicable discovery procedures.

Nothing in this policy is intended to preclude review of personnel records by the City Manager, City Attorney or other attorneys or representatives of the City in connection with official business.

1012.7.1 REQUESTS FOR DISCLOSURE

Any member receiving a request for a personnel record shall promptly notify the Custodian of Records or other person charged with the maintenance of such records.

Upon receipt of any such request, the responsible person shall notify the affected member as soon as practicable that such a request has been made (Evidence Code § 1043).

The responsible person shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases, this may require assistance of available legal counsel.

All requests for disclosure that result in access to a member's personnel records shall be logged in the corresponding file.

1012.7.2 RELEASE OF PERSONNEL INFORMATION

Personnel records shall not be disclosed except as allowed by law (Penal Code § 832.7; Evidence Code § 1043) (See also Records Maintenance and Release Policy).

Any person who maliciously, and with the intent to obstruct justice or the due administration of the laws, publishes, disseminates, or otherwise discloses the residence address or telephone number of any member of this department may be guilty of a misdemeanor (Penal Code § 146e).

The Department may release any factual information concerning a disciplinary investigation if the member who is the subject of the investigation (or the member's representative) publicly makes a statement that is published in the media and that the member (or representative) knows to be

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false. The disclosure of such information, if any, shall be limited to facts that refute any such false statement (Penal Code § 832.7).

1012.7.3 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).

1012.8 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.

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1012.9 RETENTION AND PURGING

Unless provided otherwise in this policy, personnel records shall be maintained in accordance with the established records retention schedule.

- (a) During the preparation of each member's performance evaluation, all personnel complaints and disciplinary actions should be reviewed to determine the relevancy, if any, to progressive discipline, training and career development. Each supervisor 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.

1012.10 RELEASE OF PERSONNEL RECORDS AND RECORDS RELATED TO CERTAIN INCIDENTS, COMPLAINTS, AND INVESTIGATIONS OF OFFICERS

Personnel records and records related to certain incidents, complaints, and investigations of officers shall be released pursuant to a proper request under the Public Records Act and subject to redaction and delayed release as provided by law.

The Custodian of Records should work as appropriate with the Chief of Police or the Professional Standards Unit supervisor in determining what records may qualify for disclosure when a request for records is received and if the requested record is subject to redaction or delay from disclosure.

For purposes of this section, a record includes (Penal Code § 832.7(b)(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.

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Unless a record or information is confidential or qualifies for delayed disclosure as provided by Penal Code § 832.7(b)(8) or other law, the following records (hereinafter qualifying records) shall be made available for public inspection no later than 45 days from the date of a request (Penal Code § 832.7(b)(1)):

- (a) Records relating to the report, investigation, or findings of:
 - 1. The discharge of a firearm at another person by an officer.
 - 2. The use of force against a person resulting in death or in great bodily injury (as defined by Penal Code § 243(f)(4)) by an officer.
 - 3. A sustained finding involving a complaint that alleges unreasonable or excessive force.
 - 4. A sustained finding that an officer failed to intervene against another officer using force that is clearly unreasonable or excessive.
- (b) Records relating to an incident where a sustained finding was made by the Department or oversight agency regarding:
 - 1. An officer engaged in sexual assault of a member of the public (as defined by Penal Code § 832.7(b)).
 - 2. Dishonesty of an officer relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another officer, including but not limited to any false statements, filing false reports, destruction, falsifying, or concealing of evidence, or perjury.
 - 3. An officer engaged in conduct including but not limited to verbal statements, writings, online posts, recordings, and gestures involving prejudice or discrimination against a person on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, 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)).

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1012.10.1 REDACTION

The Custodian of Records, in consultation with the Chief of Police or authorized designee, shall redact the following portions of qualifying records made available for release (Penal Code § 832.7(b)(6)):

- (a) Personal data or information (e.g., home address, telephone number, identities of family members) other than the names and work-related information of officers
- (b) Information that would compromise the anonymity of whistleblowers, complainants, victims, and witnesses
- (c) Confidential medical, financial, or other information where disclosure is prohibited by federal law or would cause an unwarranted invasion of personal privacy that clearly outweighs the strong public interest in records about possible misconduct and use of force
- (d) Where there is a specific, articulable, and particularized reason to believe that disclosure of the record would pose a significant danger to the physical safety of the officer or another person

Additionally, a record may be redacted, including redacting personal identifying information, where, on the facts of the particular case, the public interest served by not disclosing the information clearly outweighs the public interest served by disclosing it (Penal Code § 832.7(b)(7)).

1012.10.2 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

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after the date of the department's discovery of the misconduct or use of force or allegation of misconduct or use of force

1012.10.3 NOTICE OF DELAY OF RECORDS

When there is justification for delay of disclosure of qualifying records, the Custodian of Records shall provide written notice of the reason for any delay to a requester as follows (Penal Code § 832.7):

- (a) Provide the specific basis for the determination that the interest in delaying disclosure clearly outweighs the public interest in disclosure. The notice shall also include the estimated date for the disclosure of the withheld information.
- (b) When delay is continued beyond the initial 60 days because of criminal enforcement proceedings against anyone, at 180-day intervals provide the specific basis that disclosure could reasonably be expected to interfere with a criminal enforcement proceeding and the estimated date for disclosure.
 1. Information withheld shall be disclosed when the specific basis for withholding the information is resolved, the investigation or proceeding is no longer active, or no later than 18 months after the date of the incident, whichever occurs sooner, unless:
 - (a) When the criminal proceeding is against someone other than an officer and there are extraordinary circumstances to warrant a continued delay due to the ongoing criminal investigation or proceeding, then the Department must show by clear and convincing evidence that the interest in preventing prejudice to the active and ongoing criminal investigation or proceeding outweighs the public interest for prompt disclosure of records about misconduct or use of force by officers.

In cases where an action to compel disclosure is brought pursuant to Government Code § 6258, the Department may justify delay by filing an application to seal the basis for withholding if disclosure of the written basis itself would impact a privilege or compromise a pending investigation (Penal Code § 832.7(b)(8)).

Commendations and Awards

1013.1 PURPOSE AND SCOPE

This policy provides general guidelines for recognizing commendable or meritorious acts of members of the Santa Cruz Police Department and individuals from the community.

1013.2 POLICY

It is the policy of the Santa Cruz 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.

1013.3 DUTY TO REPORT

It is the privilege of every employee to report any acts that they have observed or have knowledge of that may be worthy of recognition to their immediate supervisor. This information is to be reported to the Chief of Police via the proper Chain of Command and through the Department's Award and Recognition Committee.

1013.4 COMMENDATIONS

The following four types of commendations for members of the Department or for individuals from the community may be initiated by any department member or by any person from the community. Commendation's have been divided into four categories and provide distinct separation between the various levels of performance. A commendation may be awarded posthumously. These four categories are specific and dependent upon the performance being recognized:

Minor Commendations:

A minor commendatory act (e.g., an employee's superior handling of a difficult situation, or alertness resulting in the apprehension of a suspect, and/or to duly recognize any department member for performance, viewed as positive or proactive and focused at meeting the department's mission and goals) may be recognized through the completion of a Memorandum to File.

Major Commendations:

Outstanding performance of duty or an act involving commendatory bravery or exceptional service shall be recognized through a major commendation, which includes the conferring of a Departmental medal, ribbon, or a certificate/citation.

Unit Commendation:

The Unit Commendation may be conferred upon a group of employees with outstanding performance of duty or an act involving commendatory bravery or exceptional service, and shall be recognized through a major commendation, which includes the conferring of a Departmental medal, ribbon, or a certificate/citation.

Chiefs Awards and Commendations:

A commendatory act for either sustained, long-term, noteworthy achievement or service; or for a single significant, noteworthy achievement, including but not limited to, administrative, clerical, or policing-type duties.

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1013.5 CRITERIA

1013.5.1 DEPARTMENT MEMBER DOCUMENTATION

Members of the Department should document meritorious or commendable acts. The documentation shall be completed in the attached form: [See attachment: SCPD Commendation Report.pdf](#)

1013.5.2 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 shall complete a Santa Cruz Police Department Commendation Report.

1013.5.3 ROUTING COMMENDATION REPORTS

All Minor, Major, and Unit Commendation Reports shall be accompanied by a Santa Cruz Police Department Commendation and forwarded to the commanding officer of the commended employees Division for review via the chain of command.

Minor commendations, as determined and approved by the Division Commanding Officer of the commended employee, shall be read and initialed by the commended employee and filed in the employee's Division Employee Folder.

Major and Unit commendations shall be forwarded to the Chairperson of the Awards and Recognition Committee within ten (10) days after receipt of the form.

Chiefs Awards and Commendations originate from the Office of the Chief of Police and are generally not subject to Awards and Recognition Committee review.

1013.6 AWARDS AND RECOGNITION COMMITTEE

The Awards and Recognition Committee shall review all recommendations for awards to ensure that the criteria have been met. The Committee shall then forward recommendations to the Chief of Police via the employees Division Commander for final disposition.

Responsibilities of the Awards and Recognition Committee may include, but are not necessarily limited to, the following:

- (a) Evaluating and investigating commendation reports regarding acts performed by Department personnel.
- (b) Recommending and approving the awarding of Awards and Commendations to employees whose commendatory acts meet the criteria.
- (c) Forwarding reports worthy of consideration Awards and Commendations to the Chief of Police, via the Division Commanding Officer, for review and approval.

The Awards and Recognition Committee will consist of a chairperson (Lieutenant), selected by the Chief of Police or his/her designee, and four (4) employees from the Department. At least four

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of the five board members are required for a quorum. Each Committee member shall have one vote. The Committee shall meet quarterly to review recommendations for awards.

1013.7 PRESENTATION OF AWARDS

All awards may be presented by the Chief of Police or his designee at an Awards and Recognition Ceremony or a special ceremony as directed by the Chief of Police. Sworn officers receiving recognition at any awards ceremony shall wear a class A uniform (long sleeve shirt and tie). Any officer that is assigned in an undercover capacity and does not meet the grooming standards for uniform personnel should contact their Division Commander for instructions prior to the date of the ceremony. Civilian employees receiving an award or recognition or attending an awards ceremony as a representative of the department shall wear appropriate business attire.

1013.8 MAJOR AWARDS AND COMMENDATIONS (DESCRIPTIONS)

1013.8.1 BRAVERY AWARDS

The following awards for bravery shall be in recognition of a single act performed by a sworn peace officer employed by the Santa Cruz Police Department. Each single act of bravery will be evaluated individually, and several commendatory incidents will not qualify for a higher award.

Recommendations for this award shall be reviewed by the Awards and Recognition Committee and submitted to the Chief of Police for final consideration.

Medal of Valor:

The Medal of Valor is the Department's highest award and may be awarded to employees who distinguish themselves by conspicuous bravery or heroism above and beyond the normal demands of police service. To be awarded the Medal of Valor, an employee must have performed an act displaying extreme courage while consciously facing imminent peril. It is awarded by the Chief of Police in the name of the Department at an awards Ceremony and consists of a medal, ribbon, and citation.

Police Medal:

The Police Medal may be awarded to employees who distinguish themselves by bravery or heroism above and beyond the normal demands of duty, but to a lesser degree than required for the Medal of Valor. It is awarded by the Chief of Police in the name of the Department and presented by the Chief at an appropriate ceremony and consists of a medal, ribbon, and citation.

SCPD Purple Heart:

The Purple Heart may be awarded to; Officers who sustain a traumatic physical injury as a result of a suspect's action(s) during an on-duty tactical situation; Officers who die in the line of duty as a direct result of a suspect's action(s). **Note:** In cases involving an officer's

line of duty death, not the direct result of a suspect's action(s), the Committee may exercise discretion to award the medal. Requests to be considered for the Purple Heart will be critically scrutinized to ensure the spirit and intent of the award is given to truly deserving officers or their

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families. It is not the intent of the Department to confer the award to officers that are injured in non-tactical situations. The Purple Heart will not be awarded if the injury occurred as a direct result of the officers negligent or inappropriate actions. The Purple Heart is awarded by the Chief of Police in the name of the Department and presented by at an Awards Ceremony and consists of a medal, ribbon, and citation.

Hazardous Duty:

The Hazardous Duty may be awarded to employees who receives a serious wound or injury or performs an exemplary act under unusual, hazardous, or complicated conditions where the officer used good or sound judgment in accordance with the high standards of the Department. It is awarded by the Chief of Police in the name of the Department at an awards Ceremony and consists of a medal, ribbon and citation.

Lifesaving Medal:

The Lifesaving Medal is awarded to recognize the actions of Department personnel who perform an exceptional act under emergency conditions, not involving bravery that directly results in the saving or preservation of human life that otherwise would have been lost without the employee's direct involvement. An employee can receive only one lifesaving award per incident, regardless of how many victims were involved. It is awarded by the Chief of Police in the name of the Department and presented by the Chief an appropriate ceremony and consists of a medal, ribbon, and citation.

1013.8.2 EXCEPTIONAL SERVICE AWARDS

Individual awards for service are based on exceptional performance of duty, clearly above that normally expected, which has contributed materially to the success of a major project or field operation. Long and faithful service is not considered for purposes of such an award. Recommendations for this award shall be reviewed by the Awards and Recognition Committee and submitted to the Chief of Police for final consideration.

Distinguished Police Service:

The Police Distinguished Service award is the Department's highest award for service and may be awarded to employees who distinguish themselves by performing exceptional service in a duty of great responsibility or of critical importance to policing, or citizens for exceptional service to the Department or community, or a significant contribution, which exemplifies and fulfills the objectives of the Department. It is awarded by the Chief of Police in the name of the Department and presented by the Chief at an appropriate ceremony. The award consists of a ribbon and citation.

Community Policing and Problem Solving Award:

The Community Policing Award is awarded to Department personnel who have solved a significant community problem, included the community in the problem solving process, and/or shown a commitment to the Department's Community Policing philosophy. The Community Policing Award may be awarded to an individual or to an organizational entity within the Department. It is awarded

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by the Chief of Police in the name of the Department and presented by the Chief at an appropriate ceremony. The award consists of a ribbon and a citation.

De-Escalation Award:

The De-Escalation Award may be awarded to an officer(s) who has distinguished himself or herself by employing exceptional tactics and exercising sound judgment, beyond the normal demands of duty, to preserve the life of another during a volatile or dangerous encounter while protecting the safety and security of the public and his or her fellow officers. It is awarded by the Chief of Police in the name of the Department and presented by the Chief at an appropriate ceremony. The award consists of a pin and citation.

Auto Theft Award (10851 pin):

In conjunction with Automobile Club and CHP, the department recognizes officers for their efforts in the recovery of stolen vehicles and the arrests of suspects. Based on an annual point count system during the calendar year, officers are awarded 10851 pins and certificates during an Awards and Recognition Ceremony. These points are accumulated by self-initiated recoveries and arrests and it is the responsibility of each individual officer to maintain their point count and provide copies of reports for verification. The award consists of a pin and a certificate.

DUI Award:

The department recognizes officers for their efforts in the apprehension of impaired drivers based on an annual count during the calendar year, officers are awarded DUI pins and certificates during an Awards and Recognition Ceremony. These counts are determined by arrests and it is the responsibility of each individual officer to maintain their count and provide copies of reports for verification. The award consists of a pin and a certificate.

1013.8.3 UNIT CITATION

A unit citation for outstanding performance maybe conferred upon an organizational unit of the Department. The commendatory accomplishment must be the result of a combined effort by members of the unit. Note: The awarding of a unit citation does not preclude the conferring of individual awards to members of the unit for individual accomplishments during the unit's activity.

Police Distinguished Unit Citation:

The Police Distinguished Unit Citation is the Department's highest unit award and may be awarded to an organizational unit of the Department for bravery or outstanding service by its members functioning as a team. It is awarded by the Chief of Police in the name of the Department and presented by the Chief, or the Chief's designee, at an appropriate ceremony. The award is given to each employee assigned to the unit at the time the commendatory act was performed. It consists of a ribbon and a copy of the citation.

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Commendations and Awards

1013.9 CHIEF'S AWARDS AND COMMENDATIONS (DESCRIPTION)

Chief's awards and commendations for service are based on exceptional performance clearly above that normally expected, which has contributed materially to the success of a major departmental project or field operation. These awards and commendations are awarded by the Chief of Police in the name of the Department and presented by the Chief at an appropriate ceremony.

Chiefs Commendation:

The Chiefs Commendation is awarded to recognize the actions of Department personnel who distinguish themselves above and beyond the normal demands of duty for either sustained, long-term, noteworthy achievement or service; or for a single significant, noteworthy achievement, including but not limited to, administrative, clerical, or policing- type duties. It is awarded by the Chief of Police in the name of the Department and presented by the Chief at an appropriate ceremony. The award consists of a ribbon and/or a citation.

Civilian Commendation:

The Civilian Commendation is the Department's highest civilian honor. This award shall be presented to citizens who perform commendable acts, services, or contributions, which exemplify and fulfill the objectives of the department. The recipient of this award receives a framed certificate.

Letter of Appreciation:

A Letter of Appreciation shall be awarded to a private citizen for performing a service, which contributes to the accomplishments of the department's mission; but to a lesser degree than required for a civilian commendation.

Lactation Break Policy

1015.1 PURPOSE AND SCOPE

The purpose of this policy is to provide reasonable accommodations to members desiring to express breast milk for the member's infant child (Labor Code § 1034).

1015.2 POLICY

It is the policy of this department to provide, in compliance with the Fair Labor Standards Act, reasonable break time and appropriate facilities to accommodate any member desiring to express breast milk for the member's nursing infant child (29 USC § 218d; Labor Code § 1030).

1015.3 LACTATION BREAK TIME

A rest period should be permitted each time the member has the need to express breast milk (29 USC § 218d; Labor Code § 1030). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time. Such breaks, if feasible, should be taken at the same time as the member's regularly scheduled rest or meal periods.

While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled and paid break time will be unpaid (Labor Code § 1030).

Members desiring to take a lactation break shall notify NetCom 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.

1015.4 PRIVATE LOCATION

The Department will make reasonable efforts to accommodate members with the use of an appropriate room or other location to express milk in private. Such room or place should be in close proximity to the member's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view and free from intrusion from co-workers and the public (29 USC § 218d; Labor Code § 1031).

Members occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. All other members should avoid interrupting a member during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for members assigned to the field may be taken at the nearest appropriate private area.

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Lactation Break Policy

1015.5 STORAGE OF EXPRESSED MILK

Any member storing expressed milk in any authorized refrigerated area within the Department shall clearly label it as such and shall remove it when the member ends her shift.

1015.5.1 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).

Payroll Records

1016.1 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.

1016.2 POLICY

The Santa Cruz Police Department maintains timely and accurate payroll records.

1016.3 RESPONSIBILITIES

Members are responsible for the accurate completion and timely submission of their payroll records for the payment of wages. Members shall ensure that benefit time and overtime is properly coded as applicable. Members shall also ensure any overtime is accompanied by comments indicating the reason for the overtime, any associated case numbers, and the last name and badge number of the approving authority. Approving authority shall be a Supervisor or Manager only.

Supervisors are responsible for reviewing the payroll records for those under their span of control to ensure accuracy and completeness. Supervisors are also responsible for approving the payroll records for those under their span of control.

1016.4 TIME REQUIREMENTS

Members who are eligible for the payment of wages are paid on a scheduled, periodic basis, generally on the same day or date each period, with certain exceptions, such as holidays. Payroll records shall be completed and submitted to Administration as established by the City payroll procedures.

1016.5 RECORDS

The Administration Deputy Chief 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). The Administration Deputy Chief will oversee the completion an annual audit of 5 randomly selected employees (both sworn and professional staff). The results of the audit will be submitted to the Chief of Police in memo format.

Outside Employment

1017.1 PURPOSE AND SCOPE

In order to avoid actual or perceived conflicts of interest for department employees engaging in outside employment, all employees shall obtain written approval from the Chief of Police prior to engaging in any outside employment pursuant to their MOU. Approval of outside employment shall be at the discretion of the Chief of Police in accordance with the provisions of this policy. Police Management Association members are required to notify the Chief of Police of outside employment but do not need approval pursuant to the PMA MOU.

1017.1.1 DEFINITIONS

Outside Employment - Any member of this department who receives wages, compensation or other consideration of value from another employer, organization or individual not affiliated directly with this department for services, product(s) or benefits rendered. For purposes of this section, the definition of outside employment includes those employees who are self-employed and not affiliated directly with this department for services, product(s) or benefits rendered.

Outside Overtime - Any member of this department who performs duties or services on behalf of an outside organization, company, or individual within this jurisdiction. Such outside overtime shall be requested and scheduled directly through this department so that the Department may be reimbursed for the cost of wages and benefits.

1017.2 OBTAINING APPROVAL

No member of this department may engage in any outside employment without first obtaining prior written approval of the Chief of Police. Failure to obtain prior written approval for outside employment or engaging in outside employment prohibited by this policy may lead to disciplinary action.

In order to obtain approval for outside employment, the employee must complete a memo and it shall be submitted to the employee's immediate manager. The application will then be forwarded through channels to the Chief of Police for consideration.

If approved, the employee will be provided with a copy of the approved memo. Unless otherwise indicated in writing on the approved memo, a memo will be valid through the end of the calendar year in which the employment is approved. Any employee seeking to renew approval shall submit a new memo in a timely manner.

Any employee seeking approval of outside employment, whose request has been denied, shall be provided with a written reason for the denial of the application at the time of the denial (Penal Code § 70(e)(3)).

1017.2.1 APPEAL OF DENIAL OF OUTSIDE EMPLOYMENT

If an employee's outside employment is denied or withdrawn by the Department, the employee may file a written notice of appeal to the Chief of Police within ten days of the date of denial.

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If the employee's appeal is denied, the employee may file a grievance pursuant to the procedure set forth in the current Memorandum of Understanding (MOU).

1017.2.2 REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT APPROVAL

Any outside employment permit may be revoked or suspended under the following circumstances:

- (a) Should an employee's performance at this department decline to a point where it is evaluated by a supervisor as needing improvement to reach an overall level of competency, the Chief of Police may, at his or her discretion, revoke any previously approved outside employment approval(s). That revocation will stand until the employee's performance has been reestablished at a satisfactory level and his/her supervisor recommends reinstatement of the outside employment permit
- (b) Suspension or revocation of a previously approved outside employment may be included as a term or condition of sustained discipline
- (c) If, at any time during the term of a valid outside employment approval, an employee's conduct or outside employment conflicts with the provisions of department policy, the approval may be suspended or revoked
- (d) When an employee is unable to perform at a full duty capacity due to an injury or other condition, any previously approved outside employment may be subject to similar restrictions as those applicable to the employee's full time duties until the employee has returned to a full duty status

1017.3 PROHIBITED OUTSIDE EMPLOYMENT

Consistent with the provisions of Government Code § 1126, the Department expressly reserves the right to deny any outside employment 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.

1017.3.1 OUTSIDE SECURITY AND PEACE OFFICER EMPLOYMENT

Consistent with the provisions of Penal Code § 70, and because it would further create a potential conflict of interest, no member of this department may engage in any outside or secondary

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employment as a private security guard, private investigator or other similar private security position.

Any private organization, entity or individual seeking special services for security or traffic control from members of this department must submit a written request to the Chief of Police in advance of the desired service. Such outside extra duty overtime assignments will be assigned, monitored and paid through the Department.

- (a) The applicant will be required to enter into an indemnification agreement prior to approval.
- (b) The applicant will further be required to provide for the compensation and full benefits of all employees requested for such outside security services.
- (c) Should such a request be approved, any employee working outside overtime shall be subject to the following conditions:
 1. The officer(s) shall wear the department uniform/identification.
 2. The officer(s) shall be subject to the rules and regulations of this department.
 3. No officer may engage in such outside employment during or at the site of a strike, lockout, picket, or other physical demonstration of a labor dispute.
 4. Compensation for such approved outside security services shall be pursuant to normal overtime procedures.
 5. Outside security services shall not be subject to the collective bargaining process.
 6. No officer may engage in outside employment as a peace officer for any other public agency without prior written authorization of the Chief of Police.

1017.3.2 OUTSIDE OVERTIME ARREST AND REPORTING PROCEDURE

Any employee making an arrest or taking other official police action while working in an approved outside overtime assignment shall be required to complete all related reports in a timely manner pursuant to department policy. Time spent on the completion of such reports shall be considered incidental to the outside overtime assignment.

1017.3.3 SPECIAL RESTRICTIONS

Except for emergency situations or with prior authorization from the Division Commander, undercover officers or officers assigned to covert operations shall not be eligible to work overtime or other assignments in a uniformed or other capacity which might reasonably disclose the officer's law enforcement status.

1017.4 DEPARTMENT RESOURCES

Employees are prohibited from using any department equipment or resources in the course of or for the benefit of any outside employment. This shall include the prohibition of access to official

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records or databases of this department or other agencies through the use of the employee's position with this department.

1017.4.1 REVIEW OF FINANCIAL RECORDS

Employees approved for outside employment expressly agree that their personal financial records may be requested and reviewed/audited for potential conflict of interest (Government Code § 3308; Government Code § 1126). Prior to providing written approval for an outside employment position, the Department may request that an employee provide his/her personal financial records for review/audit in order to determine whether a conflict of interest exists. Failure of the employee to provide the requested personal financial records could result in denial of the off-duty work permit. If, after approving a request for an outside employment position, the Department becomes concerned that a conflict of interest exists based on a financial reason, the Department may request that the employee provide his/her personal financial records for review/audit. If the employee elects not to provide the requested records, his/her off-duty work approval may be revoked pursuant to the Revocation/Suspension of outside employment approval section of this policy.

1017.5 CHANGES IN OUTSIDE EMPLOYMENT STATUS

If an employee terminates his or her outside employment during the period of a valid approval, the employee shall promptly submit written notification of such termination to the Chief of Police through channels. Any subsequent request for renewal or continued outside employment must thereafter be processed and approved through normal procedures set forth in this policy.

Employees shall also promptly submit in writing to the Chief of Police any material changes in outside employment including any change in the number of hours, type of duties, or demands of any approved outside employment. Employees who are uncertain whether a change in outside employment is material are advised to report the change.

1017.6 OUTSIDE EMPLOYMENT WHILE ON DISABILITY

Department members engaged in outside employment who are placed on disability leave or modified/light-duty shall inform their immediate supervisor in writing within five days whether or not they intend to continue to engage in such outside employment while on such leave or light-duty status. The immediate supervisor shall review the duties of the outside employment along with any related doctor's orders, and make a recommendation to the Chief of Police whether such outside employment should continue.

In the event the Chief of Police determines that the outside employment should be discontinued or if the employee fails to promptly notify his/her supervisor of his/her intentions regarding their work approval, a notice of revocation of the member's approval will be forwarded to the involved employee, and a copy attached to the original work approval.

Criteria for revoking the outside employment approval include, but are not limited to, the following:

- (a) The outside employment is medically detrimental to the total recovery of the disabled member, as indicated by the City's professional medical advisors.

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- (b) The outside employment performed requires the same or similar physical ability, as would be required of an on-duty member.
- (c) The employee's failure to make timely notice of their intentions to their supervisor.

When the disabled member returns to full duty with the Santa Cruz Police Department, a request (in writing) may be made to the Chief of Police to restore the approval.

Personal Appearance Standards

1018.1 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.

1018.2 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.

1018.2.1 HAIR

Hairstyles of all members shall be neat in appearance. For male sworn members, hair must not extend below the top edge of the uniform collar while assuming a normal stance.

For female sworn members, hair must be no longer than the horizontal level of the bottom of the uniform patch when the employee is standing erect, worn up or in a tightly wrapped braid or ponytail.

1018.2.2 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.

1018.2.3 SIDEBURNS

Sideburns shall not extend below the bottom of the earlobes and shall be trimmed and neat. Exaggerated flares will not be worn.

1018.2.4 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.

1018.2.5 JEWELRY AND ACCESSORIES

For the purpose of this policy, jewelry refers to rings, earrings, necklaces, bracelets, wristwatches, and tie tacks or tie bars. Jewelry shall present a professional image and may not create a safety concern for the department member or others. Jewelry that depicts racial, sexual, discriminatory, gang-related, or obscene language is not allowed.

- (a) Necklaces shall not be visible above the shirt collar.
- (b) Earrings shall be small.
- (c) No rings should be of the type that would cut or pose an unreasonable safety risk to the member or others during a physical altercation, if the member is assigned to a position where that may occur.

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- (d) One small bracelet, including a bracelet identifying a medical condition, may be worn on one arm.
- (e) Wristwatches shall be conservative and present a professional image.
- (f) Tie tacks or tie bars worn with civilian attire shall be conservative and present a professional image.

1018.3 TATTOOS

No tattoos should be visible on the head, face, or neck while on-duty or representing the Department in any official capacity. At no time while the member is on-duty or representing the Department in any official capacity shall any offensive tattoo or body art be visible. Examples of offensive tattoos include but are not limited to those that exhibit or advocate discrimination; those that exhibit gang, supremacist, or extremist group affiliation; and those that depict racial or promote drug use, sexually explicit acts, or other obscene material. The Chief of Police will have the final decision on what is considered offensive in this instance.

1018.4 BODY PIERCING OR ALTERATION

Body piercing or alteration to any area of the body visible in any authorized uniform or attire that is a deviation from normal anatomical features and which is not medically required is prohibited. Such body alteration includes, but is not limited to:

- (a) Tongue splitting or piercing.
- (b) The complete or transdermal implantation of any material other than hair replacement.
- (c) Abnormal shaping of the ears, eyes, nose or teeth

1018.5 EXEMPTIONS

Members who seek cultural (e.g., culturally protected hairstyles) or other exemptions to this policy that are protected by law should generally be accommodated (Government Code § 12926). A member with an exemption may be ineligible for an assignment if the individual accommodation presents a security or safety risk. The Chief of Police should be advised any time a request for such an accommodation is denied or when a member with a cultural or other exemption is denied an assignment based on a safety or security risk.

Uniform Regulations

1019.1 PURPOSE AND SCOPE

The uniform policy of the Santa Cruz Police Department is established to ensure that uniformed personnel 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:

- (a) Department Owned and Personal Property
- (b) Body Armor
- (c) Personal Appearance Standards

The Uniform and Equipment Specifications manual is maintained and periodically updated by the Chief of Police or his/her designee. That manual should be consulted regarding authorized equipment and uniform specifications. [See attachment: Uniform and Equipment Specifications - 1018.2.pdf](#)

The Santa Cruz Police Department will provide uniforms for all employees required to wear them in the manner, quantity and frequency agreed upon in the respective employee group's collective bargaining agreement.

1019.2 UNIFORMS

Members and employees assigned to a uniform function shall wear a full uniform, which shall include both a badge and a name tag, on the outermost garment, unless specifically exempted from doing so by their Division Commander.

Police Sergeants, Police Patrol Officers, and Community Service Officers shall wear an authorized protective vest issued by the department at all times that they are working outside the police facility in uniform. A protective vest shall be optional for employees in plainclothes assignments or employees who work predominantly in an off-related assignment. Only approved uniforms and equipment will be worn unless specifically authorized by the Chief of Police. Uniforms will be worn only while on-duty, or when traveling in uniform in order to report for duty or after securing from duty. During off-duty travel, a cover coat will be worn.

Police Reserve Officers shall receive the same uniform issuance, replacement, and cleaning as regular officers.

1019.3 UNIFORM ISSUANCE UPON HIRE (POA MEMBERS)

Upon employment, the City will provide to POA members assigned to uniform duty, the following basic items:

- (a) Two pair of uniform pants;
- (b) Two long sleeve shirts;
- (c) Two short sleeve shirts;
- (d) One tie and silver bar;

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- (e) One issue rain pant;
- (f) One issue crowd control gear (e.g., face shield, baton, baton ring, gloves, gas mask)
- (g) One pair polishable black boots;
- (h) One duty jacket
- (i) Dress hat.
- (j) Duty ('Sam Brown') belt, black basket weave
- (k) Body armor
- (l) Equipment:
 - 1. Holster: black, basket weave
 - 2. Three magazines and magazine pouch, black, closed, basket weave
 - 3. Handcuffs and Handcuff case: Closed, black, basket weave
 - 4. Baton ring: black, basket weave with silver ring (optional)
 - 5. Silent key holder: black, basket weave
 - 6. OC Spray canister and holder: black, basket weave
 - 7. Belt keepers: black, basket weave
 - 8. Duty weapon and holster (See the firearms policy)
 - 9. Ammunition (See the firearms policy)
 - 10. TASER and holster (See the conducted energy device policy)
 - 11. Baton-RCB collapsible with holder
 - 12. Portable radio with holder

All items will meet specifications prescribed by the Department. No socks, T-shirts or underwear will be provided. Optional uniform wear beyond the basic issue is not provided, unless required for "special assignment" (i.e., K-9, ESU). Those employees in "Trainee" status and assigned to attend the basic police academy will be issued police academy uniforms as required for this training. No duty uniform will be issued until the completion of this training, unless required by the academy.

1019.4 DETERMINATION OF UNIFORM CLASS OR ATTIRE

It is the responsibility of all supervisors on a daily basis to ensure the grooming and dress standards are upheld. Sergeants shall be responsible for periodic daily inspections of all uniforms.

Division Commanders will designate the appropriate uniform class or attire to be worn by on-duty members and employees within their respective division.

- (a) Supervisors may change the uniform class or attire for their shift or any special details occurring during their shift only with the approval of their Division Commander.

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1019.4.1 COURT APPEARANCES

Members and employees appearing in court representing the Department shall wear either their uniform, business suit, or a sport coat, slacks and tie. Female employees will wear business suits, dress skirt, or slacks consistent with business attire. In some instances, plainclothes attire may be preferable for court. Supervisors shall have discretion giving direction on attire (i.e. suit or uniforms) for court appearances.

1019.5 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 Deputy Chief.

1019.6 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) The uniform is to be worn in compliance with the specifications set forth in the department's uniform specifications that are maintained separately from this policy.
- (e) All supervisors will perform periodic inspections of their personnel to ensure conformance to these regulations.
- (f) Civilian attire shall not be worn in combination with any distinguishable part of the uniform.
- (g) Uniforms are only to be worn while on duty, while in transit to or from work, for court, or at other official department functions or events.
- (h) If the uniform is worn while in transit, an outer garment shall be worn over the uniform shirt so as not to bring attention to the employee while he/she is off-duty.
- (i) Employees are not to purchase or drink alcoholic beverages while wearing any part of the department uniform, including the uniform pants.

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- (j) Mirrored, illuminated, and/or multicolored sunglasses will not be worn on duty.
- (k) Visible jewelry, other than those items listed below, shall not be worn with the uniform unless specifically authorized by the Chief of Police or the authorized designee.
 - 1. Wrist watch (shall match the uniform and be of a conservative manner)
 - 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
 - 4. Earrings: Females may wear post earrings, no more than two in each ear. Males may not wear earrings. Exceptions may be made in certain undercover assignments by the Division Commander. No other jewelry/body piercing is permitted.

1019.7 UNIFORM CLASSES - POLICE PERSONNEL

1019.7.1 CLASS "A" UNIFORM

All officers will possess and maintain a serviceable Class A uniform at all times. The Class A uniform is to be worn on special occasions such as funerals, graduations, ceremonies, or as directed. The Class A uniform is required for all sworn personnel. The Class A uniform includes the standard issue uniform with:

- (a) Long sleeve navy blue shirt with black tie
- (b) Navy blue trousers
- (c) Polished plain-toed black boots (Leather or Patten leather dress style shoes may be worn at the approval of the Division Commander)
- (d) Black or navy blue socks
- (e) Dress hat
- (f) Ike jacket (As determined by the Division Commander and only issued to the rank of Sergeant or higher)
- (g) Motorcycle officers shall wear approved motorcycle helmet, eye gear approved by the Department of Industrial Safety, navy blue wool riding pants with gold and navy stripes, black riding boots and gloves. A black bow tie is optional.
- (h) The PDU is not authorized as a Class "A" Uniform.
- (i) The EVC is not authorized as a Class "A" Uniform
- (j) Boots with pointed toes are not permitted.

1019.7.2 CLASS "B" UNIFORM

All officers will possess and maintain a serviceable Class B uniform at all times.

The Class B uniform will consist of the same garments and equipment as the Class A uniform with the following exceptions:

- (a) The long or short sleeve shirt may be worn with the collar open. No tie is required

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- (b) A white or black crew neck t-shirt must be worn with the uniform (only visible at the neck)
- (c) All shirt buttons must remain buttoned except for the last button at the neck
- (d) Polished plain-toed black boots (Leather or Patten leather dress style shoes may be worn at the approval of the Division Commander)
- (e) A black tie may be worn at the Watch Commander's option, with emphasis on uniformity of appearance.
- (f) Boots with pointed toes are not permitted
- (g) The PDU is authorized as a Class "B" uniform (the gold/silver metal badge and gold/silver metal nameplate are required for this specific configuration. The cloth badge, cloth nameplate, and tie are not authorized with this specific PDU configuration).
- (h) The EVC is authorized as a Class "B" uniform (the gold/silver metal badge and gold/silver metal nameplate are required for this specific configuration. The cloth badge and cloth nameplate are not authorized with this specific PDU configuration).
- (i) Optional items:
 - 1. Navy blue nylon jacket (heavy or lightweight), dress hat and/or head gear (as described above). The rank of sergeant and above may wear the approved navy blue V-Neck sweater (only with black tie).
 - 2. Motorcycle officers shall wear the approved motorcycle helmet, eyewear approved by the Department of Industrial Safety, navy blue wool riding pants with gold and navy stripes, black riding boots, leather gloves, and 15 inch silver lanyard with chrome whistle. They may wear the approved leather jacket and/or black bow tie.

Exception to Class "B" Uniform:

- 1. Canine officers may wear the approved navy blue Class "E" uniform may be established to allow field personnel cooler clothing during the summer months or special duty.and polished black boots.
- 2. Officers assigned to bicycle patrol may wear the approved black protective bicycle long pants (Class "C" uniform). They may also wear eye-gear approved by the Department of industrial safety.

1019.7.3 CLASS "C" UNIFORM

Navy blue short sleeve shirt (open collar with white or black crew-neck T-shirt), blue short pants, plain black crew socks (mid-calf height), and black athletic shoes.The Chief of Police will authorize and establish the regulations and conditions for wearing the Class C Uniform.

- (a) Optional items: Navy blue nylon jacket and/or the SCPD baseball style cap (only) may be worn. Approved black short pants may be worn while on bicycle patrol. Long pants must be available in case of reassignment.

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1019.7.4 CLASS "E" UNIFORM

Department issued navy blue PDU's, which consists of a long sleeve PDU shirt with cloth badge and nameplate (short sleeve PDU shirts are not authorized for this specific configuration), black crew-neck T-shirt, and polished black boots. This uniform is to be worn for crowd control and special assignments.

(a) Optional items:

1. The EVC is authorized as a Class "E" uniform (The cloth badge and cloth nameplate are required for this specific configuration. The gold/silver metal badge and gold/silver metal nameplate are not authorized with this specific PDU configuration).
2. The SCPD baseball cap may be worn with the Class "E" uniform.

1019.8 UNIFORM CLASSES- COMMUNITY SERVICE OFFICER/COMMUNITY SERVICE AID

1019.8.1 CLASS "A" UNIFORM

Dress hat, light blue long sleeve shirt, black tie, navy blue trousers (same specifications as worn by sworn officers), polished plain-toed black boots, and black or navy-blue socks.

1019.8.2 CLASS "B" UNIFORM

Light blue long or short sleeve shirt, navy blue trousers (same specifications as worn by sworn officers), polished plain-toed black boots or leather athletic shoes, and black or navy blue socks. A black tie, black turtleneck, or black dickie may be worn, at the Watch Commander's option.

(a) Optional Items: Royal blue nylon-type jacket (heavy or lightweight).

- (b) The EVC is authorized as a Class "B" uniform (the gold/silver metal badge and gold/silver metal nameplate are required for this specific configuration. The cloth badge and cloth nameplate are not authorized with this specific configuration).

1019.8.3 CLASS "C" UNIFORM

Light blue short sleeve shirt (open collar with white crew neck T-shirt), blue short pants, plain black crew socks (mid-calf height), and black athletic shoes.

- (a) Optional Items: Royal blue jacket and approved navy blue SCPD baseball cap.

1019.9 FOUL WEATHER GEAR

The Uniform and Equipment Specifications lists the authorized uniform jacket and rain gear.

1019.9 RANK AND INSIGNIA

- (a) Chief of Police - Authorized uniform with collar insignia of four gold-colored metal stars, worn single point up, in tandem, 1/2" from the front of the collar on all shirts, parallel to the top and centered between the top and bottom of the collar. The jacket will have four gold-colored metal stars 1/4" apart when in tandem, centered on the shoulder seam, with the center of the first star 1/2" from the sleeve seam. The regulation dress hat with gold filigree on the visor and a gold-colored adjustable hat band.

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- (b) Deputy Chief - Authorized uniform with two stars attached to the uniform in the same manner as the Police Chief. The same regulation dress hat with a gold-colored band may be worn.
- (c) Lieutenant - Authorized uniform with single bar of gold-colored metal worn 1/2" from the front of the collar, perpendicular to the top of and centered between the top and bottom of the collar on all shirts. The Jacket will have a single bar of gold-colored metal centered on the shoulder seam parallel to the sleeve seam with 1" between the sleeve seam and the middle of the bar. The regulation dress hat with a gold-colored band may be worn.
- (d) Sergeant - Authorized uniform with Sergeant's chevrons on each sleeve of all shirts and jackets, centered on and 1/2" below the shoulder patch. The regulation dress hat with a silver-colored band may be worn.
- (e) Field Training Officer - Authorized uniform with Corporal's chevrons and star insignia on each sleeve of all shirts and jackets, centered on and 1/2" below the shoulder patch. The regulation dress hat with a blue band may be worn.
- (f) Police Officer - Authorized uniform. The regulation dress hat with a blue band may be worn.

1019.9.1 ALL UNIFORMED PERSONNEL

- (a) Longevity stripes: Blue and gold hash marks shall be worn directly onto the left sleeve of the long sleeve uniform shirt and duty jackets. Each hash mark shall represent 5 years of employment service. It shall be positioned on the left sleeve 1/2 inch above the top hem of the cuff.
- (b) Necktie: Black clip-on, available in short, medium and long lengths. Tie bar which is to be leveled with the seams of the Class A uniform shirt pockets.
- (c) Badges: The department issued badge, or an authorized sewn on cloth replica, must be worn and visible at all times while in uniform. Cloth Badges may only be worn on uniform jackets, PDU's (as outlined in the Class "E" section), and EVC's (as outlined in the Class "E" section) in lieu of the metal badge.
- (d) 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.
- (e) Nameplates/Name tapes: The regulation name plate, or an authorized sewn on cloth name tape, shall be worn at all times while in uniform. The nameplate shall display the employee's first initial and last name. If the employee desires other than the legal first name, the employee must receive approval from the Chief of Police. The nameplate shall be worn and placed above the right pocket located in the middle, bisected by the pressed shirt seam, with equal distance from both sides of the name tape to the outer edge of the pocket. When a jacket is worn, the cloth name tape shall be affixed to the jacket.
- (f) Military Medals: Military medals and awards may be worn on Veteran's Day and Memorial Day (and as authorized by the Chief of Police) centered under the badge along the top seam of the left breast pocket.

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- (g) Award, Assignment insignia, and Recognition Pins: A maximum of three (3) ribbons and/or pins may be worn, one of each type, on all uniform types except the Class "E" Uniform configuration.
1. *Meritorious Service Award Ribbons*: May be worn on Class A or B shirt and EVC. The ribbons shall be Worn centered on the left pocket flap, ½ inch below the top seam. Only those medals and insignia authorized by the Police Chief or his designee may be worn on any designated uniform of the Santa Cruz Police Department.
 2. *Recognition Achievement Pin*: May be worn on Class A or B shirt and EVC. The pin shall be worn centered on the right pocket flap, ½ inch below top seam. An example of this type of pin would be the 10851, de-escalation, and DUI achievement pin.
 3. *Personal Pins*: May be worn as designated by the Chief of Police. Personal Pins, which shall only be worn in place of the Recognition Achievement Pin, shall be worn centered on the right pocket flap, ½ inch below top seam and must not detract from the overall uniform appearance. The following pins are approved: US Flag, City longevity pin. All other pins shall be approved on a case by case basis by the Chief of Police or his/her designee.
 4. *Assignment Insignia Pins*: May be worn as designated by the Chief of Police. Such pins will be worn centered and ¼ inch above the nameplate. The following are examples of assignment Insignia pins: SWAT, FTO, K-9, HNT, and Traffic. Only current and active members of these assignments are authorized to wear assignment insignia pins.
 5. *Exemption*: The 105/172 memorial pin may be worn centered and ¼ inch above the nameplate in addition to the maximum of three (3) pins as listed above. The *Assignment Insignia Pin* may be worn centered and ¼ inch above the 105/172 memorial pin in this configuration.
 6. *Exemption*: Additional meritorious service award pins may be worn centered, up to three in a row, in the location as described above with the Class "A" uniform like jacket configuration.

1019.11 EQUIPMENT

1019.11.1 MANDATORY AND OPTIONAL HEAD GEAR

- (a) Dress Hat is mandatory for all uniformed employees with Class A Uniform and optional for all uniformed employees with Class B Uniform.
1. The regulation dress hat with visor shall be worn squarely upon the head in a military manner (i.e.; the tip of the visor should rest approximately two fingers above the eyebrows). When courtesy requires, officers should remove their soft hats.
- (b) SCPD Baseball Style Cap may be worn during inclement weather with Class "B" Uniform or as approved by the Deputy Chief of Operations. The Baseball Style Cap shall be worn forward facing at all times.

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1. Baseball style caps shall not be worn in the following circumstances:
 - (a) Court appearances
 - (b) When presenting on behalf of the Department at a community, business, school, or other meetings.
 - (c) When attending any formal meeting (e.g., City Council meetings).
 - (d) While completing the field training program.
- (c) SCPD Knit Cap
- (d) May only be worn between the hours of 2100 and 0700 and only when the temperature outside is below 50 degrees.
- (e) Helmets
 1. Sworn uniformed personnel will have the department-issued ballistic helmet available at all times when on duty. The wearing of department-issued ballistic helmets will be at the discretion of the officer except when ordered to do so by a supervisor. When worn, department-issued ballistic the helmet will be positioned on the head, centered and straight, with chin strap fastened.
 2. The department- issued motorcycle helmet will be worn when operating a city-owned motorcycle.
 3. The department-issued safety helmet will be worn when operating a city-owned enforcement ATV.
 4. A Department issued bicycle helmet will be worn when operating a city-owned bicycle.

1019.12 DUTY GEAR

- (a) Duty belt - The Duty belt shall be worn squarely around the waist and not allowed to sag or protrude below the trouser belt line. The duty belt shall be of a black leather or synthetic, basket weave design, either with or without buckle. Buckles and/or clips must be either chrome or black. Belt keeper straps may be worn, if necessary.
- (b) Footwear and Leather Equipment shall be maintained in good condition and polished. They shall be replaced when they become cracked or worn.
- (c) Uniform - Uniforms shall be clean, neatly pressed and maintained in good repair at all times. Employees are expected to replace any item of the uniform which becomes faded or excessively worn. Articles of the uniform which require repair or which have been patched or repaired, will not be worn unless the patch or repair is inconspicuous.

1019.13 EXTERNAL VEST COVER (EVC)

Personnel who wear an EVC will utilize the below listed EVC with the below listed specifications. Department personnel assigned to the canine unit are exempt from wearing the EVC and shall use similar equipment as directed by their Division Commander. Tactical team personnel operating in a tactical call-out or tactical team training capacity are also exempt from wearing the EVC and shall use similar equipment as directed by their Division Commander.

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- (a) The EVC is authorized to be worn with the Class "B" and "C" uniforms with the silver (metal) badge, name plate, and authorized unit pins. In addition, the EVC is authorized to be worn with the Class "E" uniform and may utilize cloth nameplate and badge attached with Velcro. All EVCs shall be configured to allow for Class "B", "C" and "E" uniforms, and are designed and shall be worn on the outside of the police uniform. Personnel are required to wear a department approved uniform shirt with the EVC.
- (b) The EVC will not be authorized for use with the Class "A" uniform. The EVC may be worn to traffic court if personnel are assigned to field operations and working that day. The EVC shall not be worn to any other court appearances (Refer to Manual Section 1046.3.2 for specific court attire information). The EVC shall not be worn when a Class "A" uniform is required or appropriate (ceremonies, funerals, etc).
- (c) Personnel who choose to wear the EVC are not authorized to remove the EVC while on- duty and in the public view.
- (d) It is the responsibility of all employees to ensure that the overall appearance of their uniform is maintained. Supervisors may require the employee to replace items that appear to be worn and/or discolored.
- (e) Prior to officers using the EVC in the above capacity, all officers must qualify at the range to ensure they are proficient and confident with the new vest and equipment relocation. The primary duty firearm and Taser are not authorized to be worn on the EVC and will remain on the duty belt.
- (f) Rifle magazine(s) will not be worn on the EVC under normal duty conditions (e.g., outside of a service call which may necessitate the deployment of a patrol rifle).
- (g) The authorized EVC vendor is Blankenship Police Supply (BPS), and the Exterior Uniform (LAPD blue) Style Vest Carrier (EVC) is the authorized external vest for operations personnel. The following configuration should be followed for uniformity:
 - 1. The EVC may only support the following items:
 - (a) Baton holder
 - (b) Flashlight holder
 - (c) OC holder
 - (d) Glove pouch / tourniquet pouch
 - (e) Radio holder
 - (f) Handgun magazine holders
 - (g) Admins pouch w/handcuff holder
 - (h) Badge holder (Velcro underneath for badge patch - Class "E" uniform)
 - (i) Silver name plate (Velcro underneath for name patch - Class "E" uniform)
 - (j) Front plastic buttons (Top to bottom, including pockets)
 - (k) Breast pockets with pleat and plastic buttons
 - (l) Lapel affixed to shoulder with buttons.

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- (m) Rear Handcuff holder on bottom of each side (Optional)
- (n) Concealable "Police" patch (to remain concealed under normal duty conditions)
- (o) Secondary firearms are optional, and shall be carried in compliance with Policy 312.2.2
- (p) The body worn camera will be worn as outlined in Manual Section 449.4

1019.14 INVESTIGATIONS PERSONNEL CLOTHING STANDARDS

Clothing - All wearing apparel and accessories shall be of a conservative nature, maintained in good repair, and consistent with a business environment. The clothing worn shall be clean and neatly pressed.

- (a) Male plainclothes personnel shall wear a business suit or sport coat and slacks with a long sleeve dress shirt and tie.
- (b) Female plainclothes personnel, including non-sworn, shall wear a suit, dress skirt or slacks and blouse.
- (c) Authorized Police polo shirts may be worn upon proper authorization with department issued BDU-style trousers at the discretion of the Investigations Commander.
- (d) Shoes - shall be polished, flat and maintained in good condition.
- (e) Division Commanders may exempt or prescribe the wearing of any type of clothing or equipment for an assignment, the nature of which makes the regulation uniform or approved civilian apparel impractical for police purposes.

1019.15 SPECIAL ASSIGNMENTS CLOTHING STANDARDS

- (a) Undercover Assignments - For purposes of the order an undercover assignment is defined as: An assignment where the nature of a criminal investigation requires that an officer disguise his/her identity as a police officer in order to substitute him/herself for a complainant and/or to be present when a crime takes place. Undercover assignments include "decoy" operations.
 - 1. Officers assigned in an undercover capacity may deviate from the grooming and clothing standards otherwise specified within this general order upon approval of their supervisors.
- (b) Special Assignments - For the purposes of this order, special assignments are defined as: An assignment where employees are authorized to wear civilian clothing, excluding undercover and routine administrative/investigative assignments. The nature of special assignments will vary and may be of a temporary nature, e.g., patrol officer conducting a surveillance, etc. When the interests of the Department require that employees deviate from the clothing standards specified within this general order, permission will be obtained from the employee's immediate supervisor.
 - 1. Officers will adhere to the grooming standards specified herein.
 - 2. When wearing civilian clothing, guns will be concealed unless authorized to do otherwise.

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3. When on duty in plain clothes, each officer will carry his/her police identification card and badge on his/her person.
- (c) All plainclothes officers who participate in an organized tactical event, i.e., service of a search warrant, arrest warrant, etc., will wear an authorized tactical outer carrier or authorized department jacket with a clearly marked and visible badge and "police" identifiers.

1019.16 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 Santa Cruz Police Department or the morale of the employees.

1019.17 MOURNING BADGE

Uniformed employees shall wear a black mourning band across the uniform badge whenever a law enforcement officer is killed in the line of duty. 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.

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- (d) National Peace Officers Memorial Day (May 15th) - From 0001 hours until 2359 hours.
- (e) As directed by the Chief of Police.

1019.18 POLITICAL ACTIVITIES, ENDORSEMENTS, AND ADVERTISEMENTS

Unless specifically authorized by the Chief of Police, Santa Cruz 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 Santa Cruz 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.

1019.19 RETIREE BADGES

The Chief of Police may issue identification in the form of a badge, insignia, emblem, device, label, certificate, card or writing that clearly states the person has honorably retired from the Santa Cruz Police Department. This identification is separate and distinct from the identification authorized by Penal Code § 25455 and referenced in the Retired Officer CCW Endorsement Policy in this manual.

A badge issued to an honorably retired peace officer that is not affixed to a plaque or other memento will have the words "Honorably Retired" clearly visible on its face. A retiree shall be instructed that any such badge will remain the property of the Santa Cruz Police Department and will be revoked in the event of misuse or abuse (Penal Code § 538d).

1019.20 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES

Santa Cruz 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.

Santa Cruz 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.

1019.21 UNIFORM CLEANING (POA MEMBERS)

The City, SCPOA and POA agree unit employees will comply with departmental standards regarding appearance and cleanliness. To this end, the City agrees to pay the cost of cleaning department authorized uniforms. For this purpose, the City has established an account at a dry-cleaning establishment located within the City of Santa Cruz. For its part, the associations agree its members will:

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- (a) Deliver and retrieve uniforms from the dry-cleaning establishment; and
- (b) Shall do so during non-working hours; however
- (c) Under exceptional circumstances, subject to the approval of the Chief of Police or his representative, uniforms may be delivered or retrieved during working hours. The City and the POA believe it is counter-productive, at this time, to establish minimum or maximum number of cleanings authorized by this section. It is understood, however, the Section Chief of Police and/or associations will monitor this program and advise the other party if any problems materialize.

1019.22 UNIFORM REPLACEMENT

Pursuant to Memorandum of Understanding, the City agrees to provide replacements for worn out or damaged uniforms for employees, if uniforms are not damaged through gross negligence.

Items covered by this program are:

- (a) Shirts;
- (b) Shoes;
- (c) Pants;
- (d) Jackets;
- (e) Hat;
- (f) Tie; and
- (g) Ballistics vest.

Uniforms replaced under this provision shall be replaced on an equivalent class basis, i.e., Class A pants will be exchanged for Class A pants. These items are not to be used other than while working for the City or while traveling to and from work. Uniforms to be surveyed for wear or damage shall be presented to the appropriate direct supervisor.

1019.22.1 REPLACEMENT PROCEDURE

For each item to be replaced, a Replacement Slip will be prepared by the employee and routed through the chain of command via their immediate supervisor. The Replacement Slip will be dated and is only valid for sixty days from date of issuance. If not used within that time, it will be null and void and officers will not be able to obtain replacement at City expense.

The original slip shall be given to the Purchasing Clerk, who shall issue an Authorization Form to the contracting uniform company for replacement of the listed item. Upon receipt of the replacement item, the officer shall sign the vendor's invoice slip acknowledging the item was received in proper order and quality.

All uniform items accepted for replacement shall remain the property of the City of Santa Cruz. It shall be the responsibility of each unit employee to arrange for purchasing, fitting, pickup, delivery, return, repair, and control of uniform items. Overtime will not be authorized.

Department Badges

1021.1 PURPOSE AND SCOPE

The Santa Cruz Police Department badge and uniform patch as well as the likeness of these items and the name of the Santa Cruz Police Department are property of the Department and their use shall be restricted as set forth in this policy.

1021.2 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 or off duty or otherwise acting in an official or authorized capacity. Uniform badges shall be maintained as Department issued equipment and returned to the department upon separation.

- (a) Should any badge become lost, damaged, or otherwise removed from the officer's control, he/she shall make the proper notifications as outlined in the Department Owned and Personal Property Policy.
- (b) The purchase, carrying or display of a flat badge is not authorized for non-sworn personnel.

1021.2.1 DETECTIVE BADGE

Sworn officers assigned as investigative detectives will be issued a detective badge. The use and display of detective badges shall be in strict compliance with this policy. Detective badges shall be maintained as Department issued equipment and shall be returned to the department upon reassignment from the detective position.

1021.2.2 FLAT BADGE

Sworn officers, with the written approval of the Chief of Police may be issued a flat badge capable of being carried in a wallet. The use of the flat badge is subject to all the same provisions of department policy as the uniform badge.

- (a) Flat badges will be purchased by the department and shall be maintained as Department issued equipment and returned to the department upon separation.

1021.2.3 NON-SWORN PERSONNEL

Badges and department identification cards issued to non-sworn personnel shall be clearly marked to reflect the position of the assigned employee (e.g. records, property, etc.).

- (a) Non-sworn personnel shall not display any department badge except as a part of his/her uniform and while on duty, or otherwise acting in an official and authorized capacity.
- (b) Non-sworn personnel shall not display any department badge or represent him/herself, on or off duty, in such a manner which would cause a reasonable person to believe that he/she is a sworn peace officer.

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1021.2.4 RETIREE UNIFORM BADGE

Upon honorable retirement, or at the discretion of the Chief, employees may purchase their assigned duty badge for display purposes. It is intended that the duty badge (to include the flat badge and detective badge) be used only as private memorabilia as other uses of the badge may be unlawful or in violation of this policy.

1021.3 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 Santa Cruz 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.

1021.4 UNAUTHORIZED USE

Except as required for on-duty use by current employees, no badge designed for carry or display in a wallet, badge case or similar holder shall be issued to anyone other than a current or honorably retired peace officer.

Department badges are issued to all sworn employees and non-sworn uniformed employees for official use only. The department badge, shoulder patch or the likeness thereof, or the department name shall not be used for personal or private reasons including, but not limited to, letters, memoranda, and electronic communications such as electronic mail or web sites and web pages.

The use of the badge, uniform patch and department name for all material (printed matter, products or other items) developed for department use shall be subject to approval by the Chief of Police.

Employees shall not loan his/her department badge or identification card to others and shall not permit the badge or identification card to be reproduced or duplicated.

Temporary Modified-Duty Assignments

1022.1 PURPOSE AND SCOPE

This policy establishes procedures for providing temporary modified-duty assignments. This policy is not intended to affect the rights or benefits of employees under federal or state law, City rules, current memorandums of understanding or collective bargaining agreements. For example, nothing in this policy affects the obligation of the Department to engage in a good faith, interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability that is protected under federal or state law.

1022.2 POLICY

Subject to operational considerations, the Santa Cruz Police Department may identify temporary modified-duty assignments for employees who have an injury or medical condition resulting in temporary work limitations or restrictions. A temporary assignment allows the employee to work, while providing the Department with a productive employee during the temporary period.

1022.3 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 Santa Cruz Police Department shall be created or maintained as a temporary modified-duty assignment.

Temporary modified-duty assignments are a management prerogative and not an employee right. The availability of temporary modified-duty assignments will be determined on a case-by-case basis, consistent with the operational needs of the Department. Temporary modified-duty assignments are subject to continuous reassessment, with consideration given to operational needs and the employee's ability to perform in a modified-duty assignment.

The Chief of Police or the authorized designee may restrict employees working in temporary modified-duty assignments from wearing a uniform, displaying a badge, carrying a firearm, operating an emergency vehicle, engaging in outside employment, or being otherwise limited in employing their peace officer powers.

Temporary modified-duty assignments shall generally not exceed a cumulative total of 1,040 hours in any one-year period.

1022.4 PROCEDURE

Employees may request a temporary modified-duty assignment for short-term injuries or illnesses.

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Employees seeking a temporary modified-duty assignment should submit a written request to their Deputy Chiefs or the authorized designees. The request should, as applicable, include a certification from the treating medical professional containing:

- (a) An assessment of the nature and probable duration of the illness or injury.
- (b) The prognosis for recovery.
- (c) The nature and scope of limitations and/or work restrictions.
- (d) A statement regarding any required workplace accommodations, mobility aids or medical devices.
- (e) A statement that the employee can safely perform the duties of the temporary modified-duty assignment.

The Deputy 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 Department of Human Resources or the City Attorney as appropriate.

Requests for a temporary modified-duty assignment of 20 hours or less per week may be approved and facilitated by the Watch Commander or Deputy Chief, with notice to the Chief of Police.

1022.5 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 Deputy Chief.

1022.5.1 EMPLOYEE RESPONSIBILITIES

The responsibilities of employees assigned to temporary modified duty shall include, but not be limited to:

- (a) Communicating and coordinating any required medical and physical therapy appointments in advance with their supervisors.
- (b) Promptly notifying their supervisors of any change in restrictions or limitations after each appointment with their treating medical professionals.
- (c) Communicating a status update to their supervisors no less than once every 30 days while assigned to temporary modified duty.
- (d) Submitting a written status report to the Deputy Chief that contains a status update and anticipated date of return to full-duty when a temporary modified-duty assignment extends beyond 60 days.

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Temporary Modified-Duty Assignments

1022.5.2 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 Deputy Chief of the status and performance of employees assigned to temporary modified duty.
- (b) Notifying the Deputy Chief 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.

1022.6 MEDICAL EXAMINATIONS

Prior to returning to full-duty status, employees shall be required to provide certification from their treating medical professionals stating that they are medically cleared to perform the essential functions of their jobs without restrictions or limitations.

The Department may require a fitness-for-duty examination prior to returning an employee to full-duty status, in accordance with the Fitness for Duty Policy.

1022.7 PREGNANCY

If an employee is temporarily unable to perform regular duties due to a pregnancy, childbirth, or a related medical condition, the employee will be treated the same as any other temporarily disabled employee (42 USC § 2000e(k)). A pregnant employee shall not be involuntarily transferred to a temporary modified-duty assignment. Nothing in this policy limits a pregnant employee's right to a temporary modified-duty assignment if required under Government Code § 12945.

1022.7.1 NOTIFICATION

Pregnant employees should notify their immediate supervisors as soon as practicable and provide a statement from their medical providers identifying any pregnancy-related job restrictions or limitations. If at any point during the pregnancy it becomes necessary for the employee to take a leave of absence, such leave shall be granted in accordance with the City's personnel rules and regulations regarding family and medical care leave.

1022.8 PROBATIONARY EMPLOYEES

Probationary employees who are assigned to a temporary modified-duty assignment shall have their probation extended by a period of time equal to their assignment to temporary modified duty.

1022.9 MAINTENANCE OF CERTIFICATION AND TRAINING

Employees assigned to temporary modified duty shall maintain all certification, training and qualifications appropriate to both their regular and temporary duties, provided that the certification, training or qualifications are not in conflict with any medical limitations or restrictions. Employees

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who are assigned to temporary modified duty shall inform their supervisors of any inability to maintain any certification, training or qualifications.

Employee Speech, Expression and Social Networking

1023.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with employee use of social networking sites and to provide guidelines for the regulation and balancing of employee speech and expression with the needs of the Department. This policy applies to all department employees including volunteers.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech or expression that is protected or privileged under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example, this policy does not limit an employee from speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or officer associations, about matters of public concern, such as misconduct or corruption.

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

1023.1.1 APPLICABILITY

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

1023.2 POLICY

Public employees occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of this department. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that employees of this department be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the Santa Cruz Police Department will carefully balance the individual employee's rights against the Department's needs and interests when exercising a reasonable degree of control over its employees' speech and expression.

1023.3 SAFETY

Employees should consider carefully the implications of their speech or any other form of expression when using the internet. Speech and expression that may negatively affect the safety of the Santa Cruz Police Department employees, such as posting personal information in a public forum, can result in compromising an employee's home address or family ties. Employees should therefore not disseminate or post any information on any forum or medium that could reasonably be anticipated to compromise the safety of any employee, an employee's family, or associates. Examples of the type of information that could reasonably be expected to compromise safety include:

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- Disclosing a photograph and name or address of an officer who is working undercover.
- Disclosing the address of a fellow officer.
- Otherwise disclosing where another officer can be located off-duty.

1023.4 PROHIBITED SPEECH, EXPRESSION, AND CONDUCT

To meet the department's safety, performance, and public-trust needs, the following are prohibited unless the speech is otherwise protected (for example, an employee speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or officer associations, on a matter of public concern):

- (a) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation, or professionalism of the Santa Cruz Police Department or its employees.
- (b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the Santa Cruz Police Department and tends to compromise or damage the mission, function, reputation, or professionalism of the Santa Cruz Police Department or its employees. Examples may include:
 1. Statements that indicate disregard for the law or the state or U.S. Constitution.
 2. Expression that demonstrates support for criminal activity.
 3. Participating in sexually explicit photographs or videos for compensation or distribution.
- (c) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the employee as a witness. For example, posting statements or expressions to a website that glorify or endorse dishonesty, unlawful discrimination, or illegal behavior.
- (d) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the employees of the Department. For example, a statement on a blog that provides specific details as to how and when prisoner transportations are made could reasonably be foreseen as potentially jeopardizing employees by informing criminals of details that could facilitate an escape or attempted escape.
- (e) Speech or expression that is contrary to the canons of the Law Enforcement Code of Ethics as adopted by the Santa Cruz Police Department.
- (f) Use or disclosure, through whatever means, of any information, photograph, video, or other recording obtained or accessible as a result of employment with the Department for financial or personal gain, or any disclosure of such materials without the express authorization of the Chief of Police or the authorized designee.
- (g) Posting, transmitting, or disseminating any photographs, video or audio recordings, likenesses or images of department logos, emblems, uniforms, badges, patches, marked vehicles, equipment, or other material that specifically identifies the Santa Cruz Police Department on any personal or social networking or other website or web page, without the express authorization of the Chief of Police.

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Employees must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the employee (e.g., social or personal website).

1023.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

While employees are not restricted from engaging in the following activities as private citizens or as authorized members of a recognized bargaining unit or officer associations, employees may not represent the Santa Cruz Police Department or identify themselves in any way that could be reasonably perceived as representing the Santa Cruz Police Department in order to do any of the following, unless specifically authorized by the Chief of Police (Government Code § 3206; Government Code § 3302):

- (a) Endorse, support, oppose or contradict any political campaign or initiative.
- (b) Endorse, support, oppose or contradict any social issue, cause or religion.
- (c) Endorse, support or oppose any product, service, company or other commercial entity.
- (d) Appear in any commercial, social or nonprofit publication or any motion picture, film, video, public broadcast or on any website.

Additionally, when it can reasonably be construed that an employee, acting in his/her individual capacity or through an outside group or organization (e.g., bargaining group or officer associations), is affiliated with this department, the employee shall give a specific disclaiming statement that any such speech or expression is not representative of the Santa Cruz Police Department.

Employees retain their right to vote as they choose, to support candidates of their choice and to express their opinions as private citizens, including as authorized members of a recognized bargaining unit or officer associations, on political subjects and candidates at all times while off-duty.

However, employees may not use their official authority or influence to interfere with or affect the result of an election or a nomination for office. Employees are also prohibited from directly or indirectly using their official authority to coerce, command or advise another employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes (5 USC § 1502).

1023.5 TRAINING

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

1023.6 PRIVACY EXPECTATION

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

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

1023.7 CONSIDERATIONS

In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the Chief of Police or authorized designee should consider include:

- (a) Whether the speech or conduct would negatively affect the efficiency of delivering public services.
- (b) Whether the speech or conduct would be contrary to the good order of the Department or the efficiency or morale of its members.
- (c) Whether the speech or conduct would reflect unfavorably upon the Department.
- (d) Whether the speech or conduct would negatively affect the member's appearance of impartiality in the performance of his/her duties.
- (e) Whether similar speech or conduct has been previously authorized.
- (f) Whether the speech or conduct may be protected and outweighs any interest of the Department.

Transfer and Rotation Policy

1024.1 PURPOSE AND SCOPE

The purpose of this policy is to establish required and desirable qualifications for transfer within the ranks of the Santa Cruz Police Department, and to establish uniform rotation procedures. This will ensure that Officers and Sergeants have opportunities to work in a variety of assignments.

1024.1.1 DEFINITIONS OF ASSIGNMENTS

For the purposes of this policy, the following definitions shall apply.

Tri-annual rotation - means the date on which most uniformed patrol personnel transfers occur tri-annually and shall be the first day of the tri-annual uniformed patrol shift rotation.

Grant funded position - means a specialty assignment for any rank whose funding is for a pre-determined length of time.

Specialty assignment - means full-time positions for all sworn and non-sworn ranks within the Department that are not considered uniformed Patrol (Patrol Canine assignments are specialty assignments). These assignments shall be filled by competitive processes but are not considered promotions.

1024.2 TERM LIMITS OF ASSIGNMENTS

Term limits shall be established for assignments outside of uniformed patrol operations. It is the intent of the Department to allow more employees a chance to compete for, and work in, various positions that will expand their knowledge and enhance their careers. Extensions may be allowed in assignments when doing so will ensure operational effectiveness.

- (a) Term limits are established for specialty assignments in order to allow employees the opportunity to compete for, and work in, various positions that will expand their knowledge and enhance their careers.
- (b) Sworn personnel assigned to any grant funded position shall be limited to a term of Three (3) years or the life of the position, whichever is less.
- (c) Term limits for specialty assignments are generally calculated to start and end in conjunction with the tri-annual rotation date. For assignments not occurring on the tri-annual rotation date, terms will be calculated to start either at the previous tri - annual rotation date or the following tri-annual rotation date, whichever is nearer.
- (d) The term limits for specialty assignments for all ranks and positions shall be as follows:
 1. Detective: Three (3) year limitation
 2. Traffic Investigator: Three (3) year limitation
 3. County Task Force: Three (3) year limitation
 4. Field Training Officer: Two (2) year limitation
 5. Neighborhood Policing Team: Two (2) year limitation
 6. Alcohol Enforcement: Two (2) year limitation

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7. School Resource: Two (2) year limitation
 8. Canine Handler: Canine Handlers shall be exempt from this transfer and rotation policy and shall serve at the discretion of the Chief of Police.
 9. Detective Sergeant: Three (3) year limitation
 10. Traffic Investigator Sergeant: Three (3) year limitation
 11. Field Training Sergeant: Two (2) year limitation
 12. Neighborhood Policing Sergeant: Two (2) year limitation
 13. Professional Standards: Personnel assigned to Professional Standards shall be exempt from this transfer and rotation policy and shall serve at the discretion of the Chief of Police.
- (e) Selection or reassignment to a specialty assignment from a different specialty assignment shall constitute the beginning of a new term.
- (f) Sworn personnel who are promoted while in a specialty assignment should return to uniformed Patrol as soon as practical at the discretion of the Chief of Police.

1024.3 ELIGIBILITY IF ASSIGNMENTS

Officers are eligible for specialty assignments upon completion of twenty-four (24) months in a position fulfilling the duties of Patrol Officer immediately prior to being assigned to a specialized unit. Officers may apply for a specialty assignment following the fulfillment of twenty (20) months as a Patrol Officer but shall NOT be transferred to a specialty assignment prior to completion of the twenty-four (24) months. Prior law enforcement experience fulfilling the duties of the basic beat Patrol function shall be counted towards this requirement on a one (1) month for one (1) month basis.

Sergeants are eligible for specialty assignments upon completion of probation.

1024.4 SELECTION PROCESS

In order to assist with timely scheduling of the uniformed Patrol Division, vacancies for any positions scheduled to be filled upon a regularly scheduled Patrol shift-change should be completed within 60 days of the shift-change. Vacancies for positions scheduled to be filled at other times should be completed as soon as reasonably practical.

- (a) Position announcements for any vacancy shall be published for no more than fifteen calendar days and no less than ten. Specialty assignment announcements shall be sent to all eligible personnel by Department-wide email at a minimum.
- (b) If there is no interest in a specialty assignment after the first announcement period ends, a second announcement shall be published. During the second announcement period, the assignment shall be available to all personnel at the appropriate rank regardless of the twenty-four (24) month patrol requirement, or any other eligibility limitations listed in this policy.
- (c) If there is no interest in a specialty position after the second announcement period ends, the least-senior sworn member off of probation may be mandated to the position.

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1024.4.1 EVALUATION OF APPLICANTS

Multiple applicants for any position shall take part in a competitive process, to include but not necessarily limited to, an interview panel of at least two persons (generally the unit supervisor and the division commander or designee). The interview panel will transmit their recommendation to the Division Deputy Chief of Police after the process is complete. The following conditions shall be used in evaluating candidates for transfer:

- (a) Presents a professional and neat appearance.
- (b) Demonstrates:
 1. Emotional stability and maturity
 2. Sound judgment/decision making (preceding five years of relevant discipline history may be considered)
 3. Personal integrity
 4. Leadership
 5. Initiative
 6. Ability to confront and/or deal with issues both positive and/or negative
 7. Ability to conform to organizational goals and objectives

1024.4.2 SELECTION OF APPLICANT

The Division Deputy Chief of Police will evaluate interview panel recommendations before any employee is selected for a position. Candidates not selected for a specialty assignment shall remain in an eligibility pool for a period of six (6) months from the closing date of the position announcement. Subsequent vacancies may be filled from this pool. The division commander has the option of re-interviewing candidates for these positions.

The Professional Standards Unit shall maintain a personnel "career history" record of all transfers.

1024.5 FINAL AUTHORITY

The Chief of Police is the final authority for all selections, transfers, assignments, and extensions and may assign personnel as needed in order to maintain an effective and efficient organization.

1024.6 ROTATION OF COMMUNITY SERVICE OFFICERS

For the purposes of evaluating assignments of Community Service Officers, "Special Assignments" includes all assignments other than the Patrol Division (including parks assignments).

1024.6.1 DURATION OF SPECIALIZED ASSIGNMENT

All specialized assignments will be three (3) years. Community Service Officers selected for a specialized assignment should remain in the assignment for at least one year before they apply for another specialized assignment. Reassignment from one specialized assignment to another shall constitute the beginning of a new three (3) year term.

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1024.6.2 VOLUNTARY ASSIGNMENT

When a specialized assignment becomes vacant, any Community Service Officer who has completed probation, or who has received the authorization of the Chief of Police or his or her designee, may apply for the position. Eligible applicants shall be interviewed as part of a competitive process. The Division Commander will have authority in determining appointment to a specialty assignment.

The Community Service Officer who is currently serving in the assignment may reapply but shall only be considered if there are no other qualified applicants. All extensions will be considered separately and are based solely on the needs of the organization at the discretion of the Chief of Police or his or her designee.

1024.6.3 MANDATORY ASSIGNMENT

If there are no applicants for the specialty assignment and the Community Service Officer leaving the assignment does not want to reapply, a Community Service Officer may be ordered to fill the assignment. The order of appointment should start with the Community Service Officer with the least seniority in the department that has completed probation and meets the minimum requirements for the position.

The Chief of Police or his or her designee may override the selection of a minimally qualified candidate if necessary. In such cases, the Chief of Police or his or her designee may mandate the most qualified Community Service Officer to the assignment.

Attachments

OrganizationChart-378.jpg

Supplemental Hate Crime Report.pdf

Hate incident (No Crime Committed)

Hate Crime (422.6 PC, 51.7 CC, 52.1 CC)

VICTIM

VICTIM TYPE

Individual

Legal name (Last, First):

Date of Birth	Age	Sex	Race

School, business or organization

Name: _____

Type: _____
 (e.g., non-profit, private, public school)

Faith-based organization

Name: _____

Faith: _____

Other

Name: _____

Type: _____

Address: _____

Date and time of incident:

Location of incident:

Date and time of report:

Location of report:

Agency Case #:

NATURE OF CALL FOR SERVICE (check all that apply)

Crime against persons

Crime against property

Gang activity

Other _____

BIAS

TYPE OF BIAS

(Check all characteristics that apply)

Disability

Gender

Gender identity/expression

Sexual orientation

Race

Ethnicity

Nationality

Religion

Significant day of offense

(e.g., 9/11, holy days)

Association with a person or group with one or more of these characteristics (actual or perceived)

Other: _____

ACTUAL OR PERCEIVED BIAS – VICTIM’S STATEMENT

Actual bias [Victim has the indicated characteristic(s)].

Perceived bias [Suspect believed victim had the indicated characteristic(s)].

REASON FOR BIAS:

Do you feel you were targeted based on one of these characteristics?

Yes No

Do you know what motivated the suspect to commit this crime?

Yes No

Do you feel you were targeted because you associated yourself with an individual or a group?

Yes No

Are there indicators the suspect is affiliated with a Hate Group (i.e., literature/tattoos)?

Yes No

Are there Indicators the suspect is affiliated with a criminal street gang?

Yes No

BIAS INDICATORS (CHECK ALL THAT APPLY):

Hate speech

Acts/gestures

Property damage

Symbol used

Written/electronic communication

Graffiti/spray paint

Other: _____

HISTORY

SUSPECT INFORMATION				RELATIONSHIP BETWEEN SUSPECT & VICTIM			
Legal name (Last, First): _____				Suspect known to victim: <input type="checkbox"/> Yes <input type="checkbox"/> No			
Other Names used (AKA): _____				Nature of relationship: _____			
Date of Birth	Age	Sex	Race	Length of relationship: _____			
				<input type="checkbox"/> Prior reported incidents with suspect: <i>Total #</i> _____			
Relationship to Victim: _____				Prior unreported incidents with suspect: <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown			

WEAPONS/FORCE

Weapon(s) used during incident? Yes No Type: _____

Force used during incident? Yes No Type: _____

EVIDENCE

Witnesses present during incident? Yes No Statements taken? Yes No

Evidence collected? <input type="checkbox"/> Yes <input type="checkbox"/> No	Recordings: <input type="checkbox"/> Video <input type="checkbox"/> Audio <input type="checkbox"/> Booked	
Photos taken? <input type="checkbox"/> Yes <input type="checkbox"/> No	Suspect identified: <input type="checkbox"/> Field ID <input type="checkbox"/> By photo/video <input type="checkbox"/> Known	

RESOURCES

Resources offered at scene: Yes No

Marsy's Law Handout Hate Crimes Brochure Other: _____

MEDICAL

Victim	Suspect	
<input type="checkbox"/>	<input type="checkbox"/>	Declined medical treatment
<input type="checkbox"/>	<input type="checkbox"/>	Will seek own medical treatment
<input type="checkbox"/>	<input type="checkbox"/>	Received medical treatment
<input type="checkbox"/>	<input type="checkbox"/>	Injuries observed

Completed by	Date
Name/Title/ID number	

**2022-05-09 Santa Cruz Police AB
481 Equipment List_FINAL.pdf**

Santa Cruz Police Department Military Use Equipment List Pursuant to AB481.

1. Robot (Category 1)

a. **Description, quantity, capabilities, and purchase cost:**

- I. Recon Robotics "Throw bot." Purchase cost: \$9,000 in 2013. Quantity: 1. This equipment is a battery powered, remote operated device. It is equipped with a color camera as well as infrared capabilities that allow for use in low or no light situations. It does not have audio capabilities, nor is it capable of creating audio or video recordings. The Throw Bot is designed to be carried and operated by one person and can be thrown a significant distance without damage. It cannot traverse stairs on its own and it does not have any arm, claw or other type of manipulation attachment. The Throw Bot has no ability to have a weapon or other device affixed to it, nor is the Throw Bot capable of delivering a weapon or other device. This equipment is for use during high-risk incidents or incidents where its use may enhance officer or civilian safety. These include but are not limited to a high-risk search warrant, barricaded subject, or hostage negotiation/rescue. This equipment can provide officers with the location of a subject inside of a structure or room. It can assist officers in locating suspects, determining whether the suspect armed, and can provide the locations of injured persons or hostages. This equipment can provide critical tactical information without placing officers at undue risk. This equipment has been used in numerous high risk and dangerous incidents.
- II. AVITAR II by Robotex. SCPD has access to two AVITAR II robots maintained by the Santa Cruz Sheriff's Office. The AVITAR II is a heavy-duty robot, controlled by remote operation with a camera attachment owned by the Santa Cruz Sheriff's Office.

b. **Purpose:**

To be used to remotely search areas and gain visual data.

c. **Authorized Use:**

The SCPD Emergency Service Unit (ESU) Tactical team has primary control over the Throw Bot. It is available for use by any SCPD officer in any situation where it would enhance officer or civilian safety. The AVITAR II Robots are entirely owned and operated by Santa Cruz Sheriff's Office personnel.

d. **Legal and Procedural Rules:**

Any use of SCPD robots will be for official law enforcement purposes, pursuant to State and Federal law, and in a manner that respects the privacy of our community.

e. **Required Training:**

- I. The SCPD conducts department specified training for personnel to use the Throw Bot. This includes set up, deployment, safe and effective use of the Throw Bot.
- II. Training required for the use of the AVITAR II robots is in accordance with the Santa Cruz County Sheriff's policy.

- f. **Expected Lifespan:**
 - I. Throw Bot: The Throw Bot is designed to be in service 8-10 years. The Throw Bot will be used until repairs are no longer supported by the manufacturer; the Throw Bot has been in service since 2013. It has been repaired by the manufacturer once.
 - II. AVITAR II: Not a consideration for SCPD.
 - g. **Fiscal Impact**
 - I. Throw Bot: No known annual maintenance costs.
 - II. AVITAR II: No fiscal impact for SCPD.
2. Unmanned Aerial Vehicles (Category 1)
- a. **Description, quantity, capabilities, and purchase cost.**
 SCPD does not currently possess any unmanned Aerial Vehicles. SCPD does have access to several Unmanned Aerial Vehicles maintained by the Santa Cruz County Sheriff's Office. The Sherriff's Office possess several different unmanned aerial vehicles that can provide higher altitude aerial views of locations or search areas. The Unmanned Aerial Vehicles can also provide interior search capabilities in areas that are impassable for SCPD's Recon Robot and in situations where officers entering would be unsafe.
 - b. **Purpose:**
 To be deployed when its capabilities would provide officer or incident commanders with an aerial view of a location or the interior of a specific location. The unmanned aerial vehicles may be deployed in situations that include, but are not limited to, a search for a missing person, natural disaster management, tactical or other public safety and life preservation situations.
 - c. **Authorized Use:**
 Only operators assigned to the Santa Cruz County Sherriff's department may operate the Unmanned Aerial Vehicles. The Santa Cruz County Chief Deputy must authorize all requests for use by outside agencies.
 - d. **Legal and Procedural Rules:**
 Use is established under the Santa Cruz County Sheriff's Office Policy 606 and FAA Regulation 14 CFR Part 107. During their use, all other SCPD policies remain in effect, including but not limited to, Search and Seizure -312, Missing Persons-316, Emergency Services Unit-404. It is the policy of the SCPD to utilize Unmanned Aerial Vehicles only for official law enforcement purposes, pursuant to State and Federal law, and in a manner that respects the privacy of our community.
 - e. **Required Training:**
 No required training for SCPD officers as only operators assigned to the Santa Cruz County Sherriff's department may operate the equipment.
 - f. **Expected Lifespan:**
 Not a consideration for SCPD.
 - g. **Fiscal Impact**
 No fiscal impact for SCPD.

3. Armored Personnel Carrier, vehicle with entry apparatus attached (Category 2&3)
 - a. **Description, quantity, capabilities, and purchase cost:**
Lenco Armored Rescue Vehicle (ARV). Purchase cost \$230,378. Quantity: 1.
The ARV is designed to provide ballistic protection during tactical events and is designed to withstand multiple bullet strikes from small arms fire and low level explosions. The ARV is equipped with remote operated spotlights, emergency lights, siren, and a public address system. Common uses for the ARV include citizen and officer rescues, evacuations and the deployment of officers and chemical munitions. The ARV has been used in numerous high-risk and critical incidents including use by allied agencies in Santa Clara County, Santa Cruz County and San Mateo County.
 - b. **Purpose:**
To be used in response to high-risk or critical incidents to enhance officer and community safety, assist in scene containment and to assist in resolving critical incidents.
 - c. **Authorized Use:**
Only the Watch Commander or the ESU commander may authorize the use of the ARV. Deployment must be based on the specific circumstances of a given critical incident. The ARV was purchased through a BUASI grant. The terms of this grant require that SCPD make the ARV available to any allied agency with the BUASI area as long as the situation the ARV is requested for meets the criteria for deployment set forth in SCPD Policy 702. SCPD generally sends at least one member of the ESU tactical team with the ARV if one is available.
 - d. **Legal and Procedural Rules:**
All applicable SCPD policies including but not limited to Vehicle Use -702, ESU Tactical Team-404. It is the policy of the Department to utilize armored vehicles only for official law enforcement purposes, and pursuant to State and Federal law.
 - e. **Required Training:**
Members of the ESU team train officers in the use of the ARV. This training includes capabilities of the ARV, safety considerations, conducting civilian and officer rescues as well as other deployment considerations.
 - f. **Expected Lifespan:**
20 years.
 - g. **Fiscal Impact**
\$4,312 per year (parts, labor, and fuel).
4. Ford F350 transport vehicle (ESU Truck, category 5)
 - a. **Description, quantity, capabilities, and purchase cost.**
2008 Ford F350 transport vehicle. A standard Ford F350 truck chassis with a large box type compartment attached to the chassis from the cab back. Purchase cost: \$65,000. Quantity: 1. The interior of the compartment is fitted with shelving and seats. The outsides of the compartment are fitted with multiple storage boxes. The vehicle contains various equipment, spare ballistic shields, breaching tools, small tools, medical supplies, pens, writing tablets, power inverters etc.

- b. **Purpose:**
The Ford F350 is deployed during critical incidents or any other instance where it can be utilized to transport personnel and equipment.
 - c. **Authorized Use:**
Any member of the SCPD is authorized to drive the vehicle if directed to do so. The vehicle is used primarily by the ESU team.
 - d. **Legal and Procedural Rules:**
All applicable SCPD policies including but not limited to Vehicle Use -702 and Emergency Services Unit-404. It is the policy of the SCPD to use the vehicle only for official law enforcement purposes, and in accordance with California State law regarding the operation of motor vehicles.
 - e. **Required Training:**
All driver/operators shall receive training in the safe operation of the vehicle.
 - f. **Expected lifespan:**
20 Years.
 - g. **Fiscal Impact:**
\$1,158 per year (parts, labor, and fuel).
5. Command and Control Vehicles (Category 5)
- a. **Description, quantity, capabilities, and purchase cost:**
Chevy Tahoe Patrol Vehicle. Purchase cost: \$60,000 each.
Quantity: (1) 2017 Model (Lieutenant), (3) 2018 models (Sergeants). These vehicles can act as a Mobile Command Center. The vehicle is equipped with file cabinets, dry erase board, medical supplies, and additional mapping equipment.
 - b. **Purpose:**
The Mobile Command Center is commonly utilized during incidents which involve the use of the Incident Command System (ICS). The Mobile Command Center assists with creating a set of objectives and overall goals, developing appropriate tactics, ensuring the allocation of appropriate resources, reviewing plans, communicating goals, tactics, expectations, and establishing accountability.
 - c. **Authorized Use:**
The Mobile Command Center is used when deemed appropriate by the field supervisor or Watch Commander.
 - d. **Legal and Procedural Rules:**
All applicable SCPD policies including but not limited to Vehicle Use -702. It is the policy of the SCPD to use the vehicle only for official law enforcement purposes, and in accordance with California State law regarding the operation of motor vehicles.
 - e. **Required Training:**
All driver/operators shall receive training in the safe operation of the vehicle.
 - f. **Expected Lifespan:**
 - I. Chevy Patrol Vehicle: 10 years.
 - II. The Mobile Command Center does not have a minimum or maximum lifespan and can be transferred to other vehicles.
 - g. **Fiscal Impact:**
 - I. There is no annual maintenance cost for The Mobile Command Center.

- II. Vehicle maintenance cost is approximately \$1,575 per year, per vehicle (parts, labor, and fuel).
6. Firearms of Greater than .50 caliber (Category 8)
- a. **Description, quantity, capabilities, and purchase cost:**
Mossberg 590 12-gauge pump action shotguns. Purchase cost, approximately \$1,400 each. Quantity: 2. These shotguns are built on a standard Mossberg 590 action. They have a 13.5-inch barrel with a breaching muzzle brake affixed to the end of the barrel.
 - b. **Purpose:**
These shotguns are specifically designed to be used as breaching tools in situations where rapid entry into a structure is required, such as a hostage situation. They are used to defeat the locking mechanism or the hinges of door by firing a breaching shotgun round into these areas.
 - c. **Authorized Use:**
Only members of the ESU Tactical team who have completed a breaching school and are trained in the use of these weapons are authorized to use them.
 - d. **Legal and Procedural Rules:**
All applicable department policies, including but not limited to Use of Force-300, Firearms-306, Search and Seizure-312 and Emergency Services Unit-404. It is the policy of the SCPD to utilize firearms and ammunition only for official law enforcement purposes, and pursuant to State and Federal law, including those regarding the use of force.
 - e. **Required Training:**
Only officers who have completed a department authorized breaching school may use these shotguns. The school must include specific training related to the breaching shotgun.
 - f. **Expected Lifespan:**
No expiration date. The shotguns may need replacement parts when serviced or replaced if they break.
 - g. **Fiscal Impact:**
\$0-\$1,400 per year.
7. Firearms of Greater than .50 Caliber (Category 8)
- a. **Description, quantity, capabilities, and purchase cost:**
Remington 870 12 Gauge pump action chemical agent launching shotgun. Purchase cost: \$700. Quantity: 1. This shotgun was repurposed from an out of service shotgun that SCPD already had in inventory. This shotgun is specifically designed to launch a specific type of chemical munition. Though based on a standard 12-gauge shotgun, it is not designed or capable of firing lethal shotgun rounds. The buttstock and fore end are bright orange, and it is marked as a "Less Lethal" weapon. It has a purpose-built launching cup permanently affixed to the muzzle.
 - b. **Purpose:**
This shotgun is designed to launch a specific type of launchable CS (2-chlorobenzylidene malononitrile) chemical agent canisters approximately 25 yards away. It allows officers to deploy chemical agents during critical incidents

from behind cover or in a situation where hand delivering the agents would be unsafe. It allows officers the ability to deploy chemical agents in second and third floors of structures where it would be impossible for officers to hand deliver the agents.

- c. **Authorized Use:**
Only officers assigned to the ESU Tactical team are currently authorized to use this launching shotgun.
 - d. **Legal and Procedural Rules:**
All applicable policies including but not limited to Use of Force-300, Firearms-306, Control Devices and Techniques-302, Search and Seizure- 312 and ESU Tactical team -404. It is the policy of the SCPD to utilize firearms and ammunition only for official law enforcement purposes, and pursuant to State and Federal law, including those regarding the use of force.
 - e. **Required Training:**
Officers must attend department training regarding the use of these items. This training includes SCPD policy, legal obligations, and reporting requirements. Instructors must attend a 40-hour POST certified instructor course regarding the use of chemical agents, noise, flash, diversionary devices (NFDD) and deployment platforms, in addition to manufacture specific instructor certifications. The SCPD maintains officers who are POST certified as instructors of chemical munitions, NFDD and launching platforms. These officers in turn train other members of the department.
 - f. **Expected Lifespan:**
No expiration. The shotgun may need parts when serviced or replacement if it breaks.
 - g. **Fiscal Impact:**
\$0-\$700 per year.
8. Ammunition of .50 caliber or greater (Category 9).
- a. **Description, quantity, capabilities, and purchase cost:**
12. Gauge launching Cartridges Defense Technologies part number 1210. Purchase cost: \$371.25. Quantity: 55. These are blank shotgun cartridges that utilize black powder as the propellant.
 - b. **Purpose:**
When used with launching shotgun, the pressure created in the barrel by the expanding gasses of the black powder propellant provide enough force to launch the chemical agent canister from the shotgun. Though this ammunition is designed and is advertised for other uses, the SCPD only uses it as a launching cartridge for the launching shotgun.
 - c. **Authorized Use:**
Only officers assigned to the ESU team who are trained in the use of the launching shotgun are permitted to use these shotgun-launching rounds.
 - d. **Legal and Procedural Rules:**
All applicable policies including but not limited to Use of Force-300, Firearms-306, Control Devices and Techniques-302, Search and Seizure- 312 and ESU Tactical team -404. It is the policy of the SCPD to utilize firearms and ammunition

only for official law enforcement purposes, and pursuant to State and Federal law, including those regarding the use of force.

- e. **Required Training:**
Officers must attend department training regarding the use of these items. This training includes SCPD policy, legal obligations, and reporting requirements. Instructors must attend a 40-hour POST certified instructor course regarding the use of chemical agents, NFDD and deployment platforms, in addition to manufacture specific instructor certifications. The SCPD maintains officers who are POST certified as instructors of chemical munitions, NFDD and launching platforms. These officers in turn train other members of the department.
 - f. **Expected Lifespan:**
5 years.
 - g. **Fiscal Impact:**
\$0-\$500 per year.
9. Specialized Firearms and ammunition of less than .50 caliber (Category 10)
- a. **Description, quantity, capabilities, and purchase cost:**

The department maintains a Precision Rifle team within the ESU Tactical team. These officers are trained in the use of precision rifles that are specifically designed to stop lethal threats at various distances and through barrier mediums that a carbine rifle would not. These rifles are chambered in .308 Winchester. This is a .30 caliber round that is highly accurate and used during potentially lethal encounters. The .308 is capable of defeating soft body armor at greater distances.

 - I. Defiance bolt action precision rifles. Purchase cost: \$15,609. Quantity: 3.
 - II. Accuracy International AT series bolt action rifle. Purchase cost: \$4,462. Quantity: 1.
 - III. Hornady .308 155 grain ELD Match TAP ammunition. Purchase cost: \$6,720. Quantity: 3,200.
 - b. **Purpose:**
To provide officers with the ability to address lethal threats with more precision, at greater distances than a Carbine rifle or handgun are capable.
 - c. **Authorized Use:**
Only those officers assigned to the ESU Tactical team, and who have been selected as members of the Precision Rifle team may use these weapons.
 - d. **Legal and Procedural Rules:**
All applicable department policies, including but not limited to, Use of Force-300, Firearms-306 and ESU Tactical Team-404. It is the policy of the SCPD to utilize firearms and ammunition only for official law enforcement purposes, and pursuant to State and Federal law, including those regarding the use of force.
 - e. **Required Training:**
Officers assigned to the Precision Rifle Team are required to attend and pass a POST certified basic Precision Rifle course before they are permitted to use these weapons.
 - f. **Expected Lifespan:**

- I. Defiance Precision Rifles, no expiration date. They will need parts and service as they become worn or break.
 - II. Accuracy International AT Series Rifle, no expiration date. It will need parts and service as they become worn or break.
 - III. Hornady 155 grain ELD Match TAP, no expiration date.
 - g. **Fiscal Impact:**
 - I. Precision rifles, \$0-\$1,000 per fiscal year.
 - II. Hornady Ammunition, \$0-\$6,720 per fiscal year.
10. Flashbang, Teargas and Pepper balls (Category 12)
- a. **Description, quantity, capabilities, and purchase cost:**
 Noise, Flash, Diversionary Devices (NFDD) commonly referred to as “flashbangs” are single use devices that emits a loud bang and a very bright flash. They are designed to disorient and distract dangerous subjects by overwhelming their senses and provide a window of time, approximately 6-8 seconds, for officers to take control of dangerous or high-risk situations. Additionally, the SCPD possess “Stinger Grenades.” This device is a rubber ball that contains a small NFDD in addition to 60 .32 caliber rubber balls. When used, the grenade separates along its hemisphere and expels the balls while simultaneously giving a loud bang and bright flash. These are useful in crowd control or riot situations as a means to disperse groups of violent individuals in addition to the disorienting effect of the NFDD component to mitigate dangerous behavior. These can be purchased in configurations that include OC/CS (2chlorobenzylidene malononitrile/Oleoresin Capsicum) agent dispersing capabilities, inert powders or simply the .32 caliber balls.
 - I. 8902NR 12-gram low roll NFDD. Purchase cost: \$2,426. Quantity: 40.
 - II. 7007 4-gram NFDD training reloads. Purchase cost \$955. Quantity: 26.
 - III. 1090 Stinger Grenades. Purchase cost \$523. Quantity: 10.
 - b. **Purpose:**
 To produce a loud noise, overpressure, and a very bright flash, that can cause temporary psychological and physiological deprivation and give officers an advantage in high-risk tactical situations. Generally, NFDD (not including stinger grenades) are not a primary device used in riot situations, however there are narrow instances requiring authorization of the incident commander where they could be used.
 - c. **Authorized Use:**
 Only those officers who are trained in the use of the devices are authorized to use them. Currently the only officers trained in the use of these devices are members of the ESU Tactical team. Use of NFDD is controlled by SCPD policy and best practice. Situations where an NFDD may be used include but are not limited to hostage or barricaded subject situations, high-risk warrant service (arrest/search) where risk to officers is extremely high; during any other high risk situation where use of an NFDD may increase officer safety or training.
 - d. **Legal and Procedural Rules:**
 All applicable department policies, including but not limited to Use of Force-300, ESU tactical Team-404, Control Devices and Techniques-302. It is the policy of

the SCPD to utilize these devices only for official law enforcement purposes, and pursuant to State and Federal law, including those regarding the use of force.

e. **Required Training:**

Officers must attend department training regarding the use of these items. This training includes SCPD policy, legal obligations, and reporting requirements. Instructors must attend a 40-hour POST certified instructor course regarding the use of chemical agents, NFDD and deployment platforms, in addition to manufacture specific instructor certifications. The SCPD maintains officers who are POST certified as instructors of chemical munitions, NFDD and launching platforms. These officers in turn train other members of the department.

f. **Expected Lifespan:**

- I. 8902NR 12-gram low roll NFDD- 5 years.
- II. 7007 4-gram NFDD training reloads- 5 years.

g. **Fiscal Impact:**

- I. 8902NR 12-gram low roll NFDD-\$0-\$2000 per year.
- II. 7007 4-gram NFDD training reloads \$0-\$832 per year.

11. Chemical Agents "Teargas" (Category 12)

a. **Description, quantity, capabilities, and purchase cost:**

The SCPD uses chemical agents, commonly referred to as "teargas" as less lethal tools to disperse rioting subjects or on barricaded subjects. The two agents the SCPD uses are CS (2-chlorobenzylidene malononitrile) and OC (Oleoresin Capsicum). CS is an irritating agent and a lachrymator. It irritates the eyes and causes tearing while also irritating the respiratory system causing coughing. These reactions are temporary and quickly subside especially if the subjects remove themselves from the area where the chemical agent has been deployed. The U.S Army has tested CS extensively. There are no known allergic reactions to CS. OC is an inflammatory agent. It causes a burning sensation, involuntary closure of the eyes and tightness in the chest. These symptoms generally subside within an hour or less of exposure. OC is legal for civilians to possess in certain quantities.

- I. 1082 Riot Control CS Canister. Purchase cost: \$352. Quantity: 12. Pyrotechnic device used in outdoor situations to disperse rioting crowds, should not be used indoors due to risk of fire. Releases 75.6 grams of CS in 20-40 seconds.
- II. 1032 Tri-Chamber Flameless CS Canister. Purchase cost: \$647. Quantity: 14. Pyrotechnic device designed to be used indoors and presents a minimal risk of fire. Hand delivered only. Releases 20 grams of agent in 20-30 seconds.
- III. 5230B Baffled Launchable CS canister. Purchase cost: \$416. Quantity: 10. Pyrotechnic device, designed to be launched from the launching shotgun. For use indoors and presents minimal risk of fire. Releases 25 grams of agent in 20-40 seconds.
- IV. 1026 Triple Chaser separating canister. Purchase cost: \$1,047. Quantity: 20. Pyrotechnic device, designed to be used outdoors in riot control situations. It is a canister, that when deployed separates into three smaller canisters. It allows officers to deploy chemical agents over a

larger area with less munitions. Releases 92 grams of agent between three separate smaller canisters over 20-30 seconds.

- V. 56854 Aerosol OC Fogger. Purchase cost: \$89. Quantity: 4. Non-pyrotechnic canister. This canister sprays OC with the aid of compressed air. It is designed to be used indoors or in vehicles. It has no risk of fire. It will release a 1.3% OC spray over 15-25 seconds.
- VI. 2262 40mm CS Liquid Ferret projectile. Purchase cost: \$1,238. Quantity: 44. Non-pyrotechnic launched projectile. This munition is fired from a 40mm less lethal launcher. It is a hardened projectile intended to be used to defeat barriers such as glass and thin wooden barriers. When it penetrates or impacts a hard surface, it disperses liquid CS agent into the area. These are not for use against people.
- VII. 2260 40mm OC Liquid Ferret projectile. Purchase cost: \$289. Quantity: 10. Non-pyrotechnic launched projectile. This munition is fired from a 40mm less lethal launcher. It is a hardened projectile intended to be used to defeat barriers such as glass and thin wooden barriers. When it penetrates or impacts a hard surface, it disperses liquid OC agent into the area. These are not for use against people.

b. **Purpose:**

To limit escalating situations where lethal force is prohibited or undesirable. Situations where these munitions would be deployed include, but are not limited to self-destructive, dangerous, or combative individuals; riot or crowd control situations or other violent civil unrest; situations where use of the munitions would provide a tactical advantage; training or authorized demonstration. A “tactical advantage” could include but is not limited to deployment into a structure or vehicle where an armed violent/self-destructive subject is barricaded; or a riot situation where, deployment can either create an environment that causes violent persons to disperse or leave the area or limit the advance of a violent group or deny a violent group access to specific areas or law enforcement.

c. **Authorized Use:**

Only officers trained in the use of these munitions may use them. This includes officers assigned to the ESU Tactical team and officers assigned as “grenadiers” during a crowd control or violent civil unrest situation.

d. **Legal and Procedural Rules:**

To be used in accordance with Penal Code section 13652 (AB 48). All applicable policies, including but not limited to Use of Force-300, ESU Tactical team-404 and Control Devices and techniques-302. It is the policy of the SCPD to utilize chemical agents only for official law enforcement purposes, and pursuant to State and Federal law, including those regarding the use of force.

e. **Required Training:**

Officers must attend department training regarding the use of these items. This training includes SCPD policy, legal obligations, and reporting requirements. Instructors must attend a 40-hour POST certified instructor course regarding the use of chemical agents, NFDD and deployment platforms, in addition to manufacture specific instructor certifications. The SCPD maintains officers who are POST certified as instructors of chemical munitions, NFDD and launching platforms. These officers in turn train the other members of the department.

f. **Expected Lifespan:**

- I. 1082 Riot Control CS Canister-5 years.
- II. 1032 Tri-Chamber Flameless CS Canister-5 years.
- III. 5230B Baffled Launchable CS canister-5 years.
- IV. 1026 Triple Chaser separating canister-5 years.
- V. 56854 Aerosol OC Fogger-5 years.
- VI. 2262 40mm CS Liquid Ferret projectile-5 years.
- VII. 2260 40mm OC Liquid Ferret projectile-5 years.

g. **Fiscal Impact:**

All chemical munitions \$0-\$5,000 per fiscal year based on fiscal budgeting.

12. Pepper Ball Guns and Pepper Balls (Category 12)

a. **Description, quantity, capabilities, and purchase cost.**

- I. Pepper ball guns. Purchase cost. \$1,399. Quantity: 4. Pepper ball guns are a compressed air powered launcher, almost identical in manufacture to a common paintball gun. It fires .68 caliber plastic balls that contain an irritant powder. The pepper ball gun can fire pepper balls up to 60 feet and can launch pepper balls farther to saturate an area.
- II. Pepper Balls. Purchase cost: \$967 (per container). Quantity: 4 (containers of 375 pepper balls). Pepper Balls are .68 caliber projectiles. They are a plastic shell that contains an irritant powder that consists of PAVA, a pepper derivative. This powder causes a burning sensation and involuntary eye closure when coupled with the impact of the projectile. It is used for pain compliance and disorientation.

b. **Purpose:**

To limit escalating situations where lethal force is prohibited or undesirable. Situations where these munitions would be deployed, include Self destructive, dangerous, or combative individuals; riot or crowd control situations or other violent civil unrest; situations where use of the munitions would provide a tactical advantage; training or authorized demonstration. A "tactical advantage" could include but is not limited to deployment into a structure or vehicle where an armed violent/self-destructive subject is barricaded, or a riot situation where, deployment can either create an environment that causes violent persons to disperse or leave the area or limit the advance of a violent group or deny a violent group access to specific areas or law enforcement.

c. **Authorized Use:**

Only officers who are certified to use the pepper ball system.

d. **Legal and Procedural Rules:**

To be used in accordance with Penal Code section 13652 (AB 48). All applicable policies including but not limited to Use of Force-300, Control Devices and Techniques-302. It is the policy of the SCPD to utilize pepper ball guns and pepper balls only for official law enforcement purposes, and pursuant to State and Federal law, including those regarding the use of force.

e. **Required Training:**

Officers must attend a manufacturer specific training course to be certified to use the pepper ball systems.

f. **Expected Lifespan:**

- I. Pepper ball guns, no expiration. They will need parts and service as they wear out or break.
- II. Pepper Balls, 2 years.

g. **Fiscal Impact**

Pepper ball guns, \$0-\$500 per year.

Pepper Balls \$0-\$500 per year.

13. Long Range Acoustic Device (LRAD) (Category 13)

a. **Description, quantity, capabilities, and purchase cost:**

GENASYS Inc. LRAD-100X. Purchase cost: \$8,179.77. Quantity: 1. This device is a self-contained, lightweight, battery-operated hailer that communicates with great intelligibility up to 600 meters. It emits acoustic sound pressure levels up to 140db. It provides clear unmistakable, intelligible communications and stunning alert tones and can play pre-recorded audio messages, mp3 audio files and live broadcasting via a handheld microphone. It can broadcast tones at a volume that causes discomfort to those who hear the tones. The device provides directional sound capabilities allowing the user to direct the uncomfortable tones at a specific person or group of persons.

b. **Purpose:**

To serve as a notification/communication system during critical incidents, where the user is conveying a message to a person or persons. To be used during violent or riotous situations as a means to advise participants that they are involved in legally prohibited activities. To be used to broadcast alert tones in a directed manner at persons involved in riotous or destructive behavior as a means of dispersing the crowd and stopping the behavior. This device provides the SCPD with the ability to address violent persons or groups of persons during a riot or other violent crowd control situation without the use of kinetic less lethal weapons such 40mm launchers or chemical agents, allowing SCPD to attempt de-escalation via less forceful means.

c. **Authorized Use:**

Only officers who are trained in its use, with the authorization of an incident commander, may use this device.

d. **Legal and Procedural Rules:**

All applicable policies including but not limited to Use of Force-300, Control Devices and Techniques-302. It is the policy of the SCPD to utilize the LRAD only for official law enforcement purposes, and pursuant to State and Federal law.

e. **Required Training:**

Officers must attend a department specified training to use this device.

f. **Expected Lifespan:**

20-25 years. Repairs completed as needed.

g. **Fiscal Impact:**

No known fiscal impact, the device is new.

14. 40mm Projectile Launchers (Category 14)

a. **Description, quantity, capabilities, and purchase cost:**

The 40mm projectile launcher is a Less Lethal platform. It is not a firearm and is not capable of firing any military grade explosive projectile. It is designed to fire a projectile designed to be used against persons in situations where lethal force is prohibited. It allows officers to use Less Lethal Direct Impact spins stabilized munitions at distances up to 120 feet. The munitions cause pain compliance via blunt force impact. They can incapacitate violent subjects armed with weapons that are not firearms, allowing officers to safely take a subject into custody. The standoff capabilities allow officers to apply force via the impact rounds and assess if further application of force is required. This mitigates the need for officers to approach a violent/armed subject, reducing the chances of a lethal force scenario.

- I. Defense Technologies DT1325 40mm-single barrel launchers. Purchase cost: \$11,620. Quantity: 14. (No longer manufactured)
- II. Lewis Machine and Tool (LMT) 1425 40mm single barrel launchers. Purchase cost: \$12,450. Quantity: 15.
- III. Lewis Machine and Tool (LMT) 1440 40mm 4 shot multi launchers. Purchase cost: \$3,798. Quantity: 2.
- IV. Penn Arms PGL65-40 40mm 6 shot multi launcher. Purchase cost: Approximately \$3,000. Quantity: 1.

b. **Purpose:**

To be used as a less lethal tool, to apply pain compliance to self-destructive, armed, or combative/resistive persons, to prevent the person from causing harm to themselves or others. Also used during violent riots or large crowd control disturbances. They can be used to mark persons engaged in the above activity making the person(s) identifiable for arrest.

c. **Authorized Use:**

Only officers who have completed a department training course may deploy these less lethal tools. Every patrol vehicle has a single launcher in it for use by patrol officers. Only officers specifically trained in the use and application during a crowd control or riotous situation may use them in those instances.

d. **Legal and Procedural Rules:**

To be used in accordance with Penal Code section 13652 (AB 48). All applicable policies, including but not limited to, Use of Force-300, Control Devices and Techniques-302 and Emergency services Tactical Team-404. It is the policy of the SCPD to utilize these devices only for official law enforcement purposes, and pursuant to State and Federal law, including those regarding the use of force.

e. **Required Training:**

Officers must attend department training regarding the use of these items. This training includes SCPD policy, legal obligations, and reporting requirements. Instructors must attend a 40-hour POST certified instructor course regarding the use of chemical agents, NFDD and deployment platforms, in addition to manufacture specific instructor certifications. The SCPD maintains officers who are POST certified as instructors of chemical munitions, NFDD and launching platforms. These officers in turn train other members of the department.

f. **Expected Lifespan:**

- I. Defense Technologies DT1325 40mm-single barrel launchers: No expiration. No longer manufactured. Will be serviced or repaired if viable.
 - II. Lewis Machine and Tool (LMT) 1425 40mm single barrel launchers: No expiration. Will need parts and service when they wear out or break.
 - III. Lewis Machine and Tool (LMT) 1440 40mm 4 shot multi launchers: No expiration. Will need parts and service when they wear out or break.
 - IV. Penn Arms PGL65-40 40mm 6 shot multi launcher: No expiration. Will need parts and service when it wears out or breaks.
- g. **Fiscal Impact:**
For all the listed launchers: \$0-500 per year.

15. 40mm ammunition: (Category 14)

- a. **Description, quantity, capabilities, and purchase cost:**
40mm ammunition meant to be used in 40mm Projectile Launchers described above. All the 40mm rounds in this section are approved for use against people if the force is justified. SCPD has three impact munitions, the Exact Impact is a less lethal projectile made of a foam rubber often called a "sponge round" with a consistency like a sponge. It is fired using smokeless powder and is designed to incapacitate people through pain compliance and impact. It is blue in color and can be fired from ranges between 5' and 120'. The Direct Impact round is an impact munition that carries a powder payload within the projectile. The payload can be a chemical agent powder, or it can contain an inert marking powder. These munitions provide the same less lethal pain compliance/de-escalation/violence mitigation functions as the Exact Impact munitions, with the added benefit of an irritant powder, or the ability to make a riotous subject identifiable for arrest. The SCPD also uses reusable training ammunition that allow true to real training at lower cost.
- I. eXact Impact 40mm: Purchase cost: \$4,011. Quantity: 140.
 - II. Direct Impact 40mm OC. Purchase cost: \$732. Quantity: 24.
 - III. Direct Impact 40mm Marking. Purchase cost: \$970. Quantity: 32.
 - IV. Training Sponge ammunition 24 round kit. Purchase cost: \$2,537. Quantity: 7.
- b. **Purpose:**
To be used as a less lethal tool in situations where lethal force is prohibited. To assist officers in intervening in violent or potentially violent situations by use of pain compliance. To allow officers the ability to apply less lethal force from distance or behind cover, which provides time to assess the effect of the force used and re-apply or discontinue force as the situation allows.
- c. **Authorized Use:**
Only officers who are trained in the use of these projectiles are authorized to use them. Situations where use may be authorized include but are not limited to armed self-destructive individuals, violent resistive individuals, violent riotous individuals, situations where use would increase safety and mitigate the need for higher uses of force, authorized training or demonstrations.
- d. **Legal and Procedural Rules:**

To be used in accordance with Penal Code section 13652 (AB 48). All applicable policies including but not limited to Use of Force-300, Control Devices and Techniques-302. It is the policy of the SCPD to utilize these devices only for official law enforcement purposes, and pursuant to State and Federal law, including those regarding the use of force.

e. **Required Training:**

Officers must attend department training regarding the use of these items. This training includes SCPD policy, legal obligations, and reporting requirements. Instructors must attend a 40-hour POST certified instructor course regarding the use of chemical agents, NFDD and deployment platforms, in addition to manufacture specific instructor certifications. The SCPD maintains officers who are POST certified as instructors of chemical munitions, NFDD and launching platforms. These officers in turn train other members of the department.

f. **Expected Lifespan:**

- I. eXact Impact 40mm-5 years.
- II. Direct Impact 40mm OC-5 years.
- III. Direct Impact 40mm Marking-5 years.
- IV. Training Sponge ammunition 24 round kit-5 years.

g. **Fiscal Impact:**

\$0- 5,000 per year. Given the 5-year life span of these munitions, the SCPD may not need to purchase more every fiscal year.

16. Other Specified Items/Equipment (Category 15)

a. **Description, quantity, capabilities, and purchase cost:**

The department currently issues AR-15/M4 style Carbine rifles to its officers as a means of addressing potential lethal force situations. The department issues two brands, Colt and Lewis Machine and Tool (LMT). The Carbine rifle is a lightweight, gas operated, air-cooled, shoulder fired, semi-automatic, magazine fed weapon. It is capable at providing accurate fire at various distances. The Hornady 5.56x45mm NATO, 75 grain BTHP (Boat Tail Hollow Point) TAP (Tactical Application Police) is the current standard issue rifle ammunition for all carbines in the department. This ammunition type is a medium caliber rifle round. It is capable of defeating soft body armor a subject may be wearing, as well as other intermediate barriers. The duty round is specifically designed to limit over penetration thus mitigating danger to innocent persons or other officers. SCPD uses ammunition of the same caliber ammunition for training purposes. Generally, the training ammunition is 55 grain full metal jacket ammunition. This type of ammunition is solely for training purposes. The cost of the training ammunition is less than that of the duty ammunition.

- I. Colt Carbines. Purchase cost: \$33,250. Quantity: 35.
- II. LMT Carbines. Purchase cost: \$49,000. Quantity: 35.
- III. Hornady 5.56x45mm NATO, 75 grain BTHP TAP. Purchase cost: \$4,560. Quantity: 5,700. SCPD does not have to order duty ammunition every fiscal year.

- IV. .223/5.56 55 grain full metal jacket is the standard training round the department uses. The manufacturer of the ammunition varies based on what is available at the time the department needs to make an order. Quantity: 35,500. Cost: \$12,070.
- b. **Purpose:**
The Carbine rifle provides officers the ability to employ a more precise weapon in potential lethal force encounters. It provides officers the ability address armed violent subjects at a greater distance than with a handgun. It provides officers with the ability to defeat soft body armor and intermediate barriers when addressing armed violent subjects.
- c. **Authorized Use:**
Only officers who have completed a POST required 16-hour training course are authorized to use the carbine rifle and associated ammunition.
- d. **Legal and Procedural Rules:**
All applicable department policies, including but not limited to, Use of Force-300, Firearms-306. It is the policy of the SCPD to utilize firearms and ammunition only for official law enforcement purposes, and pursuant to State and Federal law, including those regarding the use of force.
- e. **Required Training:**
All officers are required to attend a POST required 16-hour Patrol Rifle course before they are permitted to use these weapons. Currently this course is mandatory for all officers after graduating the Academy, before beginning the Field Training Program
- f. **Expected Lifespan:**
Carbine Rifles, approximately 20 years. Service is performed as needed and parts are replaced as they become worn or break.
Hornady TAP 75 grain 5.56x45mm NATO, no expiration.
.223/5.56x45 training ammunition, no expiration.
- g. **Fiscal Impact:**
Carbine Rifles: \$0-\$12,000 per fiscal year.
Ammunition: \$0-\$40,000 per fiscal year.

Uniform and Equipment Specifications - 1018.2.pdf

SANTA CRUZ POLICE DEPARTMENT AUTHORIZED UNIFORMS UNIFORM AND EQUIPMENT SPECIFICATIONS – JULY 2022 VERSION 1018.2

Class A Uniform:

Shirt - LA Select Type Flying Cross / Elbeco – *Must be in color LAPD navy (Long Sleeve Only)



Pant - LA Select Type Flying Cross / Elbeco *Must be in color LAPD navy



Class B Uniform:

Shirt - LA Select Type Flying Cross / Elbeco *Must be in color LAPD navy (Long or short Sleeve)



Pant - LA Select Type Flying Cross / Elbeco *Must be in color LAPD navy



Shirt PDU Option – 5.11 Taclite PDU color Midnight Navy Long Sleeve Part #72366 / Short Sleeve #71168

PDU must be worn with silver metal badge and silver metal name plate in this configuration.



Pant PDU Option – 5.11 Taclite PDU in color Midnight Navy Men’s Part #74371 / Women’s Part #64371



(PDU option only issued and wearable upon successful completion of Field Training)

Class C Uniform:

Shirt - LA Select Type Wool Flying Cross / Elbeco *Must be in color LAPD navy (short Sleeve)



Shirt PDU Option – 5.11 Taclite PDU in color Midnight Navy Short Sleeve Part #71168

PDU must be worn with silver metal badge and silver metal name plate in this configuration.



Short (Pant Option) – 5.11 Bike Patrol Pant in color Midnight Navy Part #45502

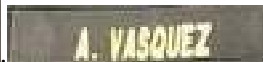


(Class C uniform only issued and wearable upon successful completion of Field Training as needed)

Class E Uniform:

Shirt PDU – 5.11 Taclite PDU Long Sleeve color Midnight Navy Part #72366 (Cloth Badge and Name Plate)

PDU must be worn with cloth badge and cloth name plate in this configuration.



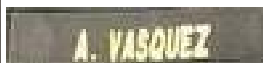
(silver or gold)

Pant PDU – 5.11 Taclite PDU in color Midnight Navy Men’s Part #74371 / Women’s Part #64371



Patrol Jacket:

Police 5.11 Bristol Parka color Midnight Navy Part #48152 (Cloth Badge and Cloth Name Plate)



(silver or gold)

Sweater:

Command Acrylic Wool Rib Knit V-neck Sweater *Must be in color LAPD navy Part #F1700



(Authorized for the rank of sergeant and above)

Rain Pant:

5.11 Patrol Rain Men's in color Black Part #48057 / Women's Part #64371



External Vest Carrier (EVC):

Blankenship Police Supply (BPS) in color LAPD navy – Refer to policy for configuration specifics.

Class "B" and "C" configuration with Silver Metal Badge and Nameplate:



Class "E" (Only) configuration with Cloth Badge and Cloth Nameplate:



(Only issued and wearable upon successful completion of probation)

Tie and Tie Bar:

United Part #11080 / Vanguard Part #6320200 in color Polished Silver or Gold



Nameplate:

V.H. Blackington in color Polished Silver or Gold Part # J-1



IKE Jacket:

Flying Cross *Must be in color LAPD Navy with Blue/Silver/Gold ribbon on sleeves part #32189



(Only issued and wearable for the rank of Sergeant or higher)

Dress Hat:

Bayly *Must be in color LAPD Navy with Blue cloth or Silver/Gold band– Refer to policy for configuration



Base Ball Hat:

Richardson in color Navy Part #514 marked in White w/ "Santa Cruz Police" or "Santa Cruz C.S.O."



(Only issued and wearable upon successful completion of Field Training)

Knit Cap:

Blauer Watch Cap part #125 in color Dark Navy *No markings



(Only issued and wearable upon successful completion of Field Training and as specified by policy)

Investigations Apparel:

Detective 5.11 Sabre Jacket 2.0 color Midnight Navy Part # 48112 (Cloth Badge and Cloth Name Plate)



Detective 5.11 Chameleon Jacket color Midnight Navy Part # 48099 (Cloth Badge and Cloth Name Plate)



Shirt –Elbeco UFX Short Sleeve Tactical Polo color Navy Men’s Part #K5134/ Women’s Part #K5174LC
(Cloth Badge embroidered Name)



Helmet:

Ballistic Level IIIA in color Matte Black with clear face shield



Baton:

Peace Keeper Products Part #926B



Flash Light:

Pelican LED part #7060 in color Black



Duty Gear:

Duty Gear must be of basket weave design (Not necessarily configured as depicted below)



Bianchi Part #7906 Keepers 4pk Hidden Snap-22091

Bianchi Part #7916 Silent Key Holder- 22119

Bianchi Part #7902 Double Mag Pouch Hidden-25341 G22, G17, 226

Bianchi Part #7900 Single cuff Case Hidden 22063 #7917 Double cuff Case Hidden- 22178

Bianchi Part #7980 2 Inch Duty Belt Bianchi

Part #7950 2 1/4 Inch Duty Belt Bianchi Part

#7205 Liner Belt: Different Sizes Bianchi Part

#7207 OC Holder: Different Sizes

Bianchi Part #7204 Straight Baton Ring Holder-22087

Boston leather basket weave pants belt part #6505

Radio Holder Porta Clip Model Code M-XATT for Motorola XTS 2500

Peerless Handcuff part #4708 (Two Pair)

Safariland Holster model 6360 - Level 3

(Firearm lights and related holsters will not be purchased by the Department)

(Variances in Duty Gear which are deemed safe, are within policy, and meet the black basket weave design may be allowed with Department approval)

AWARD, ASSIGNMENT INSIGNIA, AND RECOGNITION PINS

Assignment Insignia Pin (below) may be worn centered and ¼ inch above the nameplate (*only one of these pins may be worn in this specific location*)



105/172 Memorial Pin (above) may be worn centered and ¼ inch above the nameplate (see exemption below).



Nameplate (above) shall be worn and placed above the right pocket and centered.



Recognition Achievement Pin (above) or the **Personal Pin** (below) may be worn centered on the right pocket flap, ½ inch below top seam (*only one of these pins may be worn in this specific location*)



Badge



Meritorious Service Award Ribbon (above) may be worn centered on the left pocket flap, ½ inch below the top seam (*only one pin may be worn in this specific location*)



A maximum of three (3) ribbons and/or pins may be worn, one of each type, on all uniform types except the Class "E" uniform configuration as pins are not authorized for the Class "E" (Exceptions are the Class A uniform with Ike jacket configuration – additional meritorious service award pins may be worn centered, up to three in a row, centered on the left pocket flap, ½ inch below the top seam.)

Exemption: The 105/172 memorial pin may be worn centered and ¼ inch above the nameplate in addition to the maximum of three (3) pins as listed above. The Assignment Insignia Pin may be worn centered and ¼ inch above the 105/172 memorial pin in this configuration as depicted above.

**Santa Cruz Police Military
Equipment Inventory_rev041823.pdf**

Santa Cruz Police Department Military Use Equipment List Pursuant to AB481.

1. Robot (Category 1)

a. Description, quantity, capabilities, and purchase cost:

- I. Recon Robotics "Throw bot." Purchase cost: \$9,000 in 2013. Quantity: 1. This equipment is a battery powered, remote operated device. It is equipped with a color camera as well as infrared capabilities that allow for use in low or no light situations. It does not have audio capabilities, nor is it capable of creating audio or video recordings. The Throw Bot is designed to be carried and operated by one person and can be thrown a significant distance without damage. It cannot traverse stairs on its own and it does not have any arm, claw or other type of manipulation attachment. The Throw Bot has no ability to have a weapon or other device affixed to it, nor is the Throw Bot capable of delivering a weapon or other device. This equipment is for use during high-risk incidents or incidents where its use may enhance officer or civilian safety. These include but are not limited to a high-risk search warrant, barricaded subject or hostage negotiation/rescue. This equipment can provide officers with the location of a subject inside of a structure or room. It can assist officers in locating suspects, determining whether the suspect is armed, and can provide the locations of injured persons or hostages. This equipment can provide critical tactical information without placing officers at undue risk. This equipment has been used in numerous high risk and dangerous incidents.
- II. Recon Robotics "Throw bot 2." Purchase cost: \$16,270. Quantity: 1. This equipment is a battery powered, remote operated device. It is equipped with a color camera as well as infrared capabilities that allow for use in low or no light situations. It is capable of one-way audio (Listening only). The audio and video captured by the Throw Bot 2 can be recorded onto an SD card via the remote device. The Throw Bot 2 is designed to be carried and operated by one person and can be thrown a significant distance without damage. It cannot traverse stairs on its own and it does not have any arm, claw, or other type of manipulation attachment. The Throw Bot 2 has no ability to have a weapon or other device affixed to it, the Throw Bot 2 is incapable of delivering a weapon or other device. This equipment is for use during high-risk incidents or incidents where its use may enhance officer or civilian safety. These include but are not limited to a high-risk search warrant, barricaded subject, or hostage negotiation/rescue. This equipment can provide officers with the location of a subject inside of a structure or room. It can assist officers in locating suspects, determining whether the suspect is armed, and can provide the locations of injured persons or hostages. This equipment can provide critical tactical information without placing officers at undue risk. This equipment has been used in numerous high risk and dangerous incidents.
- III. AVITAR II by Robotex. SCPD has access to two AVITAR II robots maintained by the Santa Cruz Sheriff's Office. The AVITAR II is a heavy-

duty robot, controlled by remote operation with a camera attachment owned by the Santa Cruz Sheriff's Office.

- b. **Purpose:**
To be used to remotely search areas and gain visual data.
 - c. **Authorized Use:**
The SCPD Emergency Service Unit (ESU) Tactical team has primary control over the Throw Bot. It is available for use by any SCPD officer in any situation where it would enhance officer or civilian safety. The AVITAR II Robots are entirely owned and operated by Santa Cruz Sheriff's Office personnel.
 - d. **Legal and Procedural Rules:**
All applicable SCPD policies, including but not limited to, Search and Seizure-312, Missing Persons-316, Emergency Services Unit-404 and Recordings 426.5. Any use of SCPD robots will be for official law enforcement purposes, pursuant to State and Federal law, and in a manner that respects the privacy of our community.
 - e. **Required Training:**
 - I. The SCPD conducts department specified training for personnel to use the Throw Bot. This includes set up, deployment, safe and effective use of the Throw Bot and Throw Bot 2. This includes set up, deployment, safe and effective use of the Throw Bots.
 - II. Training required for the use of the AVITAR II robots is in accordance with the Santa Cruz County Sheriff's policy.
 - f. **Expected Lifespan:**
 - I. Throw Bot: The Throw Bot is designed to be in service for 8-10 years. The Throw Bot will be used until repairs are no longer supported by the manufacturer; the Throw Bot has been in service since 2013. It has been repaired by the manufacturer once.
 - II. Throw Bot 2: The Throw Bot 2 is designed to be in service for 8-10 years. The Throw Bot 2 is covered under the manufacturer's warranty for one year. Once the warranty expires any repairs required will be done by the manufacturer at SCPD's cost.
 - III. AVITAR II: Not a consideration for SCPD.
 - g. **Fiscal Impact**
 - I. Throw Bot: No known annual maintenance costs.
 - II. Throw Bot 2: \$16,270 (Homeland Security grant funded). No known annual maintenance costs.
 - III. AVITAR II: No fiscal impact for SCPD.
2. Unmanned Aerial Vehicles (Category 1)
- a. **Description, quantity, capabilities and purchase cost.**
SCPD does not currently possess any unmanned Aerial Vehicles. SCPD does have access to several Unmanned Aerial Vehicles maintained by the Santa Cruz County Sheriff's Office. The Sheriff's Office possesses several different unmanned aerial vehicles that can provide higher altitude aerial views of locations or search areas. The Unmanned Aerial Vehicles can also provide interior search capabilities in areas that are impassable for SCPD's Recon Robot and in situations where officers entering would be unsafe.
 - b. **Purpose:**

To be deployed when its capabilities would provide officer or incident commanders with an aerial view of a location or the interior of a specific location. Unmanned aerial vehicles may be deployed in situations that include, but are not limited to, a search for a missing person, natural disaster management, tactical or other public safety and life preservation situations.

- c. **Authorized Use:**
Only operators assigned to the Santa Cruz County Sherriff's department may operate the Unmanned Aerial Vehicles. The Santa Cruz County Chief Deputy must authorize all requests for use by outside agencies.
 - d. **Legal and Procedural Rules:**
Use is established under the Santa Cruz County Sheriff's Office Policy 606 and FAA Regulation 14 CFR Part 107. During their use, all other SCPD policies remain in effect, including but not limited to, Search and Seizure -312, Missing Persons-316, Emergency Services Unit-404. It is the policy of the SCPD to utilize Unmanned Aerial Vehicles only for official law enforcement purposes, pursuant to State and Federal law, and in a manner that respects the privacy of our community.
 - e. **Required Training:**
Training is not required for SCPD officers as only operators assigned to the Santa Cruz County Sherriff's department may operate the equipment.
 - f. **Expected Lifespan:**
Not a consideration for SCPD.
 - g. **Fiscal Impact**
No fiscal impact for SCPD.
3. Armored Personnel Carrier, vehicle with entry apparatus attached (Category 2&3)
 - a. **Description, quantity, capabilities, and purchase cost:**
Lenco Armored Rescue Vehicle (ARV). The purchase cost \$230,378. Quantity: 1. The ARV is designed to provide ballistic protection during tactical events and is designed to withstand multiple bullet strikes from small arms fire and low-level explosions. The ARV is equipped with remote operated spotlights, emergency lights, siren and a public address system. Common uses for the ARV include citizen and officer rescues, evacuations and the deployment of officers and chemical munitions. The ARV has been used in numerous high-risk and critical incidents including use by allied agencies in Santa Clara County, Santa Cruz County and San Mateo County.
 - b. **Purpose:**
To be used in response to high-risk or critical incidents to enhance officer and community safety, assist in scene containment and to assist in resolving critical incidents.
 - c. **Authorized Use:**
Only the Watch Commander or the ESU commander may authorize the use of the ARV. Deployment must be based on the specific circumstances of a given critical incident. The ARV was purchased through a BUASI grant. The terms of this grant require that SCPD make the ARV available to any allied agency with the BUASI area as long as the situation the ARV is requested for meets the criteria for deployment set forth in SCPD Policy 702. SCPD generally sends at least one member of the ESU tactical team with the ARV if one is available.

- d. **Legal and Procedural Rules:**
All applicable SCPD policies including but not limited to Vehicle Use -702, ESU Tactical Team-404. It is the policy of the Department to utilize armored vehicles only for official law enforcement purposes, and pursuant to State and Federal law.
 - e. **Required Training:**
Members of the ESU team train officers in the use of the ARV. This training includes capabilities of the ARV, safety considerations, conducting civilian and officer rescues as well as other deployment considerations.
 - f. **Expected Lifespan:**
20 years.
 - g. **Fiscal Impact**
\$4,312 per year (parts, labor, and fuel).
4. Ford F350 transport vehicle (ESU Truck, category 5)
- a. **Description, quantity, capabilities, and purchase cost.**
2008 Ford F350 transport vehicle. A standard Ford F350 truck chassis with a large box type compartment attached to the chassis from the cab back. Purchase cost: \$65,000. Quantity: 1. The interior of the compartment is fitted with shelving and seats. The outsides of the compartment are fitted with multiple storage boxes. The vehicle contains various equipment, spare ballistic shields, breaching tools, small tools, medical supplies, pens, writing tablets, power inverters etc.
 - b. **Purpose:**
The Ford F350 is deployed during critical incidents or any other instance where it can be utilized to transport personnel and equipment.
 - c. **Authorized Use:**
Any member of the SCPD is authorized to drive the vehicle if directed to do so. The vehicle is used primarily by the ESU team.
 - d. **Legal and Procedural Rules:**
All applicable SCPD policies including but not limited to Vehicle Use -702 and Emergency Services Unit-404. It is the policy of the SCPD to use the vehicle only for official law enforcement purposes, and in accordance with California State law regarding the operation of motor vehicles.
 - e. **Required Training:**
All driver/operators shall receive training in the safe operation of the vehicle.
 - f. **Expected lifespan:**
20 Years.
 - g. **Fiscal Impact:**
\$1,158 per year (parts, labor, and fuel).
5. Command and Control Vehicles (Category 5)
- a. **Description, quantity, capabilities, and purchase cost:**
Chevy Tahoe Patrol Vehicle. Purchase cost: \$60,000 each.
Quantity : (1) 2017 Model (Lieutenant), (3) 2018 models (Sergeants). These vehicles can act as a Mobile Command Center. The vehicle is equipped with file cabinets, dry erase board, medical supplies and additional mapping equipment.
 - b. **Purpose:**
The Mobile Command Center is commonly utilized during incidents which involve

the use of the Incident Command System (ICS). The Mobile Command Center assists with creating a set of objectives and overall goals, developing appropriate tactics, ensuring the allocation of appropriate resources, reviewing plans, communicating goals, tactics, expectations, and establishing accountability.

- c. **Authorized Use:**
The Mobile Command Center is used when deemed appropriate by the field supervisor or Watch Commander.
 - d. **Legal and Procedural Rules:**
All applicable SCPD policies including but not limited to Vehicle Use -702. It is the policy of the SCPD to use the vehicle only for official law enforcement purposes, and in accordance with California State law regarding the operation of motor vehicles.
 - e. **Required Training:**
All driver/operators shall receive training in the safe operation of the vehicle.
 - f. **Expected Lifespan:**
 - I. Chevy Patrol Vehicle: 10 years.
 - II. The Mobile Command Center does not have a minimum or maximum lifespan and can be transferred to other vehicles.
 - g. **Fiscal Impact:**
 - I. There is no annual maintenance cost for The Mobile Command Center.
 - II. Vehicle maintenance cost is approximately \$1,575 per year, per vehicle (parts, labor, and fuel).
6. Firearms of Greater than .50 caliber (Category 8)
- a. **Description, quantity, capabilities, and purchase cost:**
Mossberg 590 12-gauge pump action shotguns. Purchase cost, approximately \$1,400 each. Quantity: 2. These shotguns are built on a standard Mossberg 590 action. They have a 13.5-inch barrel with a breaching muzzle brake affixed to the end of the barrel.
 - b. **Purpose:**
These shotguns are specifically designed to be used as breaching tools in situations where rapid entry into a structure is required, such as a hostage situation. They are used to defeat the locking mechanism or the hinges of door by firing a breaching shotgun round into these areas.
 - c. **Authorized Use:**
Only members of the ESU Tactical team who have completed a breaching school and are trained in the use of these weapons are authorized to use them.
 - d. **Legal and Procedural Rules:**
All applicable department policies, including but not limited to Use of Force-300, Firearms-306, Search and Seizure-312 and Emergency Services Unit-404. It is the policy of the SCPD to utilize firearms and ammunition only for official law enforcement purposes, and pursuant to State and Federal law, including those regarding the use of force.
 - e. **Required Training:**
Only officers who have completed a department authorized breaching school may use these shotguns. The school must include specific training related to breaching shotgun.
 - f. **Expected Lifespan:**

No expiration date. The shotguns may need replacement parts when serviced or replaced if they break.

g. **Fiscal Impact:**

\$0-\$1,400 per year.

7. Firearms of Greater than .50 Caliber (Category 8)

a. **Description, quantity, capabilities, and purchase cost:**

Remington 870 12 Gauge pump action chemical agent launching shotgun. Purchase cost: \$700. Quantity: 1. This shotgun was repurposed from an out of service shotgun that SCPD already had in inventory. This shotgun is specifically designed to launch a specific type of chemical munition. Though based on a standard 12-gauge shotgun, it is not designed or capable of firing lethal shotgun rounds. The buttstock and fore-end are bright orange, and it is marked as a "Less Lethal" weapon. It has a purpose-built launching cup permanently affixed to the muzzle.

b. **Purpose:**

This shotgun is designed to launch a specific type of launchable CS (2-chlorobenzylidene malononitrile) chemical agent canisters approximately 25 yards away. It allows officers to deploy chemical agents during critical incidents from behind cover or in a situation where hand delivering the agents would be unsafe. It allows officers the ability to deploy chemical agents in second and third floors of structures where it would be impossible for officers to hand deliver the agents.

c. **Authorized Use:**

Only officers assigned to the ESU Tactical team are currently authorized to use this launching shotgun.

d. **Legal and Procedural Rules:**

All applicable policies including but not limited to Use of Force-300, Firearms-306, Control Devices and Techniques-302, Search and Seizure- 312 and ESU Tactical team -404. It is the policy of the SCPD to utilize firearms and ammunition only for official law enforcement purposes, and pursuant to State and Federal law, including those regarding the use of force.

e. **Required Training:**

Officers must attend department training regarding the use of these items. This training includes SCPD policy, legal obligations and reporting requirements. Instructors must attend a 40-hour POST certified instructor course regarding the use of chemical agents, noise, flash, diversionary devices (NFDD) and deployment platforms, in addition to manufacture specific instructor certifications. The SCPD maintains officers who are POST certified as instructors of chemical munitions, NFDD and launching platforms. These officers in turn train other members of the department.

f. **Expected Lifespan:**

No expiration. The shotgun may need parts when serviced or replacement if it breaks.

g. **Fiscal Impact:**

\$0-\$700 per year.

8. Ammunition of .50 caliber or greater (Category 9).

- a. **Description, quantity, capabilities, and purchase cost:**
12. Gauge launching Cartridges Defense Technologies part number 1210. Purchase cost: \$371.25. Quantity: 55. These are blank shotgun cartridges that utilize black powder as the propellant.
 - b. **Purpose:**
When used with launching shotgun, the pressure created in the barrel by the expanding gases of the black powder propellant provide enough force to launch the chemical agent canister from the shotgun. Though this ammunition is designed and is advertised for other uses, the SCPD only uses it as a launching cartridge for the launching shotgun.
 - c. **Authorized Use:**
Only officers assigned to the ESU team who are trained in the use of the launching shotgun are permitted to use these shotgun-launching rounds.
 - d. **Legal and Procedural Rules:**
All applicable policies including but not limited to Use of Force-300, Firearms-306, Control Devices and Techniques-302, Search and Seizure- 312 and ESU Tactical team -404. It is the policy of the SCPD to utilize firearms and ammunition only for official law enforcement purposes, and pursuant to State and Federal law, including those regarding the use of force.
 - e. **Required Training:**
Officers must attend department training regarding the use of these items. This training includes SCPD policy, legal obligations and reporting requirements. Instructors must attend a 40-hour POST certified instructor course regarding the use of chemical agents, NFDD and deployment platforms, in addition to manufacture specific instructor certifications. The SCPD maintains officers who are POST certified as instructors of chemical munitions, NFDD and launching platforms. These officers in turn train other members of the department.
 - f. **Expected Lifespan:**
5 years.
 - g. **Fiscal Impact:**
\$0-\$500 per year.
9. Specialized Firearms and ammunition of less than .50 caliber (Category 10)
 - a. **Description, quantity, capabilities and purchase cost:**
The department maintains a Precision Rifle team within the ESU Tactical team. These officers are trained in the use of precision rifles that are specifically designed to stop lethal threats at various distances and through barrier mediums that a carbine rifle would not. These rifles are chambered in .308 Winchester. This is a .30 caliber round that is highly accurate and used during potentially lethal encounters. The .308 is capable of defeating soft body armor at greater distances.
 - I. Defiance bolt action precision rifles. Purchase cost: \$15,609. Quantity: 3.
 - II. Accuracy International AT series bolt action rifle. Purchase cost: \$4,462. Quantity: 1.
 - III. Hornady .308 155 grain ELD Match TAP ammunition. Purchase cost: \$6,720. Quantity: 3,200.
 - b. **Purpose:**

To provide officers with the ability to address lethal threats with more precision, at greater distances than a Carbine rifle or handgun are capable.

c. **Authorized Use:**

Only those officers assigned to the ESU Tactical team, and who have been selected as members of the Precision Rifle team may use these weapons.

d. **Legal and Procedural Rules:**

All applicable department policies, including but not limited to, Use of Force-300, Firearms-306 and ESU Tactical Team-404. It is the policy of the SCPD to utilize firearms and ammunition only for official law enforcement purposes, and pursuant to State and Federal law, including those regarding the use of force.

e. **Required Training:**

Officers assigned to the Precision Rifle Team are required to attend and pass a POST certified basic Precision Rifle course before they are permitted to use these weapons.

f. **Expected Lifespan:**

- I. Defiance Precision Rifles, no expiration date. They will need parts and service as they become worn or break.
- II. Accuracy International AT Series Rifle, no expiration date. It will need parts and service as they become worn or break.
- III. Hornady 155 grain ELD Match TAP, no expiration date.

g. **Fiscal Impact:**

- I. Precision rifles, \$0-\$1,000 per fiscal year.
- II. Hornady Ammunition, \$0-\$6,720 per fiscal year.

10. Flashbang, Teargas and Pepper balls (Category 12)

a. **Description, quantity, capabilities, and purchase cost:**

Noise, Flash, Diversionary Devices (NFDD) commonly referred to as “flashbangs” are single use devices that emits a loud bang and a very bright flash. They are designed to disorient and distract dangerous subjects by overwhelming their senses and provide a window of time, approximately 6-8 seconds, for officers to take control of dangerous or high-risk situations. Additionally, the SCPD possess “Stinger Grenades.” This device is a rubber ball that contains a small NFDD in addition to 60 .32 caliber rubber balls. When used, the grenade separates along its hemisphere and expels the balls while simultaneously giving a loud bang and bright flash. These are useful in crowd control or riot situations as a means to disperse groups of violent individuals in addition to the disorienting effect of the NFDD component to mitigate dangerous behavior. These can be purchased in configurations that include OC/CS (2chlorobenzylidene malononitrile/Oleoresin Capsicum) agent dispersing capabilities, inert powders or simply the .32 caliber balls.

- I. 8902NR 12-gram low roll NFDD. Purchase cost: \$2,426. Quantity: 40.
- II. 7007 4-gram NFDD training reloads. The purchase cost \$955. Quantity: 26.
- III. 1090 Stinger Grenades. The purchase cost \$523. Quantity: 10.

b. **Purpose:**

To produce a loud noise, overpressure and a very bright flash, which can cause temporary psychological and physiological deprivation and give officers an advantage in high-risk tactical situations. Generally, NFDD (not including stinger grenades) are not a primary device used in riot situations, however there are

narrow instances requiring authorization of the incident commander where they could be used.

c. **Authorized Use:**

Only those officers who are trained in the use of the devices are authorized to use them. Currently the only officers trained in the use of these devices are members of the ESU Tactical team. Use of NFDD is controlled by SCPD policy and best practice. Situations where an NFDD may be used include but are not limited to hostage or barricaded subject situations, high-risk warrant service (arrest/search) where risk to officers is extremely high; during any other high-risk situation where use of an NFDD may increase officer safety or training.

d. **Legal and Procedural Rules:**

All applicable department policies, including but not limited to Use of Force-300, ESU tactical Team-404, Control Devices and Techniques-302. It is the policy of the SCPD to utilize these devices only for official law enforcement purposes, and pursuant to State and Federal law, including those regarding the use of force.

e. **Required Training:**

Officers must attend department training regarding the use of these items. This training includes SCPD policy, legal obligations and reporting requirements. Instructors must attend a 40-hour POST certified instructor course regarding the use of chemical agents, NFDD and deployment platforms, in addition to manufacture specific instructor certifications. The SCPD maintains officers who are POST certified as instructors of chemical munitions, NFDD and launching platforms. These officers in turn train other members of the department.

f. **Expected Lifespan:**

- I. 8902NR 12-gram low roll NFDD- 5 years.
- II. 7007 4-gram NFDD training reloads- 5 years.

g. **Fiscal Impact:**

- I. 8902NR 12-gram low roll NFDD-\$0-\$2000 per year.
- II. 7007 4-gram NFDD training reloads \$0-\$832 per year.

11. Chemical Agents “Teargas” (Category 12)

a. **Description, quantity, capabilities and purchase cost:**

The SCPD uses chemical agents, commonly referred to as “teargas” as less lethal tools to disperse rioting subjects or on barricaded subjects. The two agents the SCPD uses are CS (2-chlorobenzylidene malononitrile) and OC (Oleoresin Capsicum). CS is an irritating agent and a lachrymator. It irritates the eyes and causes tearing while also irritating the respiratory system causing coughing. These reactions are temporary and quickly subside especially if the subjects remove themselves from the area where the chemical agent has been deployed. The U.S Army has tested CS extensively. There are no known allergic reactions to CS. OC is an inflammatory agent. It causes a burning sensation, involuntary closure of the eyes and tightness in the chest. These symptoms generally subside within an hour or less of exposure. OC is legal for civilians to possess in certain quantities.

- I. 1082 Riot Control CS Canister. Purchase cost: \$352. Quantity: 12.
Pyrotechnic device used in outdoor situations to disperse rioting crowds, should not be used indoors due to the risk of fire. Releases 75.6 grams of CS in 20-40 seconds.

- II. 1032 Tri-Chamber Flameless CS Canister. Purchase cost: \$647. Quantity: 14. Pyrotechnic device designed to be used indoors and presents a minimal risk of fire. Hand delivered only. Releases 20 grams of agent in 20-30 seconds.
- III. 5230B Baffled Launchable CS canister. Purchase cost: \$416. Quantity: 10. Pyrotechnic device, designed to be launched from the launching shotgun. For use indoors and presents minimal risk of fire. Releases 25 grams of agent in 20-40 seconds.
- IV. 1026 Triple Chaser separating canister. Purchase cost: \$1,047. Quantity: 20. Pyrotechnic device, designed to be used outdoors in riot control situations. It is a canister, that when deployed separates into three smaller canisters. It allows officers to deploy chemical agents over a larger area with less munitions. Releases 92 grams of agent between three separate smaller canisters over 20-30 seconds.
- V. 56854 Aerosol OC Fogger. Purchase cost: \$89. Quantity: 4. Non-pyrotechnic canister. This canister sprays OC with the aid of compressed air. It is designed to be used indoors or in vehicles. It has no risk of fire. It will release a 1.3% OC spray over 15-25 seconds.
- VI. 2262 40mm CS Liquid Ferret projectile. Purchase cost: \$1,238. Quantity: 44. non-pyrotechnic launched projectile. This munition is fired from a 40mm less lethal launcher. It is a hardened projectile intended to be used to defeat barriers such as glass and thin wooden barriers. When it penetrates or impacts a hard surface, it disperses liquid CS agent into the area. These are not for use against people.
- VII. 2260 40mm OC Liquid Ferret projectile. Purchase cost: \$289. Quantity: 10. non-pyrotechnic launched projectile. This munition is fired from a 40mm less lethal launcher. It is a hardened projectile intended to be used to defeat barriers such as glass and thin wooden barriers. When it penetrates or impacts a hard surface, it disperses liquid OC agent into the area. These are not for use against people.

b. **Purpose:**

To limit escalating situations where lethal force is prohibited or undesirable. Situations where these munitions would be deployed include, but are not limited to self-destructive, dangerous or combative individuals; riot or crowd control situations or other violent civil unrest; situations where use of the munitions would provide a tactical advantage; training or authorized demonstration. A "tactical advantage" could include but is not limited to: deployment into a structure or vehicle where an armed violent/self-destructive subject is barricaded; or a riot situation where, deployment can either create an environment that causes violent persons to disperse or leave the area or limit the advance of a violent group or deny a violent group access to specific areas or law enforcement.

c. **Authorized Use:**

Only officers trained in the use of these munitions may use them. This includes officers assigned to the ESU Tactical team and officers assigned as "grenadiers" during a crowd control or violent civil unrest situation.

d. **Legal and Procedural Rules:**

To be used in accordance with Penal Code section 13652 (AB 48). All applicable

policies, including but not limited to Use of Force-300, ESU Tactical team-404 and Control Devices and techniques-302. It is the policy of the SCPD to utilize chemical agents only for official law enforcement purposes, and pursuant to State and Federal law, including those regarding the use of force.

e. **Required Training:**

Officers must attend department training regarding the use of these items. This training includes SCPD policy, legal obligations and reporting requirements. Instructors must attend a 40-hour POST certified instructor course regarding the use of chemical agents, NFDD and deployment platforms, in addition to manufacture specific instructor certifications. The SCPD maintains officers who are POST certified as instructors of chemical munitions, NFDD and launching platforms. These officers in turn train the other members of the department.

f. **Expected Lifespan:**

- I. 1082 Riot Control CS Canister-5 years.
- II. 1032 Tri-Chamber Flameless CS Canister-5 years.
- III. 5230B Baffled Launchable CS canister-5 years.
- IV. 1026 Triple Chaser separating canister-5 years.
- V. 56854 Aerosol OC Fogger-5 years.
- VI. 2262 40mm CS Liquid Ferret projectile-5 years.
- VII. 2260 40mm OC Liquid Ferret projectile-5 years.

g. **Fiscal Impact:**

All chemical munitions are \$0-\$5,000 per fiscal year based on fiscal budgeting.

12. Pepper Ball Guns and Pepper Balls (Category 12)

a. **Description, quantity, capabilities, and purchase cost.**

- I. Pepper ball guns. Purchase cost. \$1,399. Quantity: 4. Pepper ball guns are compressed air powered launcher, almost identical in manufacture to a common paintball gun. It fires .68 caliber plastic balls that contain an irritant powder. The pepper ball gun can fire pepper balls up to 60 feet and can launch pepper balls farther to saturate an area.
- II. Pepper Balls. Purchase cost: \$967 (per container). Quantity: 4 (containers of 375 pepper balls). Pepper Balls are .68 caliber projectiles. They are a plastic shell that contains an irritant powder that consists of PAVA, a pepper derivative. This powder causes a burning sensation and involuntary eye closure when coupled with the impact of the projectile. It is used for pain compliance and disorientation.

b. **Purpose:**

To limit escalating situations where lethal force is prohibited or undesirable. Situations where these munitions would be deployed, include Self destructive, dangerous or combative individuals; riot or crowd control situations or other violent civil unrest; situations where use of the munitions would provide a tactical advantage; training or authorized demonstration. A "tactical advantage" could include but is not limited to: deployment into a structure or vehicle where an armed violent/self-destructive subject is barricaded, or a riot situation where, deployment can either create an environment that causes violent persons to disperse or leave the area or limit the advance of a violent group or deny a violent group access to specific areas or law enforcement.

c. **Authorized Use:**

Only officers who are certified to use the pepper ball system.

d. **Legal and Procedural Rules:**

To be used in accordance with Penal Code section 13652 (AB 48). All applicable policies including but not limited to Use of Force-300, Control Devices and Techniques-302. It is the policy of the SCPD to utilize pepper ball guns and pepper balls only for official law enforcement purposes, and pursuant to State and Federal law, including those regarding the use of force.

e. **Required Training:**

Officers must attend a manufacturer-specific training course to be certified to use the pepper ball systems.

f. **Expected Lifespan:**

- I. Pepper ball guns, no expiration. They will need parts and service as they wear out or break.
- II. Pepper Balls, 2 years.

g. **Fiscal Impact**

Pepper ball guns, \$0-\$500 per year.
Pepper Balls \$0-\$500 per year.

13. Long Range Acoustic Device (LRAD) (Category 13)

a. **Description, quantity, capabilities, and purchase cost:**

GENASYS Inc. LRAD-100X. Purchase cost: \$8,179.77. Quantity: 1. This device is a self-contained, lightweight, battery-operated hailer that communicates with great intelligibility up to 600 meters. It emits acoustic sound pressure levels up to 140db. It provides clear unmistakable, intelligible communications and stunning alert tones and can play pre-recorded audio messages, mp3 audio files and live broadcasting via a handheld microphone. It can broadcast tones at a volume that causes discomfort to those who hear the tones. The device provides directional sound capabilities allowing the user to direct the uncomfortable tones at a specific person or group of people.

b. **Purpose:**

To serve as a notification/communication system during critical incidents, where the user is conveying a message to a person or persons. To be used during violent or riotous situations as a means to advise participants that they are involved in legally prohibited activities. To be used to broadcast alert tones in a directed manner at persons involved in riotous or destructive behavior as a means of dispersing the crowd and stopping the behavior. This device provides the SCPD with the ability to address violent persons or groups of persons during a riot or other violent crowd control situation without the use of kinetic less lethal weapons such 40mm launchers or chemical agents, allowing SCPD to attempt de-escalation via less forceful means.

c. **Authorized Use:**

Only officers who are trained in its use, with the authorization of an incident commander, may use this device.

d. **Legal and Procedural Rules:**

All applicable policies including but not limited to Use of Force-300, Control Devices and Techniques-302. It is the policy of the SCPD to utilize the LRAD only for official law enforcement purposes, and pursuant to State and Federal

- law.
- e. **Required Training:**
Officers must attend a department specified training to use this device.
 - f. **Expected Lifespan:**
20-25 years. Repairs completed as needed.
 - g. **Fiscal Impact:**
No known fiscal impact, the device is new.
14. 40mm Projectile Launchers (Category 14)
- a. **Description, quantity, capabilities, and purchase cost:**
The 40mm projectile launcher is a Less Lethal platform. It is not a firearm and is not capable of firing any military grade explosive projectile. It is designed to fire a projectile designed to be used against persons in situations where lethal force is prohibited. It allows officers to use Less Lethal Direct Impact spins stabilized munitions at distances up to 120 feet. The munitions cause pain compliance via blunt force impact. They can incapacitate violent subjects armed with weapons that are not firearms, allowing officers to safely take a subject into custody. The standoff capabilities allow officers to apply force via the impact rounds and assess if further application of force is required. This mitigates the need for officers to approach a violent/armed subject, reducing the chances of a lethal force scenario.
 - I. Defense Technologies DT1325 40mm-single barrel launchers. Purchase cost: \$11,620. Quantity: 14. (No longer manufactured)
 - II. Lewis Machine and Tool (LMT) 1425 40mm single barrel launchers. Purchase cost: \$12,450. Quantity: 15.
 - III. Lewis Machine and Tool (LMT) 1440 40mm 4 shot multi launchers. Purchase cost: \$3,798. Quantity: 2.
 - IV. Penn Arms PGL65-40 40mm 6 shot multi launcher. Purchase cost: Approximately \$3,000. Quantity: 1.
 - b. **Purpose:**
To be used as a less lethal tool, to apply pain compliance to self-destructive, armed or combative/resistive persons, to prevent the person from causing harm to themselves or others. Also used during violent riots or large crowd control disturbances. They can be used to mark persons engaged in the above activity making the person(s) identifiable for arrest.
 - c. **Authorized Use:**
Only officers who have completed a department training course may deploy these less lethal tools. Every patrol vehicle has a single launcher in it for use by patrol officers. Only officers specifically trained in the use and application during a crowd control or riotous situation may use them in those instances.
 - d. **Legal and Procedural Rules:**
To be used in accordance with Penal Code section 13652 (AB 48). All applicable policies, including but not limited to, Use of Force-300, Control Devices and Techniques-302 and Emergency services Tactical Team-404. It is the policy of the SCPD to utilize these devices only for official law enforcement purposes, and pursuant to State and Federal law, including those regarding the use of force.
 - e. **Required Training:**
Officers must attend department training regarding the use of these items. This training includes SCPD policy, legal obligations and reporting requirements.

Instructors must attend a 40-hour POST certified instructor course regarding the use of chemical agents, NFDD and deployment platforms, in addition to manufacture specific instructor certifications. The SCPD maintains officers who are POST certified as instructors of chemical munitions, NFDD and launching platforms. These officers in turn train other members of the department.

- f. **Expected Lifespan:**
- I. Defense Technologies DT1325 40mm-single barrel launchers: No expiration. No longer manufactured. Will be serviced or repaired as long as viable.
 - II. Lewis Machine and Tool (LMT) 1425 40mm single barrel launchers: No expiration. Will need parts and service when they wear out or break.
 - III. Lewis Machine and Tool (LMT) 1440 40mm 4 shot multi launchers: No expiration. Will need parts and service when they wear out or break.
 - IV. Penn Arms PGL65-40 40mm 6 shot multi launcher: No expiration. Will need parts and service when it wears out or breaks.
- g. **Fiscal Impact:**
For all of the listed launchers: \$0-500 per year.
15. 40mm ammunition: (Category 14)
- a. **Description, quantity, capabilities, and purchase cost:**
40mm ammunition meant to be used in 40mm Projectile Launchers described above. All of the 40mm rounds in this section are approved for use against people if the force is justified. SCPD has three impact munitions, the Exact Impact is a less lethal projectile made of a foam rubber often called a “sponge round” with a consistency similar to a sponge. It is fired using smokeless powder and is designed to incapacitate people through pain compliance and impact. It is blue in color and can be fired from ranges between 5’ and 120’. The Direct Impact round is an impact munition that carries a powder payload within the projectile. The payload can be a chemical agent powder, or it can contain an inert marking powder. These munitions provide the same less lethal pain compliance/de-escalation/violence mitigation functions as the Exact Impact munitions, with the added benefit of an irritant powder, or the ability to make a riotous subject identifiable for arrest. The SCPD also uses reusable training ammunition that allows true to real training at lower cost.
- I. eXact Impact 40mm: Purchase cost: \$4,011. Quantity: 140.
 - II. Direct Impact 40mm OC. Purchase cost: \$732. Quantity: 24.
 - III. Direct Impact 40mm Marking. Purchase cost: \$970. Quantity: 32.
 - IV. Training Sponge ammunition 24 round kit. Purchase cost: \$2,537. Quantity: 7.
- b. **Purpose:**
To be used as a less lethal tool in situations where lethal force is prohibited. To assist officers in intervening in violent or potentially violent situations by use of pain compliance. To allow officers the ability to apply less lethal force from distance or behind cover, which provides time to assess the effect of the force used and re-apply or discontinue force as the situation allows.
- c. **Authorized Use:**

Only officers who are trained in the use of these projectiles are authorized to use them. Situations where use may be authorized include but are not limited to armed self-destructive individuals, violent resistive individuals, violent riotous individuals, situations where use would increase safety and mitigate the need for higher uses of force, authorized training or demonstrations.

d. **Legal and Procedural Rules:**

To be used in accordance with Penal Code section 13652 (AB 48). All applicable policies including but not limited to Use of Force-300, Control Devices and Techniques-302. It is the policy of the SCPD to utilize these devices only for official law enforcement purposes, and pursuant to State and Federal law, including those regarding the use of force.

e. **Required Training:**

Officers must attend department training regarding the use of these items. This training includes SCPD policy, legal obligations and reporting requirements. Instructors must attend a 40-hour POST certified instructor course regarding the use of chemical agents, NFDD and deployment platforms, in addition to manufacture specific instructor certifications. The SCPD maintains officers who are POST certified as instructors of chemical munitions, NFDD and launching platforms. These officers in turn train other members of the department.

f. **Expected Lifespan:**

- I. eXact Impact 40mm-5 years.
- II. Direct Impact 40mm OC-5 years.
- III. Direct Impact 40mm Marking-5 years.
- IV. Training Sponge ammunition 24 round kit-5 years.

g. **Fiscal Impact:**

\$0- 5,000 per year. Given the 5-year life span of these munitions, the SCPD may not need to purchase more every fiscal year.

16. Other Specified Items/Equipment (Category 15)

a. **Description, quantity, capabilities, and purchase cost:**

The department currently issues AR-15/M4 style Carbine rifles to its officers as a means of addressing potential lethal force situations. The department issues two brands, Colt and Lewis Machine and Tool (LMT). The Carbine rifle is a lightweight, gas operated, air-cooled, shoulder fired, semi-automatic, magazine fed weapon. It is capable of providing accurate fire at various distances. The Hornady 5.56x45mm NATO, 75 grain BTHP (Boat Tail Hollow Point) TAP (Tactical Application Police) is the current standard issue rifle ammunition for all carbines in the department. This ammunition type is a medium caliber rifle round. It is capable of defeating soft body armor a subject may be wearing, as well as other intermediate barriers. The duty round is specifically designed to limit over penetration thus mitigating danger to innocent persons or other officers. SCPD uses ammunition of the same caliber ammunition for training purposes. Generally, the training ammunition is 55 grain full metal jacket ammunition. This type of ammunition is solely for training purposes. The cost of the training ammunition is less than that of the duty ammunition.

- I. Colt Carbines. Purchase cost: \$33,250. Quantity: 35.
 - II. LMT Carbines. Purchase cost: \$49,000. Quantity: 35.
 - III. Hornady 5.56x45mm NATO, 75 grain BTHP TAP. Purchase cost: \$4,560. Quantity: 5,700. SCPD does not have to order duty ammunition every fiscal year.
 - IV. .223/5.56 55 grain full metal jacket is the standard training round the department uses. The manufacturer of the ammunition varies based on what is available at the time the department needs to make an order. Quantity: 35,500. Cost: \$12,070.
- b. **Purpose:**
The Carbine rifle provides officers the ability to employ a more precise weapon in potential lethal force encounters. It provides officers with the ability address armed violent subjects at a greater distance than with a handgun. It provides officers with the ability to defeat soft body armor and intermediate barriers when addressing armed violent subjects.
- c. **Authorized Use:**
Only officers who have completed a POST required 16-hour training course are authorized to use the carbine rifle and associated ammunition.
- d. **Legal and Procedural Rules:**
All applicable department policies, including but not limited to, Use of Force-300, Firearms-306. It is the policy of the SCPD to utilize firearms and ammunition only for official law enforcement purposes, and pursuant to State and Federal law, including those regarding the use of force.
- e. **Required Training:**
All officers are required to attend a POST required 16-hour Patrol Rifle course before they are permitted to use these weapons. Currently this course is mandatory for all officers after graduating the Academy, before beginning the Field Training Program
- f. **Expected Lifespan:**
Carbine Rifles, approximately 20 years. Service is performed as needed and parts are replaced as they become worn or break.
Hornady TAP 75 grain 5.56x45mm NATO, no expiration.
.223/5.56x45 training ammunition, no expiration.
- g. **Fiscal Impact:**
Carbine Rifles: \$0-\$12,000 per fiscal year.
Ammunition: \$0-\$40,000 per fiscal year.

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481 Equipment List_FINAL.pdf**

Santa Cruz Police Department Military Use Equipment List Pursuant to AB481.

1. Robot (Category 1)

a. Description, quantity, capabilities and purchase cost:

- I. Recon Robotics "Throw bot." Purchase cost: \$9,000 in 2013. Quantity: 1. This equipment is a battery powered, remote operated device. It is equipped with a color camera as well as infrared capabilities that allow for use in low or no light situations. It does not have audio capabilities, nor is it capable of creating audio or video recordings. The Throw Bot is designed to be carried and operated by one person and can be thrown a significant distance without damage. It cannot traverse stairs on its own and it does not have any arm, claw or other type of manipulation attachment. The Throw Bot has no ability to have a weapon or other device affixed to it, nor is the Throw Bot capable of delivering a weapon or other device. This equipment is for use during high-risk incidents or incidents where its use may enhance officer or civilian safety. These include but are not limited to: a high-risk search warrant, barricaded subject or hostage negotiation/rescue. This equipment can provide officers with the location of a subject inside of a structure or room. It can assist officers in locating suspects, determining whether the suspect armed, and can provide the locations of injured persons or hostages. This equipment can provide critical tactical information without placing officers at undue risk. This equipment has been used in numerous high risk and dangerous incidents.
- II. Recon Robotics "Throw bot 2." Purchase cost: \$16,270. Quantity: 1. This equipment is a battery powered, remote operated device. It is equipped with a color camera as well as infrared capabilities that allow for use in low or no light situations. It is capable of one-way audio (Listening only). The audio and video captured by the Throw Bot 2 can be recorded onto an SD card via the remote device. The Throw Bot 2 is designed to be carried and operated by one person and can be thrown a significant distance without damage. It cannot traverse stairs on its own and it does not have any arm, claw, or other type of manipulation attachment. The Throw Bot 2 has no ability to have a weapon or other device affixed to it, the Throw Bot 2 is incapable of delivering a weapon or other device. This equipment is for use during high-risk incidents or incidents where its use may enhance officer or civilian safety. These include but are not limited to: a high-risk search warrant, barricaded subject or hostage negotiation/rescue. This equipment can provide officers with the location of a subject inside of a structure or room. It can assist officers in locating suspects, determining whether the suspect is armed, and can provide the locations of injured persons or hostages. This equipment can provide critical tactical information without placing officers at undue risk. This equipment has been used in numerous high risk and dangerous incidents.
- III. AVITAR II by Robotex. SCPD has access to two AVITAR II robots maintained by the Santa Cruz Sheriff's Office. The AVITAR II is a heavy-

duty robot, controlled by remote operation with a camera attachment owned by the Santa Cruz Sheriff's Office.

- b. **Purpose:**
To be used to remotely search areas and gain visual data.
 - c. **Authorized Use:**
The SCPD Emergency Service Unit (ESU) Tactical team has primary control over the Throw Bot. It is available for use by any SCPD officer in any situation where it would enhance officer or civilian safety. The AVITAR II Robots are entirely owned and operated by Santa Cruz Sheriff's Office personnel.
 - d. **Legal and Procedural Rules:**
All applicable SCPD policies, including but not limited to, Search and Seizure-312, Missing Persons-316, Emergency Services Unit-404 and Recordings 426.5. Any use of SCPD robots will be for official law enforcement purposes, pursuant to State and Federal law, and in a manner that respects the privacy of our community.
 - e. **Required Training:**
 - I. The SCPD conducts department specified training for personnel to use the Throw Bot. This includes set up, deployment, safe and effective use of the Throw Bot and Throw Bot 2. This includes set up, deployment, safe and effective use of the Throw Bots.
 - II. Training required for the use of the AVITAR II robots is in accordance with the Santa Cruz County Sheriff's policy.
 - f. **Expected Lifespan:**
 - I. Throw Bot: The Throw Bot is designed to be in service 8-10 years. The Throw Bot will be used until repairs are no longer supported by the manufacturer, the Throw Bot has been in service since 2013. It has been repaired by the manufacturer once.
 - II. Throw Bot 2: The Throw Bot 2 is designed to be in service 8-10 years. The Throw Bot 2 is covered under the manufacturer's warranty for one year. Once the warranty expires any repairs required will be done by the manufacturer at SCPD's cost.
 - III. AVITAR II: Not a consideration for SCPD.
 - g. **Fiscal Impact**
 - I. Throw Bot: No known annual maintenance costs.
 - II. Throw Bot 2: \$16,270 (Homeland Security grant funded). No known annual maintenance costs.
 - III. AVITAR II: No fiscal impact for SCPD.
2. Unmanned Aerial Systems UAS (Category 1)
- a. **Description, quantity, capabilities and purchase cost:**
Skydio Drone X10 Unmanned Aerial Drone with Skydio, spare propellers and batteries, NightSense, Visible Light for X10, Skydio Spotlight for X10, and Skydio Speaker/Mic for X10. Purchase cost: \$21,706.88 each. Quantity sought: 5. This equipment is a battery powered remote operated Unmanned Aerial Drone. It is equipped with a camera that is capable of audio and video recording. The camera has low light capabilities and can be used in darkness. The camera has thermal capabilities, meaning that it can detect heat signatures of substances, objects or persons that are warmer than their surrounding environment. The camera has zoom capabilities that enable it to read the license plate of a vehicle up to 800

yards away. The drone is capable of mapping crime scenes and major collisions scenes. When used in conjunction with software, 3 dimensional renderings of these scenes can be created for investigative purposes. The UAS has a 40-minute flight time per battery, it can fly at speeds of up to 45 miles per hour and it can be deployed by a trained operator in less than 40 seconds. The UAS cannot be weaponized and is not designed to carry or deploy any type of weapon or device. While versions of the UAS software has facial recognition capacities, the UAS will not be used for facial recognition and the Department will not purchase software that supports facial recognition.

b. **Purpose**

To support authorized law enforcement activity by providing aerial visual and audio capabilities.

c. **Authorized Use:**

Only officers who are licensed and have completed the required training may deploy and operate the UAS. The UAS will be operated in compliance with all applicable local, State and Federal laws and in accordance with constitutional and privacy rights. Authorized uses of the UAS include, but are not limited to, the following:

- I. Public safety emergency
- II. Search and Rescue/Water Rescue
- III. Lost or missing persons
- IV. Investigation of suspicious or explosive devices
- V. Natural disaster response and management
- VI. Crime scene documentation
- VII. Traffic collision documentation
- VIII. Recovery of decedent
- IX. Qualifying law enforcement or fire department mutual aid
- X. Pursuant to a valid search and/or arrest warrant
- XI. To assist in the service of a valid search and/or arrest warrant
- XII. Crime in progress
- XIII. Locating a fleeing suspect
- XIV. Departmental videos including but not limited to recruitment and public relations
- XV. Educational demonstrations
- XVI. Department training

d. **Legal and Procedural Rules:**

All applicable SCPD policies, including but not limited to, Unmanned Aerial System-607, Search and Seizure-312, Missing Persons-316, Emergency Services Unit-404 and Recordings 426.5; Santa Cruz Municipal Code Chapter 9.85. Use of UAS will be for official law enforcement purposes, and in a manner that respects the privacy of our community, pursuant to local, State and Federal law, and Federal Aviation Administration (FAA) regulations.

e. **Required Training:**

The Department will maintain a current FAA Certificate of Waiver or Authorization. All operators must be licensed pursuant to FAA Part 107 Remote Pilot Certificate. All UAS operators will complete additional training as may be required by department policy and/or State and Federal regulation.

f. **Expected Lifespan:**

Each UAS has a 1-year limited manufacturer's warranty. The Department will purchase an additional 3-year care package for each UAS. This provides for one

non-cost replacement of an inoperable UAS and reduced costs for any subsequent replacements. The Department intends to operate these UAS until they become obsolete and are no longer supported by the manufacturer.

g. **Fiscal Impact**

The Department will be required to modify two marked SCPD vehicles with specific equipment to operate the UAS. This equipment will be used to store and transport drones, display monitors, power inverter systems, spare batteries, and solar charging equipment. The estimated purchase and installation cost for this equipment is \$27,708.

In addition to the purchase cost of the UAS, and operational equipment, the Department will purchase software and licensing. These costs are estimated at \$80,516.45 over the course of five years and include the software required to operate the UAS and to integrate the UAS with the Department's Axon evidence system.

Initial training costs for the first year are estimated at \$6,926 and will include all required training and licensing costs for the UAS operators, including FAA licensing.

The Department will also purchase warranty and support service subscriptions over the course of five years for a total of \$26,245.

3. Armored Personnel Carrier, vehicle with entry apparatus attached (Category 2&3)

a. **Description, quantity, capabilities and purchase cost:**

Lenco Armored Rescue Vehicle (ARV). Purchase cost \$230,378. Quantity: 1.

The ARV is designed to provide ballistic protection during tactical events, and is designed to withstand multiple bullet strikes from small arms fire and low level explosions. The ARV is equipped with remote operated spotlights, emergency lights, siren and a public address system. Common uses for the ARV include citizen and officer rescues, evacuations and the deployment of officers and chemical munitions. The ARV has been used in numerous high-risk and critical incidents including use by allied agencies in Santa Clara County, Santa Cruz County and San Mateo County.

b. **Purpose:**

To be used in response to high-risk or critical incidents to enhance officer and community safety, assist in scene containment and to assist in resolving critical incidents.

c. **Authorized Use:**

Only the Watch Commander or the ESU commander may authorize the use of the ARV. Deployment must be based on the specific circumstances of a given critical incident. The ARV was purchased through a BUASI grant. The terms of this grant require that SCPD make the ARV available to any allied agency with the BUASI area as long as the situation the ARV is requested for meets the criteria for deployment set forth in SCPD Policy 702. SCPD generally sends at least one member of the ESU tactical team with the ARV if one is available.

d. **Legal and Procedural Rules:**

All applicable SCPD policies including but not limited to Vehicle Use -702, ESU Tactical Team-404. It is the policy of the Department to utilize armored vehicles only for official law enforcement purposes, and pursuant to State and Federal law.

e. **Required Training:**

Members of the ESU team train officers in the use of the ARV. This training

includes capabilities of the ARV, safety considerations, conducting civilian and officer rescues as well as other deployment considerations.

- f. **Expected Lifespan:**
20 years.
 - g. **Fiscal Impact**
\$4,312 per year (parts, labor, and fuel).
4. Ford F350 transport vehicle (ESU Truck, category 5)
- a. **Description, quantity, capabilities and purchase cost.**
2008 Ford F350 transport vehicle. A standard Ford F350 truck chassis with a large box type compartment attached to the chassis from the cab back. Purchase cost: \$65,000. Quantity: 1. The interior of the compartment is fitted with shelving and seats. The outsides of the compartment are fitted with multiple storage boxes. The vehicle contains various equipment, spare ballistic shields, breaching tools, small tools, medical supplies, pens, writing tablets, power inverters etc.
 - b. **Purpose:**
The Ford F350 is deployed during critical incidents or any other instance where it can be utilized to transport personnel and equipment.
 - c. **Authorized Use:**
Any member of the SCPD is authorized to drive the vehicle if directed to do so. The vehicle is used primarily by the ESU team.
 - d. **Legal and Procedural Rules:**
All applicable SCPD policies including but not limited to Vehicle Use -702 and Emergency Services Unit-404. It is the policy of the SCPD to use the vehicle only for official law enforcement purposes, and in accordance with California State law regarding the operation of motor vehicles.
 - e. **Required Training:**
All driver/operators shall receive training in the safe operation of the vehicle.
 - f. **Expected lifespan:**
20 Years.
 - g. **Fiscal Impact:**
\$1,158 per year (parts, labor, and fuel).
5. Command and Control Vehicles (Category 5)
- a. **Description, quantity, capabilities and purchase cost:**
Chevy Tahoe Patrol Vehicle. Purchase cost: \$60,000 each.
Quantity: (1) 2017 Model (Lieutenant), (3) 2018 models (Sergeants). These vehicles can act as a Mobile Command Center. The vehicle is equipped with file cabinets, dry erase board, medical supplies and additional mapping equipment.
 - b. **Purpose:**
The Mobile Command Center is commonly utilized during incidents which involve the use of the Incident Command System (ICS). The Mobile Command Center assists with creating a set of objectives and overall goals, developing appropriate tactics, ensuring the allocation of appropriate resources, reviewing plans, communicating goals, tactics, expectations, and establishing accountability.
 - c. **Authorized Use:**
The Mobile Command Center is used when deemed appropriate by the field supervisor or Watch Commander.

- d. **Legal and Procedural Rules:**
All applicable SCPD policies including but not limited to Vehicle Use -702. It is the policy of the SCPD to use the vehicle only for official law enforcement purposes, and in accordance with California State law regarding the operation of motor vehicles.
 - e. **Required Training:**
All driver/operators shall receive training in the safe operation of the vehicle.
 - f. **Expected Lifespan:**
 - I. Chevy Patrol Vehicle: 10 years.
 - II. The Mobile Command Center does not have a minimum or maximum lifespan and can be transferred to other vehicles.
 - g. **Fiscal Impact:**
 - I. There is no annual maintenance cost for The Mobile Command Center.
 - II. Vehicle maintenance cost is approximately \$1,575 per year, per vehicle (parts, labor, and fuel).
6. Firearms of Greater than .50 caliber (Category 8)
- a. **Description, quantity, capabilities and purchase cost:**
Mossberg 590 12 gauge pump action shotguns. Purchase cost, approximately \$1,400 each. Quantity: 2. These shotguns are built on a standard Mossberg 590 action. They have a 13.5 inch barrel with a breaching muzzle brake affixed to the end of the barrel.
 - b. **Purpose:**
These shotguns are specifically designed to be used as breaching tools in situations where rapid entry into a structure is required, such as a hostage situation. They are used to defeat the locking mechanism or the hinges of door by firing a breaching shotgun round into these areas.
 - c. **Authorized Use:**
Only members of the ESU Tactical team who have completed a breaching school and are trained in the use of these weapons are authorized to use them.
 - d. **Legal and Procedural Rules:**
All applicable department policies, including but not limited to Use of Force-300, Firearms-306, Search and Seizure-312 and Emergency Services Unit-404. It is the policy of the SCPD to utilize firearms and ammunition only for official law enforcement purposes, and pursuant to State and Federal law, including those regarding the use of force.
 - e. **Required Training:**
Only officers who have completed a department authorized breaching school may use these shotguns. The school must include specific training related to the breaching shotgun.
 - f. **Expected Lifespan:**
No expiration date. The shotguns may need replacement parts when serviced or replaced if they break.
 - g. **Fiscal Impact:**
\$0-\$1,400 per year.
7. Firearms of Greater than .50 Caliber (Category 8)
- a. **Description, quantity, capabilities and purchase cost:**

Remington 870 12 Gauge pump action chemical agent launching shotgun. Purchase cost: \$700. Quantity: 1. This shotgun was repurposed from an out of service shotgun that SCPD already had in inventory. This shotgun is specifically designed to launch a specific type of chemical munition. Though based on a standard 12 gauge shotgun, it is not designed or capable of firing lethal shotgun rounds. The buttstock and fore-end are bright orange and it is marked as a "Less Lethal" weapon. It has a purpose built launching cup permanently affixed to the muzzle.

- b. **Purpose:**
This shotgun is designed to launch a specific type of launchable CS (2-chlorobenzylidene malononitrile) chemical agent canisters approximately 25 yards away. It allows officers to deploy chemical agents during critical incidents from behind cover or in a situation where hand delivering the agents would be unsafe. It allows officers the ability to deploy chemical agents in second and third floors of structures where it would be impossible for officers to hand deliver the agents.
 - c. **Authorized Use:**
Only officers assigned to the ESU Tactical team are currently authorized to use this launching shotgun.
 - d. **Legal and Procedural Rules:**
All applicable policies including but not limited to Use of Force-300, Firearms-306, Control Devices and Techniques-302, Search and Seizure- 312 and ESU Tactical team -404. It is the policy of the SCPD to utilize firearms and ammunition only for official law enforcement purposes, and pursuant to State and Federal law, including those regarding the use of force.
 - e. **Required Training:**
Officers must attend department training regarding the use of these items. This training includes SCPD policy, legal obligations and reporting requirements. Instructors must attend a 40 hour POST certified instructor course regarding the use of chemical agents, noise, flash, diversionary devices (NFDD) and deployment platforms, in addition to manufacture specific instructor certifications. The SCPD maintains officers who are POST certified as instructors of chemical munitions, NFDD and launching platforms. These officers in turn train other members of the department.
 - f. **Expected Lifespan:**
No expiration. The shotgun may need parts when serviced or replacement if it breaks.
 - g. **Fiscal Impact:**
\$0-\$700 per year.
8. Ammunition of .50 caliber or greater (Category 9).
- a. **Description, quantity, capabilities and purchase cost:**
12. Gauge launching Cartridges Defense Technologies part number 1210. Purchase cost: \$371.25. Quantity: 55. These are blank shotgun cartridges that utilize black powder as the propellant.
 - b. **Purpose:**
When used with launching shotgun, the pressure created in the barrel by the expanding gasses of the black powder propellant provide enough force to launch

the chemical agent canister from the shotgun. Though this ammunition is designed and is advertised for other uses, the SCPD only uses it as a launching cartridge for the launching shotgun.

c. **Authorized Use:**

Only officers assigned to the ESU team who are trained in the use of the launching shotgun are permitted to use these shotgun-launching rounds.

d. **Legal and Procedural Rules:**

All applicable policies including but not limited to Use of Force-300, Firearms-306, Control Devices and Techniques-302, Search and Seizure- 312 and ESU Tactical team -404. It is the policy of the SCPD to utilize firearms and ammunition only for official law enforcement purposes, and pursuant to State and Federal law, including those regarding the use of force.

e. **Required Training:**

Officers must attend department training regarding the use of these items. This training includes SCPD policy, legal obligations and reporting requirements. Instructors must attend a 40 hour POST certified instructor course regarding the use of chemical agents, NFDD and deployment platforms, in addition to manufacture specific instructor certifications. The SCPD maintains officers who are POST certified as instructors of chemical munitions, NFDD and launching platforms. These officers in turn train other members of the department.

f. **Expected Lifespan:**

5 years.

g. **Fiscal Impact:**

\$0-\$500 per year.

9. Specialized Firearms and ammunition of less than .50 caliber (Category 10)

a. **Description, quantity, capabilities and purchase cost:**

The department maintains a Precision Rifle team within the ESU Tactical team. These officers are trained in the use of precision rifles that are specifically designed to stop lethal threats at various distances and through barrier mediums that a carbine rifle would not. These rifles are chambered in .308 Winchester. This is a .30 caliber round that is highly accurate and used during potentially lethal encounters. The .308 is capable of defeating soft body armor at greater distances.

I. Defiance bolt action precision rifles. Purchase cost: \$15,609. Quantity: 3.

II. Accuracy International AT series bolt action rifle. Purchase cost: \$4,462. Quantity: 1.

III. Hornady .308 155 grain ELD Match TAP ammunition. Purchase cost: \$6,720. Quantity: 3,200.

b. **Purpose:**

To provide officers with the ability to address lethal threats with more precision, at greater distances than a Carbine rifle or handgun are capable.

c. **Authorized Use:**

Only those officers assigned to the ESU Tactical team, and who have been selected as members of the Precision Rifle team may use these weapons.

d. **Legal and Procedural Rules:**

All applicable department policies, including but not limited to, Use of Force-300,

Firearms-306 and ESU Tactical Team-404. It is the policy of the SCPD to utilize firearms and ammunition only for official law enforcement purposes, and pursuant to State and Federal law, including those regarding the use of force.

e. **Required Training:**

Officers assigned to the Precision Rifle Team are required to attend and pass a POST certified basic Precision Rifle course before they are permitted to use these weapons.

f. **Expected Lifespan:**

- I. Defiance Precision Rifles, no expiration date. They will need parts and service as they become worn or break.
- II. Accuracy International AT Series Rifle, no expiration date. It will need parts and service as they become worn or break.
- III. Hornady 155 grain ELD Match TAP, no expiration date.

g. **Fiscal Impact:**

- I. Precision rifles, \$0-\$1,000 per fiscal year.
- II. Hornady Ammunition, \$0-\$6,720 per fiscal year.

10. Flashbang, Teargas and Pepper balls (Category 12)

a. **Description, quantity, capabilities and purchase cost:**

Noise, Flash, Diversionary Devices (NFDD) commonly referred to as “flashbangs” are single use devices that emits a loud bang and a very bright flash. They are designed to disorient and distract dangerous subjects by overwhelming their senses and provide a window of time, approximately 6-8 seconds, for officers to take control of dangerous or high-risk situations. Additionally, the SCPD possess “Stinger Grenades.” This device is a rubber ball that contains a small NFDD in addition to 60 .32 caliber rubber balls. When used, the grenade separates along its hemisphere and expels the balls while simultaneously giving a loud bang and bright flash. These are useful in crowd control or riot situations as a means to disperse groups of violent individuals in addition to the disorienting effect of the NFDD component to mitigate dangerous behavior. These can be purchased in configurations that include OC/CS (2chlorobenzylidene malononitrile/Oleoresin Capsicum) agent dispersing capabilities, inert powders or simply the .32 caliber balls.

- I. 8902NR 12 gram low roll NFDD. Purchase cost: \$2,426. Quantity: 40.
- II. 7007 4 gram NFDD training reloads. Purchase cost \$955. Quantity: 26.
- III. 1090 Stinger Grenades. Purchase cost \$523. Quantity: 10.

b. **Purpose:**

To produce a loud noise, overpressure and a very bright flash, that can cause temporary psychological and physiological deprivation and give officers an advantage in high-risk tactical situations. Generally, NFDD (not including stinger grenades) are not a primary device used in riot situations, however there are narrow instances requiring authorization of the incident commander where they could be used.

c. **Authorized Use:**

Only those officers who are trained in the use of the devices are authorized to use them. Currently the only officers trained in the use of these devices are members of the ESU Tactical team. Use of NFDD is controlled by SCPD policy and best practice. Situations where an NFDD may be used include but are not

limited to: hostage or barricaded subject situations, high-risk warrant service (arrest/search) where risk to officers is extremely high; during any other high risk situation where use of an NFDD may increase officer safety or training.

d. **Legal and Procedural Rules:**

All applicable department policies, including but not limited to Use of Force-300, ESU tactical Team-404, Control Devices and Techniques-302. It is the policy of the SCPD to utilize these devices only for official law enforcement purposes, and pursuant to State and Federal law, including those regarding the use of force.

e. **Required Training:**

Officers must attend department training regarding the use of these items. This training includes SCPD policy, legal obligations and reporting requirements. Instructors must attend a 40 hour POST certified instructor course regarding the use of chemical agents, NFDD and deployment platforms, in addition to manufacture specific instructor certifications. The SCPD maintains officers who are POST certified as instructors of chemical munitions, NFDD and launching platforms. These officers in turn train other members of the department.

f. **Expected Lifespan:**

- I. 8902NR 12 gram low roll NFDD- 5 years.
- II. 7007 4 gram NFDD training reloads- 5 years.

g. **Fiscal Impact:**

- I. 8902NR 12 gram low roll NFDD-\$0-\$2000 per year.
- II. 7007 4 gram NFDD training reloads \$0-\$832 per year.

11. Chemical Agents “Teargas” (Category 12)

a. **Description, quantity, capabilities and purchase cost:**

The SCPD uses chemical agents, commonly referred to as “teargas” as less lethal tools to disperse rioting subjects or on barricaded subjects. The two agents the SCPD uses are CS (2-chlorobenzylidene malononitrile) and OC (Oleoresin Capsicum). CS is an irritating agent and a lachrymator. It irritates the eyes and causes tearing while also irritating the respiratory system causing coughing. These reactions are temporary and quickly subside especially if the subjects remove themselves from the area where the chemical agent has been deployed. The U.S Army has tested CS extensively. There are no known allergic reactions to CS. OC is an, inflammatory agent. It causes a burning sensation, involuntary closure of the eyes and tightness in the chest. These symptoms generally subside within an hour or less of exposure. OC is legal for civilians to possess in certain quantities.

- I. 1082 Riot Control CS Canister. Purchase cost: \$352. Quantity: 12. Pyrotechnic device used in outdoor situations to disperse rioting crowds, should not be used indoors due to risk of fire. Releases 75.6 grams of CS in 20-40 seconds.
- II. 1032 Tri-Chamber Flameless CS Canister. Purchase cost: \$647. Quantity: 14. Pyrotechnic device designed to be used indoors and presents a minimal risk of fire. Hand delivered only. Releases 20 grams of agent in 20-30 seconds.
- III. 5230B Baffled Launchable CS canister. Purchase cost: \$416. Quantity: 10. Pyrotechnic device, designed to be launched from the launching shotgun. For use indoors and presents minimal risk of fire. Releases 25

- grams of agent in 20-40 seconds.
- IV. 1026 Triple Chaser separating canister. Purchase cost: \$1,047. Quantity: 20. Pyrotechnic device, designed to be used outdoors in riot control situations. It is a canister, that when deployed separates into three smaller canisters. It allows officers to deploy chemical agents over a larger area with less munitions. Releases 92 grams of agent between three separate smaller canisters over 20-30 seconds.
 - V. 56854 Aerosol OC Fogger. Purchase cost: \$89. Quantity: 4. Non-pyrotechnic canister. This canister sprays OC with the aid of compressed air. It is designed to be used indoors or in vehicles. It has no risk of fire. It will release a 1.3% OC spray over 15-25 seconds.
 - VI. 2262 40mm CS Liquid Ferret projectile. Purchase cost: \$1,238. Quantity: 44. Non-pyrotechnic launched projectile. This munition is fired from a 40mm less lethal launcher. It is a hardened projectile intended to be used to defeat barriers such as glass and thin wooden barriers. When it penetrates or impacts a hard surface, it disperses liquid CS agent into the area. These are not for use against people.
 - VII. 2260 40mm OC Liquid Ferret projectile. Purchase cost: \$289. Quantity: 10. Non-pyrotechnic launched projectile. This munition is fired from a 40mm less lethal launcher. It is a hardened projectile intended to be used to defeat barriers such as glass and thin wooden barriers. When it penetrates or impacts a hard surface, it disperses liquid OC agent into the area. These are not for use against people.
- b. **Purpose:**
To limit escalating situations where lethal force is prohibited or undesirable. Situations where these munitions would be deployed include, but are not limited to: self-destructive, dangerous or combative individuals; riot or crowd control situations or other violent civil unrest; situations where use of the munitions would provide a tactical advantage; training or authorized demonstration. A “tactical advantage” could include but is not limited to: deployment into a structure or vehicle where an armed violent/self-destructive subject is barricaded; or a riot situation where, deployment can either create an environment that causes violent persons to disperse or leave the area or limit the advance of a violent group or deny a violent group access to specific areas or law enforcement.
 - c. **Authorized Use:**
Only officers trained in the use of these munitions may use them. This includes officers assigned to the ESU Tactical team and officers assigned as “grenadiers” during a crowd control or violent civil unrest situation.
 - d. **Legal and Procedural Rules:**
To be used in accordance with Penal Code section 13652 (AB 48). All applicable policies, including but not limited to Use of Force-300, ESU Tactical team-404 and Control Devices and techniques-302. It is the policy of the SCPD to utilize chemical agents only for official law enforcement purposes, and pursuant to State and Federal law, including those regarding the use of force.
 - e. **Required Training:**
Officers must attend department training regarding the use of these items. This training includes SCPD policy, legal obligations and reporting requirements.

Instructors must attend a 40 hour POST certified instructor course regarding the use of chemical agents, NFDD and deployment platforms, in addition to manufacture specific instructor certifications. The SCPD maintains officers who are POST certified as instructors of chemical munitions, NFDD and launching platforms. These officers in turn train the other members of the department.

f. **Expected Lifespan:**

- I. 1082 Riot Control CS Canister-5 years.
- II. 1032 Tri-Chamber Flameless CS Canister-5 years.
- III. 5230B Baffled Launchable CS canister-5 years.
- IV. 1026 Triple Chaser separating canister-5 years.
- V. 56854 Aerosol OC Fogger-5 years.
- VI. 2262 40mm CS Liquid Ferret projectile-5 years.
- VII. 2260 40mm OC Liquid Ferret projectile-5 years.

g. **Fiscal Impact:**

All chemical munitions \$0-\$5,000 per fiscal year based on fiscal budgeting.

12. Pepper Ball Guns and Pepper Balls (Category 12)

a. **Description, quantity, capabilities and purchase cost.**

- I. Pepper ball guns. Purchase cost. \$1,399. Quantity: 4. Pepper ball guns are a compressed air powered launcher, almost identical in manufacture to a common paintball gun. It fires .68 caliber plastic balls that contain an irritant powder. The pepper ball gun can fire pepper balls up to 60 feet and can launch pepper balls farther to saturate an area.
- II. Pepper Balls. Purchase cost: \$967 (per container). Quantity: 4 (containers of 375 pepper balls). Pepper Balls are .68 caliber projectiles. They are a plastic shell that contains an irritant powder that consists of PAVA, a pepper derivative. This powder causes a burning sensation and involuntary eye closure when coupled with the impact of the projectile. It is used for pain compliance and disorientation.

b. **Purpose:**

To limit escalating situations where lethal force is prohibited or undesirable. Situations where these munitions would be deployed, include: Self destructive, dangerous or combative individuals; riot or crowd control situations or other violent civil unrest; situations where use of the munitions would provide a tactical advantage; training or authorized demonstration. A "tactical advantage" could include but is not limited to: deployment into a structure or vehicle where an armed violent/self-destructive subject is barricaded, or a riot situation where, deployment can either create an environment that causes violent persons to disperse or leave the area or limit the advance of a violent group or deny a violent group access to specific areas or law enforcement.

c. **Authorized Use:**

Only officers who are certified to use the pepper ball system.

d. **Legal and Procedural Rules:**

To be used in accordance with Penal Code section 13652 (AB 48). All applicable policies including but not limited to Use of Force-300, Control Devices and Techniques-302. It is the policy of the SCPD to utilize pepper ball guns and pepper balls only for official law enforcement purposes, and pursuant to State and Federal law, including those regarding the use of force.

- e. **Required Training:**
Officers must attend a manufacturer specific training course to be certified to use the pepper ball systems.
 - f. **Expected Lifespan:**
 - I. Pepper ball guns, no expiration. They will need parts and service as they wear out or break.
 - II. Pepper Balls, 2 years.
 - g. **Fiscal Impact**
Pepper ball guns, \$0-\$500 per year.
Pepper Balls \$0-\$500 per year.
13. Long Range Acoustic Device (LRAD) (Category 13)
- a. **Description, quantity, capabilities and purchase cost:**
GENASYS Inc. LRAD-100X. Purchase cost: \$8,179.77. Quantity: 1. This device is a self-contained, lightweight, battery operated hailer that communicates with great intelligibility up to 600 meters. It emits acoustic sound pressure levels up to 140db. It provides clear unmistakable, intelligible communications and stunning alert tones and can play pre-recorded audio messages, mp3 audio files and live broadcasting via a handheld microphone. It can broadcast tones at a volume that causes discomfort to those who hear the tones. The device provides directional sound capabilities allowing the user to direct the uncomfortable tones at a specific person or group of persons.
 - b. **Purpose:**
To serve as a notification/communication system during critical incidents, where the user is conveying a message to a person or persons. To be used during violent or riotous situations as a means to advise participants that they are involved in legally prohibited activities. To be used to broadcast alert tones in a directed manner at persons involved in riotous or destructive behavior as a means of dispersing the crowd and stopping the behavior. This device provides the SCPD with the ability to address violent persons or groups of persons during a riot or other violent crowd control situation without the use of kinetic less lethal weapons such 40mm launchers or chemical agents, allowing SCPD to attempt de-escalation via less forceful means.
 - c. **Authorized Use:**
Only officers who are trained in its use, with the authorization of an incident commander, may use this device.
 - d. **Legal and Procedural Rules:**
All applicable policies including but not limited to Use of Force-300, Control Devices and Techniques-302. It is the policy of the SCPD to utilize the LRAD only for official law enforcement purposes, and pursuant to State and Federal law.
 - e. **Required Training:**
Officers must attend a department specified training to use this device.
 - f. **Expected Lifespan:**
20-25 years. Repairs completed as needed.
 - g. **Fiscal Impact:**
No known fiscal impact, the device is new.

14. 40mm Projectile Launchers (Category 14)

a. **Description, quantity, capabilities and purchase cost:**

The 40mm projectile launcher is a Less Lethal platform. It is not a firearm and is not capable of firing any military grade explosive projectile. It is designed to fire a projectile designed to be used against persons in situations where lethal force is prohibited. It allows officers to use Less Lethal Direct Impact spins stabilized munitions at distances up to 120 feet. The munitions cause pain compliance via blunt force impact. They can incapacitate violent subjects armed with weapons that are not firearms, allowing officers to safely take a subject into custody. The standoff capabilities allow officers to apply force via the impact rounds and assess if further application of force is required. This mitigates the need for officers to approach a violent/armed subject, reducing the chances of a lethal force scenario.

- I. Defense Technologies DT1325 40mm-single barrel launchers. Purchase cost: \$11,620. Quantity: 14. (No longer manufactured)
- II. Lewis Machine and Tool (LMT) 1425 40mm single barrel launchers. Purchase cost: \$12,450. Quantity: 15.
- III. Lewis Machine and Tool (LMT) 1440 40mm 4 shot multi launchers. Purchase cost: \$3,798. Quantity: 2.
- IV. Penn Arms PGL65-40 40mm 6 shot multi launcher. Purchase cost: Approximately \$3,000. Quantity: 1.

b. **Purpose:**

To be used as a less lethal tool, to apply pain compliance to self-destructive, armed or combative/resistive persons, to prevent the person from causing harm to themselves or others. Also used during violent riots or large crowd control disturbances. They can be used to mark persons engaged in the above activity making the person(s) identifiable for arrest.

c. **Authorized Use:**

Only officers who have completed a department training course may deploy these less lethal tools. Every patrol vehicle has a single launcher in it for use by patrol officers. Only officers specifically trained in the use and application during a crowd control or riotous situation may use them in those instances.

d. **Legal and Procedural Rules:**

To be used in accordance with Penal Code section 13652 (AB 48). All applicable policies, including but not limited to, Use of Force-300, Control Devices and Techniques-302 and Emergency services Tactical Team-404. It is the policy of the SCPD to utilize these devices only for official law enforcement purposes, and pursuant to State and Federal law, including those regarding the use of force.

e. **Required Training:**

Officers must attend department training regarding the use of these items. This training includes SCPD policy, legal obligations and reporting requirements. Instructors must attend a 40 hour POST certified instructor course regarding the use of chemical agents, NFDD and deployment platforms, in addition to manufacture specific instructor certifications. The SCPD maintains officers who are POST certified as instructors of chemical munitions, NFDD and launching platforms. These officers in turn train other members of the department.

f. **Expected Lifespan:**

- I. Defense Technologies DT1325 40mm-single barrel launchers: No expiration. No longer manufactured. Will be serviced or repaired as long as viable.
 - II. Lewis Machine and Tool (LMT) 1425 40mm single barrel launchers: No expiration. Will need parts and service when they wear out or break.
 - III. Lewis Machine and Tool (LMT) 1440 40mm 4 shot multi launchers: No expiration. Will need parts and service when they wear out or break.
 - IV. Penn Arms PGL65-40 40mm 6 shot multi launcher: No expiration. Will need parts and service when it wears out or breaks.
- g. **Fiscal Impact:**
For all of the listed launchers: \$0-500 per year.

15. 40mm ammunition: (Category 14)

- a. **Description, quantity, capabilities and purchase cost:**
40mm ammunition meant to be used in 40mm Projectile Launchers described above. All of the 40mm rounds in this section are approved for use against people if the force is justified. SCPD has three impact munitions, the Exact Impact is a less lethal projectile made of a foam rubber often called a “sponge round” with a consistency similar to a sponge. It is fired using smokeless powder and is designed to incapacitate people through pain compliance and impact. It is blue in color and can be fired from ranges between 5’ and 120’. The Direct Impact round is an impact munition that carries a powder payload within the projectile. The payload can be a chemical agent powder or it can contain an inert marking powder. These munitions provide the same less lethal pain compliance/de-escalation/violence mitigation functions as the Exact Impact munitions, with the added benefit of an irritant powder, or the ability to make a riotous subject identifiable for arrest. The SCPD also uses reusable training ammunition that allow true to real training at lower cost.
- I. eXact Impact 40mm: Purchase cost: \$4,011. Quantity: 140.
 - II. Direct Impact 40mm OC. Purchase cost: \$732. Quantity: 24.
 - III. Direct Impact 40mm Marking. Purchase cost: \$970. Quantity: 32.
 - IV. Training Sponge ammunition 24 round kit. Purchase cost: \$2,537. Quantity: 7.
- b. **Purpose:**
To be used as a less lethal tool in situations where lethal force is prohibited. To assist officers in intervening in violent or potentially violent situations by use of pain compliance. To allow officers the ability to apply less lethal force from distance or behind cover, which provides time to assess the effect of the force used and re-apply or discontinue force as the situation allows.
- c. **Authorized Use:**
Only officers who are trained in the use of these projectiles are authorized to use them. Situations where use may be authorized include but are not limited to: armed self-destructive individuals, violent resistive individuals, violent riotous individuals, situations where use would increase safety and mitigate the need for higher uses of force, authorized training or demonstrations.
- d. **Legal and Procedural Rules:**
To be used in accordance with Penal Code section 13652 (AB 48). All applicable

policies including but not limited to Use of Force-300, Control Devices and Techniques-302. It is the policy of the SCPD to utilize these devices only for official law enforcement purposes, and pursuant to State and Federal law, including those regarding the use of force.

e. **Required Training:**

Officers must attend department training regarding the use of these items. This training includes SCPD policy, legal obligations and reporting requirements. Instructors must attend a 40 hour POST certified instructor course regarding the use of chemical agents, NFDD and deployment platforms, in addition to manufacture specific instructor certifications. The SCPD maintains officers who are POST certified as instructors of chemical munitions, NFDD and launching platforms. These officers in turn train other members of the department.

f. **Expected Lifespan:**

- I. eXact Impact 40mm-5 years.
- II. Direct Impact 40mm OC-5 years.
- III. Direct Impact 40mm Marking-5 years.
- IV. Training Sponge ammunition 24 round kit-5 years.

g. **Fiscal Impact:**

\$0- 5,000 per year. Given the 5 year life span of these munitions, the SCPD may not need to purchase more every fiscal year.

16. Other Specified Items/Equipment (Category 15)

a. **Description, quantity, capabilities and purchase cost:**

The department currently issues AR-15/M4 style Carbine rifles to its officers as a means of addressing potential lethal force situations. The department issues two brands, Colt and Lewis Machine and Tool (LMT). The Carbine rifle is a lightweight, gas operated, air-cooled, shoulder fired, semi-automatic, magazine fed weapon. It is capable at providing accurate fire at various distances. The Hornady 5.56x45mm NATO, 75 grain BTHP (Boat Tail Hollow Point) TAP (Tactical Application Police) is the current standard issue rifle ammunition for all carbines in the department. This ammunition type is a medium caliber rifle round. It is capable of defeating soft body armor a subject may be wearing, as well as other intermediate barriers. The duty round is specifically designed to limit over penetration thus mitigating danger to innocent persons or other officers. SCPD uses ammunition of the same caliber ammunition for training purposes. Generally, the training ammunition is 55 grain full metal jacket ammunition. This type of ammunition is solely for training purposes. The cost of the training ammunition is less than that of the duty ammunition.

- I. Colt Carbines. Purchase cost: \$33,250. Quantity: 35.
- II. LMT Carbines. Purchase cost: \$49,000. Quantity: 35.
- III. Hornady 5.56x45mm NATO, 75 grain BTHP TAP. Purchase cost: \$4,560. Quantity: 5,700. SCPD does not have to order duty ammunition every fiscal year.
- IV. .223/5.56 55 grain full metal jacket is the standard training round the department uses. The manufacturer of the ammunition varies based on what is available at the time the department needs to make an

order. Quantity: 35,500. Cost: \$12,070.

- b. **Purpose:**
The Carbine rifle provides officers the ability to employ a more precise weapon in potential lethal force encounters. It provides officers the ability address armed violent subjects at a greater distance than with a handgun. It provides officers with the ability to defeat soft body armor and intermediate barriers when addressing armed violent subjects.
- c. **Authorized Use:**
Only officers who have completed a POST required 16 hour training course are authorized to use the carbine rifle and associated ammunition.
- d. **Legal and Procedural Rules:**
All applicable department policies, including but not limited to, Use of Force-300, Firearms-306. It is the policy of the SCPD to utilize firearms and ammunition only for official law enforcement purposes, and pursuant to State and Federal law, including those regarding the use of force.
- e. **Required Training:**
All officers are required to attend a POST required 16 hour Patrol Rifle course before they are permitted to use these weapons. Currently this course is mandatory for all officers after graduating the Academy, before beginning the Field Training Program
- f. **Expected Lifespan:**
Carbine Rifles, approximately 20 years. Service is performed as needed and parts are replaced as they become worn or break.
Hornady TAP 75 grain 5.56x45mm NATO, no expiration.
.223/5.56x45 training ammunition, no expiration.
- g. **Fiscal Impact:**
Carbine Rifles: \$0-\$12,000 per fiscal year.
Ammunition: \$0-\$40,000 per fiscal year.

Uniform and Equipment Specifications - 1018.1.pdf

SANTA CRUZ POLICE DEPARTMENT AUTHORIZED UNIFORMS UNIFORM AND EQUIPMENT SPECIFICATIONS – JANUARY 2021 VERSION 1018.1

Class A Uniform:

Shirt - LA Select Type Flying Cross / Elbeco – *Must be in color LAPD navy (Long Sleeve Only)



Pant - LA Select Type Flying Cross / Elbeco *Must be in color LAPD navy



Class B Uniform:

Shirt - LA Select Type Flying Cross / Elbeco *Must be in color LAPD navy (Long or short Sleeve)



Pant - LA Select Type Flying Cross / Elbeco *Must be in color LAPD navy



Shirt PDU Option – 5.11 Taclite PDU color Midnight Navy Long Sleeve Part #72366 / Short Sleeve #71168

PDU must be worn with silver metal badge and silver metal name plate in this configuration.



Pant PDU Option – 5.11 Taclite PDU in color Midnight Navy Men’s Part #74371 / Women’s Part #64371



(PDU option only issued and wearable upon successful completion of Field Training)

Class C Uniform:

Shirt - LA Select Type Wool Flying Cross / Elbeco *Must be in color LAPD navy (short Sleeve)



Shirt PDU Option – 5.11 Taclite PDU in color Midnight Navy Short Sleeve Part #71168

PDU must be worn with silver metal badge and silver metal name plate in this configuration.



Short (Pant Option) – 5.11 Bike Patrol Pant in color Midnight Navy Part #45502



(Class C uniform only issued and wearable upon successful completion of Field Training as needed)

Class E Uniform:

Shirt PDU – 5.11 Taclite PDU Long Sleeve color Midnight Navy Part #72366 (Cloth Badge and Name Plate)

PDU must be worn with cloth badge and cloth name plate in this configuration.



(silver or gold)

Pant PDU – 5.11 Taclite PDU in color Midnight Navy Men’s Part #74371 / Women’s Part #64371



Patrol Jacket:

Police 5.11 Bristol Parka color Midnight Navy Part #48152 (Cloth Badge and Cloth Name Plate)



(silver or gold)

Sweater:

Command Acrylic Wool Rib Knit V-neck Sweater *Must be in color LAPD navy Part #F1700



(Authorized for the rank of sergeant and above)

Rain Pant:

5.11 Patrol Rain Men's in color Black Part #48057 / Women's Part #64371



External Vest Carrier (EVC):

Blankenship Police Supply (BPS) in color LAPD navy – Refer to policy for configuration specifics.

Class "B" and "C" configuration with Silver Metal Badge and Nameplate:



Class "E" (Only) configuration with Cloth Badge and Cloth Nameplate:



(Only issued and wearable upon successful completion of probation)

Tie and Tie Bar:

United Part #11080 / Vanguard Part #6320200 in color Polished Silver or Gold



Nameplate:

V.H. Blackington in color Polished Silver or Gold Part # J-1



IKE Jacket:

Flying Cross *Must be in color LAPD Navy with Blue/Silver/Gold ribbon on sleeves part #32189



(Only issued and wearable upon successful completion of probation)

Dress Hat:

Bayly *Must be in color LAPD Navy with Blue cloth or Silver/Gold band– Refer to policy for configuration



Base Ball Hat:

Richardson in color Navy Part #514 marked in White w/ "Santa Cruz Police" or "Santa Cruz C.S.O."



(Only issued and wearable upon successful completion of Field Training)

Knit Cap:

Blauer Watch Cap part #125 in color Dark Navy *No markings



(Only issued and wearable upon successful completion of Field Training and as specified by policy)

Investigations Apparel:

Detective 5.11 Sabre Jacket 2.0 color Midnight Navy Part # 48112 (Cloth Badge and Cloth Name Plate)



Detective 5.11 Chameleon Jacket color Midnight Navy Part # 48099 (Cloth Badge and Cloth Name Plate)



Shirt –Elbeco UFX Short Sleeve Tactical Polo color Navy Men’s Part #K5134/ Women’s Part #K5174LC
(Cloth Badge embroidered Name)



Helmet:

Ballistic Level IIIA in color Matte Black with clear face shield



Baton:

Peace Keeper Products Part #926B



Flash Light:

Pelican LED part #7060 in color Black



Duty Gear:

Duty Gear must be of basket weave design (Not necessarily configured as depicted below)



Bianchi Part #7906 Keepers 4pk Hidden Snap-22091

Bianchi Part #7916 Silent Key Holder- 22119

Bianchi Part #7902 Double Mag Pouch Hidden-25341 G22, G17, 226

Bianchi Part #7900 Single cuff Case Hidden 22063 #7917 Double cuff Case Hidden- 22178

Bianchi Part #7980 2 Inch Duty Belt

Bianchi Part #7950 2 1/4 Inch Duty Belt

Bianchi Part #7205 Liner Belt: Different Sizes

Bianchi Part #7207 OC Holder: Different Sizes

Bianchi Part #7204 Straight Baton Ring Holder-22087

Boston leather basket weave pants belt part #6505

Radio Holder Porta Clip Model Code M-XATT for Motorola XTS 2500

Peerless Handcuff part #4708 (Two Pair)

Safariland Holster model 6360 - Level 3

(Firearm lights and related holsters will not be purchased by the Department)

(Variances in Duty Gear which are deemed safe, are within policy, and meet the black basket weave design may be allowed with Department approval)

AWARD, ASSIGNMENT INSIGNIA, AND RECOGNITION PINS

Assignment Insignia Pin (below) may be worn centered and ¼ inch above the nameplate (*only one of these pins may be worn in this specific location*)



105/172 Memorial pin (above) may be worn centered and ¼ inch above the nameplate (see exemption below).



Nameplate (above) shall be worn and placed above the right pocket and centered.



Recognition Achievement Pin (above) or the **Personal Pin** (below) may be worn centered on the right pocket flap, ½ inch below top seam (*only one of these pins may be worn in this specific location*)



Badge



Meritorious Service Award Ribbon (above) may be worn centered on the left pocket flap, ½ inch below the top seam (*only one pin may be worn in this specific location*)

A maximum of three (3) ribbons and/or pins may be worn, one of each type, on all uniform types except the Class "E" uniform configuration as pins are not authorized for the Class "E" (Exceptions are the Class A uniform with Ikejacket configuration – additional meritorious service award pins may be worn centered, up to three in a row, centered on the left pocket flap, ½ inch below the top seam.)

Exemption: The 105/172 memorial pin may be worn centered and ¼ inch above the nameplate in addition to the maximum of three (3) pins as listed above. The **Assignment Insignia Pin** may be worn centered and ¼ inch above the 105/172 memorial pin in this configuration as depicted above.

Uniform and Equipment Specificationst - 1018.1.pdf

SANTA CRUZ POLICE DEPARTMENT AUTHORIZED UNIFORMS UNIFORM AND EQUIPMENT SPECIFICATIONS – JANUARY 2021 VERSION 1018.1

Class A Uniform:

Shirt - LA Select Type Flying Cross / Elbeco – *Must be in color LAPD navy (Long Sleeve Only)



Pant - LA Select Type Flying Cross / Elbeco *Must be in color LAPD navy



Class B Uniform:

Shirt - LA Select Type Flying Cross / Elbeco *Must be in color LAPD navy (Long or short Sleeve)



Pant - LA Select Type Flying Cross / Elbeco *Must be in color LAPD navy



Shirt PDU Option – 5.11 Taclite PDU color Midnight Navy Long Sleeve Part #72366 / Short Sleeve #71168

PDU must be worn with silver metal badge and silver metal name plate in this configuration.



Pant PDU Option – 5.11 Taclite PDU in color Midnight Navy Men’s Part #74371 / Women’s Part #64371



(PDU option only issued and wearable upon successful completion of Field Training)

Class C Uniform:

Shirt - LA Select Type Wool Flying Cross / Elbeco *Must be in color LAPD navy (short Sleeve)



Shirt PDU Option – 5.11 Taclite PDU in color Midnight Navy Short Sleeve Part #71168

PDU must be worn with silver metal badge and silver metal name plate in this configuration.



Short (Pant Option) – 5.11 Bike Patrol Pant in color Midnight Navy Part #45502



(Class C uniform only issued and wearable upon successful completion of Field Training as needed)

Class E Uniform:

Shirt PDU – 5.11 Taclite PDU Long Sleeve color Midnight Navy Part #72366 (Cloth Badge and Name Plate)

PDU must be worn with cloth badge and cloth name plate in this configuration.



(silver or gold)

Pant PDU – 5.11 Taclite PDU in color Midnight Navy Men’s Part #74371 / Women’s Part #64371



Patrol Jacket:

Police 5.11 Bristol Parka color Midnight Navy Part #48152 (Cloth Badge and Cloth Name Plate)



(silver or gold)

Sweater:

Command Acrylic Wool Rib Knit V-neck Sweater *Must be in color LAPD navy Part #F1700



(Authorized for the rank of sergeant and above)

Rain Pant:

5.11 Patrol Rain Men's in color Black Part #48057 / Women's Part #64371



External Vest Carrier (EVC):

Blankenship Police Supply (BPS) in color LAPD navy – Refer to policy for configuration specifics.

Class "B" and "C" configuration with Silver Metal Badge and Nameplate:



Class "E" (Only) configuration with Cloth Badge and Cloth Nameplate:



(Only issued and wearable upon successful completion of probation)

Tie and Tie Bar:

United Part #11080 / Vanguard Part #6320200 in color Polished Silver or Gold



Nameplate:

V.H. Blackington in color Polished Silver or Gold Part # J-1



IKE Jacket:

Flying Cross *Must be in color LAPD Navy with Blue/Silver/Gold ribbon on sleeves part #32189



(Only issued and wearable upon successful completion of probation)

Dress Hat:

Bayly *Must be in color LAPD Navy with Blue cloth or Silver/Gold band– Refer to policy for configuration



Base Ball Hat:

Richardson in color Navy Part #514 marked in White w/ "Santa Cruz Police" or "Santa Cruz C.S.O."



(Only issued and wearable upon successful completion of Field Training)

Knit Cap:

Blauer Watch Cap part #125 in color Dark Navy *No markings



(Only issued and wearable upon successful completion of Field Training and as specified by policy)

Investigations Apparel:

Detective 5.11 Sabre Jacket 2.0 color Midnight Navy Part # 48112 (Cloth Badge and Cloth Name Plate)



Detective 5.11 Chameleon Jacket color Midnight Navy Part # 48099 (Cloth Badge and Cloth Name Plate)



Shirt –Elbeco UFX Short Sleeve Tactical Polo color Navy Men’s Part #K5134/ Women’s Part #K5174LC
(Cloth Badge embroidered Name)



Helmet:

Ballistic Level IIIA in color Matte Black with clear face shield



Baton:

Peace Keeper Products Part #926B



Flash Light:

Pelican LED part #7060 in color Black



Duty Gear:

Duty Gear must be of basket weave design (Not necessarily configured as depicted below)



Bianchi Part #7906 Keepers 4pk Hidden Snap-22091

Bianchi Part #7916 Silent Key Holder- 22119

Bianchi Part #7902 Double Mag Pouch Hidden-25341 G22, G17, 226

Bianchi Part #7900 Single cuff Case Hidden 22063 #7917 Double cuff Case Hidden- 22178

Bianchi Part #7980 2 Inch Duty Belt

Bianchi Part #7950 2 1/4 Inch Duty Belt

Bianchi Part #7205 Liner Belt: Different Sizes

Bianchi Part #7207 OC Holder: Different Sizes

Bianchi Part #7204 Straight Baton Ring Holder-22087

Boston leather basket weave pants belt part #6505

Radio Holder Porta Clip Model Code M-XATT for Motorola XTS 2500

Peerless Handcuff part #4708 (Two Pair)

Safariland Holster model 6360 - Level 3

(Firearm lights and related holsters will not be purchased by the Department)

(Variances in Duty Gear which are deemed safe, are within policy, and meet the black basket weave design may be allowed with Department approval)

AWARD, ASSIGNMENT INSIGNIA, AND RECOGNITION PINS

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SCPD Commendation Report.pdf

SANTA CRUZ POLICE DEPARTMENT

DATE:

COMMENDATION REPORT

LOCATION OF OCCURANCE:	CASE/INCIDENT NUMBER:	DATE AND TIME OF OCCURANCE:

ITEMS ATTACHED TO THIS REPORT: <input type="checkbox"/> ARREST REPORT <input type="checkbox"/> SERGEANTS LOG <input type="checkbox"/> NEWSPAPER ARTICLE(S) <input type="checkbox"/> WITNESS STATEMENTS <input type="checkbox"/> SCALED DIAGRAM <input type="checkbox"/> NARRATIVE SHEETS / OTHER

ATTACH NARRATIVE SHEETS AS NEEDED - LIST PERSONNEL TO BE RECOGNIZED. DESCRIBE THE ACTIVITY, TYPE OF ACTION, OR OCCURRENCE: RELATE FACTS INDICATING DEGREE OF HAZARD INVOLVED AND QUALITIES DEMONSTRATED (COURAGE, INITIATIVE, ETC.). INCLUDE TACTICS USED BY THE INDIVIDUAL(S) IF APPROPRIATE. LIST WITNESSES INTERVIEWED.

REPORTING SUPERVISOR (NAME, RANK, BADGE)	COMMANDING OFFICER (NAME, RANK, BADGE)

(SIGNATURE)	(SIGNATURE)
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DIVISION REVIEW: <input type="checkbox"/> MINOR COMMENDATION <input type="checkbox"/> FORWARD TO COMMENDATIONS BOARD	DIVISION COMMANDING OFFICER
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ACTIONS TAKEN BY COMMENDATION BOARD

<u>INDIVIDUAL MEDAL / CERTIFICATE</u>	<u>INDIVIDUAL RIBBON/CERTIFICATE</u>	<u>UNIT RIBBON/CITATION</u>
<input type="checkbox"/> Medal of Valor <input type="checkbox"/> Police Medal <input type="checkbox"/> SCPD Purple Heart <input type="checkbox"/> Hazardous Duty <input type="checkbox"/> Lifesaving Medal <input type="checkbox"/> Chiefs Commendation	<input type="checkbox"/> Distinguished Police Service <input type="checkbox"/> De-Escalation Award <input type="checkbox"/> Community Policing <input type="checkbox"/> Chiefs Commendation <input type="checkbox"/> Auto Theft <input type="checkbox"/> DUI	<input type="checkbox"/> Police Distinguished Unit Citation

COMMENDATIONS BOARD CHAIR (NAME, RANK, BADGE)	SENIOR COMMENDATIONS BOARD MEMBER (NAME, RANK, BADGE)

(SIGNATURE)	(SIGNATURE)
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County critical incident protocol.pdf

CRITICAL INCIDENT GUIDELINE

A. GENERAL POLICY

As would be the case with any criminal investigation into a death or near death, each Critical Incident Investigation will be performed to develop all available, relevant information about the Critical Incident. It will be handled in a manner which provides for a thorough and credible investigation that is free of conflicts-of-interest or the appearance of them.

The purpose of any Critical Incident Investigation is to:

1. Determine whether or not a crime occurred; and
2. If a crime did occur, determine the identity of the person(s) legally responsible.

Each investigation shall be performed in a manner consistent with the rights of all affected parties. The investigation of each Critical Incident will commence as promptly as practicable after the occurrence, with the goal being to develop a timely, thorough, accurate, reliable investigation with joint resources and oversight.

B. DEFINITIONS

1. Critical Incident

Any incident in which:

- a. A law enforcement agency's sworn and/or civilian employees, including reserves, cadets and volunteers,
- b. Acting under color of authority,
- c. Are directly involved,
- d. Where death or the substantial risk of death results.

Examples of such incidents include:

- a. Intentional and accidental shootings or discharge of firearms. (The Venue Agency or the Employing Agency has the option of requesting the response of the Critical Incident Management Team for missed shots.)
- b. Intentional use of any other deadly or dangerous weapons.
- c. Any intentional act on the part of an employee which proximately causes death of another or injury likely to produce death.
- d. Death of person while in custody or under law enforcement agency control other than while incarcerated in a county jail facility.

CRITICAL INCIDENT GUIDELINE

e. Vehicular collisions.

2. Employing Agency

Is the law enforcement agency by which the Subject Employee is employed.

3. Subject Employee

Is the employee(s) directly involved in the Critical Incident's sequence of events to such an extent that he/she/they may have been a "proximate cause" of the harm or threat of harm to another person.

4. Employee

Individual recognized by an Employing Agency, includes sworn or non-sworn person, reserves, cadets, and/or volunteer(s).

5. Proximate Cause

Is a cause which, in a natural and continuous sequence, produces the death or creates the substantial risk of a death, and without which cause, the death or substantial risk of a death would not have occurred.

6. Critical Incident Investigators

Are the persons assigned by the Critical Incident Management Team.

7. Venue Agency

Is the agency, or agencies, within whose geographic jurisdiction the Critical Incident occurs.

THE VENUE AGENCY FOR THE FOLLOWING AREAS IS DESIGNATED AS FOLLOWS:

a. Santa Cruz County Sheriff-Coroner:

- i. All unincorporated areas of the County (including other legal entities and districts)
- ii. Sheriff's custodial and court facilities within Santa Cruz County limits
- iii. The California Department of Correction and Rehabilitation, Ben Lomond.
- iv. Santa Cruz County Probation Department (Graham Hill Complex)

b. Santa Cruz Police Department:

CRITICAL INCIDENT GUIDELINE

- i. All incorporated areas of the City of Santa Cruz (including other legal entities and districts) except as listed in (a. ii.) above.
- c. Scotts Valley Police Department:
 - i. All incorporated areas of the City of Scotts Valley (including other legal entities and districts).
- d. Capitola Police Department:
 - i. All incorporated areas of the City of Capitola (including other legal entities and districts).
- e. Watsonville Police Department:
 - i. All incorporated areas of the City of Watsonville (including other legal entities and districts) except as listed in (a. ii.) above.
- f. University of California Police-Santa Cruz:
 - i. All areas within the boundaries of the University of California (including other legal entities and districts).
- g. California Highway Patrol:
 - i. All incidents involving a fatal traffic collision on any public or private road.
- h. During multiple venue incidents, multiple Critical Incident Management Teams may be created as needed.

8. Critical Incident Management Team

The Management Team will be comprised of one management-level representative from each of the following:

The Venue Agency, the Employing Agency (if different from the other here enumerated agencies), the Office of the District Attorney and the Sheriff-Coroner's Office.

- a. In the event that any law enforcement agency, not a signatory to this Guideline, has an employee who is a subject employee in the Critical Incident, that agency should have a management-level representative on the Critical Incident Management Team.

9. Critical Incident Investigative Team

A team of investigators designated by the Critical Incident Management Team.

CRITICAL INCIDENT GUIDELINE

10. Critical Incident Commander

Person in charge of the Critical Incident Management Team and designated by the Venue Agency.

11. Lead Critical Incident Investigator

The Lead Investigator may be an employee of the Venue Agency who has sufficient training and experience to run the critical incident investigation.

C. CRITICAL INCIDENT MANAGEMENT AND TEAM MOBILIZATION

1. Mobilization of the Critical Incident Management Team

- a. The on-scene agency(s) will review the available facts and make preliminary determination of whether this Guideline may apply.
- b. The on-scene agency(s) will immediately make notification to the Venue Agency of the facts surrounding the incident and potential necessity to call together a Critical Incident Management Team.
- c. The Venue Agency will make all necessary notifications required to invoke this guideline.
- d. The Venue Agency will invoke the Guideline and initiate a call to other identified agencies, convey the facts underlying the call out and ask each agency to send a Critical Incident Management Team member to a designated location.
 - i. The Venue Agency will note, in writing, the identities of each agency representative who responds.
- e. If a Critical Incident occurs within Santa Cruz County by an agency outside our county (e.g. Monterey County Sheriff's Office), the Venue Agency will contact the Outside Agency and discuss this guideline for possible activation, either fully or partially.

2. Role of the Critical Incident Management Team

- a. All members of the Management Team shall have authority to make decisions and commit resources on behalf of their employing agencies without further inquiry.
- b. The Critical Incident Management Team will make the final determination of the Venue Agency.
- c. The representative from the Venue Agency will be in charge of the team and will be designated the "Critical Incident Commander."

CRITICAL INCIDENT GUIDELINE

- i. The Venue Agency may elect to cede the role of Critical Incident Commander to another member of the Critical Incident Management Team.
- d. The Critical Incident Commander shall have the authority to request the resources of the signatory agencies.
- e. The Critical Incident Commander will establish a command post location and designate a Public Information Officer (PIO).
- f. The Critical Incident Commander will manage and direct the investigation utilizing Venue Agency resources (personnel, equipment and money) as much as possible.
- g. The Critical Incident Management Team will convene within 60 days of the incident to review the investigation and deliver a summary based on information gathered up to that point. If information received after this date contradicts the summary, the lead investigator can request a second meeting of the Critical Incident Management Team.

D. INVESTIGATIVE RESPONSIBILITY

- 1. Until a Critical Incident Management Team designates the Critical Incident Investigative Team and that Team begins to assume investigative responsibility, immediate investigative responsibility will rest with the Venue Agency.
 - a. The Venue Agency may defer this investigative authority to the Employing Agency if any of the following are determined at the time of the Critical Incident:
 - i. the subject employee was on duty,
 - ii. the subject employee was performing official duties
- 2. Responsibility for the Critical Incident Scene
 - a. Under the direction of and reporting to the Critical Incident Management Team and the Lead Critical Incident Investigator, the Venue Agency will follow its normal procedures in securing the scene, identifying, isolating and interviewing witnesses.
 - b. Pursuant to this, the Venue Agency will start a chronological log of activity including, but not limited to, time received, arrived, responding units, when call-outs made, etc.
- 3. Designation of the Lead Critical Incident Investigator

The Critical Incident Management Team will determine the identity of the Lead

CRITICAL INCIDENT GUIDELINE

Critical Incident Investigator. Normally, the Lead Investigator will be an employee of the Venue Agency who has sufficient training and experience to run the Critical Incident Investigation.

4. The Lead Critical Incident Investigator shall report to and be accountable to the Management Team. The Lead Investigator, through individual Management Team members, may call upon the various investigative resources of the other Agencies comprising the Management Team.

The Lead Critical Incident Investigator is responsible for assembly of the Critical Incident Investigation Report. The report shall be placed in an indexed binder and contain all available factual information, documentation, and a brief summary.

5. District Attorney's Role in the Investigation

The District Attorney, or his designee, will assist and advise the Lead Critical Incident Investigator on the various relevant legal issues (including, for example, search and seizure, Miranda, identification procedures, arrests, elements of crimes, immunity, and voluntariness) and assist the police investigation as a member of the Critical Incident Management Team.

Following completion of the investigation, the District Attorney will determine if criminal liability exists, and prosecute as appropriate.

- a. The District Attorney also has the right to perform his/her own investigation of the critical incident, independent from the police investigation. If such an independent investigation is being conducted, the District Attorney will notify the Critical Incident Management Team and the Venue Agency, except if notification would compromise the integrity of the independent investigation.
- b. A District Attorney Investigator assigned to participate as a Critical Incident Investigator will not be a member or participant of an independent District Attorney investigation unless the Venue Agency is notified of such dual role.

Within 30 days of receiving the request for final review, a letter will be sent to the venue agency stating the findings of the case as a whole or to request additional time.

E. WORKING WITH THE SUBJECT EMPLOYEE

It is the obligation of the Critical Incident Management Team to ensure the consistent and fair treatment of all persons involved including law enforcement employees who are involved in critical incidents, maintain the integrity of the investigations, and ensure the proper handling of evidence. Therefore, the Critical Incident Management Team and its Investigators should:

CRITICAL INCIDENT GUIDELINE

1. If at all possible, avoid taking the subject employee to the same medical facility as the suspect.
2. Ask the subject employee if he or she wishes to have another officer stay with him/her (one not involved in the Critical Incident or participating in the investigation).
3. Explain the investigative process to the subject employee(s), review this Guideline with him/her and answer any questions the subject employee(s) may have of the investigative process.
4. Separate subject employees, if there are two or more of them, as soon as possible after the Critical Incident.

F. EVIDENCE COLLECTION

The goal of the evidence collection is to ensure that all items relevant, or possibly relevant, to a critical incident are located, collected and preserved; that the items be analyzed by a criminalist or forensic professional as soon as possible; and that the chain of evidence is established and remains clear through storage, analysis, and presentation to administrators, boards and the courts. A balanced approach should be taken to collecting evidence versus causing psychological damage to the subject employee(s).

1. Crime scene evidence collection shall be the responsibility of the Santa Cruz County Sheriff's Office Forensic Services Unit. The original audio/visual recordings will be maintained as evidence by the employing agency. The Forensic Services Unit will obtain copies of recordings from the employing agency representative authorized to release such copies.
 - a. All firearms or other less-lethal weapons which have been used and all ammunition which the employee is carrying should be collected for testing.
 - i. Collection of the firearm, magazines, gun belt and any other weapon system used in the incident should be done in an "as is" condition and collected as soon as is reasonable.
 - ii. If at all possible, employees will not be relieved of their guns in front of other people.
 - iii. At the time employees are relieved of their guns, the employing agency's supervisor will be present and replace the guns in accordance to the employing agency's policy.
 - b. The subject employee(s) uniform/clothing condition should be documented.
 - i. Photographs should be taken of the employee in his/her uniform/clothing.

CRITICAL INCIDENT GUIDELINE

- ii. In most cases, the uniform/clothing worn during the critical incident should be collected as evidence. Proper documentation of the uniform/clothing helps ensure an impartial investigation and serves to corroborate the officer's statement.
2. All evidence will be booked at the Sheriff's Office.
3. The District Attorney's Office will review the collected evidence as soon as practical.
 - a. The District Attorney and the Critical Incident Management Team will designate which items of evidence will be sent for processing.
 - b. The Sheriff's Office will cause the evidence to be delivered to the proper facility to complete the requested analysis.
 - c. The venue agency may choose to use an alternate forensic lab should they wish to receive the results in a timelier manner. The cost of the lab will be billed to the venue agency.
4. Upon completion of the criminal investigation, the Sheriff's Office will deliver the evidence and the original reports to the Venue Agency for storage or disposition.
 - a. All evidence not sent for analysis will also be sent to the Venue Agency, along with the original reports.
 - b. Uniforms/clothing and any weapons/duty gear seized will be returned to the Employing Agency as soon as practical upon completion of forensic testing.
5. The Critical Incident Commander or his/her designee will, if requested, present the evidence and case information to the Venue Agency or legitimate authorized entity.

G. OBTAINING INFORMATION FROM AND INTERVIEWS WITH SUBJECT EMPLOYEES

Peace officers will be afforded the same rights as other citizens in a criminal investigation. The Peace Officer's Bill of Rights (California Government Code 3300 et seq.) is applicable in administrative procedures arising out of this incident.

A peace officer who is the focus of a criminal investigation cannot be compelled to answer questions. Officers can be ordered to respond in an administrative investigation, however, information obtained under compulsion in this way cannot be used in the criminal case.

1. The only types of information that can be compelled from a subject peace officer at the scene of a critical incident are those directly related to immediate public safety issues. A subject officer can be compelled to provide a verbal summary of the occurrence including:

CRITICAL INCIDENT GUIDELINE

- a. The direction of fire and number of rounds expended for each officer who fired;
- b. Whether any suspects remain at large;
- c. The location of possible other parties injured during the incident.
- d. Parameters of the incident scene
- e. Identity of known witnesses and similar information

Any questions may be asked of them unless there is sufficient probable cause to believe that the subject officer has committed a crime and is no longer free to go. If the latter is the case, the subject officer should be Mirandized before obtaining information from him/her.

2. The foregoing are some of the reasons why Critical Incident Investigators and the Critical Incident Management Team must maintain a separation between their own criminal investigation and any administrative investigation. For example, administrative investigators cannot question subject officers in the presence of Critical Incident Investigators.
3. In addition, the Critical Incident Investigators will observe the following rules:
 - a. Interviews with all peace officers, whether subjects or witnesses to a Critical Incident, will be minimally audio recorded with the preference to be both audio and video recorded.
 - b. The interviews should be conducted by the Critical Incident Investigator(s) designated by the Lead Investigator. The Lead Investigator will determine who may participate in the interview of any subject officer(s) or witnesses and where the interview(s) will take place.
 - i. The assigned District Attorney Critical Incident Investigator and the Employing Agency Critical Incident Management Team member will be permitted to monitor the interview.
 - c. If, prior to or during the interview, it is deemed that the subject officer (or any other officer) may be charged with a criminal offense or that the interview has become custodial, the officer shall be immediately informed of his/her constitutional rights pursuant to the Miranda Decision.
 - d. A request by a subject officer to consult with a representative prior to being questioned by Critical Incident Investigators will be honored. Some or all of these considerations may be applicable:
 - i. The request should be treated as if it were a request by a civilian subject for the same privilege.

CRITICAL INCIDENT GUIDELINE

- ii. While such consultation can be expected to delay certain investigation milestones, the consultation should not be allowed to improperly impede the investigation.
- iii. The representative should be permitted to consult with only one subject officer at a time.
- e. Prior to interviewing subject officer(s), the Lead Investigator will make a determination if allowing a rest period would result in a more complete and thorough interview.
- f. Critical Incident Investigators shall bear in mind and remind subject and witness officers that if the officers consult with peer counselors or other officers prior to being questioned, any statements or other information communicated may be subject to discovery.
- g. In all instances, all witnesses (sworn and civilian) and subject officers should be separated as soon as possible after the Critical Incident.
- h. Officers may be allowed to review any recordings of the event that they made from body worn or other portable audio/video recording devices or any recording device mounted in their assigned patrol unit, subject to individual agency policy.

H. INTOXICANT TESTING OF SUBJECT EMPLOYEES

1. If the Lead Critical Incident Investigator determines that an employee's state of sobriety is relevant to the Critical Incident Investigation, he/she shall proceed as he/she would with any civilian person in a similar situation. The options are to:
 - a. Obtain a blood sample for alcohol testing, and/or urine sample for drug testing, by obtaining the employee's consent; or
 - b. Obtain the blood sample for alcohol testing and/or urine sample for drug testing incidental to the arrest of that person for a crime; or
 - c. Obtain a search warrant authorizing the compelled testing.
2. In the event appropriate physiological samples are not obtained from a subject employee as part of the Critical Incident Investigation, the Employing Agency (whether or not it is the Venue Agency) may wish to obtain such sample(s) for employment-related Administrative Investigation purposes. The options are to:
 - a. Obtain the sample(s) with the employee's consent; or
 - b. Obtain the sample(s) by ordering the employee to provide such sample(s) based upon the employer- employee relationship. Physiological samples

CRITICAL INCIDENT GUIDELINE

obtained as a result of an administrative order by the Employing Agency cannot be used for any purpose in the Criminal Incident Investigation.

3. Law Enforcement Agencies may establish blanket orders regarding intoxicant testing of any public safety employee involved in a Critical Incident.
4. Time is of the essence: it is essential that the Critical Incident Investigators determine whether and how they will attempt to obtain a sample for intoxicant testing from any subject employees and thereupon inform the Employing Agency's Critical Incident Management Team member of their decision. Any delay can result in a less accurate test result for the Employing Agency if that Agency elects to utilize intoxicant testing on its own.
5. If the Employing Agency asks for a physiological fluid sample for administrative purposes after the Critical Incident Investigators have either been unable to obtain a sample or have decided against obtaining one, the Employing Agency will be accommodated as much as possible.
6. A subject employee may volunteer to provide a physiological fluid sample for intoxicant testing even if the Critical Incident Investigators and Employing Agency have not requested or ordered one (respectively). Similarly, a person from whom a sample has been taken by the Critical Incident Investigators or the Employing Agency may wish to have a second sample taken for independent testing. Such requests should be accommodated where practical, with the understanding that the subject employee will bear any expense for sample collection and testing.

I. AUTOPSY

1. At least one of the Venue Agency Critical Incident Investigators shall attend the autopsy. A member of the District Attorney's Office staff may also be present. The Santa Cruz County Sheriff's Office Forensic Services Unit will have the responsibility for collection and documentation of physical evidence at the autopsy.
 - a. If the Employing Agency is not the Venue Agency, it may have a representative present as an observer subject to the discretion of the Coroner's Office.
 - b. Only individuals who are directly involved in the investigation shall be allowed into the autopsy suite. No personnel directly involved in the death shall be involved with any portion of the post-mortem examination or allowed into the autopsy suite during performance of the autopsy (ref. Government Code 27522 (f)).
2. The pathologist should receive a full and complete briefing prior to the post-mortem examination. The briefing should include all information known at that time which may be relevant to the establishment of the cause, manner and means of decedent's death. The Lead Critical Incident Investigator and a

CRITICAL INCIDENT GUIDELINE

member of the evidence collection team should be present at the briefing.

3. Any police reports, crime scene or other information, videos, or laboratory tests that are in the possession of law enforcement shall be made available to the pathologist prior to the completion of the investigation of the death (ref. Government Code 27522(g)).

J. NEWS MEDIA RELATIONS

While any agency with knowledge of a Critical Incident cannot be prohibited from making statements to the news media, these guidelines are established:

1. The PIO should be responsible for coordination of release of information.

- a. The Employing Agency:

When the Employing Agency is not also the Venue Agency, the Employing Agency will try to limit its comments to the following areas:

- i. Confirmation of the employer-employee relationship.
- ii. Information which has been cleared for release by the Venue Agency. No release should be made without prior contact with the Venue agency.
- iii. The existence of the Critical Incident Management Team and Investigators, as well as the Incident Guideline.
- iv. The existence of an internal Agency administrative inquiry.
- v. The employing agency will make a determination whether or not to release its own audio/visual recordings of the incident. Audio/visual recordings from other agencies will not be released without first obtaining permission from that agency. In any event, no video will be released to the media without first redacting the faces of all persons identifiable in the video using blurring or similar redaction methods.

- b. The District Attorney

- i. Prior to completion of the Critical Incident Investigation, the District Attorney's Office will try to limit its comments to information cleared for release by the Venue Agency and the existence of the Critical Incident Management Team and Investigators, as well as the Incident Guideline.
- ii. In cases presented to the Grand Jury, where an indictment is not returned, disclosure of all or part of the testimony of witnesses before the Grand Jury can be disclosed only upon order of the Court pursuant to Penal Code Section 924.6. Other information may be

CRITICAL INCIDENT GUIDELINE

disclosed in accordance with the media policy of the agency to which inquiry is made.

- iii. In cases where charges are to be filed, each agency involved will follow the media policy which it has established for dealing with inquiries concerning criminal cases.

c. The Criminalistics Laboratory:

Information released will generally be confined to laboratory procedures, scientific facts and principles, and testing procedures. Results of searching, testing and analysis will generally not be released without consulting the Venue Agency and the District Attorney.

d. The Coroner's Office:

Release of information will generally be limited to the following:

- i. Autopsy findings, including the condition of the deceased, the cause and manner of death, and the toxicology test results, after the involved agencies have received this information.
 - ii. The general nature of further medical testing or medical investigation to be done.
2. If the Lead Critical Incident Investigator determines that the release of a specific piece of information would jeopardize the investigation, he/she shall notify the Critical Incident Management Team and PIO.
 3. The Critical Incident Commander will consult with team members prior to approving information to be disseminated to the media
 4. Release of the Names of Subject Employees in Critical Incidents
 - a. Generally, agencies release the names of their Department Personnel involved in Critical Incidents. The release of the names should only be made after the concerned Employee(s) have had an opportunity to notify their families.
 - b. If the Employee is working undercover or in another assignment or circumstances that would be compromised by releasing his/her name, then the release shall not be made.

K. COMPLETION OF THE CRITICAL INCIDENT INVESTIGATION AND FORWARDING OF THE REPORT

Expeditious completion of the Critical Incident Investigation Report and forwarding it to the District Attorney for his/her further consideration are very important.

CRITICAL INCIDENT GUIDELINE

1. Once the Critical Incident Investigation Report has been completed to the satisfaction of the Lead Investigator, he/she shall forward it to the Critical Incident Management Team.
2. The Management Team shall review the report.
 - a. In the event that a majority of the members of the Management Team are not satisfied with the report, they may send it back to the Lead Investigator with instructions for further work.
3. When a majority of the members of the Management Team are satisfied with the report, the Incident Commander shall write a letter to the District Attorney advising of the completed investigation and requesting a review for final findings. The team may arrange the distribution of the report to the following individuals:
 - a. The administrative head of the Venue Agency;
 - b. The administrative head of the Employing Agency, if different;
 - c. The Sheriff;
 - d. The District Attorney

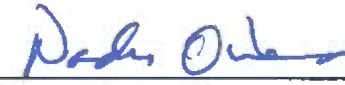
CRITICAL INCIDENT GUIDELINE

ACKNOWLEDGMENT AND SIGNATURES

Effective this 21st day of September, 2017, the undersigned hereby acknowledge and approve the updates to this guideline for critical incidents in the County of Santa Cruz. Revisions to this guideline will require a new acknowledgement and signature page.

 9/21/2017

Jim Hart, SHERIFF
SANTA CRUZ COUNTY

 9/21/17

Nader Oweis, CHIEF
UCSC POLICE DEPARTMENT

 9/21/17

David Honda, CHIEF
WATSONVILLE POLICE DEPARTMENT

 9/25/17

Jeff Rosell, DISTRICT ATTORNEY
SANTA CRUZ COUNTY

 9/24/17


Andrew Mills, CHIEF
SANTA CRUZ POLICE DEPARTMENT

 9.24.17


Paul Vincent, CAPTAIN
CALIFORNIA HIGHWAY PATROL

 9/21/17

Terry McManus, CHIEF
CAPITOLA POLICE DEPARTMENT

 9/21/17

Steve Walpole, CHIEF
SCOTTS VALLEY POLICE
DEPARTMENT



Mike McMenemy, SUPERINTENDENT
CALIFORNIA STATE PARKS

CRITICAL INCIDENT CHECKLIST

MOBILIZATION

- On Scene Agency notifies VA
- VA makes notifications to invoke guideline
- VA assembles CIMT
- VA notes in writing CIMT reps names

VENUE AGENCY (VA)

- Immediate investigative responsibility (until CIIT is formed)
 - o May defer to EA if SE was on duty
- Secure scene; ID, isolate, and interview witnesses
- Complete chronological activity log

CRITICAL INCIDENT MANAGEMENT TEAM (CIMT)

Has authority to commit resources of agencies.

- Make final determination of VA
- Designates IC
- Designates the members of CUT
- Designates the LI of CIIT

CIMT INCIDENT COMMANDER (IC)

Generally the VA representative. In charge of CIMT and has authority to request resources of other agencies. Directs/manages the investigation.

- Establishes CP
- Designates PIO

CRITICAL INCIDENT INVESTIGATIVE TEAM (CIIT)

Investigators designated by CIMT and having investigative responsibility.

- DA Investigator assigned to Team will not be involved in independent DA investigation unless VA is notified.

CIIT LEAD INVESTIGATOR (LI)

Designated by CIMT. Usually a VA employee. Reports to CIMT.

- Prepares CI Investigation Report

DISTRICT ATTORNEY (DA)

- Assist/Advise LI on legal issues.
- Assist investigation as member of CIMT
- After investigation, determine if criminal liability exists
- Can conduct independent investigation. Notifies CIMT and VA of this, unless compromises independent investigation.

WORKING WITH SUBJECT EMPLOYEE (SE)

- Avoid taking SE to same medical facility as Suspect (S)
- Ask SE if he/she wishes to have another officer stay with him/her
- Explain investigative process to SE; review Guideline; answer questions.
- Separate SEs ASAP

CRITICAL INCIDENT CHECKLIST

EVIDENCE COLLECTION

Locate, collect, preserve and analyze ASAP

Balance collection vs. causing psychological damage to SE

SCSO Forensic Services Unit responsible for collection.

Firearms, mags, and gun belt collected in "as is" condition as soon as reasonable.

If possible, SE will not be relieved of gun in front of others.

When SE gun relieved, EA Supervisor will be present and replace gun according to policy.

- o SE uniform/clothing condition documented

- o Photo SE in uniform/clothing

Collect uniform/clothing unless not necessary under the circumstances

Collect copies of all on-scene BWC or in-car video recordings from Employing Agencies (EA)

All evidence booked at SO

DA reviews evidence as soon as practical.

DA and CIMT designates items for analysis

SO delivers to proper facility for analysis

Upon completion of criminal investigation, SO will deliver evidence/reports to VA for storage.

INFO / INTERVIEW WITH SE

Officers are afforded same rights of other citizens in criminal investigations. The Peace Officer's Bill of Rights is applicable in admin procedures.

Any questions can be asked, unless PC to believe officer committed crime, then Mirandize.

Officer compelled to answer immediate public safety issues.

Maintain separation between criminal and admin investigations

- o Admin investigators cannot question SE in front of CI Investigators.

Interviews audio/video recorded.

LI will designate who conducts interviews and where it will take place.

DA CI Investigator and EA CIMT member can monitor interview or have immediate tape recording access.

SE request for Rep consult prior to interview will be honored.

- o Can delay but shouldn't improperly impede the investigation

- o Rep only permitted to consult with one SE at a time.

Remind subject and witness officers that info communicated with peer counselors or other officers may be discoverable.

Separate all witnesses ASAP.

Officers may be allowed to view recordings from their body worn, vehicle mounted or other portable recorders prior to giving a statement, subject to their agency's policy.

CRITICAL INCIDENT CHECKLIST

INTOXICANT TESTING OF SE

If LI determines SE's state of sobriety is relevant, proceed as with a civilian in like circumstances (Consent, Incident to Arrest, Search Warrant)

CI Investigators determine how to obtain sample and inform EA CIMT member.

EA may request sample be obtained for admin investigation. SE may volunteer to provide sample even if not requested, or ask for second sample taken for independent testing. Accommodate where practical.

AUTOPSY

VA CI Investigator will attend.

Only persons directly involved in the investigation will be allowed in the autopsy suite.

SO Forensic Service Unit responsible for collection and documentation of evidence.

Pathologist is fully briefed prior to autopsy. LI and FSU Rep should be present.

All reports, crime scene documentation, videos, etc. provided to pathologist prior to rendering final report.

NEWS MEDIA RELATIONS

PIO responsible for coordination of release of information

If release of piece of info would jeopardize investigation, LI will notify CIMT and PIO

IC will consult with CIMT members prior to approving info to be disseminated.

CI INVESTIGATION REPORT

Complete and disseminate in expeditious manner.

LI will forward completed Report to CIMT

CIMT reviews Report for approval or reworking.

When CIMT majority satisfied with Report, IC writes letter to DA requesting final findings.

Distribution of Report to VA Head, EA Head, the Sheriff, and the DA.

Uniform and Equipment Specifications.pdf

Personal Appearance

1046.1 POLICY

It is the policy of this Department to establish a standard of uniform appearance for the safety of the officers and to project a positive, professional image of all personnel to the public.

Sworn members and designated non-sworn employees, unless specifically exempted, shall wear the specified uniform while on-duty. All on-duty members and employees in uniform or plainclothes will dress and be personally groomed in such a way that professionally represents the Department.

1046.2 POLITICAL ACTIVITIES, ENDORSEMENTS & ADVERTISEMENTS

Unless specifically authorized by the Chief of Police, Santa Cruz 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 identify himself/herself as an employee of the Santa Cruz Police Department to do any of the following (Government Code §§ 3206 and 3302):

Endorse, support, oppose, or contradict any political campaign or initiative.

Endorse, support, oppose, or contradict any social issue, cause, or religion.

Endorse, support, or oppose, any product, service, company or other commercial entity. Appear in any commercial, social, or non-profit publication, or any motion picture, film, video, public broadcast, or any website.

1046.2.1 MAINTENANCE OF UNIFORM

All sworn members and designated non-sworn members shall maintain a serviceable uniform regardless of their assignment.

- (a) Uniforms shall be kept neat, clean and pressed. Leather and metal-wear shall be polished.
- (b) Uniforms with holes, tears, or showing obvious signs of wear or repair will not be worn. All supervisors have the authority and duty to require compliance.
- (c) Uniforms will be purchased, replaced and cleaned by members in accordance with current MOU's between individual employee bargaining units and the City of Santa Cruz.

1046.2.2 UNIFORM CLEANING (POA MEMBERS)

The City, MPOA and POA agree unit employees will comply with departmental standards with regard to appearance and cleanliness. To this end, the City agrees to pay the cost of cleaning department authorized uniforms. For this purpose, the City has established an account at a dry cleaning establishment located within the City of Santa Cruz. For its part, the associations agree its members will:

- (a) Deliver and retrieve uniforms from the dry cleaning establishment; and
- (b) Shall do so during non-working hours; however

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Personal Appearance

- (c) Under exceptional circumstances, subject to the approval of the Chief of Police or his representative, uniforms may be delivered or retrieved during working hours. The City and the POA believe it is counter-productive, at this time, to establish minimum or maximum number of cleanings authorized by this section. It is understood, however, the Section Chief of Police and/or associations will monitor this program and advise the other party if any problems materialize.

1046.2.3 UNIFORM REPLACEMENT

Pursuant to Memorandum of Understanding, the City agrees to provide replacements for worn out or damaged uniforms for employees, provided that uniforms are not damaged through gross negligence. Items covered by this program are: Shirts;

- (a) Shirts;
- (b) Shoes;
- (c) Pants;
- (d) Jackets;
- (e) Hat;
- (f) Tie; and
- (g) Ballistics vest.

Uniforms replaced under this provision shall be replaced on an equivalent class basis, i.e., Class A pants will be exchanged for Class A pants. These items are not to be used other than while working for the City or while traveling to and from work. Uniforms to be surveyed for wear or damage shall be presented to the appropriate Section Lieutenant.

1046.2.4 REPLACEMENT PROCEDURE

For each item to be replaced, a Replacement Slip will be prepared in duplicate and signed by a Deputy Chief and a Lieutenant. The Replacement Slip will be dated and is only valid for sixty days from date of issuance. If not used within that time, it will be null and void and officers will not be able to obtain replacement at City expense.

The original slip shall be given to the Purchasing Clerk, who shall issue an Authorization Form to the contracting uniform company for replacement of the listed item. Upon receipt of the replacement item, the officer shall sign the vendor's invoice slip acknowledging the item was received in proper order and quality.

All uniform items accepted for replacement shall become the property of the City of Santa Cruz.

It shall be the responsibility of each unit employee to arrange for purchasing, fitting, pickup, delivery, return, repair and control of uniform items. Overtime will not be authorized.

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1046.2.5 UNIFORM ISSUANCE UPON HIRE (POA MEMBERS)

Upon employment, the City will provide to POA members assigned to uniform duty, the following basic items:

- (a) Two pair of uniform pants;
- (b) Two long sleeve shirts;
- (c) Three short sleeve shirts;
- (d) One tie and silver bar;
- (e) One issue rain gear;
- (f) One issue crowd control gear;
- (g) One pair safety shoes;
- (h) One duty jacket; and
- (i) Dress hat.

All items will meet specification of the "Uniform" General Order.

No socks, T-shirts or underwear will be provided. Optional uniform wear beyond the basic issue is not provided, unless required for "special assignment" (i.e., K-9, motors). Those employees in "Trainee" status and assigned to attend the basic police academy will be issued police academy uniforms as required for this training. No duty uniform will be issued until the completion of this training, unless required by the academy.

1046.2.6 UNIFORMS

Members and employees assigned to a uniform function shall wear a full uniform, which shall include both a badge and a name tag, on the outermost garment, unless specifically exempted from doing so by their Division Commander.

Police Sergeants, Police Patrol Officers and Community Service Officers shall wear an authorized protective vest issued by the department at all times that they are working outside the police facility in uniform. A protective vest shall be optional for employees in plainclothes assignments or employees who work predominantly in an off-related assignment. (The Chief of Police may exempt an employee from this requirement upon proof of sufficient medical evidence that it would be detrimental to the health of the employee). Only approved uniforms and equipment will be worn unless specifically authorized by the Chief of Police. Uniforms will be worn only while on-duty, or when traveling in uniform in order to report for duty or after securing from duty. During off-duty travel, a cover coat will be worn.

Police Reserve Officers shall receive the same uniform issuance, replacement and cleaning as regular officers.

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1046.3 DETERMINATION OF UNIFORM CLASS OR ATTIRE

It is the responsibility of all supervisors on a daily basis to ensure the grooming and dress standards are upheld. Sergeants shall be responsible for periodic daily inspections of all uniforms.

Division Commanders will designate the appropriate uniform class or attire to be worn by on-duty members and employees within their respective division.

- (a) Supervisors may change the uniform class or attire for their shift or any special details occurring during their shift only with the approval of their Team Section Commander.

1046.3.1 COURT APPEARANCES

Members and employees appearing in court representing the Department shall wear either their uniform, a business suit, or a sport coat and tie. Female employees will wear business suits, dresses, or slacks consistent with business attire. In some instances, plainclothes attire may be preferable for court. Supervisors shall have discretion giving direction on attire (i.e. suit or uniforms) for court appearances.

1046.3.2 UNIFORM CLASSES FOR SWORN MEMBERS

Class "A" Uniform:

Dress hat, navy blue Ike jacket, navy blue long sleeve shirt, black tie, navy blue trousers, black dress shoes or boots, black or navy blue socks (white socks may be worn when they are not normally visible due to boot height), and white gloves.

- Motorcycle officers shall wear approved motorcycle helmet, eye gear approved by the Department of Industrial Safety, navy blue wool riding breeches with gold and navy stripes, black riding boots and white gloves. A black bow tie is optional.

Class "B" Uniform:

Navy blue long sleeve shirt, navy blue trousers, polished plain-toed black boots or shoes (either dress or leather athletic shoes) and navy blue or black socks (white socks may be worn when they are not normally visible due to boot height). A black tie, black turtleneck or black dickie may be worn at the Watch Commander's option, with emphasis on uniformity of appearance.

- Optional items: Navy blue nylon jacket (heavy or lightweight), dress hat, cold weather knit hat, navy blue Ike jacket (only with black tie), and black leather gloves. The rank of sergeant and above may wear the approved navy blue V-Neck sweater (only with black tie).
- Motorcycle officers shall wear the approved motorcycle helmet, eye gear approved by the Department of Industrial Safety, navy blue wool riding breeches with gold and navy stripes, black riding boots, black leather gloves, and 15 inch silver lanyard with chrome whistle. They may wear the approved leather jacket and/or black bow tie.

Exception to Class "B" Uniform:

- Canine officer may wear the approved navy blue BDU shirt, navy blue BDU trousers, and black boots. They may also wear the navy blue SCPD baseball cap.

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- Officers assigned to bicycle patrol may wear the approved black protective bicycle long pants ("Alitta" model 300). They may also wear eye-gear approved by the Department of industrial safety.

Class "C" Uniform:

Same as Class "B" uniform except that the navy blue short sleeve shirt will be worn (open collar with white or black crew-neck T-shirt).

Class "D" Uniform:

Navy blue short sleeve shirt (open collar with white or black crew-neck T-shirt), blue short pants, plain white crew socks (mid-calf height), and black athletic shoes.

- Optional items: Navy blue nylon jacket and black leather gloves. The navy blue SCPD baseball cap may only be worn with shorts, or during inclement weather. Approved black short pants may be worn while on bicycle patrol. Long pants must be available in case of reassignment.

Class "E" Uniform:

Navy blue baseball cap, black crew-neck T-shirt, department issued black two-piece BDU's (pant legs bloused), black boots, and black leather protective gloves. This uniform is to be worn for crowd control and special assignments.

1046.3.3 RAIN GEAR/WINDBREAKERS

Rain Gear: Black pants and coat per department specifications.

Windbreaker: Black nylon with the words "Santa Cruz Police" stenciled in white on the back and "Police" stenciled with white on the upper half of each sleeve. A badge with the wearer's badge number will be stenciled in white on the left breast area and the wearer's rank and last name will be stenciled in white on the right breast area. Windbreakers may only be worn when approved by the rank of Lieutenant or above.

Alternate Uniform: Personnel may wear the following uniform at their own expense when assigned to non-enforcement duties and with the approval of their watch commander (or Records Manager for Records section personnel):

- (a) Navy blue polo shirt with the City of Santa Cruz logo and the words "Police" embroidered under the logo, tan pants, black or brown belt, black or brown shoes and black, brown or blue socks. White socks may be worn when they are not normally visible due to boot height.

1046.4 UNIFORM CLASSES FOR NON-SWORN EMPLOYEES

Property Attendants:

Long sleeve or short sleeve Police polo shirt, black BDU pants, black basket weave belt, black shoes/boots.

Community Service Officer/Community Service Aide:

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- (a) **Class "A" Uniform:** Dress hat, light blue long sleeve shirt, black tie, navy blue trousers (same specifications as officers), polished plain-toed black boots, dress shoes, and black or navy blue socks.
- (b) **Class "B" Uniform:** Light blue long sleeve shirt, navy blue trousers (same specifications as worn by sworn officers), polished plain-toed black boots, dress shoes, or leather athletic shoes, and black or navy blue socks (white socks may be worn when they are not normally visible due to boot height). A black tie, black turtleneck, or black dickie may be worn, at the Watch Commander's option.
 - 1. Optional Items: Dark blue nylon-type jacket (heavy or lightweight), black leather gloves, knit hat.
- (c) **Class "C" Uniform:** Light blue short sleeve shirt (open collar with white crew-neck T-shirt), navy blue trousers (same specifications as worn by sworn officers), polished plain-toed black boots, dress shoes, or leather athletic shoes, and black or navy blue socks (white socks may be worn when they are not normally visible due to boot height).
 - 1. Optional Items: Dark blue nylon-type jacket (heavy or lightweight), black leather gloves.
- (d) **Class "D" Uniform:** Light blue short sleeve shirt (open collar with white crew neck T-shirt), blue short pants, plain white crew socks (mid-calf height), and black athletic shoes.
 - 1. Optional Items: Dark blue jacket (heavy or lightweight), black leather gloves, and approved navy blue SCPD baseball cap.
- (e) **Rain Gear:** Yellow jacket with "Community Service Officer" stenciled on the back and the CSO's name on the front in black letters. Black pants.
- (f) **Alternate Uniform:** Personnel may wear the following uniform at their own expense when assigned to non-enforcement duties and with the approval of their watch commander (or Records Manager for Records section personnel):
 - 1. Navy blue polo shirt with the City of Santa Cruz logo and the words "Police" embroidered under the logo, tan pants, black or brown belt, black or brown shoes and black, brown or blue socks. White socks may be worn when they are not normally visible due to boot height. The investigation Section Commander may designate alternate attire for special non-sworn assignments.

1046.5 PLAINCLOTHES ATTIRE

All personnel assigned to wear plainclothes on-duty, regardless of rank or division assignments, including, but not limited to personnel on "light duty" shall maintain a style of dress consistent with business attire and maintenance of a professional image.

- (a) Business suits may be worn.

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- (b) Ties shall be worn when appropriate.
- (c) Skirt/dress hem shall be no more than two inches above the top of the kneecap.
- (d) Sport coat with slacks are encouraged attire.
- (e) Collared shirts and slacks shall be worn.
- (f) Jeans will not be worn on-duty unless approved by the Division Commander.
- (g) Patches or slogans suggesting obscenity, nudity, racially or politically directed designs or alcohol or tobacco products, shall not be worn.

1046.5.1 POLICE EQUIPMENT

Sworn members shall wear, at a minimum, their approved firearm, an extra magazine, their issued badge, handcuffs, and other issued equipment in accordance with Departmental General Orders and/or Divisional Directives. Equipment shall be worn or carried so that it cannot be seen.

- (a) Exceptions may be made by the Division Commander for those working in plainclothes with regard to attire, equipment, and appearance.

1046.6 PERSONAL APPEARANCE AND GROOMING

The personal appearance of all personnel shall be consistent with good taste and maintenance of a professional image.

1046.6.1 GROOMING

- (a) **Hair:** Male sworn members and non-sworn employees:
 - 1. Hair shall be kept clean, neat and properly trimmed at all times.
 - 2. Hair may be worn over the ear extending to, but not below, the bottom of the outer ear opening. Hair will not extend below the top of the shirt collar.
 - 3. Hair will not be spiked or multicolored.
 - 4. Sworn members shall maintain their hair so that when a basic cap is worn, the hair does not detract from a neat, professional appearance.
- (b) **Hair:** Female sworn members and non-sworn employees:
 - 1. Hair shall be kept clean, neat and well-groomed at all times.
 - 2. Uniformed member's hair shall be pulled away from the face and hang no longer than the lower neck and shoulders if not in a pony tail or braid(s). If hair is worn in a pony tail or braid(s), hair may touch as low as the top of the shoulder blades. Hair shall be maintained so that when a basic cap is worn, the hair does not detract from a neat, professional appearance.
 - 3. Radical coloring or styles, rollers, curlers, etc., will not be worn.
 - 4. Hair will not be spiked or multi-colored.

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(c) **Facial Hair:**

1. Members and employees shall be clean-shaven when reporting for duty.
2. Beards will not be worn, except with specific approval from the employee's Division Commander.
3. Mustaches may be worn; however, they shall be neatly trimmed. They will not extend below the corner of the mouth, nor three-fourths of an inch horizontally beyond the corner of the mouth.
4. Sideburns shall be neatly trimmed. They will not extend below the bottom of the earlobe and will end with a clean-shaven horizontal line. Exaggerated flares will not be worn.

(d) **Make-up:**

1. Make-up may be worn by female employees but shall be of good taste and will not be of a type which detracts from a neat, professional appearance.

(e) **Accessories:**

1. Sunglasses may be worn during daylight hours; however, those with mirrored or reflective lenses or bright colored frames shall not be worn. Sunglasses shall not be worn inside buildings. Tethers or straps shall be navy blue or black.
2. Jewelry may be worn, but will not be of the type which could interfere with normal duties.

(f) **Uniformed Sworn Members and Non-sworn Employees**

1. Earrings: Females may wear post earrings, no more than two in each ear. Males may not wear earrings. Exceptions may be made in certain undercover assignments by the Division Commander. No other jewelry/body piercing is permitted.
2. Necklaces/Neck Chains: Officers may wear one necklace or neck chain as long as it hangs underneath the crew-neck T-shirt and is not exposed.
3. Rings: Officer may wear no more than one ring on each hand.
4. No bracelets except medical alert bracelets will be worn when in uniform.
5. The above items will be worn so as not to detract from the uniform. Further, the City of Santa Cruz will not be held responsible for their loss or damage.
6. Wrist or pocket watches: Officers are required to wear a watch.
7. Nothing, other than authorized insignia or items, will be worn on the uniform.

(g) **Plainclothes Employees:**

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1. Earrings: No more than two earrings will be worn on each ear, with a maximum length of 1 1/2 inches. Male officers may not wear earrings without prior authorization from their Division Commander.
2. Rings: No more than one ring will be worn on each hand. Female non-sworn employees may wear three rings per hand to complete their attire.
3. Necklaces/neck chains, bracelets, wristwatches, pin, scarf pins and tie pins: not distracting from attire.

1046.7 UNIFORM IDENTIFICATION, INSIGNIAS AND DESIGNATION OF RANK

(a) Shoulder Patch-official emblem as issued.

1. **Sworn Members:** sewn on both sleeves of all uniform shirts and jackets, 1/2 inch below the shoulder seam, centered on the crease.
2. **Non-sworn uniformed employees:** sewn on both sleeves of all uniform shirts and jackets, below and abutting a royal blue rocker denoting title (Community Service Officer, Community Service Aide, and Property Attendant). The rocker shall be sewn 1/2 inch below the shoulder seam, centered on the crease.

(b) Badge-official star as issued. Sworn members only.

1. **Uniform shirts/Ike Jacket:** Silver Star for Sergeant and Officer; Gold Star for Chief, Deputy Chief and Lieutenant pinned onto outermost garment.
2. **Nylon jacket and rain jacket:** Cloth or stenciled star affixed over left breast in place of the badge tab.
3. The purchase of additional badges (Silver for Sergeant and Officer; Gold for Chief, Deputy Chief and Lieutenant) must be authorized, in writing, by the Chief of Police.

(c) Shield-official shield as issued. Non-sworn uniformed employees.

1. **Uniform shirts:** Silver shield pinned onto outermost garment.
2. **Nylon jacket and rain jacket:** Cloth or stenciled star affixed over left breast in place of the badge tab.

(d) Nameplate as issued. All uniformed employees.

1. **Uniform shirt/Ike jacket:** Silver for Sergeant, Officer, C.S.O. and C.S.A.; Gold for Chief, deputy Chief and Lieutenant pinned to outermost garment, centered over right pocket with base of name tag directly above upper pocket seam.
2. **Nylon jacket:** Cloth name tag in place of the metal name tag.
3. The nameplate will bear the employee's first initial and last name. The middle initial is optional.

(e) Award, Special Assignment, and Recognition Pins.

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1. **Pins-Police uniform shirt:** A maximum of four pins may be worn. The placement of all pins shall be:
 - (a) **First Pin:** Worn on the right pocket flap centered and 3/4 inch below the top seam. For those employees having the 1989 Meritorious Service Pin from the Earthquake, the placement shall remain on the right pocket flap centered and 3/4 inch below the top seam.
 - (b) **Second Pin:** Worn above the right pocket, centered and 1 inch above the top seam. The recognition pin bearing the higher award will be worn above the pocket seam. The exception is the Meritorious Service Pin from the Earthquake.
 - (c) **Special Assignment Pin:** Worn above the right pocket, centered and 1 1/2 inches above the top seam.
 - (d) **United States Flag Pin:** On the left pocket flap, centered and 1/2 inch below the top seam.
2. **Pins-Ike Jacket:** All recognition pins may be worn.
 - (a) **Recognition Pins:** Placement as stated above for the uniform shirt.
 - (b) **Second and subsequent pins:** Worn above the right pocket, centered and 1 inch above the top seam. Each successive pin will be placed 1/2 inch above the previous pin. The pin bearing the highest award shall be at the top.
 - (c) **Special Assignment Pin:** Worn above the right pocket, centered either 1 1/2 inches above the top seam, or if recognition pin is in place, 1/2 inch above the recognition pin.
 - (d) **United States Flag Pin:** On the left pocket, centered and 1/2 inch below the seam.
3. **Service Stripes:** One stripe shall be worn for each five years of service with a law enforcement agency as a full-time Peace Officer, described by Penal Code §§ 830.1 or 830.2, upon successful completion of probation with SCPD.
 - (a) **Ike Jacket:** Two inch by 1/4 inch royal blue stripes with gold border, embroidered on black cloth, sewn on the front of the left sleeve at a 45-degree angle with the lower tip 3/4 inch above the cuff and the upper tip of the black cloth along the shirt crease. Additional stripes shall be positioned 1/4 inch (including gold border) above each other.
 - (b) **Long Sleeve Shirts:** Two inch by 1/4 inch royal blue stripes with gold border, embroidered on black cloth, sewn on the front of the left sleeve at a 45-degree angle with the lower tip 3/4 inch above the cuff and the upper tip of the black

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cloth along the shirt crease. Additional stripes shall be positioned 1/4 inch (including gold border) above each other.

4. Designation of Rank

- (a) **Sergeant:** Chevron Stripes: Regulation blue with gold trim, black base. Three strip chevron, tip 1/2 inch from lower point of left arm patch, centered on crease; right arm matching.
- (b) **Lieutenant:** Gold bar worn on shirt collars (cloth insignia on Class "E" uniform). On police jacket, on military strap, centered one inch from shoulder seam.
- (c) **Captain:** Gold twin bars worn on shirt collars (cloth insignia on Class "E" uniform). On Police jacket, on military strap, centered one inch from shoulder seam.
- (d) **Deputy Chief:** Gold star worn on shirt collars (cloth insignia on Class "E" uniform). On police jacket, on military strap, centered one inch from shoulder seam.
- (e) **Chief of Police:** Four (4) gold stars worn on shirt collars. On police jacket, on military strap, centered one inch from shoulder seam.

1046.8 LEATHERWEAR/UNIFORM SPECIFICATIONS AND

All leatherwear worn with the uniform shall be polished black with a basket weave stamped design.

- (a) Metalwear, including snaps, belt buckles and key ring clips, shall be: Gold/brass for Chief, Deputy Chief and Lieutenant; Silver for Sergeant, Officer, C.S.O. and C.S.A.
- (b) Velcro leatherwear may be worn by sworn members.

1046.8.1 UNIFORMED SWORN

Uniformed sworn members shall wear the following items:

- (a) Dress belt.
- (b) Sam Browne belt (without shoulder strap).
- (c) Authorized holster.
- (d) Spare closed magazine case (single or double).
- (e) Handcuff case (a double handcuff case may be substituted or an additional single case may be worn).
- (f) Baton ring.
- (g) Belt loop device for portable radio.

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1046.8.2 UNIFORMED COMMUNITY SERVICE OFFICERS

Uniformed Community Service Officer employees shall wear the following items:

- (a) Dress belt.
- (b) Sam Browne belt (without shoulder strap).
- (c) Handcuff case (a double handcuff case may be substituted or an additional single case may be worn).
- (d) Baton ring.
- (e) Belt loop device for portable radio.

1046.8.3 OPTIONAL UNIFORM ITEMS

Optional items for uniformed sworn and uniformed non-sworn employees:

- (a) Belt keepers.
- (b) Micro tape recorder case, for use with a pager, recorder or door opener.
- (c) Basket weave flashlight holder, full-size or miniature.
- (d) Basket weave knife (ammunition) case.
- (e) Key strap.

1046.8.4 PLAINCLOTHES SWORN MEMBERS

Plainclothes sworn members shall carry the following items:

- (a) Authorized holster.
- (b) Spare magazine case.
- (c) Handcuff case.

1046.8.5 UNIFORMED NON-SWORN

Uniformed non-sworn employees shall wear a black basket weave dress belt with a silver-colored buckle.

1046.8.6 HOLSTERS

- (a) **Uniformed Duty Holster:** Must be leather or pressure molded plastic, black in color, stamped with basket weave design. The top of the holster must be no more than four inches below the bottom of the duty belt.
 - 1. Holsters must be equipped with a safety strap which has a reinforced inside thumb break with a durable metal snap. The holsters shall fit the weapon and fit snugly on the standard duty belt to prevent the holster from sliding back and forth while drawing the weapon. A tension screw on the back of the holster may be added to secure the holster to the belt.
 - 2. The holster shall be of one of the following designs:

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- (a) **High Ride:** Holster designed to ride on the wearer's hip.
 - (b) **Break-Front holster:** Holster designed to allow the weapon to be drawn through the front portion of the holster.
 - (c) **Top Draw holster:** Holster designed to allow the weapon to be drawn from the top of the holster. It may also have a mechanical device/spring retention device. It may be either high ride or swivel in design.
 - (d) The holster will be worn on the same side of the body as the primary (strong) shooting hand.
 - (e) **Clamshell type holsters are not permitted.**
- (b) **Plainclothes Duty Holster:** May be constructed of leather, pressure molded plastic, or nylon. May be black, brown, or tan in color and either plain or basket weave.
- (a) Holster must be equipped with a safety strap which has an inside thumb break and durable snap or mechanical retentive device.
 - (b) The holster shall be one of the following designs:
 - (a) **Hip/pancake:** Holster designed to allow the weapon to be carried on a belt, close to the body and allows the weapon to be drawn from the top of the holster.
 - (b) For Colt Series 80 or similar pistols a holster may be made of leather, pressure molded plastic, or nylon. May be black, brown or tan in color and either plain or basket weave. The holster must be equipped with a safety strap which has an inside thumb break and durable snap, or an internal retention device which will securely retain the pistol in the holster. The internal retention device shall retain the pistol until released by a mechanical process controlled by the officer. Examples of holsters meeting this standard are the Black Hawk CQC Serpa holster or the Bianchi Model 32 holster.
 - (c) **Shoulder Holster:** Holster designed to allow the weapon to be carried suspended under the arm opposite the gun hand.
 - (d) **Ankle Holster:** Holster designed to be worn on the ankle and secured to the ankle by strap (Velcro/buckle).
 - (e) **Fanny Packs:** Pack secured to the body with a strap and consisting of a completely enclosed area in which to secure the weapon.
 - (f) **Ankle holsters and fanny packs may only be worn upon written approval of a Section or Division Commander.**
- (c) **Off-duty Holster:** Holsters include all of those specified above in addition to any holster using a mechanical or elastic retention device. Written approval is not necessary in order to carry any of the listed holsters.

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- (d) **Performance requirements of the Duty Holster:** The holster must retain the weapon in the holster with the safety strap unsnapped while performing the following tasks:
1. Seated in a patrol vehicle.
 2. Entering/exiting a patrol vehicle.
 3. Mounting/dismounting a police motorcycle.
 4. Climbing over a six foot fence or other obstruction.
 5. Jumping to the ground from the top of a six foot fence.
 6. Bending over at the waist and touching the ground.
 7. Moving from a sitting position and diving to the ground, rolling side to side.
 8. Kneeling or squatting.
- (a) The wearer must be able to withdraw the weapon while in a seated position in a vehicle without moving their upper body other than to grasp the weapon and be able to replace the weapon in the holster with one hand in one movement.
- (e) **Authorized Duty Holsters:** The following holsters are authorized for duty use:
- (a) Safariland Model 070
 - (b) Safariland Model 200 series
 - (c) Safariland Model 2
 - (d) Safariland Raptor 6070 and 6270
 - (e) Bianchi equivalent to the above.

All personnel wanting to carry a holster (on-duty) other than the department authorized holsters must have the holster tested and certified in writing by a Firearm Instructor. The holster must meet the criteria as outlined in this order. The certification will be forwarded to the Firearms Team Manager. The Firearms Team Manager will then submit a written recommendation, via the chain of command, to the Chief of Police. If the holster is approved, the policy will be revised to include the authorized holster. Only then may the holster be carried on-duty.

1046.8.7 SAFETY EQUIPMENT (BALLISTIC HELMETS)

- (a) Ballistic (Kevlar) helmets will be supplied to all sworn personnel. The intent of the ballistic helmet is to provide maximum safety to officers in the performance of their duties.
- (b) Employees shall wear the ballistic helmet while performing non-routine activities that indicate the need for maximum head protection.
- (c) A supervisor, the senior officer, or obvious need as seen by the responding officer on the scene shall make the decision to wear the ballistic helmet. Therefore, uniformed employees shall have their ballistic helmet readily available while on-duty.

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1046.8.8 UNIFORM SPECIFICATIONS-SWORN MEMBERS

(a) **SCPD Wool Baseball Cap**

1. Material: Wool.
2. Color: Navy Blue.
3. Style: Fitted Wool.
4. Insignia: "Santa Cruz Police" in embroidered white lettering on front.

(b) **Dress Hat**

1. Material: 16 oz. Serge or Elastique.
2. Color: Navy Blue.
3. Style: Police Round.
4. Grommet: One-quarter inch metal, black.
5. Vents: Closed, cloth (non-basket), with royal blue upper and lower border.
6. Visor: Black patent leather, approximately 45-degree angle.
7. Strap: Royal blue cord braid for Patrol Officer; silver metal band for Sergeant; gold metal band for lieutenant; gold stamped band for Deputy Chief and Chief of Police.
8. Buttons: Regulation police "P" buttons- Silver for Sergeant, Officer, C.S.O. and C.S.A.; Gold for Chief, Deputy Chief and Lieutenant.
9. Badge: Department issued hat piece.

(c) **Cold Weather Knit Hat:** Black with the word "Police" embroidered in white letters across the front and the wearer's badge number embroidered in white numbers on the back.

(d) **Gloves**

1. Material: Cotton.
2. Color: White.
3. Style: Form-fit, plain. Or
4. Material: Leather and/or neoprene.
5. Color: Black.
6. Style: Form-fit, plain.

(e) **Jacket-Eisenhower**

1. Material: Serge or Elastique.
2. Color: Navy Blue.
3. Adjustment: Straps with two buttons at side seam.

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4. Closing: Full zipper front.
 5. Sleeves: Coat sleeves, full at a wrist.
 6. Lining: Black rayon.
 7. Pockets: Two military flap jacket pockets on breast with vertical pleat.
 8. Expansion: Vertical pleat from each shoulder seam to waistband in back.
 9. Length: Sufficient length to cover gun belt at normal waist position.
 10. Buttons: Police "P" buttons"Silver for Sergeant and Officer; Gold for Chief, Deputy Chief and Lieutenant.
 11. Lapels: Peak type.
 12. Epaulets: Military shoulder straps.
 13. Band: Single blue for officer and Sergeant; single gold band for Lieutenant; two gold bands for Deputy Chief; three gold bands for Chief.
- (f) **Crowd Control Pants**
1. Material: Twill fabric, 65% polyester/35% combed cotton.
 2. Color: Black.
 3. Style: ProTuff BDU pants, Model# 101P or equivalent.
- (g) **Crowd Control Shirt**
1. Material: Twill fabric; 65% polyester/35% combed cotton.
 2. Color: Black.
 3. Style: ProTuff BDU shirt, Model# 101S or equivalent.
- (h) **Jacket-Nylon**
1. Material: Nylon.
 2. Color: Navy Blue:
 3. Manufacturer: Blauer, or equivalent.
 4. Style: Short, all nylon coat. Style to fit body loose, with waist length body.
 5. Pockets: Breast pockets with "P" buttons-Silver for Sergeant and Officer; Gold for Chief, Deputy Chief and Lieutenant.
 6. Sleeves: Each sleeve tab to have two navy blue buttons. Tab stitched down along length of tab, at top of tab only.
 7. Collar: Navy blue, nylon.
 8. Closure: Fly front to include #4 double zippers, no buttons.

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9. Epaulets: Cross-stitched epaulets to be sewn down on shoulder. Cross-stitching to extend 2 1/2 inches at shoulder seam. Size to be 2 5/8 inches at shoulder seam tapering to 2 1/8 inches. Length to be such as to extend under collar. Each epaulet to be buttoned down with one "P" button, regulation (Silver for Sergeant and Officer; Gold for Chief, Deputy Chief and Lieutenant).
 10. Badge: Cloth star affixed over left breast in place of the badge tab.
 11. Nameplate: Cloth name tag affixed over the right breast pocket.
- (i) **Sweater (rank of Sergeant and above)**
1. Material: 30/70 Poly/Wool blend.
 2. Color: Navy Blue.
 3. Style: Fecheimer #00800 Command Sweater or Blauer Commando#210, heavy knit, v-neck sweater with epaulets and reinforced elbows.
 4. Badge: Large cloth reinforced badge holder.
- (j) **Motor Pants**
1. Material: Wool.
 2. Color: Navy Blue.
 3. Style: Riding breeches. The brand Sinatra meets the specifications.
 4. Stripes: Gold and navy stripes, 1/2 inch in width, sewn on the outside seam of both legs.
- (k) **Neckwear Clip on Necktie**
1. Material: One-ply Raeford Worsted Company's No. 900-1 or 900-13 in shade 561 or equal.
 2. Color: Black with a dull finish.
 3. Style: Double Windsor "Redi-Tied Knot" with a bend-over metal clip (E-Z clasp quality), providing a "breakaway" feature when worn. The clip shall be quality steel for durability and dependability.
 4. Length: The tie shall be made available in two lengths:
 - (a) Regular: 16 inches from the bottom of the knot plus or minus 1/4 inch;
 - (b) Long: 17 inches from bottom of knot, plus or minus 1/4 inch. The tie shall have no less than 2 1/2 inch nor more than 2 3/4 inch width at approximately 1 1/4 inches above the bottom point. The tie shall be 2 inches wide at a point 5 inches below the bottom of the knot, plus or minus 1/2 inch.
- (l) **Neckwear Bow Tie (Motor Officers)**

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- (a) Material: Synthetic.
 - (b) Color: Black.
 - (c) Style: Traditional Motor Officer Bow-Tie.
 - (d) Brand: Broome.
- (m) **Tie Bar/Tie Tac**
- (a) For Sergeant and Officer: A plain silver bar, silver bar with SCPD Star, or SCPD Patch.
 - (b) For Chief, Deputy Chief and Lieutenant: A plain gold bar, gold bar with SCPD Star, or SCPD Patch.
 - (c) No other items are authorized.
- (n) **Shirt^{***}Short and Long Sleeve (Wool)**
- (a) Material shall meet the following minimum standards:
 - (a) Weave: Tropical worsted.
 - (b) Weight: 10-10 1/2 ounces on a 60 inch width.
 - (c) Fiber content: 100% wool.
 - (d) Wool Grade: Minimum of 64's virgin wool.
 - (e) Yarn ply: Two-ply in both warp and filling.
 - (f) Tensile Strength: 56 pounds in warp, 46 pounds in filling.
 - (g) Construction: 50 ends per inch, 46 picks per inch.
 - (h) Shade: The fabric shall be dyed to match the standard SCPD shade which is the same as Metcalf's shade #125 blue.
 - (i) Color Fastness shall be rated as good for the following:
 - (a) Light fastness at 40 SFH;
 - (b) Perspiration;
 - (c) Dry Cleaning;
 - (d) Wet and dry crocking.
 - (j) Manufacturers: Flying Cross, Jaguar and Elbeco, or equivalent.
 - (b) Collar (Male-Long Sleeve)
 - (a) Military style with one button closure at the neck using a 5/8 inch button. Band shall be 1 1/2 inches high in back and 1 inch in front, full-stitched with four horizontal stitch-lines 1/2 inch apart or diagonally quilt-stitched.

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- (b) Band shall be lined with good grade rayon of matching color and interlined with matching 5.00 sanforized interlining. Top collar shall be approximately 3 1/3 inches at the front point and 1 7/8 inches at the back with a 2.85 sanforized interlining. Collar spread at closure shall be 3/4 inch to provide for the metal clip "breakaway" necktie.
- (c) Collar points may either be slotted and sewn on the underside to accommodate celluloid collar tabs 1/4 inch wide and 2 1/4 inches long, or "Perma-Stay" flexible type tabs permanently anchored inside the collar may be used.
- (c) Collar (Male-Short Sleeve)
 - (a) Shall be semi-dress convertible sport type consisting of three pieces: collar top, interlining and facing. It shall be sewn to the yoke and shall curve over the shoulders. Points shall measure 1 5/8 inches at the center of the back and shall completely cover the seam hinging the yoke and collar; shall be interlined with black Pellon. The collar shall be inch edge double-stitched all around.
 - (b) There shall be two 2 1/4 inch bi-angle inset tab pockets under the collar to provide for the celluloid stays. Stays shall measure 2 1/4 inches long and 1/4 inch wide. "Perma-Stay" flexible type tabs permanently anchored inside the collar may be used.
- (d) Collar (Female-Short and Long Sleeve)
 - (a) Shall conform to the same minimum standards and general specifications as the male summer collar in this section, with the exception that the female collar shall be a one-piece convertible collar on both long and short sleeve shirts, to measure 3 inches at all points.
- (e) Body (Male-Short and Long Sleeve)
 - (a) Form fitting with a straight yoke 3 inches deep extending up to the collar and well over the shoulder. The yoke may be less than 3 inches deep when required to ensure a proper fit. Front shall have not less than 1 5/8 inch nor more than 1 3/4 inch box pleat with self-facing and six 5/8 inch buttons and corresponding vertical buttonholes. Shall be open-front style. All seams shall not be less than 1/4 inch nor more than 3/8 inch double stitched.
- (f) Body (Female-Short and Long Sleeve)
 - (a) Shall conform to the same minimum standards and general specifications as the male shirt in this section, with the exception that the body of the female shirt will be form-fitting with a straight yoke approximately 2 inches deep, extending up to the collar and well over the shoulder.

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- (b) Front shall button right side over left side with six buttons spaced 3 1/2 inches apart. Second button to be positioned 2 inches from top (neck) button.
 - (c) The shirt shall have maximum waist suppression with normal dart construction providing proper conformation to the wearer's bust and waist contour. The darts shall not be seams, but shall be tucked, pressed, and sewn so that the waist may be expanded or contracted to fit the wearer. The length of the darts shall be variable to size; however, the darts at the waist shall extend vertically above and below the natural waist.
- (g) Pockets (Males-Short and Long Sleeve)
- (a) Two breast patch pockets shall be 6 inches deep and 5 3/8 inches wide at the top and bottom. Each pocket shall have a 3-point flap 5 1/2 inches wide, 2 3/4 inches at the points, and 2 1/4 inches at the curves.
 - (b) A vertical imitation style buttonhole (Slightly cut through to allow Department button to be toggled) shall be located on the center point line of each flap. A size 1/0 black oxidized square Prym Auto Matic snap (Amity Notion) shall replace Velcro on the outside points of each pocket flap. The male portion of the snap shall be sewn to the pocket while the female portion will be sewn to a corresponding position on the flap point. The snaps shall be located as near to the point end as possible, but not visible from the side.
 - (c) The bottom corners of the pockets shall be rounded, double-stitched on the bottom and two sides with a 1/2 inch hem across the top. A pencil pocket with a 1 inch opening through the flap shall be made on the right side of the left pocket. The pockets shall be 1 3/4 inches from the center of the top center. There shall be no eyelet or button on the pocket.
- (h) Pockets (Females-Short and Long Sleeve)
- (a) Shall conform to standards and general specifications as the male shirt pockets in this section, with the exception that the female shirt pockets shall measure 4 7/8 inches wide and 5 inches deep. Flaps shall measure 5 1/4 inches across and 2 1/4 inches in depth at the center point, and 1 3/4 inches at sides, secured to front of shirt pocket approximately 1/2 inch above pocket. Each pocket shall have Velcro tape 1 inch long by 3/8 inch wide positioned on both edges of each pocket to correspond with outer scalloped flap points.
- (i) Epaulets (Short and Long Sleeve)
- (a) Cloth extending from the sleeve seam to within 3/8 inch of the seam joining yoke and neck band and shall lie flat upon the shoulder. The forward edge shall overlap 1/4 inch parallel to the top shoulder seam of the yoke. The strap shall measure 2 inches wide at the sleeve seam and 1 1/2 inches at the top which shall come to a point measuring 1/2 inch at the center. An imitation

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style buttonhole perpendicular to the collar shall be centered in the open end of the strap with the end of the buttonhole nearest the collar measuring 1/2 inch from the extreme edge of the point of the shoulder strap.

- (b) A 3 1/16 inch elongated eyelet shall be located in the yoke directly beneath the opening "I" in the strap to facilitate the toggling of the Department button. The strap shall be stitched to the shoulder seam with two rows of stitching and shall be stayed across 2 1/4 inches above the shoulder seam and cross-stitched. The entire length of the strap shall be sewn to the shirt by stitching over the 1/4 inch edge stitch line.
- (j) Buttons (Short and Long Sleeve)
 - (a) All buttons shall be of 24 ligne best quality plastic to match the color of the shirt.
- (k) Badge Holder (Short and Long Sleeve)
 - (a) Shall be made of cloth 2 1/2 inches long and 1 inch wide centered above the left pocket flap. It shall be equipped with two black rustproof metal eyelet's center spaced 2 inches with the top eyelet center located 3 1/4 inches above the top of the pocket flap. No part of the holder shall show from behind the badge.
- (l) Long Sleeves
 - (a) Shall have reinforced elbows made by extending the plackets 11 1/4 inches from the cuffs and widening to 6 3/4 inches at the elbow extending down the inseam a minimum of 5 1/2 inches. The placket vent shall be double-stitched all around. These measurements based on size 15 x 34. All other shirt sizes shall have proportionate measurements.
- (m) Cuffs (Long Sleeve)
 - (a) Shall be 2 1/2 inches wide and square with two buttons and buttonholes evenly spaced. Shall be double-stitched all around with not less than 15 stitches to the inch using double O thread of best quality. Cuff's shall be interlined with 5.00 sanforized, matching interlining.
- (n) Short Sleeve (Male)
 - (a) The length of the sleeves shall extend to within approximately 1/2 inch above the inside of the forearm and in no event touch the forearm when it is bent at a 90-degree vertical angle. The sleeves shall be finished with a turned up hem single-stitched 3/4 inch from the bottom. The center line of the sleeve shall be sewn to square off the bottom of the sleeve which shall be tailored proportionately to the wearer's arm.
- (o) Short Sleeve (Female)

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- (a) Length of sleeves shall finish approximately 8 inches from the shoulder seam.
- (o) **Shirt-Short Sleeve and Long Sleeve (Permapress)**
 - (a) Material shall meet the following minimum standards:
 - (a) Weave: Tropical.
 - (b) Fiber Content: All synthetic tropical weave 65% Dacron Polyester/35% Avril Rayon.
 - (c) Yarn Size: All yarns size 10/1 singles or better.
 - (d) Tensile Strength: 100 lbs in warp; 70 lbs. in filling.
 - (e) Construction: 50 warp x 40 filling yarns per square inch.
 - (f) Air Permeability: 131 ASTM D 737-46 (Air flow per cu ft. per sq.ft. min.)-typical.
 - (g) Shade: The fabric shall be dyed to match the standard Santa Cruz Police Department alternate shirt shade which is the same as Metcalf's shade no. 125-blue.
 - (h) Color Fastness shall be rated as good for the following:
 - (a) Light fastness at 40 SFH
 - (b) Perspiration
 - (c) Dry cleaning or laundering
 - (d) Wet and dry crocking
 - (e) Gas fading
 - (f) Ozone fading
 - (i) Weight: 10-1-1/2 ounces on a 60 inch width.
 - (j) Manufacturers: Flying Cross, Jaguar, Elbeco, or equivalent.
 - (b) **Collar and Band**
 - (a) Military-style with one button closure at neck. Collar points to measure approximately 3 1/4 inches long with sewn-in Mylar stays. Collar height at rear 1 1/2 inches. Top-stitched 1/4 inch off the edge. Collar stand to measure 1 5/16 inches at rear and band to be die cut and interlined with stabilized Mell-Press (#285 in collar, #500 in band), or equivalent.
 - (c) **Body (Male-Short and Long Sleeve):**

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- (a) Form-fitting, plain front coat-style, collar attached. Two scalloped flapped plain breast pockets. Straight yoke 4 inches deep extending up to the collar and over the shoulder. Shall be open front style.
 - (b) Long sleeve model: left front to have 1 1/2 inches selvage edge rever held in position by 7 buttonholes; right front to have 1 inch hemmed self-button piece along front edge with 7 buttons to correspond with front buttonholes.
 - (c) Short sleeve model: front to have 3 inches width facing extending from neckline to bottom of shirt provided by a turn under of material.
 - (d) Single needle stitching throughout except sleeve inserting and side closing felling seams, which are to be safety-stitched. All top-stitching 1/4 inch from edge. All sewing threads to be cotton wrapped filament Dacron/Polyester to match.
- (d) Body (Female-Short and Long Sleeve)
- (a) Shall be the same as the specifications for the short and long sleeve wool shirt.
- (e) Pockets and Flaps (Male-Short and Long Sleeve).
- (a) Two plain rounded corner breast pockets. Pocket to measure 5 7/8 inches wide, 6 inches deep. Left breast pocket to have 1 1/4 inches pencil stitch.
 - (b) Each pocket to have Velcro tape 1 inch long by 3/8 inch wide, positioned on both edges of pocket to correspond with outer scalloped design to measure 5 7/8 inches across and 2 3/4 inches in depth at points, 2 1/4 inches at curves and secured to shirt front approximately 1/4 inches above pocket.
 - (c) Left flap to have invisible pencil opening 1 1/4 inches to correspond precisely with pencil slot of pocket.
 - (d) Both flaps to be interlined with #500 stabilized Mello-Press or equivalent. Underside of the flap to have Velcro tape 1 inch long by 3/8 inch wide, positioned on outer points of both pocket flaps as sample. Flaps to be top-stitched 1/4 inch from edge.
- (f) Pockets and Flaps (Female-Short and Long Sleeve)
- (a) Shall be the same as the specifications for the short and long sleeve wool shirt.
- (g) Epaulets (Male-Short and Long Sleeve)
- (a) Style and dimensions as sample. Asymmetrical shape top-stitched 1/4 inch off the edge to be set on yoke with leading top stitch conforming with front joining seam. To measure 2 1/8 inches at sleeve tapering to approximately 1 7/8 inches and set not more than 1/2 inches from folded collar. Cross-stitched

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approximately 2 inches from the sleeve seam. The entire length of the epaulet shall be sewn to the shirt by stitching over the 1/4 inch edge stitching.

- (h) Epaulets (Female-Short and Long Sleeve)
 - (a) Shall measure 2 inches at sleeve head, tapering to 1 3/8 inches.
- (i) Buttons (Short and Long Sleeve)
 - (a) Buttons shall be of 24 ligne melamine to match the color of the shirt.
- (j) Badge Reinforcement (Short and Long Sleeve)
 - (a) Shall be self-cloth, two-ply sling, 1 1/8 inches wide centered over left pocket and stitched to shoulder seam and flap setting stitch. To have two rustproof buttonhole eyelets; top eyelet centered approximately 3 1/2 inches from top of pocket flap, spaced 2 inches apart and centered on sling.
- (k) Sleeves and Cuffs (Long Sleeve)
 - (a) Long sleeves are to be cut straight and whole, with 5 1/2 inch sleeve vent. Shall have top and bottom sleeve facing with block point. Top facing to measure 1 inch in width. Cuff to measure 2 3/4 inches with rounded corners.
- (l) Short Sleeve (Male)
 - (a) Sleeves are to be cut straight and whole, to have 1/2 inch hem and finish approximately 9 1/2 inches long from shoulder seam.
 - (b) Convertible sport collar shall be one piece and to measure approximately 3 1/4 inches only at points. The collar to be made with permanent collar stays. Interlined with stabilized Mello-Press #285 or equivalent. Top stitched 1/4 inch off the edge.
- (m) Military Creases
 - (a) Seven baked-in sharp military creases on all shirts. One crease on each front to be centered vertically through pocket and flap.
 - (b) Spacing for military creases on shirt back to be proportionate to the size of the shirt as follows:
 - 1. Sizes 14 through 15 1/2, creases to be 4 3/4 inches apart;
 - 2. Sizes 16 through 18 inclusive, creases to be 5 3/8 inches apart as measured from the center crease. Military creases on both sleeves to be centered on the middle of the shoulder strap.
- (p) Shoes and Boots
 - 1. Color: Black shoes or boots; black athletic shoes.

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2. Style: Plain or capped tow (no engraved design). Only round-toed, narrow-necked boots allowed, with heel height not to exceed one and one-half inches.
 3. Athletic shoes without engraving or colored design. The top may not be higher than the ankle. When worn with Class B or C uniform, athletic shoes must be polishable leather.
 4. Height: Optional for black shoes or boots.
- (q) Short Pants
1. Color: Ink Blue.
 2. Style: Athletic shorts.
 3. Brand: Sportif USA#670170.
 4. Material: Polyester/Cotton Spandex.
 5. Length: No modifications may be made to the length.
- (r) Socks
1. Material: Optional.
 2. Color: Navy blue or black (white with short pants).
- (s) Trousers (Wool): Material shall meet the following minimum standards:
1. Weave: Serge or Elastique.
 2. Weight: 16-16 1/2 ounces on a 60 inch width.
 3. Fiber Content: 100% Wool.
 4. Wool Grade: Minimum of 64's picks per inch.
 5. Yarn Ply: Two-ply in both warp and filling.
 6. Strength: 126 pounds in warp, 100 in filling.
 7. Construction: 68 ends per inch, 64 picks per inch.
 8. Shade: The fabric shall be dyed to match the standard Santa Cruz Police Department shade which is the same as Metcalf's shade no. 386-16 Blue. Stock dye or piece dye shall be permitted.
 9. Color Fastness shall be rated as good for the following:
 - (a) Light fastness at 40 SFH
 - (b) Perspiration
 - (c) Dry Cleaning
 - (d) Wet and dry crocking

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10. Durable Press: The fabric may be treated with a durable press, "coin-op" dry leaning finish. It shall not be permanently creased.
11. Manufacturers: Horace Small, Fecheimer or equivalent.
12. Style and Construction: Shall be the slacks type. Rise shall be of sufficient length to allow the bottom of the waistband to ride above the hip bones. Waistband shall be cut in two separate pieces, 2 inches wide, made in the closed method, and lines to match the pocketing. A rubberized waistband 1 inch wide, shall be sewn to the inside of the trouser waistband. It shall be resistant to dry cleaning and laundering agents, light, perspiration and weather. Trousers shall have an inner seat lining of black shade. Seat area shall be fully lined, not less than 7 inches downward and around the crotch area. Seams shall be sewn with polyester core thread and inside seams shall be overcast.
13. Legs: Shall hang to a point to less than 1 inch nor more than 2 inches from the top of the heel in back, and hollowed in front to allow the bottoms of the trouser to rest on the shoes without a break. Leg bottoms shall be plain with a minimum 2 inch turn up, 17 inches wide, size 33, and a 20 inch knee (graded according to size). Leg bottoms shall have self-cloth stays at the front and back.
14. Pockets: Both male and female police officer trousers shall be constructed with one watch, two hip, two club, and two side pockets. Hip pockets shall be 6 inches wide and 7 1/2 inches deep, finished with approximately a 1/8 inch double cord edge with a 1 1/2 inch facing on the back and a 3/4 inch finish on the front; facings shall be self-cloth. A club pocket 3 1/2 inches wide and 8 inches deep shall be placed 5 1/4 inches below each hip pocket; same finishing as hip pockets. The front edge of the club pockets shall be 3/4 inch from the side seams of the trousers. Side pockets shall have an opening not less than 6 1/2 inches and shall be 4 inches deep measuring from the bottom of the pocket opening to the bottom of the pocket. Side pockets shall have a 1/4 inch welt edge. Facing of self-cloth shall measure 1 1/2 inches top to bottom finished. All pockets shall be made with Indo-Carbon dye, prototype no. 126, and shall be double lock stitched at the bottom. A watch pocket, 3 inches wide and 4 inches deep, shall be placed on the right side of the trousers. All pockets shall be securely stayed and reinforced with heavy bar tacking in triangular shape. Note: Police Officers have the option of sewing closed the side trouser pockets to prevent a "gaping open" effect. Note: Police Officers shall have seven (7) stitched-through belt loops 3/4 inch wide, to allow a belt 1 3/4 inches wide to pass through.
15. Belt Loops: Shall have seven (7) stitched-through belt loops 3/4 inch wide, to allow a belt 1 3/4 inches wide to pass through. One loop, center back, shall be dropped and stitched inch below the waistband. The remaining six (6) loops shall extend over the top of the waistband and stitched into the waistband lining. Loops shall be proportionately spaced from the center back to the front.

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- (t) Trousers (Wash and Wear) Material shall meet the following minimum standards:
 - (a) Weave: Serge or Elastique.
 - (b) Fiber Content: All synthetic weave 65% Dacron Polyester/35% Avril Rayon.
 - (c) Shade: The fabric shall be dyed to match the Santa Cruz Police Department alternate shirt shade which is the same as Metcalf's shade no 125-Blue.
 - (d) Color Fastness should be rated good for the following:
 - (a) Light fastness at 40 SFH.
 - (b) Dry cleaning or laundering.
 - (c) Wet and dry crocking.
 - (d) Gas and Ozone fading
 - (e) Manufacturers: Horace Small, Fecheimer or equivalent.
 - (f) Style and Construction: Shall be the same as the specifications for the wool trousers.
 - (g) Legs (Male Trousers): Shall be the same as the specifications for the wool trousers.
 - (h) Legs (Female Trousers): Shall be the same as the specifications for the wool trousers.
 - (i) Pockets: Shall be the same as the specifications for the wool trousers.
 - (j) Belt Loops: Shall be the same as the specifications for the wool trousers.
- (u) Optional Bicycle Patrol Long Trousers
 - 1. Color: Black.
 - 2. Style: Bicycle patrol trousers.
 - 3. Brand: Alitta by Fecheimer (A310BK or A410BK) or equivalent.
 - 4. Material: 3 ply supplex nylon.
 - 5. Length: Long with zippers at ankles and Velcro straps at ankles to prevent chain rub.
Note: Pants will only be issued to personnel assigned to permanent year-round bike patrol (i.e. downtown).
- (v) Turtleneck/Dickie
 - 1. Material: Tight weave with half fold collar.
 - 2. Color: Black.
 - 3. Style: Long or short sleeved, cuffs not exposed from shirt sleeve. Dickies are optional, if they meet these specifications.
- (w) Undershirts

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1. Material: Various.
2. Color: White or Black.
3. Style: Crewneck.

1046.8.9 UNIFORM SPECIFICATIONS NON-SWORN EMPLOYEES

(a) Property Attendants:

1. Jacket:
 - (a) Material: Nylon.
 - (b) Color: Navy Blue.
 - (c) Manufacturer: Blauer, or equivalent.
 - (d) Style: Long Sleeve.
2. Shirt-Short Sleeve/Long Sleeve:
 - (a) Material: Wash and Wear.
 - (b) Color: Blue.
 - (c) Style: Polo shirt with City logo and "Police" on left breast.
3. Shoes and Boots:
 - (a) Color: Black.
 - (b) Style: Plain or capped toe.
 - (c) Height: Optional.
4. Socks:
 - (a) Material: Optional.
 - (b) Color: Dark.
5. Trousers:
 - (a) Material: Polyester blend (wash and wear) B.D.U.
 - (b) Color: Black.
 - (c) Style: Trousers with pockets in front and back.

(b) Community Service Officer/Community Service Aide:

- (a) Cold weather Jacket:
 - (a) Material: Nylon.
 - (b) Color: Navy Blue.

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- (c) Manufacturer: Blauer, or equivalent.
 - (d) Style: Long sleeved.
- (b) Shirt-Short Sleeve/Long Sleeve:
 - (a) Material: Polyester blend (wash and wear) or wool.
 - (b) Color: Light Blue.
 - (c) Style: Flying Cross Model #6625 FX Deluxe 2x2 Tropical Weave, or equivalent.
- (c) Shoes and Boots:
 - (a) Color: Black shoes or boots. Black athletic shoes (Class D).
 - (b) Style: Plain or capped toe (no engraved design). Only round-toed, narrow-necked boots allowed with heel height not to exceed one and one-half inches.
 - (c) Athletic shoes without engraving or colored design. The top may not be higher than the ankle.
 - (d) Height: Optional for black leather shoes or boots.
- (d) Short Pants:
 - (a) Color: Black.
 - (b) Style: Athletic shorts.
 - (c) Brand: Sportif USA #630170.
 - (d) Material: Polyester/Cotton/Spandex.
 - (e) Length: No modifications may be made to the length.
- (e) Socks:
 - (a) Material: Optional
 - (b) Color: With low rise shoes or boots, solid black or navy blue socks may be worn. Other colors with high rise boots. Solid white mid-calf socks shall be worn with black athletic shoes.
- (f) Tie:
 - (a) Material: Tight woven wool, cotton or synthetic material without print.
 - (b) Color: Black.
 - (c) Style: #61. Four in hand medium width (breakaway or ready knotted clip-on style).
- (g) Trousers:

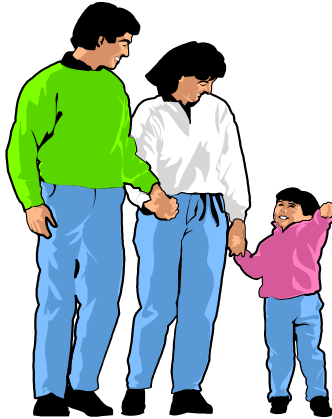
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- (a) The specifications for the trousers are identical to the sworn members.
- (h) Turtleneck/Dickie:
 - (a) Material: Tight weave with half fold collar.
 - (b) Color: Black.
 - (c) Style: Long sleeved, short sleeved. Cuffs of undergarment shall not be exposed from shirt sleeve. Dickies are optional, providing they meet the above specifications.
- (i) Undershirts:
 - (a) Material: Various.
 - (b) Color: White/Black.
 - (c) Style: Crewneck.
- (j) SCPD Wool Baseball Cap:
 - (a) Material: Wool.
 - (b) Color: Navy Blue.
 - (c) Style: Fitted Wool.
 - (d) Insignia: Santa Cruz Police with "C.S.O." in embroidered white lettering centered above word "Police". All 1/2 inch lettering.
- (k) Dress Hat:
 - (a) Material: 16 oz. Serge or Elastique.
 - (b) Color: Navy Blue.
 - (c) Style: Police, round.
 - (d) Grommet: 1/4 inch metal, black.
 - (e) Vents: Closed, cloth (non-basket), with royal blue upper and lower border.
 - (f) Visor: Black patent leather, approximately 45 degree angle.
 - (g) Strap: Royal blue cord braid.
 - (h) Buttons: Regulation police "P" Buttons (silver).
 - (i) Badge: Department issued hat piece.

**AMBER Alert-MBRegional Guideline
082608 revised.8-26-08.pdf**



Monterey Bay Regional

Amber Alert

Protocol and Procedure

**Monterey, Santa Cruz and
San Benito Counties**



Adopted: 2-28-2003
Updated: 5-01-2008

Monterey Bay Regional AMBER Alert

The AMBER Alert shall only be implemented in cases of:

1. A confirmed non-parental abduction of a child under 18 years of age or any person suffering from a mental or physical handicap,

OR

2. The child victim of a parental abduction facing the threat of serious bodily injury or death,

AND

3. Law Enforcement has credible information the child is in eminent danger of serious bodily harm or death.
4. There is information available that, if provided to the public, could assist in the child's safe recovery.
5. **An AMBER Alert shall only be implemented by a Law Enforcement agency with the approval of senior management personnel.**

Law Enforcement Responsibilities:

1. Patrol Officer will gather and assess pertinent information the scene of a reported child abduction.
2. If the above information is in agreement with the needed criteria, the Patrol Officer will notify their Watch Commander who will notify the appropriate Department Manager for approval of AMBER Alert implementation. The CHP broadcast format will be completed and approved by management. ENTAC can assist (916) 657-8287.
3. State Parks will contact the law enforcement agency that has jurisdiction for the park of occurrence.
4. The Patrol Officer will then contact their respective 911 center and provide all information on the CHP broadcast form. Santa Cruz County Law Enforcement agencies will initiate project ROPE.
 - Carmel Police Department will contact Monterey County 911 at 755-5100.
 - Scotts Valley and UCSC Police Departments will contact Santa Cruz 911 at 471-1170.

The venue agency will provide a phone number (with at least the capability to roll over to three different lines) for the public to use as a “Tip” line.

5. The venue agency will provide a PIO (Press Information Officer) with a dedicated line to field media inquiries.
6. The 911 center will Notify the CHP Emergency Notification and tactical Alert Center (ENTAC) at (916) 657-8287 to initiate and Emergency Alert System (EAS) broadcast and for assistance with all other state requirements.
7. The Patrol Officer, or designee, will respond to the office to prepare and disseminate a Critical Reach Flyer. ENTAC can produce and disseminate the Critical Reach Flyer if a photo is available and emailed to ENTAC@CHP.CA.GOV.
8. As soon as possible, the venue agency will send a detective or equivalent to their 911 center to assist with managing the incoming leads.
9. The venue agency will follow this case as they would per their established major case protocol.
10. Once the child is located, all notifications will be made again in the same order as in the initial contacts.

11. Additional available resources:

- National Center for Missing and Exploited Children (NCMEC)
(800) 843-5678
- FBI Office/Watsonville (831) 722-8720
- Coast Guard (831) 722-8720
- ICE/Border Patrol ()
- San Jose Airport Police (408) 277-8990

911 Emergency Communications Center Responsibilities:

1. Receive the alert information from the Patrol Officer and insure that proper approval has been obtained.
2. Contact ENTAC at (916) 657-8287 to:
 - Activate the Emergency Alert System (EAS).
 - Create the CLETS “EDIS FLASH” message.
3. Receive any incoming public calls and transfer to the venue agency and/or dispatch the immediate Law Enforcement agency based on the specific information received.
4. Provide a workstation for the officer sent to assist with incoming calls.
5. Immediately upon notification the child has been recovered, cancel the AMBER Alert using the same procedure as to initiate with the exception of the initial EAS message. Cancellation of the EDIS and AMBER Fax distribution list are also to be accomplished by the 911 Communications Center or ENTAC.

Media Responsibilities:

1. Radio:

- a. Receipt from the LP-1/LP-2 radio stations will interrupt current broadcasting with

the verbal message per the agreed format.

- b. A rebroadcast will then be made every 20 minutes for the first three hours.
- c. From three to 24 hours a broadcast will be made at each regular news spot.
- d. After 24 hours at the discretion of the station until the child is located.
- e. Upon location of the child, broadcast to be made at the discretion of the station.
- f. Make the follow up inquires using the number provided for the PIO.

2. Television:

- a. Television will begin an immediate “crawler” at the bottom of the TV screen to disseminate the information for the first three hours, with an actual broadcast at the discretion of the station.
- b. From three to 24 hours a broadcast will be made at each regular news broadcast.
- c. After 24 hours at the discretion of the station until the child is located.
- d. Upon location of the child, broadcast to be made at the discretion of the station.
- e. Make follow up inquires using the number provided for the PIO.

3. Newspaper:

- a. Upon receipt of an AMBER Alert Critical Reach Flyer, call the venue agency using only the number provided for the PIO.
- b. Complete and publish story at the discretion of the individual agency.

Amber Alert Fax Distribution

Media	Fax #	Phone #	Group #
KTOM Radio	755-8193	759-2781	
KPIG Radio	722-7548	722-2299	
KLOK Radio	771-1052	771-9950	
KWAV Radio	649-3335	649-0969	
KMBY Radio	658-5299	658-5200	
KMPG Radio	637-4031	637-7994	
KSCO Radio	475-2967	475-1080	
KION TV	422-9365	784-1702	
KSBW TV	422-0124	422-8206	
Bay City	408-294-7745		
Californian	754-4293		
Herald	372-8401		
Pajaronian	761-7338		
SJ Mercury	408-288-8060		
Sentinal	429-9620		
Gonzales Tri	678-3676		
Monterey Times	624-8076		
State Parks	649-2986		
UCSC	458-5021		

**Commission on Peace Officer Standards and
Training Hate Crimes Model Policy 2019.pdf**



POST HATE CRIMES MODEL POLICY



COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

2019

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The mission of the California Commission on Peace Officer Standards and Training is to continually enhance the professionalism of California Law Enforcement in serving its communities

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FOREWORD

Hate Crimes (i.e. crimes motivated by bias) convey a message of terror and exclusion, not just to the immediate victims but to entire communities. They often target victims who are least able to defend themselves. They cause trauma that is more extreme and longer lasting than similar crimes committed for other motivations. They can spark retaliatory crimes, escalating the cycle of crime and violence. If not addressed professionally and thoroughly they may undermine public confidence in law enforcement.

The 2018 California State Auditor's Report, titled "Hate Crimes in California," found that California law enforcement has not taken adequate action to identify, report, and respond to hate crimes. The report found that agencies did not properly identify some hate crimes, and underreported or misreported hate crimes as well. The report also noted that hate crimes are on the rise in California, increasing in both 2015 and 2016.

California Penal Code (CPC) 422.87 added new language and requirements to any newly created or updated agency hate crimes policy. Effective January 1, 2019, any local law enforcement agency that updates an existing hate crimes policy, or adopts a new one, shall include the content of the model policy framework provided in this document as well as any revisions or additions to the model policy in the future.

These guidelines are the primary elements that law enforcement executives are now required to incorporate into their hate crimes policy if an agency creates a new hate crimes policy or updates an existing one. The guidelines are designed for department-wide application and are intended to reflect a values-driven "top-down" process. They are intended to assist with the development and delivery of training and ensure proper identification, investigation, and reporting of hate crimes within each agency's jurisdiction.

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POLICY GUIDELINES

GUIDELINE #1

Develop the foundation for the agency's hate crimes policy.

The law enforcement executive is responsible for providing leadership, communicating organizational values to the department and the community, paying attention to hate crime trends and current events that could trigger hate incidents and/or hate crimes in the community, and providing education and training to establish the foundation for the agency's hate crimes policy. Employees' ability to respond appropriately to hate crimes and hate incidents is maximized when the executive effectively establishes and communicates the foundational values of the organization.

GUIDELINE #2

Develop a hate crimes policy for the agency.

- I. An agency's hate crimes policy shall include the statutory definition of a hate crime, and its policy and programs should minimally include the following:
 - A. Response
 - B. Training
 - C. Planning and Prevention
 - D. Reporting

The law enforcement executive is responsible for the initial development of the policy and should be actively involved in its implementation. See the appendix for the exemplar "Message from the Agency Chief Executive".

GUIDELINE #3

Develop expertise to identify and investigate hate crimes.

The law enforcement executive is responsible for ensuring that the agency possesses expertise to identify and investigate hate crimes, as well as ensuring compliance with state and federal

reporting and public information requirements. Agencies should assign identified personnel to appropriate training to develop expertise and knowledge to investigate hate crimes.

Hate crimes are low-frequency events with high-risk consequences for the agency and community. Agencies shall provide a checklist to first responders to provide direction for the investigation of all hate crimes as mandated by CPC 422.87.

GUIDELINE #4

Develop and implement cooperative hate crimes plans with other law enforcement agencies.

- I. Coordinate cooperative efforts among regional, state, federal, and tribal law enforcement agencies to share information and training, and develop strategies to prevent hate crime activity.
- II. Develop and/or participate in law enforcement intelligence networks to enhance the agency's ability to anticipate potential hate crime targets. This interaction should include sharing intelligence information with other jurisdictions and cooperative investigations, arrests, and prosecutions if appropriate.

GUIDELINE #5

Develop and implement cooperative hate crime plans with the community and related governmental and non-governmental organizations, as appropriate.

- I. Collaborate with the community, including human relations/civil rights organizations, advocacy groups, service organizations, neighborhood associations, religious institutions, local schools and colleges, to do the following:
 - Develop a network to build rapport with community groups

-
- Develop a protocol for response to hate crimes
 - Obtain witness and victim cooperation
 - Provide support services to victims
 - Collect demographic information about specific communities
 - Identify hate crime trends based upon current events and activity (hate crimes and/or hate incidents)
 - Identify periods of increased vulnerability based on significant dates and events for affected communities
- II. Law enforcement should identify and seek out cultural diversity training and information from/about specific communities within its jurisdiction (immigrant, Muslim, Arab, LGBTQ, Black or African American, Jewish, Sikh, disability, etc.) to strengthen agency awareness.

GUIDELINE #6

Conduct an annual assessment of the agency's hate crimes policy and its ongoing implementation.

The assessment should include:

- I. A review to ensure compliance with the POST Hate Crimes Model Policy and California law.
- II. A review and analysis of the agency's data collection, policy, and annual mandated reporting of hate crimes.
- III. A review and updating of the agency's hate crimes brochure to ensure compliance with CPC 422.92.
- IV. A review of any existing or available data or reports, including the annual California Attorney General's report on hate crimes, in preparation for, and response to, future hate crime trends.

- V. Annual outreach to the community including human relations/civil rights organizations, advocacy groups, service organizations, neighborhood associations, religious institutions, local schools, and colleges assessing the agency's responsiveness to hate crimes.

MINIMUM LEGAL REQUIREMENTS FOR AN AGENCY'S HATE CRIMES POLICY

CPC 13519.6, effective January 1, 2005, minimally requires:

1. A message from the law enforcement agency's chief executive officer to the agency's officers and staff concerning the importance of hate crime laws and the agency's commitment to enforcement.
2. The definition of "hate crime" in Penal Code section 422.55.
3. References to hate crime statutes including Penal Code section 422.6.
4. A title-by-title specific protocol that agency personnel are required to follow, including, but not limited to, the following:
 - a. Preventing and preparing for likely hate crimes by, among other things, establishing contact with persons and communities who are likely targets, and forming and cooperating with community hate crime prevention and response networks.
 - b. Responding to reports of hate crimes, including reports of hate crimes committed under the color of authority.
 - c. Accessing assistance, by, among other things, activating the Department of Justice hate crimes rapid response protocol when necessary.
 - d. Providing victim assistance and follow-up, including community follow-up.
 - e. Reporting

CPC 422.87, effective January 1, 2019, states and minimally requires:

Each local law enforcement agency may adopt a hate crimes policy. Any local law enforcement agency that updates an existing hate crimes policy or adopts a new one shall include, but not limited to, the following:

1. The definitions in Penal Code sections 422.55 and 422.56.
2. The content of the model policy framework that the Commission on Peace Officer Standards and Training developed pursuant to Section 13519.6 (above) and any content that the commission may revise or add in the future, including any policy, definitions, response and reporting responsibilities, training resources, and planning and prevention methods.
3. Information regarding bias motivation
 - a. For the purposes of this paragraph, "bias motivation" is a preexisting negative attitude toward actual or perceived characteristics referenced in Section 422.55. Depending on the circumstances of each case, bias motivation may include, but is not limited to, hatred, animosity, resentment, revulsion, contempt, unreasonable fear, paranoia, callousness, thrill-seeking, desire for social dominance, desire for social bonding with those of one's "own kind," or a perception of the vulnerability of the victim due to the victim being perceived as being weak, worthless, or fair game because of a protected characteristic, including, but not limited to, disability or gender.
 - i. In recognizing suspected disability-bias hate crimes, the policy shall advise officers to consider whether there is any indication that the perpetrator was motivated by hostility or other bias, occasioned by factors such as, but not limited to, dislike of persons who arouse

fear or guilt, a perception that persons with disabilities are inferior and therefore “deserving victims,” a fear of persons whose visible traits are perceived as being disturbing to others, or resentment of those who need, demand, or receive alternative educational, physical, or social accommodations.

- ii. In recognizing suspected disability-bias hate crimes, the policy also shall advise officers to consider whether there is any indication that the perpetrator perceived the victim to be vulnerable and, if so, if this perception is grounded, in whole or in part, in anti-disability bias. This includes, but is not limited to, if a perpetrator targets a person with a particular perceived disability while avoiding other vulnerable-appearing persons such as inebriated persons or persons with perceived disabilities different than those of the victim, those circumstances could be evidence that the perpetrator’s motivations included bias against persons with the perceived disability of the victim and that the crime must be reported as a suspected hate crime and not a mere crime of opportunity.
- b. Information regarding the general underreporting of hate crimes and the more extreme underreporting of anti-disability and anti-gender hate crimes *and a plan for the agency to remedy this underreporting* (emphasis added).
- c. A protocol for reporting suspected hate crimes to the Department of Justice pursuant to Penal Code section 13023.
- d. A checklist of first responder responsibilities, including, but not limited to, being sensitive to effects of the crime on the victim, determining whether any additional resources are needed on the scene to assist the victim or whether to refer the victim to appropriate community and legal services, and giving the victims and any interested persons the agency’s hate crimes brochure, as required by Section 422.92.
- e. A specific procedure for transmitting and periodically retransmitting the policy and any related orders to all officers, including a simple and immediate way for officers to access the policy in the field when needed.
- f. The title or titles of the officer or officers responsible for assuring that the department has a hate crime brochure as required by Section 422.92 and ensuring that all officers are trained to distribute the brochure to all suspected hate crime victims and all other interested persons.
- g. A requirement that all officers be familiar with the policy and carry out the policy at all times unless directed by the chief, sheriff, director, or other chief executive of the law enforcement agency or other command-level officer to whom the chief executive officer formally delegates this responsibility.
- h. Any local law enforcement agency that updates an existing hate crimes policy or adopts a new hate crimes policy may include any of the provisions of a model hate crime policy and other relevant documents developed by the International Association of Chiefs of Police that are relevant to California and consistent with this chapter.

MODEL POLICY FRAMEWORK

Purpose

This model policy framework is designed to assist in identifying and handling crimes motivated by hate or other bias toward individuals and groups with legally defined protected characteristics, to define appropriate steps for assisting victims, and to provide a guide to conducting related investigations. It outlines the general policy framework for prevention, response, accessing assistance, victim assistance and follow up, and reporting as related to law enforcement's role in handling hate crimes. It also serves as a declaration that hate crimes are taken seriously and demonstrates how law enforcement agencies may best use its resources to investigate and solve an offense, in addition to building community trust and increasing police legitimacy.

Policy

It is the policy of this agency to safeguard the rights of all individuals irrespective of their disability, gender, nationality, race or ethnicity, religion, sexual orientation, and/or association with a person or group with one or more of these actual or perceived characteristics. Any acts or threats of violence, property damage, harassment, intimidation, or other crimes motivated by hate or bias should be viewed very seriously and given high priority.

This agency will employ necessary resources and vigorous law enforcement action to identify and arrest hate crime perpetrators. Also, recognizing the particular fears and distress typically suffered by victims, the potential for reprisal and escalation of violence, and the far-reaching negative consequences of these crimes on the community, this agency should attend to the security and related concerns of the immediate victims and their families as feasible.

The agency policy shall include a requirement that all officers be familiar with the policy and carry out the policy at all times unless directed by the chief, sheriff, director, or other chief executive of the law enforcement agency or other command-level officer to whom the chief executive officer formally delegates this responsibility.

The agency policy shall provide a specific procedure for transmitting and periodically retransmitting the policy and any related orders to all officers, including a simple and immediate way for officers to access the policy in the field when needed.

Response, Victim Assistance and Follow-up

Initial response

First responding officers should know the role of all department personnel as they relate to the agency's investigation of hate crimes and/or incidents. Responding officers should evaluate the need for additional assistance, and working with supervision and/or investigations, access needed assistance if applicable. Responding officers should ensure the crime scene is properly protected, preserved and processed.

At the scene of a suspected hate or bias crimes, officers should take preliminary actions deemed necessary, to include, but not limited to, the following:

1. Use agency checklist (per CPC 422.87) to assist in the investigation of any hate crime (see appendix, page 21, for exemplar checklist based on the Los Angeles Police Department Hate Crimes Supplemental Report with the agency's permission).

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2. Stabilize the victim(s) and request medical attention when necessary.
 3. Ensure the safety of victims, witnesses, and perpetrators.
 - a. Issue a Temporary Restraining Order (if applicable).
 4. Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.
 5. Ensure that the crime scene is properly protected, preserved, and processed and that all physical evidence of the incident is removed as soon as possible after the offense is documented. If evidence of an inflammatory nature cannot be physically removed, the property owner should be contacted to ensure that it is removed or covered up as soon as possible. Agency personnel should follow-up to ensure that this is accomplished in a timely manner.
 6. Collect and photograph physical evidence or indicators of hate crimes such as:
 - a. Hate literature.
 - b. Spray paint cans.
 - c. Threatening letters.
 - d. Symbols used by hate groups.
 7. Identify criminal evidence on the victim.
 8. Request the assistance of translators or interpreters when needed to establish effective communication with witnesses, victims, or others as appropriate.
 9. Conduct a preliminary investigation and record pertinent information including, but not limited to:
 - a. Identity of suspected perpetrator(s).
 - b. Identity of witnesses, including those no longer at the scene.
 - c. The offer of victim confidentiality per Government Code (GC) 5264.
 - d. Prior occurrences, in this area or with this victim.
 - e. Statements made by suspects; exact wording is critical.
 - f. The victim's protected characteristics and determine if bias was a motivation "in whole or in part"¹ in the commission of the crime.
 1. "Bias motivation" is a preexisting negative attitude toward actual or perceived characteristics referenced in Section 422.55. Depending on the circumstances of each case, bias motivation may include, but is not limited to, hatred, animosity, resentment, revulsion, contempt, unreasonable fear, paranoia, callousness, thrill-seeking, desire for social dominance, desire for social bonding with those of one's "own kind," or a perception of the vulnerability of the victim due to the victim being perceived as being weak, worthless, or fair game because of a protected characteristic, including, but not limited to, disability or gender.
 - (a) In recognizing suspected disability-bias hate crimes, the policy shall advise officers to consider whether there is any indication that the perpetrator was motivated by hostility or other bias, occasioned by factors such as, but not limited to, dislike of persons

¹See Appendix, page 15, for definition

who arouse fear or guilt, a perception that persons with disabilities are inferior and therefore “deserving victims,” a fear of persons whose visible traits are perceived as being disturbing to others, or resentment of those who need, demand, or receive alternative educational, physical, or social accommodations.

(b) In recognizing suspected disability-bias hate crimes, the policy also shall advise officers to consider whether there is any indication that the perpetrator perceived the victim to be vulnerable and, if so, if this perception is grounded, in whole or in part, in anti-disability bias. This includes, but is not limited to, if a perpetrator targets a person with a particular perceived disability while avoiding other vulnerable-appearing persons such as inebriated persons or persons with perceived disabilities different than those of the victim, those circumstances could be evidence that the perpetrator’s motivations included bias against persons with the perceived disability of the victim and that the crime must be reported as a suspected hate crime and not a mere crime of opportunity.

10. Adhere to CPC 422.93, which protects hate crime victims and witnesses from being reported to federal immigration authorities if they have not committed any crime under state law.
11. Provide information regarding immigration remedies available to victims of crime. (U-Visa, T-Visa, S-Visa, etc.).
12. Provide the agency’s Hate Crimes Brochure (per CPC 422.92) if asked, if necessary or per policy (if applicable).
13. Utilize proper techniques for interviewing people with disabilities and being aware of and providing appropriate accommodations (such as ADA standards, Braille, visuals, translators for the deaf or hard of hearing, etc.).
14. Report any suspected multi-mission extremist crimes to the agency Terrorism Liaison Officer (TLO), or assigned designee, and direct the TLO/ designee to send the data to the Joint Regional Information Exchange System.

Investigation

Investigators at the scene of or while performing follow-up investigation on a suspected hate or bias crimes (or hate incident if agency policy requires it) should take all actions deemed necessary, including, but not limited to, the following:

1. Consider typologies of perpetrators of hate crimes and incidents, including but not limited to thrill, reactive/defensive, and mission (hard core).
2. Utilize investigative techniques and methods to handle hate crimes or hate incidents in a professional manner.
3. Utilize proper techniques for interviewing people with disabilities and being aware of and providing appropriate accommodations (such as ADA standards, Braille, visuals, translators for the deaf or hard of hearing, etc.).
4. Fully investigate any report of hate crime committed under the color of authority per CPC 422.6 and CPC 13519.6.

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5. Collect and photograph physical evidence or indicators of hate crimes such as:
 - a. Hate literature.
 - b. Spray paint cans.
 - c. Threatening letters.
 - d. Symbols used by hate groups.
 - e. Desecration of religious symbols, objects, or buildings.
 6. Request the assistance of translators or interpreters when needed to establish effective communication.
 7. Conduct a preliminary investigation and record information regarding:
 - a. Identity of suspected perpetrator(s).
 - b. Identity of witnesses, including those no longer at the scene.
 - c. Offer of victim confidentiality per GC 5264.
 - d. Prior occurrences, in this area or with this victim.
 - e. Statements made by suspects; exact wording is critical.
 - f. Document the victim's protected characteristics.
 8. Provide victim assistance and follow-up.
 9. Canvass the area for additional witnesses.
 10. Examine suspect's social media activity for potential evidence of bias motivation.
 11. Coordinate the investigation with agency, state, and regional intelligence operations. These sources can provide the investigating officer with an analysis of any patterns, organized hate groups, and suspects potentially involved in the offense.
 12. Coordinate the investigation with the crime scene investigation unit (if applicable) or other units of the agency.
 13. Determine if the incident should be classified as a hate crime.
 14. Take steps to ensure appropriate assistance is provided to hate crime victim(s), including the following measures:
 - a. Contact the victim periodically to determine whether he/she is receiving adequate and appropriate assistance.
 - b. Provide ongoing information to the victim about the status of the criminal investigation.
 - c. Provide the victim and any other interested person the brochure on hate crimes per CPC 422.92 and information on any local advocacy groups (if asked).
 15. Report any suspected multi-mission extremist crimes to the agency TLO, or assigned designee, and direct the TLO or designee to send the data to the Joint Regional Information Exchange System.
 16. Coordinate with other law enforcement agencies in the area to assess patterns of hate crimes and/or hate incidents (if directed by policy), and determine if organized hate groups are involved.

Supervision

The supervisor shall confer with the initial responding officer(s) and ensure that necessary preliminary actions have been taken. The supervisor shall request any appropriate personnel necessary to accomplish the following:

1. Provide immediate assistance to the crime victim by:
 - a. Expressing the law enforcement agency's official position on the importance of these cases and the measures that will be taken to apprehend the perpetrators.
 - b. Expressing the department's interest in protecting victims' anonymity (confidentiality forms GC 6254) to the extent possible. Allow the victim to convey his/her immediate concerns and feelings.
 - c. Identifying individuals or agencies that may provide victim assistance and support. Local victim assistance resources may include family members or close acquaintances, clergy or departmental chaplain, as well as community service agencies that provide shelter, food, clothing, child care, or other related services (per CPC 422.92).
2. Ensure that all relevant facts are documented on an incident and/ or arrest report and make an initial determination as to whether the incident should be classified as a hate crime for federal and state bias-crimes reporting purposes.
3. Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.
4. In cases of large-scale hate crime waves, or in circumstances where the potential exists for subsequent hate crimes or incidents, consider directing resources to protect vulnerable sites (such as assigning an officer at specific locations that could become targets).
5. Ensure hate crimes are properly reported, including reporting to the Department of Justice, pursuant to CPC 13023.
6. Ensure adherence to CPC 422.93, which protects hate crime victims and witnesses from being reported to federal immigration authorities if they have not committed any crime under state law. Supervisors should also be aware of the immigration remedies available to victims of crime. (U-Visa, T-Visa, S-Visa, etc.)
7. Respond to and investigate any reports of hate crimes committed under the color of authority.
8. Provide appropriate assistance, including activating the California Department of Justice hate crime rapid response protocol if necessary. For information see the California Department of Justice webpage or use following link: <https://oag.ca.gov/sites/all/files/agweb/pdfs/civilrights/AG-Rapid-Response-Team-Protocol-2.pdf>
9. Report or ensure any suspected multi-mission extremists crimes are reported to the agency TLO, or assigned designee, and direct the TLO/ designee to send the data to the Joint Regional Information Exchange System.
10. Make a final determination as to whether the incident should be classified as a hate crime.

Training

All staff, including dispatch, desk personnel, volunteers, records, support staff, officers, supervisors, and managers shall be properly trained on the department's hate crimes policy. The agency will follow all legislatively mandated training requirements.

POST offers training and video courses to assist law enforcement in the identification, investigation, documentation and reporting of hate crimes. These courses provide officers with information and skills necessary to effectively identify, investigate, document and report hate crimes. Various training programs include the history and definitions of hate crimes, recognition of hate groups, international terrorism, legal considerations, victims' considerations, initial response duties, victim interviewing and care, suspect identification and interrogation, evidence identification, report writing, the role of law enforcement, investigative strategies, intelligence collection, supervisory roles, community relations, media relations and local program training development, and other topics such as proper use of computer systems and methods for reporting. POST also maintains an extensive array of training videos on applicable topics such as working with those with mental illness and intellectual disabilities, hate crimes, and working with minority communities.

For more information on POST training opportunities and available videos, visit the POST website at www.post.ca.gov. In conjunction with POST training opportunities, trainers may utilize other state and federal agencies that offer training courses, such as the U.S. Department of Justice.

Planning and Prevention

The general underreporting of hate crimes is an identified issue in California. Underreporting is caused by victims not reporting hate crimes or hate incidents due to a number of factors, including fear of reprisal and the belief that law enforcement will not properly investigate them. A report by the State Auditor in 2018 determined that California law enforcement has not taken adequate action to identify, report and respond to hate crimes. There is also an extreme underreporting of anti-disability and anti-gender hate crimes. The agency's plan to remedy this underreporting *shall be inserted into the policy* (emphasis added).

In order to facilitate the recommendations contained within this policy, it is strongly recommended that agencies build and strengthen relationships with the community, engage in dialogue, and provide education to the community about this policy. Agency personnel are also encouraged to learn about the inherent issues concerning their communities in relation to hate crimes. Assigned personnel should perform the following:

1. Meet with residents in target communities to allay fears; emphasize the agency's concern over this and related incidents; reduce the potential for counter-violence; and provide safety, security, and crime prevention information. Cultural diversity education and immersion programs (if available) could facilitate this process.
2. Provide direct and referral assistance to the victim and his/her family.
3. Conduct public meetings on hate crime threats and violence in general.
4. Establish relationships with formal community-based organizations and leaders.
5. Expand, where appropriate, preventive programs such as hate, bias, and crime reduction seminars for school children.

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6. Review the Attorney General's latest opinion on hate crime statistics and targets in order to prepare and plan for future crimes, specifically for Arab/Middle Eastern and Islamic communities.²
 7. Provide orientation of and with communities of specific targeted victims such as immigrants, Muslims, Arabs, LGBTQ, Black or African-American, Jewish, Sikh, disabled persons, etc.

Hate crimes are not only a crime against the targeted victim(s) but also have impacts on the victim's family and community. Working constructively with segments of this larger community after such crimes is essential to help reduce fears, stem possible retaliation, prevent additional hate crimes, and encourage any other previously victimized individuals to step forward and report such crimes. This is particularly important if an upward trend has been identified in these crimes.

Although hate incidents are not criminal events, they can be indicators of, or precursors to, hate crimes. Most California law enforcement agencies do not track hate incidents. It is recommended that hate incidents be investigated and documented, if directed by policy, as part of the overall planning to prevent hate crime.

Tracking social media is also another identified area to find indicators of, or precursors to, hate crimes. It is recommended that agencies assign personnel to find, evaluate and monitor public social media sources to identify possible suspects in reported hate crimes, or to determine suspects or suspect groups in future hate crimes or hate incidents affecting the identified individuals, groups or communities that may be victimized, and planned hate-based events.

Release of Information

Agencies should have procedure and/or policy on public disclosure of hate crimes. Establishing a relationship with stakeholders, before any incident occurs, to develop a network and protocol for disclosure would assist greatly in any disclosure.

The benefit of public disclosure of hate crime incidents includes:

1. Dissemination of correct information.
2. Assurance to affected communities or groups that the matter is being properly and promptly investigated.
3. The ability to request information regarding the commission of the crime(s) from the victimized community.

Agencies should provide the supervisor, public information officer, or designee with information that can be responsibly reported to the media. When appropriate, the law enforcement media spokesperson should reiterate that the hate crimes will not be tolerated, will be taken seriously, and will be prosecuted to the full extent of the law.

Agencies are encouraged to consider the following when releasing information to the public regarding hate crimes and hate incidents that have been reported within the jurisdiction:

²As described in CPC 13519.6(b)(8)

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1. Informing community organizations in a timely manner when a community group has been the target of a hate crime.
 2. Informing the community of the impact of these crimes on the victim, the victim's family, and the community, and the assistance and compensation available to victims.
 3. Informing the community regarding hate crime law and the legal rights of, and the remedies available to, victims of hate crimes.
 4. Providing the community with on-going information regarding hate crime and/or hate incidents (if policy requires it).

Reporting

The agency policy shall require development of a procedure for data collection, documentation, and mandated reporting requirements. The agency shall:

1. Ensure that hate crimes are properly investigated, documented and reported.
2. During documentation, ensure hate crimes are flagged properly to allow for required reporting to the California Department of Justice. This is typically indicated by the title/penal code section identifying the report as a hate crime. Some agencies have added a check box specifically indicating a hate crime that could, if required by the agency policy, require a secondary review by an investigator/detective, supervisor or other identified party. It is the agency executive's responsibility to determine the form of documentation and type of indicators on crime reports.
3. The agency head or their designee (identified in the agency policy) should make a final determination as to whether the incident should be classified as a hate crime by the agency.
4. Agencies shall develop procedures to comply with legally mandated reporting, including the California Department of Justice, pursuant to CPC 13023.

Checklist for the agency's policy creation

- Message from the law enforcement's agency's chief executive is included
 - The updated existing policy or newly adopted policy includes the content of the model policy framework from POST.
 - Definition of "hate crime" included from:
 - CPC 422.55
 - CPC 422.56
 - CPC 422.6
 - Title by title specific protocol regarding:
 - Prevention
 - Is contact is established with identified persons and/or communities who are likely targets?
 - Have we formed and/or are we cooperating with hate crime prevention and response networks?
 - Has a plan for the agency to remedy underreporting of hate crimes and the more extreme underreporting of anti-disability and anti-gender hate crimes been created?
 - Response
 - Requirement that all hate crimes be properly investigated and supervised
 - Requirement that any hate crimes committed under the color of authority are investigated
 - Accessing Assistance
 - Information provided for activating the Department of Justice hate crime rapid response protocol when necessary
 - Victim assistance and follow-up
 - Reporting
 - Protocol for reporting suspected hate crimes to the Department of Justice per CPC 13023
 - Training
 - Has a checklist for first responders been created and provided personnel (see exemplar officer checklist in appendix)
 - Does the checklist include first responder responsibilities include:
 - Determining the need for additional resources if necessary?
 - Referral information for appropriate community and legal services?
 - The requirement to provide the agency's hate crimes brochure per CPC 422.92?
 - Information regarding bias motivation from CPC 422.87
 - Information regarding the general underreporting of hate crimes and the more extreme underreporting of anti-disability and anti-gender hate crimes
- Definitions of terms used in the policy are listed
- Specific procedure for transmitting and periodically retransmitting the policy and any related orders to officers is included.
 - Procedure shall include a simple and immediate way for officers to access the policy in the field when needed
- Title or titles of the officer or officers responsible for assuring the department has a hate crime brochure (per CPC 422.92) and ensuring that all officers are trained to distribute the brochure to all suspected hate crime victims and all other interested persons.
- A requirement that all officers be familiar with the policy and carry out the policy at all times unless directed by the law enforcement chief executive or the chief executive's designee.

APPENDIX

Definitions and Laws

In accordance with CPC sections 422.55, 422.56, 422.6, and 422.87, for purposes of all other state law unless an explicit provision of law or the context clearly requires a different meaning, the following shall apply:

Hate crime

“Hate crime” means a criminal act committed, in whole or in part, because of one or more of the following actual or perceived characteristics of the victim:

- (1) Disability.
- (2) Gender.
- (3) Nationality.
- (4) Race or ethnicity.
- (5) Religion.
- (6) Sexual orientation.
- (7) Association with a person or group with one or more of these actual or perceived characteristics.

(b) “Hate crime” includes, but is not limited to, a violation of Section 422.6.

“Association with a person or group with these actual or perceived characteristics” Includes advocacy for, identification with, or being on the ground owned or rented by, or adjacent to, any of the following: a community center, educational facility, family, individual, office, meeting hall, place of worship, private institution, public agency, library, or other entity, group, or person that has, or is identified with people who have, one or more of those characteristics listed in the definition of “hate crime” under paragraphs 1 to 6, inclusive, of CPC 422.55 subdivision (a).

Note: A “hate crime” need not be motivated by hate but may be motivated by any bias against a protected characteristic.

Hate Speech

The First Amendment to the U.S. Constitution protects most speech, even when it is disagreeable, offensive, or hurtful. The following types of speech are generally not protected: fighting words, true threats, perjury, blackmail, incitement to lawless action, conspiracy and solicitation to commit any crime.

Hate incident

A hate incident is an action or behavior motivated by hate or bias but legally protected by the First Amendment right to freedom of expression. Examples of hate incidents include:

- Name-calling
- Insults and epithets
- Distributing hate material in public places
- Displaying hate material on your own property

Bias Motivation

Bias motivation is a preexisting negative attitude toward actual or perceived characteristics referenced in Section 422.55. Depending on the circumstances of each case, bias motivation may include, but is not limited to, hatred, animosity, resentment, revulsion, contempt, unreasonable fear, paranoia, callousness, thrill-seeking, desire for social dominance, desire for social bonding with those of one's "own kind," or a perception of the vulnerability of the victim due to the victim being perceived as being weak, worthless, or fair game because of a protected characteristic, including, but not limited to, disability or gender.

Disability Bias

In recognizing suspected disability-bias hate crimes, officers should consider whether there is any indication that the perpetrator was motivated by hostility or other bias, occasioned by factors such as, but not limited to, dislike of persons who arouse fear or guilt, a perception that persons with disabilities are inferior and therefore "deserving victims," a fear of persons whose visible traits are perceived as being disturbing to others, or resentment of those who need, demand, or receive alternative educational, physical, or social accommodations.

In recognizing suspected disability-bias hate crimes, officers should consider whether there is any indication that the perpetrator perceived the victim to be vulnerable and, if so, if this perception is grounded, in whole or in part, in anti-disability bias. This includes, but is not limited to, if a perpetrator targets a person with a particular perceived disability while avoiding other vulnerable-appearing persons such as inebriated persons or persons with perceived disabilities different than those of the victim, those circumstances could be evidence that the perpetrator's motivations included bias against persons with the perceived disability of the victim and that the crime must be reported as a suspected hate crime and not a mere crime of opportunity.

Disability

Disability includes mental disability and physical disability as defined in GC 12926, regardless of whether those disabilities are temporary, permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

Gender

Gender means sex and includes a person gender identity and gender expression. Gender expression means a person's gender-related appearance and behavior, whether or not stereotypically associated with the persons assigned sex at birth. A person's gender identity and gender related appearance and behavior, whether or not stereotypically associated with the person's assigned sex at birth.

In Whole or In Part

"In whole or in part because of" means that the bias motivation must be a cause in fact of the offense whether or not other causes also exist. When multiple concurrent motives exist, the prohibited bias must be a substantial factor in bringing about the particular result. There is no requirement that the bias be a main factor, or that crime would not have been committed but for the actual or perceived characteristic.

Nationality

Nationality includes citizenship, country of origin, and national origin.

Race or Ethnicity

Race or ethnicity includes ancestry, color, and ethnic background.

Religion

Religion includes all aspects of religious belief, observance, and practice and includes agnosticism and atheism.

Sexual orientation

Sexual orientation means heterosexuality, homosexuality, or bisexuality.

Victim

Victim includes, but is not limited to, a community center, educational facility, entity, family, group, individual, office, meeting hall, person, place of worship, private institution, public

Statutes and Legal Requirements

Items listed in this section include sections from the California Penal Code (CPC), Welfare and Institutions Code (WI) and Government Code (GC).

Definitions

CPC 422.55 - Provides general definition of hate crimes in California.

CPC 422.56- Provides definitions of terms included in hate crimes statutes.

GC 12926- Disability-related definitions applicable to some hate crime statutes.

Felonies

Hate Crimes

CPC 422.7 - Commission of a crime for the purpose of interfering with another's exercise of civil rights.

Related Crimes

CPC 190.2(a)(16) - Homicide penalties related to certain hate crime related acts.

CPC 190.03(a) - Homicide penalties related to certain hate crime related acts.

CPC 288(b)(2) - Sexual assault of dependent person by caretaker

CPC 368(b) - Dependent adult abuse generally - may apply as disability-related hate crime.

CPC 594.3 - Vandalism of places of worship.

CPC 11412 - Causing or attempting to cause other to refrain from exercising religion by threat.

CPC 11413 - Arson or destructive device at place of worship.

Misdemeanors

Hate Crimes

CPC 422.6 - Use of force, threats, or destruction of property to interfere with another's exercise of civil rights.

CPC 422.77 - Violation of civil order (Bane Act) protecting the exercise of civil rights

Related Crimes

CPC 302 - Disorderly conduct during an assemblage of people gathered for religious worship at a tax-exempt place of worship.

CPC 538(c) - Unauthorized insertion of advertisements in newspapers and redistribution to the public.

CPC 640.2 - Placing handbill, notice of advertisement on a consumer product or product packaged without authorization.

CPC 11411 - Terrorism of owner or occupant of real property. Placement or display of sign, symbol, or other physical impression without authorization, engagement in pattern of conduct, or burning or desecration of religious symbols.

Enhancements

CPC 190.2(a)(16) - Special circumstances imposing the Death Penalty or Life Without Possibility of Parole, if the victim was intentionally killed because of sexual orientation, gender, or disability.

CPC 190.3 - Special circumstances imposing LWOP if the victim was intentionally killed because of sexual orientation, gender, or disability.

CPC 422.75 - Penalty for felony committed because of victim's race, color, religion, nationality, country or origin, ancestry, disability, or sexual orientation shall be enhanced one, two, or three years in prison, if the person acts alone; and two, three, or four years if the person commits the act with another.

CPC 1170.8 - Enhancement for robbery or assault at a place of worship.

CPC 1170.85(b) - Felony assault or battery enhancement due to age or disability.

Reporting

CPC 13023- Requirement for law enforcement agencies to report hate crime data to DOJ.

WI 15630 – Elder and Dependent Adult Abuse Mandated Reporting (may apply in disability-related hate crimes).

Training and Policy Requirements

CPC 422.87 - Hate crimes policy adoption and update requirements (AB 1985, Effective January 1, 2019).

CPC 13519.6 - Defines hate crime training requirements for peace officers.

CPC 13519.41 - Training requirements on sexual orientation and gender identity-related hate crimes for peace officers and dispatchers (AB 2504, Effective January 1, 2019).

Miscellaneous Provisions

CPC 422.78 - Responsibility for prosecution of stay away order violations.

CPC 422.86 - Public policy regarding hate crimes.

CPC 422.89 - Legislative intent regarding violations of civil rights and hate crimes

CPC 422.92 - Hate crimes victims brochure requirement for law enforcement agencies.

CPC 422.93 - Protection of victims and witnesses from being reported to immigration authorities.

GC 6254 - Victim confidentiality.

HATE CRIME CHECKLIST

Page _____ of _____

VICTIM	<p style="text-align: center;"><u>Victim Type:</u></p> <p><input type="checkbox"/> Individual Legal name (Last, First): _____ Other Names used (AKA): _____</p> <p><input type="checkbox"/> School, business or organization Name: _____ Type: _____ <i>(e.g., non-profit, private, public school)</i> Address: _____</p> <p><input type="checkbox"/> Faith-based organization Name: _____ Faith: _____ Address: _____</p>	<p style="text-align: center;"><u>Target of Crime (Check all that apply):</u></p> <p><input type="checkbox"/> Person <input type="checkbox"/> Private property <input type="checkbox"/> Public property</p> <p><input type="checkbox"/> Other _____</p> <p style="text-align: center;"><u>Nature of Crime (Check all that apply):</u></p> <p><input type="checkbox"/> Bodily injury <input type="checkbox"/> Threat of violence</p> <p><input type="checkbox"/> Property damage</p> <p><input type="checkbox"/> Other crime: _____</p> <p>Property damage - estimated value _____</p>
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BIAS	<p style="text-align: center;"><u>Type of Bias</u> (Check all characteristics that apply):</p> <p><input type="checkbox"/> Disability</p> <p><input type="checkbox"/> Gender</p> <p><input type="checkbox"/> Gender identity/expression</p> <p><input type="checkbox"/> Sexual orientation</p> <p><input type="checkbox"/> Race</p> <p><input type="checkbox"/> Ethnicity</p> <p><input type="checkbox"/> Nationality</p> <p><input type="checkbox"/> Religion</p> <p><input type="checkbox"/> Significant day of offense <i>(e.g., 9/11, holy days)</i></p> <p><input type="checkbox"/> Other: _____</p> <p>Specify disability (be specific): _____ _____</p>	<p style="text-align: center;"><u>Actual or Perceived Bias – Victim’s Statement:</u></p> <p><input type="checkbox"/> Actual bias [Victim actually has the indicated characteristic(s)].</p> <p><input type="checkbox"/> Perceived bias [Suspect believed victim had the indicated characteristic(s)]. <i>If perceived, explain the circumstances in narrative portion of Report.</i></p> <p style="text-align: center;"><u>Reason for Bias:</u></p> <p>Do you feel you were targeted based on one of these characteristics? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Explain in narrative portion of Report.</i></p> <p>Do you know what motivated the suspect to commit this crime? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Explain in narrative portion of Report.</i></p> <p>Do you feel you were targeted because you associated yourself with an individual or a group? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Explain in narrative portion of Report.</i></p> <p>Are there indicators the suspect is affiliated with a Hate Group (i.e., literature/tattoos)? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Describe in narrative portion of Report.</i></p> <p>Are there Indicators the suspect is affiliated with a criminal street gang? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Describe in narrative portion of Report.</i></p>
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	<p style="text-align: center;"><u>Bias Indicators (Check all that apply):</u></p> <p><input type="checkbox"/> Hate speech <input type="checkbox"/> Acts/gestures <input type="checkbox"/> Property damage <input type="checkbox"/> Symbol used</p> <p><input type="checkbox"/> Written/electronic communication <input type="checkbox"/> Graffiti/spray paint <input type="checkbox"/> Other: _____</p> <p><i>Describe with exact detail in narrative portion of Report.</i></p>
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HISTORY	<p style="text-align: center;"><u>Relationship Between Suspect & Victim:</u></p> <p>Suspect known to victim? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Nature of relationship: _____</p> <p>Length of relationship: _____</p> <p><i>If Yes, describe in narrative portion of Report</i></p>	<p><input type="checkbox"/> Prior reported incidents with suspect? Total # _____</p> <p><input type="checkbox"/> Prior unreported incidents with suspect? Total # _____</p> <p>Restraining orders? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><i>If Yes, describe in narrative portion of Report</i></p> <p>Type of order: _____ Order/Case# _____</p>
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WEAPONS	<p>Weapon(s) used during incident? <input type="checkbox"/> Yes <input type="checkbox"/> No Type: _____</p> <p>Weapon(s) booked as evidence? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Automated Firearms System (AFS) Inquiry attached to Report? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>
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HATE CRIME CHECKLIST

Page ____ of ____

EVIDENCE	Witnesses present during incident? <input type="checkbox"/> Yes <input type="checkbox"/> No	Statements taken? <input type="checkbox"/> Yes <input type="checkbox"/> No
	Evidence collected? <input type="checkbox"/> Yes <input type="checkbox"/> No	Recordings: <input type="checkbox"/> Video <input type="checkbox"/> Audio <input type="checkbox"/> Booked
	Photos taken? <input type="checkbox"/> Yes <input type="checkbox"/> No	Suspect identified: <input type="checkbox"/> Field ID <input type="checkbox"/> By photo
	Total # of photos: _____ D#: _____ Taken by: _____ Serial #: _____	<input type="checkbox"/> Known to victim

OBSERVATIONS	<u>VICTIM</u>	<u>SUSPECT</u>
	<input type="checkbox"/> Tattoos <input type="checkbox"/> Shaking <input type="checkbox"/> Unresponsive <input type="checkbox"/> Crying <input type="checkbox"/> Scared <input type="checkbox"/> Angry <input type="checkbox"/> Fearful <input type="checkbox"/> Calm <input type="checkbox"/> Agitated <input type="checkbox"/> Nervous <input type="checkbox"/> Threatening <input type="checkbox"/> Apologetic <input type="checkbox"/> Other observations: _____	<input type="checkbox"/> Tattoos <input type="checkbox"/> Shaking <input type="checkbox"/> Unresponsive <input type="checkbox"/> Crying <input type="checkbox"/> Scared <input type="checkbox"/> Angry <input type="checkbox"/> Fearful <input type="checkbox"/> Calm <input type="checkbox"/> Agitated <input type="checkbox"/> Nervous <input type="checkbox"/> Threatening <input type="checkbox"/> Apologetic <input type="checkbox"/> Other observations: _____

ADDITIONAL QUESTIONS (Explain all boxes marked "Yes" in narrative portion of report):

Has suspect ever threatened you?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Has suspect ever harmed you?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Does suspect possess or have access to a firearm?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Are you afraid for your safety?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Do you have any other information that may be helpful?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

Resources offered at scene: Yes No Type: _____

MEDICAL	<u>Victim</u>	<u>Suspect</u>	Paramedics at scene? <input type="checkbox"/> Yes <input type="checkbox"/> No Unit # _____
	<input type="checkbox"/>	<input type="checkbox"/>	Declined medical treatment
	<input type="checkbox"/>	<input type="checkbox"/>	Will seek own medical treatment
	<input type="checkbox"/>	<input type="checkbox"/>	Received medical treatment
Authorization to Release Medical Information, Form 05.03.00, signed? <input type="checkbox"/> Yes <input type="checkbox"/> No			Name(s)/ID #: _____ Hospital: _____ Jail Dispensary: _____ Physician/Doctor: _____ Patient #: _____

Officer (Name/Rank)	Date
Officer (Name/Rank)	Date
Supervisor Approving (Name/Rank)	Date

Hate Crime Checklist.pdf

HATE CRIME CHECKLIST

Page _____ of _____

VICTIM	<p style="text-align: center;"><u>Victim Type:</u></p> <p><input type="checkbox"/> Individual Legal name (Last, First): _____ Other Names used (AKA): _____</p> <p><input type="checkbox"/> School, business or organization Name: _____ Type: _____ <i>(e.g., non-profit, private, public school)</i> Address: _____</p> <p><input type="checkbox"/> Faith-based organization Name: _____ Faith: _____ Address: _____</p>	<p style="text-align: center;"><u>Target of Crime (Check all that apply):</u></p> <p><input type="checkbox"/> Person <input type="checkbox"/> Private property <input type="checkbox"/> Public property</p> <p><input type="checkbox"/> Other _____</p> <p style="text-align: center;"><u>Nature of Crime (Check all that apply):</u></p> <p><input type="checkbox"/> Bodily injury <input type="checkbox"/> Threat of violence</p> <p><input type="checkbox"/> Property damage</p> <p><input type="checkbox"/> Other crime: _____</p> <p>Property damage - estimated value _____</p>
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BIAS	<p style="text-align: center;"><u>Type of Bias</u> (Check all characteristics that apply):</p> <p><input type="checkbox"/> Disability</p> <p><input type="checkbox"/> Gender</p> <p><input type="checkbox"/> Gender identity/expression</p> <p><input type="checkbox"/> Sexual orientation</p> <p><input type="checkbox"/> Race</p> <p><input type="checkbox"/> Ethnicity</p> <p><input type="checkbox"/> Nationality</p> <p><input type="checkbox"/> Religion</p> <p><input type="checkbox"/> Significant day of offense <i>(e.g., 9/11, holy days)</i></p> <p><input type="checkbox"/> Other: _____</p> <p>Specify disability (be specific): _____ _____</p>	<p style="text-align: center;"><u>Actual or Perceived Bias – Victim’s Statement:</u></p> <p><input type="checkbox"/> Actual bias [Victim actually has the indicated characteristic(s)].</p> <p><input type="checkbox"/> Perceived bias [Suspect believed victim had the indicated characteristic(s)]. <i>If perceived, explain the circumstances in narrative portion of Report.</i></p> <p style="text-align: center;"><u>Reason for Bias:</u></p> <p>Do you feel you were targeted based on one of these characteristics? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Explain in narrative portion of Report.</i></p> <p>Do you know what motivated the suspect to commit this crime? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Explain in narrative portion of Report.</i></p> <p>Do you feel you were targeted because you associated yourself with an individual or a group? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Explain in narrative portion of Report.</i></p> <p>Are there indicators the suspect is affiliated with a Hate Group (i.e., literature/tattoos)? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Describe in narrative portion of Report.</i></p> <p>Are there Indicators the suspect is affiliated with a criminal street gang? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Describe in narrative portion of Report.</i></p>
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BIAS	<p style="text-align: center;"><u>Bias Indicators (Check all that apply):</u></p> <p><input type="checkbox"/> Hate speech <input type="checkbox"/> Acts/gestures <input type="checkbox"/> Property damage <input type="checkbox"/> Symbol used</p> <p><input type="checkbox"/> Written/electronic communication <input type="checkbox"/> Graffiti/spray paint <input type="checkbox"/> Other: _____</p> <p><i>Describe with exact detail in narrative portion of Report.</i></p>
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HISTORY	<p style="text-align: center;"><u>Relationship Between Suspect & Victim:</u></p> <p>Suspect known to victim? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Nature of relationship: _____</p> <p>Length of relationship: _____</p> <p><i>If Yes, describe in narrative portion of Report</i></p>	<p><input type="checkbox"/> Prior reported incidents with suspect? Total # _____</p> <p><input type="checkbox"/> Prior unreported incidents with suspect? Total # _____</p> <p>Restraining orders? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><i>If Yes, describe in narrative portion of Report</i></p> <p>Type of order: _____ Order/Case# _____</p>
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WEAPONS	<p>Weapon(s) used during incident? <input type="checkbox"/> Yes <input type="checkbox"/> No Type: _____</p> <p>Weapon(s) booked as evidence? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Automated Firearms System (AFS) Inquiry attached to Report? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>
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HATE CRIME CHECKLIST

Page ____ of ____

EVIDENCE	Witnesses present during incident? <input type="checkbox"/> Yes <input type="checkbox"/> No	Statements taken? <input type="checkbox"/> Yes <input type="checkbox"/> No
	Evidence collected? <input type="checkbox"/> Yes <input type="checkbox"/> No	Recordings: <input type="checkbox"/> Video <input type="checkbox"/> Audio <input type="checkbox"/> Booked
	Photos taken? <input type="checkbox"/> Yes <input type="checkbox"/> No	Suspect identified: <input type="checkbox"/> Field ID <input type="checkbox"/> By photo
	Total # of photos: _____ D#: _____ Taken by: _____ Serial #: _____	<input type="checkbox"/> Known to victim

OBSERVATIONS	<u>VICTIM</u>	<u>SUSPECT</u>
	<input type="checkbox"/> Tattoos <input type="checkbox"/> Shaking <input type="checkbox"/> Unresponsive <input type="checkbox"/> Crying <input type="checkbox"/> Scared <input type="checkbox"/> Angry <input type="checkbox"/> Fearful <input type="checkbox"/> Calm <input type="checkbox"/> Agitated <input type="checkbox"/> Nervous <input type="checkbox"/> Threatening <input type="checkbox"/> Apologetic <input type="checkbox"/> Other observations: _____	<input type="checkbox"/> Tattoos <input type="checkbox"/> Shaking <input type="checkbox"/> Unresponsive <input type="checkbox"/> Crying <input type="checkbox"/> Scared <input type="checkbox"/> Angry <input type="checkbox"/> Fearful <input type="checkbox"/> Calm <input type="checkbox"/> Agitated <input type="checkbox"/> Nervous <input type="checkbox"/> Threatening <input type="checkbox"/> Apologetic <input type="checkbox"/> Other observations: _____

ADDITIONAL QUESTIONS (Explain all boxes marked "Yes" in narrative portion of report):

Has suspect ever threatened you?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Has suspect ever harmed you?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Does suspect possess or have access to a firearm?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Are you afraid for your safety?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Do you have any other information that may be helpful?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

Resources offered at scene: Yes No Type: _____

MEDICAL	<u>Victim</u>	<u>Suspect</u>	Paramedics at scene? <input type="checkbox"/> Yes <input type="checkbox"/> No Unit # _____
	<input type="checkbox"/>	<input type="checkbox"/>	Declined medical treatment
	<input type="checkbox"/>	<input type="checkbox"/>	Will seek own medical treatment
	<input type="checkbox"/>	<input type="checkbox"/>	Received medical treatment
Authorization to Release Medical Information, Form 05.03.00, signed? <input type="checkbox"/> Yes <input type="checkbox"/> No			Name(s)/ID #: _____
			Hospital: _____
			Jail Dispensary: _____
			Physician/Doctor: _____
			Patient #: _____

Officer (Name/Rank)	Date
Officer (Name/Rank)	Date
Supervisor Approving (Name/Rank)	Date

Statutes and Legal Requirements.pdf

Statutes and Legal Requirements

Items listed in this section include sections from the California Penal Code (CPC), Welfare and Institutions Code (WI) and Government Code (GC).

Definitions

CPC 422.55 - Provides general definition of hate crimes in California.

CPC 422.56- Provides definitions of terms included in hate crimes statutes.

GC 12926- Disability-related definitions applicable to some hate crime statutes.

Felonies

Hate Crimes

CPC 422.7 - Commission of a crime for the purpose of interfering with another's exercise of civil rights.

Related Crimes

CPC 190.2(a)(16) - Homicide penalties related to certain hate crime related acts.

CPC 190.03(a) - Homicide penalties related to certain hate crime related acts.

CPC 288(b)(2) - Sexual assault of dependent person by caretaker

CPC 368(b) - Dependent adult abuse generally - may apply as disability-related hate crime.

CPC 594.3 - Vandalism of places of worship.

CPC 11412 - Causing or attempting to cause other to refrain from exercising religion by threat.

CPC 11413 - Arson or destructive device at place of worship.

Misdemeanors

Hate Crimes

CPC 422.6 - Use of force, threats, or destruction of property to interfere with another's exercise of civil rights.

CPC 422.77 - Violation of civil order (Bane Act) protecting the exercise of civil rights

Related Crimes

CPC 302 - Disorderly conduct during an assemblage of people gathered for religious worship at a tax-exempt place of worship.

CPC 538(c) - Unauthorized insertion of advertisements in newspapers and redistribution to the public.

CPC 640.2 - Placing handbill, notice of advertisement on a consumer product or product packaged without authorization.

CPC 11411 - Terrorism of owner or occupant of real property. Placement or display of sign, symbol, or other physical impression without authorization, engagement in pattern of conduct, or burning or desecration of religious symbols.

Enhancements

CPC 190.2(a)(16) - Special circumstances imposing the Death Penalty or Life Without Possibility of Parole, if the victim was intentionally killed because of sexual orientation, gender, or disability.

CPC 190.3 - Special circumstances imposing LWOP if the victim was intentionally killed because of sexual orientation, gender, or disability.

CPC 422.75 - Penalty for felony committed because of victim's race, color, religion, nationality, country or origin, ancestry, disability, or sexual orientation shall be enhanced one, two, or three years in prison, if the person acts alone; and two, three, or four years if the person commits the act with another.

CPC 1170.8 - Enhancement for robbery or assault at a place of worship.

CPC 1170.85(b) - Felony assault or battery enhancement due to age or disability.

Reporting

CPC 13023- Requirement for law enforcement agencies to report hate crime data to DOJ.

WI 15630 – Elder and Dependent Adult Abuse Mandated Reporting (may apply in disability-related hate crimes).

Training and Policy Requirements

CPC 422.87 - Hate crimes policy adoption and update requirements (AB 1985, Effective January 1, 2019).

CPC 13519.6 - Defines hate crime training requirements for peace officers.

CPC 13519.41 - Training requirements on sexual orientation and gender identity-related hate crimes for peace officers and dispatchers (AB 2504, Effective January 1, 2019).

Miscellaneous Provisions

CPC 422.78 - Responsibility for prosecution of stay away order violations.

CPC 422.86 - Public policy regarding hate crimes.

CPC 422.89 - Legislative intent regarding violations of civil rights and hate crimes

CPC 422.92 - Hate crimes victims brochure requirement for law enforcement agencies.

CPC 422.93 - Protection of victims and witnesses from being reported to immigration authorities.

GC 6254 - Victim confidentiality.

**2023 12 06 Santa Cruz Police AB 481
Equipment List_FINAL_redline.pdf**

Santa Cruz Police Department Military Use Equipment List Pursuant to AB481.

1. Robot (Category 1)

a. Description, quantity, capabilities and purchase cost:

- I. Recon Robotics "Throw bot." Purchase cost: \$9,000 in 2013. Quantity: 1. This equipment is a battery powered, remote operated device. It is equipped with a color camera as well as infrared capabilities that allow for use in low or no light situations. It does not have audio capabilities, nor is it capable of creating audio or video recordings. The Throw Bot is designed to be carried and operated by one person and can be thrown a significant distance without damage. It cannot traverse stairs on its own and it does not have any arm, claw or other type of manipulation attachment. The Throw Bot has no ability to have a weapon or other device affixed to it, nor is the Throw Bot capable of delivering a weapon or other device. This equipment is for use during high-risk incidents or incidents where its use may enhance officer or civilian safety. These include but are not limited to: a high-risk search warrant, barricaded subject or hostage negotiation/rescue. This equipment can provide officers with the location of a subject inside of a structure or room. It can assist officers in locating suspects, determining whether the suspect armed, and can provide the locations of injured persons or hostages. This equipment can provide critical tactical information without placing officers at undue risk. This equipment has been used in numerous high risk and dangerous incidents.
- II. Recon Robotics "Throw bot 2." Purchase cost: \$16,270. Quantity: 1. This equipment is a battery powered, remote operated device. It is equipped with a color camera as well as infrared capabilities that allow for use in low or no light situations. It is capable of one-way audio (Listening only). The audio and video captured by the Throw Bot 2 can be recorded onto an SD card via the remote device. The Throw Bot 2 is designed to be carried and operated by one person and can be thrown a significant distance without damage. It cannot traverse stairs on its own and it does not have any arm, claw, or other type of manipulation attachment. The Throw Bot 2 has no ability to have a weapon or other device affixed to it, the Throw Bot 2 is incapable of delivering a weapon or other device. This equipment is for use during high-risk incidents or incidents where its use may enhance officer or civilian safety. These include but are not limited to: a high-risk search warrant, barricaded subject or hostage negotiation/rescue. This equipment can provide officers with the location of a subject inside of a structure or room. It can assist officers in locating suspects, determining whether the suspect is armed, and can provide the locations of injured persons or hostages. This equipment can provide critical tactical information without placing officers at undue risk. This equipment has been used in numerous high risk and dangerous incidents.
- III. AVITAR II by Robotex. SCPD has access to two AVITAR II robots maintained by the Santa Cruz Sheriff's Office. The AVITAR II is a heavy-

duty robot, controlled by remote operation with a camera attachment owned by the Santa Cruz Sheriff's Office.

- b. **Purpose:**
To be used to remotely search areas and gain visual data.
 - c. **Authorized Use:**
The SCPD Emergency Service Unit (ESU) Tactical team has primary control over the Throw Bot. It is available for use by any SCPD officer in any situation where it would enhance officer or civilian safety. The AVITAR II Robots are entirely owned and operated by Santa Cruz Sheriff's Office personnel.
 - d. **Legal and Procedural Rules:**
All applicable SCPD policies, including but not limited to, Search and Seizure-312, Missing Persons-316, Emergency Services Unit-404 and Recordings 426.5. Any use of SCPD robots will be for official law enforcement purposes, pursuant to State and Federal law, and in a manner that respects the privacy of our community.
 - e. **Required Training:**
 - I. The SCPD conducts department specified training for personnel to use the Throw Bot. This includes set up, deployment, safe and effective use of the Throw Bot and Throw Bot 2. This includes set up, deployment, safe and effective use of the Throw Bots.
 - II. Training required for the use of the AVITAR II robots is in accordance with the Santa Cruz County Sherriff's policy.
 - f. **Expected Lifespan:**
 - I. Throw Bot: The Throw Bot is designed to be in service 8-10 years. The Throw Bot will be used until repairs are no longer supported by the manufacturer, the Throw Bot has been in service since 2013. It has been repaired by the manufacturer once.
 - II. Throw Bot 2: The Throw Bot 2 is designed to be in service 8-10 years. The Throw Bot 2 is covered under the manufacturer's warranty for one year. Once the warranty expires any repairs required will be done by the manufacturer at SCPD's cost.
 - III. AVITAR II: Not a consideration for SCPD.
 - g. **Fiscal Impact**
 - I. Throw Bot: No known annual maintenance costs.
 - II. Throw Bot 2: \$16,270 (Homeland Security grant funded). No known annual maintenance costs.
 - III. AVITAR II: No fiscal impact for SCPD.
2. Unmanned Aerial Systems UAS (Category 1)
- a. **Description, quantity, capabilities and purchase cost:**
~~SCPD does not currently possess any unmanned Aerial Vehicles. SCPD does not have access to several Unmanned Aerial Vehicles maintained by the Santa Cruz County Sheriff's Office. The Sherriff's Office possess several different unmanned aerial vehicles that can provide higher altitude aerial views of locations or search areas. The Unmanned Aerial Vehicles can also provide interior search capabilities in areas that are impassable for SCPD's Recon Robot and in situations where officers entering would be unsafe.~~

Skydio Drone X10 Unmanned Aerial Drone with Skydio, spare propellers and batteries, NightSense, Visible Light for X10, Skydio Spotlight for X10, and Skydio Speaker/Mic for X10. Purchase cost: \$21,706.88 each. Quantity sought: 5. This equipment is a battery powered remote operated Unmanned Aerial Drone. It is equipped with a camera that is capable of audio and video recording. The camera has low light capabilities and can be used in darkness. The camera has thermal capabilities, meaning that it can detect heat signatures of substances, objects or persons that are warmer than their surrounding environment. The camera has zoom capabilities that enable it to read the license plate of a vehicle up to 800 yards away. The drone is capable of mapping crime scenes and major collisions scenes. When used in conjunction with software, 3 dimensional renderings of these scenes can be created for investigative purposes. The UAS has a 40-minute flight time per battery, it can fly at speeds of up to 45 miles per hour and it can be deployed by a trained operator in less than 40 seconds. The UAS cannot be weaponized and is not designed to carry or deploy any type of weapon or device. While versions of the UAS software has facial recognition capacities, the UAS will not be used for facial recognition and the Department will not purchase software that supports facial recognition.

b. **Purpose**

~~To be deployed when its capabilities would provide officer or incident commanders with an aerial view of a location or the interior of a specific location. The unmanned aerial vehicles may be deployed in situations that include, but are not limited to, a search for a missing person, natural disaster management, tactical or other public safety and life preservation situations.~~

To support authorized law enforcement activity by providing aerial visual and audio capabilities.

c. **Authorized Use:**

~~Only operators assigned to the Santa Cruz County Sherriff's department may operate the Unmanned Aerial Vehicles. The Santa Cruz County Chief Deputy must authorize all requests for use by outside agencies.~~

Only officers who are licensed and have completed the required training may deploy and operate the UAS. The UAS will be operated in compliance with all applicable local, State and Federal laws and in accordance with constitutional and privacy rights. Authorized uses of the UAS include, but are not limited to, the following:

- I. Public safety emergency
- II. Search and Rescue/Water Rescue
- III. Lost or missing persons
- IV. Investigation of suspicious or explosive devices
- V. Natural disaster response and management
- VI. Crime scene documentation
- VII. Traffic collision documentation
- VIII. Recovery of decedent
- IX. Qualifying law enforcement or fire department mutual aid
- X. Pursuant to a valid search and/or arrest warrant
- XI. To assist in the service of a valid search and/or arrest warrant
- XII. Crime in progress
- XIII. Locating a fleeing suspect
- XIV. Departmental videos including but not limited to recruitment and public relations

XV. Educational demonstrations

XVI. Department training

d. **Legal and Procedural Rules:**

~~Use is established under the Santa Cruz County Sheriff's Office Policy 606 and FAA Regulation 14 CFR Part 107. During their use, all other SCPD policies remain in effect, including but not limited to, Search and Seizure 312, Missing Persons 316, Emergency Services Unit 404. It is the policy of the SCPD to utilize Unmanned Aerial Vehicles only for official law enforcement purposes, pursuant to State and Federal law, and in a manner that respects the privacy of our community.~~

All applicable SCPD policies, including but not limited to, Unmanned Aerial System-607, Search and Seizure-312, Missing Persons-316, Emergency Services Unit-404 and Recordings 426.5; Santa Cruz Municipal Code Chapter 9.85. Use of UAS will be for official law enforcement purposes, and in a manner that respects the privacy of our community, pursuant to local, State and Federal law, and Federal Aviation Administration (FAA) regulations.

e. **Required Training:**

~~No required training for SCPD officers as only operators assigned to the Santa Cruz County Sherriff's department may operate the equipment.~~

The Department will maintain a current FAA Certificate of Waiver or Authorization.

All operators must be licensed pursuant to FAA Part 107 Remote Pilot Certificate.

All UAS operators will complete additional training as may be required by department policy and/or State and Federal regulation.

f. **Expected Lifespan:**

~~Not a consideration for SCPD.~~

Each UAS has a 1-year limited manufacturer's warranty. The Department will purchase an additional 3-year care package for each UAS. This provides for one non-cost replacement of an inoperable UAS and reduced costs for any subsequent replacements. The Department intends to operate these UAS until they become obsolete and are no longer supported by the manufacturer.

g. **Fiscal Impact**

~~No fiscal impact for SCPD.~~

The Department will be required to modify two marked SCPD vehicles with specific equipment to operate the UAS. This equipment will be used to store and transport drones, display monitors, power inverter systems, spare batteries, and solar charging equipment. The estimated purchase and installation cost for this equipment is \$27,708.

In addition to the purchase cost of the UAS, and operational equipment, the Department will purchase software and licensing. These costs are estimated at \$80,516.45 over the course of five years and include the software required to operate the UAS and to integrate the UAS with the Department's Axon evidence system.

Initial training costs for the first year are estimated at \$6,926 and will include all required training and licensing costs for the UAS operators, including FAA licensing.

The Department will also purchase warranty and support service subscriptions over the course of five years for a total of \$26,245.

3. Armored Personnel Carrier, vehicle with entry apparatus attached (Category 2&3)

a. **Description, quantity, capabilities and purchase cost:**

Lenco Armored Rescue Vehicle (ARV). Purchase cost \$230,378. Quantity: 1.

The ARV is designed to provide ballistic protection during tactical events, and is designed to withstand multiple bullet strikes from small arms fire and low level explosions. The ARV is equipped with remote operated spotlights, emergency lights, siren and a public address system. Common uses for the ARV include citizen and officer rescues, evacuations and the deployment of officers and chemical munitions. The ARV has been used in numerous high-risk and critical incidents including use by allied agencies in Santa Clara County, Santa Cruz County and San Mateo County.

- b. **Purpose:**
To be used in response to high-risk or critical incidents to enhance officer and community safety, assist in scene containment and to assist in resolving critical incidents.
 - c. **Authorized Use:**
Only the Watch Commander or the ESU commander may authorize the use of the ARV. Deployment must be based on the specific circumstances of a given critical incident. The ARV was purchased through a BUASI grant. The terms of this grant require that SCPD make the ARV available to any allied agency with the BUASI area as long as the situation the ARV is requested for meets the criteria for deployment set forth in SCPD Policy 702. SCPD generally sends at least one member of the ESU tactical team with the ARV if one is available.
 - d. **Legal and Procedural Rules:**
All applicable SCPD policies including but not limited to Vehicle Use -702, ESU Tactical Team-404. It is the policy of the Department to utilize armored vehicles only for official law enforcement purposes, and pursuant to State and Federal law.
 - e. **Required Training:**
Members of the ESU team train officers in the use of the ARV. This training includes capabilities of the ARV, safety considerations, conducting civilian and officer rescues as well as other deployment considerations.
 - f. **Expected Lifespan:**
20 years.
 - g. **Fiscal Impact**
\$4,312 per year (parts, labor, and fuel).
4. Ford F350 transport vehicle (ESU Truck, category 5)
- a. **Description, quantity, capabilities and purchase cost.**
2008 Ford F350 transport vehicle. A standard Ford F350 truck chassis with a large box type compartment attached to the chassis from the cab back. Purchase cost: \$65,000. Quantity: 1. The interior of the compartment is fitted with shelving and seats. The outsides of the compartment are fitted with multiple storage boxes. The vehicle contains various equipment, spare ballistic shields, breaching tools, small tools, medical supplies, pens, writing tablets, power inverters etc.
 - b. **Purpose:**
The Ford F350 is deployed during critical incidents or any other instance where it can be utilized to transport personnel and equipment.
 - c. **Authorized Use:**
Any member of the SCPD is authorized to drive the vehicle if directed to do so. The vehicle is used primarily by the ESU team.

- d. **Legal and Procedural Rules:**
All applicable SCPD policies including but not limited to Vehicle Use -702 and Emergency Services Unit-404. It is the policy of the SCPD to use the vehicle only for official law enforcement purposes, and in accordance with California State law regarding the operation of motor vehicles.
 - e. **Required Training:**
All driver/operators shall receive training in the safe operation of the vehicle.
 - f. **Expected lifespan:**
20 Years.
 - g. **Fiscal Impact:**
\$1,158 per year (parts, labor, and fuel).
5. Command and Control Vehicles (Category 5)
- a. **Description, quantity, capabilities and purchase cost:**
Chevy Tahoe Patrol Vehicle. Purchase cost: \$60,000 each.
Quantity: (1) 2017 Model (Lieutenant), (3) 2018 models (Sergeants). These vehicles can act as a Mobile Command Center. The vehicle is equipped with file cabinets, dry erase board, medical supplies and additional mapping equipment.
 - b. **Purpose:**
The Mobile Command Center is commonly utilized during incidents which involve the use of the Incident Command System (ICS). The Mobile Command Center assists with creating a set of objectives and overall goals, developing appropriate tactics, ensuring the allocation of appropriate resources, reviewing plans, communicating goals, tactics, expectations, and establishing accountability.
 - c. **Authorized Use:**
The Mobile Command Center is used when deemed appropriate by the field supervisor or Watch Commander.
 - d. **Legal and Procedural Rules:**
All applicable SCPD policies including but not limited to Vehicle Use -702. It is the policy of the SCPD to use the vehicle only for official law enforcement purposes, and in accordance with California State law regarding the operation of motor vehicles.
 - e. **Required Training:**
All driver/operators shall receive training in the safe operation of the vehicle.
 - f. **Expected Lifespan:**
 - I. Chevy Patrol Vehicle: 10 years.
 - II. The Mobile Command Center does not have a minimum or maximum lifespan and can be transferred to other vehicles.
 - g. **Fiscal Impact:**
 - I. There is no annual maintenance cost for The Mobile Command Center.
 - II. Vehicle maintenance cost is approximately \$1,575 per year, per vehicle (parts, labor, and fuel).
6. Firearms of Greater than .50 caliber (Category 8)
- a. **Description, quantity, capabilities and purchase cost:**
Mossberg 590 12 gauge pump action shotguns. Purchase cost, approximately \$1,400 each. Quantity: 2. These shotguns are built on a standard Mossberg 590 action. They have a 13.5 inch barrel with a breaching muzzle brake affixed to the

- end of the barrel.
- b. **Purpose:**
These shotguns are specifically designed to be used as breaching tools in situations where rapid entry into a structure is required, such as a hostage situation. They are used to defeat the locking mechanism or the hinges of door by firing a breaching shotgun round into these areas.
 - c. **Authorized Use:**
Only members of the ESU Tactical team who have completed a breaching school and are trained in the use of these weapons are authorized to use them.
 - d. **Legal and Procedural Rules:**
All applicable department policies, including but not limited to Use of Force-300, Firearms-306, Search and Seizure-312 and Emergency Services Unit-404. It is the policy of the SCPD to utilize firearms and ammunition only for official law enforcement purposes, and pursuant to State and Federal law, including those regarding the use of force.
 - e. **Required Training:**
Only officers who have completed a department authorized breaching school may use these shotguns. The school must include specific training related to the breaching shotgun.
 - f. **Expected Lifespan:**
No expiration date. The shotguns may need replacement parts when serviced or replaced if they break.
 - g. **Fiscal Impact:**
\$0-\$1,400 per year.
7. Firearms of Greater than .50 Caliber (Category 8)
- a. **Description, quantity, capabilities and purchase cost:**
Remington 870 12 Gauge pump action chemical agent launching shotgun. Purchase cost: \$700. Quantity: 1. This shotgun was repurposed from an out of service shotgun that SCPD already had in inventory. This shotgun is specifically designed to launch a specific type of chemical munition. Though based on a standard 12 gauge shotgun, it is not designed or capable of firing lethal shotgun rounds. The buttstock and fore-end are bright orange and it is marked as a "Less Lethal" weapon. It has a purpose built launching cup permanently affixed to the muzzle.
 - b. **Purpose:**
This shotgun is designed to launch a specific type of launchable CS (2-chlorobenzylidene malononitrile) chemical agent canisters approximately 25 yards away. It allows officers to deploy chemical agents during critical incidents from behind cover or in a situation where hand delivering the agents would be unsafe. It allows officers the ability to deploy chemical agents in second and third floors of structures where it would be impossible for officers to hand deliver the agents.
 - c. **Authorized Use:**
Only officers assigned to the ESU Tactical team are currently authorized to use this launching shotgun.
 - d. **Legal and Procedural Rules:**
All applicable policies including but not limited to Use of Force-300, Firearms-

306, Control Devices and Techniques-302, Search and Seizure- 312 and ESU Tactical team -404. It is the policy of the SCPD to utilize firearms and ammunition only for official law enforcement purposes, and pursuant to State and Federal law, including those regarding the use of force.

- e. **Required Training:**
Officers must attend department training regarding the use of these items. This training includes SCPD policy, legal obligations and reporting requirements. Instructors must attend a 40 hour POST certified instructor course regarding the use of chemical agents, noise, flash, diversionary devices (NFDD) and deployment platforms, in addition to manufacture specific instructor certifications. The SCPD maintains officers who are POST certified as instructors of chemical munitions, NFDD and launching platforms. These officers in turn train other members of the department.
 - f. **Expected Lifespan:**
No expiration. The shotgun may need parts when serviced or replacement if it breaks.
 - g. **Fiscal Impact:**
\$0-\$700 per year.
8. Ammunition of .50 caliber or greater (Category 9).
- a. **Description, quantity, capabilities and purchase cost:**
12. Gauge launching Cartridges Defense Technologies part number 1210. Purchase cost: \$371.25. Quantity: 55. These are blank shotgun cartridges that utilize black powder as the propellant.
 - b. **Purpose:**
When used with launching shotgun, the pressure created in the barrel by the expanding gasses of the black powder propellant provide enough force to launch the chemical agent canister from the shotgun. Though this ammunition is designed and is advertised for other uses, the SCPD only uses it as a launching cartridge for the launching shotgun.
 - c. **Authorized Use:**
Only officers assigned to the ESU team who are trained in the use of the launching shotgun are permitted to use these shotgun-launching rounds.
 - d. **Legal and Procedural Rules:**
All applicable policies including but not limited to Use of Force-300, Firearms-306, Control Devices and Techniques-302, Search and Seizure- 312 and ESU Tactical team -404. It is the policy of the SCPD to utilize firearms and ammunition only for official law enforcement purposes, and pursuant to State and Federal law, including those regarding the use of force.
 - e. **Required Training:**
Officers must attend department training regarding the use of these items. This training includes SCPD policy, legal obligations and reporting requirements. Instructors must attend a 40 hour POST certified instructor course regarding the use of chemical agents, NFDD and deployment platforms, in addition to manufacture specific instructor certifications. The SCPD maintains officers who are POST certified as instructors of chemical munitions, NFDD and launching platforms. These officers in turn train other members of the department.
 - f. **Expected Lifespan:**

5 years.

- g. **Fiscal Impact:**
\$0-\$500 per year.

9. Specialized Firearms and ammunition of less than .50 caliber (Category 10)

a. **Description, quantity, capabilities and purchase cost:**

The department maintains a Precision Rifle team within the ESU Tactical team. These officers are trained in the use of precision rifles that are specifically designed to stop lethal threats at various distances and through barrier mediums that a carbine rifle would not. These rifles are chambered in .308 Winchester. This is a .30 caliber round that is highly accurate and used during potentially lethal encounters. The .308 is capable of defeating soft body armor at greater distances.

- I. Defiance bolt action precision rifles. Purchase cost: \$15,609. Quantity: 3.
- II. Accuracy International AT series bolt action rifle. Purchase cost: \$4,462. Quantity: 1.
- III. Hornady .308 155 grain ELD Match TAP ammunition. Purchase cost: \$6,720. Quantity: 3,200.

b. **Purpose:**

To provide officers with the ability to address lethal threats with more precision, at greater distances than a Carbine rifle or handgun are capable.

c. **Authorized Use:**

Only those officers assigned to the ESU Tactical team, and who have been selected as members of the Precision Rifle team may use these weapons.

d. **Legal and Procedural Rules:**

All applicable department policies, including but not limited to, Use of Force-300, Firearms-306 and ESU Tactical Team-404. It is the policy of the SCPD to utilize firearms and ammunition only for official law enforcement purposes, and pursuant to State and Federal law, including those regarding the use of force.

e. **Required Training:**

Officers assigned to the Precision Rifle Team are required to attend and pass a POST certified basic Precision Rifle course before they are permitted to use these weapons.

f. **Expected Lifespan:**

- I. Defiance Precision Rifles, no expiration date. They will need parts and service as they become worn or break.
- II. Accuracy International AT Series Rifle, no expiration date. It will need parts and service as they become worn or break.
- III. Hornady 155 grain ELD Match TAP, no expiration date.

g. **Fiscal Impact:**

- I. Precision rifles, \$0-\$1,000 per fiscal year.
- II. Hornady Ammunition, \$0-\$6,720 per fiscal year.

10. Flashbang, Teargas and Pepper balls (Category 12)

a. **Description, quantity, capabilities and purchase cost:**

Noise, Flash, Diversionary Devices (NFDD) commonly referred to as "flashbangs" are single use devices that emits a loud bang and a very bright

flash. They are designed to disorient and distract dangerous subjects by overwhelming their senses and provide a window of time, approximately 6-8 seconds, for officers to take control of dangerous or high-risk situations. Additionally, the SCPD possess "Stinger Grenades." This device is a rubber ball that contains a small NFDD in addition to 60 .32 caliber rubber balls. When used, the grenade separates along its hemisphere and expels the balls while simultaneously giving a loud bang and bright flash. These are useful in crowd control or riot situations as a means to disperse groups of violent individuals in addition to the disorienting effect of the NFDD component to mitigate dangerous behavior. These can be purchased in configurations that include OC/CS (2chlorobenzylidene malononitrile/Oleoresin Capsicum) agent dispersing capabilities, inert powders or simply the .32 caliber balls.

- I. 8902NR 12 gram low roll NFDD. Purchase cost: \$2,426. Quantity: 40.
- II. 7007 4 gram NFDD training reloads. Purchase cost \$955. Quantity: 26.
- III. 1090 Stinger Grenades. Purchase cost \$523. Quantity: 10.

b. **Purpose:**

To produce a loud noise, overpressure and a very bright flash, that can cause temporary psychological and physiological deprivation and give officers an advantage in high-risk tactical situations. Generally, NFDD (not including stinger grenades) are not a primary device used in riot situations, however there are narrow instances requiring authorization of the incident commander where they could be used.

c. **Authorized Use:**

Only those officers who are trained in the use of the devices are authorized to use them. Currently the only officers trained in the use of these devices are members of the ESU Tactical team. Use of NFDD is controlled by SCPD policy and best practice. Situations where an NFDD may be used include but are not limited to: hostage or barricaded subject situations, high-risk warrant service (arrest/search) where risk to officers is extremely high; during any other high risk situation where use of an NFDD may increase officer safety or training.

d. **Legal and Procedural Rules:**

All applicable department policies, including but not limited to Use of Force-300, ESU tactical Team-404, Control Devices and Techniques-302. It is the policy of the SCPD to utilize these devices only for official law enforcement purposes, and pursuant to State and Federal law, including those regarding the use of force.

e. **Required Training:**

Officers must attend department training regarding the use of these items. This training includes SCPD policy, legal obligations and reporting requirements. Instructors must attend a 40 hour POST certified instructor course regarding the use of chemical agents, NFDD and deployment platforms, in addition to manufacture specific instructor certifications. The SCPD maintains officers who are POST certified as instructors of chemical munitions, NFDD and launching platforms. These officers in turn train other members of the department.

f. **Expected Lifespan:**

- I. 8902NR 12 gram low roll NFDD- 5 years.
- II. 7007 4 gram NFDD training reloads- 5 years.

g. **Fiscal Impact:**

- I. 8902NR 12 gram low roll NFDD-\$0-\$2000 per year.

- II. 7007 4 gram NFDD training reloads \$0-\$832 per year.

11. Chemical Agents "Teargas" (Category 12)

a. **Description, quantity, capabilities and purchase cost:**

The SCPD uses chemical agents, commonly referred to as "teargas" as less lethal tools to disperse rioting subjects or on barricaded subjects. The two agents the SCPD uses are CS (2-chlorobenzylidene malononitrile) and OC (Oleoresin Capsicum). CS is an irritating agent and a lachrymator. It irritates the eyes and causes tearing while also irritating the respiratory system causing coughing. These reactions are temporary and quickly subside especially if the subjects remove themselves from the area where the chemical agent has been deployed. The U.S Army has tested CS extensively. There are no known allergic reactions to CS. OC is an, inflammatory agent. It causes a burning sensation, involuntary closure of the eyes and tightness in the chest. These symptoms generally subside within an hour or less of exposure. OC is legal for civilians to possess in certain quantities.

- I. 1082 Riot Control CS Canister. Purchase cost: \$352. Quantity: 12. Pyrotechnic device used in outdoor situations to disperse rioting crowds, should not be used indoors due to risk of fire. Releases 75.6 grams of CS in 20-40 seconds.
- II. 1032 Tri-Chamber Flameless CS Canister. Purchase cost: \$647. Quantity: 14. Pyrotechnic device designed to be used indoors and presents a minimal risk of fire. Hand delivered only. Releases 20 grams of agent in 20-30 seconds.
- III. 5230B Baffled Launchable CS canister. Purchase cost: \$416. Quantity: 10. Pyrotechnic device, designed to be launched from the launching shotgun. For use indoors and presents minimal risk of fire. Releases 25 grams of agent in 20-40 seconds.
- IV. 1026 Triple Chaser separating canister. Purchase cost: \$1,047. Quantity: 20. Pyrotechnic device, designed to be used outdoors in riot control situations. It is a canister, that when deployed separates into three smaller canisters. It allows officers to deploy chemical agents over a larger area with less munitions. Releases 92 grams of agent between three separate smaller canisters over 20-30 seconds.
- V. 56854 Aerosol OC Fogger. Purchase cost: \$89. Quantity: 4. Non-pyrotechnic canister. This canister sprays OC with the aid of compressed air. It is designed to be used indoors or in vehicles. It has no risk of fire. It will release a 1.3% OC spray over 15-25 seconds.
- VI. 2262 40mm CS Liquid Ferret projectile. Purchase cost: \$1,238. Quantity: 44. Non-pyrotechnic launched projectile. This munition is fired from a 40mm less lethal launcher. It is a hardened projectile intended to be used to defeat barriers such as glass and thin wooden barriers. When it penetrates or impacts a hard surface, it disperses liquid CS agent into the area. These are not for use against people.
- VII. 2260 40mm OC Liquid Ferret projectile. Purchase cost: \$289. Quantity: 10. Non-pyrotechnic launched projectile. This munition is fired from a 40mm less lethal launcher. It is a hardened projectile intended to be used to defeat barriers such as glass and thin wooden barriers. When it

penetrates or impacts a hard surface, it disperses liquid OC agent into the area. These are not for use against people.

b. **Purpose:**

To limit escalating situations where lethal force is prohibited or undesirable. Situations where these munitions would be deployed include, but are not limited to: self-destructive, dangerous or combative individuals; riot or crowd control situations or other violent civil unrest; situations where use of the munitions would provide a tactical advantage; training or authorized demonstration. A “tactical advantage” could include but is not limited to: deployment into a structure or vehicle where an armed violent/self-destructive subject is barricaded; or a riot situation where, deployment can either create an environment that causes violent persons to disperse or leave the area or limit the advance of a violent group or deny a violent group access to specific areas or law enforcement.

c. **Authorized Use:**

Only officers trained in the use of these munitions may use them. This includes officers assigned to the ESU Tactical team and officers assigned as “grenadiers” during a crowd control or violent civil unrest situation.

d. **Legal and Procedural Rules:**

To be used in accordance with Penal Code section 13652 (AB 48). All applicable policies, including but not limited to Use of Force-300, ESU Tactical team-404 and Control Devices and techniques-302. It is the policy of the SCPD to utilize chemical agents only for official law enforcement purposes, and pursuant to State and Federal law, including those regarding the use of force.

e. **Required Training:**

Officers must attend department training regarding the use of these items. This training includes SCPD policy, legal obligations and reporting requirements. Instructors must attend a 40 hour POST certified instructor course regarding the use of chemical agents, NFDD and deployment platforms, in addition to manufacture specific instructor certifications. The SCPD maintains officers who are POST certified as instructors of chemical munitions, NFDD and launching platforms. These officers in turn train the other members of the department.

f. **Expected Lifespan:**

- I. 1082 Riot Control CS Canister-5 years.
- II. 1032 Tri-Chamber Flameless CS Canister-5 years.
- III. 5230B Baffled Launchable CS canister-5 years.
- IV. 1026 Triple Chaser separating canister-5 years.
- V. 56854 Aerosol OC Fogger-5 years.
- VI. 2262 40mm CS Liquid Ferret projectile-5 years.
- VII. 2260 40mm OC Liquid Ferret projectile-5 years.

g. **Fiscal Impact:**

All chemical munitions \$0-\$5,000 per fiscal year based on fiscal budgeting.

12. Pepper Ball Guns and Pepper Balls (Category 12)

a. **Description, quantity, capabilities and purchase cost.**

- I. Pepper ball guns. Purchase cost. \$1,399. Quantity: 4. Pepper ball guns are a compressed air powered launcher, almost identical in manufacture to a common paintball gun. It fires .68 caliber plastic balls that contain an

irritant powder. The pepper ball gun can fire pepper balls up to 60 feet and can launch pepper balls farther to saturate an area.

- II. Pepper Balls. Purchase cost: \$967 (per container). Quantity: 4 (containers of 375 pepper balls). Pepper Balls are .68 caliber projectiles. They are a plastic shell that contains an irritant powder that consists of PAVA, a pepper derivative. This powder causes a burning sensation and involuntary eye closure when coupled with the impact of the projectile. It is used for pain compliance and disorientation.

b. **Purpose:**

To limit escalating situations where lethal force is prohibited or undesirable. Situations where these munitions would be deployed, include: Self destructive, dangerous or combative individuals; riot or crowd control situations or other violent civil unrest; situations where use of the munitions would provide a tactical advantage; training or authorized demonstration. A "tactical advantage" could include but is not limited to: deployment into a structure or vehicle where an armed violent/self-destructive subject is barricaded, or a riot situation where, deployment can either create an environment that causes violent persons to disperse or leave the area or limit the advance of a violent group or deny a violent group access to specific areas or law enforcement.

c. **Authorized Use:**

Only officers who are certified to use the pepper ball system.

d. **Legal and Procedural Rules:**

To be used in accordance with Penal Code section 13652 (AB 48). All applicable policies including but not limited to Use of Force-300, Control Devices and Techniques-302. It is the policy of the SCPD to utilize pepper ball guns and pepper balls only for official law enforcement purposes, and pursuant to State and Federal law, including those regarding the use of force.

e. **Required Training:**

Officers must attend a manufacturer specific training course to be certified to use the pepper ball systems.

f. **Expected Lifespan:**

- I. Pepper ball guns, no expiration. They will need parts and service as they wear out or break.
- II. Pepper Balls, 2 years.

g. **Fiscal Impact**

Pepper ball guns, \$0-\$500 per year.
Pepper Balls \$0-\$500 per year.

13. Long Range Acoustic Device (LRAD) (Category 13)

a. **Description, quantity, capabilities and purchase cost:**

GENASYS Inc. LRAD-100X. Purchase cost: \$8,179.77. Quantity: 1. This device is a self-contained, lightweight, battery operated hailer that communicates with great intelligibility up to 600 meters. It emits acoustic sound pressure levels up to 140db. It provides clear unmistakable, intelligible communications and stunning alert tones and can play pre-recorded audio messages, mp3 audio files and live broadcasting via a handheld microphone. It can broadcast tones at a volume that causes discomfort to those who hear the tones. The device provides directional

sound capabilities allowing the user to direct the uncomfortable tones at a specific person or group of persons.

b. **Purpose:**

To serve as a notification/communication system during critical incidents, where the user is conveying a message to a person or persons. To be used during violent or riotous situations as a means to advise participants that they are involved in legally prohibited activities. To be used to broadcast alert tones in a directed manner at persons involved in riotous or destructive behavior as a means of dispersing the crowd and stopping the behavior. This device provides the SCPD with the ability to address violent persons or groups of persons during a riot or other violent crowd control situation without the use of kinetic less lethal weapons such as 40mm launchers or chemical agents, allowing SCPD to attempt de-escalation via less forceful means.

c. **Authorized Use:**

Only officers who are trained in its use, with the authorization of an incident commander, may use this device.

d. **Legal and Procedural Rules:**

All applicable policies including but not limited to Use of Force-300, Control Devices and Techniques-302. It is the policy of the SCPD to utilize the LRAD only for official law enforcement purposes, and pursuant to State and Federal law.

e. **Required Training:**

Officers must attend a department specified training to use this device.

f. **Expected Lifespan:**

20-25 years. Repairs completed as needed.

g. **Fiscal Impact:**

No known fiscal impact, the device is new.

14. 40mm Projectile Launchers (Category 14)

a. **Description, quantity, capabilities and purchase cost:**

The 40mm projectile launcher is a Less Lethal platform. It is not a firearm and is not capable of firing any military grade explosive projectile. It is designed to fire a projectile designed to be used against persons in situations where lethal force is prohibited. It allows officers to use Less Lethal Direct Impact spins stabilized munitions at distances up to 120 feet. The munitions cause pain compliance via blunt force impact. They can incapacitate violent subjects armed with weapons that are not firearms, allowing officers to safely take a subject into custody. The standoff capabilities allow officers to apply force via the impact rounds and assess if further application of force is required. This mitigates the need for officers to approach a violent/armed subject, reducing the chances of a lethal force scenario.

- I. Defense Technologies DT1325 40mm-single barrel launchers. Purchase cost: \$11,620. Quantity: 14. (No longer manufactured)
- II. Lewis Machine and Tool (LMT) 1425 40mm single barrel launchers. Purchase cost: \$12,450. Quantity: 15.
- III. Lewis Machine and Tool (LMT) 1440 40mm 4 shot multi launchers. Purchase cost: \$3,798. Quantity: 2.
- IV. Penn Arms PGL65-40 40mm 6 shot multi launcher. Purchase cost: Approximately \$3,000. Quantity: 1.

- b. **Purpose:**
To be used as a less lethal tool, to apply pain compliance to self-destructive, armed or combative/resistive persons, to prevent the person from causing harm to themselves or others. Also used during violent riots or large crowd control disturbances. They can be used to mark persons engaged in the above activity making the person(s) identifiable for arrest.
 - c. **Authorized Use:**
Only officers who have completed a department training course may deploy these less lethal tools. Every patrol vehicle has a single launcher in it for use by patrol officers. Only officers specifically trained in the use and application during a crowd control or riotous situation may use them in those instances.
 - d. **Legal and Procedural Rules:**
To be used in accordance with Penal Code section 13652 (AB 48). All applicable policies, including but not limited to, Use of Force-300, Control Devices and Techniques-302 and Emergency services Tactical Team-404. It is the policy of the SCPD to utilize these devices only for official law enforcement purposes, and pursuant to State and Federal law, including those regarding the use of force.
 - e. **Required Training:**
Officers must attend department training regarding the use of these items. This training includes SCPD policy, legal obligations and reporting requirements. Instructors must attend a 40 hour POST certified instructor course regarding the use of chemical agents, NFDD and deployment platforms, in addition to manufacture specific instructor certifications. The SCPD maintains officers who are POST certified as instructors of chemical munitions, NFDD and launching platforms. These officers in turn train other members of the department.
 - f. **Expected Lifespan:**
 - I. Defense Technologies DT1325 40mm-single barrel launchers: No expiration. No longer manufactured. Will be serviced or repaired as long as viable.
 - II. Lewis Machine and Tool (LMT) 1425 40mm single barrel launchers: No expiration. Will need parts and service when they wear out or break.
 - III. Lewis Machine and Tool (LMT) 1440 40mm 4 shot multi launchers: No expiration. Will need parts and service when they wear out or break.
 - IV. Penn Arms PGL65-40 40mm 6 shot multi launcher: No expiration. Will need parts and service when it wears out or breaks.
 - g. **Fiscal Impact:**
For all of the listed launchers: \$0-500 per year.
15. 40mm ammunition: (Category 14)
- a. **Description, quantity, capabilities and purchase cost:**
40mm ammunition meant to be used in 40mm Projectile Launchers described above. All of the 40mm rounds in this section are approved for use against people if the force is justified. SCPD has three impact munitions, the Exact Impact is a less lethal projectile made of a foam rubber often called a “sponge round” with a consistency similar to a sponge. It is fired using smokeless powder and is designed to incapacitate people through pain compliance and impact. It is blue in color and can be fired from ranges between 5’ and 120’. The Direct

Impact round is an impact munition that carries a powder payload within the projectile. The payload can be a chemical agent powder or it can contain an inert marking powder. These munitions provide the same less lethal pain compliance/de-escalation/violence mitigation functions as the Exact Impact munitions, with the added benefit of an irritant powder, or the ability to make a riotous subject identifiable for arrest. The SCPD also uses reusable training ammunition that allow true to real training at lower cost.

- I. eXact Impact 40mm: Purchase cost: \$4,011. Quantity: 140.
- II. Direct Impact 40mm OC. Purchase cost: \$732. Quantity: 24.
- III. Direct Impact 40mm Marking. Purchase cost: \$970. Quantity: 32.
- IV. Training Sponge ammunition 24 round kit. Purchase cost: \$2,537. Quantity: 7.

b. **Purpose:**

To be used as a less lethal tool in situations where lethal force is prohibited. To assist officers in intervening in violent or potentially violent situations by use of pain compliance. To allow officers the ability to apply less lethal force from distance or behind cover, which provides time to assess the effect of the force used and re-apply or discontinue force as the situation allows.

c. **Authorized Use:**

Only officers who are trained in the use of these projectiles are authorized to use them. Situations where use may be authorized include but are not limited to: armed self-destructive individuals, violent resistive individuals, violent riotous individuals, situations where use would increase safety and mitigate the need for higher uses of force, authorized training or demonstrations.

d. **Legal and Procedural Rules:**

To be used in accordance with Penal Code section 13652 (AB 48). All applicable policies including but not limited to Use of Force-300, Control Devices and Techniques-302. It is the policy of the SCPD to utilize these devices only for official law enforcement purposes, and pursuant to State and Federal law, including those regarding the use of force.

e. **Required Training:**

Officers must attend department training regarding the use of these items. This training includes SCPD policy, legal obligations and reporting requirements. Instructors must attend a 40 hour POST certified instructor course regarding the use of chemical agents, NFDD and deployment platforms, in addition to manufacture specific instructor certifications. The SCPD maintains officers who are POST certified as instructors of chemical munitions, NFDD and launching platforms. These officers in turn train other members of the department.

f. **Expected Lifespan:**

- I. eXact Impact 40mm-5 years.
- II. Direct Impact 40mm OC-5 years.
- III. Direct Impact 40mm Marking-5 years.
- IV. Training Sponge ammunition 24 round kit-5 years.

g. **Fiscal Impact:**

\$0- 5,000 per year. Given the 5 year life span of these munitions, the SCPD may not need to purchase more every fiscal year.

16. Other Specified Items/Equipment (Category 15)

a. **Description, quantity, capabilities and purchase cost:**

The department currently issues AR-15/M4 style Carbine rifles to its officers as a means of addressing potential lethal force situations. The department issues two brands, Colt and Lewis Machine and Tool (LMT). The Carbine rifle is a lightweight, gas operated, air-cooled, shoulder fired, semi-automatic, magazine fed weapon. It is capable at providing accurate fire at various distances. The Hornady 5.56x45mm NATO, 75 grain BTHP (Boat Tail Hollow Point) TAP (Tactical Application Police) is the current standard issue rifle ammunition for all carbines in the department. This ammunition type is a medium caliber rifle round. It is capable of defeating soft body armor a subject may be wearing, as well as other intermediate barriers. The duty round is specifically designed to limit over penetration thus mitigating danger to innocent persons or other officers. SCPD uses ammunition of the same caliber ammunition for training purposes. Generally, the training ammunition is 55 grain full metal jacket ammunition. This type of ammunition is solely for training purposes. The cost of the training ammunition is less than that of the duty ammunition.

- I. Colt Carbines. Purchase cost: \$33,250. Quantity: 35.
- II. LMT Carbines. Purchase cost: \$49,000. Quantity: 35.
- III. Hornady 5.56x45mm NATO, 75 grain BTHP TAP. Purchase cost: \$4,560. Quantity: 5,700. SCPD does not have to order duty ammunition every fiscal year.
- IV. .223/5.56 55 grain full metal jacket is the standard training round the department uses. The manufacturer of the ammunition varies based on what is available at the time the department needs to make an order. Quantity: 35,500. Cost: \$12,070.

b. **Purpose:**

The Carbine rifle provides officers the ability to employ a more precise weapon in potential lethal force encounters. It provides officers the ability address armed violent subjects at a greater distance than with a handgun. It provides officers with the ability to defeat soft body armor and intermediate barriers when addressing armed violent subjects.

c. **Authorized Use:**

Only officers who have completed a POST required 16 hour training course are authorized to use the carbine rifle and associated ammunition.

d. **Legal and Procedural Rules:**

All applicable department policies, including but not limited to, Use of Force-300, Firearms-306. It is the policy of the SCPD to utilize firearms and ammunition only for official law enforcement purposes, and pursuant to State and Federal law, including those regarding the use of force.

e. **Required Training:**

All officers are required to attend a POST required 16 hour Patrol Rifle course before they are permitted to use these weapons. Currently this course is mandatory for all officers after graduating the Academy, before beginning the Field Training Program

f. **Expected Lifespan:**

Carbine Rifles, approximately 20 years. Service is performed as needed and parts are replaced as they become worn or break.

Hornady TAP 75 grain 5.56x45mm NATO, no expiration.

.223/5.56x45 training ammunition, no expiration.

g. **Fiscal Impact:**

Carbine Rifles: \$0-\$12,000 per fiscal year.

Ammunition: \$0-\$40,000 per fiscal year.

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